

# **Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 13 November 2012.**

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## **APOLOGIES**

## **ACKNOWLEDGEMENT OF LAND**

## **DECLARATIONS OF INTEREST**

### **Pecuniary Interests**

### **Non Pecuniary – Significant Interests**

### **Non Pecuniary – Less than Significant Interests**

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**Minutes of the Planning and Environment Committee held on 13 November 2012**

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**Present** Her Worship the Mayor, Councillor S Dobson  
Councillor G Greiss (Chairperson)  
Councillor R Kolkman  
Councillor D Lound  
Councillor A Matheson  
Councillor M Oates  
Councillor T Rowell  
Councillor R Thompson  
General Manager - Mr P Tosi  
Director Planning and Environment - Mr J Lawrence  
Acting Manager Compliance Services - Mr P Curley  
Manager Cultural Services - Mr M Dagostino  
Manager Development Services - Mr J Baldwin  
Manager Executive Services - Mr N Smolonogov  
Manager Sustainable City and Environment - Mr A Spooner  
Manager Waste and Recycling Services - Mr P Macdonald  
Corporate Support Coordinator - Mr T Rouen  
Executive Assistant - Mrs D Taylor

**Apology** Nil

**Acknowledgement of Land**

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

**DECLARATIONS OF INTEREST**

Declarations of Interest were made in respect of the following items:

**Pecuniary Interests**

Councillor Thompson - Item 2.5 - Urban Activation Precincts - Nomination 2 - Glenfield Town Centre and Transport Interchange Precinct - Councillor Thompson advised that he is part-owner of a property in the Glenfield area and that he will leave the Chamber and not take part in debate nor vote on the matter.

Councillor Greiss - Item 2.5 - Urban Activation Precincts - Nomination 2 - Glenfield Town Centre and Transport Interchange Precinct - Councillor Greiss advised that he resides within an area identified within this report and that he will leave the Chamber and not take part in debate nor vote on the matter.

**Non Pecuniary – Significant Interests**

Manager Development Services - Item 2.11 - University of Western Sydney - Stage 1 Subdivision Development Application - Manager Development Services advised that he attends the Joint Regional Planning Panel meetings and that he will leave the Chamber during discussion of this item.

**Non Pecuniary – Less than Significant Interests**

Nil

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## **1. WASTE AND RECYCLING SERVICES**

### **1.1 Outcome of the 'Celebrate Spring' Promotion**

#### **Reporting Officer**

Manager Waste and Recycling Services

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#### **Attachments**

Nil

#### **Purpose**

To provide Council with an update on the outcome of the 'Celebrate Spring' promotion that was carried out during September to advertise the new range of worm farms, compost bins and Bokashi bins now available for purchase from Council.

#### **History**

In March 2012, a report was submitted to Council that proposed the introduction of fees and charges for the sale of a new range of worm farms, compost bins and Bokashi bins to the public. Following the acceptance of this report by Council, and the expiration of the exhibition period without any objections, the new range of products was made available for sale in May 2012.

#### **Report**

To coincide with the start of Spring, Council conducted a promotion during September to advertise the availability of the new range of recycling products. With the purchase of each new product between 3 and 28 September, residents were provided with an additional item/s free of charge.

The additional items were provided as follows:

- With the purchase of a VermiHut worm farm residents received a free worm blanket and voucher for 1000 compost worms (valued at \$35)
- With the purchase of a Tumbleweed 220L compost bin residents received a free compost aerator (valued at \$15.40)
- With the purchase of a Wyndywood Bokashi bin residents received a free 5 Litre bag of Bokashi grain (valued at \$15).

During the course of the four week promotion, Council sold a total of 53 products to residents. This total was made up of 35 worm farms, 12 compost bins and 6 Bokashi bins.

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The total value of 'free' promotional products provided to residents during the 'Celebrate Spring' promotion was approximately \$1,500, which was funded from the existing Waste Education budget. While the promotional giveaway has now finished, the new worm farms, compost bins and Bokashi bins remain available for sale to the public.

The 'Celebrate Spring' promotion was advertised in the Macarthur Chronicle and Macarthur Advertiser throughout September, and information about the offer was also provided on Council's website and in the September issue of Council's e-newsletter. In addition, a display of the new products was set up at the Waste and Recycling Services stall at Riverfest, and information about the upcoming promotion was provided to visitors to the stall.

The products will continue to be promoted on Council's website, at future Council events and at the Macarthur Centre for Sustainable Living, where Council's free community workshops are held regularly.

The products will also feature regularly in an ongoing promotional schedule, which will include advertising in the Macarthur Chronicle and Macarthur Advertiser, Compass and Council's e-newsletter.

Based on the spike in sales experienced as a result of the promotion, it is considered that the 'Celebrate Spring' promotion was successful in advertising the new products available, and encouraging residents to take up more recycling activities.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Kolkman/Thompson)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 20 November 2012 (Greiss/Lake)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 195**

That the Officer's Recommendation be adopted.

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## **1.2 Outcome of the Macarthur Sustainable Schools Expo 2012**

### **Reporting Officer**

Manager Waste and Recycling Services

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### **Attachments**

Nil

### **Purpose**

To provide Council with an update on the outcome of the 2012 Macarthur Sustainable Schools Expo event.

### **History**

The Macarthur Sustainable Schools Expo (the Expo) is an initiative of the Macarthur Sustainable Schools Network, which is made up of representatives from the NSW Department of Education and Communities, Camden Park Environmental Education Centre, the Macarthur Centre for Sustainable Living, Campbelltown, Camden and Wollondilly Councils and local schools.

The Expo was first held in 2005, and due to its success, has been supported by Council since its inception. In this regard, Council at its meeting on 17 July 2007 resolved:

1. That the membership of Council's Waste Education/Project Officer and Environmental Education Officer on the Macarthur Sustainable Schools Expo Steering Committee be officially endorsed by Council
2. That Council be a Major Sponsor of the event, sponsoring the 2007 Macarthur Sustainable Schools Expo to the sum of \$3,000 to be funded from Council's Planning and Environment Division's budget
3. That Council provide ongoing annual sponsorship of the Macarthur Sustainable Schools Expo to a similar amount.

As a result, Council has continued to support the Expo by providing staff participation and financial support for the event.

### **Report**

The 2012 Macarthur Sustainable Schools Expo was held on Wednesday 12 September from 9.30am until 2.30pm at Belgenny Farm Camden, where it has been held since 2008. Prior to 2008, the Expo was held at the Macarthur Centre for Sustainable Living, however, due to the staffing and funding issues that were experienced by the Centre at this time, the Expo was relocated to a venue better able to accommodate the event. Belgenny Farm continues to be a suitable venue for the Expo, and the event continues to attract students and teachers from schools within the Macarthur region, and in recent years, from further afield.

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The Expo is an event unique to the Macarthur area and provides an opportunity for teachers and students participating in environmental projects to celebrate achievements and share experiences with their peers through displays, demonstrations and discussion. It is also an opportunity for schools to network with other schools and local agencies within the Macarthur Region.

The Expo is based on the principle of 'students teaching students', and the day itself involves groups of students presenting workshops to students from other schools on a variety of sustainability topics. Each session runs for 20 minutes, and at the conclusion of the workshop, students rotate in their groups to the next presentation.

While students attend their workshops, sessions are run simultaneously for teachers to share ideas and information about projects that have been implemented in schools. This allows teachers to gain insight into how sustainability projects can be implemented in the school environment, and to keep teachers informed about the resources available to them for such projects. To this end, Council officers were also given the opportunity at this year's Expo to present to teachers about the services and resources that Campbelltown, Camden and Wollondilly Councils have available for schools.

The final session of the Expo is attended by teachers and students, and involves the students from each school group working together to make a pledge about the sustainability actions that they will undertake (or propose to undertake) in their school, based on what they have learned throughout the course of the day. It is this part of the Expo that encourages students to put the information they have learned into practice when they return to school.

The workshop topics presented by students at the 2012 Expo included plant propagation, biodiversity, composting, reuse, seed saving, keeping chickens, worm farming and waste auditing. Of these workshops, keeping chickens, biodiversity and worm farming proved to be the most popular, based on the comments received in the student evaluation forms.

The 2012 Expo attracted 228 students from 34 schools, which is the highest participation in the event to date, suggesting that the Expo is continuing to gain momentum within the school community. Based on this participation rate, and the positive feedback gained from both student and teacher evaluation forms, it is expected that the Expo will continue to operate in future years. It is proposed that guests such as Councillors and the NSW Ministers for Education and Environment, as well as local media, be invited to attend the 2013 Expo to raise the profile of the event, and further encourage the participation of local schools.

### **Officer's Recommendation**

That Councillors, the NSW Minister for Education and the NSW Minister for Environment, as well as local media, be invited to attend the 2013 Macarthur Sustainable Schools Expo.

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**Committee's Recommendation: (Oates/Rowell)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 20 November 2012 (Greiss/Lake)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 195**

That the Officer's Recommendation be adopted.

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## 1.3 Quarterly Statistical Report - First Quarter 2012-2013

### Reporting Officer

Manager Waste and Recycling Services

### Attachments

Nil

### Purpose

To provide Council with a quarterly update of the domestic waste and recycling tonnages, diversion rates and requests received for waste-related services during the first quarter of 2012-2013, which is the period from 1 July to 30 September 2012.

### Report

For the purpose of this report, 'domestic waste' refers to waste disposed of in household general waste (garbage – small bin), recyclables (yellow lid bin) and garden organics (green lid bin) bins, as well as waste collected at booked kerbside clean ups.

Figure 1 illustrates the tonnage of domestic waste collected during the first quarter of 2012-2013, compared with the tonnages collected during the first quarters of 2009-2010, 2010-2011 and 2011-2012.

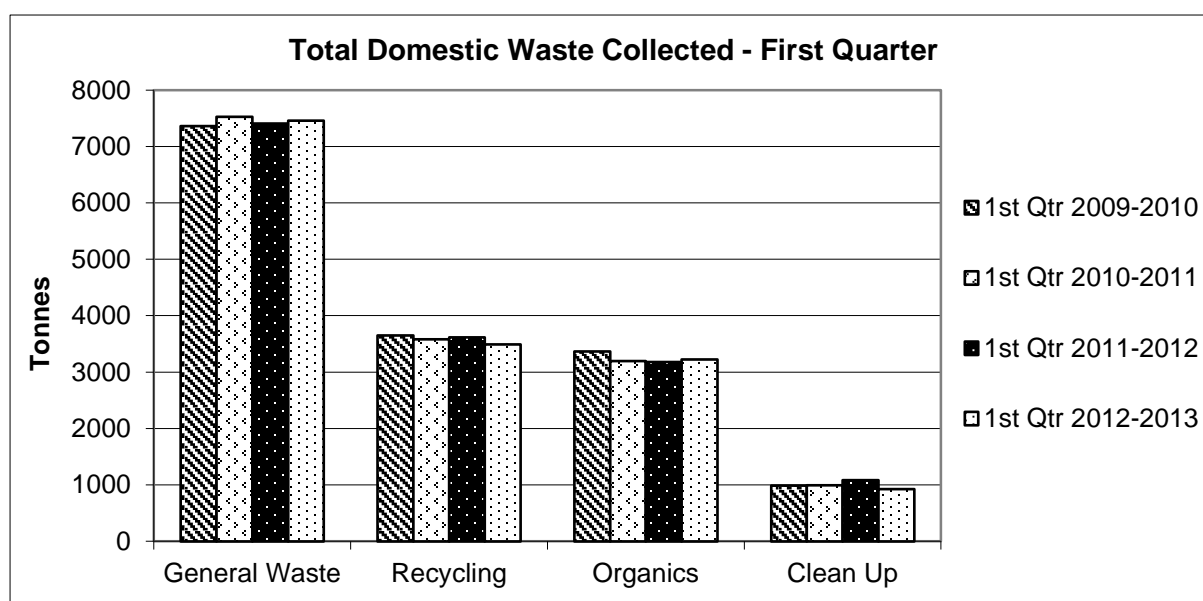


Figure 1: Comparison of tonnages collected during the first quarters of 2009-2010, 2010-2011, 2011-2012 and 2012-2013.

Figure 2 below lists the tonnages of each waste type collected during the first quarters of 2012-2013, compared with the tonnages collected during the first quarters of 2009-2010, 2010-2011 and 2011-2012. It also shows the total tonnage of all domestic waste collected during each of these periods.

Waste Type	1st Qtr 2009-2010	1st Qtr 2010-2011	1st Qtr 2011-2012	1st Qtr 2012-2013
General Waste	7,364	7,528	7,410	7,461
Recycling	3,650	3,585	3,615	3,491
Organics	3,370	3,195	3,182	3,223
Clean Up	989	994	1,086	930
<b>Total (tonnes)</b>	<b>15,373</b>	<b>15,302</b>	<b>15,293</b>	<b>15,105</b>

Figure 2: Comparison of tonnages collected during the first quarters of 2009-2010, 2010-2011 2011-2012 and 2012-2013.

The first quarter of 2012-2013 saw an overall decrease in the total tonnage of waste generated across the Campbelltown Local Government Area, in comparison with the first quarter of 2011-2012. A slight increase in generation rates was experienced in general waste and garden organics tonnages during the first quarter of 2012-2013, while recycling and kerbside clean up tonnages decreased during this period, in comparison to the first quarter of 2011-2012.

The NSW Government, under the Waste Avoidance and Resource Recovery Strategy 2007, has set a target for NSW councils to divert 66% of municipal waste from landfill by 2014. At the end of the first quarter, Council's total diversion rate across all waste streams exceeded this target with 70.9%, which equated to more than 10,700 tonnes of material diverted from landfill for the quarter.

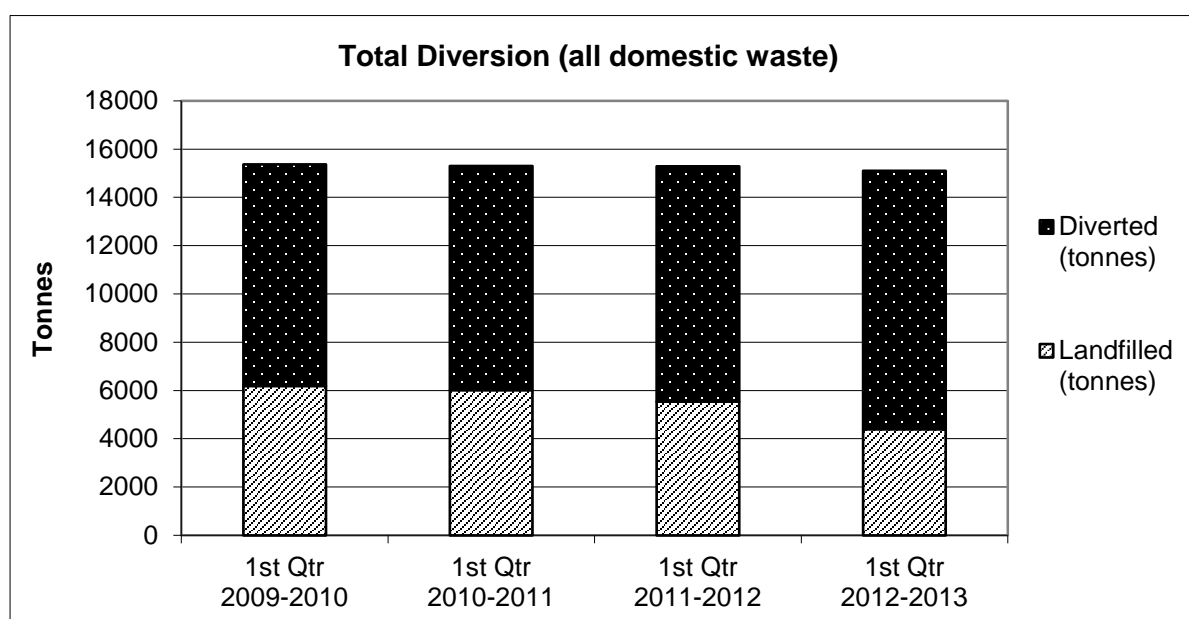


Figure 3: Comparison of total diversion rates.

Figure 3 (above) shows the diversion rates for all domestic waste over the past four years.

As mentioned above, the overall waste generation rate decreased during the first quarter of 2012-2013, in comparison to the generation rate experienced during the first quarter of 2011-2012. In addition, the amount of waste diverted from landfill increased during this period, which is primarily due to the ongoing improvements that are being made to the waste processing technology.

At the end of the first quarter of 2012-2013, the diversion rate for general waste was 58%, up from 44% in the first quarter of 2011-2012. The diversion rates for general waste over the past four years are shown in Figure 4 (below).

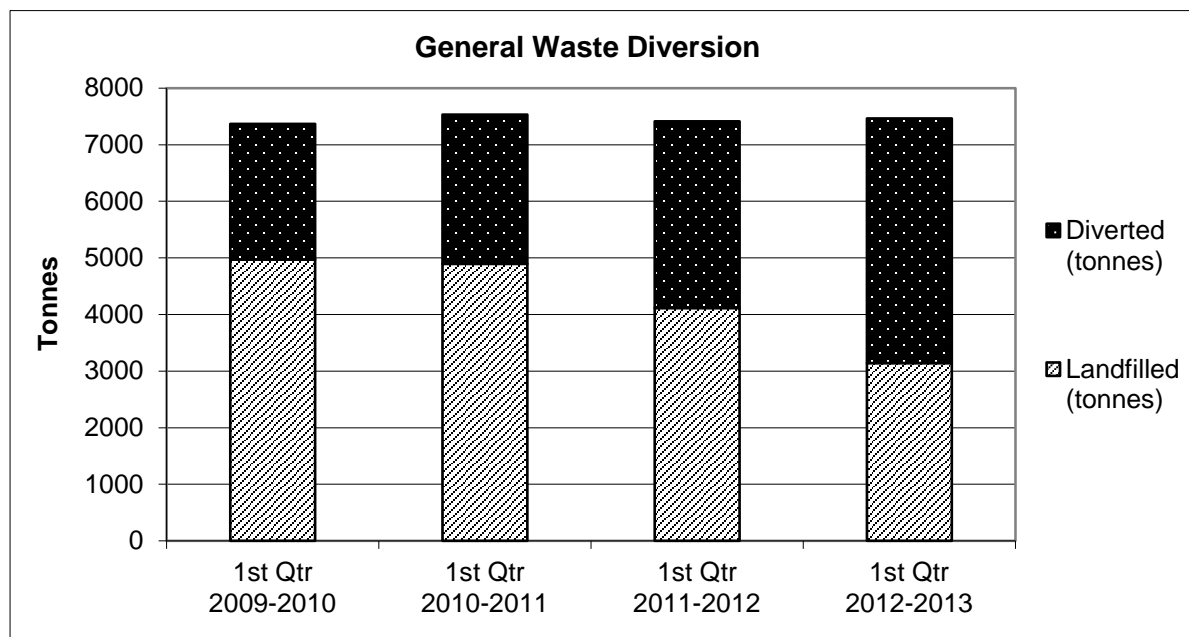


Figure 4: Comparison of diversion rates for general waste.

Diversion rates for recycling and garden organics have remained constant at approximately 93% and 97% respectively. Approximately 3,246 tonnes of recyclables and 3,137 tonnes of garden organics were diverted from landfill during the first quarter of 2012-2013.

Figure 5 (below) shows the amount of kerbside waste and recycling generated per household for the first quarter of 2012-2013, in comparison with the first quarters of the previous three financial years.

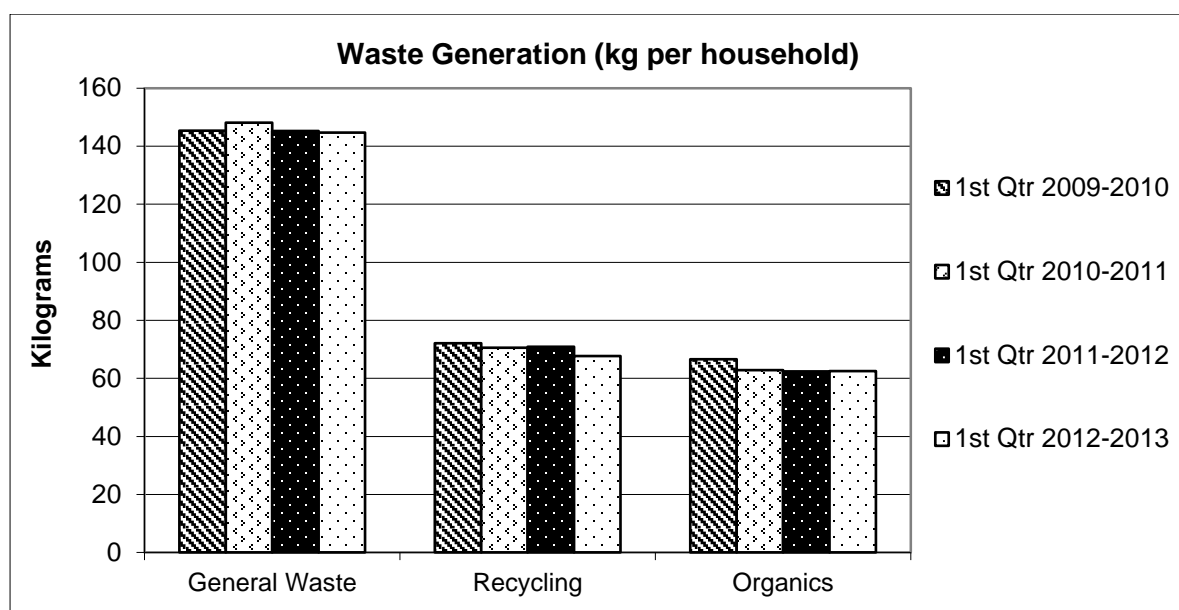


Figure 5: Comparison of waste generation rates per household.

The overall waste generation rate decreased from 278kg per household during the first quarter of 2011-2012 to 275kg per household during the same quarter of 2012-2013. Generation of general waste and garden organics remained constant at 145kg and 62kg per household respectively, while recycling generation dropped 3kg to 68kg per household during the first quarter of 2012-2013.

Figure 6 (below) shows the number of customer service requests received by request type for the first quarter of 2012-2013, in comparison to the first quarters of the previous three financial years.

Request Type	1st Qtr 2009-2010	1st Qtr 2010-2011	1st Qtr 2011-2012	1st Qtr 2012-2013
Damaged Bins	531	475	508	526
Illegally Dumped Rubbish	640	374	593	562
Stolen Bins	440	351	460	354
Clean Ups	7,178	7,115	8,765	9,186
<b>Total</b>	<b>8,789</b>	<b>8,315</b>	<b>10,326</b>	<b>10,628</b>

Figure 6: Comparison of customer requests.

Figure 6 illustrates a continued increase in kerbside clean up bookings, with an additional 421 requests received during the first quarter of 2012-2013 than in the first quarter of 2011-2012. Of the 9,186 requests received for kerbside clean ups during the first quarter of 2012-2013, online bookings accounted for 1,653 requests, or 18% of this total.

It is likely that the increase in kerbside clean up requests is due to the ongoing promotion of the availability of kerbside clean ups; (this ongoing promotion is an initiative to reduce the incidents of illegally dumped waste). It is not unreasonable to conclude that the increase in bookings is also a result of improved accessibility to the service and greater convenience provided to residents by the online booking system, which was introduced in July 2011.

## **Conclusion**

Council's Waste Management Strategy includes two major objectives:

1. To strive towards the lowest practical amount of waste generated per household
2. To strive towards the highest practical ratios of recyclables-to-waste produced per household.

The information provided in this report indicates that the overall amount of waste generated per household across the Local Government Area has dropped slightly during the first quarter of 2012-2013. In addition, at 70.9% Council's waste diversion rate has exceeded the NSW Government's target of 66% two years ahead of the deadline.

## **Officer's Recommendation**

That the information be noted.

## **Committee's Recommendation: (Oates/Thompson)**

That the Officer's Recommendation be adopted.

## **CARRIED**

## **Council Meeting 20 November 2012 (Greiss/Lake)**

That the Officer's Recommendation be adopted.

## **Council Resolution Minute Number 195**

That the Officer's Recommendation be adopted.

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## **1.4 'Garden to Garden' Initiative**

### **Reporting Officer**

Manager Waste and Recycling Services

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### **Attachments**

1. Artwork for 'Garden to Garden' product packaging (distributed under separate cover)
2. Artwork for 'Garden to Garden' voucher (distributed under separate cover).

### **Purpose**

To advise Council of a proposed regional waste education campaign to inform Macarthur residents about the importance of using their domestic garden organics service correctly, and promote the use of recycled products.

### **History**

The Councils of Camden, Campbelltown, Wollondilly and Wingecarribee are engaged in a 15 year Regional Contract with SITA Environmental Solutions (SITA) for the processing of kerbside-collected domestic waste, recyclables and garden organics. Under this contract, the Councils of Camden, Campbelltown and Wollondilly (the Macarthur Councils) deliver all domestic garden organics loads to the Spring Farm Advanced Resource Recovery Park (SFARRP) at Narellan for processing into compost and soil conditioners, and the products are then sold in bulk quantities.

During the tender process for the Regional Contract, SITA (WSN Environmental Solutions at the time) submitted a proposed community education plan, which included a concept called 'Garden to Garden'. This concept involved branding the compost made from the garden organics delivered to the SFARRP by the Macarthur Councils with the 'Garden to Garden' label, and selling the product back to the public. It was envisaged that the product labelling would include information about the origin of the content, providing educational information to consumers purchasing the product.

### **Report**

Council's Waste and Recycling Services and Environmental Planning sections host an information stall at events such as Ingleburn Alive, Riverfest and Fisher's Ghost, and these stalls present an opportunity to engage with the community and provide information about various services and initiatives provided by Council.

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## 1.4 'Garden To Garden' Initiative

To increase community engagement, it is proposed that visitors to the information stall at selected events be provided with a voucher allowing them to redeem a free 25 litre bag of 'Garden to Garden' compost. This will provide an opportunity to speak to visitors about the organics facility at the SFARRP, how residents contribute to creating the 'Garden to Garden' product, and most importantly, the problems that can be created when residents contaminate garden organics bins. It is hoped that by illustrating the adverse effects that contamination has on garden organics in a tangible, hands-on way, residents will be more inclined to take responsibility for what they dispose of in their garden organics bins.

To make the giveaway more practical and save attendees from having to carry around a bag of compost after they leave the information stall, it is proposed that the vouchers be redeemable at the Macarthur Centre for Sustainable Living (MCSL). This arrangement will also attract more visitors to the MCSL, and will provide an opportunity for the MCSL to promote the array of services it provides to the community, including the services sponsored by Council (such as free sustainability workshops).

SITA has recently developed a concept for the artwork to be used for the product packaging, as well as a design for the voucher to be provided to residents. This artwork has been developed in conjunction with the Macarthur Councils and displays the logos of all stakeholders in the project (including the Macarthur Councils), as well as an educational component on the back of the packaging. The compost product to be supplied by SITA complies with the Australian Standard for Soils for Landscaping and Garden Use (AS4419), and the packaging also displays this certification, as well as the required safety information.

It is proposed that the Macarthur Councils make arrangements with SITA for a stock of bags to be manufactured, and then a quantity of these bags to be filled with product in preparation for an event or promotion. As there are minimum quantities for both bag manufacture and supply of the compost product, it is proposed that the initial set up costs (including artwork, printing of vouchers, bag manufacture and supply of product) be apportioned between the Macarthur Councils on a pro-rata basis according to the population of each Local Government Area. Once each stock of compost is supplied, the bags can then be shared as they are required by each council.

On the basis that the population of the Campbelltown Local Government Area accounts for 60% of the combined total population of the Campbelltown, Camden and Wollondilly Local Government Areas in total, the estimated cost to Campbelltown City Council would be:

Set up costs (including artwork, manufacture of bags, printing of vouchers)	<b>\$7,200</b>
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Cost per run of filled bags (minimum quantity 34 pallets – 2,448 bags)	<b>\$6,600</b>
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<b>Total cost to launch initiative</b>	<b>\$13,800</b>
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Funds are available in the 2012-2013 Waste Education budget to launch the 'Garden to Garden' program, and funds could be allocated to cover the ongoing cost of running this initiative at future events.

As the launch of the 'Garden to Garden' program relies upon the collective approval of Campbelltown, Camden and Wollondilly Councils and SITA, it is important to note that this proposal is made to Council pending the approval of Camden and Wollondilly Councils. However, discussions with these Councils to date have been positive, and it is anticipated that approval is likely to be given to proceed with the initiative.

It is anticipated that the 'Garden to Garden' initiative will be a useful educational tool, which will be likely to increase resident engagement at Council's community events. By providing residents with a free bag of 'Garden to Garden' compost, Council would be promoting the concept of 'closing the loop' to the community, as well as reinforcing the importance of using the domestic garden organics service appropriately.

### **Officer's Recommendation**

That Council support the 'Garden to Garden' initiative, and pending approval from Camden and Wollondilly Councils and SITA, make arrangements for the compost giveaway to be implemented at community events in 2013.

### **Committee's Recommendation: (Oates/Lound)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 20 November 2012 (Greiss/Lake)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 195**

That the Officer's Recommendation be adopted.

Councillor Mead asked that his name be recorded in opposition to the Council Resolution in regard to Item 1.4.

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## **1.5 Domestic Waste Collection Contract**

### **Reporting Officer**

Manager Waste and Recycling Services

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### **Attachments**

Nil

### **Purpose**

To seek Council's approval to invite tenders for a contract to collect domestic waste.

### **Report**

Councillors will recall that on 6 November 2012 a Briefing was presented to provide background information on the current domestic waste collection contract, and advise on the tender process for a new contract to commence on 1 April 2014.

Council's current domestic waste collection contract is with SITA Australia Pty Limited, a large waste management company. Domestic waste collection contracts are usually awarded for periods of 7 to 8 years. It is proposed to award the new contract for a period of 9 years, with a 1-year option at Council's discretion. The reason for the longer contract period is to more closely align its expiry date with the expiry date of Council's current domestic waste disposal contract, which is 31 May 2024. Waste disposal technologies are likely to have advanced by 2024, and may therefore require a different bin configuration and/or collection frequency from the current '3-bin' system. To change bin configuration and/or collection frequency party-way through a collection contract would constitute a formal variation to the contract, which may result in a potentially substantial cost to Council.

It is therefore in Council's best interest to have common expiry dates for the collection and disposal contracts, (or at least expiry dates a reasonably short period apart).

The following time-frame is proposed for the tender process:

Tuesday 27 November 2012:	Tenders invited
Tuesday 29 January 2013:	Tenders close
February 2013 - April 2013:	Tender evaluated and Council report prepared
May 2013:	Contract awarded
June 2013:	Contract signed by Council and successful tenderer
July 2013 - March 2014:	Collection vehicle cab-chassis and bodies built
1 April 2014:	Contract commences

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Council may anticipate receipt of up to 7 tenders from major waste management companies. Tenders are likely to be long and detailed. Accordingly, the evaluation process will take some time. It is an industry standard to allow at least 9 months from signing of contract to commencement of services, allowing the contractor sufficient time to have collection vehicles built and delivered. For these reasons, it will be important to adhere to the planned time-frames shown above.

### **Officer's Recommendation**

1. That Council invite tenders for a contract to collect domestic waste.
2. That the period of the contract be for 9 years, with an option at Council's discretion to extend the period by up to 1 year.

### **Committee's Recommendation: (Thompson/Rowell)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 20 November 2012 (Greiss/Lake)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 195**

That the Officer's Recommendation be adopted.

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## **2. SUSTAINABLE CITY AND ENVIRONMENT**

### **2.1 Bushcare Report**

#### **Reporting Officer**

Manager Sustainable City and Environment

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#### **Attachments**

Nil

#### **Purpose**

To seek Councils support for the formal adoption of the Bushcare Volunteer Program.

#### **History**

Council has managed an environmentally-focused volunteer program known as Streamcare since 2003. These volunteers help regenerate and preserve bushland that is owned or managed by Council.

The value of these groups is well recognised for the following reasons:

- Positive engagement of the community with the local environment
- Conservation and promotion of resilience in native vegetation and local biodiversity
- Development of environmental stewardship in the local community
- Passive surveillance of bushland areas for illegal activities such as rubbish dumping and trail bike riding
- Other associated health and social benefits.

These groups assist in adding-value to Council operations and achieve a higher standard of native vegetation recovery at key locations than could otherwise be attained within Council's budgeted resources.

Under the Streamcare Program Council had three volunteer groups one each operating at Noorumba Reserve (Rosemeadow), Redfern Creek (Macquarie Fields) and Spring Creek (St Helens Park). Each group of volunteers was directly supervised by a suitably qualified Council employee. However, the growth of the program was limited due to costs associated with salaries for the supervision of the groups and new groups have only been established as a result of grant funding. Grant funding usually specifies the location for volunteer work to occur and is not necessarily based on localised community interest.

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Council regularly receives public enquiries regarding how to commence or join a group. However, due to limited locations and the structure of the Streamcare Program, residents are sometimes deterred from participating. Council staff are also aware of interest amongst the community in establishing groups at a number of locations across the Campbelltown Local Government Area.

At its meeting on 13 March 2012, Council considered a report on the future of the Streamcare Program and resolved:

That Council replace the current Streamcare Program with a volunteer-managed Bushcare Program for a trial period of six months, using the model adopted by Lake Macquarie Council.

The Lake Macquarie model allows groups to be independently run by a trained unpaid volunteer team leader as opposed to a Council employee and sites are selected based on community interest in addition to ecological value. This report provides Council with information on the highlights and outcomes of the Bushcare Trial.

## **Report**

During the trial period Council initiated the inception of three new bushcare groups at:

- Campbelltown Golf Course (Glen Alpine)
- Lake Mandurama (Rosemeadow)
- Quirk Reserve (Bradbury).

These groups operated in addition to the three existing groups at Spring Creek (St Helens Park), Redfern Creek (Macquarie Fields) and Noorumba Reserve (Rosemeadow).

As specified in the previous report to Council in March 2012, each group was inducted and initially supervised by a Council employee. The groups continued under the direct supervision of the Supervisor until it was determined that the group and the relevant volunteer team leader had the skills and knowledge to operate independently.

Beyond this period, the volunteer team leader of each group continued to remain in ongoing contact with the Council supervisor and maintain a diary of group attendance and activities.

Prior to the commencement of each group, a risk assessment, evaluation of the volunteer team leader and preparation of a Site Management Plan was undertaken. The Site Management Plan specifies:

- ecological assets including threatened species and endangered ecological communities
- existing skills and training requirements of the group
- areas to be worked, species to be targeted and methods used.

Each group conducted activities in accordance with the agreed Site Management Plan. All volunteers continued to operate according to Council's volunteer policy and handbook including Work Health and Safety policies and are covered by Council's insurances.

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The following provides an overview of the activities of each of the three new groups:

- Campbelltown Golf Course – commenced in June 2012. The group currently has four members and has worked on 27 occasions. Works have focused on the establishment of no-mow areas, understorey terrestrial plantings and the planting and maintenance of wetland areas. There is considerable local interest in the group and a large number of residents have expressed interest in joining or initiating another group at a different site on the course. Future works will continue to focus on the maintenance of the plantings and works conducted under the Urban Sustainability Project on the Golf Course as well as seed collection, disbursement and propagation
- Lake Mandurama – commenced in August 2012. The group currently has four members who have worked on three occasions. Works have focused on rubbish removal, bush regeneration and planting native plants around the lake area, future works are proposed to include wetland plantings at the entrance to the lake and further terrestrial plantings
- Quirk Reserve – commenced in October 2012. The group currently comprises one member who has worked on two occasions. Several other residents have expressed interest in joining the group. Activities have focused on the management of African Olive across the reserve, future plans are for the planting of native species in remnant bushland areas, erosion control along Fisher's Ghost Creek and rubbish collection.

Council staff are also in the preliminary stages of establishing a group at Kentlyn and are developing a Site Management Plan for the group.

As is particularly evidenced by the golf course group activities, the flexibility of the revised program, which enables volunteers to work in areas in close proximity to their homes and at times suitable to them, has resulted in increased effort and outcomes and stewardship of environmental assets. The groups are assisting in the maintenance of Council's operational projects to ensure their ongoing viability and cost-benefit.

Council staff are currently reviewing procedures and guidelines specific to the Program to ensure it continues to operate in a safe and effective manner.

Funding for the Bushcare Program continues to be provided under the NSW Government's Weed Action Plan, a NSW Government initiative under the NSW Invasive Species Plan which aims to reduce the impact of invasive species. It is acknowledged however that this is not a finite resource. The main funding requirement for groups is in the initial purchase of equipment and as such, ongoing costs for the operation of the groups generally decrease over time. For this reason it is difficult to predict the maximum number of groups that can be provided for under the Program. It is also noted that group participation can be quite fluid whilst some groups may commence others may cease to operate, depending upon community interest and personal priorities.

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It is recommended that should the Program be approved by Council to continue, that pending available funding, applications for new groups should be assessed against the following criteria:

- Status and ownership of land (projects on council land classified as "community use" would normally receive preference over projects on other land such as operational or road reserve)
- Biodiversity value of land and potential ecological, education or other benefits to be gained on site
- Potential of the group to meet the aims and objectives of the program (this may include the number of people interested in the group and the amount of time that they are willing to commit)
- Consistency of the site with other local and/or regional priorities.

### **Conclusion**

Council's Bushcare volunteers are a highly valuable resource for Council and add-value to Council's existing operations. The Bushcare model has already provided for an increase in Council's Volunteer Program unforeseeable under the original Streamcare model. It is therefore recommended that Council formally adopt the ongoing delivery of the Bushcare Volunteer Program subject to continued Weed Action Plan funding.

### **Officer's Recommendation**

That Council formally adopt the ongoing delivery of the Bushcare Volunteer Program subject to the ongoing availability Weed Action Program funding.

### **Committee's Recommendation: (Thompson/Matheson)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 20 November 2012 (Greiss/Lake)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 195**

That the Officer's Recommendation be adopted.

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## **2.2 Correspondence from the Minister for Resources and Energy to the Member for Campbelltown**

### **Reporting Officer**

Director Planning and Environment

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### **Attachments**

1. Letter from the Member for Campbelltown dated 15 October 2012
2. Letter from the Minister for Resources and Energy dated 10 October 2012
3. Council's letter to the Member for Campbelltown arising out of Council's resolutions of the 5 June and 3 July 2012.

### **Purpose**

To advise Council of correspondence received from the Member for Campbelltown regarding the NSW Government's approach to coal seam gas management.

### **History**

At its meeting on 5 June 2012, following consideration of a report on correspondence from the NSW Minister for Resources and Energy regarding Council's request for a moratorium on coal seam gas activities, Council resolved:

1. That Council again write to the Premier and relevant Ministers requesting a moratorium on any further coal seam gas mining until conclusive evidence emerges that this practice does not damage groundwater sources
2. That the Council submission question whether 'World's Best Practice' as considered by the independent review of the NSW Chief Scientist and Engineer is relevant to Australian Geology.

Further, at its meeting on 3 July 2012 following consideration of a report on the Legislative Council's Standing Committee Report - Coal Seam Gas, Council resolved:

That Council write to the Premier, Minister for Planning and Infrastructure, Minister for Resources and Energy and all State local members within the Campbelltown Local Government Area urging their support of the 35 recommendations contained within Report 35 titled 'Coal Seam Gas' of the General Purpose Standing Committee No 5 of the NSW Legislative Council subject to:

- i. These recommendations being considered by the Government in conjunction with all the other submissions made by this Council on Coal Seam Gas extraction
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## 2.2 Correspondence From The Minister For Resources And Energy To The Member For Campbelltown

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- ii. The Government making appropriate provision for Councils to appeal determinations made for all coal seam gas extraction activity proposals, including exploration
- iii. The Government making appropriate provision for all approvals for coal seam gas extraction activities, including for exploration, mandating the complete rehabilitation of coal seam gas extraction sites by the proponent, following the completion of exploration or extraction activities.

Subsequent to Council's resolutions, correspondence was referred to the Member for Campbelltown, Mr Brian Doyle MP as well as to other State local members, the Premier and Ministers.

At its Ordinary Meeting on 16 October 2012, Council considered correspondence from the Minister for Resources and Energy (Item 6.1 of the Correspondence section of the Business Paper) and resolved to:

1. Make further representations to the Minister for Resources and Energy requesting that no new licences for Coal Seam Gas mining or exploration be approved or renewed until such time as scientific evidence guarantees that such activities do not compromise the environment or health and safety of the community.
2. Write to the State Members for Camden, Campbelltown, Macquarie Fields and Wollondilly asking them to support Council's position on this matter.

## Report

On 15 October 2012, Mr Doyle MP, the State Member for Campbelltown, wrote to Council regarding representations he made on behalf of Campbelltown City Council to the Minister for Resources and Energy, the Hon Chris Hartcher MP, and enclosing for Council's information the response he received from the Minister.

A copy of the letter from Mr Doyle is shown as Attachment 1 to this report and a copy of the Minister's response is shown as Attachment 2.

A copy of Council's letter to Mr Doyle (pursuant to its resolutions of 5 June and 3 July 2012) is shown as Attachment 3 to this report.

The key points made in the Minister's response are as follows:

- The Minister notes Council's resolutions made in respect to coal seam gas activities
  - The NSW Government does not support Council's proposal for a moratorium on coal seam gas activities until conclusive evidence emerges in relation to its effects
  - Exploration (for coal seam gas) is important in developing evidence to provide necessary detail on the likely effects of potential future activities to help make informed decisions in relation to coal seam gas activities
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## 2.2 Correspondence From The Minister For Resources And Energy To The Member For Campbelltown

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- Council's position would result in maintenance of the status quo and prevent development
- Two new Codes of Practice have been implemented by the NSW Government to address coal seam gas fracturing and well design
- The Minister does not support Council's proposal for appeal determinations in respect of exploration activities, believing such would add an unnecessary burden on industry and prevent exploration, and suggests that Council approach the Minister for Planning and Infrastructure on this matter as part of the development of the new Planning System
- Provisions for mandatory rehabilitation requirements following on from coal seam gas activities are already in place.

The response by the NSW Government not to support Council's request for a moratorium on coal seam gas activity until conclusive evidence emerges that this practice does not damage groundwater sources is disappointing.

A separate report in this same business paper agenda for the Planning and Environment Committee (Item 2.8) discusses a range of recent announcements by the NSW Government concerning further policy and management arrangements for coal seam gas activities. It is suggested that the above response by the Minister for Resources and Industry be considered by Councillors in light of the information presented in that report.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Matheson/Thompson)**

That the Officer's Recommendation be adopted.

**CARRIED**

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### **Council Meeting 20 November 2012 (Greiss/Lake)**

That the Officer's Recommendation be adopted.

#### **Amendment (Oates/Glynn)**

1. That Council forward a copy of the correspondence from the Minister for Resources and Energy to all residents who live in suburbs adjoining the Coal Seam Gas mining.
2. That an urgent briefing be held regarding Coal Seam Gas.

#### **A further Amendment (Mead/Greiss)**

1. That Council include in the mail out of the next Compass Magazine a copy of the correspondence from the Minister for Resources and Energy to all residents who live in suburbs adjoining the Coal Seam Gas mining.
2. That an urgent briefing be held regarding Coal Seam Gas.

#### **LOST**

### **Council Resolution Minute Number 195**

That the above amendment Moved Councillor Oates, Seconded Councillor Glynn be adopted.

Councillor Mead asked that his name be recorded in opposition to the Council Resolution in regard to Item 2.2.

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2.2 Correspondence From The Minister For Resources And Energy To The Member For Campbelltown

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## ATTACHMENT 1



15 October 2012

Mr Paul Tosi  
General Manager  
Campbelltown City Council  
Po Box 57  
CAMPBELLTOWN NSW 2560

Dear Mr Tosi

I write to you today in regards to representations made on behalf of Campbelltown City Council to the Minister for Resources and Energy, the Hon Chris Hartcher MP.

A response has now been received from the Minister and is enclosed for your attention.

Should you require assistance with any other matter, please don't hesitate to contact my office.

Yours sincerely

  
Bryan Doyle MP  
Member for Campbelltown

2.2 Correspondence From The Minister For Resources And Energy To The Member For Campbelltown

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## ATTACHMENT 2



**Chris Hartcher MP**  
Minister for Resources and Energy  
Special Minister of State and  
Minister for the Central Coast

IM12/31334  
MF12/7521

Mr Bryan Doyle MP  
Member for Campbelltown  
PO Box 895  
CAMPBELLTOWN NSW 2560

Received  
12 OCT 2012  
Electorate Office

Dear Mr Doyle

Thank you for your representations of 27 August 2012 on behalf of Mr Paul Tosi, General Manager of Campbelltown City Council, concerning the management of coal seam gas activities and the Parliamentary Inquiry into Coal Seam Gas by the General Purpose Standing Committee No. 5.

The NSW Government is currently preparing a response to the Legislative Council Inquiry into Coal Seam Gas Report, which will be available to the public after November 2012.

I note Council's resolutions in relation to coal seam gas activities.

The NSW Government does not support Council's proposal for a blanket moratorium on coal seam gas activities until 'conclusive evidence emerges' in relation to its effects. Exploration is a key step in developing the evidence to provide necessary detail on the likely effects of potential future activities and to develop information on the available resources and environment. Without exploration, there will not be an opportunity to develop the necessary evidence to make informed decisions in relation to coal seam gas activities and, as such, Council's position would result in maintenance of the status quo and prevent development.

The NSW Government has implemented two new Codes of Practice that will require world's best practice for coal seam gas hydraulic fracturing and well design. The new Codes of Practice were independently peer-reviewed by the Chief Scientist and Engineer, Professor Mary O'Kane. The Codes will ensure licence holders are both aware of, and adhere to, the high standards expected of them.

Council's proposal for provision to be made to 'appeal determinations made for all coal seam gas extraction activity proposals' is a matter that would be best put to the Minister for Planning and Infrastructure as part of the development of the new Planning System. I do not support such a position in relation to exploration as I believe it would add an unnecessary burden on industry and prevent exploration.

2.2 Correspondence From The Minister For Resources And Energy To The Member For Campbelltown

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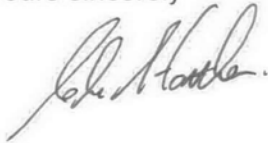
M12/31334  
MF12/7521

Council has sought the provision of mandatory rehabilitation requirements after completion of coal seam gas activities. This is already in place, with NSW Trade & Investment - Division of Resources & Energy continuing to improve rehabilitation security deposit systems and processes across the minerals and coal seam gas industries, to ensure that the deposits will cover the full cost of rehabilitation so the public is not left with a legacy of environmental and safety liabilities once mining or exploration ceases.

As at 30 June 2012, the total security held for current mining, petroleum and exploration titles in New South Wales exceeded \$1.3 billion.

Thank you for bringing this matter to my attention. I trust this information clarifies the issues for Campbelltown City Council.

Yours sincerely



**Chris Hartcher MP**

10.10.12

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## 2.2 Correspondence From The Minister For Resources And Energy To The Member For Campbelltown

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**ATTACHMENT 3**

8 August 2012

The Hon. B. Doyle  
Member for Campbelltown  
Suite 2A  
263 Queen Street  
CAMPBELLTOWN NSW 2560

Dear Mr Doyle

**The Camden Gas Project and Parliamentary Inquiry into coal seam gas by the General Purpose Standing Committee No 5**

I refer to correspondence from Council, dated 20 October 2011, which outlined concerns associated with the Camden Gas Project and requested a moratorium on coal seam gas extraction activities until conclusive evidence emerges that this practice does not damage groundwater sources. The receipt of responses from the Minister for Planning and Infrastructure and Minister for Resources and Energy to this correspondence is appreciated. However, both replies were considered not to have provided sufficient information to justify an alteration to Council's position.

The reply from the Minister for Resources and Energy was noted to state that one of the controls introduced to negate the need for the imposition of a moratorium was the *"Placement of a moratorium on hydraulic fracturing pending the completion of an independent review by the NSW Chief Scientist and Engineer (Chief Scientist) into standards and well design to ensure world's best practice"*. It is understood that a report on this review is currently being considered by the NSW Government.

Consequently at its meeting on 5 June 2012, Council resolved:

- 1. That Council again write to the Premier and relevant Ministers requesting a moratorium on any further coal seam gas mining until conclusive evidence emerges that this practice does not damage groundwater sources.*
- 2. That the Council submission question whether 'World's Best practice' as considered by the independent review of the NSW Chief Scientist and Engineer is relevant to Australian Geology.*

I further refer to Council's submission to the Parliamentary Inquiry into Coal Seam Gas, which expressed concern that the rapid expansion of the coal seam gas industry appears to be occurring without sufficient definitive scientific research particularly in regard to potential

Civic Centre Queen Street Campbelltown PO Box 57 Campbelltown NSW 2560 DX5114  
Telephone 02 4645 4000 Facsimile 02 4645 4111 TTY 02 4645 4615  
Email [council@campbelltown.nsw.gov.au](mailto:council@campbelltown.nsw.gov.au) Web [www.campbelltown.nsw.gov.au](http://www.campbelltown.nsw.gov.au)  
ABN 31 459 914 087

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## 2.2 Correspondence From The Minister For Resources And Energy To The Member For Campbelltown

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impacts on surface and groundwater resources. The recommendations of the Parliamentary Inquiry are considered to be largely consistent with Council's concerns raised in this submission as well as other Council submissions and correspondence related to the Camden Gas Project.

However, the support by Council for the adoption of all the recommendations of the Parliamentary Inquiry by the NSW Government is subject to the resolution of key issues and concerns previously raised by Council in submissions on both the Camden Gas Project and the Parliamentary Inquiry into Coal Seam Gas. At its meeting on 3 July 2012 Council considered a report on the outcomes of the Coal Seam Gas Inquiry and resolved to:

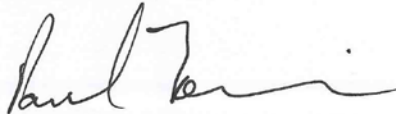
*Write to the Premier, Minister for Planning and Infrastructure, Minister for Resources and Energy and all State local members within the Campbelltown Local Government Area urging their support of the 35 recommendations contained within Report 35 titled 'Coal Seam Gas' of the General Purpose Standing Committee No 5 of the NSW Legislative Council subject to :*

- i. Council requesting the Government to impose a moratorium on all coal seam gas activity approvals including approvals for exploration licences, development consents and production licences until such time as conclusive evidence emerges that confirms that these activities do not have a negative impact on the environment including water resources, both groundwater and surface waters.*
- ii. These recommendations being considered by the Government in conjunction with all the other submissions made by this Council on Coal Seam Gas extraction.*
- iii. The Government making appropriate provision for Councils to appeal determinations made for all coal seam gas extraction activity proposals, including exploration.*
- iv. The Government making appropriate provision for all approvals for coal seam gas extraction activities, including for exploration, mandating the complete rehabilitation of coal seam gas extraction sites by the proponent, following the completion of exploration or extraction activities.*

Additional information to clarify each of the specific points of the above resolution is attached. On behalf of Council, I would appreciate a response to each of Council's resolutions.

If you require any further information please contact Council's Director Planning and Environment, Jeff Lawrence, on (02) 4645 4575.

Yours sincerely



Paul Tosi  
General Manager

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## **2.3 Draft State of the Environment Report 2011-2012**

### **Reporting Officer**

Manager Sustainable City and Environment

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### **Attachments**

Campbelltown City Council 2011-2012 State of the Environment Report (distributed under separate cover).

### **Purpose**

To present the draft Campbelltown City Council 2011-2012 Supplementary State of the Environment Report to Council for endorsement prior to its submission to the New South Wales Division of Local Government by 30 November 2012.

### **History**

Under the provisions of the *Local Government Act 1993* Council is required to annually prepare a report as to the state of the environment in the Local Government Area (LGA) and submit the report to the Department of Local Government by 30 November of that year. Known as the 'State of the Environment Report', the report must be prepared in accordance with guidelines produced by the NSW Government and should:

- a. establish relevant environmental indicators for each environmental objective
- b. report on, and update trends in, each such environmental indicator
- c. identify all major environmental impacts (being events and activities that have a major impact on environmental objectives).

At its meeting on the 16 November 2004, Council resolved to:

Prepare a Comprehensive State of the Environment (SoE) Report every four years as required under the Local Government Act 1993, and Supplementary SoE Reports during the interim reporting periods.

The 2011-2012 SoE Report, is a supplementary report. The supplementary SoE Report provides a summary of the environmental attributes of the LGA, the human impacts on that environment, and a public record of the activities of government, industry and the community in protecting and restoring that environment. Accordingly, the report is utilised by Council to assess its progress towards sustainability and to assist Council in continuing to implement the principles of Ecological Sustainable Development.

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The *Local Government Act 1993*, requires the SoE report to address the environmental sectors of land, air, water, biodiversity, waste, noise, Aboriginal heritage and non-Aboriginal heritage. Council's SoE Report achieves this through the compilation of eight detailed and discernable sections within the body of the Report:

1. Our Land
2. Our Biodiversity
3. Our Waste
4. Our Water
5. Our Air
6. Our Sustainability
7. Our Heritage
8. Our Community.

It should be noted however that as of the 2012-2013 reporting period, Council's will be encouraged to integrate their SoE reports with the environmental objectives of their Community Strategic Plans and thereby address issues of concern to their local communities. Therefore from 2013, the SoE Report will be prepared as part of the Council's Annual Report process.

## **Report**

The 2011-2012 SoE Report (see attachment) summarises the major environmental achievements made by Council during the 2011-2012 reporting period. It also provides an account of Council's progress against identified annual environmental indicators where the information is available. Key attributes from the 2011-2012 SoE Report are summarised below:

### **1. Our Land**

#### **a. The Bulli Seam Longwall Mining Project**

Approval for BHP Billiton to expand mining operations within the Bulli Seam, over a 30 year period, was issued by a Planning Assessment Commission (under delegated authority from the NSW Minister for Planning and Infrastructure) on 22 December 2011. The expanded area includes the southern portion of the Wedderburn district; however the majority of the Dharawal State Conservation Area (now a National Park) was withdrawn from the application.

Council expressed its disappointment with the approval to the NSW Minister for Planning and Infrastructure in early 2012, primarily due to the failure of the approval to address deficiencies identified in Council's submission relating to the assessment of impacts on ground and surface waters within the Hawkesbury-Nepean catchment, and the natural and built environment within the Wedderburn district. Council also requested that the Independent Expert Scientific Committee, recently established by the Federal Government, investigate the impacts of the approved development on water resources and the adequacy of the approval in protecting these resources.

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**b. The Camden Gas Project**

**Camden Gas Project Stage 2**

In October 2011 AGL lodged a modification application for the Camden Gas Project Stage 2, to allow for the installation of an additional gas extraction well at Mount Taurus, in the vicinity of the Menangle Paceway site. Council objected to this application on a number of grounds including inadequate assessment of potential impacts on groundwaters and the adjoining Nepean River. Subsequent to the reporting period the application was approved by a Planning Assessment Commission in July 2012.

**Request for a moratorium coal seam gas mining**

Council believes that the potential impacts of coal seam gas extraction activities on natural resources such as ground and surface waters are not sufficiently understood to allow for a comprehensive assessment of impacts of coal seam gas activities. Council is also aware of the widespread community concern that exists in relation to the potential for these activities to impact upon natural resources, the natural environment and land users. Consequently, Council resolved at its meeting on 18 October 2011 to request the NSW Government to:

Impose a moratorium on all further coal seam gas mining until such time as conclusive evidence emerges that this practice does not damage groundwater sources.

The NSW Government advised, in response, that a moratorium was not necessary due to the impending introduction of a strategic regional land use policy framework.

**The NSW Parliamentary Inquiry into Coal Seam Gas**

The NSW Legislative Council held an Inquiry into the NSW Coal Seam Gas Industry between September and December 2011. Council welcomed the inquiry and provided a detailed submission that expressed dissatisfaction with the way its concerns and objections to certain Part 3A development proposals have been dealt with by the determining authority. Council also participated in a Local Government Panel (along with representatives of adjoining councils) at a Public Hearing held as part of the inquiry in December 2011.

In May 2012 the NSW Legislative Council released Report 35 entitled 'Coal Seam Gas' which contained discussion on 11 key issues and made 35 recommendations for the NSW Government to consider. The NSW Government has 6 months to formally respond to the reports recommendations. Many of the recommendations in Report 35 are consistent with Council's concerns raised in its various submissions to the Government on coal seam gas extraction activities.

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## **2. Our Biodiversity**

### **a. Bushcare Program**

During the reporting period Council coordinated the operation of four bushcare groups:

- Noorumba Reserve, Rosemeadow – volunteers donated 429 hours
- Spring Creek, St Helens Park – volunteers donated 124 hours
- Milton Park, Macquarie Fields – volunteers donated 107 hours
- Campbelltown Golf Course, Glen Alpine – volunteers donated 32 hours.

These groups undertake a variety of works at each site including, rubbish removal, plantings and weed management.

The Campbelltown Golf Course group commenced operating in June 2012 under the auspice of the Campbelltown Golf Course Urban Sustainability Project. The group has assisted in promoting biodiversity on the site and identifying improvements in environmental practices. The group currently has four members, however many residents have expressed an interest in joining the group and it is anticipated that the group will continue to grow in size in the future.

### **b. Bushland Restoration Program**

The area treated under Council's Bushland Restoration Program increased by almost two and a half times during the reporting period, with restoration works being undertaken within 93.2 hectares of Endangered Ecological Communities (EECs) across 24 Reserves. The works were conducted by professional bush regeneration contractors and aim to restore the historic natural values of degraded bushland areas. The program primarily consisted of targeted weed control and revegetation works.

## **3. Our Waste**

### **a. Free Recyclables Drop Off Day**

The fourth annual Free Recyclables Drop Off Day was held on Saturday 7 January 2012. Participation at the 2012 event was the highest to date, with 469 vehicles in attendance, more than twice the attendance at the 2011 event. This resulted in a significant increase (over 50%) in the volume of recyclables collected. More than nine tonnes of cardboard, paper, glass bottles, aluminium cans and plastic bottles were dropped off by residents.

Residents also dropped off approximately 70 cubic metres of polystyrene for recycling on the day, collectively saving approximately 500 general waste bins of polystyrene from going to landfill. The polystyrene can now be recycled into new products such as timber-look blinds, decking and compact discs.

### **b. Chemical CleanOut**

The Household Chemical CleanOut event was held on 23-24 July 2011 for residents to drop off unwanted chemicals free of charge for safe disposal and recycling.

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The 2011 Chemical CleanOut saw 1023 residents utilise the service, which is the largest participation rate recorded for the event to date in Campbelltown.

A total 35,847kg of chemicals were collected at the event. Chemicals which were dropped off included paint and paint-related products, pesticides and herbicides, solvents and household cleaners, motor oils and fuels, batteries, gas bottles, fire extinguishers, fluorescent tubes, pool and hobby chemicals.

#### **4. Our Water**

##### **a. Water Quality Monitoring Program**

A review of Council's Water Quality Monitoring Program (WQMP) was undertaken and completed in early 2012 to determine compliance with changes to national and state water quality monitoring and management guidelines. Following recommendations from the review, a revised Water Quality Monitoring Strategy was adopted by Council in May 2012.

In accordance with the revised Water Quality Monitoring Strategy, the WQMP includes the sampling and monitoring of 13 strategically selected sites within the Georges River and the Nepean River catchments, against National Guidelines for Fresh and Marine Water Quality developed by the Australian and New Zealand Environment and Conservation Council (ANZECC 2000). In addition three sites are now also compared to the National Health and Medical Research Council Guidelines, Managing Risks in Recreational Areas (NHMRC 2008). The NHMRC guidelines are considered the most (industry) relevant for assessing human health risks within recreational water bodies. Council is aware of two sites accessed for recreational water use, located at Simmo's Beach and Menangle Bridge with O'Hare's Creek at the Woolwash being used as a control site for comparison purposes.

The results from WQMP during the reporting period demonstrate poor water quality within the highly urbanised Bow Bowing Bunbury Curran Creek catchment and a decrease in water quality downstream of urban tributaries such as Spring Creek. Analysis of water quality against the NHMRC guidelines at Simmo's Beach has also shown the water quality to be poor for recreational purposes. A targeted management response project is currently being undertaken along the Georges River to identify potential pollution sources and non-compliant land use practices that may have a negative impact upon water quality in the Georges River. This has included issuing clean up notices to property owners and companies identified to be contributing to pollutant levels.

##### **b. Campbelltown Golf Course Urban Sustainability Project**

In 2009, Council received \$250,000 funding from the NSW Environmental Trust for an Urban Sustainability Project focusing on the headwaters of the Bow Bowing Creek within the Campbelltown Golf Course. The project, which aimed to improve water quality within the catchment and engage with key stakeholders and the local community, is due for completion in August 2012.

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During the reporting period, the project focused on the implementation of the Waterway Management Plan through on-ground works. This involved:

- noxious and environmental weed control
- wetland plantings
- terrestrial and riparian plantings
- drainage and stormwater treatment improvements
- aquatic weed control in waterways.

In an effort to restore some of the original waterway system and its benefits, rocky pools, weirs and cascades have been installed along the drainage lines across the course. The rocky features not only make the waterway visually appealing but help to remove pollution from the water by aeration and agitation. Monthly water quality sampling has been undertaken since December 2011. The results demonstrate there has been a small decrease in total nitrogen and total phosphorus levels at the course since sampling commenced.

Drain stencilling as part of the project's education program was undertaken across Glen Alpine with in the order of 150 drain lids stencilled in high traffic areas in May 2012. The stencils aim to recognise the connection between the stormwater system and the Georges River and discourage negative behaviours such as irresponsible disposal of litter and lawn and garden clippings.

## **5. Our Air**

### **a. Public availability of air quality monitoring data**

Council has concerns over emissions from industrial premises and associated impacts on air quality and public health within the Campbelltown LGA and the broader Macarthur region. In February 2010 Council wrote to the NSW Minister for Planning and Infrastructure requesting that emission monitoring data collected by these premises under EPA licence conditions be made publicly available, in the interest of promoting greater community awareness of the environmental performance of those industries with potential to significantly impact on the environment.

In March 2012, the NSW Government introduced amendments to the *Protection of the Environment Operations Act 1998* that required premises licenced by the EPA to place emission monitoring data on their website.

## **6. Our Sustainability**

### **a. Sustainable Events**

In November 2011, selected Council staff participated in a two day TAFE accredited training course in sustainable event management. The course provided participants with an overview of sustainable event management practices and enabled a collaborative discussion on how to improve environmental practices at various Council events. Subsequent to the training, a number of standardised environmental practices including the use of electronic forms of communication, the supply of biodegradable utensils, the promotion of recycled bins and the use of tap water have been introduced.

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### **Fisher's Gig 2011**

Fisher's Gig 2011 attempted to capture the thoughts of local youth in regard to sustainability and the environment through the creation of a collaborative art piece - a sculpture in the shape of a human-like tree. Sourced from recycled materials and prepared under the guidance of a local artist, the paper maché sculpture encouraged young people to participate by gluing old newspapers to its body, helping it to grow across the day. Young people were also encouraged to write their thoughts about the environment on a leaf and hang it from the sculpture's branches.

### **Riverfest 2011**

Riverfest 2011 was held in September 2011 and saw the inclusion of workshops on waste avoidance and reuse. Electronic forms of communication were trialled for the event and sponsorship packs were printed on elephant dropping paper.

Council promoted the use of water refilling stations and provided residents with reusable water bottles. Stallholders who provided food were required to use biodegradable packaging and utensils. Recycle bins were provided and promoted.

#### **b. Waste and Sustainability Improvement Payments**

Projects, funded through the Waste and Sustainability Improvement Payments Program, implemented during the reporting period included:

- Building Management System at HJ Daley Library
- Air conditioning replacement at HJ Daley Library
- Sustainability Accounting Tool
- Energy Initiative Review
- Bush regeneration works at Milton Park, Botany Place, Redfern Creek, John Kidd Reserve and Smiths Creek
- Upgrade of the Civic Centre carbon dioxide control system.

### **7. Our Heritage**

#### **a. Heritage Festival Activities**

The theme of this year's festival, held in April 2012, was '*Amazing Stories: Innovation + Invention*'. The broadened scope of this year's Heritage Festival theme encouraged a more abstract concept of heritage, such as cultural and religious traditions, festivals and crafts, urban planning and settlement patterns, innovative product development over time, and intellectual and scientific work in the fields of agriculture, industry, science and technology.

Council's Heritage Forum was held on 26 April 2012, as part of the Festival. The Heritage Forum was attended by approximately 100 people, surpassing previous years' attendance. The Heritage Forum panel comprised of Bob Meyer, Mario Majarich, Craig Knowles and Phil Anderson, and discussion focused on the planning and development of the early city of Campbelltown.

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The Heritage Forum also included the Quota International Campbelltown's Youth Art Competition, which was based around heritage themes and was attended by approximately 60 people.

**b. Heritage Medallion**

The winner of Council's 2012 Heritage Medallion was Bob Meyer. Mr Meyer was selected because of his significant commitment to the planning of the City of Campbelltown and his important role in securing Campbelltown's heritage. Bob is recognised for his contribution to the preservation of important historic buildings, identifying and maintaining the green corridor created by the Scenic Hills, his vision of the 'Three Cities Structure Plan' (Campbelltown, Camden and Appin), and his broad vision for the structure and future layout of the city.

**8. Our Community**

**a. Opening of Gabun Gajaaja Reserve, Rosemeadow**

Gabun Gujaaja Reserve in Rosemeadow was officially opened by the then Mayor on 16 October 2011. The event was well attended by local residents. Activities at the event included speeches from representatives of the local Aboriginal community, a formal smoking ceremony, games organised by the local Aboriginal community and a display from the NSW Rural Fire Service (RFS).

The Aboriginal name for the reserve, meaning 'very good children' recognises its use as a local playground, involvement of the local Dharawal Aboriginal community in archaeological excavations conducted at the site in May 2009, as well as the significance of the Reserve and its surrounds to this community.

Gabun Gujaaja Reserve provides a formal entrance into the adjoining Noorumba Reserve, which contains extensive bushland and has a high level of natural and cultural significance.

**b. Evolution of the Streamcare Program**

In 2012, Council investigated opportunities to expand its streamcare program and in March 2012, adopted a trial revised Bushcare model. The new model allows for groups to nominate an area and work under the direction of a Site Management Plan, prepared by Council, with on-ground supervision by a qualified volunteer team leader.

The relative freedom of site selection associated with the alternative Bushcare model provides opportunities for more residents to be involved in the program through easier access. Greater ownership and reward are also envisaged as volunteers are working on an area that they feel a closer 'connection with'.

In June 2012, under the auspice of the Bushcare Program, a Bushcare volunteer group commenced operating at Campbelltown Golf Course (Glen Alpine). Site Management Plans are also being prepared for groups to commence at Lake Mandurama (Rosemeadow) and Quirk Reserve (Bradbury). The trial program will be reviewed in November 2012.

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## **Conclusion**

The 2011-2012 Supplementary SoE report provides an overview of the major achievements of Council in respect to the following eight identified areas of the Environment: Our Land, Our Biodiversity, Our Waste, Our Water, Our Air, Our Sustainability, Our Heritage and Our Community. Within each of these areas, key threats have been identified, new environmental impacts and trends have been recognised, and Council's major achievements are outlined.

The SoE report also provides an assessment of Council's performance against identified annual environmental indicators, which will be used to produce and analyse long term trends.

## **Officer's Recommendation**

That Council endorse the 2011-2012 Supplementary State of the Environment Report in accordance with Section 428 of the *Local Government Act 1993* for submission to the NSW Division of Local Government.

## **Committee's Recommendation: (Kolkman/Lound)**

That the Officer's Recommendation be adopted.

## **CARRIED**

## **Council Meeting 20 November 2012 (Greiss/Lake)**

That the Officer's Recommendation be adopted.

## **Council Resolution Minute Number 195**

That the Officer's Recommendation be adopted.

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2.4 Urban Activation Precincts - Nomination 1 - Campbelltown-Macarthur Regional City Centre (North Side) Precinct

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## **2.4 Urban Activation Precincts - Nomination 1 - Campbelltown-Macarthur Regional City Centre (North Side) Precinct**

### **Reporting Officer**

Manager Sustainable City and Environment

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### **Attachments**

1. Letter from the NSW Department of Planning and Infrastructure advising Council about the Urban Activation Precinct Program (distributed under separate cover)
2. Copy of submission to the Department of Planning and Infrastructure on the Draft Guidelines for Urban Activation Precincts (distributed under separate cover)
3. Letter from Department of Planning and Infrastructure granting Council an extension of time to lodge UAP nominations (distributed under separate cover)
4. Map of area included in Nomination 1 – The Campbelltown-Macarthur Regional City Centre (North Side) Precinct (distributed under separate cover).

### **Purpose**

1. To advise Council about the NSW Department of Planning and Infrastructure's (DPI's) Urban Activation Precinct Program
2. To seek Council's endorsement of the nomination of the Campbelltown-Macarthur Regional City Centre (North Side) Precinct as a possible Urban Activation Precinct.

### **History**

On 3 July 2012, Council considered a report on Employment Lands in south west Sydney. The report discussed the importance of identifying strategic sites within the Campbelltown Local Government Area (LGA) for future employment purposes.

The report highlighted the fact that limited land has been zoned or proposed for the development of business parks within south west Sydney. It also explained that this scenario provides a unique opportunity for the Campbelltown LGA to reinforce its strategic importance as the emerging Regional Centre for the south west, and to capitalise on its significant transport linkages and existing unique multi-function higher order education and medical precincts. The report suggested that Council should consider nominating suitable sites for possible future business park development if the opportunity to do so arises.

The report also provided a brief introduction to the concept of Urban Activation Precincts, and the potential opportunity for Council to nominate the Campbelltown-Macarthur Regional City Centre Gateway Precinct and the overall Glenfield Precinct as strategic opportunities for local employment generation.

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## 2.4 Urban Activation Precincts - Nomination 1 - Campbelltown-Macarthur Regional City Centre (North Side) Precinct

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Council resolved to note the information contained within the report.

It is also important to note that parts of the Blaxland-Gilchrist Gateway area (Campbelltown) and part of the would Glenfield Precinct were identified in Council's Strategic Employment Lands Study in 2011 as being significant potential sites for business park development.

Councillors received a briefing on a proposed submission in relation to the Urban Activation Precincts on 17 July 2012 where it was decided to request an extension of time to lodge Council's submission.

A report was presented to the Planning and Environment Committee Meeting on 9 October 2012 and a recommendation was made by the Committee to Council that the report be deferred so that a further briefing could be provided to Councillors. This recommendation was endorsed by Council on 16 October 2012 and the requested briefing was provided on 23 October 2012.

## Report

### Urban Activation Precincts

The Department of Planning and Infrastructure (DPI) recently released draft guidelines for a new Urban Activation Precinct Program (the UAP Program). The Program establishes a process whereby government departments, local councils and other stakeholders would be able to nominate strategic sites for consideration as Urban Activation Precincts (UAPs). Council Staff prepared and lodged a submission on the draft guidelines which acknowledged the potential benefits of the proposed program and highlighted the importance of establishing meaningful partnerships between the NSW Government and Council in developing and implementing the program (see Attachment 2).

Urban Activation Precincts are areas that the Minister for Planning and Infrastructure considers to have broad social, economic or environmental significance for the community or that have the potential for redevelopment at a scale capable of achieving the NSW Government's planning objectives. The NSW Government is aiming to use the UAP Program to substantially increase the supply of land that is well serviced by transport to improve the supply of employment and housing opportunities.

The UAP Program is based on the following principles:

- A strategic based precinct approach to future development
  - Involving local councils as integral partners from the outset and throughout the process
  - Precincts located in close proximity to existing and planned transport and service infrastructure
  - Precincts, zones and development controls that are financially viable, affordable, and reflect market demand and investor feasibility.
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## 2.4 Urban Activation Precincts - Nomination 1 - Campbelltown-Macarthur Regional City Centre (North Side) Precinct

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Nominations for UAPs will be assessed against the following criteria in order to determine their ability to achieve State and/or regional planning objectives:

1. Is the precinct consistent with State, regional and/or local strategies, particularly relating to housing and employment?
2. Does the precinct support or maximise the use of existing and planned infrastructure, especially transport?
3. Is the precinct important to more than one local government area and/or does the proposal have support from the local council?
4. Is the precinct environmentally, socially and economically sustainable and viable?
5. Is the development of the precinct financially viable and consistent with market demand?

If the NSW Government agrees that a nominated site meets the selection criteria to be a UAP, the site would be identified in a State Environmental Planning Policy (SEPP) and the Minister for Planning and Infrastructure would have the discretion to zone the land for its intended purpose via a SEPP or a Local Environmental Plan (LEP).

Growth Infrastructure Plans (GIPs) will also be introduced to assist with the coordinated delivery of infrastructure to service development in the UAPs. The GIPs will be prepared by the DPI in consultation with local councils and State agencies so that identified infrastructure needs can be aligned with government agency asset management plans and achieve better coordination between agencies, in the delivery of infrastructure.

Local councils, who have UAPs identified within their local government areas, will also be able to access funds from a \$50m Precinct Support Scheme (PSS) if they partner with the NSW Government in the development of the identified UAPs. PSS funding will be available in addition to local development levies collected within a UAP and could be provided to fund both social and economic local infrastructure. This funding could supplement funds raised via developer contributions and assist in providing for infrastructure needs generated by new development within UAP areas.

### **Nomination of Potential UAPs with the Campbelltown LGA**

On 26 June 2012, Council received a letter from the DPI inviting nominations for potential UAPs by 31 July 2012. The General Manager wrote to the DPI seeking an extension of time in which to lodge a submission. The Director-General agreed to grant Council an extension until the end of October 2012 (see Attachment 3). A further extension of time was granted to allow Council's newly elected representatives to be briefed about the UAP Program, to formally consider reports on the matter and to decide whether to proceed with any nominations.

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## 2.4 Urban Activation Precincts - Nomination 1 - Campbelltown-Macarthur Regional City Centre (North Side) Precinct

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Council's Employment Lands Sub Committee met on 27 September 2012 to discuss potential UAP sites and other opportunities for longer term employment generation within the Campbelltown LGA. The Sub Committee agreed that the Campbelltown-Macarthur Regional City Centre (North Side) Precinct is an important strategic site with the potential to become a UAP. The land proposed to be included in this nomination is identified in Attachment 4. The following section of this report illustrates how the Campbelltown-Macarthur Regional City Centre, and particularly the North Side Precinct, addresses the criteria for UAPs and could form the basis of a strong nomination by Council.

A report recommending that Council nominate the Glenfield Town Centre and Transport Interchange Precinct as a potential UAP is included as a separate item in this business paper.

The Employment Lands Sub Committee also identified a number of other potential sites and opportunities for longer-term employment generation, subject to further investigation. Additional work will be undertaken in relation to these potential sites and will form the basis of a further report to Council on employment opportunities at a later date.

### **Nomination - Campbelltown-Macarthur Regional City Centre (North Side) Precinct**

The Campbelltown-Macarthur Regional Centre is a primary retail and employment hub within south west Sydney. It contains significant retail and commercial development, a university and TAFE, and both public and private hospitals. It is serviced by the Main Southern Railway Line and both Campbelltown and Macarthur Railway Stations are located within the Centre. The Centre is also accessible via the existing regional road network including the M5, Narellan Road and Appin Road.

The Sub Committee examined the Centre and recommends that a UAP nomination should be prepared for that part of the Centre comprising the portion of the UWS site that is not currently the subject of a development application for residential development, the Bethlehem Monastery site and land identified by Council's adopted Campbelltown Structure Plan for future employment, mixed use and residential apartment development located on the western side of the Great Southern Railway Line (i.e. the Blaxland-Gilchrist Gateway). For ease of reference, this area collectively is referred to as the North Side Precinct. Please see Attachment 4.

It should be noted that Council officers understand that the Bethlehem Monastery site is already the subject of a UAP nomination by the owners of the land for a mixture of land uses. It is further understood that the initial proposal includes retention of the site's important landscape features in the vicinity of Narellan Road and protection of the local heritage item known as "The Stations of the Cross".

Any nomination needs to include a short statement addressing the criteria contained in the DPI's draft NSW Urban Activation Precincts Guideline, as outlined earlier in this report.

1. Is the precinct consistent with State, regional and/or local strategies, particularly relating to housing and employment?

Yes, the precinct is consistent with State, draft Sub-regional and local planning strategies relating to housing and employment.

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## 2.4 Urban Activation Precincts - Nomination 1 - Campbelltown-Macarthur Regional City Centre (North Side) Precinct

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The 2005 Metropolitan Strategy identifies the Campbelltown-Macarthur Regional City Centre as a Major Centre, while the South West Subregion: Draft Subregional Strategy (the draft South West Strategy) also identifies the Centre as an emerging Regional Centre for south west Sydney. The draft South West Strategy establishes a housing target of approximately 25,000 additional dwellings, with almost 20,000 in the form of infill development, and a target of 26,000 jobs for the Campbelltown LGA by 2031, with at least 8,000 jobs within this Centre. The Campbelltown-Macarthur Centre has the capacity to accommodate a large proportion of infill residential development and extensive employment opportunities with the potential for a business park.

The Campbelltown Employment Lands Review, prepared for Council by specialist consultants Strategic Economics and Cox Richardson in 2010-2011, reinforces the importance of the Centre for job creation and the potential of land within the precinct to accommodate a future business park linked to the area's established education and medical facilities. The nominated VAP precinct has significant potential for such a business park to compliment the growth of the Campbelltown Regional City Centre as a major employment hub.

2. Does the precinct support or maximise the use of existing and planned infrastructure, especially transport?

Yes, the precinct is located in close proximity to existing road and rail transport and further development within the precinct will be able to utilise the existing infrastructure. It is noted, however, that detailed traffic studies will be required to assess the likely impact of development within the precinct on the existing road network, and particularly on vehicular access and circulation within the Campbelltown-Macarthur Regional City Centre. The existing transport linkages are also likely to act as a catalyst for the expansion and embellishment of the precinct and to further enhance the level of services available, particularly in terms of public transport and road upgrades.

It is anticipated that employment opportunities within the precinct could leverage off the University of Western Sydney, particularly its medical school and the surrounding hospital and medical facilities, and also on the specialised learning opportunities provided by the TAFE. It is noted that the NSW Government is currently undertaking a \$140m upgrade of the Campbelltown Hospital and further enhancements are proposed in the future.

3. Is the precinct important to more than one local government area and/or does the proposal have support from the local council?

Yes, the Campbelltown-Macarthur Regional City Centre provides retail, employment, educational and health services and facilities to the broader Macarthur, south west Sydney, and Southern Highlands subregions. Optimising the precinct's potential and achieving appropriate employment growth within the precinct and the Centre as a whole will benefit not only the Campbelltown LGA but also the broader subregions and the greater Sydney Metropolitan Area.

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## 2.4 Urban Activation Precincts - Nomination 1 - Campbelltown-Macarthur Regional City Centre (North Side) Precinct

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4. Is the precinct environmentally, socially and economically sustainable and viable?

The precinct forms part of the economic focal point for the City of Campbelltown, the wider Macarthur area and the south west subregion. Further appropriate employment generating development within the precinct will provide opportunities for the enhancement of existing open space and environmental areas within and around the City Centre. It may also act as a catalyst for the revitalisation of the Centre's commercial core, based on the Queen Street area, by encouraging the development of support services and retail development and the possible promotion of opportunities for in-centre living. The provision of additional job opportunities will also have broad ranging social benefits.

5. Is the development of the precinct financially viable and consistent with market demand?

Financial viability testing and market appraisals have not been carried out on proposals for future employment generating developments within the Campbelltown-Macarthur Regional City Centre or the North Side Precinct to date. What is clear, however, is that mechanisms to promote job creation and additional housing opportunities within both the Centre and the precinct are required in both the short and longer term in order to enhance the local availability of jobs and deliver new economic investment maximising the already significant level of infrastructure resourcing apparent in the Centre.

### Assessment of Urban Activation Precincts

The DPI's Draft NSW Urban Activation Precincts Guideline indicates that the following process will be used to determine whether particular precincts should be recommended for further investigation:

1. The DPI will consult with the relevant local councils and State agencies.
  2. An inter-agency committee, chaired by the DPI will review nominations for potential UAPs and provide advice on whether or not particular UAP proposals should proceed.
  3. Working groups with local councils and State agencies will be established to investigate and discuss potential UAPs, and will meet regularly during the detailed investigation process.
  4. Working groups will be responsible for preparing objectives and targets (an 'outcomes brief') and planning study and consultation requirements for each UAP.
  5. Most UAPs will require a range of detailed planning studies and investigations, including detailed infrastructure and funding plans and the development of a code-based assessment framework to streamline development assessment within the UAP.
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## 2.4 Urban Activation Precincts - Nomination 1 - Campbelltown-Macarthur Regional City Centre (North Side) Precinct

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6. Each identified UAP will be subject to a formal public exhibition process for at least 30 days. Stakeholder information sessions will be held and community reference groups may also be established by the DPI where deemed appropriate.
7. In some cases a UAP proposal may be amended in light of the comments received during public consultation.
8. The Director-General of Planning and Infrastructure will then provide recommendations to the Minister about the proposed UAP.
9. The Minister may seek advice from the Planning Assessment Commission including independent assessment of any aspect of the proposal or the holding of public hearings.
10. If the Minister decides to proceed with the preparation of a new statutory framework for a UAP, a SEPP will be made that contains the planning framework, zoning and controls for the UAP, including controls for exempt and complying development (if appropriate).
11. The Minister will decide if the land will be rezoned via a SEPP or an LEP.
12. Once rezoned, a UAP will be subject to a Growth Infrastructure Plan (GIP) to ensure coordinated delivery of State infrastructure for the UAP. The relevant local council(s) will also be able to access funding under the Precinct Support Scheme (PSS) to assist with the provision of local infrastructure.

### Conclusion

The Campbelltown-Macarthur Regional City Centre (North Side) Precinct has the potential to significantly increase the supply of employment opportunities within the Campbelltown LGA and achieve greater regional independence and community sustainability. It may also act as a catalyst for the revitalisation of the core commercial area of the Centre, located along Queen Street, by encouraging the development of support services and retail and opportunities for in-centre living. The Centre is well-serviced by existing rail, bus transport and road linkages and the North Side Precinct could provide an appropriate location for a future business park that leverages off existing facilities, infrastructure and existing economic investment (both private and public).

It is therefore considered appropriate for Council to nominate the Campbelltown-Macarthur Regional City Centre (North Side) Precinct as an Urban Activation Precinct, subject to the NSW Government making a commitment to investing in substantial regional and local infrastructure to support the future growth of the precinct and the broader south west subregion of Sydney. Not the least important of such infrastructure relates to enhancement of the Precincts road and public transport accessibility and public domain improvements.

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### **Officer's Recommendation**

1. That Council endorse the nomination of the Campbelltown-Macarthur Regional City Centre (North Side) Precinct as an Urban Activation Precinct and forward the nomination to the NSW Department of Planning and Infrastructure for its consideration, subject to the NSW Government making a commitment to:
  - a. the preparation and implementation of Growth Infrastructure Plans and access to relevant funding under the Precinct Support Scheme
  - b. commitment from the NSW Government to the provision of the required regional and local infrastructure to support the future growth of the precinct and the broader south west subregion of Sydney.
2. That Council advise landowners within the nominated area about the subject nomination and foreshadow their possible future involvement with the advancement of the nomination.

### **Committee's Recommendation: (Rowell/Matheson)**

That the Officer's Recommendation be adopted.

**CARRIED**

### **Council Meeting 20 November 2012 (Greiss/Lake)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 195**

That the Officer's Recommendation be adopted.

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2.5 Urban Activation Precincts - Nomination 2 - Glenfield Town Centre And Transport Interchange Precinct

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## **2.5 Urban Activation Precincts - Nomination 2 - Glenfield Town Centre and Transport Interchange Precinct**

### **Reporting Officer**

Manager Sustainable City and Environment

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### **Attachments**

1. Letter from the NSW Department of Planning and Infrastructure advising Council about the Urban Activation Precinct Program (distributed under separate cover)
2. Copy of submission to the Department of Planning and Infrastructure on the Draft Guidelines for Urban Activation Precincts (distributed under separate cover)
3. Letter from Department of Planning and Infrastructure granting Council an extension of time to lodge UAP nominations (distributed under separate cover)
4. Map of area included in Nomination 2 – Glenfield Town Centre and Transport Interchange Precinct (distributed under separate cover).

### **Purpose**

1. To advise Council about the NSW Department of Planning and Infrastructure's (DPI's) Urban Activation Precinct Program
2. To seek Council's endorsement of the nomination of the Glenfield Town Centre and Transport Interchange Precinct as a possible Urban Activation Precinct.

### **History**

On 3 July 2012, Council considered a report on Employment Lands in south west Sydney. The report discussed the importance of identifying strategic sites within the Campbelltown Local Government Area (LGA) for future employment purposes.

The report highlighted the fact that limited land has been zoned or proposed for the development of business parks within south west Sydney. It also explained that this scenario provides a unique opportunity for the Campbelltown LGA to reinforce its strategic importance as the emerging Regional Centre for the south west, and to capitalise on its significant transport linkages and existing unique multi-function higher order education and medical precincts. The report suggested that Council should consider nominating suitable sites for possible future business park development if the opportunity to do so arises.

The report also provided a brief introduction to the concept of Urban Activation Precincts, and the potential opportunity for Council to nominate the Campbelltown-Macarthur Regional Centre Gateway Precinct and the overall Glenfield Precinct as strategic opportunities for local employment generation.

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## 2.5 Urban Activation Precincts - Nomination 2 - Glenfield Town Centre And Transport Interchange Precinct

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Council resolved to note the information contained within the report.

It is also important to note that parts of the Blaxland-Gilchrist Gateway area (Campbelltown) and part of the overall Glenfield Precinct were identified in Council's Strategic Employment Lands Study in 2011 as being significant potential sites for business park development.

Councillors received a briefing on a proposed submission in relation to the Urban Activation Precincts on 17 July 2012 where it was decided to request an extension of time to lodge Council's submission.

A report was presented to the Planning and Environment Committee Meeting on 9 October 2012 and a recommendation was made by the Committee to Council that the report be deferred so that a further briefing could be provided to Councillors. This recommendation was endorsed by Council on 16 October 2012 and the requested briefing was provided on 23 October 2012.

### **Report**

#### **Urban Activation Precincts**

The Department of Planning and Infrastructure (DPI) recently released draft guidelines for a new Urban Activation Precinct Program (the UAP Program). The Program establishes a process whereby government departments, local councils and other stakeholders would be able to nominate strategic sites for consideration as Urban Activation Precincts (UAPs). Council Staff prepared and lodged a submission on the draft guidelines which acknowledged the potential benefits of the proposed program and highlighted the importance of establishing meaningful partnerships between the NSW Government and Council in developing and implementing the program (see Attachment 2).

Urban Activation Precincts are areas that the Minister for Planning and Infrastructure considers to have broad social, economic or environmental significance for the community or that have the potential for redevelopment at a scale capable of achieving the NSW Government's planning objectives. The NSW Government is aiming to use the UAP Program to substantially increase the supply of land that is well serviced by transport to improve the supply of employment and housing opportunities.

The UAP Program is based on the following principles:

- A strategic based precinct approach to future development
  - Involving local councils as integral partners from the outset and throughout the process
  - Precincts located in close proximity to existing and planned transport and service infrastructure
  - Precincts, zones and development controls that are financially viable, affordable, and reflect market demand and investor feasibility.
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## 2.5 Urban Activation Precincts - Nomination 2 - Glenfield Town Centre And Transport Interchange Precinct

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Nominations for UAPs will be assessed against the following criteria in order to determine their ability to achieve State and/or regional planning objectives:

1. Is the precinct consistent with State, regional and/or local strategies, particularly relating to housing and employment?
2. Does the precinct support or maximise the use of existing and planned infrastructure, especially transport?
3. Is the precinct important to more than one local government area and/or does the proposal have support from the local council?
4. Is the precinct environmentally, socially and economically sustainable and viable?
5. Is the development of the precinct financially viable and consistent with market demand?

If the NSW Government agrees that a nominated site meets the selection criteria to be a UAP, the site would be identified in a State Environmental Planning Policy (SEPP) and the Minister for Planning and Infrastructure would have the discretion to zone the land for its intended purpose via a SEPP or a Local Environmental Plan (LEP).

Growth Infrastructure Plans (GIPs) will also be introduced to assist with the coordinated delivery of infrastructure to service development in the UAPs. The GIPs will be prepared by the DPI in consultation with local councils and State agencies so that identified infrastructure needs can be aligned with government agency asset management plans and achieve better coordination between agencies, in the delivery of infrastructure.

Local councils, who have UAPs identified within their local government areas, will also be able to access funds from a \$50m Precinct Support Scheme (PSS) if they partner with the NSW Government in the development of the identified UAPs. PSS funding will be available in addition to local development levies collected within a UAP and could be provided to fund both social and economic local infrastructure. This funding could supplement funds raised via developer contributions and assist in providing for infrastructure needs generated by new development within UAP areas.

### **Nomination of Potential UAPs with the Campbelltown LGA**

On 26 June 2012, Council received a letter from the DPI inviting nominations for potential UAPs by 31 July 2012. The General Manager wrote to the DPI seeking an extension of time in which to lodge a submission. The Director-General agreed to grant Council an extension until the end of October 2012 (see Attachment 3). A further extension of time was granted to allow Council's newly elected representatives to be briefed about the UAP Program, to formally consider reports on the matter and to decide whether to proceed with any nominations.

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## 2.5 Urban Activation Precincts - Nomination 2 - Glenfield Town Centre And Transport Interchange Precinct

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Council's Employment Lands Sub Committee met on 27 September 2012 to discuss potential UAP sites and other opportunities for longer term employment generation within the Campbelltown LGA. The Sub Committee agreed that the Glenfield Town Centre and Transport Interchange Precinct is an important strategic site with the potential to become a UAP. The land proposed to be included in this nomination is identified in Attachment 4. The following section of this report illustrates how the Glenfield Town Centre and Transport Interchange Precinct addresses the criteria for UAPs and could form the basis of a strong nomination by Council.

A report recommending that Council nominate the Campbelltown-Macarthur Regional City Centre (North Side) Precinct as a potential UAP is included as a separate item in this business paper.

The Employment Lands Sub Committee also identified a number of other potential sites and opportunities for longer-term employment generation, subject to further investigation. Additional work will be undertaken in relation to these potential sites and will form the basis of a further report to Council on employment opportunities at a later date.

### **Nomination – Glenfield Town Centre and Transport Interchange Precinct**

The Glenfield Town Centre and Transport Interchange Precinct has the potential to become a primary housing and employment hub within south west Sydney. It contains significant land holdings that could be redeveloped to take advantage of the substantial investment being made into public transport in the area. The precinct is already serviced by the Main Southern Railway Line and Glenfield Railway Station is located within the Precinct. The new South West Rail Link, that is currently being constructed, will further improve accessibility to and from the precinct.

In accordance with Council's policy position to maintain Hurlstone Agricultural High School (Hurlstone), the Sub Committee believes that for the purposes of the nomination, the precinct should be limited to land located on the eastern side of the Main Southern Railway Line. Please see Attachment 4.

However, the Sub Committee acknowledged that the precinct may have some limited potential to be expanded in the longer term to possibly include certain land on the western side of the railway line (comprising some of the Hurlstone Agricultural High School site and parts of other landholdings adjacent to the school that are currently held in Government ownership). This potential future expansion is consistent with the findings of the Campbelltown Employment Lands Review, but which was not supported by Council in 2011.

Any nomination needs to include a short statement addressing the criteria contained in the DPI's draft NSW Urban Activation Precincts Guideline, as outlined in this report,

1. Is the precinct consistent with State, regional and/or local strategies, particularly relating to housing and employment?
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## 2.5 Urban Activation Precincts - Nomination 2 - Glenfield Town Centre And Transport Interchange Precinct

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Neither the Metropolitan Strategy nor the draft South West Strategy identifies the Glenfield Town Centre and Transport Interchange Precinct as an important area for future housing and employment development. However, these documents largely predate the commitment to the major capital investment being made in the South West Rail Link and its associated infrastructure, and the subsequent impacts that this infrastructure investment will have on the existing town centre and broader locality.

2. Does the precinct support or maximise the use of existing and planned infrastructure, especially transport?

This precinct provides an opportunity for large scale urban redevelopment in close proximity to major public transport infrastructure and a significant regional education facility. Travel by rail to the Sydney CBD can be achieved in 40 minutes.

3. Is the precinct important to more than one local government area and/or does the proposal have support from the local council?

While the Glenfield Town Centre currently operates as a local centre for the residents of Glenfield and users of Glenfield Railway Station, its prime location at a major railway junction (Airport and East Hills Line, South Line, Cumberland Line and South West Rail Link) and transport interchange will increase the Centre's importance as a subregional transport hub.

4. Is the precinct environmentally, socially and economically sustainable and viable?

The Glenfield Town Centre is considered to be an underperforming one in its current form, particularly in terms of the density of housing and commercial development as well as the overall level of investment in development. Redevelopment to revitalise the Centre that capitalises on the opportunities created by the significant investment in public transport infrastructure in close proximity to the Centre, is required in the short to medium term. Revitalising the centre will improve its economic viability, amenity, social appeal and environmental sustainability.

5. Is the development of the precinct financially viable and consistent with market demand?

Financial viability testing and market appraisals have not been carried out on proposals for future residential and mixed used redevelopment, within the Glenfield Town Centre and Transport Interchange Precinct. However, both redevelopment and new development within this precinct have the potential to leverage off the significant investment in public transport infrastructure in Glenfield. The age and level of investment in the existing commercial buildings and general dwelling stock also indicates that the area is suitable for redevelopment in the short term.

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## 2.5 Urban Activation Precincts - Nomination 2 - Glenfield Town Centre And Transport Interchange Precinct

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### Assessment of Urban Activation Precincts

The DPI's Draft NSW Urban Activation Precincts Guideline indicates that the following process will be used to determine whether particular precincts should be recommended for further investigation:

1. The DPI will consult with the relevant local councils and State agencies
  2. An inter-agency committee, chaired by the DPI will review nominations for potential UAPs and provide advice on whether or not particular UAP proposals should proceed
  3. Working groups with local councils and State agencies will be established to investigate and discuss potential UAPs, and will meet regularly during the detailed investigation process
  4. Working groups will be responsible for preparing objectives and targets (an 'outcomes brief') and planning study and consultation requirements for each UAP
  5. Most UAPs will require a range of detailed planning studies and investigations, including detailed infrastructure and funding plans and the development of a code-based assessment framework to streamline development assessment within the UAP
  6. Each identified UAP will be subject to a formal public exhibition process for at least 30 days. Stakeholder information sessions will be held and community reference groups may also be established by the DPI where deemed appropriate
  7. In some cases a UAP proposal may be amended in light of the comments received during public consultation
  8. The Director-General of Planning and Infrastructure will then provide recommendations to the Minister about the proposed UAP
  9. The Minister may seek advice from the Planning Assessment Commission including independent assessment of any aspect of the proposal or the holding of public hearings
  10. If the Minister decides to proceed with the preparation of a new statutory framework for a UAP, a SEPP will be made that contains the planning framework, zoning and controls for the UAP, including controls for exempt and complying development (if appropriate)
  11. The Minister will decide if the land will be rezoned via a SEPP or an LEP
  12. Once rezoned, a UAP will be subject to a Growth Infrastructure Plan (GIP) to ensure coordinated delivery of State infrastructure for the UAP. The relevant local council(s) will also be able to access funding under the Precinct Support Scheme (PSS) to assist with the provision of local infrastructure.
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## 2.5 Urban Activation Precincts - Nomination 2 - Glenfield Town Centre And Transport Interchange Precinct

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### **Conclusion**

The Glenfield Town Centre and Transport Interchange Precinct has the potential to significantly increase the supply of employment and housing opportunities within the Campbelltown LGA and achieve greater regional independence and community sustainability. The Centre is well-served by existing and proposed future rail, bus transport and road linkages and it could provide an appropriate location for future employment and housing that leverage off existing facilities, infrastructure and existing economic investment (both private and public).

It is therefore considered appropriate for Council to nominate the Glenfield Town Centre and Transport Interchange Precinct as an Urban Activation Precinct, subject to the NSW Government making a commitment to investing in substantial regional and local infrastructure to support the future growth of the precinct and the broader south west subregion of Sydney.

### **Officer's Recommendation**

1. That Council endorse the nomination of the Glenfield Town Centre and Transport Interchange Precinct as an Urban Activation Precinct and forward the nomination to the NSW Department of Planning and Infrastructure for its consideration, subject to the NSW Government making a commitment to:
    - a. the preparation and implementation of Growth Infrastructure Plans and access to relevant funding under the Precinct Support Scheme
    - b. commitment from the NSW Government to the provision of the required regional and local infrastructure to support the future growth of the precinct and the broader south west subregion of Sydney.
  2. That Council advise landowners within the nominated area about the subject nomination and foreshadow their possible future involvement with the advancement of the nomination.
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## 2.5 Urban Activation Precincts - Nomination 2 - Glenfield Town Centre And Transport Interchange Precinct

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Having declared an interest in regard to Item 2.5, Councillors Greiss and Thompson left the Chamber and did not take part in debate nor vote on this item.

In the absence of the Chairperson, Councillor Greiss, Her Worship the Mayor Councillor Dobson was elected to chair the meeting.

### **Committee's Recommendation: (Kolkman/Oates)**

1. That Council endorse the nomination of the Glenfield Town Centre and Transport Interchange Precinct as an Urban Activation Precinct and forward the nomination to the NSW Department of Planning and Infrastructure for its consideration, subject to the NSW Government making a commitment to:
  - a. the preparation and implementation of Growth Infrastructure Plans and access to relevant funding under the Precinct Support Scheme.
  - b. the provision of the required regional and local infrastructure to support the future growth of the precinct and the broader south west subregion of Sydney.
2. That Council advise landowners within the nominated area about the subject nomination and foreshadow their possible future involvement with the advancement of the nomination.
3. That the existing public open space within the Urban Activation Precinct and in Council ownership be retained as public open space.

### **CARRIED**

At the conclusion of the discussion regarding Item 2.5, Councillors Greiss and Thompson returned to the Chamber for the remainder of the meeting and Councillor Greiss resumed the chair.

## **Council Meeting 20 November 2012**

Having declared an interest in regard to Item 2.5, Councillors Greiss and Thompson left the Chamber and did not take part in debate nor vote on this item.

### **Council Meeting 20 November 2012 (Borg/Matheson)**

That the Committee's Recommendation be adopted.

### **Council Resolution Minute Number 199**

That the Committee's Recommendation be adopted.

At the conclusion of the discussion regarding Item 2.5, Councillors Greiss and Thompson returned to the Chamber for the remainder of the meeting.

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## **2.6 DA 1617/2012/DA-SL Seniors Housing Development, Minto Renewal Project Area**

### **Reporting Officer**

Manager Sustainable City and Environment

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### **Attachments**

- 1 Locality Plan (Stage 9 Subdivision) – distributed under separate cover
- 2 Site Layout / Perspectives Plan – distributed under separate cover
- 3 Typical Floor Plan – distributed under separate cover
- 4 Typical Elevations – distributed under separate cover.

### **Purpose**

The purpose of this report is to inform Council of a Development Application that was lodged by the NSW Land and Housing Corporation for 40 two bedroom seniors housing units on land within Stage 9 of the Minto Renewal Project Area and advising that the application will be determined by the Sydney West Joint Regional Planning Panel (JRPP).

<b>Property Description</b>	Lot 26 DP 716484 Ben Lomond Road and Cathedral Street, Minto
<b>Application No</b>	1617/2012/DA-SL
<b>Applicant</b>	NSW Land and Housing Corporation
<b>Owners</b>	NSW Land and Housing Corporation
<b>Statutory Provisions</b>	State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 Campbelltown (Urban Area) Local Environmental Plan 2002 Minto Renewal Development Control Plan 2006
<b>Date Received</b>	9 August 2012

### **History**

In June 2006, the Minister for Planning granted Concept Plan approval for the implementation of the Minto Renewal Project pursuant to Part 3A - 'Major Infrastructure and Other Projects' of the *Environmental Planning and Assessment Act 1979*.

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The Concept Plan provides for a total of 1,100 residential dwellings (including upgrading some 176 existing dwellings), a revised street layout, improved parks, public areas and associated works over 13 stages. An agreed maximum level of social housing was set at 30% as a proportion of the final yield. The NSW Land and Housing Corporation has nominated 120 seniors housing units to be built as part of the total social housing allocation, to be provided within a number of larger 'superlots' to be created as subdivision stages progress.

The subject application relates to a proposed superlot (Lot 965) within Stage 9 of the Minto Renewal Project, approved by Campbelltown City Council on 14 April 2011 (DA 2672/2010/DA-S). This application consented to the construction of 66 new allotments and is currently under construction.

The application has been forwarded to the Sydney West Joint Regional Planning Panel (JRPP) for determination in accordance with Part 2A of the *Environmental Planning and Assessment Act 1979*, as it is a crown application with a capital investment value in excess of \$5m.

## Report

Council is in receipt of a development application from the NSW Land and Housing Corporation for 40 two bedroom seniors housing units on (proposed) Lot 965 within the approved Stage 9 Subdivision of the Minto Renewal Project.

The application has been lodged in accordance with the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, and is being determined by the Sydney West JRPP.

Proposed Lot 965 has dual road frontage to Ben Lomond Road to the north and Cathedral Avenue to the south, and an area of 7,317m<sup>2</sup>. The site is roughly trapezoidal in shape, with the western boundary 130m in length, eastern boundary 75m in length, and has an approximate width of 64m.

Following the development of Stage 9, the land immediately to the west, east and south will be occupied by individual residential allotments of approximately 400 – 500m<sup>2</sup>. The commercial precinct of Minto Mall is located on the northern side of the site, opposite Ben Lomond Road.

The approved subdivision plans for the land indicate that, following earthworks, there will be a cross fall of approximately 5.5m sloping down towards the north western corner of the site towards Ben Lomond Road. There are no significant trees on the site.

The proposal is for three separate buildings (Blocks A, B and C) generally orientated east–west across the site. Block A fronts Cathedral Street, Block C has frontage to Ben Lomond Road, and Block B is positioned between the other two.

Each block is two stories in height, with the units in each level having dual frontage to promote cross ventilation and solar access. Private courtyards are provided to all units at ground level, and private balconies provided to units on the upper level. Each unit is approximately 80m<sup>2</sup> in gross floor area and self-contained, including living area, kitchen, bathroom and internal laundry. All units are disabled accessible.

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The materials selected for the buildings comprise metal deck roofing, face brick and render for the external walls, with metal and powder-coated aluminium trims. Facade treatments address each respective street. Landscaping of the site includes lawns, pathways, and tree planting, in addition to working gardens for the use of residents.

A total of 20 on-site parking spaces are provided, including eight car spaces suitable for disabled persons. Thirteen spaces are accessed from Cathedral Ave and seven spaces accessed from Ben Lomond Road.

### **Assessment and Key Issues**

The detailed assessment of all technical and planning considerations relevant to the assessment of the application is being undertaken by JRPP appointed Council staff in accordance with Part 2A of the *Environmental Planning and Assessment Act 1979*.

Staff reporting to the JRPP will be required to undertake a comprehensive assessment and prepare a detailed report to assist the Panel with its determination of the proposal. Where approval is recommended, the full range of technical considerations will need to be addressed and appropriate conditions outlined to properly manage any environmental impacts of the proposal.

In this respect, the following details are provided as a summary of the key issues of assessment for the information of Councillors prior to determination of the proposal by the JRPP.

#### **1. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 aims to increase the supply and diversity of appropriately designed and located housing that meets the needs of seniors or people with a disability.

The proposed development is defined as 'in-fill self-care housing' under the provisions of the SEPP, which is defined as: 'seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care'.

Where a proposal complies with the provisions of the SEPP, any local planning controls that would prevent the development of housing under the policy are set aside. In this respect the relevant criteria and standards of the SEPP that must be complied with include the following:

- Site location and access to facilities
  - Dwelling design and layout
  - Neighbourhood amenity and streetscape
  - Visual and acoustic privacy
  - Solar access
  - Stormwater management
  - Crime Prevention
  - Waste management
  - Car parking
  - Landscaping
-

The application includes a detailed assessment of the proposal in accordance with the relevant criteria and standards of the SEPP as outlined above. This information is set out in a Statement of Environmental Effects and indicates that the location and design of the proposed development would satisfy the relevant criteria, and it is therefore considered that the application may be approved under the SEPP provisions.

Should consent be issued by the JRPP under the provisions of the SEPP, it is noted a suitable condition would be required to restrict the occupation of the development to only seniors or people with a disability.

## **2. Campbelltown (Urban Area) Local Environmental Plan 2002**

The subject land is zoned 2(b) Residential B Zone under the provisions of *Campbelltown (Urban Area) Local Environmental Plan 2002* (LEP 2002).

The objectives of this zone are:

- (a) to make general provision for land to be used for housing and associated purposes
- (b) to permit the development of a range of housing types
- (c) to encourage a variety of forms of housing that are higher in density than traditional dwelling houses, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities
- (d) 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
- (e) to allow development which:
  - (i) is compatible with residential use
  - (ii) is capable of visual integration with the surrounding buildings
  - (iii) serves the needs of the surrounding population without conflicting with the residential intent of the zone
  - (iv) does not place demands on services beyond the level reasonably required for residential use.

Except as otherwise provided by this plan, consent must not be granted for development on land within this zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone.

A further objective of this zone is to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development.

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The proposed development provides higher density housing opportunities for the purposes of accommodating older people and persons with a disability in a location which is accessible to public transport, retail, commercial and service activities. The development provides an alternative housing type to serve the needs of the older population in accordance with the redevelopment strategy for the Minto Renewal Project, and in a manner which will not adversely impact on the amenity of the locality.

The proposal is therefore considered to be generally consistent with the 2(b) zone objectives, and is permissible with consent as an 'in-fill self-care housing' development under the relevant provisions of the SEPP.

### **3. Minto Renewal DCP**

The Minto Renewal Development Control Plan (DCP) was prepared in conjunction with the Minto Renewal Concept Plan for the Minto area and was adopted by the Council on 18 April 2006. The DCP outlines guidance in relation to the detailed design of new development and is the relevant DCP to be considered for development of the subject land.

The DCP design controls primarily relate to the construction of three main dwelling types, namely integrated housing, detached housing and rural-residential development. It is noted that no specific controls are provided in the DCP for the development of seniors housing.

Notwithstanding, the application has been assessed in accordance with the broader aims and objectives of the DCP, in addition to the general controls that relate to all types of development. It is considered that the proposal is generally consistent with the aims and applicable design requirements of the DCP, and complies with the intended redevelopment outcomes sought under the related Minto Renewal Concept Plan.

In this respect, it is considered that the application may be approved in general compliance with the Minto Renewal DCP.

### **4. Exhibition Process**

The subject application was publicly exhibited for 14 days between 11 September and 26 September 2012. No submissions were received.

### **Conclusion**

The subject application seeks approval for the development of 80 two bedroom seniors housing units within Stage 9 of the Minto Renewal Project.

The application has been lodged in accordance with the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, and will be determined by the Sydney West JRPP.

The application has been publicly exhibited and no submissions have been received.

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A general assessment of the application has been undertaken by Council staff in accordance with the relevant planning policies and the agreed social housing objectives for the Minto Renewal Project, and no issues have been identified that would preclude the application being consented to by the JRPP. It is therefore considered that the application may be determined in due course by the JRPP, following completion of their detailed assessment of the proposal and appropriate conditions being imposed on any consent. It is considered that there are no issues of concern with the proposed development that would warrant a submission on the matter from Council to the Sydney West JRPP.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Thompson/Lound)**

That the Officer's Recommendation be adopted.

**CARRIED**

### **Council Meeting 20 November 2012**

Having declared an interest in regard to Item 2.6, Councillors Hawker and Lake left the Chamber and did not take part in debate nor vote on these items.

### **Council Meeting 20 November 2012 (Kolkman/Oates)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 197**

That the Officer's Recommendation be adopted.

At the conclusion of the discussion regarding Item 2.6, Councillors Hawker and Lake returned to the Chamber for the remainder of the meeting.

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## **2.7 Local Land Services**

### **Reporting Officer**

Manager Sustainable City and Environment

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### **Attachments**

Nil

### **Purpose**

To provide Council with information on the establishment of Local Land Services.

### **History**

Farmers and landowners are currently serviced by a range of advisory services and natural resource management agencies, including:

- Agriculture NSW advisory services
- Livestock Health and Pest Authorities (LHPAs)
- Catchment Management Authorities (CMAs)
- Weeds County Councils
- Wild Dog Destruction Board
- Research and Development Corporations.

In 2011-12 the NSW Government facilitated a review of LHPAs, entitled the 'Ryan Review'. The Ryan Review found:

- That there are opportunities for greater administrative efficiency and improved services to landholders from LHPAs participating with other agencies in joint compliance and advisory functions on pest animals, animal and plant biosecurity
  - Both LHPAs and CMAs have excessive operational and governance overheads including:
    - one director for every 3 LHPA employees
    - offices in 65 and 76 towns respectively throughout NSW
    - 202 board members for both LHPAs and CMAs, costing taxpayers/ratepayers almost \$7m a year.
  - There is evidence of systematic weaknesses in corporate governance and accountability of individual Authorities to the State Management Council and, in turn, to the NSW Government and community, and there is scope for greater administrative efficiency
  - There are currently very limited opportunities for community members to influence and set priorities for LHPAs, CMAs and Agriculture advisory services.
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LHPA (biosecurity) resources are currently allocated on an historical basis for livestock industries and have not changed to meet the needs of other primary producers (such as grain and horticulture) who pay LHPA rates. Conversely there are biosecurity risk creators and beneficiaries who are not contributing to the rate base. Despite annual rate increases and grants from the NSW Government there are a number of LHPAs that are verging on insolvency.

A recent survey of farmers and landowners identified that there is an overwhelming consensus that there needs to be a change in the way that the NSW Government delivers its services to rural producers.

## **Report**

In response to the findings of the Ryan Review the NSW Minister for Primary Industries has recently announced the establishment of Local Land Services. The Services are regionally-based, semi-autonomous statutory organisations that are governed by a Board of both locally elected and skills-based members.

Local Land Services will replace the 13 Catchment Management Authorities (CMAs), 14 Livestock Health & Pest Authorities (LHPAs) and incorporate agricultural advisory services currently provided by Agriculture NSW (part of the Department of Primary Industries). The revised model will link natural resource management and primary industries and allow farmers and landowners to access services from one organisation.

The changes aim to give more control of local agricultural and natural resource management services to farmers and landowners and reduce the duplicity and confusion of the multiple agencies. The new Services will deliver locally prioritised services including:

- agricultural advice
- plant and animal pest control and biosecurity
- natural resource management
- emergency and disaster assessment and response.

The revised structure seeks to allow staff to work more closely with their communities, encourage innovation and integration across the landscape and be more accountable to ratepayers. Local Land Services will provide greater opportunities to work with community-based natural resource management organisations such as Landcare NSW and Greening Australia, as well as other co-funded organisations including Rural Research and Development Corporations.

The NSW Government will continue to invest over \$1 billion each year into the primary industries sector however the changes will reduce recurrent expenditure across the agencies by \$30.6m. This model provides for savings to be allocated to service delivery, rather than management expenses and overhead costs. Savings are expected to be gained for both government and individual ratepayers.

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An independent Reference Panel will be appointed to work with community and stakeholder groups to determine how the new services will be structured. The Panel will consist of representatives from the LHPA, CMA, NSW Farmers, Greening Australia, Landcare NSW, the Local Government & Shires Association and DPI organisations and will be chaired by Dr John Keniry, Commissioner, NSW Natural Resources Commission.

The Executive Director of the Australian Farm Institute (Mick Keogh) will manage consultation with stakeholders regarding:

- the key functions to be provided by the Local Land Services
- a broad and equitable rating framework and complementary service pricing system.

Further consultation will be undertaken to inform decisions about:

- a governance structure for the new Local Land Services that ensures appropriate accountability
- regional administrative boundaries.

The core functions, governance model and rate base model for the Local Land Services will be developed in 2013, where the Independent Pricing and Regulatory Tribunal will be approached to assist. An organisational structure will be developed and approved, and State and Regional Boards will be appointed before the end of 2013.

Local Land Services will be operational in January 2014. Throughout the transitional phase farmers and landholders will still be able to access existing services from DPI, LHPAs and CMAs. However one of the first actions to be carried out during the transitional phase will be to consolidate the number of CMAs from 13 to 11, this includes merging of Sydney Metropolitan CMA with the Hawkesbury-Nepean CMA.

Catchment Action Plans (CAPs), which are currently being updated, are still due to be completed by March 2013. This remains a NSW Government priority. CMAs will continue to engage with stakeholders and communities under the current framework. CAPs will be adjusted over time to reflect any reforms.

General weed management will stay with local councils; however, there will be increased cooperation between local councils and the new Local Land Services. This may be reviewed in the future.

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The full implications of the above changes for Council are unknown at this time. During the transitional phase the Campbelltown Local Government Area will fall under the jurisdiction of the amalgamated Sydney Metropolitan CMA and Hawkesbury-Nepean CMA. In the short term this will mean Council will work together with one CMA as opposed to two and ultimately one Local Land Service. Projects already committed to funding by either CMA will continue to be implemented. Council will participate in the CAP review for both the Sydney Metropolitan Region and the Hawkesbury-Nepean Region. Council will continue to source funds for weed management from the Weed Action Program administered by the Sydney Weeds Committee.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Thompson/Lound)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 20 November 2012 (Greiss/Lake)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 195**

That the Officer's Recommendation be adopted.

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## **2.8 Finalised NSW Strategic Regional Land Use Policy**

### **Reporting Officer**

Manager Sustainable City and Environment

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### **Attachments**

1. Location and status of current and proposed mining related projects in the Campbelltown Local Government Area (distributed under separate cover)
2. Summary of the response contained within the finalised Aquifer Interference Policy to issues raised in Council's submissions on the draft Aquifer Interference Policy
3. Correspondence received from the New South Wales Office of Water regarding the application of the Aquifer Interference Policy to State Significant Development
4. Correspondence received from the NSW Department of Planning and Infrastructure regarding the preparation of the Southern Highlands Strategic Regional Land Use Plan
5. Summary of suggested amendments to the Codes of Practice for Hydraulic Fracturing and Well Integrity.

### **Purpose**

To update Council on the NSW Government's finalised Strategic Regional Land Use Policy and to seek Council's endorsement of a draft response to the New South Wales Office of Water and Department of Resources and Energy, setting out Council's objections and concerns.

### **History**

The NSW Government released a draft Strategic Regional Land Use Policy (SRLUP) for public exhibition in February 2012. The purpose of the Policy was to provide protection to land of high agricultural and biodiversity significance within NSW from impacts associated with coal seam gas extraction and mining activities. The projects within the Campbelltown Local Government Area (LGA) of relevance to this Policy are the Camden Gas Project (CGP) (coal seam gas extraction), the Bulli Seam Project (BSP) (longwall mining) and the Menangle Sand and Gravel Project. A map showing the location of the key components and status of each of these projects is presented in Map 1 (Attachment 1).

At its meeting on 8 May 2012, Council considered a report on relevant documents associated with this Policy, namely the:

- Draft Strategic Regional Land Use Plans for the Upper Hunter and North West Regions of NSW
  - Draft Aquifer Interference Policy (Stage 1), that only applied to land identified by the above draft Plans as having high agricultural and biodiversity significance
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- Draft Code of Practice for Coal Seam Gas Exploration and associated Community Consultation Guidelines
- Guidelines for Agricultural Impact Statements that were not placed on exhibition as part of the draft Policy.

Following consideration of this report, Council resolved:

1. That Council endorse a draft submission to NSW Office of Water on Stage One of the draft Aquifer Interference Policy
2. That Council write to the Minister for Planning and Infrastructure and strongly request that all State Significant Developments (including those not determined) be subject to the full requirements of the Aquifer Interference Policy
3. That Council endorse a draft submission to the Department of Trade and Investment on the draft Code of Practice for Coal Seam Gas Exploration and associated Guidelines for Community Consultation Requirements for the Exploration of Coal and Petroleum, including Coal Seam Gas.

At a subsequent meeting on 31 July 2012, Council considered a report regarding advice received from the NSW Department of Planning and Infrastructure (NSW DP&I), that the Campbelltown LGA may not be included in a future Strategic Regional Land Use Plan for the Southern Highlands. Following consideration of this report, Council resolved:

That Council send correspondence to the Department of Planning and Infrastructure requesting that:

- a. a Strategic Regional Land Use Plan be developed to apply to all Local Government Areas within the southern coalfields
- b. interim measures for resolving conflicts between land use and mining operations be established and enforced until such time as a Strategic Regional Land Use Plan is developed and implemented for the area.

This report provides Council with an update on progress with the above resolutions and outlines a range of concerns with the recently released SRLUP. The report also recommends that Council make further representations to the State Government over these matters.

## **Report**

### **Strategic Regional Land Use Policy**

On 11 September 2012, the NSW Government released its finalised SRLUP. The Policy included the following documents (of relevance to mining related projects in the Campbelltown LGA).

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- **Aquifer Interference Policy:** This Policy has been amended from the exhibited document to extend its application Statewide and therefore has direct relevance to mining and coal seam gas extraction activities within the Campbelltown LGA
- **Guidelines for Agricultural Impact Statements:** These Guidelines are to be used for all new mining and coal seam gas projects (exploration and production) that may impact agricultural resources, whether or not they are located on land mapped as Strategic Agricultural Land. These Guidelines do not apply to mining projects within Campbelltown as the mining projects are existing (and so technically the Guidelines do not apply) and therefore, these Guidelines are not discussed in this report.
- **Codes of Practice for Coal Seam Gas Fracture Stimulation Code and Coal Seam Gas Well Integrity:** These documents were not previously exhibited and are discussed in this report.

The above documents and associated fact sheets as well as finalised Strategic Regional Land Use Plans for the Upper Hunter and North West regions of NSW can be viewed on the NSW DP&I website at <http://www.nsw.gov.au/strategicregionallanduse>.

The Code of Practice for Coal Seam Gas Exploration and associated Community Consultation Guidelines have not as yet been finalised by the Department of Resources and Energy to date. Consequently, details on these documents will be provided to Council upon their finalisation.

Council staff have undertaken a review of the relevant documents associated with the release of the Strategic Regional Land Use Policy and the following information is considered to be of relevance to Council.

## **1. Aquifer Interference Policy (AIP)**

The issues raised in Council's submission (pursuant to Council's resolutions of July 2012) on the draft AIP is provided in Table 1 (Attachment 2). This Table indicates that the AIP is considered to have largely addressed matters raised in Council's submission regarding site remediation, the assessment process related to applications seeking the exemption of low risk development from the requirements of the Policy and its application to gravel and sand extraction activities. However, the following discussion outlines issues raised in Council's previous submission that the AIP has failed to properly address.

### **a) Issues associated with the geographical application of the AIP**

Council's submission on the exhibited draft AIP was prepared within the context that it only applied to those parts of the State covered by the Draft Strategic Regional Land Use Plans for the Upper Hunter and North West Regions and that a subsequent document applying to the remainder of the State would be prepared at a later stage. In this regard, Council's submission advised that detailed comments specifically in relation to aquifer interference activities associated with the Camden Gas Project and the Bulli Seam Project would be provided upon the release of Stage 2 of the document. However, the decision to apply the exhibited Policy across the whole of NSW rather than prepare a subsequent document, has prevented an opportunity for Council to make necessary comments. Consequently, the finalised AIP has been prepared by the NSW Office of Water without adequate consideration of comments from Council.

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### **Suggested Council Response**

It is suggested that Council write to the Minister for Planning and Infrastructure expressing concern and disappointment that Council was prevented from providing detailed comments specifically in relation to aquifer interference activities associated with both the CGP and BSP as a consequence of the AIPs extended application to the whole of the State occurring, without further consultation and exhibition.

#### **b) Issues associated with the application of the AIP to certain aquifer interference activities**

##### **i. Application to mining and coal seam gas extraction developments**

Council's submission (pursuant to its resolutions in July 2012) expressed strong opposition to the proposed exemption of declared State Significant Development (SSD), (largely coal seam gas and mining projects), from requiring an aquifer interference approval as proposed by the exhibited draft AIP. In relation to this matter, an item in the NSW Government Gazette (dated 26 October 2012) advised of the declaration of the Camden Gas Project Stage 3 application as a SSD by the NSW Minister for Planning and Infrastructure in response to an application by the proponent. In accordance with Council's resolution of 8 May 2012, correspondence was forwarded to the Minister for Planning and Infrastructure strongly requesting that all existing and proposed SSD be subject to the full requirements of the AIP. The response received from the Commissioner, NSW Office of Water is provided as Attachment 3 and states that new SSD will be assessed based on the provisions of the finalised AIP, however, not the full requirements.

The finalised AIP has been amended to include requirements that relate to mining and coal seam gas proposals classified as SSD. However, it is considered that these amended requirements do not properly address Council's resolutions or issues raised in previous submissions, specifically in regard to both the Camden Gas Project and Bulli Seam Project, for the following reasons:

- SSD issued with Director General's Requirements, (including the Camden Gas Stage 3 Application) will not be subject to the full requirements of AIP including the referral of an application to a scientific panel by a Gateway Process prior to the lodgement of a development application to the NSW DP&I
  - The additional requirements in the AIP relating to SSD will not apply to the Bulli Seam Project because approval was granted under the former Part 3A process and the project is therefore not classified as a SSD
  - The AIP infers that the referral of applications as part of the CGP to the Gateway Panel will only occur in the event that the Campbelltown LGA is included into a Strategic Regional Plan. In this regard, correspondence was sent to the NSW DP&I requesting that the Campbelltown LGA be included in such a Plan. The reply to this letter (presented in Attachment 4) indicates the NSW Government has yet to make a decision on this matter
  - The likelihood of land of agricultural significance being identified within the Camden Gas Project is considered to be low based on the criteria adopted by the completed Regional Plans.
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### **Suggested Council Response**

It is suggested that Council write to the NSW Office of Water confirming Council's previous request that the full requirements of the AIP apply to all proposed and existing mining and coal seam gas related projects.

#### **ii. Application to aquifer interference activities specifically associated with longwall mining**

Council's previous submission on the draft AIP expressed concern that potential impacts on waterways (as a consequence of mine subsidence related impacts) was not required to be considered by proponents as part of the Aquifer Access Licence application process. The finalised AIP does not include any requirement for proponents to consider impacts on waterways during the preparation of aquifer interference applications nor requirements for the review of these applications by the NSW Office of Water. This is a poor outcome as far as the potential implications for groundwater stemming from impacts (including possible pollution) on waterways.

### **Suggested Council Response**

It is suggested that Council express its concern and disappointment to the NSW Office of Water that the finalised AIP has not specifically considered the issue of aquifer interference associated with longwall mining operations and request that the AIP be amended to specifically address this issue, prior to gazettal. It is further put forward that Council request the NSW Office of Water to provide comments regarding this matter when reviewing groundwater studies required by a condition of consent for the Bulli Seam Project.

#### **iii. Application to coal seam gas and exploration activities.**

The fact sheet associated with the finalised Strategic Regional Land Use Policy states that coal and gas exploration will be assessed by the NSW Office of Water based on the requirements of the AIP. However, this is contradicted by the finalised AIP which states that 'impacts of exploration activities on surface and groundwaters' is defined as minimal impact activities that are exempt from requiring an aquifer interference approval.

In addition, the AIP has been amended to include additional items to be considered by the NSW Office of Water when providing advice to a Gateway Panel in the case of 'petroleum, (which includes coal mining and gas extraction) exploration and production (including coal seam gas) activities'. However, this is also apparently contradicted by the released Fact Sheet for the Gateway Process, which states that this Panel will only provide 'scientific assessment of the impacts of mining and coal seam gas production proposals on Strategic Agricultural land', not the impacts of mining and coal seam gas exploration proposals. This is unacceptable.

### **Suggested Council Response**

It is suggested that Council seek clarification from the NSW Office of Water regarding the application of the finalised AIP to exploration activities and confirm Council's previously expressed viewpoint that any exploration activity for both coal seam gas extraction and coal mining must be assessed on the full requirements of the AIP. Should it be the case that the AIP does not apply, then it is appropriate that Council consider taking this issue up with the NSW Government at a Ministerial level.

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**iv. Application to low risk aquifer interference activities**

The finalised AIP has been amended to include a list of activities considered by the NSW DP&I to have a minimal impact on ground and water resources, which includes '*building and work pads*'. This amendment however has only partially responded to Council's former request for clarification regarding the potential implications of the AIP to Council's Sustainable City Development Control Plan.

**Suggested Council Response**

It is suggested that Council seek further clarification from the NSW Office of Water regarding the application of the Policy to larger scale development that may potentially involve the 'dewatering' of building sites such as industrial development and the role local government may have in administering the Policy in relation to this matter.

**c) Issues associated with the assessment and approval process for aquifer interference applications**

**i. Assessment of applications**

The finalised AIP has been amended to include additional information required to be included in an aquifer interference licence application, such as requiring SSD proponents to include modelling of groundwater behaviour. These requirements have direct relevance to the Camden Gas Project Stage 3 Application following the recent declaration of this application as a SSD by the NSW Minister for Planning and Infrastructure.

However, deficiencies remain in the response to issues raised by Council's submission listed in Table 1 (Attachment 2), that include an absence of any requirement for proponents to carry out computerised modelling for all mining and coal seam gas related aquifer interference licence applications. In this regard, a report considered by Council at its meeting on 16 October 2012 referred to specialist advice received by Council that such modelling is essential to obtain a meaningful understanding of groundwater behaviour. This response to Council's concerns is unacceptable.

**ii. Approval process for licence applications**

The finalised AIP contains additional requirements for the approval of aquifer interference licence applications by requiring proponents to obtain a 'gateway certificate' from the scientific Gateway Panel. The Gateway Panel may require additional assessment if the Panel considers criteria for the assessment of impacts on groundwaters are not satisfied. However, these requirements only apply to SSD located on identified strategic agricultural land.

In addition, the fact sheet for the Strategic Regional Land Use Policy states that project applications with issued Director General's Requirements (DG Requirements) such as the Camden Gas Project Stage 3 Application, will not be required to obtain a gateway certificate but will be referred to the panel for advice prior to determination. These requirements of the Strategic Regional Land Use Policy have therefore not adequately addressed Council's request for detailed assessment of potential groundwater impacts associated with Stage 3 of the Camden Gas Project.

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The fact sheet further states that applications with issued DG Requirements will be required to be assessed based on the AIP and also be referred to the Commonwealth Independent Expert Scientific Committee for advice where the project will impact on highly productive groundwater, prior to determination. This requirement is consistent with a resolution of Council at its meeting of 6 March 2012 that requested the Bulli Seam Project be commissioned by the Committee to investigate the impacts of the approved development on water resources. However, there is an absence of any reference to this Committee in the AIP, in regard to future project applications as well as existing project applications without issued DG Requirements involving aquifer interference activities.

### **Suggested Council Response**

It is suggested that Council acknowledge the inclusion of additional assessment and approval requirements for aquifer interference licence applications that have relevance to the CGP Stage 3 Application. However, it is submitted that Council send correspondence to the NSW Office of Water that:

- States Council's disappointment that all mining and coal seam gas proposals will not be subject to the full requirements of the AIP
- Expresses the view that all coal seam gas extraction and mining projects be referred to the Commonwealth Independent Expert Panel for advice as part of the assessment process
- Requests a meeting with Council officers to discuss deficiencies of the finalised AIP in responding to issues raised in Council's submissions regarding the Bulli Seam Project and Camden Gas Project.

## **2. Land and Water Commissioner**

A fact sheet associated with the released Strategic Regional Land Use Policy states that the 'Office of a Land and Water Commissioner has been established by the NSW Government to provide independent advice to the community regarding exploration activities on strategic agricultural land throughout NSW'. The purpose of this Office is noted to have similarities with aspects of the Code of Practice for Coal Seam Gas Exploration and associated Community Consultation Guidelines which are understood to be still under consideration by the NSW Government. It is therefore appropriate that Council broadly view the establishment of this Office and its intended roles and responsibilities as an appropriate initiative in terms of responding to issues previously raised in Council's submissions. However, it is also suggested that Council defer adopting a formal position and providing any comment on this matter until further detail regarding the functions and activities of the Commissioner are made available.

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### **3. Code of Practice for Coal Seam Gas Fracture Stimulation (Fracking Code of Practice) and Coal Seam Gas Well Integrity**

The preparation of both of these Codes has partly addressed shortcomings in the assessment of potential impacts associated with the establishment and maintenance of coal seam gas extraction wells and execution of fracking activities, on water resources. However, both documents have been identified as requiring amendment to adequately address issues raised by Council in previous submissions, as well as to achieve consistency with specialist groundwater advice received by Council as provided in Table 2 (Attachment 5). This includes:

- The assessment process for aquifer interference activities should be linked to the AIP rather than a 'transport study for fracking' and a Part 5 assessment for well establishment as proposed
- Proponents should be required to monitor other aquifers in close proximity to the gas well to ensure that fracking or well operations do not impact upon the integrity of the well and consequently pollute these aquifers.

#### **Suggested Council Response**

It is suggested that Council should support in principle the stated purpose of both Codes of Practice to strengthen the controls applying to gas exploration and production. However, it is put forward that Council write to the Department of Resources and Energy requesting amendments to the codes to address the identified technical deficiencies as detailed in Table 2 (Attachment 5) prior to their enactment.

#### **Conclusion**

A key component of the released Strategic Regional Land Use Policy with particular relevance to mining related projects, is the Aquifer Interference Policy. Council's submission on the draft version of this document was prepared in accordance with initial advice received from the NSW Office of Water, that a subsequent Stage 2 of the document having direct relevance to the Campbelltown LGA would be prepared and placed on public exhibition in the (then) near future.

This report recommends that Council write to the NSW Minister for Planning and Infrastructure expressing concern and disappointment over the expansion and finalisation of this Policy to now apply to the whole of the State without the opportunity to fully consider the implications of this Policy upon the Campbelltown LGA.

This report has also outlined amendments to the AIP that have addressed issues raised by previous Council submissions in regard to the draft document as well as the Camden Gas Project Stage 3 Application and the Bulli Seam Project. However, there are shortcomings in the finalised document including requirements that limit the review of aquifer licence applications to those only applying to SSD proposals occurring on agricultural significant land identified by Regional Plans. In relation to this matter, it is recommended that Council write to the NSW Office of Water acknowledging limited aspects of the AIP and requesting an urgent meeting with officers to discuss issues raised in Council's previous submissions not satisfactorily addressed in the finalised AIP and options to address these issues.

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This report has also discussed Codes of Practice for Coal Seam Gas Fracture Stimulation and Well Integrity as well as proposed responsibilities of a Land and Water Commissioner as being appropriate initiatives in addressing issues previously raised by Council. However, the report also has outlined a range of deficiencies such as insufficient linkage with the requirements of the AIP, that should be addressed prior to the enactment of both documents.

### **Officer's Recommendation**

1. That Council acknowledge amendments to documents within the finalised Strategic Regional Land Use Policy that have largely addressed matters raised in previous submissions on the Camden Gas Stage 3 Application and Bull Seam Project.
  2. That as a matter of urgency Council send correspondence to the New South Wales Office of Water that:
    - a. reiterates its previous request that the full requirements of the Aquifer Interference Policy apply to all proposed and existing mining related projects.
    - b. expresses concern and disappointment that the finalised Aquifer Interference Policy has not specifically considered the issue of aquifer interference associated with longwall mining operations.
    - c. requests clarification in regard to the application of the Aquifer Interference Policy to larger scale development and the role local government will have in the administration of this matter.
    - d. requests clarification on the application of the finalised Aquifer Interference Policy to coal seam gas and mining exploration activities.
    - e. requests a meeting with Council officers to discuss deficiencies of the finalised Aquifer Interference Policy.
  3. That Council write to the NSW Minister for Planning and Infrastructure and NSW Minister for Primary Industries expressing concern and disappointment to the expansion of the Aquifer Interference Policy to apply Statewide without appropriate consultation with Council.
  4. That Council write to the Department of Resources and Energy acknowledging the stated purpose of the Codes of Practice for Coal Seam Gas Fracture Stimulation and Well Integrity but requesting both documents be amended to address deficiencies contained in Attachment 5 of this report.
-

**Committee's Recommendation: (Thompson/Matheson)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 20 November 2012 (Greiss/Lake)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 195**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 2

### Summary of the response to issues raised in Council's Submission on the Aquifer Interference Policy

Issue	Applicable comments in Council's submission	Nil	Partial	Fully	Comment
<b>1. Proposed staged preparation of the Policy</b>					
Expansion of the exhibited Policy to apply Statewide	<p>The expression of any more definitive support is deferred until the second stage of the AIP when Council will provide further comment</p> <p>Council requests that specific interim requirements for the assessment of aquifer interference applications relevant to areas located outside of Stage 1 of the Policy, including the Campbelltown LGA be put in place.</p>	NA	✓		The NSW Government expanded the exhibited AIP to apply Statewide to have direct relevance to the Campbelltown LGA. This has prevented Council from providing detailed comment specifically in regard to the CSG and BSP.
<b>2. Application of the Aquifer Interference Policy</b>					
2.1 Camden Gas Coal Seam Gas Project	Council is concerned that impacts associated with the use of chemicals and other liquids as part of the operation, maintenance and fracking components of coal seam gas are not covered by the Policy.		✓		The Codes of Practice for Well Operation and Fracing include items regarding this matter. However, both Codes are not directly linked to the requirements of the AIP.
2.2 Bulli Seam Project	<p>Council is concerned that the exhibited draft AIP does not provide sufficient direction for the issue of potential impacts on aquifers as a consequence of longwall mining operations to be adequately considered by proponents.</p> <p>Council considers it imperative that all large scale mining and coal seam gas extraction development (both existing and proposed) be subject to the full requirements of the AIP.</p>	✓			<p>There are no requirements for proponents to specifically assess this issue.</p> <p>The Policy requires a Gateway Certificate for SSD on agricultural significant land identified by SR Plans as well as additional requirements for proponents of SSD.</p> <p>However, the full requirements of the finalised AIP will not apply to all aspects of the CGP and BSP.</p>
2.3 Application to State Significant Developments			✓		The AIP provides details regarding this matter.
2.4 Application to sand and gravel extraction activities	Absence of detail regarding the application of the requirements of the Policy to these activities.			✓	

2.5 Application to low risk activities	<p>Council requests the provision of additional detail in relation to the:</p> <ul style="list-style-type: none"> <li>• Types of development that are not subject to the requirements for an aquifer interference licence.</li> <li>• Process for obtaining a licence as compared to integrated developments that require permits as part of the development application process.</li> <li>• Processes for identifying the likelihood of an activity subject of a licence application interfering with aquifers.</li> </ul> <p>Council requests that the exhibited AIP be amended to provide a definitive statement regarding the application of the document to the privately licenced bores in the rural section of the Campbelltown LGA.</p>	✓	<p>The AIP provides details on the types of development that is not exempt.</p> <p>However, clarification is needed regarding the referral process and involvement of local governments regard to large developments involving the dewatering of aquifers.</p>
<b>3. Comments in regard to Section 2. Licencing the water taken through an aquifer</b>			
3.1 Monitoring of the compliance with licence requirements	<p>Council requests the AIP be amended to specify process requirements for the monitoring of the compliance of proponents with the requirement that 'separate licences be obtained to account for the take of water from all individual water sources.</p>	✓	<p>The finalised AIP does not include and requirements in relation to this matter</p>
3.2 Activities that do not require an aquifer access licence	<p>The details within the Policy regarding the volumes and extraction rates of groundwater that are exempt from requiring a licence are considered to generic and insufficiently definitive for the purposes of identifying the need to obtain an aquifer access licence.</p>	✓	<p>The AIP requires proponents to consider the broad volumetric requirements of Water Sharing Plans. However, there is an absence of detail regarding volumetric exemptions.</p>
3.3 Relationship of the Policy to Water Sharing Plans	<p>There is an absence of detail regarding the intended monitoring of the total amount of entitlement held in the groundwater source compared to extraction limits specified in the relevant Water Sharing Plan.</p>	✓	<p>The finalised AIP includes requirements linked to Water Sharing Plans. However, there is an absence of detail regarding intended monitoring.</p>

<b>4. Proposed assessment and determination process for licence applications</b>				
<b>4.1 Review of the assessment of environmental impacts</b>	<p>The exhibited document be amended to require applicants to consider the following in a licence application:</p> <ul style="list-style-type: none"> <li>• Aquifer connectivity and groundwater and surface connectivity.</li> <li>• Potential impacts on the condition of groundwaters and receiving waters as well as associated ecosystems, rather than dependent ecosystems as proposed.</li> </ul>	✓	✓	The finalised AIP includes additional considerations for the NoW regarding connectivity and impacts on dependent (not associated) ecosystems in determining the level of impacts on water sources. However, these requirements only apply to SSD on strategic agricultural land.
<b>4.2 Demonstration of minimal harm</b>	<p>Council considers that the AIP is unsatisfactory in requiring the assessment of the following issues by applicants to demonstrate 'minimal harm' as it fails to address the following:</p> <ul style="list-style-type: none"> <li>• Aquifer interconnection and associated impacts during drilling and maintenance operations.</li> <li>• Cumulative impacts associated with coal seam gas and longwall mining operations on the condition of groundwaters and receiving waters within a multilayer and lateral context.</li> </ul> <p>Council's view is that the AIP specify that all mining and coal seam gas related licence applications contain three dimensional modelling based on latest guidelines and research and that this be independently peer reviewed.</p>	✓	✓	The finalised AIP requires proponents of SSD applications to estimate all predicted impacts associated with the activity. However, there are no specific requirements in relation to the issues raised by Council.
	<p>It is recommended that the proposed framework item be amended to the following:</p> <p><i>Provision of demonstration that the proposal includes strategies to prevent more than minimal harm to water sources and associated impacts on the natural and built environment.</i></p>	✓	✓	The finalised AIP requires proponents of all SSD undertake modelling which will apply to the CGP if this is classified as SSD. However, it does not stipulate 3D modelling.
				The finalised AIP has not been amended to include requirements in relation to this matter

<b>5. Proposed exemptions from the requirements of the Aquifer Interference Policy</b>				
5.1 Approved State Significant Developments	Council opposes the proposed exemption of state significant mining and coal seam gas developments from requiring an aquifer interference approval.		✓	The section in the draft AIP regarding exemptions of approved SSD has been removed. However, the finalised document does not include any requirements relating to approved SSD.
5.2 Mineral, coal and gas exploration	Council requests that exploration activities associated with both mining and coal seam gas projects, not be exempt from the requirements of the AIP.	✓		There is a level of ambiguity in the application of the AIP to exploration activities that require clarification.
<b>6. Security Deposits and Penalties</b>				
Funding of site remediation	Council requests information regarding the process for costings of the deposit, whether it is indexed over time and the viewpoint of the NoW in regard to the effectiveness of measures to remediate impacts that have occurred to groundwaters as a consequence of mining operations	✓		The finalised AIP has not been amended to include any information regarding this matter.



## ATTACHMENT 3



Department of  
Primary Industries  
Office of Water

File ref: MF12/5855

Mr Paul Tosi  
General Manager  
Campbelltown City Council  
PO Box 57  
CAMPBELLTOWN NSW 2560

06/07/12 08:10:36 RCVD

Dear Mr Tosi

I refer to your letter of 22 May 2012 to the Hon Brad Hazzard MP, Minister for Planning and Infrastructure, Minister Assisting the Premier on Infrastructure NSW, concerning the draft NSW Aquifer Interference Policy. Your correspondence was forwarded to the Minister for Primary Industries, who has asked me to reply on her behalf.

The draft Policy ensures that water taken by certain activities that may interfere with aquifers is properly licensed and accounted for in our water sharing arrangements.

State significant mining and coal seam gas proposals will be assessed through a gateway process, taking into consideration advice provided by the Minister for Primary Industries, which will be based on the provisions of the Policy.

The initial public exhibition of the draft Policy occurred during March to May 2012 and resulted in more than 500 submissions being received from interested parties. Following consideration of the matters raised in those submissions, amendments were made to the draft Policy which required further consultation being undertaken with key stakeholders.

The stakeholder consultation period closed on 10 July, but due to requests for more time to consider these changes, this was subsequently extended to 20 July. Comments arising from the stakeholder consultation will now be reviewed, after which the Aquifer Interference Policy will be finalised and implemented.

Thank you for raising this matter with the Government.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Harriss', with the date '31.7.2012' written below it.

**David Harriss**  
Commissioner, NSW Office of Water

## ATTACHMENT 4



Planning &  
Infrastructure

Office of the Director General

Mr Paul Tosi  
General Manager  
Campbelltown City Council  
PO Box 57  
CAMPBELLTOWN NSW 2560

12/13336

Dear Mr *Tosi* *Paul*

I refer to your letter concerning the application of the Southern Highland Strategic Regional Land Use Plan to Campbelltown City Council.

I have noted the issues you have raised in your letter and can advise that as the preparation of the Southern Highlands Strategic Regional Land Use Plan is still in the preliminary stages, no final decision on the scope or boundaries of the plan have been made. However, I can assure you Council's views will be considered as part of further preparation of this draft plan, including resolving the final boundaries.

A new Metropolitan Strategy for Sydney is currently being developed. This Strategy will address land use conflicts between mining and coal seam gas developments and residential and agricultural activities in the greater metropolitan region. The public exhibition period for the discussion paper "Sydney Over the Next 20 Years" recently concluded on the 29 June 2012.

I can also advise the NSW Government has introduced a range of new initiatives designed to address concerns around coal seam gas exploration and mining and land use conflicts.

New arrangements around the issuing of exploration licences for coal and coal seam gas have been put in place. These include banning the use of BTEX chemicals in fracking fluids and banning evaporation ponds. The Government has also placed a moratorium on hydraulic fracking for coal seam gas drilling until this issue has been further reviewed. In addition, community consultation guidelines have been developed to ensure communities are both aware of and consulted on new licence applications.

The Government is also putting in place Strategic Regional Land Use Plans which map strategic agricultural land. These plans also outline the proposed gateway process to apply to State significant mining and coal seam gas proposals on mapped areas. Under this process, such proposals will be subject to a rigorous and upfront assessment by an independent, expert panel, before the proposal can proceed to the development application stage.

Draft Strategic Regional Land Use Plans for the New England North West and Upper Hunter regions were recently on public exhibition between 8 March 2012 and 14 May 2012, along with a draft NSW Aquifer Interference Policy which provides improved protection for groundwater. A draft Code of Practice for Coal Seam Gas Exploration was also released for public exhibition during this period. All submissions received have now been carefully reviewed and will be a key

input to the finalisation of these key policy initiatives. A copy of all documents can be found on the Department of Planning and Infrastructure's website.

An Agricultural Impact Statement (AIS) is also now required for any mining or coal seam gas proposal with the potential to affect agricultural resources or industries. The requirement for an AIS applies State-wide and will therefore ensure a heightened assessment of the agricultural impacts of mining and coal seam gas development.

Should you have any further enquiries about this matter, I have arranged for Mr Daniel Keary, Director – Strategic Regional Policy, of the Department of Planning and Infrastructure, to assist. Mr Keary can be contacted on telephone number 02 9228 6373.

Yours sincerely

  
Sam Haddad  
Director General

24/8/2012

## ATTACHMENT 5

Summary of Suggested Amendments to the Codes of Practice for Hydraulic Fracturing and Well Integrity

Issue	Identified amendments that would address identified deficiencies and issues raised in Council's submissions	Applicable documents	
		Fracturing Code of Practice	Well integrity Code of Practice
Compulsion of documents	The requirements (particularly in regard to the Fracturing Code of Practice) should be mandatory rather than good practice to ensure that they are implemented by proponents.		✓
Consultation and community related issues	The consultation with stakeholder requirements should be amended to specify minimum requirements such as residents living within a certain distance of well heads.	✓	
	Requirements regarding fencing should be amended to include requirements regarding the fencing of any evaporation ponds to prevent potential drowning.		✓
Protection of impacts on water sources	The requirements of the Code in terms of protecting water sources needs to be made mandatory for all large scale mining and coal seam gas extraction activities rather than for applications assessed under the Gateway process.	✓	✓
	The Code should be amended to require proponents to assess the potential for release of any naturally occurring BTEX chemicals in groundwaters	✓	✓
	The assessment process for impacts on aquifers and aquifer interference activities should be linked to the AIP rather than a 'transport' study for fracturing and Part 5 assessment for well establishment as proposed.	✓	
Execution of fracturing and establishment of wells	The overview of well operations requires amendment to include de-watering of aquifers as part of the gas extraction process.	✓	
	The review procedures in relation to the Fracture Safety Management Plan require amendment to specify the associated approval process.	✓	
	Safety Management Plans are not required to be forwarded to relevant Local Emergency Management Committees to ensure that local authorities are able to assist in the event of an emergency.	✓	✓
	Monitoring of consistency with licence and consent conditions as well as predictions in the application and associated regular reporting to the NSW EPA needs to be required during well establishment and operation and the execution of the hydraulic fracturing process.	✓	✓

## **2.9 Edmondson Park South - Draft Place Framework, Public Art Strategy & Reserve Names for Bardia Stage 1**

### **Reporting Officer**

Manager Sustainable City and Environment

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### **Attachments**

1. Location Map of Edmondson Park South and Suburb of Bardia (distributed under separate cover)
2. Edmondson Park South - Character Areas (distributed under separate cover)
3. Edmondson Park South - Open Space areas (distributed under separate cover)
4. Character Area 5 – Suburban Alternative (distributed under separate cover)
5. Character Area 6 – European Neighbourhood (distributed under separate cover)
6. Character Area 7 – Australian Bushland Neighbourhood (distributed under separate cover)
7. Character Area 8 – Rural Residential (distributed under separate cover)
8. Public Art Themes – Bardia Open Space (distributed under separate cover)
9. Location Map of Proposed Reserve Names for Bardia Stage 1. (distributed under separate cover)

### **Purpose**

To seek Council's endorsement of the Edmondson Park South - Place Framework, Edmondson Park Public Art Strategy and approval to publicly exhibit proposed reserve names in Bardia stage 1.

### **History**

The area known as Edmondson Park South consists of land that was previously owned by the Commonwealth Department of Defence (being the former Ingleburn Army Camp) and is now owned by Landcom. It falls within the boundaries of both the Campbelltown and the Liverpool Local Government Areas (LGA). However, the portion located within the Campbelltown LGA, and now known as Bardia, is shown on the location map marked Attachment 1.

*Campbelltown (Urban Area) Local Environmental Plan 2002 - Amendment No 12 (LEP)* was gazetted on Friday 31 March 2006, and provided for the rezoning of that part of the Edmondson Park Urban Release Area which falls within the Campbelltown LGA, for future urban development.

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## 2.9 Edmondson Park South - Draft Place Framework, Public Art Strategy & Reserve Names For Bardia Stage 1

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However, on 5 July 2010 the then Minister for Planning agreed to include a proposal for the development of Edmondson Park South for urban purposes, within Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* (SEPP), and subsequently the site was rezoned for residential, mixed use and environmental protection on 5 August 2011. On 18 August 2011 the Planning and Assessment Commission (PAC) approved a concept plan for the proposed development of the whole of Edmondson Park South, including Stage 1 (land within Campbelltown LGA) which proposed the subdivision of approximately 206 residential lots, 15 environmental living lots and the provision of site infrastructure, open space and utilities on land located west of Macdonald Road. Development approval has subsequently been issued by the State Government for Stage 1, and as a result Council has approved a number of construction certificate applications for the subdivision of the land. It is anticipated that the first residential allotments will be released by the end of this year.

To assist with the establishment of the future character of development within Edmondson Park South, Landcom has commissioned a number of reports to set the direction for the 'look and feel' of the new suburb of Bardia. The draft Edmondson Park South - Place Framework and draft Edmondson Park Public Art Strategy have been prepared for this purpose and are discussed in this report for consideration for endorsement by Council. This report also seeks Council's approval for the purpose of public exhibition, of proposed reserve names in Bardia Stage 1.

## Report

### 1. Edmondson Park South – Place Framework

The Draft Edmondson Park South – Place Framework is a 130 page document and to reduce the size of the attachments to this report, key extracts from the document are provided as attachments rather than attaching the entire document. However a full copy of the document can be provided upon request to the Director of Planning and Environment. It should also be noted that a number of the public open space names used in the Draft Edmondson Park South – Place Framework have since been amended following discussion between Landcom and Council staff and for clarification purposes both names are provided in this report. Further discussion regarding open space names is provided in a separate section of this report.

Place making is the process of creating places that people inherently understand, participate in and feel ownership of. These places respond to the unique 'essence' or character of their location and build authentic and meaningful relationships between people, and between people and their environments.

The Place Framework provides high level strategic direction for the development of a unique place character for Edmondson Park South. It synthesises key findings, desktop research, site investigations and observation methods, workshop findings and drivers to determine a positive and emerging sense of place for Edmondson Park South.

In developing the Place Framework, Landcom have proposed eight 'character areas' for neighbourhoods throughout Edmondson Park South, four of which are located in the suburb of Bardia. Each character area has its own purpose and identity which ensures there is a diversity of experience to suit different user/ resident groups based on neighbourhood units.

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## 2.9 Edmondson Park South - Draft Place Framework, Public Art Strategy & Reserve Names For Bardia Stage 1

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Each character area has been designed with particular features and principles in mind often based around the existing geographical, vegetative or historical characteristics of the area which are then reflected in lot size, building design, open space provision, street planning and street names. The specific character areas within Bardia are graphically shown in Attachment 2 and are summarised in this report along with the public open space provision in each character area.

Each area of public open space has a role to play in developing a location's character and this is based on its size, amenities provided and the visitors it is likely to attract. In Edmondson Park a hierarchy has been developed for public open space based on how attractive the open space will be in terms of its ability to attract people from a certain distance or catchment. Local/Neighbourhood parks are designed on a vehicle travel time of up to 10 minutes, a District/Local park on a vehicle travel time of between 10 to 20 minutes while a Regional/District park is based on a vehicle travel time of 20 or more minutes.

Attachment 3 shows the location of each area of open space proposed to be provided within Edmondson Park South, however as indicated previously, some of the names shown are proposed to be amended. The attachment also lists the types of facilities proposed to be provided, however the type and number of facilities at some areas of open space are not consistent with the original commitments made by Landcom and these issues are currently being discussed as part of the Planning Agreement which will be reported separately to Council in the near future. Further details in relation to the naming of public open space in Bardia Stage 1 is provided later in this report.

The following is a summary of each of the 'character areas' within the suburb of Bardia:

### **Area 5 – Suburban Alternative**

Full details of Area 5 are provided in Attachment 4.

Purpose – Higher density lots for a new suburban lifestyle alternative.

Character – Balancing traditional values with contemporary design and lifestyles, this area will contain a range of diverse housing options to create an alternative feel within the traditional suburban landscape.

Open Space:

Ingleburn Park – will be an informal active play, local/neighbourhood park that accommodates multiple users.

Northern Corridor – will be a passive green corridor reserve designed to protect the existing vegetation while allowing pedestrian connection and interaction.

Maxwell's Creek Oval & Park – will be a district/local attraction that consists of formal sports ovals surrounded by an indigenous landscape.

### **Area 6 – European Neighbourhood**

Full details of Area 6 are provided in Attachment 5. Area 6 is located within Bardia Stage 1.

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## 2.9 Edmondson Park South - Draft Place Framework, Public Art Strategy & Reserve Names For Bardia Stage 1

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Purpose – Mid to large lot suburban family homes – traditional European.

Character – A traditional suburban neighbourhood with European style landscaping, the area will feel safe with a comfortable environment.

Open Space:

Mont St Quentin Oval – will be a regional/district attraction designed for AFL and Cricket.

Mont St Quentin Park – incorporated within the Mont St Quentin Oval land parcel it will be a district/local attraction designed as a passive and un-programmed traditional park.

Cumberland Park - proposed to be called 'Brigade Park' it will be a local/neighbourhood park with an engaging native landscape designed to integrate fitness, adventure play, bush trails and pedestrian connection.

### **Area 7 - Australian Bush Neighbourhood**

Full details of Area 7 are provided in Attachment 6.

Purpose – Mid to large lot suburban, affordable family homes located in a semi- bush setting.

Character – Tradition suburban development in an Australian semi-bush setting centred on the communal riparian corridor. This tranquil, relaxing precinct feels somewhat private. Set against a backdrop of native bushland, it will be focused on family comfort and safety.

Open Space:

Bardia Park – will be a local/neighbourhood park incorporating a water body and vegetation transition from endemic to European.

Southern Corridor – will be a passive green corridor reserve designed to protect the existing vegetation while allowing pedestrian connection and interaction.

### **Area 8 – Rural Residential**

Full details of Area 8 are provided in Attachment 7. Area 8 is within Bardia Stage 1.

Purpose – Rural Residential

Character – large blocks with large family homes and a sense of both exclusiveness and privacy. The area will have an expansive, grand and prestigious feel associated with larger mansion style housing and organic landscapes.

Open Space:

Valley Reserve – proposed to be called Memorial Forest Reserve is a district/local attraction designed to be a free, open and organic space for local residents with dogs to explore.

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## 2.9 Edmondson Park South - Draft Place Framework, Public Art Strategy & Reserve Names For Bardia Stage 1

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The current Stage 1 of the subdivision for the suburb of Bardia contains all of Area 6 and the majority of Area 8.

The Draft Edmondson Park South – Place Framework was circulated to a number of Council's operational areas for comment including Development Services, Technical Services, Cultural Services, Recreation Services and Community Development. Comments received offered no objection to the Place Framework, however provided suggestions on the practical operation and maintenance of the areas which will be discussed with Landcom during the detailed design phase of the project.

While not a statutory document, the Place Framework is an overall master plan theme based concept and should it be endorsed by Council, Landcom would need to ensure that each specific subdivision/development application for each specific 'character area' is consistent with the Place Framework. Consequently it is considered appropriate that Council endorse the Draft Edmondson Park South – Place Framework for the 'character areas' contained within the Campbelltown LGA, as set out above.

### **2. Edmondson Park Public Art Strategy**

The Edmondson Park South Public Art Strategy has been developed as an extension to the Place Framework. The Public Art Strategy provides both a high level conceptual framework to inform the thinking around all future public art commissions and specific themes associated with key public spaces and parks throughout the development area. These themes have been developed with reference to contextual research and the place making guidelines outlined in the Place Framework.

Within the suburb of Bardia, Landcom proposes to provide Public Art in Mont St Quentin Oval, Mount St Quentin Park, Bardia Park and Ingleburn Park as follows:

#### **Mount St Quentin Oval**

Theme – Recollection

Concept – Recollection will reference military heritage and enhance commemoration through a series of "warm and intimate fragments and personal mementos."

#### **Mount St Quentin Park**

Theme – Living Memory

Concept – Living Memory will be expressed in a memorial garden through "sculptured or woven trees and stone landscape elements."

#### **Bardia Park**

Theme – Strange Fruit

Concept – Strange Fruit will create a "welcoming and inclusive environment through a series of works, a family of forms with a centre piece that will engage and support park activation."

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## 2.9 Edmondson Park South - Draft Place Framework, Public Art Strategy & Reserve Names For Bardia Stage 1

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### **Ingleburn Park**

Theme – Come Together

Concept – Come Together will provide a gathering space for on-lookers watching children play. Sculptures will reference the diverse range of cultural backgrounds and traditions of the Edmondson Park community.

Further information on the specific themes and examples of the typical types of artwork that may be used is provided in Attachment 8. The Draft Edmondson Park Public Art Strategy was circulated to a number of Council's operational areas for comment including Development Services, Technical Services, Cultural Services, Recreation Services and Community Development. Comments received offered no objection to the overall theme and concepts proposed, however concerns were raised regarding commissioning of the artist, maintenance and asset management of the artwork.

Landcom are proposing a four stage process in the commissioning of the Public Art being Stage 1 Initiation and Artist Selection; Stage 2 Concept and Design Development; Stage 3 Fabrication and Installation; Stage 4 Handover and Asset Management.

While Landcom will be financially responsible for commissioning the artist and the completed art works, Council will ultimately be the owner of the art work as the Art will be installed on public land and therefore, Council will be responsible for ongoing maintenance. Accordingly, it is recommended that during Stage 2 of the Public Art Commissioning Process, the final designs be approved by Council prior to fabrication and installation. As part of the approval stage Council can enter into an agreement with Landcom in relation to the long term maintenance and hand over of the art work to Council.

### **3. Proposed Reserve Names – Bardia Stage 1**

Four reserve names have been proposed by Landcom and the locations of these reserves in Stage 1 of this development are shown in Attachment 9 to this report. Further requests for reserve names in future stages of Bardia will be made on an individual basis to Council. The proposed reserve names, and reasons for selecting them, are listed below.

**Mont St Quentin Oval (incorporating Mont St Quentin Park)** – it is proposed to retain this name because of its significant historical association with the former Ingleburn Army Camp. This area of open space is listed as an item of local heritage significance and was the original parade ground and sports field for the camp.

On 3 August 2012, the NSW Heritage Council considered a report on the listing of the Ingleburn Military Precinct and the Mont St Quentin Oval on the SHR. It made a recommendation to the Minister for Environment and Heritage that the listing should occur and that the agreed exemptions should be endorsed. Council will be provided with further information once the Minister has made a decision.

It is believed that the oval was formally laid out after initial construction work on the camp was completed in 1942. At that time it was simply called 'Ingleburn Oval' and retained this name until Lieutenant General Sir Frank Horton Berryman was appointed General Officer Commanding Eastern Command (GOC EC) in 1945 when it was renamed 'Berryman Oval'.

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## 2.9 Edmondson Park South - Draft Place Framework, Public Art Strategy & Reserve Names For Bardia Stage 1

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In the late 1940s there was a general move to rename military facilities after World War II battles and 'Alamein' was suggested as the name for this oval. However, this name had already been allocated to a number of military installations and, following some debate, the name 'Mont St Quentin Oval' was selected after one of the final battles of World War I. The capture of the heavily fortified village of Mont St Quentin and the town of Peronne in September 1918 involved the 1st, 2nd, 3rd and 5th Australian Divisions and a total of nine Victoria Crosses were awarded to Australians during eight days of heavy fighting.

As the name 'Mont St Quentin Oval' is the most recently used and, it is understood, the most widely accepted name for this area of public open space, it is proposed that it be preserved in the naming of this reserve.

**Cumberland Park** – this name was nominated to reflect the remnant Cumberland Plain Woodland located within this area of open space and protected under the Edmondson Park Conservation Agreement.

However, in reviewing the name of this reserve Council staff requested that Landcom consider a name that is directly associated with the military history of the site. In response, Landcom have provided 'Brigade Park' as an alternate name. Brigade Park is considered appropriate to commemorate the various brigades that were formed and trained at the Ingleburn Army Camp.

In addition to a training establishment, Ingleburn Army Camp was also an assembly point for Army brigades during World War II, prior to their departure for service overseas.

The 16th Australian Infantry Brigade and its supporting units first assembled at Ingleburn Camp in November 1939, soon after the outbreak of World War II, as one of the first three infantry brigades of the Second AIF. The Brigade left Ingleburn for overseas service in January 1940 and served with great distinction in Libya, Greece, Crete, Syria, Papua and New Guinea.

The 18th Brigade assembled at Ingleburn in January 1940. As part of the 9th Division, the Brigade fought in the siege of Tobruk, at Milne Bay and Buna in Papua, and at Balikpapan in Borneo.

The 20th Brigade was formed at Ingleburn in May 1940 before moving to Bathurst for further training. As part of the 9th Division, it fought in the defence of Tobruk and the battles of El Alamein in North Africa before participating in operations in New Guinea and the landings in Borneo and Brunei.

The 22nd Brigade assembled at Ingleburn in September 1940 before moving to Bathurst for further training. As part of the 8th Division, it fought in Malaya and in the defence of Singapore before enduring three and a half years of captivity as prisoners of war.

**Bardia Park** – this name has been selected as this area of public open space is centrally located within the new suburb of the Bardia, adjacent to Bardia Avenue. The name provides a further link to Bardia Barracks and will be the first planned site for heritage interpretation of the former Ingleburn Army Camp.

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**Valley Reserve** – this reserve is located in the valley area adjacent to the South Western Freeway. The proposed name also makes reference to the area of married quarters known as 'Valley View' which were once located within the camp in close proximity to this location. However, in reviewing the name of this reserve, it is considered that the name 'Memorial Forest Reserve' is more appropriate for this parcel of open space as it reflects the use of land for the planting of the Memorial Forest by local school students. Landcom have agreed with the new proposed name and now support the naming of this reserve as Memorial Forest Reserve.

### **Process for naming reserves**

Council's policy on the naming of parks and reserves states that new parks and reserves are to be named after past residents, land grantees or using aboriginal words from the local dialect. However, part 1(e) of this policy provides for the naming and renaming of parks and reserves 'to mark an important occasion or relationship' and it is considered that these proposed reserve names comply with this part of the policy.

Reserves and parks are defined as 'places' under Section 2 of the *Geographical Names Act 1966* (the Act) and the names of these places are defined as 'geographical names' under the same section of the Act. The role of assigning names to these places therefore lies with the Geographical Names Board of New South Wales (GNB), which is largely responsible for the administration of the Act.

The GNB encourages local councils to undertake consultation with the community prior to submitting any naming proposals to the Board and the procedure adopted for the naming of parks and reserves is, therefore, as follows:

- (i) Council staff assess the naming proposal against current GNB guidelines
  - (ii) If the proposed name(s) conforms to these guidelines, a report to Council is prepared recommending that the proposed name(s) be exhibited for 28 days to allow for community comment
  - (iii) If the proposal is approved for exhibition, a notice is published in local newspapers and 28 days are allowed for the receipt of any submissions. Any submissions received during the exhibition period are then considered and a report to Council is prepared recommending that either the naming proposal(s) not be continued, or that an application be made to the GNB to have the proposed name(s) assigned as the geographical name for the reserve(s) or park(s)
  - (iv) If an application is made, the GNB assesses the proposal(s) at a meeting of the Board and recommends that either the naming proposal(s) be rejected, or that the naming proposal(s) be advertised in accordance with Section 8 the Act to give the community further opportunity to comment
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## 2.9 Edmondson Park South - Draft Place Framework, Public Art Strategy & Reserve Names For Bardia Stage 1

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- (v) If approved for advertising, notice of the proposal(s) is published by the GNB in a local newspaper and the Government Gazette. The Board then considers any submissions and either does not proceed with the proposal(s), or assigns the name(s) as a geographical name(s) for the feature. If the name(s) is assigned, it is entered into the Geographical Names Register and notification of this is published in the Government Gazette.

Council staff have assessed the proposed reserve names and consider that they conform to current GNB guidelines. It is therefore recommended that the proposed reserve names be exhibited for 28 days to allow for community comment.

### **Officer's Recommendation**

1. That Council endorse the Draft Edmondson Park South – Place Framework for the ‘character areas’ contained within the Campbelltown LGA.
2. That Council endorse the Draft Edmondson Park Public Art Strategy for art work to be place in the public open space contained within the Campbelltown LGA at Edmondson Park subject to each final design being approved by Council prior to construction.
3. That Council endorse the names Mont St Quentin Oval, Brigade Park, Bardia Park and Memorial Forest Reserve for the proposed parks and reserves in Stage 1 of the Edmondson Park South Project in the suburb of Bardia.
4. That these naming proposal(s) be advertised in local newspapers and placed on exhibition for a period of 28 days to allow the community to comment on the proposed reserve names.
5. That a further report be provided to Council on the outcome of the public exhibition of these proposed reserve names.

### **Committee's Recommendation: (Kolkman/Thompson)**

1. That Council endorse the Draft Edmondson Park South – Place Framework for the ‘character areas’ contained within the Campbelltown LGA.
  2. That Council endorse the Draft Edmondson Park Public Art Strategy for art work to be place in the public open space contained within the Campbelltown LGA at Edmondson Park subject to each final design being approved by Council prior to construction.
  3. That Council endorse the names Mont St Quentin Oval, Brigade Park, Bardia Park and Memorial Forest Reserve for the proposed parks and reserves in Stage 1 of the Edmondson Park South Project in the suburb of Bardia.
  4. That these naming proposal(s) be advertised in local newspapers and placed on exhibition for a period of 28 days to allow the community to comment on the proposed reserve names.
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2.9 Edmondson Park South - Draft Place Framework, Public Art Strategy & Reserve Names For Bardia Stage 1

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5. That a further report be provided to Council on the outcome of the public exhibition of these proposed reserve names.
6. That Council enter in to negotiations with Landcom with a view to using indigenous vegetation only that is compatible with local climate and intended land use.

**CARRIED**

**Council Meeting 20 November 2012 (Greiss/Lake)**

That the Committee's Recommendation be adopted.

**Amendment (Kolkman/Oates)**

1. That Council endorse the Draft Edmondson Park South – Place Framework for the 'character areas' contained within the Campbelltown LGA.
2. That Council endorse the Draft Edmondson Park Public Art Strategy for art work to be place in the public open space contained within the Campbelltown LGA at Edmondson Park subject to each final design being approved by Council prior to construction.
3. That Council endorse the names Mont St Quentin Oval, Brigade Park, Bardia Park and Memorial Forest Reserve for the proposed parks and reserves in Stage 1 of the Edmondson Park South Project in the suburb of Bardia.
4. That these naming proposal(s) be advertised in local newspapers and placed on exhibition for a period of 28 days to allow the community to comment on the proposed reserve names.
5. That a further report be provided to Council on the outcome of the public exhibition of these proposed reserve names.

**Council Resolution Minute Number 195**

That the above amendment be adopted.

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## **2.10 Amendments to Local Environmental Plan Making Processes**

### **Reporting Officer**

Manager Sustainable City and Environment

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### **Attachments**

Letter from NSW Department of Planning and Infrastructure, offering delegation of Local Plan making powers.

### **Purpose**

To update Council on two recent changes in process relating to Local Environmental Plans.

### **Report**

On 2 November 2012 the NSW Government introduced two legislative changes designed to improve Local Environmental Plan making processes under Part 3 of the *Environmental Planning and Assessment Act 1979* (the Act). These changes:

- delegate the making of some local environmental plans (LEPs) to councils, and
- allow for independent reviews of some council and Departmental decisions in the plan making process.

### **LEP Delegations**

The Minister has delegated the following plan-making powers to all councils:

- a) to make – and determine not to make – an LEP under section 59(2), and (3) of the EP&A Act
- b) to defer inclusion of certain matters in an LEP under section 59(3) and
- c) to identify which matters must be considered and which stages of the plan-making process must be carried out again prior to resubmission (section 59(4)) if the council defers the proposal or if a matter is deferred from the LEP.

The changes will give councils responsibility for LEPs of local significance and streamline the processing of LEPs by removing duplicative steps in the making of these plans. The delegations will operate in respect of a draft LEP upon where a Council receives a Written Authorisation to Exercise Delegation (the Authorisation). The Authorisation will be issued to councils as part of the Gateway determination.

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When submitting a planning proposal, councils will be required to identify whether they wish to exercise the Authorisation for each planning proposal. Delegation will be routinely issued for particular types of LEPs (see below). However, any other draft LEP that the Gateway determines is of local significance will also be delegated.

The following types of draft LEPs will routinely be delegated to councils to prepare and make, following a Gateway determination that a planning proposal can proceed:

- mapping alterations
- section 73A matters (e.g. amending references to documents/agencies, minor errors and anomalies)
- reclassifications of land
- heritage LEPs related to specific local heritage items supported by an Office of Environment and Heritage endorsed study
- spot rezoning consistent with an endorsed strategy and/or surrounding zones
- other matters of local significance as determined by the Gateway.

Section 23 of the Act allows the Minister and the Director-General to delegate functions to a council and/or an officer or employee of a council. The Department of Planning and Infrastructure (DoPI) has written to Council advising that plan making powers are to be delegated under section 23 of the Act (Attachment 1). Councils are to formally accept the delegation before the Department will issue an Authorisation in respect of any individual draft LEP.

Should a council choose to accept the delegation, it may sub-delegate the function to an officer within council (usually the General Manager or Planning Director) who will exercise the delegation. Should Council choose to sub-delegate the function, then a council should advise the Department at the same time it accepts the delegation.

Section 381 of the Local Government Act 1993 requires that such functions cannot be delegated to:

- a) the General Manager, except with the approval of the council, or
- b) an employee of the council, except with the approval of the council and the General Manager.

Council must respond on the matter of delegations by no later than 30 November 2012.

While the changes are considered more of an administrative/editorial nature, they will ultimately bring about time savings in the processing of LEPs and as such Council should accept the offer under Section 23 of the Act to delegate these LEP making functions to Council.

Further, Council should sub-delegate these functions to the General Manager and the Director Planning and Environment.

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## **Independent Reviews**

The NSW Government has also introduced two new administrative review processes relating the Local Environmental Plans. These are:

- Pre-Gateway reviews – which may be requested by a proponent before a planning proposal has been submitted to the Department for a Gateway determination. These reviews are informed by advice from Joint Regional Planning Panels or the Planning Assessment Commission (PAC), and
- Gateway reviews– which may be requested by a council or proponent following a Gateway determination, but before community consultation on the planning proposal has commenced. These reviews are informed by advice from the PAC. These reviews will allow councils and proponents to have decisions in relation to proposed amendments to LEPs reconsidered, by providing an opportunity for an independent body to give advice on such proposals.

An amendment to the Environmental Planning and Assessment Regulation 2000 (the Regulation) has been made to require councils to notify proponents of certain matters and to charge proponents fees for reviews.

- **Pre-Gateway Reviews**

If a proponent (e.g. developer, landowner) has requested that a council prepare a planning proposal for a proposed instrument, the proponent may ask for a pre-Gateway review if:

- a) the council has notified the proponent that the request to prepare a planning proposal is not supported, or
- b) the council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information.

The Regulation requires councils to notify a proponent when the council determines that it will not prepare a planning proposal. The proponent of the proposed instrument then has 40 days to request that the relevant Joint Regional Planning Panel review the proposal. Where a council has not made a determination after 90 days, the proponent may request a review any time after the 90 days has lapsed.

The relevant Joint Regional Planning Panel will review all eligible proposals forwarded to it by the Department. The Joint Regional Planning Panel/PAC will provide advice on whether it would recommend to the Minister that the proposed instrument should be submitted for a determination under section 56 of the Act (Gateway determination). The Minister's final decision will be informed by the Joint Regional Planning Panel's or PAC's advice, and the views of the Department, council and proponent.

For proposals that are to proceed, further work may still be required by the proponent before the proposal complies with section 55 of the Act in relation to submitting a planning proposal for Gateway determination.

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A proponent who has requested a council to prepare a planning proposal prior to the date of this circular was issued, may seek a review if the supporting information accompanying the request is still current (i.e. less than two years old).

- **Gateway Reviews**

A council or proponent may request the Minister (or delegate) to alter a Gateway determination, when a Gateway determination is made that:

- a) the planning proposal should not proceed
- b) the planning proposal should be resubmitted to the Gateway
- c) imposes requirements (other than consultation requirements) or makes variations to the proposal that the council or proponent thinks should be reconsidered.

If the Gateway determination is either to not proceed or to resubmit the planning proposal, the council or proponent has 40 days from being notified by the Department to request a review. If the Gateway determination is to proceed with the planning proposal but imposes conditions that the council or proponent considers inappropriate, the council or proponent has 14 days from being notified by the Department to indicate their intent to request a review. The council or proponent would then have 40 days to formally apply for a Gateway review.

The PAC will provide advice on whether the original Gateway determination should be altered, giving consideration to the council or proponent's submission and the reasons given for the original Gateway determination.

The Minister's final decision on whether to alter the Gateway determination will be informed by the PAC's advice, and the views of the Council and the proponent.

A Circular was released by the Department of Planning and Infrastructure on 4 October 2012, which together with other guideline information sets out detailed administrative procedures associated with the new LEP review provisions. This matter will be reported to Council in December following a detailed evaluation by staff.

### **Officer's Recommendation**

1. That Council formally accept the Local Environmental Plan Making delegations offered by the Department of Planning and Infrastructure and that these delegations be sub-delegated to the General Manager and the Director Planning and Environment.
  2. That a further report be submitted to Council detailing the administrative and assessment procedures associated with Pre-Gateway and Gateway Reviews.
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**Committee's Recommendation: (Rowell/Thompson)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 20 November 2012 (Greiss/Lake)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 195**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1



**The Hon Brad Hazzard MP**  
Minister for Planning and Infrastructure  
Minister Assisting the Premier on Infrastructure NSW

Mr Paul Tosi  
General Manager  
Campbelltown City Council  
PO Box 57  
CAMPBELLTOWN NSW 2560

Dear Mr Tosi,

In April 2012 the NSW Government called for public submissions on a draft policy statement to improve the local plan making process by returning local planning decisions to local councils and their communities, and by making the process more accountable. The proposed changes included formalising the existing statutory arrangements for two reviews within the plan making process (at both the pre and post Gateway determination stage) and introducing delegations to local government to make plans in certain circumstances.

Having considered the submissions received by the Department of Planning & Infrastructure, I now propose to introduce the changes. I note that in their reports released last month the Chairs of the Independent Review into the NSW planning system, the Hon Tim Moore and the Hon Ron Dyer, recommended that the reviews be implemented. The changes will commence on 1 September 2012.

To implement the new policy I have delegated to councils all my functions under section 59 of the *Environmental Planning and Assessment Act, 1979* for the making of Local Environmental Plans (LEPs). The delegations will operate in respect of draft LEPs for local matters where council receives an authorisation following the Gateway determination. For the first time councils will be fully empowered to complete the plan making process for these LEPs.

The Director General of the department has issued planning circular PS 12-006 about the two new reviews and the delegations. Delegations will routinely be issued for particular types of draft LEPs and these are specified in the circular. However, other types of draft LEPs will also be delegated to councils if the Gateway determines that the draft LEP is a local matter and that council should make the LEP.

To be able to exercise these delegations, your council must write to the department advising that they are accepted. Councils are also requested in their response to nominate the officers or employee of council who will be granted the proposed delegation. The name and position of the employee is required.

Council is reminded that the provisions of Section 381 of the *Local Government Act, 1993* require that such functions cannot be delegated to:

- a) The general manager, except with the approval of the council; or
- b) An employee of the council, except with the approval of the council and the general manager.

Further information on the administrative procedures for the various stages of the plan making process for delegated draft LEPs are available on the department's website at: <http://www.planning.nsw.gov.au/lep-practice-notes-and-planning-circulars>

Council is asked to respond to this letter advising if it wishes to accept the delegation and identify the nominated council officers by Friday 30<sup>th</sup> November, 2012.

If you require any further information on this matter, I have arranged for Mr Neil Selmon, Director Planning Operations Coordination to respond. Mr Selmon may be contacted on (02) 9228 6259 or at [Neil.Selmon@planning.nsw.gov.au](mailto:Neil.Selmon@planning.nsw.gov.au).

Yours sincerely



**HON BRAD HAZZARD MP**  
Minister

## **2.11 University of Western Sydney - Stage 1 Subdivision Development Application**

### **Reporting Officer**

Director Planning and Environment

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### **Attachments**

1. Adopted Master Plan (distributed under separate cover)
2. Subdivision Plan (Stage 1) (distributed under separate cover)

### **Purpose**

The purpose of this report is to inform Council that a Development Application has been received for residential subdivision and related works on certain land at the University of Western Sydney – Campbelltown Campus, and makes a recommendation that Council lodge a submission to the Sydney West Joint Regional Planning Panel (the determining authority for the application) concerning a number of issues that are outlined in the report.

<b>Property Description</b>	Lot 63 DP 1104486 (UWS) – Subdivision Works Lot 64 DP 1104486 (Landcom) – Goldsmith Ave road works Narellan Road, Gilchrist Ave, Campbelltown
<b>Application No</b>	387/2012/DA-S
<b>Applicant</b>	Landcom (on behalf of UWS)
<b>Owners</b>	University of Western Sydney Landcom
<b>Statutory Provisions</b>	Campbelltown (Urban Area) Local Environmental Plan 2002 University of Western Sydney Campbelltown – Development Control Plan October 2008
<b>Date Received</b>	7 March 2012

### **History**

At its meeting on 10 February 2009, Council adopted the University of Western Sydney Campbelltown Development Control Plan 2008 (DCP) for the University site and adjoining land to the south west owned by Landcom.

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Council also adopted a Master Plan for this land although it is noted that the Master Plan is not the subject of any development consent. Both the DCP and the Master Plan were prepared following the consideration of a number of site specific environmental investigations and reports prepared by the landowners. These documents were subject to public exhibition and review by Council prior to adoption of the DCP and Master Plan.

The adopted Master Plan sets out an overall layout for the future development of the whole site comprising a residential precinct located in the western and south western portions and a university (education, research and development and employment) precinct in the north eastern portion, in addition to an open space/drainage/ and recreation corridor located along most of the eastern edge, following the Bow Bowling creek channel.

The DCP is consistent with the Master Plan and presents more detailed planning controls to be considered in the assessment and determination of future development applications. Some of the more noteworthy controls included within the DCP relate to:

- Urban structure and development density
- Streets
- Landscape and open space
- Views and vistas
- Campus/Academic development
- Residential Development:
  - Building form
  - Streetscape character
  - Subdivision
  - Controls for different housing types
  - Landscaping.

The application subject of this report is the first development application for any of the land area subject of the DCP and Master Plan. It has been submitted by Landcom on behalf of the University of Western Sydney and relates only, to part of the total land area subject of the DCP and Master Plan.

### **Councillor Briefing**

A briefing on the application and was provided to Councillors by representatives of Landcom and the University of Western Sydney on 23 October 2012. A senior representative of the Roads and Maritime Service (RMS) also attended the briefing. Council was informed that additional traffic impact assessment work, incorporating detailed traffic modelling relating to the application and the overall future development of the site, had been undertaken in consultation with the RMS and Council's Technical Services staff, especially to address concerns that Council had previously expressed over the impacts of the development.

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## Report

### Introduction

This report provides an overview and broad assessment of the proposed development, addressing in particular, issues that are of considered relevance to Council and worthy of being brought to the attention of the Sydney West Joint Regional Planning Panel – the consent authority in this circumstance.

The subject application has a capital investment value of \$29.5m, and by virtue of Schedule 4A of the *Environmental Planning and Assessment Act 1979*, qualifies for determination by the Sydney West Joint Regional Planning Panel.

Council is not the consent authority for the subject application.

### Site Description

The total site area relating to Council's adopted UWS Master Plan and DCP is approximately 180 hectares and is made up of a number of separate land parcels as identified below.

Lot and DP	Area	Landowner
Lot 63 DP 1104486	152.600 ha	UWS
Lot 4 DP 247902	5.020 ha	UWS
Lot 5 DP 253700	3.183 ha	Minister for Education and Training
Lot 7 DP 253700	18.710 ha	Landcom
(Lot 64 DP 1104486)	(Goldsmith Ave)	Landcom
	Total 179.513 ha	

The UWS Master Plan site is triangular in shape as shown in Attachment 1. The land is bounded by the Hume Highway to the west, Narellan Road to the North, and the Main Railway line to the south. The eastern boundary of the site adjoins the future precinct of Macarthur Gardens 'North' and the Campbelltown Campus of the South Western Institute of TAFE.

The existing UWS Campus is located within the northern portion of the site, with the remainder of the site to the south being generally undeveloped.

The UWS site is currently accessed via two vehicular entry/exit points. The main access point is provided via a signalised intersection with Narellan Road. The secondary access point is provided as a 'left-in left-out' for northbound traffic along Gilchrist Drive. A pedestrian overbridge links the University with Macarthur Station and Macarthur Square to the east.

The existing internal road network consists of non-public roads, and includes:

- Goldsmith Avenue which is a two lane two-way road connecting to Gilchrist Drive at its easternmost extent
  - William Downes Avenue which is a two lane two-way road which connects to a signalised intersection with Narellan Road
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- David Pilgram Avenue which is a two lane two-way road connecting Goldsmith Avenue to its south with William Downes Avenue to its north.

The topography of the site comprises a number of east-west ridges and their corresponding gullies, with the main ridge separating the existing University buildings from the undeveloped area of the site to the south. Vegetation on the site generally consists of open grassland, with stands of remnant and regrowth native vegetation along the steeper sided ridge lines and within some gully areas.

The land slopes from the Hume Highway to the west through a number of creek lines and dam systems to Bow Bowing Creek which runs along the eastern / southern boundary of the site.

There is a gas pipeline located along the western edge of the site within a 20 metre wide easement.

### **Proposal**

The subject development application seeks consent for residential subdivision works and associated road construction described as Stage 1 of an intended series of developments on the land over coming years.

The submitted land use application form describes the proposal as follows:

'UWS Campbelltown Stage 1 Subdivision and Associated Estate Major Works. Stage 1 Comprises 238 Standard residential Lots and 5 Super Lots, 1 Open Space Lot and 2 Residue Lots.'

The extent of the proposed subdivision is shown in Attachment 2.

All proposed subdivision works are located within the central portion of the main allotment (Lot 63) except for associated road works over adjoining Landcom owned land (Lot 64) to provide for the reconstruction of Goldsmith Avenue and new road intersection to Gilchrist Drive.

Other proposed works include stormwater drainage infrastructure, cut and fill, retaining walls, and street landscaping. Management of the adjoining riparian corridor and embellishment of adjoining open space areas are proposed to be undertaken as part of separate and future development applications.

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The proposed allotments arising from the subdivision are described as follows:

<b>Proposed Lot</b>	<b>Description</b>	<b>Total Area</b>
Lots 1100–1211, 1214–1407, 1410–1416, 1418–1432	Residential Subdivision (238 lots)	20.83 ha
Lots 1212, 1213, 1408, 1409, 1417	5 'Super Lots'	1.75ha
Lot 1097	Residue - Macarthur Gardens North	18.52 ha
Lot 1098	Residue - Land adjacent to Goldsmith Drive	0.75 ha
Lot 1099	Residue - Main area for future Master Plan Development	127.4 ha
Lot 1175	Main Ridge Park	1.45 ha
To be dedicated	Goldsmith Avenue	

It is noted that there is a minor anomaly with the development description provided by the applicant in that there are three residual allotments proposed not two (Lot 1097, Lot 1098 and Lot 1099).

The proposed residential allotments range in size from 420m<sup>2</sup> to 1120m<sup>2</sup>, with the majority being around 500m<sup>2</sup>. A breakdown of all proposed 238 residential allotments is provided in the following table:

<b>Allotment Size</b>	<b>Number</b>	<b>Percentage of Total (238)</b>
420 - 449 m <sup>2</sup>	9	3.8%
450 - 599 m <sup>2</sup>	130	54.6%
600 - 799 m <sup>2</sup>	83	34.9%
800 - 1120 m <sup>2</sup>	16	6.7%

As originally submitted, the application proposed the dedication of all constructed roads to Council as new public roads. This includes a partial realignment of the Goldsmith Avenue roadway further north than existing, to provide a new intersection junction to Gilchrist Drive. The reconstructed intersection is proposed to be controlled by a new installation of traffic signals, to allow traffic to enter exit Goldsmith Avenue from both north and south directions. In this regard, the originally submitted proposed design provides for right hand turn storage of approximately 90m in length.

The originally submitted application also indicated that no works were proposed to Narellan Road and/or the associated intersection with the UWS site.

The application indicated separate future development applications will be submitted for the following related works:

- subdivision of the proposed five super lots
- the detailed design and landscaping of Main Ridge Park
- rehabilitation of the adjoining bush corridor
- stormwater structures in the bush corridor to treat runoff from the 'Stage 1' subdivision.

It is also noted that the applicant has also included a revised Master Plan and indicative staging plan for possible future works, such as the upgrading of the existing traffic intersection with Narellan Road. This information is useful to help understand the intentions of the applicant for possible works under future applications. However, these works do not form part of the subject application and separate approval will be necessary for their construction.

### **Assessment and Key Issues**

Similar to other applications determined by the Joint Regional Planning Panel, the detailed assessment of all technical and planning considerations relevant to the subject application will be undertaken by Council's appointed Development Services staff.

Accordingly, it is the intention of this report to outline a broad scale overview of the proposed development, to identify any significant matters that Council may wish to submit to the Joint Regional Planning Panel. Such submission would need to be considered by the Panel in its statutory assessment and determination of the subject application.

The following key issues have been identified for Council's further consideration:

1. Relationship of the Application to Council's Adopted Master Plan
2. Relationship of the Application to Council's Adopted DCP
3. Compliance with Campbelltown (Urban Area) Local Environmental Plan 2002
4. Traffic Impact
5. Public Exhibition
6. Flora and Fauna
7. Water
8. Infrastructure Provision and Voluntary Planning Agreement.

#### **1. Relationship of the Application to Council's Adopted Master Plan**

Although the development application is limited to subdivision and roadworks for only part of the site (Stage 1), it also includes a copy of an amended Master Plan. That Plan represents an amendment to the Master Plan adopted by Council for the whole of the UWS site in 2009.

This amended Master Plan has not been considered nor adopted by Council. It is disappointing that the amended Master Plan was not submitted for consideration for endorsement by Council prior to the Stage 1 application being lodged.

The most notable variations (compared to the Council's adopted Master Plan) embodied within the amended Master Plan that was lodged with the Stage 1 application, include:

- A variation to the allotment sizes and configurations
  - An increase in overall dwelling yield
  - Changes to on site 'cut and fill' arrangements
  - Reconfigured road and open space arrangements, including open space edge treatments.
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It is also important to note that the amended Master Plan was not placed on public exhibition, other than at the same time as the Stage 1 development application (as a supporting document).

There is some concern that if the application is approved, it may be arguable that the Council's adopted Master Plan is redundant. Yet the Council has not been able to formally consider the amended Master Plan for exhibition and adoption. Further, the DCP for the UWS site has an important relationship to the Council's adopted Master Plan, and yet the proponent has not sought Council's agreement to an amendment to the DCP.

In principle, there is no objection to an increase in dwelling yield on the land, and the proposed variation to the allotment sizes and configuration could be argued to not be significant in the context of the site's location and the broad planning goals for the site (as articulated by the Campbelltown (Urban Area) Local Environmental Plan 2002 and the University of Western Sydney Development Control Plan 2008 DCP). However, such acceptance is dependent upon a mechanism being put into place that can assure Council:

- future development will actually achieve an improved planning outcome for the UWS site
- adequate infrastructure will be delivered to service the future development of the whole of the UWS precinct
- that subsequent development applications will achieve consistency and integration with the current Stage 1 and future stages of development.

In light of these matters, it is recommended that Council write to the proponent and request that the amendment to the Master Plan be formally submitted to Council for consideration for endorsement, prior to future applications for the UWS site being lodged.

In so far as the amended road and open space configurations are concerned, the amendments appear to have some merit, however, Council should retain the opportunity to consider these in a more holistic sense, and in conjunction with the DCP for the UWS site as well as the infrastructure delivery plan (received by Council only on 8 November 2008) before future development applications are lodged.

To that end, it would be appropriate that Council undertake an immediate review of the UWS DCP 2008 to ensure that planning and infrastructure outcomes articulated by the Council's originally approved Master Plan are at least maintained, and preferably enhanced, in light of issues raised by the current application.

## **2. Relationship of the Application to Council's Adopted DCP**

In broad terms the proposed Stage 1 subdivision, suffers in so far as the application only relates to a portion of the total UWS DCP precinct. Although the application provides some indicative information that seeks to explain how the Stage 1 development could 'fit in' to future staging plan, it does not seek consent for any works beyond Stage 1, and there is no guarantee that future Stages will complement Stage 1. Therefore, there is a risk that future works (development and infrastructure) that occur on the remainder of the site may not fully complement the expectations of Council's adopted DCP and Master Plan.

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Bearing this issue in mind, it could be argued that the Stage 1 development application does not directly and fully satisfy the following requirements:

- The provision of higher density housing choices on the land
- Connection of the Stage 1 subdivision with the UWS Campus through an internal road network
- Proper integration of the development into the surrounding road network
- Provision of usable pedestrian and bicycle links
- Provision of access to bus circulation routes
- The undertaking of high quality works to riparian lands and natural site features
- Accessibility by the occupants of future dwellings to developed of open space areas
- Maintenance solutions for public open space areas.

The proposed subdivision development, subject of the Stage 1 development application does not technically comply with a number of controls included within the University of Western Sydney-Campbelltown Development Control Plan 2008. These non-compliances are discussed below.

**a. Open space and residential interface**

The proposal indicates dwelling allotments backing on to or adjoining the open space area to the north as opposed to streets as required by the DCP. This results in poorer casual surveillance (of the public domain) outcomes and inappropriately encourages unattractive fencing (and therefore potential graffiti opportunities) as viewed from public open space. It is recommended that the proposal be redesigned to comply with the DCP and achieve an improved planning outcome.

**b. Main Ridge Park**

Significant views and vistas to and from public places are required to be protected. It appears as though the Main Ridge Park will remain the highest point in the development. View lines from the Main Ridge Park have been altered as a result of increased 'cut' (up to approximately 9 metres) which effectively impacts on the relative prominence of the existing ridgeline, and potential views to and from other vantage points. Notwithstanding, if the gradient of the Park is altered, pedestrian access to the Park is likely to be improved. Further, the surrounding residential allotments adjoining the Park will be 'lowered' and in effect, will help to mitigate the visual prominence of dwellings. Ridge line planting in the Main Ridge Park needs to be designed to select appropriate species and ensure sensitive siting. This could be achieved by means of the implementation of a detailed landscape plan to achieve the appropriate silhouette outcome.

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The ridge is proposed to be built along (on the ridge face at approximately a 1.5 metre 'cut' against the ridge) but it is noted that dwellings will not be directly sited on the ridgeline. Again, the visual impact of dwellings will be likely to be mitigated and views/vistas to and from the ridgeline (albeit altered) will be protected to some degree.

**c. Road network**

The inner campus road and cycle link required by the DCP is not provided. The 'lead in roads' through the UWS campus have also been deleted and replaced with new vehicular access via Goldsmith Avenue and a new road running between the ponds and Narellan Road to link with the existing campus road. Although an alternative road access arrangement is proposed, any approval should be conditioned to ensure that these roads are designed to allow for future extension roads and cycleway links

**d. Housing density**

It is recommended that any approval include a condition to ensure that the five proposed superlots are required to be developed for the purpose of medium to higher density housing, to provide for a greater degree of compliance with the DCP.

**e. Public transport**

Contrary to the provision of the DCP, no public bus access is proposed to service the Stage 1 subdivision area. Without the 'bottom' road, that is understood to be constructed at some future stage, the DCP requirement would appear to be unable to be satisfied. However, if the road running along the riparian corridor could be altered to accommodate a bus route, then a temporary link could be provided to service Stage 1. This should be addressed as a condition of any approval issued.

**f. Road widths**

Some of the street width requirements of the DCP relating to streets adjoining open space and minor local streets are not satisfied by the proposed development. A number of the local road carriageway widths appear to have been decreased to 7.6 metres, 7.5 metres and 6.5 metres. These roads are all, local minor roads which according to the DCP should be a 9.6 metres wide.

The 7.6m wide road is considered acceptable and has been endorsed by the Council in other recent land release areas such as Edmondson Park.

The 7.5m width has not been endorsed by Council however, in accordance with the Council's own Sustainable City DCP, the 7.5m width could 'technically' have been reduced to 6.0m as it is an entry road to a small cul-de-sac.

A 6.5m wide road is proposed as a 'loop configured' cul-de-sac head. Concern is raised as to whether a Heavy Rigid truck can negotiate the loop configured cul-de-sac with cars parked against the outside kerb. Swept turning paths should be provided to show that a Heavy Rigid truck can safely and conveniently negotiate the loop cul-de-sac with parked cars.

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A 6.5m wide road is proposed along a small section of road running parallel to the Freeway. This section of road is proposed to only service a small number of dwellings, however, parking and access would need to be restricted along this section of road if it is constructed at a 6.5m width. It is recommended this portion of road be widened at this section.

**g. Cut and fill**

The DCP require that where existing significant trees are located within park areas, consideration shall be given to detailed grading to provide for the retention of existing ground levels and trees.

Given the topography and in order to develop useable and affordably priced allotments, there will always be a higher level of cut and fill than on allotments over 'flatter land'. It would appear that the proposed subdivision pattern may be seeking to respond to two objectives:

- Construction cost and lot affordability
- Improved accessibility to park lands for all people.

This has resulted in an impact on existing natural ground levels and vegetation due to the proposed extensive level of cut and fill works. Notwithstanding, vegetation is to remain along the riparian corridors as well as the ridgeline park to the eastern end of the Stage 1 site.

Extensive cut and fill works may also have a potential impact on salinity levels and subsequent effects on new development upon the land. This matter requires closer investigation by the Joint Regional Planning Panel.

**h. Open space**

The embellishment of open space provided for in Stage 1 is a matter for consideration as part of the infrastructure delivery plan and draft voluntary planning agreement, particularly concerning issues of the 'timing' of embellishment as it relates to the Staging of development.

**i. Dwelling yield**

Although the suggested amendment to the Council adopted Master Plan included in information submitted with the development application for the Stage 1 subdivision, increases the anticipated dwelling yield for the whole UWS precinct by up to approximately 10% or 70 dwellings, such an increase is unlikely to have any significant adverse effect on local amenity or the environment.

**1. Compliance with Campbelltown (Urban Area) Local Environmental Plan 2002**

The subject land is zoned 10(a) – Regional Comprehensive Centre Zone under Clause 28 of the Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP).

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The objectives of this zone are:

- (a) to provide land for the City of Campbelltown and the Macarthur region's largest centre of commerce
- (b) to encourage employment and economic growth
- (c) to accommodate tertiary education and hospital facilities for the City of Campbelltown and the Macarthur region
- (d) to accommodate a wide range of cultural, entertainment and like facilities
- (e) to permit limited industrial uses that are compatible with the proper operation of a major regional centre
- (f) to encourage a variety of forms of higher density housing, including accommodation for older people and people with disabilities in locations which are accessible to public transport, employment, retail, commercial and service facilities.

The CLEP provides that consent must not be granted for development on land within the 10(a) Zone unless the consent authority is of the opinion that carrying out of the proposed development would be consistent with one or more objectives of the zone.

Whilst the Council adopted Master Plan and the DCP provide for development located within the entire site that would satisfy the test for consistency with the zone objectives, it could potentially be argued that the subject application for Stage 1 specifically, may not (in the strictest terms) be singularly consistent with any of these objectives. This is because the application mostly provides for development being subdivision to accommodate dwelling houses.

In granting further consideration to this matter, the following points are of relevance:

- The subject application applies to only part of the land which makes up the UWS/Landcom site (that is subject to the Council's adopted Master Plan and DCP that indicate other parts of the land are to be developed for a range of purposes including education, employment/business)
  - The proposed development could reasonably be argued to facilitate development that would support the growth of the Campbelltown/Macarthur regional city centre including the Campbelltown campus facilities of the University of Western Sydney – a key 'anchor' for the economic growth potential of the centre
  - Council has been advised that capital generated by the proposed subdivision and future residential development of what is considered to be that part of the UWS site to be surplus to the University's needs, will provide the University with a funding stream to sustain the expansion of the Campbelltown campus and future student enrolments
  - Information included within the application suggests that the five "Super Lots" to be created are intended to be developed at a later stage for small lot housing or medium density housing
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- The objective relating to the encouragement of employment and economic growth in the zone, would not be hindered by the proposed development as set out in the application and could be reasonably argued to support economic and employment growth in the locality by the provision of almost \$30m worth of investment; with subsequent multiplier effects reflected in future housing construction etc.

It is also of relevance to note that the subject development application generally complies with the planning intent of Council's previously adopted DCP and Master Plan, in so far as land use, development type, and development (dwelling) yield outcomes. Indeed, the most recent and suggested revision to the Master Plan put forward as part of the information submitted with the development application, indicates a likely dwelling yield for the land increasing by between 50 and 100 dwellings, compared to the original Master Plan approved by Council.

Accordingly, it is not considered not unreasonable that the consent authority form an opinion that the proposed development is consistent with one or more of the objectives of the 10(a) zone. Hence the consent authority, should it form such an opinion, is able to grant consent to the application should it deem appropriate to do so.

Further, and in consideration of Clause 28 of the CLEP, the proposed works set out by the application are permissible with consent, on the subject land, given its 10(a) zoning.

#### **4. Traffic Impacts**

When originally submitted, the application provided two separate reports relating to the potential traffic and transport impacts associated with the proposed development.

These reports provided an assessment of existing and predicted traffic levels within the site and on the road network surrounding the UWS site.

The reports indicated that the major arterial road network surrounding the UWS site was approaching capacity, particularly along Narellan Road. Limited peak period capacity at certain intersections was also identified, notably Gilchrist Drive/Blaxland Road and Narellan Road/University entrance. The capacity of Narellan Road in its existing configuration was also recognised.

The general conclusion reached by the applicant was that the proposed upgrade and signalisation of the intersection of Gilchrist Drive and Goldsmith Avenue would be sufficient to adequately accommodate the transport and traffic demands generated by the proposed development.

Other traffic and transport initiatives were proposed by the applicant as indicated in documentation submitted with the development application:

- Marketing of active and public transport options and preparation of work travel plans
  - Pedestrian and cycleway infrastructure connecting with the surrounding network, transport hubs and services
  - A collector road network within the site to cater for future bus services.
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Notwithstanding the proposed intersection upgrade of Gilchrist Drive and Goldsmith Avenue together with the above additional initiatives, it was considered by officers that there would remain significant shortcomings and implications for the surrounding road network.

Whilst it could be argued that in the strictest sense, the developer should only have to account for the traffic impacts associated with the proposed development (Stage 1 subdivision of 238 residential allotments) a major issue remains that it is appropriate that Council take into account the total traffic loads likely to be imposed on the surrounding road network by the overall development of the whole site (in accordance with the DCP and Masterplan).

In reviewing this issue, Council should also look towards the capacity of the surrounding road network to accommodate these total impacts of the overall development of the UWS site, in light of predicted changes in volumes of traffic and the likely future capacity of that network, in the corresponding 'site development period'. This consideration is relevant to the need for the consent authority to consider the 'suitability' of the subject site for the proposed development.

Council's endorsement of the original Master Plan was made on the premise that upgrades to the surrounding road network would create sufficient additional capacity to allow the site to be developed. These included intersection improvements with Narellan Road in the vicinity of the UWS precinct and an increase in the capacity of Narellan Road.

These upgrades have not occurred meaning that on the basis of information submitted with the development application, Council and the community could not be confident that the traffic implications of and for the development of the precinct would be adequately dealt with.

By the applicant's own assessment, the adequacy of the surrounding road network accommodating the proposed development is dependent upon:

- The widening of Narellan Road to three lanes in each direction
- A major upgrade of the intersection of Narellan Road/Gilchrist Drive/Blaxland Road.

Importantly, since the application was first submitted in March 2012, the applicant has undertaken a significant review of traffic and transport matters including revised modelling, associated with the overall development of the UWS site in consultation with Council technical officers and senior traffic officers from the RMS.

It is understood that the outcome of such review work has led the applicant to review the traffic and transport infrastructure package of works in relation to the UWS site that has satisfied the Roads and Maritime Service, such that it does not object to the development proceeding. Council staff understand that these infrastructure works may include a revision of previous infrastructure commitments to now include:

- Further enhancement of the upgrade of the intersection of Gilchrist Drive and Goldsmith Avenue
  - An enhanced upgrade of the intersection of the UWS access to Narellan Road
  - Reconfigured and enhanced road works within the UWS site adjoining the Narellan Road intersection to improve the operation of that intersection.
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This matter was discussed at the recent briefing to Councillors undertaken on 23 October 2012 where the RMS representative indicated that he was satisfied that the proponent was dealing with the required infrastructure upgrades fairly and reasonably, and suggesting that the RMS would not object to the approval of the application.

Two matters therefore, remain to be of concern to the Council:

- Council has not received a formal proposition regarding infrastructure provision in relation to the future development of the UWS site, that it could be satisfied, properly addresses its concerns regarding the provision of the necessary traffic and transport infrastructure to meet the requirements of development on the precinct
- Council has not received written confirmation from the RMS indicating that it does not object to the application.

At the time of writing this report, Council had not received a copy of any draft voluntary planning agreement. On the 8 November at the time this report was being finalised, Council received a draft Infrastructure Delivery Plan for the UWS project, but without an accompanying letter of offer.

It is strongly recommended that Council request that the Sydney West Joint Regional Planning Panel defer consideration of its determination of the subject application until Council has had sufficient time to consider whether the draft Infrastructure Delivery Plan addresses the infrastructure needs of the proposed development of the UWS site, and to further negotiate the terms of a satisfactory draft Voluntary Planning Agreement that meets the community's requirements.

It is considered that the infrastructure issues associated with the proposed application are of such significance, that the Panel should provide sufficient time and an opportunity for Council to receive a finalised Infrastructure Delivery Plan and subsequently make further representations to the Panel on this matter.

## **5. Public Exhibition**

The application was publicly exhibited earlier in April/May 2012. Council received one objection by email from a resident of Macarthur Gardens. The reasons for objection related to the impacts on the road network in the vicinity of the UWS site without appropriate infrastructure upgrades.

Following the receipt of further information associated with the application, the application has been re-exhibited from 16 October 2012 until 16 November 2012. The exhibition was notified to the public in the local newspaper and by individual letter to the owners and occupiers of 240 properties located in proximity to the UWS site.

At the time of writing this report, it was noted that the exhibition was still open until 16 November 2012. To date, one submission (an objection) had been received. That submission originated from the same resident that objected to the proposal in April earlier this year. The submission expresses concern with the road access to the site via Narellan Road and Goldsmith Avenue. The submission requests Council to 'rule out' Goldsmith Avenue as the main entrance point into the residential subdivision.

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Traffic and transport matters associated with the proposed development have been addressed in detail elsewhere in this report.

## **6. Flora and Fauna**

The application as originally submitted was accompanied by an ecological assessment prepared by a specialist consultant (Hayes Environmental) that examined the flora and fauna characteristics of the subject land and potential impacts of future development, including the subdivision and other works proposed as part of the Stage 1 Subdivision.

The key items raised in the submitted ecological assessment included:

- Cumberland Plain Woodland (a critically endangered ecological community) under the *Threatened Species Conservation Act 1995* (TSC Act) and critically endangered under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) remnants exist on the site
- 2.67 hectares (TSC Act) and .07 hectares (EPBC Act) will be permanently lost as a result of the development of the whole site
- The Cumberland Plain Woodland on the site is known to provide habitat for threatened fauna species
- No threatened flora species were recorded on the site nor are any expected to occur
- No tree species listed on Schedule 2 of SEPP 44 (Koala Habitat Protection) occur within the study area
- A conclusion that development in accordance with the proposed Master Plan would not be likely to impose a significant effect upon threatened species, populations, or ecological communities listed under the TSC Act.

Following an assessment of this information, a number of potential issues were identified:

- The need to refer the application to the NSW Office of Environment and Heritage (OEH) and the NSW Office of Water (OW) for consideration
  - There are inconsistencies between the Master Plan and information contained in the Ecological Assessment Report that suggests the extent of Cumberland Plain Woodland on the site may have been underestimated
  - The need for a vegetation management plan for the entire UWS site that would address:
    - the potential for any offsetting that the OEH may deem relevant
    - requirements for the conservation and where appropriate rehabilitation of native vegetation to be retained and enhanced
    - requirements for the implementation of native vegetation conservation and enhancement works
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- requirements for the establishment and ongoing maintenance of native vegetation
  - any requirements of the OEH and the NSW OW concerning native vegetation retention and enhancement.
- To re-examine the implications of SEPP 44 given that a particular tree species (Forest Red Gum) listed on Schedule 2 of SEPP 44 does occur on the site as indicated by other information submitted with the development application.

The application was referred to both the NSW OEH and the NSW OW for consideration.

It should be noted that the OEH did not make any comment regarding vegetation or the need for offsetting on the site, and confined its comments regarding the application to indigenous heritage matters.

The NSW OW did not object to the application and issued General Terms of Approval that addressed amongst a range of matters, the way in which native vegetation within riparian corridors on the land is required to be treated. Central to the requirements of the OW was the preparation of a Vegetation Management Plan for riparian areas.

On this basis, and with the objective of maximising the retention and enhancement of native vegetation on the land where practicable, Council should request the Joint Regional Planning Panel to condition any development consent to appropriately deal with the need for preparation of a Vegetation Management Plan for the whole site (not just riparian lands) potentially including an offsetting, planning, establishment, rehabilitation, dedication, delivery and maintenance strategy. Such a strategy and its method of implementation should be addressed as part of a Voluntary Planning Agreement for the land, which Council officers understand is intended to be entered into with Council by the proponents.

The Joint Regional Planning needs to require the applicant to confirm the proposed loss of native vegetation ensuring that the proponent explore all avenues to seek to retain as much vegetation as is possible, by considering amendments to the design layout of the project. This work should be undertaken as a matter of urgency so that the above-mentioned Vegetation Management Plan can take proper account of the outcomes of this work.

With respect to the matter of the Forest Red Gum trees that occupy the site, further investigation and the submission of clarifying information has revealed that in accordance with SEPP 44, no part of the site constitutes 'potential koala habitat'.

## **7. Water**

Council staff also identified a need for the NSW OW to review the application with specific reference to the impact of the proposed development on riparian lands that occupy the subject land, and any relevant implications arising from the *Water Management Act 2000*. For instance, the placement of drainage infrastructure, roads, and cycleways within certain parts of riparian areas may not be appropriate in certain circumstances, as would the removal of native vegetation from these areas, although an appropriate planting schedule and maintenance regime would need to be put into place.

The application has been referred to the NSW OW which did not object to the application.

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The NSW OW has issued General Terms of Approval for the project which Council should request the Joint Regional Planning Panel to incorporate into conditions of development consent, should the Panel decide to approve the application.

## **8. Voluntary Planning Agreement**

Council understands that the applicant intends to seek to enter into a Voluntary Planning Agreement with it, to accommodate the planning and delivery of infrastructure to service the needs generated by the future development of the UWS site as reflected generally in the adopted Master Plan and DCP.

As mentioned elsewhere in this report, Council would seek to negotiate the embellishment of such an agreement to take account of updated infrastructure items associated with traffic and transport management as well as vegetation management provisions. This would be in addition to infrastructure generally understood to relate to a range of items including roads within the site, drainage works, open space and recreation facilities.

At the time of writing this report, Council had not received a copy of any draft voluntary planning agreement. On the 8 November at the time this report was being finalised, Council received a draft Infrastructure Delivery Plan for the UWS project, but without an accompanying letter of offer or proposal.

It is strongly recommended that Council request that the Sydney West Joint Regional Planning Panel defer consideration of its determination of the subject application until Council has had sufficient time to consider whether the draft Infrastructure Delivery Plan addresses the infrastructure needs of the proposed development of the UWS site, and to further negotiate the terms of a satisfactory draft Voluntary Planning Agreement that meets the community's requirements.

It is considered that the infrastructure issues associated with the proposed application are of such significance, that the Panel should provide sufficient time and an opportunity for Council to receive a finalised Infrastructure Delivery Plan from the proponent and subsequently make further representations to the Panel on this matter.

## **Conclusion**

The subject application seeks approval for the first stage of subdivision works within the UWS DCP/Master Plan site.

The application relates to part of the site only, although information submitted with the application refers to a proposed amended master plan that has been prepared on behalf of the proponent, but not submitted to nor adopted by Council prior to the Stage 1 development application being lodged.

The application will be determined by the Sydney West Joint Regional Planning Panel given its capital works value being in excess of \$20m. Campbelltown City Council is not the determining authority for the subject application.

The application also requires separate approval from a number of different Government Authorities as it was lodged as Integrated Development.

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A general and broad review of the application has been undertaken with the aim of identifying matters that are relevant for Council's consideration in light of the opportunity that exists for Council to make a submission to the Joint Regional Planning Panel.

It is noted that the application has been the subject of ongoing review by the proponent in light of issues raised by the Council and its staff, as well as matters raised by Government Authorities such as the Roads and Maritime Services.

Council has had a particular interest in the traffic implications arising from the proposed development and the overall future development of the UWS site in the longer term. Infrastructure impacts and provision must be critical considerations in the Joint Regional Planning Panel's assessment of the application.

Disappointingly, insufficient time (given the scheduled meeting date for the Panel to consider the application on 28 November 2012) has been made available for Council to consider an infrastructure delivery plan for the development. A 'draft' version of such a plan, which could potentially be considered for inclusion in a voluntary planning agreement between Council and the proponent, was not received from the proponent until 8 November 2012.

So critical is the issue of infrastructure, in so far as it will influence the 'suitability' of the UWS site for the proposed and future development and the means by which the impacts of development can be satisfactorily addressed, that the Joint Regional Planning Panel should be requested to defer its consideration of the application until such time as the proponent's infrastructure delivery plan is finalised and Council has had a reasonable opportunity to respond to that plan.

In addition, such deferral would provide an opportunity for other matters raised in this report to be taken into account by the proponent (some of which will be likely to have relevance to the infrastructure delivery plan and the future voluntary planning agreement proposed by the applicant.).

This approach would hopefully lead to a more satisfactory planning outcome for the site.

The significance of a suitable voluntary planning agreement to the Council, cannot be understated, especially in light of the proponent's amendment to the Master Plan previously adopted by Council, and the fact that the subject application represents only the first stage of the overall UWS site development.

Council is in need of some mechanism that would provide it with sufficient certainty that the site will be provided with the required infrastructure in an appropriate time frame. No Section 94 Plan applies to the UWS land and no voluntary planning agreement is in place.

Further, in light of the absence of any staged development consent for the land, and to provide the Council with greater certainty that the whole of the site will be developed in a co-ordinated and appropriate manner, it is recommended that Council write to the applicant requesting that the amended Master Plan submitted with the subject application be submitted to Council for consideration for endorsement.

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Notwithstanding, it is the intention of the Director of Planning and Environment to present a report to Council in the near future, that re-examines the current DCP that applies to the UWS site, in light of a range of considerations including:

- the Stage 1 development application
- the amended Master Plan proposal submitted with the Stage 1 development application
- what Council considers to be the most appropriate planning outcomes for the site
- the infrastructure delivery plan for the UWS site
- matters associated with a voluntary planning agreement for the land.

It is recommended that the Council make a submission to the Sydney West Joint Regional Planning Panel outlining the range of planning and infrastructure matters discussed in the above report and requesting that the Panel's consideration of the determination of the Stage 1 development application for subdivision of part of the UWS site be deferred to provide Council with the opportunity to make representations to the Panel over the infrastructure delivery plan for the UWS site.

### **Officer's Recommendation**

1. That Council authorise the Director Planning and Environment to forward a submission to the Sydney West Joint Regional Planning Panel on behalf of Council:
  - a) outlining the range of planning and infrastructure matters raised in the above report
  - b) requesting that the Panel's determination of the development application 387/2012/DA-S for Stage 1 Subdivision works within the University of Western Sydney site, be deferred to enable Council sufficient time to make further representations to the Panel on the Infrastructure Delivery Plan for the UWS site, given that Council only received a draft version of this document on 8 November 2012.
2. That Council write to the applicant requesting that the amended Master Plan submitted with the Stage 1 Development application be submitted to Council for consideration for endorsement prior to any further development applications being lodged for land located within the area subject to the University of Western Sydney Campbelltown - Development Control Plan 2008.

Having declared an interest in regard to Item 2.11, Council's Manager Development Services left the Chamber during discussion of this item.

### **Committee's Recommendation: (Kolkman/Oates)**

1. That Council authorise the Director Planning and Environment to forward a submission to the Sydney West Joint Regional Planning Panel on behalf of Council:
    - a) outlining the range of planning and infrastructure matters raised in the above report
-



- b) requesting that the Panel's determination of the development application 387/2012/DA-S for Stage 1 Subdivision works within the University of Western Sydney site, be deferred to enable Council sufficient time to make further representations to the Panel on the Infrastructure Delivery Plan for the UWS site, given that Council only received a draft version of this document on 8 November 2012.
- 2. That Council write to the applicant requesting that the amended Master Plan submitted with the Stage 1 Development application be submitted to Council for consideration for endorsement prior to any further development applications being lodged for land located within the area subject to the University of Western Sydney Campbelltown - Development Control Plan 2008.
- 3. That Council write to the Sydney West Joint Regional Planning Panel urging that consideration of the Stage 1 development application be deferred on the basis that without a Master Plan in place that has been fully considered and approved by Council, in conjunction with a newly revised Development Control Plan for the whole of the UWS development site, the determining authority cannot be satisfied that the Stage 1 development proposal is in fact the most efficient, socially responsible and sustainable use of the site.

**CARRIED**

At the conclusion of the discussion regarding Item 2.11, Council's Manager Development Services returned to the Chamber for the remainder of the meeting.

**Council Meeting 20 November 2012**

Having declared an interest in regard to Item 2.11, Councillors Hawker and Lake left the Chamber and did not take part in debate nor vote on these items.

**Council Meeting 20 November 2012 (Thompson/Mead)**

That the Committee's Recommendation be adopted.

**Council Resolution Minute Number 198**

That the Committee's Recommendation be adopted.

Councillor Borg asked that his name be recorded in opposition to the Council Resolution in regard to Item 2.11.

At the conclusion of the discussion regarding Items 2.6 and 2.11, Councillors Hawker and Lake returned to the Chamber for the remainder of the meeting.

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### **3. DEVELOPMENT SERVICES**

#### **3.1 Development Services Section Statistics - September 2012**

##### **Reporting Officer**

Manager Development Services

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##### **Attachments**

Development Services Application Statistics for September 2012 (distributed under separate cover)

##### **Purpose**

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

##### **Report**

In accordance with Council's resolution of 23 August 2005 that Councillors be provided with regular information regarding the status of development applications, the attachment to this report provides details of key statistics for September 2012 as they affect the Development Services Section.

##### **Officer's Recommendation**

That the information be noted.

##### **Committee's Recommendation: (Oates/Kolkman)**

That the Officer's Recommendation be adopted.

##### **CARRIED**

##### **Council Meeting 20 November 2012 (Greiss/Lake)**

That the Officer's Recommendation be adopted.

##### **Council Resolution Minute Number 195**

That the Officer's Recommendation be adopted.

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3.2 Council's Monitoring And Reporting Obligations Of Variations To Development Standards Allowed Under State Environmental Planning Policy No.1 - Development Standards (SEPP 1)

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**3.2 Council's monitoring and reporting obligations of variations to Development Standards allowed under State Environmental Planning Policy No.1 - Development Standards (SEPP 1)**

**Reporting Officer**

Manager Development Services

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**Attachments**

SEPP 1 variations approved for the period July 2012 to September 2012 (distributed under separate cover).

**Purpose**

To advise Council of development applications approved for the period 1 July 2012 to 30 September 2012 that involved a variation of a development standard allowed under the relevant provisions of the State Environmental Planning Policy No. 1 - Development Standards (SEPP 1 Applications).

**Report**

In accordance with the Department of Planning and Infrastructure's (DPI) requirement for all SEPP 1 Applications to be reported to Council, the attachment to this report indicates that there were no SEPP 1 Applications determined within the period stated above.

Further to the above, a copy of the attachment to this report was included in the quarterly report to the DPI and the information therein is also made available to the public under the "SEPP 1 Register" on Council's website.

**Officer's Recommendation**

That the information be noted.

**Committee's Recommendation: (Kolkman/Lound)**

That the Officer's Recommendation be adopted.

**CARRIED**

Councillor Thompson asked that his name be recorded in opposition to the Committee's Recommendation in regard to Item 3.2.

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3.2 Council's Monitoring And Reporting Obligations Of Variations To Development Standards Allowed Under State Environmental Planning Policy No.1 - Development Standards (SEPP 1)

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**Council Meeting 20 November 2012 (Greiss/Lake)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 195**

That the Officer's Recommendation be adopted.

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### 3.3 Lot 691 DP1171049 Bounded By Grampian Avenue, Gawler Avenue And Sandeford Way, Minto - Seniors Living Development

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### 3.3 Lot 691 DP1171049 bounded by Grampian Avenue, Gawler Avenue and Sandeford Way, Minto - Seniors Living Development

#### Reporting Officer

Manager Development Services

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#### Attachments

1. Recommended conditions of consent (draft)
2. Location plan
3. Site plan
4. Floor plans
5. Elevations and perspectives
6. Extract from applicants Statement of Environmental Effects demonstrating compliance with Seniors SEPP (provided under separate cover)
7. Extract from applicants Statement of Environmental Effects demonstrating compliance with Minto Renewal DCP (provided under separate cover)

#### Purpose

To provide an assessment of a proposal to construct a seniors living development comprising of 14 x 2 and 4 x 1 bedroom units. The application has been lodged by the Land and Housing Corporation (the Crown), an agency of the NSW Department of Finance and Services. As the Crown is the applicant, Council cannot refuse consent or impose conditions upon the development without the agreement of the applicant or the Minister.

<b>Property Description</b>	Lot 691 DP1171049 bounded by Grampian Avenue, Gawler Avenue and Sandeford Way, Minto.
<b>Application No</b>	1608/2012/DA-SL
<b>Applicant</b>	NSW Land and Housing Corporation
<b>Owner</b>	NSW Land and Housing Corporation
<b>Provisions</b>	State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 Campbelltown (Urban Area) Local Environmental Plan 2002 Minto Renewal Development Control Plan 2006
<b>Date Received</b>	10 August 2012

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## History

The subject site is located within the Minto Renewal Project area. This project was determined by the Minister for Planning as a major project under State Environmental Planning Policy (Major Projects) 2005 and involves the staged redevelopment of approximately 1,000 properties in the former Minto public housing precinct. The subject allotment is located within Stage 5 of the redevelopment project, which was approved by Council under DA1565/2009/DA-S with construction of Stages 5 and 6 commencing in April 2011.

The approved Minto Renewal Project concept plan did not specifically identify individual allotments for the purposes of seniors living, however as subdivision has proceeded, larger lots capable of accommodating significant development have been created. It has always been the intention to provide such opportunities throughout the redeveloped Minto as the need and demand for such housing is strong. One of the key elements of the renewal project is a significant reduction in the proportion of social housing within Minto to a maximum of approximately 30% of total dwellings. This senior's living development, to be managed by NSW Land and Housing Corporation will contribute to the social housing mix.

## Report

### The Proposal

The proposed development is seniors housing (in-fill self-care housing) as defined by the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, hereafter referred to as the Seniors SEPP. That is, the development proposes self-contained units where meals, cleaning services, personal care or nursing care are not provided on site as part of the development. All of the units have been designed to be universally accessible.

The subject site is located approximately 50 metres south of Benham Road, Minto, towards the northern extremity of the Minto Renewal Project area. It will have three street frontages, being Grampian Avenue to the north, Gawler Avenue to the east and Sandeford Way to the south. To the west are three existing single dwellings being retained by NSW Housing.

The site is rectangular with approximate dimensions of 60m x 45m giving a site area of approximately 2,600sqm. It is vacant, with all previous improvements having been demolished in order to facilitate progress of the Minto Renewal Project concept plan.

The site is relatively flat, falling from north to south, with the steepest sections being on the Sandeford Way frontage. The topography is reflected in the design of the proposal but is managed in an appropriate manner to retain appropriate accessibility throughout the development.

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### 3.3 Lot 691 DP1171049 Bounded By Grampian Avenue, Gawler Avenue And Sandeford Way, Minto - Seniors Living Development

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The development is designed as one block of units in a c-shape configuration with nine units on the ground floor and nine units on the first floor. Twelve units will front Grampian Avenue, four units will front Gawler Avenue and two units will front Sandeford Way. The ground floor units fronting Grampian Avenue have direct pedestrian access from the street via a garden courtyard. They are also accessible from an internal covered walkway as are the other units. All units are provided with a private open space area. Ground floor units have a courtyard directly accessible from the living area and the first floor units have a balcony directly accessible from the living area. An open car park area with eight spaces, including four disabled spaces, is located in the south west corner of the site with vehicular access off Sandeford Way. Five of these spaces are covered as they directly adjoin the covered access walkway. There is a lift, centrally located with good proximity to the car park area which provides access to the first floor in addition to three covered staircases. Extensive site landscaping work is proposed.

#### 1. Vision

Campbelltown 2025 Looking Forward is a vision statement of broad planning intent for the longer term future of the City of Campbelltown. The document establishes a set of strategic directions to guide decision making and development outcomes and recognises that the structure of the community is changing with an increasing proportion of older people and household size decreasing. Two key themes for change are housing choice and redeveloping existing NSW Housing areas.

The strategic directions that are relevant to this application are:

- Protecting and enhancing the City's key environmental assets
- Growing the regional city
- Building a distinctive Campbelltown sense of place.

This leads to the following desired outcomes and focus areas:

- Development and land use matches environmental capacity and capability
- Minimising car dependency
- Appropriate settlement patterns and structure
- High quality lifestyle opportunities across a framework of liveable neighbourhoods.

The proposed development is consistent with the vision for the City as described within Campbelltown 2025 Looking Forward and therefore at the broad strategic planning level, can be supported.

#### 2. Planning Provisions

Section 79C of the *Environmental Planning and Assessment Act 1979* requires that in determining a development application, a consent authority is to take into consideration the provisions of any environmental planning instrument and any development control plan that may be relevant to the application. In this case the following are relevant:

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## **2.1 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

Described below are the provisions of the Seniors SEPP that are particularly relevant to this Development Application.

**Clause 2 Aims of Policy** - The aims of the Seniors SEPP are to increase the supply and diversity of residences that meet the needs of seniors or people with a disability, make efficient use of existing infrastructure and services and be of good design. The proposal does this.

**Clause 4 land to which Policy applies** - The Seniors SEPP applies to land that is zoned primarily for urban purposes, where, amongst other things, dwelling houses and/or residential flats are permissible. The subject site is within the 2(b) – Residential B zone of the Campbelltown Local Environmental Plan 2002 where dwelling houses are permissible. Therefore the Seniors SEPP is applicable.

**Clause 5 Relationship to other environmental planning instruments** – The Seniors SEPP is the higher order planning instrument and therefore in the case of any inconsistency with the Council's Local Environmental Plan, the Seniors SEPP will prevail. This is discussed later in the report.

**Clause 10 Seniors housing** – seniors housing is permanent residential accommodation that can include a group of self- contained dwellings. This development proposes permanent accommodation in self-contained dwellings.

**Clause 13 Self-contained dwellings** – the application has been lodged as in-fill self-care housing which under the terms of the Seniors SEPP is:

'seniors housing on land zoned primarily for urban purposes that consists of two or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.'

The proposal satisfies this definition.

**Clause 26 Location and Access to Facilities** – the Seniors SEPP requires the consent authority to be satisfied that residents would have access to shops, bank service providers and other retail and commercial services, community services, recreation facilities and the practice of a general medical practitioner. This clause provides details on what would satisfy a reasonable level of access and the applicant has addressed this in their Statement of Environmental Effects.

**Clauses 31-39 Design Principles and requirements** – the development must demonstrate consideration of a range of matters that are aimed at ensuring good design outcomes. These matters relate to neighbourhood amenity and streetscape, visual and acoustic privacy, solar access, stormwater, crime prevention, accessibility and waste management.

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**Clauses 40 and 41 Development standards** – these clauses impose development standards that relate to minimum area for a development site, minimum frontage of a development site and building height.

**Clause 50 Development standards that cannot be used as a reason for refusal** – this clause outlines standards relating to building height, density and scale, landscaped area, deep soil zones, solar access, private open space and car parking. If the nominated standards are met by the proposed development, then the consent authority cannot refuse that development application on any of these grounds. The proposal does not breach any of these standards with the exception of a minor variation to the floor space ratio which is discussed later in the report.

As part of their Statement of Environmental Effects, the applicant has provided a detailed analysis of the project's response to all of these matters and can be seen as an attachment to this report. This information provides an accurate assessment of the project's compliance with the Seniors SEPP. The application demonstrates compliance in all of the critical areas such as site location, access to transport and/or facilities, amenity for residents and suitability in dwelling design, thus ensuring accessibility and useability for the future residents.

## **2.2 Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP2002)**

The subject site is within the 2(b) – Residential B zone of the Campbelltown Local Environmental Plan 2002. The objectives of this zone include the following:

- b) to permit the development of a range of housing types
- c) to encourage a variety of forms of housing that are higher in density than traditional dwelling houses, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities.

The proposed development is consistent with these zone objectives.

However, by the definitions contained within the CLEP2002, the proposed development would be a residential flat building as it is a building containing two or more dwellings which achieve access from shared foyers, halls or stairways. The land use table for the 2(b) Residential zone prohibits residential flat buildings (while permitting multi –dwelling housing) and therefore the development is reliant upon the Seniors SEPP for its permissibility. This inconsistency between the planning instruments is overcome in favour of the SEPP by virtue of Clause 5 of the SEPP (refer to Section 2.1 of this report).

## **2.3 Minto Renewal Development Control Plan 2006 (Minto Renewal DCP)**

The Minto Renewal DCP is a specific plan that applies to the Minto urban renewal area and was adopted by Council in April 2006 to assist with ensuring development outcomes consistent with the vision put forward for the Minto Renewal Project. However, there are no controls that relate specifically to development for the purposes of seniors housing, nor were any specific sites identified or nominated as being future seniors housing sites.

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The proposal is consistent with a number of DCP objectives, in particular:

- Encourage the creation of safe, secure and liveable environments
- To provide for a mixture of housing choice and diversity of tenure including an appropriate quantity of quality public housing
- To provide appropriate housing for low income earners, the aged and people with disabilities.

Section 2 of the DCP is relevant to all types of proposed development and focuses on design requirements for buildings. These requirements are aimed at ensuring appropriate and sustainable outcomes. The applicant has provided a detailed analysis of the project's response to all of these matters as part of their Statement of Environmental Effects and can be seen as an attachment to this report. This information demonstrates the project's compliance with the Minto Renewal DCP.

### **3. Planning Assessment**

The Development Application has also been assessed having regard to the following provisions of s79C of the *Environmental Planning and Assessment Act 1979*.

- 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 suitability of the site for the development
- any submissions made in accordance with this Act or the regulations
- the public interest.

#### **3.1 Impacts of Development**

The development is proposed to be constructed within an established urban environment, with the subject site being part of a recently approved residential subdivision. There are no particular natural environmental qualities of the site or locality that will be impacted upon as a result of this development.

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### 3.3 Lot 691 DP1171049 Bounded By Grampian Avenue, Gawler Avenue And Sandeford Way, Minto - Seniors Living Development

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Although the two storey height of the proposed building is consistent with other residential development occurring in this locality, the scale of the building is far larger. Notwithstanding the architectural merit of the proposal, which has sought to modulate the building to emphasise individual units rather than present one blank mass, the resultant impression is of a residential flat building within a lower density environment. The total Floor Space Ratio (FSR) of the development is calculated at 0.53:1. The Seniors SEPP does not impose a maximum FSR upon development but Clause 50 of the Seniors SEPP would allow Council to use excessive FSR as a reason for refusal if the development has a FSR over 0.50:1. In this case, the difference equates to a total of approximately 66 square metres of floor space out of a total of 1,359 square metres for the whole development. If this amount of floor space was removed from the development, the change would be imperceptible. A small amount of floor space could be trimmed from each individual unit to bring the total FSR back to 0.5:1, but it would still be a development of 18 units. Fortunately there are no direct impacts arising from the scale of the building, such as overshadowing, loss of views or privacy concerns and therefore it is not considered necessary to seek a reduction in the total floor space of the development.

There are positive social impacts in terms of the provision of additional housing for those in need and fulfilling the broader objectives of the Minto Renewal Project. From an economic perspective, the regeneration of the Minto area will have a positive multiplier effect throughout the local economy.

### 3.2 Suitability of the Site

The suitability of the site for the intended purpose of housing for seniors or people with a disability has been tested through the analysis of compliance with the myriad requirements of the Seniors SEPP. This analysis confirms compliance in all key areas.

This large residential site has been created as part of Stage 5 of the Minto Renewal Project in order to provide the opportunity for housing other than single dwellings. There are no existing natural site features that would act to inhibit the development of the site. As part of the Minto Renewal Project, relevant stormwater management plans/information was provided. Further catchment specific flood studies have been commissioned but not as yet completed and therefore this Development Application has not been supported by any site specific flood study. Given the location of the site and the topography of it and the surrounding land, it is unlikely to be an issue of any concern. It would however be reasonable to impose a condition of consent that construction not be commenced until such time as the flood studies currently being undertaken have been completed and it is confirmed to Council's satisfaction that the subject site is developed in accordance with the approved flood study and is not adversely affected by stormwater flows from storm events.

The site is approximately 1km north of the existing Minto Mall but is well located to public transport connections which will afford residents access to a greater range of both commercial and community services that are available in other major centres. Access to public transport complies with the requirements of the Seniors SEPP.

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### 3.3 Lot 691 DP1171049 Bounded By Grampian Avenue, Gawler Avenue And Sandeford Way, Minto - Seniors Living Development

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While not flat, the site's topography is such that accessible paths of travel (grades 1:20 or less) can be maintained throughout the development, including linkages between the footpaths on Grampian and Gawler Avenues to the internal walkways. The development has been designed to avoid pedestrian access from the Sandeford Way frontage, which is the steepest portion of the site.

Overall, the site is suitable for the proposed development.

### 3.3 Public Interest

It is considered that the public interest is well served by this proposal by means of its consistency with the Minto Renewal Project that was previously the subject of detailed assessment and was found to be worthy of support. The proposal represents part of the transition of Minto.

To assist in the assessment of the proposal, comments were provided by Council's Accessibility Advisory Sub-committee and Waste Management Officer. These are discussed below.

### 3.4 Accessibility Sub Committee

The Sub-Committee was concerned that there was only one vehicular entry to the complex and that a circular driveway may be preferable to enable greater flexibility of access, in particular for emergency vehicles. There was concern that because there was only one lift, disabled residents should only be housed on the ground floor as the travel distance from the lift to their unit would be too great. The same concern existed in relation to the garbage storage area with possible solutions being to split the garbage storage area into two locations and to provide garbage chutes from the first storey down to ground level. It was suggested that internal sliding doors be used for wardrobes, bathrooms and bedrooms.

The applicant reviewed these comments and believes that no amendments are warranted. The single driveway is considered to be ample for the size of the development and the small number of car spaces being serviced. The same argument is relevant in relation to providing a second lift, with the central location of the lift ensuring that no units are more than 35 metres away on a level path of travel, under cover. The applicant does not support splitting the garbage storage areas nor the introduction of a garbage chute or the use of sliding doors in the bedroom/bathroom/wardrobes.

### 3.5 Waste Management

In relation to the provision of an ongoing domestic waste collection service, the Waste Management Officer raised no objection to the use of 240 litre bins for garbage and 240 litre bins for recycling at the ratio of one bin for each two units (a total of 18 bins). There will also be two 240 litre green bins for garden organics. Some concern was raised that the gradient of a significant portion of the driveway to Sandeford Way was too steep as a path of travel for wheeling bins between the communal bin storage area and the street for collection. This assumes that collection would be from Sandeford Way. If collection is to be from Gawler Avenue or Grampian Avenue (or a combination of both), then a suitably level path of travel exists between the bin storage areas and these streets.

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The proposed location of the bin storage area is considered to be logical and acceptable. However, the on street bin collection location needs to be confirmed to ensure it is suitable from both the perspective of the residents and the garbage service provider.

It was suggested that the applicant investigate the plausibility of employing a site manager/caretaker to assist in the management of waste, the moving of bins between storage and collection areas and the cleaning of storage areas.

The applicant reviewed all of these comments and has provided a waste management plan that commits the applicant to engaging a contractor to place bins on the kerbside and return them to the bin storage area each week as well as keeping the bin storage area clean.

#### **4. Public Participation**

The application was notified in accordance with Council's adopted public notification and public exhibition requirements. No submissions were received.

#### **5. Conclusion**

The application is for 14 x 2 and 4 x 1 bedroom infill self-care housing units under the provisions of the Seniors SEPP. The proposal is permissible by virtue of this Plan. The applicant has demonstrated compliance with the key requirements of the Seniors SEPP in both the site location and the design of the units. The key issues of access to transport and services and universal accessibility in the design of units have been addressed in a satisfactory way.

In relation to the CLEP 2002, the provision of housing for the aged and disabled is consistent with the objectives of the 2(b) residential zoning of the site and of the objectives of the Minto renewal Project and Minto DCP.

The proposal can be supported and approval is recommended subject to draft conditions of consent, noting that as this is a Crown application, the applicant must agree to the imposition of the conditions.

#### **Officer's Recommendation**

That Council grant development consent to Development Application 1608/2012/DA-SL for the construction of seniors housing in-fill self-care housing comprising of 14 x 2 and 4 x 1 bedroom units at Lot 691 DP1171049, Grampian Avenue, Minto, subject to the conditions detailed in Attachment 1 to this report.

#### **Committee's Recommendation: (Matheson/Rowell)**

That the Officer's Recommendation be adopted.

#### **CARRIED**

Voting for the Committee's Recommendation were Councillors: Dobson, Greiss, Kolkman, Lound, Matheson, Oates and Rowell.

Voting against the Committee's Recommendation was Councillor Thompson.

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### **Council Meeting 20 November 2012 (Lake/Hawker)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 199**

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Bricevic, Chanthivong, Dobson, Glynn, Greiss, Hawker, Kolkman, Lake, Lound, Matheson, Mead, Oates, Rowell and Thompson.

Voting against the Council Resolution: Nil.

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### 3.4 Proposed Lot 966 Currently Being Part Of Lot 127 DP1034916 Bounded By Townson Avenue, Dalrymple Street And Yengo Street, Minto - Seniors Living Development

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## 3.4 Proposed Lot 966 currently being Part of Lot 127 DP1034916 bounded by Townson Avenue, Dalrymple Street and Yengo Street, Minto - Seniors Living Development

### Reporting Officer

Manager Development Services

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### Attachments

1. Recommended conditions of consent (draft)
2. Location plan
3. Site plan
4. Floor plans
5. Elevations and perspectives
6. Extract from applicants Statement of Environmental Effects demonstrating compliance with Seniors SEPP (provided under separate cover)
7. Extract from applicants Statement of Environmental Effects demonstrating compliance with Minto Renewal DCP (provided under separate cover)

### Purpose

To provide an assessment of a proposal to construct a two storey Seniors Living Development comprising 20 x 2 bedroom units. The application has been lodged by the Land and Housing Corporation (the Crown), an agency of the NSW Department of Finance and Services. As the Crown is the applicant, Council cannot refuse consent or impose conditions upon the development without the agreement of the applicant or the Minister.

<b>Property Description</b>	Proposed Lot 966 currently being Part of Lot 127, DP1034916 (bounded by Townson Avenue, Dalrymple Street and Yengo Street, Minto)
<b>Application No</b>	1618/2012/DA-SL
<b>Applicant</b>	NSW Land and Housing Corporation
<b>Owner</b>	NSW Land and Housing Corporation
<b>Provisions</b>	State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 Campbelltown (Urban Area) Local Environmental Plan 2002 Minto Renewal Development Control Plan 2006
<b>Date Received</b>	10 August 2012

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## History

The subject site is located within the Minto Renewal Project area. This project was determined by the Minister for Planning as a major project under the State Environmental Planning Policy (Major Projects) 2005 and involves the staged redevelopment of approximately 1,000 properties in the former Minto public housing precinct. The subject allotment is located within Stage 9 of the redevelopment project, a subdivision which was approved by Council in April 2011 under DA2672/2010/DA-S.

The approved Minto Renewal Project concept plan did not specifically identify individual allotments for the purposes of seniors living, however as subdivision has proceeded, larger lots capable of accommodating significant development have been created. It has always been the intention to provide such opportunities throughout the redeveloped Minto as the need and demand for such housing is strong. One of the key elements of the renewal project is a significant reduction in the proportion of social housing within Minto to a maximum of approximately 30% of total dwellings. This senior's living development to be managed by NSW Land and Housing Corporation, will contribute to the social housing mix.

## Report

### The Proposal

The proposed development is seniors housing (in-fill self-care housing) as defined by the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. That is, the development proposes self-contained units where meals, cleaning services, personal care or nursing care are not provided on site as part of the development.

The subject site is located approximately 250 metres south of Ben Lomond Road on the eastern side of Townson Avenue. It will also have frontage to two newly created roads being Dalrymple Street to the north and Yengo Street to the east. To the south will be new single lots designed for new single dwelling development.

The site is square with boundary dimensions of approximately 60 metres each resulting in an area of 3,556 square metres. It is vacant, with all previous improvements having been demolished in order to facilitate the implementation of the Minto concept plan. There is a cross fall of approximately 6.5 metres from the high point of the site in the south east corner to the low point in the north west corner at the intersection of Townson Avenue and Dalrymple Street. The topography is reflected in the design of the proposal but is managed in an appropriate manner to retain appropriate accessibility throughout the development.

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### 3.4 Proposed Lot 966 Currently Being Part Of Lot 127 DP1034916 Bounded By Townson Avenue, Dalrymple Street And Yengo Street, Minto - Seniors Living Development

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The development is divided into two blocks, both of two storeys. Block A addresses Townson Avenue and contains 12 units (six on the ground floor and six on the first floor). These units have direct pedestrian access to Townson Avenue. Block B addresses Yengo Street and contains eight units (four on the ground floor and four on the first floor). These units have pedestrian access to Yengo Street and also to Dalrymple Street where the letter boxes for all units are located. There is no lift provided so access to the first floor units is via stairs with one stairwell provided for each pair of first floor units. Due to the topography of the site, the ground floor level of Block B is approximately 2.7 metres above the ground floor level of Block A. This difference is accommodated by a gently sloping common garden/landscaped area that separates the two blocks and by cutting in and retaining the rear courtyards of the ground floor units of Block A.

An open car park area with 10 spaces, including four disabled spaces, is located in the south east corner of the site accessed off Townson Avenue via a three metre wide driveway. A Traffic Assessment report was submitted to support the application and this report was satisfied with the proposed access arrangements. The car park area is set down below Yengo Street by cutting in and retaining, which limits the visual impact of the carpark area on the streetscape. There is direct pedestrian access from the car park to the units in Block B, although not to Block A. This oversight will need to be addressed and is discussed later in this report.

All units are provided with a private open space area. Ground floor units have a minimum 15sqm courtyard directly accessible from the living area and the first floor units have a minimum 10sqm balcony directly accessible from the living area. Extensive site landscaping is proposed.

## 1. Vision

Campbelltown 2025 Looking Forward is a vision statement of outlining broad planning intent for the longer term future of the City of Campbelltown. The document establishes a set of strategic directions to guide decision making and development outcomes and recognises that the structure of the community is changing with an increasing proportion of older people and household size decreasing. Two key themes for change are housing choice and redeveloping existing NSW Housing areas.

The strategic directions that are relevant to this application are:

- Protecting and enhancing the City's key environmental assets
- Growing the regional city
- Building a distinctive Campbelltown sense of place.

This leads to the following desired outcomes and focus areas:

- Development and land use matches environmental capacity and capability
  - Minimising car dependency
  - Appropriate settlement patterns and structure
  - High quality lifestyle opportunities across a framework of liveable neighbourhoods.
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### 3.4 Proposed Lot 966 Currently Being Part Of Lot 127 DP1034916 Bounded By Townson Avenue, Dalrymple Street And Yengo Street, Minto - Seniors Living Development

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The proposed development is consistent with the vision for the City as described within Campbelltown 2025 Looking Forward and therefore at the broad strategic planning level, can be supported.

## 2. Planning Provisions

Section 79C of the *Environmental Planning and Assessment Act 1979* requires that in determining a development application, a consent authority is to take into consideration the provisions of any environmental planning instrument and any development control plan that may be relevant to the application. In this case the following are relevant:

### 2.1 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Described below are the provisions of the Seniors SEPP that are particularly relevant to this Development Application.

**Clause 2 Aims of Policy** - The aims of the Seniors SEPP are to increase the supply and diversity of residences that meet the needs of seniors or people with a disability, make efficient use of existing infrastructure and services and be of good design. The proposal does this.

**Clause 4 land to which Policy applies** - The Seniors SEPP applies to land that is zoned primarily for urban purposes, where, amongst other things, dwelling houses and/or residential flats are permissible. The subject site is within the 2(b) – Residential B zone of the Campbelltown Local Environmental Plan 2002 where dwelling houses are permissible and therefore the Seniors SEPP is applicable.

**Clause 5 Relationship to other environmental planning instruments** – The Seniors SEPP is the higher order planning instrument and therefore in the case of any inconsistency with the Council's Local Environmental Plan, the Seniors SEPP will prevail. This is discussed later in the report.

**Clause 10 Seniors housing** – seniors housing is permanent residential accommodation that can include a group of self- contained dwellings. This development proposes permanent accommodation in self-contained dwellings.

**Clause 13 Self-contained dwellings** – the application has been lodged as in-fill self-care housing which under the terms of the Seniors SEPP is:

'seniors housing on land zoned primarily for urban purposes that consists of two or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.'

The proposal satisfies this definition.

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### 3.4 Proposed Lot 966 Currently Being Part Of Lot 127 DP1034916 Bounded By Townson Avenue, Dalrymple Street And Yengo Street, Minto - Seniors Living Development

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**Clause 26 Location and access to facilities** - the consent authority must be satisfied that residents would have access to shops, bank service providers and other retail and commercial services, community services, recreation facilities and the practice of a general medical practitioner. This clause provides details on what would satisfy a reasonable level of access and the applicant addresses this in their Statement of Environmental Effects.

**Clauses 31-39 Design principles and requirements** – the development must demonstrate consideration of a range of matters that are aimed at ensuring good design outcomes. These matters relate to neighbourhood amenity and streetscape, visual and acoustic privacy, solar access, stormwater, crime prevention, accessibility and waste management.

**Clauses 40 and 41 Development standards** – these clauses impose development standards that relate to minimum area for a development site, minimum frontage of a development site and building height.

**Clause 50 Development standards that cannot be used as a reason for refusal** – this clause outlines standards relating to building height, density and scale, landscaped area, deep soil zones, solar access, private open space and car parking. If the nominated standards are met by the proposed development, then the consent authority cannot refuse that development application on any of these grounds. The proposal does not breach any of these standards.

As part of their Statement of Environmental Effects, the applicant has provided a detailed analysis of the project's response to all of these matters and can be seen as an attachment to this report. This information provides an accurate assessment of the project's compliance with the Seniors SEPP. The application demonstrates compliance in all of the critical areas such as site location and access to transport and/or facilities, amenity for residents and suitability in dwelling design, thus ensuring accessibility and useability for the future residents.

## 2.2 Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002)

The subject site is within the 2(b) – Residential B zone of the Campbelltown Local Environmental Plan 2002. The objectives of this zone include the following:

- b) to permit the development of a range of housing types
- c) to encourage a variety of forms of housing that are higher in density than traditional dwelling houses, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities.

The proposed development is consistent with these zone objectives.

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### 3.4 Proposed Lot 966 Currently Being Part Of Lot 127 DP1034916 Bounded By Townson Avenue, Dalrymple Street And Yengo Street, Minto - Seniors Living Development

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However, by the definitions contained within the CLEP 2002, the proposed development would be a residential flat building as it is a building containing two or more dwellings which achieve access from shared foyers, halls or stairways. The land use table for the 2(b) Residential zone prohibits residential flat buildings (while permitting multi –dwelling housing) and therefore the development is reliant upon the Seniors SEPP for its permissibility. This inconsistency between the planning instruments is overcome in favour of the SEPP by virtue of Clause 5 of the SEPP (refer to Section 2.1 of this report).

### 2.3 Minto Renewal Development Control Plan 2006 (Minto Renewal DCP)

The Minto Renewal DCP is a specific plan that applies to the Minto urban renewal area and was adopted by Council in April 2006 to assist with ensuring development outcomes consistent with the vision put forward for the Minto renewal project. However, there are no controls that relate specifically to development for the purposes of seniors housing, nor were any specific sites identified as being future seniors housing sites.

The proposal is consistent with a number of DCP objectives, in particular:

- Encourage the creation of safe, secure and liveable environments
- To provide for a mixture of housing choice and diversity of tenure including an appropriate quantity of quality public housing
- To provide appropriate housing for low income earners, the aged and people with disabilities.

Section 2 of the DCP is relevant to all types of proposed development and focuses on design requirements for buildings that are aimed at ensuring appropriate and sustainable outcomes. The applicant has provided a detailed analysis of the project's response to all of these matters as part of their Statement of Environmental Effects and can be seen as an Attachment to this report. This information demonstrates the project's compliance with the Minto Renewal DCP.

## 3. Planning Assessment

The Development Application has also been assessed having regard to the following provisions of s79C of the *Environmental Planning and Assessment Act 1979*.

- 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 suitability of the site for the development
  - any submissions made in accordance with this Act or the regulations
  - the public interest.
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### 3.4 Proposed Lot 966 Currently Being Part Of Lot 127 DP1034916 Bounded By Townson Avenue, Dalrymple Street And Yengo Street, Minto - Seniors Living Development

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#### 3.1 Impacts of Development

The development is proposed to be constructed within an established urban locality, with the subject site being part of a recently approved residential subdivision. There are no particular natural environmental qualities of the site or locality that will be impacted upon as a result of this development.

Although the two storey height of the proposed building is consistent with other residential development occurring in this locality, the scale of the building is far larger. Notwithstanding the architectural merit of the proposal, the resultant impression is that of a residential flat building within a lower density environment. Fortunately there are no direct impacts arising from this scale, such as overshadowing, loss of views or privacy concerns. With the proposal being within the 0.5:1 FSR and below the eight metre height limit stipulated by the Seniors SEPP, the Council is not in a position to use excessive FSR or height as reasons for refusal.

There are positive social impacts in terms of the provision of additional housing for those in need and fulfilling the broader objectives of the Minto Renewal Project. From an economic perspective, the regeneration of the Minto area will have a positive multiplier effect throughout the local economy.

#### 3.2 Suitability of the Site

The suitability of the site for the intended purpose of housing for seniors or people with a disability has been tested through the analysis of how the proposed development complies with the myriad requirements of the relevant Seniors SEPP. This analysis confirms compliance in all key areas.

This large residential site has been created as part of Stage 9 of the Minto Renewal Project in order to provide the opportunity for housing other than single dwellings. There are no existing natural site features that would act to inhibit the development of the site. As part of the Minto Renewal Project relevant stormwater management plans/information was provided. Further catchment specific flood studies have been commissioned but not as yet completed and therefore this Development Application has not been supported by any site specific flood study. Given the location of the site and the topography of it and the surrounding land, it is unlikely to be an issue of any concern. It would however be reasonable to impose a condition of consent that construction not be commenced until such time as the flood studies currently being undertaken have been completed and it is confirmed to Council's satisfaction that the subject site is developed in accordance with the approved flood study and is not adversely affected by stormwater flows from storm events.

The site is in close proximity to Minto Mall but also is well located to public transport which will afford residents access to a greater range of both commercial and community services available in other major centres. Access to public transport complies with the requirements of the Seniors SEPP.

While not flat, the site's topography is such that accessible paths of travel can be maintained throughout the development. The site is serviced by footpaths on three sides which allows for individual access to each of the ground floor units and common areas.

Overall, the site is suitable for the proposed development.

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### 3.4 Proposed Lot 966 Currently Being Part Of Lot 127 DP1034916 Bounded By Townson Avenue, Dalrymple Street And Yengo Street, Minto - Seniors Living Development

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### 3.3 Public Interest

It is considered that the public interest is well served by this proposal by means of its consistency with the Minto Renewal Project that was previously the subject of detailed assessment and was found to be worthy of support. The proposal represents part of the transition of Minto.

To assist in the assessment of the proposal, comments were provided by Council's Accessibility Advisory Sub-committee, Waste Management Officer and Manager Technical Services. These are discussed below.

### 3.4 Accessibility Sub Committee

The Sub-Committee was concerned with a lack of access to the first floor level for disabled residents as no lift is proposed to be provided. The Sub-Committee also pointed to a lack of covered walkways to provide shelter and lack of cover to the accessible car parking spaces. It was also suggested that there should be a locked gate for increased security and internal sliding doors should be used for wardrobes/bathroom/bedroom. The submitted plans do not indicate a separate pedestrian link from the car park to Block A meaning residents of Block A would need to utilise the driveway to get back to their units if they park their car in the car park area. This omission needs to be rectified and this is acknowledged by the applicant who has indicated that a pedestrian linkage can be created to provide a safe path of travel from the car park back to Block A. An appropriate condition of consent should be included to ensure this outcome.

The applicant reviewed these comments and has agreed that additional covered walkways to the units and for the accessible car parking spaces will be provided. This would greatly improve the amenity of the development for residents. A condition of consent can be imposed to this effect. In relation to there being no lift in this development, the applicant makes the point that Housing NSW has the ability to selectively allocate the first floor units to residents with a higher level of mobility. Given that the Seniors SEPP does not mandate a lift, it is reasonable to accept the applicant's position. The applicant agrees that a locked gate should be provided, but does not wish to amend bathroom/bedroom/wardrobe doors to sliding, pointing out that the internal layouts are compliant with requirements.

### 3.5 Waste Management

In relation to the provision of an ongoing domestic waste collection service, the Waste Management Officer raised no objection to the use of 240 litre bins for garbage and 240 litre bins for recycling at the ratio of one bin for each two units (plus three spare bins) for a total of 23 bins, as well as three 240 litre bins for garden organics. Some concern was raised over the proximity of the bin storage area to service Block A as it would be directly located below the windows of habitable rooms, being the Bedroom two windows of Units A02, A04, A06, A102, A104 and A106. The garbage bins will be housed in a storage enclosure at a minimum distance of 2.5 metres from the ground floor windows.

The on street bin collection location needs to be confirmed to ensure it is suitable from both the perspective of the residents and the garbage service provider.

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### 3.4 Proposed Lot 966 Currently Being Part Of Lot 127 DP1034916 Bounded By Townson Avenue, Dalrymple Street And Yengo Street, Minto - Seniors Living Development

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It was suggested that the applicant investigate the plausibility of employing a site manager/caretaker to assist in the management of waste, the moving of bins between storage and collection areas and the cleaning of storage areas.

The applicant reviewed these comments and was investigating the options to relocate the bin storage area for Block A to avoid any potential adverse amenity impacts upon residents of Block A. With vehicular access being relocated to Yengo Street, there would be ample area now available for a garbage storage area on the southern side of Block A where the original driveway was located. A suitable condition of consent can be imposed. In relation to an on-site caretaker, the applicant has indicated within the submitted waste management plan, that a contractor will be employed to place bins at the kerb side and return them to the bin storage area, as well as keep the bin storage area clean.

### 3.6 Technical Services

Concern was raised at the location of the proposed driveway access onto Townson Avenue which is situated on the southbound departure of the roundabout with Styles Crescent. It was suggested that a safer option would be to provide vehicular access to the site via Yengo Street. The applicant reviewed this suggestion and notwithstanding the fact that the submitted Traffic Assessment report raised no concerns with the Townson Avenue access point, they have advised that they can amend the proposal so that vehicular access is from Yengo Street. A plan has been provided that demonstrates how this can be achieved as well as addressing the concern from the Accessibility Committee by providing a pedestrian link direct from the car park area to Block A. A suitable condition of consent can be imposed to confirm these amendments.

## 4. Public Participation

The application was notified in accordance with Council's adopted public notification and public exhibition requirements. No submissions were received.

## 5. Conclusion

The application is for 20 x 2 bedroom infill self-care housing units under the provisions of the Seniors SEPP. The proposal is permissible by virtue of this Plan. The applicant has demonstrated compliance with the key requirements of the Seniors SEPP in both the site location and the design of the units. The key issues of access to transport and services and universal accessibility in the design of units have been addressed in a satisfactory way.

In relation to the CLEP 2002, the provision of housing for the aged and disabled is consistent with the objectives of the 2(b) residential zoning of the site and of the objectives of the Minto Renewal Project and Minto DCP.

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3.4 Proposed Lot 966 Currently Being Part Of Lot 127 DP1034916 Bounded By Townson Avenue, Dalrymple Street And Yengo Street, Minto - Seniors Living Development

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The proposal can be supported and approval is recommended subject to draft conditions of consent, noting that as this is a Crown application, the applicant must agree to the imposition of the conditions.

### **Officer's Recommendation**

That Council grant development consent to Development Application 1618/2012/DA-SL for the construction of seniors housing in-fill self-care housing comprising of 20 x 2 bedroom units at Proposed Lot 966, currently being Part of Lot 127, DP1034916, Dalrymple Street, Minto, subject to the conditions detailed in Attachment 1 to this report.

### **Committee's Recommendation: (Rowell/Matheson)**

That the Officer's Recommendation be adopted.

### **CARRIED**

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

Voting against the Committee's Recommendation: Nil.

### **Council Meeting 20 November 2012 (Hawker/Borg)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 200**

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Brticevic, Chanthivong, Dobson, Glynn, Greiss, Hawker, Kolkman, Lake, Lound, Matheson, Mead, Oates, Rowell and Thompson.

Voting against the Council Resolution: Nil.

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3.5 Lots 609 - 612, Santana Road, Campbelltown - Construction Of Four X Part 4-Storey  
And Part 5-Storey Residential Apartment Buildings With Associated Basement Car  
Parking And Landscaping

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**3.5 Lots 609 - 612, Santana Road, Campbelltown - Construction of Four  
x Part 4-Storey and Part 5-Storey Residential Apartment Buildings  
with Associated Basement Car Parking and Landscaping**

**Reporting Officer**

Manager Development Services

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**Attachments**

1. Recommended conditions of consent
2. Locality plan
3. Site plan
4. Floor plans (distributed under separate cover)
5. Elevation plans (distributed under separate cover)
6. Perspectives (distributed under separate cover)
7. Landscaping plans (distributed under separate cover)
8. Shadow diagrams (distributed under separate cover)

**Purpose**

To assist Council in its determination of the subject Development Application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

<b>Property Description</b>	Lots 609 – 612 DP 1141214 Santana Road, Campbelltown
<b>Application No</b>	210/2012/DA-RA
<b>Applicant</b>	Redband Developments Pty Ltd
<b>Owner</b>	Landcom
<b>Provisions</b>	State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2009 Campbelltown Development Control Plan No.104 – The Link Site
<b>Other Provisions</b>	Campbelltown 2025 – Looking Forward
<b>Date Received</b>	9 February 2012

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### 3.5 Lots 609 - 612, Santana Road, Campbelltown - Construction Of Four X Part 4-Storey And Part 5-Storey Residential Apartment Buildings With Associated Basement Car Parking And Landscaping

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## History

In December 2001 Council resolved to adopt a Master Plan and Development Control Plan for the development of the land between the Campbelltown Catholic Club and Macarthur Square, known as the Campbelltown Link Area (Park Central). Development Control Plan No. 104, which accompanies the Master Plan, also applies to the site and came into force on 9 January 2002.

On 21 May 2002, development consent G137/2001 was granted for subdivision creating nine allotments, the construction of three new roads and the construction of a new regional park, subject to conditions. The development proposed the subdivision of the site into nine lots (including the Campbelltown Hospital). Two of the allotments (Lots 5 and 6) were for the development of a regional park, Lot 1 a hospital site, Lot 8 a retirement village, Lot 9 business uses and Lot 7 commercial activities. Lots 2, 3 and 4 were to be developed for future residential purposes.

The subject development application was deferred on 7 May 2012 for the following reasons:

1. The proposed architectural form of the buildings are required to be revised to achieve a high quality architectural outcome that would result in a landmark development in one of the most prominent sites within the Park Central Estate
  2. The overall height of the buildings needs to be reduced as the proposal is considered to be five storeys in parts which is a non-compliance with the relevant development control plan
  3. The proposal does not comply with relevant setback standards within The Link Site Development Control Plan. The Statement of Environmental Effects has referenced the wrong precinct and as such the setbacks do not comply. Amended plans are required to comply with the required setbacks
  4. A revised Statement of Environmental Effects is required as no assessment has been provided for State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Buildings as well as for the Residential Flat Design Code. Amended plans may also be required to comply with the relevant standards of the Residential Flat Design Code
  5. A cut and fill management plan has not been submitted with the application
  6. Further information is required on the waste management arrangements for the residential apartment buildings. i.e. where bins will be collected from (a plan may be required to show where the bins would be collected on the street), how they would be collected, how rubbish is transferred to the garbage rooms in each building, etc
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3.5 Lots 609 - 612, Santana Road, Campbelltown - Construction Of Four X Part 4-Storey And Part 5-Storey Residential Apartment Buildings With Associated Basement Car Parking And Landscaping

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7. Given the landlocked nature of the public reserve area (Lot 613), maintenance access to the reserve seems to be inappropriate given that the shade structure and chair hoist for the stairs appears to interfere with the access required for Council's standard fleet mowers. Given that the buildings on Lots 609 & 610 have been designed to provide somewhat exclusive access to the future occupants of the buildings, an agreement with Council would need to be entered into concerning the future maintenance of the reserve. This agreement would essentially require that the body corporate to maintain the public reserve lot and as such a variation to the existing S88b would be required stating that Council is not responsible for any works and/or claims that may arise
8. A lighting plan is required detailing all lighting within basement levels and pedestrian access on the ground floors of each building
9. Further information is required on the construction materials of the storage areas within the basement levels as there are possible entrapment areas within some of the storage area corridors
10. Amended plans are required as there appears to be some overlooking and privacy issues between apartment units on Lot 611 and Lot 612
11. There is an issue with the access provided between the basement levels on Lot 611 and Lot 612. This access traverses an allotment boundary and as access to the basement level car parking for Lot 611 is dependent upon Lot 612, information is required to be submitted for the creation of a right of carriageway.

After several meetings with Council Officers in relation to the requested information, amended plans were lodged on 30 August 2012 and are the subject of this report.

## **Report**

### **The Site**

The subject site is located at the south eastern end of Santana Road and comprises of four individual allotments with a total combined area of 6,959.12 square metres. Santana Road is a cul-de-sac road. The subject sites benefit from two other street frontages being Therry Road to the south and Regents Street to the north. There is no access to the subject site from Therry Road. A large public reserve area bounds the site on the eastern boundary.

The four existing allotments are irregularly shaped and are proposed to be retained as separate allotments as part of the proposed development, as opposed to be consolidated into one large allotment. Lot 609 and Lot 610 surround a parcel of land dedicated as public reserve and contain a Scar tree which is of Aboriginal heritage significance. Public access to this reserve would be maintained via a right of carriageway over Lots 609 and 610 from Santana Road.

The subject land is relatively flat along Santana Road (albeit higher than the existing road level) and has a significant fall towards the rear of the site and towards Regents Street.

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### 3.5 Lots 609 - 612, Santana Road, Campbelltown - Construction Of Four X Part 4-Storey And Part 5-Storey Residential Apartment Buildings With Associated Basement Car Parking And Landscaping

The immediate (surrounding) built environment is characterised by a range of dwelling sizes and styles, including single storey dwellings as well as two storey dwellings and studios located above garages.

It is also noted that the Park Central Estate area contains commercial developments, a private hospital and several residential apartment buildings.

#### The Proposal

The proposed development consists of the construction of four separate residential apartment buildings across four separate sites with associated basement level car parking and landscaping. The proposal overall provides for 109 residential units and 167 car parking spaces. There are several vehicular access points provided for the development with one entry/exit driveway Regents Street and three entry/exit driveways via Santana Road.

A breakdown of each residential apartment building is as follows:

#### Lot 609:

Floor Level	Units	Car parking spaces	Service Areas	Storage Areas
Basement	Nil	19 car parking spaces including two disabled spaces, three visitor spaces and four bicycle spaces	waste room one lift	14 storage areas for units
Ground Floor	3 x 2 bedroom units (one is adaptable)  1 x 3 bedroom unit	Nil	one foyer one lift	storage areas in units
First floor	3 x 2 bedroom units (one is adaptable)  1 x 3 bedroom unit	Nil	one foyer one lift	storage areas in units
Second Floor	3 x 2 bedroom units  1 x 3 bedroom unit	Nil	one foyer one lift	storage areas in units

3.5 Lots 609 - 612, Santana Road, Campbelltown - Construction Of Four X Part 4-Storey  
And Part 5-Storey Residential Apartment Buildings With Associated Basement Car  
Parking And Landscaping

Floor Level	Units	Car parking spaces	Service Areas	Storage Areas
Third Floor	1 x 2 bedroom unit 1 x 3 bedroom unit	Nil	one foyer one lift	storage areas in units

**Lot 610:**

Floor Level	Units	Car parking spaces	Service Areas	Storage Areas
Basement	Nil	27 car parking spaces including two disabled, four visitor and five bicycle spaces	waste room one lift	19 storage areas for units
Ground floor	4 x 2 bedroom units (one is adaptable) 1 x 3 bedroom unit	Nil	one foyer one lift	storage areas inside units
First Floor	4 x 2 bedroom units (one is adaptable) 1 x 3 bedroom unit	Nil	one foyer one lift	storage areas in units
Second Floor	4 x 2 bedroom units 1 x 3 bedroom unit	Nil	one foyer one lift	storage areas in units
Third Floor	3 x 2 bedroom units 1 x 3 bedroom unit	Nil	one foyer one lift	storage areas in units

3.5 Lots 609 - 612, Santana Road, Campbelltown - Construction Of Four X Part 4-Storey  
And Part 5-Storey Residential Apartment Buildings With Associated Basement Car  
Parking And Landscaping

**Lot 611:**

Floor Level	Units	Car parking spaces	Service Areas	Storage Areas
Basement	Nil	45 car parking spaces including four disabled spaces	services room two lifts	32 storage areas for units
Ground Floor	3 x 2 bedroom units (one is adaptable) 3 x 3 bedroom units	10 car parking spaces including seven visitor spaces and eight bicycle spaces	waste room two lifts one foyer communal open space areas	five storage areas for units
First Floor	4 x 2 bedroom units (one is adaptable) 4 x 3 bedroom unit including eight adaptable units	Nil	two foyers two lifts	storage areas in units
Second Floor	4 x 2 bedroom unit (one is adaptable) 4 x 3 bedroom units	Nil	two foyers two lifts	storage areas in units
Third Floor	4 x 2 bedroom units (one is adaptable) 4 x 3 bedroom units	Nil	two foyers two lifts	storage areas in units
Fourth Floor	1 x 2 bedroom unit 3 x 3 bedroom units (one is dual key) 1 x 4 bedroom unit (dual key unit)	Nil	two foyers two lifts	storage areas in units

3.5 Lots 609 - 612, Santana Road, Campbelltown - Construction Of Four X Part 4-Storey  
And Part 5-Storey Residential Apartment Buildings With Associated Basement Car  
Parking And Landscaping

**Lot 612:**

Floor Level	Units	Car parking spaces	Service Areas	Storage Areas
Basement	Nil	20 car parking spaces including four visitor, two disabled spaces and eight bicycle spaces	waste room one lift	20 storage areas for units
Lower ground floor	3 x 2 bedroom (one is adaptable) 1 x 3 bedroom	37 car parking spaces including four visitor and two disabled spaces	foyer area two lifts	20 storage areas for units
Ground Floor	6 x 2 bedroom (one is adaptable) 3 x 3 bedroom	Nine car parking spaces	two foyer areas two lifts main entry communal open space area waste room	storage areas in unit services room storage area adjacent to lift
First Floor	7 x 2 bedroom units 5 x 3 bedroom units (one is dual key)	Nil	two foyer areas two lifts	storage areas in units storage area adjacent to lift
Second Floor	4 x 2 bedroom unit (one is adaptable) 6 x 3 bedroom units (two are dual key)	Nil	two lift lobbies	two garbage bin storage areas, in unit residential storage areas

3.5 Lots 609 - 612, Santana Road, Campbelltown - Construction Of Four X Part 4-Storey And Part 5-Storey Residential Apartment Buildings With Associated Basement Car Parking And Landscaping

Floor Level	Units	Car parking spaces	Service Areas	Storage Areas
Third Floor	2 x 2 bedroom units (one is adaptable)  3 x 3 bedroom units (two are dual key)	Nil	two lift lobbies	two garbage bin storage areas, in unit residential storage areas

The proposed residential apartment buildings provide a range of housing types dependent on needs with each apartment being provided with private open space areas through generously sized balconies and/or ground level terraces. Each apartment has been provided with a storage area within the basement levels as well as storage within the units. Each apartment typically contains bedrooms, bathrooms/ensuite, kitchen, built in wardrobes, linen closet and combined living/dining areas as well as an internal laundry. The dual key apartments generally consist of separate kitchen and ensuite in the rooms with the laundry being shared between the two rooms. The dual key rooms are accessed via one main door which then branches into two separate rooms. They can either function as one whole unit or as a separate unit within the larger unit though they share the same laundry. The dual key rooms provide a greater housing choice for people as the smaller unit can be treated as a teenagers retreat and/or as a granny flat for an elderly family member etc. The dual key rooms have been taken into consideration in respect to car parking with additional parking provided for the dual key rooms.

Each building has its own vehicular access with three provided along Santana Road and one via Regent Street. The access handle for Lot 611 has landscaping provided along its length to reduce the visual impact of the hardstand area. Additional access to the basement car parking on Lot 611 is also provided via the basement for Lot 612 where a right of carriageway formally linking the two allotments would need to be created.

The proposed design of the buildings includes contemporary articulation and façade treatments which provide a development that not only complements the existing development styles in the Park Central Estate but is considered to complement the future desired streetscapes within the broader community.

Waste rooms are provided within each basement level for residents to dispose of their rubbish. Waste collection points have been nominated on the plans whilst a caretaker would be employed to take the bins out to the kerb on collection days and bring them back in once they have been collected. A private contractor is proposed to be utilised with collection to be held over several days as opposed to having all bins placed out on the one day.

Landscaping is provided to the perimeter of the buildings, on the street frontages and side and rear boundaries through the use of trees, shrubs and groundcovers as well as providing planter boxes where required.

Strata subdivision has not been requested at this stage and as such would be the subject of a separate development application to Council.



### 3.5 Lots 609 - 612, Santana Road, Campbelltown - Construction Of Four X Part 4-Storey And Part 5-Storey Residential Apartment Buildings With Associated Basement Car Parking And Landscaping

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## 1. Vision

'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
- 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 directions relevant to this application are:

- Growing the regional City
- Creating education, employment and entrepreneurial opportunities.

The application is consistent with the above strategic directions as the proposal would provide a housing product that would enable the City to grow by providing housing opportunities as well as providing employment opportunities within the construction industry.

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

The proposed development is consistent with desired outcomes within Campbelltown 2025 specifically in relation to providing a development that is functional and of a high quality design, and one that matches the environmental capacity and capability of the site.

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3.5 Lots 609 - 612, Santana Road, Campbelltown - Construction Of Four X Part 4-Storey And Part 5-Storey Residential Apartment Buildings With Associated Basement Car Parking And Landscaping

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## **2. Planning Provisions**

### **2.1 Campbelltown (Urban Area) Local Environmental Plan 2002**

The subject land is zoned 10(a) Regional Comprehensive Centre Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002). The proposed development is defined as 'residential flat building' and is permissible with Council's development consent. A residential flat building is defined as:

'A building containing two or more dwellings which achieve access from shared foyers, halls or stairways.'

The objectives of the 10(a) Regional Comprehensive Centre, of relevance to the proposed development are:

- a) To encourage a variety of forms of higher density housing, including accommodation for older people and people with disabilities in locations, which are accessible to public transport, employment, retail, commercial and service facilities.

It is a requirement of the CLEP 2002, that development must be consistent with at least one of the objectives in order that Council can grant development consent. The development would provide a variety of higher density housing in a location that is accessible to public transport, employment, retail, commercial and service facilities. Accordingly, it is considered that the development is consistent with the relevant zone objectives.

### **2.2 State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development**

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) was gazetted on 26 July 2002 and applies to the construction of new residential flat buildings as well as substantial redevelopment of existing residential flat buildings. A residential flat building is defined under the provisions of SEPP 65 as:

'A building that comprises or includes:

- (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and
- (b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops),

but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.'

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3.5 Lots 609 - 612, Santana Road, Campbelltown - Construction Of Four X Part 4-Storey And Part 5-Storey Residential Apartment Buildings With Associated Basement Car Parking And Landscaping

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The aims and objectives of improving the design quality of residential flat development under the provisions of SEPP 65 are as follows:

- a) To ensure that it contributes to the sustainable development of New South Wales:
  - i. by providing sustainable housing in social and environmental terms
  - ii. by being a long-term asset to its neighbourhood
  - iii. by achieving the urban planning policies for its regional and local contexts.
- b) To achieve better built form and aesthetics of buildings and of streetscapes and the public spaces they define
- c) To better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities
- d) To maximise amenity, safety and security for the benefit of its occupants and the wider community
- e) To minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions.

Clause 30(2) of SEPP 65 requires a consent authority, in determining a development application for a new residential flat building, to take into consideration:

- a) the advice of a Design Review Panel constituted under Part 3 of the Policy
- b) the design quality of the development when evaluated in accordance with the design quality principles (Part 2 of the Policy)
- c) the publication 'Residential Flat Design Code'.

As Council has not established a Design Review Panel, for the purpose of this application Council is required to consider only the design quality principles and the Residential Flat Design Code. The design quality principles provide a guide to achieving good design for residential flat buildings and have been assessed against the proposed development.

### **Principle 1: Context**

'Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.'

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An analysis of the site and the characteristics of the surrounding area, identifies the site as one that is located within an area that has a mix of single and two storey dwellings, as well as multi-storey residential apartments and mixed use buildings. The land beyond the boundary of the Park Central Estate is within an area that allows development of up to 10 storeys pursuant to the relevant provisions of the Campbelltown (Sustainable City) Development Control Plan (SCDCP). The site exists within the 10(a) Regional Comprehensive Centre Zone where residential flat buildings (multi-storey residential apartments) are permissible with Council's consent..

The proposed buildings have been designed to respect the steep topography of the site and expand upon the built form established by existing residential apartment buildings. The four allotments upon which the residential apartment buildings would be constructed constitute an 'island' site maintaining three street frontages and are situated beside a large tract of public reserve. The architectural style of the building provides varied elevations when viewed from different vantage points, which adds to the quality of the design and reduces the bulk and mass of the overall development. The building facades have a positive impact on all streetscapes due to the colours proposed and articulation throughout the architectural design. Given the topography and surrounding established vegetation, it is considered that the potential for the new buildings to have a visual impact on the wider community is relatively low as the buildings will for the most part, be sheltered /obscured by the existing vegetation and the hill upon which it will be constructed. To some extent, it is not unreasonable to conclude that the proposed development appropriately respects its landmark siting.

Vehicular access is provided via separate entry/exit driveways for each building predominately along Santana Road however the entry/exit for the building on Lot 612 is via Regent Street.

#### **Principle 2: Scale**

Good design provides an appropriate scale in terms of the bulk and height that suits the scale and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.'

The scale of the development in the form it is proposed is considered appropriate for the site and is considered to be commensurate in scale, height and character of its surroundings. It is not considered inconsistent with the locality's current character.

All visible elevations from the public domain illustrate an acceptable scaling of the buildings relative to their immediate surrounds and positioning.

The design solution for Lot 609 and Lot 610 provides two distinct building elements to Santana Road separated by a well-proportioned open pedestrian access court and the Scar Tree Reserve area. The two building elements significantly reduce the building mass and the open courts encourage pedestrian integration.

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The design solution for Lot 611 provides distinct building elements as viewed from the public reserve as well as projecting an appropriate scale at pedestrian and street levels.

The design solution for Lot 612 presents distinct and active building elements on the facades of the building. The articulation of the facades both horizontally and vertically illustrates an acceptable presentation of the building relative to its surrounds.

As discussed further below, some of the buildings exceed the height limit allowed by The Link Site Development Control Plan. The architectural design of the buildings reduces the scale of the buildings such that when viewed from the street the buildings appear to comply with the four storey height limit. Furthermore, the top levels of each building are setback considerably from the lower levels such that this level would not be viewed from the adjacent and nearby public domain areas. This further reduces the scale of bulk of the buildings as it will essentially be viewed as a four storey building as opposed to a five storey building.

#### **Principle 3: Built form**

'Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.'

The building's mass has been modulated and articulated to reduce the overall bulk and expresses the individual character with the chosen external materials underlining the building's function. The buildings orientation maximises the sites potential in terms of solar access, cross-ventilation of individual units and its general amenity.

The shared common open space for Lot 609 and Lot 610 is the Scar Tree Reserve provided on ground level between the two allotments.

The common or communal open space for Lot 611 and Lot 612 is within a courtyard space and indirectly connected to the public reserve (due to the shape of the building). Ground floor units facing the reserve, also have courtyards connecting physically and visually with the reserve.

The mixture of two, three and four bedroom apartments as well as the orientation of the living areas to maximise solar access provides good amenity for future occupants. The future occupants of the building have been provided with clearly defined entries and pathways from the street with direct access also able via the basement car parks.

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#### **Principle 4: Density**

'Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of unit or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.'

The proposal complies with the Council's requirements in terms of site coverage being 65% which has provided desired private open space and building amenity for the future occupants. This demonstrates that the intent of the proposal is to provide apartments with good living amenity and interaction between the individual apartments' private open space area to living areas.

Given the number of apartments proposed, the development would not significantly impact upon the availability of infrastructure, public transport, community facilities and environmental quality and would satisfy the general amenity of future occupants of the apartments.

#### **Principle 5: Resource, energy and water efficiency**

'Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.'

Sustainability is integral to the design consisting of the selection of appropriate and sustainable materials, passive solar design principles and use of energy efficient appliances.

The buildings will incorporate energy efficient and water efficient devices appropriate to the specification of the building and is detailed in the Basix Certificate submitted with the application. The buildings perform well in respect of natural ventilation and solar access, minimising heating and cooling costs.

The floor areas are not excessive, reducing demands for resources in the construction phase and long term living costs. The western facades will be provided with balconies, louvres and pergolas to provide protection from the summer sun.

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#### **Principle 6: Landscape**

'Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, microclimate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long-term management.'

The proposal provides landscaped areas to all common/communal open space areas and private open space areas at ground floor level. The landscaped areas have been designed to be visually stimulating when viewed from above as well as to provide interaction at ground level and comply with the Park Central design guidelines. Landscaping has been provided along the access handle to Lot 611 to reduce the impact of the hard stand driveway area.

#### **Principle 7: Amenity**

"Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility."

The proposed development achieves a full three hours of solar access to 80% of the residential apartments, which exceeds the recommendations of the Residential Flat Design Code.

The separation between the building elements utilises screening walls and other privacy elements where necessary. The layouts of the individual apartments are configured in such a way to assure rooms of similar function are adjacent to common walls. The design of the apartments protects the future occupant's ability to carry out private functions in all rooms and private open space areas without compromising views, ventilation and solar access.

Apartments all have internal storage areas with additional storage within the basement. Balconies are all designed to accommodate seating arrangements. All of the apartments are naturally cross-ventilated.

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### **Principle 8: Safety and security**

'Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.'

The orientation of the proposed building, floor layouts and location of balconies all provide natural surveillance of the public domain and common open space. Appropriate security arrangements are incorporated at pedestrian entry lobbies. All pedestrian areas are designed to provide clear sight lines and minimise the potential for concealment areas. Controlled access into the pedestrian foyers prevents unauthorised access to the residential floors. The resident spaces have been segregated and the basement design provides open sight lines to and from lifts.

All common areas and pathways will also be illuminated.

### **Principle 9: Social dimensions**

'Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.'

The proposed development provides for a mix of design and layouts for varying household sizes and would complement and extend the range and diversity of residential accommodation in the area. The development would meet the needs of the community in terms of lifestyle, choice and given the close proximity to the Campbelltown CBD would enable easy access to major transport nodes, commercial and business uses as well as shopping facilities.

Adaptable units are provided in the building and are accessible by lift from the basement. All units in the buildings would be accessible as per the requirements of the *Disability Discrimination Act 1992*.

### **Principle 10: Aesthetics**

'Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.'

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The façades of the buildings are modulated with specific contextual references to the form and scale of the adjoining buildings. The proposed development incorporates a mix of building elements, textures and colours to reflect the buildings character, thereby contributing to a high quality design. The colours selected would assist to delineate the various horizontal and vertical forms as well as reduce the overall perceived scale of the building. The building materials and colours also help to distinguish the ground floor from the above levels.

The external appearances of the buildings and location of entrances, encourages street entry with the roof appropriately designed to minimise bulk and scale given the cross fall of the site.

#### Residential Flat Design Code

The Residential Flat Design Code (RFDC) is an additional resource to help guide the design of residential flat buildings across New South Wales. It sets out a number of guidelines that provide benchmarks for residential apartment buildings. The RFDC supports the design quality principles set out under SEPP 65 and as such, operates in conjunction with SEPP 65 to achieve the objective of providing high quality residential apartment buildings. An assessment of the proposed residential apartment building against the RFDC has been carried out and is detailed below.

	Objectives	Proposal
<b>Building Envelopes</b>	Building envelopes set appropriate scale of future development in terms of height, depth, separation, setbacks and floor space in relation to the street layout and lot size.	The proposed building complies with the primary controls being height, depth, separation, street setbacks and floor space.
<b>Height</b>	Height of residential flat buildings should be based on scale and character of the local area and should allow reasonable daylight access.	The proposed development generally satisfies the height standard as required by DCP 104 with exception to some of the buildings having a recessed additional storey (which is discussed further in this report).
<b>Building Depth</b>	Ensures that the bulk of the development is in scale with the existing or desired future character as well as to provide sufficient natural sunlight and ventilation (10-18 metres depth otherwise must demonstrate that appropriate solar access and natural ventilation).	The proposal has a depth of greater than 18 metres, however provides appropriate solar access and natural ventilation.
<b>Street Setbacks</b>	Should achieve a transition between public and private space.	The top floor of the building steps back such that the massing is reduced when viewed from the street.
<b>Side and Rear Setbacks</b>	Minimise the impact of the development on light, air, sun, privacy, views and outlook for neighbouring properties.	The proposal does not comply with the side and rear setbacks in parts and is discussed further in this report.

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	<b>Objectives</b>	<b>Proposal</b>
<b>Floor Space Ratio</b>	Ensures the development is in keeping with the optimum capacity of the site and to allow modulation of the walls and habitable balconies.	DCP 104 does not have a standard for floor space ratio, however all other components have been complied with and objectives satisfied.
<b>Deep Soil Zones</b>	Assist with the management of the water table, water quality and improve the amenity of the development.	The proposal provides a suitable area for deep soil planting.
<b>Fences and Walls</b>	To define the boundaries and provide security and privacy.	The side and rear boundaries have an existing acoustic fence which is to be retained. Fencing along the street elevations consist of masonry piers with a metal type picket fence.
<b>Landscape Design</b>	To enhance privacy, provide a habitat for native indigenous plants, improve stormwater quality, improve microclimate and solar performance, improve air quality and contribute to biodiversity.	The landscape plan submitted with the development application provides for landscaping for shade, screening and privacy, enhanced energy and solar efficiency and aesthetics.
<b>Open Space</b>	Passive and recreational open space with landscaping is to be provided (ground level units to have 25sqm private open space). Communal open space provided (25% - 30% of the site area).	Passive and recreational space for each unit as well as landscaped areas. Ground floor units have 25sqm private open space. 25% communal open space has been provided. Sites are surrounded by a public reserve area.
<b>Orientation</b>	To optimise solar access, support landscape and to protect the amenity of existing development. 70% of units to receive solar access for three hours.	All apartments have been orientated to achieve ventilation and natural sunlight. 80% of units receive solar access for three hours.
<b>Planting on Structures</b>	Enhance quality and amenity of rooftops, internal courtyards and podiums and encourage landscaping in urban areas.	The proposal provides landscaping for individual units where required.
<b>Safety</b>	To ensure safety for residents and visitors and contribute to the safety of the public domain.	The proposal reinforces distinction between public and private areas. The design and layout of the buildings provide natural surveillance of the public domain and common open space area. Controlled access into pedestrian foyers prevents unauthorised access to residential floors.
<b>Visual Privacy</b>	Provide reasonable levels of visual privacy and maximise outlook and views.	The proposal minimises direct overlooking of private open space areas by means of planter boxes as well as appropriate setbacks.

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	Objectives	Proposal
<b>Building Entry</b>	Create entrances that provide desirable identity, to orient the visitor and to contribute positively to the streetscape.	Residents would be provided with a clearly defined entry and pathway to the building. Separate entry is provided for vehicles.
<b>Parking and Pedestrian Access</b>	To promote access to the street and public domain, to minimise dependency on cars and provide adequate car parking facilities.	Car parking is provided via driveways to basement levels. Pedestrian access from the public street is provided to all buildings.
<b>Apartment Layout</b>	Ensure spatial arrangements are functional, high standards of amenity are achieved and accommodate a variety of household activities.	Apartment depths and spatial layouts achieve a high degree of amenity and functionality. All apartments meet the minimum floor area as recommended by the RFDC.
<b>Balconies</b>	To provide apartments with private open space, ensure balconies are functional and contribute to safety of the street.	Each balcony complies with the minimum area and depth requirements. Each apartment provides surveillance to the street and/or open space areas.
<b>Ceiling Heights</b>	Increase sense of space, promote penetration of light into apartments and to allow flexibility of use.	The ceiling heights proposed comply with the requirements of the Residential Flat Design Code.
<b>Flexibility</b>	To encourage housing designs that meet a range of needs, accommodate whole or partial changes of use and encourage adaptive re-use.	The design of the apartments provides the ability to be flexible for changes of use as required. The mix allows flexibility in what type of apartment future occupants may require.
<b>Mixed-use</b>	Support the integration of appropriate retail and commercial uses with residential and encourage active street frontages.	The proposal is located within close proximity to CBD, Marsden Park and commercial precincts within Park Central. No retail and commercial uses are proposed within the development.
<b>Storage</b>	Provide adequate storage for each individual apartment.	Storage areas are provided within each apartment as well as in the basement levels.
<b>Acoustic Privacy</b>	Ensure a high level of amenity.	The proposal separates quiet rooms from adjacent noisy rooms.
<b>Daylight Access</b>	Ensure daylight access is provided and provide residents with the ability to change the quantity of daylight to suit their needs.	80% of apartments receive the required amount of sunlight, exceeding the requirements of SEPP 65.
<b>Natural Ventilation</b>	Ensure apartments are designed to provide direct access to fresh air and reduce energy consumption by minimising the use of mechanical ventilation.	All apartments receive direct access to fresh air and direct ventilation. The development complies with the requirement for natural cross ventilation.

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	Objectives	Proposal
<b>Awnings and Signage</b>	To provide shelter and desirable signage.	Balconies above acting as awnings over entry and only signage proposed is the address number.
<b>Facades</b>	Promote high architectural quality, ensure facades define and enhance the public domain and building elements are implemented into the overall building form.	The design of the proposal provides a defined base, middle and top façade elements with the materials and colours assisting with definition. Balconies add to the architectural quality of the building.
<b>Roof Design</b>	Provide quality roof designs, integrate the roof into the design of the building and increase the longevity of the building through weather protection.	The roof design is a low profile roof and breaks down the mass and bulk of the building in recognition of its visual positioning on a relatively high geographical point.
<b>Energy Efficiency</b>	Reduce the need for mechanical ventilation and promote renewable energy initiatives.	The proposal is designed to incorporate energy efficiency measures.

In conclusion, the proposed development satisfies the overall intent of SEPP 65 and the RFDC subject to some minor variations which are discussed in further detail later in this report.

### 2.3 Campbelltown (Sustainable City) Development Control Plan 2009

Campbelltown (Sustainable City) Development Control Plan (SCDCP) does not apply to the site as there is a site specific development control plan for Park Central, however it is considered relevant to assess the proposed development against the aims of the SCDCP as follows:

- 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

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- Ensure that new development minimises the consumption of energy and other finite resources, to conserve environmental assets and to reduce greenhouse gas emissions
- Provide for a variety of housing choices within the City of Campbelltown.

It is considered that the development is generally consistent with several of the relevant aims of the SCDCP.

## **2.4 Development Control Plan No.104 - Campbelltown Link Site**

Development Control Plan No.104 - Campbelltown Link Site (DCP 104) came into force on 9 January 2002 and applies to the whole of the Link Site. The objectives of the DCP are:

- a. To allow for a variety of land uses and building types including open space, residential, mixed uses, commercial and aged persons housing within appropriate identified precincts
- b. To ensure a minimum neighbourhood dwelling density of 30 dwellings per hectare of total residential precincts is achieved through the provision of a mixture of dwelling types and building configurations
- c. To ensure building design demonstrates architectural merit and comprises high quality materials and finishes
- d. To create a place that serves and inspires present generations without compromising future generations through the utilisation of ecologically sustainable design practices
- e. To provide opportunities to a range of transport nodes
- f. To provide for increased housing densities in close proximity to transport nodes and civic precincts, in accordance with State Government Policies and Council's Housing Strategy
- g. To capitalise on the Link Site's location and distinctive features to create a high quality urban environment which offers a range of housing, employment and recreational opportunities.

The proposed development complies with a number of the objectives of DCP 104 as it provides for a variety of building types and demonstrates high quality architectural merit.

The subject site falls within the "Rolling Green" and "Bushland" precincts, which are intended to provide for a mix of high density and traditional housing types. The objectives of these precincts relevant to the proposal are:

- To encourage building forms that complement the adjoining bushland reserve
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- To encourage view sharing where possible by stepping buildings down the hill
- To provide a variety of housing types to meet the changing demand for housing in the Campbelltown area.

The proposed development complies with these precinct objectives, as the proposed buildings complement the adjoin bushland reserves and step down the hill to reduce bulk and scale. The building design and proposed landscaping have been designed to address the public open space and the road areas as well as providing passive surveillance of public domain areas from the apartments.

In conclusion, it is considered that the proposed development would not compromise the overall objectives for the Link Site, and would provide a development that would have a positive impact on the overall streetscape.

#### Design Guidelines

Specific controls in relation to design and massing and setbacks have been provided for proposed developments within this precinct by DCP104. The proposed development has been assessed against these guidelines and the outcomes are detailed below:

	Design Guideline	Assessment	Complies
<b>Allotment Size</b>	Minimum 800 square metres	Lot 609: 950.40 square metres Lot 610: 941.08 square metres Lot 611: 1969.15 square metres Lot 612: 2800.78 square metres	Yes Yes Yes Yes
<b>Height</b>	Apartments: 2 – 4-storeys	Lot 609: 5-storeys Lot 610: 5-storeys Lot 611: part 4-storey, part 5-storey, part 6-storey (southern elevation) Lot 612: part 4-storey, part 5-storey	No No No No
<b>Site Frontage</b>	Minimum 20 metres	Lot 609: 25.26 metres Lot 610: 28.4 metres Lot 611: N/A (battleaxe allotment) Lot 612: 59.6 metres	Yes Yes - Yes
<b>Site Coverage</b>	Site coverage maximum of 65%	Lot 609: 54% Lot 610: 55% Lot 611: 50% Lot 612: 55%	Yes Yes Yes Yes

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	Design Guideline	Assessment	Complies
<b>Design &amp; Massing</b>	Uniform design along each street frontage though each side of the street is not to imitate each other.	Uniform design along street frontages. Each face of the building fronting the street does not imitate each other.	Yes
	Roof design shall be modelled to encourage a distinct silhouette and a visually interesting skyline.	Roof design creates a distinct silhouette although it is setback from the street, and creates a visually interesting skyline.	Yes
	Buildings to complement the road alignment and landscaping should frame views to the north-east.	Building complements the road alignment and landscaping frames views to the north-east as well as around the scar tree on Lot 609.	Yes
	Lots shall be evenly spaced where the same building type is used.	Lots and buildings are evenly spaced.	Yes
<b>Private Open Space</b>	Balconies are to have a total area of eight square metres and shall not be less than two metres in width	All balconies have a minimum area of eight square metres with minimum two metres depth.	Yes
		Additional balconies are provided that are less than eight square metres and/or less than two metres in width.	Yes
<b>Car Parking</b>	One space per apartment plus one per five apartments for visitor.	Lot 609: 19 spaces (including two disabled) + three visitor	Yes
	Total required:	Lot 610: 27 spaces (including two disabled and three stacked spaces) + four visitor	Yes
	Lot 609: 14 spaces + three visitor	Lot 611: 55 spaces (including four disabled and 10 stacked spaces) + seven visitor	Yes
	Lot 610: 19 spaces + four visitor	Lot 612: 66 spaces (including four disabled and 17 stacked spaces) + eight visitor	Yes
<b>Setbacks</b>	Lot 611: 34 spaces + seven visitor		
	Lot 612: 40 spaces + eight visitor		
<b>Setbacks</b>	Front setback - 3.5 metres	Minimum front setback is 3.5	Yes
	Side setback - minimum five metres	Side and rear setbacks vary from 3.5 metres to five metres. See discussion below.	No
	Rear setback - minimum of 5.5 metres		

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The proposed development generally complies with the Design Guidelines except as detailed below:

#### **Height**

The proposed buildings on Lot 609 and Lot 610 propose an additional storey than that allowed for under The Link Site DCP with part of the buildings on Lot 611 and Lot 612 also above the height limit.

The fifth storey of the buildings on Lot 609 and Lot 610 is recessed 8.5 metres from Santana Road such that it would not be visible from street level. This fifth level provides the units with large balcony areas that would provide improved amenity for the future occupants of the units. This fifth storey also adds to the architectural merit of the buildings by giving the illusion of a floating roof and reduces the bulk and scale of the buildings in a visually prominent position.

Parts of the buildings on Lot 611 and Lot 612 are also higher than the four storey height limit however this is only for parts of the building and is a result of the land sloping steeply down Regent Street. The top storey is set back from the face/edge of the building and as such reduces the bulk and scale of the building so as to read as a four storey building from the street. Furthermore, a four storey building with a traditional gable roof, which is allowed under the DCP, would present as a larger building mass given the larger roof structure than the proposed form of the buildings. The current design of the buildings with the predominately flat roof results in a far superior outcome than a traditional gable roof form.

It is considered that the variation to the height limit is acceptable in the circumstances of this case, given that through the variance in design (in particular the roof area) there are considered to be no adverse impacts on the neighbouring properties in relation to the bulk, scale and mass of the buildings.

#### **Side and Rear Setbacks**

The side and rear setbacks vary from each building and in certain parts are less than the required setback under The Link Site DCP. It is considered that the minor variation to the side and rear setbacks is considered to be not unreasonable as the location of the variation is where the building presents to the public reserve, which would not have any adverse impacts on overshadowing and/or overlooking.

Furthermore, the proposed setbacks respond to the existing topography of the site to minimise impacts upon neighbouring properties whilst allowing adequate sunlight into the proposed units.

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3.5 Lots 609 - 612, Santana Road, Campbelltown - Construction Of Four X Part 4-Storey And Part 5-Storey Residential Apartment Buildings With Associated Basement Car Parking And Landscaping

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### **3. Planning Assessment**

#### **3.1 Aboriginal Heritage Significance**

Lot 609 and Lot 610 surround an existing public reserve area that contains a Scar Tree that has aboriginal heritage significance. The proposed buildings have been designed and sited to respect the Scar Tree and reserve to ensure preservation and maintenance of the Scar Tree as well as affording the future residents access to the reserve as open space. An arborist report was submitted with the application assessing the quality of the tree, as well as providing recommendations to protect the tree during construction and ongoing maintenance. The report states that the tree is in good health and would not be affected by construction of the buildings subject to certain measures being carried out to protect the tree. These recommendations are incorporated in the conditions of the draft consent.

#### **3.2 Crime Prevention Through Environmental Design**

The design of the individual buildings and the overall layout of the development contribute to the overall safety and vitality of the adjacent spaces by enforcing natural surveillance and reducing opportunities for crime. The design orientates the balconies and windows of individual units towards the street providing opportunities for casual surveillance of the public domain.

The areas of communal open space benefit from a high level of casual surveillance from the apartments within the residential apartment buildings. The width and alignment of pathways enable clear sight lines to required destinations. Communal focal points are located in areas with a high level of natural surveillance.

Lighting will be installed in accordance with the relevant Australian Standards to ensure that all entries, foyer areas and pathways are illuminated to an acceptable level. Landscaping has also been designed so as to not create any hiding niches and/or entrapment areas.

### **4. Public Participation**

The subject development application was referred to adjoining residents during the period of 2 March 2012 until 19 March 2012. During this time, Council received two submissions and one petition objecting to the proposed development. The submissions raised the following concerns:

#### **4.1 Traffic Impacts**

Concern was raised that the proposed development would increase the traffic in the area especially given the location of the allotments at the end of a cul-de-sac and given the proximity to existing single and double storey dwellings in the area. Concern was also raised that emergency and service vehicles would not be able to access the site due to the lack of car parking and increase in traffic.

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### 3.5 Lots 609 - 612, Santana Road, Campbelltown - Construction Of Four X Part 4-Storey And Part 5-Storey Residential Apartment Buildings With Associated Basement Car Parking And Landscaping

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The proposed development is likely to increase traffic within the immediate vicinity however it is considered that this increase in traffic would be relatively low given that only some of the vehicular access points are located within the cul-de-sac on Santana Road and another access point via Regent Street. The proposal is located within a cul-de-sac and not a through road, which would limit the traffic to residents of the apartment buildings and their occasional visitors. There would be no through traffic in this area nor would there be any external traffic trying to access the commercial/ business areas within Park Central via this location.

#### 4.2 Car Parking

Concern was raised that the proposal does not provide an adequate number of car parking spaces and as a result would lead to more on street car parking problems.

As detailed earlier in this report, the application proposes an additional 66 car parking spaces than that required by Council's Link Site DCP. The majority of these spaces are tandem spaces meaning that some units would have two car parking spaces instead of just one as the DCP requires. In addition, the proposal provides the required minimum number of visitor spaces (i.e. 22 spaces).

As such, it is considered that the proposal development is acceptable in relation to the provision of car parking and it has been designed to limit any impact on the street.

#### 4.3 Height and Scale of the Development

Concern was raised at the proposed height and scale of the development and the possible overshadowing and overlooking impacts.

Council had previously raised the issue of the height and overall bulk and scale of the development and requested that the applicant submit amended plans addressing these issues. The applicant recessed the fifth storey on the relevant buildings such that this storey would not be visible from the street which, coupled with architectural changes, also reduced the overall bulk and scale of the proposal. Further work was done on the architectural design of the apartment buildings to lessen the impact of the scale and bulk of the development given the topography of the site. The bulky pitched roofs were replaced with contemporary low profile roofing. A small pitched roof element has been retained to reference with the existing single and double storey buildings in the estate.

In addition, the proposed height of the buildings would not have any adverse impacts on the amenity of the locality when viewed from significant viewpoints in and around the Park Central Estate. This is due to the buildings reflecting the steep topography of the site as well as the existing vegetation providing significant screening to the buildings when viewed from the local public domain areas.

In relation to the potential for overlooking and overshadowing, the subject sites are on standalone parcels of land with the only adjoining neighbour being the public reserve. Given that the fifth storey is significantly recessed, there is little opportunity for any overlooking impacts. A shadow diagram was submitted as part of the proposal detailing that there would be no overshadowing of adjoining residential allotments.

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### 3.5 Lots 609 - 612, Santana Road, Campbelltown - Construction Of Four X Part 4-Storey And Part 5-Storey Residential Apartment Buildings With Associated Basement Car Parking And Landscaping

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#### 4.4 Devaluation of Property

Concern was raised that the proposed residential apartment buildings would result in a devaluation of the residential dwellings surrounding the site.

There is no evidence to suggest that the proposed development would devalue adjoining residential dwellings.

#### 4.5 Minimal Landscaping

Concern was raised that there was minimal landscaping provided and that additional landscaping be required to screen the proposal from the Street.

Amended landscape plans were submitted that detailed additional landscaping along the access handle for Lot 611 to reduce the impact of the hardstand. In addition to this, landscaping is provided along the sites' side and rear setbacks as well as along Santana Road and Regents Street.

#### 4.6 Increase in Pedestrian Traffic and associated Security Issues

Concern was raised that the proposed development would increase pedestrian traffic within Regents Street and would therefore increase security issues.

It is considered that although there will be an increase in pedestrian traffic, the proposed development is not likely to increase pedestrian traffic to a level that increases the risk to the safety and security of dwellings in the immediate vicinity. The proposed development has been developed in accordance with the 'Crime Prevention Through Environmental Design' requirements and would provide the added benefit of passive surveillance of the surrounding area which would deter any criminal and/or antisocial behaviour.

#### 4.7 Impacts on the Scar Tree

Concern was raised that the proposed development would have an adverse impact on the Scar Tree which is of aboriginal heritage significance.

An arborist report was submitted as part of the proposal to assess the condition of the scar tree and provided effective measures to ensure that the scar tree would be preserved and maintained during and after construction of the buildings. The recommendations of the arborist report will be incorporated into conditions of consent for the maintenance and protection of the tree.

### 5. Conclusion

Council has received an application for the construction of four x part 4-storey and part 5-storey residential apartment buildings with associated basement car parking and landscaping at Lots 609 – 612 Santana Road, Campbelltown.

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### 3.5 Lots 609 - 612, Santana Road, Campbelltown - Construction Of Four X Part 4-Storey And Part 5-Storey Residential Apartment Buildings With Associated Basement Car Parking And Landscaping

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The proposed development generally conforms to the requirements of SEPP 65, LEP 2002, Council's Sustainable City DCP and The Link Site DCP. It is considered the proposal results in acceptable planning outcomes for the site.

The building incorporates design features in various facades to promote visual interest and has sufficient architectural merit to be considered favourably at the site. Adequate measures relating to garbage collection are proposed in order to ensure that the development does not significantly and detrimentally impact on traffic safety and convenience within the neighbourhood.

Submissions were received regarding the development's potential impact on the immediate vicinity. As a result, amended designs were requested by Council and subsequently received that addressed a number of concerns held over the initially submitted proposal. It is considered that the development proposed forms a reasonable balance between the existing surrounding development and land uses and Council's desired likely future character and development density for that part of the Park Central Estate.

#### **Officer's Recommendation**

That development application 210/2012/DA-RA for the construction of four x part 4-storey, part 5-storey residential apartment buildings with associated basement car parking and landscaping at Lot 609 – 612 Santana Road, Campbelltown be approved, subject to the conditions detailed in Attachment 1.

#### **Committee's Recommendation: (Rowell/Matheson)**

That the Officer's Recommendation be adopted.

#### **CARRIED**

Voting for the Committee's Recommendation were Councillors: Dobson, Greiss, Lound, Matheson, Rowell and Thompson.

Voting against the Committee's Recommendation were Councillors: Oates and Kolkman.

#### **Council Meeting 20 November 2012 (Hawker/Lake)**

That the Officer's Recommendation be adopted.

#### **Council Resolution Minute Number 201**

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Dobson, Glynn, Greiss, Hawker, Kolkman, Lake, Lound, Matheson, Mead, Rowell and Thompson.

Voting against the Council Resolution were Councillors: Bricevic, Chanthivong and Oates.

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### **3.6 No. 7 Busch Place, St Helens Park - Construction of an Attached Garden Flat**

#### **Reporting Officer**

Manager Development Services

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#### **Attachments**

1. Recommended reasons for refusal
2. Locality plan
3. Site plan
4. Floor plan
5. Elevation plan.

#### **Purpose**

To assist Council in its determination of the subject Development Application in accordance with the provisions of the *Environmental Planning and Assessment Act, 1979* (EP&A Act).

<b>Property Description</b>	Lot 4113 DP 1056086, No. 7 Busch Place, St Helens Park
<b>Application No</b>	704/2012/DA-M
<b>Applicant</b>	Mr Brett Hickson
<b>Owner</b>	Mr Brett Hickson, Mrs Michelle Hickson and Ms Annette Hickson
<b>Provisions</b>	Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2009 Development Control Plan No.87 – Public Notification and Public Exhibition Policy Campbelltown 2025 – Looking Forward
<b>Date Received</b>	26 April 2012

#### **Report**

##### **Introduction**

Council has received a development application for the construction of an attached garden flat at No. 7 Busch Place, St Helens Park.

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## **The Site**

The subject site is located at the end of Busch Place, St Helens Park which is a cul-de-sac. The land has a north-south orientation and a total area of 525.4 square metres. The land currently contains a double storey dwelling with a triple garage.

Adjoining and nearby development includes single and two storey dwellings.

## **The Proposal**

The proposed development includes the construction of an addition to the dwelling that would be used as a garden flat. The proposal includes the conversion of one existing garage space (18 square metres) and the construction of the new addition (28.6 square metres) that would be attached to the existing dwelling.

The proposed garden flat would have a floor area of 46.6 square metres.

The garden flat would contain one bedroom, combined kitchenette/living area, bathroom and WC facilities.

The current triple car garage is intended to be converted to a double garage. No other alterations or additions are required to be undertaken to the existing dwelling.

The total gross floor area of the dwelling is proposed to increase from 291.2 square metres to 319.8 square metres.

## **1. Vision**

'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
- 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 directions relevant to this application are:

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

The proposed development is generally consistent with these directions.

The relevant desired outcomes associated with Council's vision, 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
- Development and land use that matches environmental capacity and capability.

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

However, concerns are raised that the proposed development would result in an outcome where the overall floor space ratio exceeds the required standard within Council's Sustainable City Development Control Plan 2009. A more detailed assessment of the non-compliance is addressed later within this report.

## **2. Planning Provisions**

The development has been assessed in accordance with the heads of consideration prescribed 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.

### **2.1 Campbelltown (Urban Area) Local Environmental Plan 2002**

The subject site is zoned 2(b) Residential B under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002.

The proposed development is defined as a 'dual occupancy' and 'dwelling' which are permissible land uses, with Council's development consent, within the zone.

Under the CLEP 2002 a 'dual occupancy' means:

Two dwellings on the same lot.

Under the CLEP 2002 a 'dwelling' means:

A room or suite of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

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The objectives of the zone are:

- (a) to make general provision for land to be used for housing and associated purposes
- (b) to permit the development of a range of housing types
- (c) to encourage a variety of forms of housing that are higher in density than traditional dwelling houses, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities
- (d) 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
- (e) to allow development which:
  - (i) is compatible with residential use
  - (ii) is capable of visual integration with the surrounding buildings
  - (iii) serves the needs of the surrounding population without conflicting with the residential intent of the zone
  - (iv) does not place demands on services beyond the level reasonably required for residential use.

Except as otherwise provided by this plan, consent must not be granted for development on land within this zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone.

The proposed development is considered to be consistent with zone objectives (a), (b), (c) and hence development consent can be granted should Council deem appropriate to do so.

## **2.2 Campbelltown (Sustainable City) Development Control Plan 2009**

The proposed development has been assessed having regard to the relevant numerical and design standards within Council's Sustainable City Development Control Plan 2009 (SCDCP). The below assessment sets out the proposal's compliance, and non-compliance, with the relevant requirements of the plan:

### **a) Part 2 - Requirements Applying to All Types of Development**

The general provisions of Part 2 of the Plan apply to all types of development. Compliance with the relevant provisions of Part 2 of the Plan is discussed as follows:

- **Views and vistas** – The proposed development would not obscure any important views to and from public places and would not impact upon district views.
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- **Sustainable building design** – A rainwater tank of 3,000 litres in size is required to be provided for the development, as the proposed building has a roof area of between 100m<sup>2</sup> and 200m<sup>2</sup>. A 3,000 litre rainwater tank has been nominated on the BASIX Certificate submitted with the application but is not shown on the plans as required.
- **Landscaping** – No additional landscaping is proposed. No landscaping plan has been submitted to accompany the development application.
- **Flora, fauna and weed management** – The site contains no existing significant vegetation.
- **Erosion and sediment control** – An Erosion and Sediment Control Plan shall be prepared and submitted with a development application proposing construction and/or disturbance of the land surface. An Erosion and Sediment Control Plan has not been submitted with the development application. Notwithstanding, should Council consider the proposal as being worthy of its support, this item could be addressed by means of an appropriate condition of consent.
- **Cut, fill and floor levels** – The application proposes an extension to an existing building. No significant cut and fill is proposed.
- **Waste Management** – A Waste Management Plan has been submitted and is considered to be satisfactory.
- **Stormwater** – The application proposes to drain the development to the existing dwelling's stormwater system which is satisfactory.
- **Fencing and Retaining Walls** – No additional fencing or retaining walls are proposed with the development.

**b) Part 3 – Residential development**

The application has been assessed against the relevant parts of Part 3 of Campbelltown Sustainable City DCP 2009 (SCDCP).

Standard	Required	Proposed	Compliance
<b>Floor Space Ratio 3.7.1(a)</b>	The total FSR applicable to the sum of all buildings on a residential allotment including a dwelling house, domestic outbuildings and a garden flat shall not exceed 0.55:1	0.61:1 (319.2m <sup>2</sup> /525.4m <sup>2</sup> )  Current FSR 0.55:1 (291.2m <sup>2</sup> /525.4m <sup>2</sup> )	<b>No</b>

Standard	Required	Proposed	Compliance
<b>Deep Soil Planting 3.7.1(b)</b>	A dwelling house, domestic outbuilding and garden flat shall satisfy the following provisions:		
	No more than 30% of area forward of the building line shall be surfaced with impervious materials	Approximately 25% of area forward of building line finished in impervious material	<b>Yes</b>
	A minimum of 20% of the total site area shall be available for deep soil planting	Approximately 28% of the site available for deep soil planting	<b>Yes</b>

<b>Garden Flats 3.7.5</b>			
<b>General Requirements 3.7.5.1</b>	A garden flat shall incorporate similar or complementary design and construction features, finishes, materials and colours to the principal dwelling house	It is considered that the garden flat will complement the design and finishes of the existing principal dwelling	<b>Yes</b>
	Design of garden flat shall ensure entry door is not visible from the street or another public place	Front door to garden flat not visible from street or public place	<b>Yes</b>
	A BASIX certificate shall accompany the development application	BASIX Certificate accompanies the development application. Complies with water, energy and thermal properties	<b>Yes</b>
<b>Maximum Floor Area 3.7.5.2</b>	An attached garden flat:		
	Shall not exceed 60m <sup>2</sup> in gross floor area	Gross floor area of proposed garden flat 45m <sup>2</sup>	<b>Yes</b>
	Shall be located under the same roof as the main part of the principle dwelling house	Located under the same roof as the primary dwelling	<b>Yes</b>

<b>Setbacks</b> <b>3.7.5.3</b>	A garden flat shall be setback:		
	5.5m from the primary street boundary	5.5m from front boundary	<b>Yes</b>
	3.0m from the secondary street boundary	NA	<b>NA</b>
	0.9m from any side boundary	0.9m from side boundary	<b>Yes</b>
	5.0m from the rear boundary	5.0m from rear boundary	<b>Yes</b>
<b>Max Height</b> <b>3.7.5.4</b>	A garden flat shall be a single storey structure and located at ground level	Proposed garden flat is single storey and located at ground level	<b>Yes</b>
<b>Car Parking Rates</b> <b>3.7.5.5</b>	A separate car parking space for a garden flat shall be provided behind the primary and secondary building alignments	A separate car parking space is not provided for the garden flat.	<b>No</b>

With the exception of compliance with the overall FSR and parking requirement, the proposed garden flat generally satisfies the development and numerical requirements of SCDCP 2009.

The non-compliance is discussed below.

### 3. Planning Assessment

#### Floor Space Ratio

The approval of the proposed garden flat would result in an overall floor space ratio of 0.61:1. The existing dwelling, approved under development consent F464/2004 in June 2004, has a gross floor area of 291.2 square metres resulting in a current FSR of 0.55:1 given the subject site has an area of 525.4 square metres.

The additional 28.8 square metres gross floor area would result in an overall development having a gross floor area of 319.80 square metres and an FSR of 0.61:1 (319.8m<sup>2</sup>/525.4m<sup>2</sup>).

The maximum FSR prescribed by SCDCP is 0.55:1 which translates to 288.97 square metres of total gross floor area on an allotment having an area of 525.4 square metres.

It is considered that the variation to the development control standard is excessive in this particular circumstance where the subject allotment is relatively small in area. The proposed development would result in a development that is 30.83 square metres (equivalent to 1 $\frac{2}{3}$  the size of a standard garage) over the maximum gross floor area permitted by the SCDCP, which represents an 11% variation above the development standard applicable to residential development where the SCDCP applies.

It is important to note that technically, the calculation of the gross floor areas as set out above does not include the area of one of the existing garage spaces in accordance with the definition of 'gross floor area' within SCDCP.

The below table demonstrates the method for calculating the existing and proposed FSR:

Existing Dwelling Configuration		Proposed Configuration	
Ground Floor (excluding one garage space as per technical definition)	152.60m <sup>2</sup>	Ground Floor Existing Dwelling (excludes one garage space for the principal dwelling)	134.60m <sup>2</sup>
First Floor (less void/stairs)	138.60m <sup>2</sup>	First Floor Existing Dwelling (less void/stairs)	138.60m <sup>2</sup>
		Floor Space for Garden Flat	46.60m <sup>2</sup>
<b>Total</b>	<b>291.20m<sup>2</sup></b>	<b>Total</b>	<b>319.20m<sup>2</sup></b>
FSR	291.80/525.40 = 0.55:1	FSR	319.20/525.4 = 0.61:1

With respect to the above non-compliance, the applicant has requested a variation to the FSR standard based on compassionate grounds as the garden flat is proposed for the applicant's parent to reside within.

The matters for consideration pursuant to Section 79C of *Environmental Planning and Assessment Act 1979* do not allow the consideration of development standards to be varied on compassionate grounds.

In addition, Part 1.1.7 of SCDCP allows Council to consider variations of the Plan in certain circumstances. Requests for variations shall demonstrate the reasons why the variation sought would not adversely impact on the environment or local amenity, would not erode the relevant standard, and that compliance with the requirements of the Plan are unreasonable and unnecessary in the circumstances of the case.

The applicant acknowledges that the resulting FSR would exceed 0.55:1 and requests Council consider the following:

'compassionate dispensation given the legitimate proposed use of the garden flat by a family member and part property owner. It is our understanding that the overall intent of garden flats is to assist with the provision of appropriate accommodation – which is our intention.'

The proposed development is constrained by the size of the allotment, as well as the size (floor area) of the existing dwelling. As discussed later within this report, the land has dimensions and is of a size that (due to the size and location of the existing house) cannot accommodate a separate car parking space behind the primary building alignment in accordance with the SCDCP.

With respect to the existing dwelling, it is considered that the dwelling is of an appropriate size, in terms of floor area, bulk and scale, FSR and sits well within the subject allotment. The existing dwelling was approved in accordance with the relevant development controls at the time of its approval with the building approved with an FSR of 0.55:1. Given that the existing building has been constructed with an FSR equal to the maximum allowable FSR, it is considered that the site cannot sustain further development that would result in an increase in the current FSR (ie. no additional floor area).

In this regard, as the application does not provide adequate justification for any variation to the FSR control, it is considered that supporting the variation would erode the standard and create an undesirable precedent for future overdevelopment of land.

### **Car Parking**

Part 3.7.5.5 of SCDCP requires:

'a separate car parking space shall be provided behind the primary and secondary building alignments'.

The proposed development does not provide a separate car parking space behind the primary building alignment for exclusive use of future residents of the proposed garden flat, and the accompanying Statement of Environment Effects does not justify a variation to the development standard for the same.

The existing triple garage is proposed to be converted to a double garage for the exclusive use of residents of the principle dwelling. The third garage would be converted/used to create the garden flat. The proposed development fails to comply with the SCDCP requirement for the provision of a separate car parking space as a parking space cannot be provided behind the primary building alignment.

The Statement of Environmental Effects which accompanies the development application states that the two remaining car parking spaces will be used in a shared arrangement between the occupants of the principle dwelling and the occupants of the garden flat (applicant's family member).

The application, however, does not address how the garden flat and its failure to satisfy the car parking provisions could be complied with in the event that the occupancy of the garden flat, or the principle dwelling, become independent to each other and the shared parking arrangement no longer appropriate or suitable to the residents.

The SCDCP is explicit in the requirement for a 'separate' car parking space to be provided to the subordinate dwelling behind the primary building alignment to avoid shared parking arrangements. The proposal's failure to provide a separate car parking space is a non-compliance with the SCDCP and the proposed parking arrangement is considered to not be acceptable in this instance.

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#### **4. Public Participation**

The proposed development was notified to adjoining land owners in accordance with the provisions of Development Control Plan No.87 – Public Notification and Public Exhibition Policy from 26 April 2012 for a period of 14 days.

During this period Council received no submissions objecting to the development.

#### **5. Conclusion**

The application for the construction of a garden flat at No. 7 Busch Place, St Helens Park has been assessed against the relevant matters for consideration within environmental planning legislation and Council's development controls.

The FSR of the sum of buildings on the land would exceed the maximum allowable amount of 0.55:1 by 11%. The proposed FSR is 0.61:1. It is considered that the variation sought by the applicant is excessive in the circumstances of the subject allotment and would erode the standard contained within the SCDCP. It is considered that approval of the development would set a precedent for future overdevelopment of land elsewhere.

Having regard to the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* and the issues raised above, it is considered that the proposed development is not satisfactory and should be refused subject to the recommended reasons for refusal contained in Attachment 1.

#### **Officer's Recommendation**

That Development Application 704/2012/DA-M proposing the construction of a garden flat at No. 7 Busch Place, St Helens Park be refused subject to the reasons contained in Attachment 1.

**Committee Note:** Mr Hickson addressed the Committee in support of the application.

#### **Committee's Recommendation: (Oates/Kolkman)**

That Development Application 704/2012/DA-M proposing the construction of a garden flat at No. 7 Busch Place, St Helens Park be approved subject to following conditions:

#### **704/2012/DA-M**

##### **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.

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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. Contract of Insurance (residential building work)**

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This clause does not apply:

- a. To the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of that regulation
- b. To the erection of a temporary building.

**4. Notification of Home Building Act 1989 Requirements**

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
    - i. The name and licence number of the principal contractor
    - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
  - b. In the case of work to be done by an owner-builder:
    - i. The name of the owner-builder
-

- ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.

## **5. External Finishes**

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

## **6. Switchboards/Utilities**

Switchboards, garbage storage areas and storage for other utilities shall not be attached to the front elevations of the building or side elevations that can be seen from a public place.

## **7. 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*.

## **8. 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
- 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.

## **9. Rain Water Tank(s)**

Rain water tank/s shall be installed on site for the collection and storage of stormwater for irrigation and reuse purposes (eg the flushing of toilets), in accordance with the approved plans.

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## **10. Use of the Garden Flat**

The use of the garden flat as a place of accommodation shall be restricted to those people who are directly related to the lawfully registered occupier of the main dwelling (*related person*). For the purposes of this consent, the parents, siblings and/or children of the lawfully registered occupier of the main dwelling are defined as a *related person*.

The garden flat is not to be used for any purpose other than that specifically approved under this consent. The garden flat is not to be used for the purposes of accommodation by persons other than those meeting the definition of a *related person*.

## **11. Construction Certificate**

Prior to the commencement of any works that require a construction certificate:

- a. The applicant shall obtain a construction certificate for the particular works
- b. The applicant shall appoint a principal certifying authority
- c. The private certifying authority shall notify Council of their appointment no less than two (2) days prior to the commencement of any works.

## **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.

### **12. 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.

### **13. Mine Subsidence Board**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written approval from the *Mine Subsidence Board* for the modified plans approved by Council under this development consent.

### **14. Stormwater Management Plan (Development)**

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. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to the nearest drainage system under Council's control. All proposals shall comply with the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

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## **15. Section 94A Developer Contribution - Community Facilities and Services**

Prior to Council or an accredited certifier issuing a Construction 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
- 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](http://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.

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## **16. 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.

## **17. 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
- 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.

## **18. 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
  - b. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council
  - c. If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.
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## **19. 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.

## **20. 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.

## **21. Demolition Works**

Demolition works shall be carried out in accordance with the following:

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials
- b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council
- c. The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements
- d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
- e. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works.

## **22. Fencing**

An appropriate fence preventing public access to the site shall be erected for the duration of construction works.

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## 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.

### 23. 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.

### 24. 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.**

### 25. Work Zones

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

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures, including relevant fees, shall be borne by the applicant.

### 26. 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.

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## **27. Termite Control**

The building shall be protected from subterranean termites in accordance with *Australian Standard 3660.1*. Certification of the treatment shall be submitted to the principal certifying authority prior to the issue of an occupation certificate.

## **28. Excess Material**

All excess material is to be removed from the site. The spreading of excess material or stockpiling on site will not be permitted without prior written approval from Council.

## **29. 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.

## **30. Associated Works**

The applicant shall undertake any works external to the development, that are made necessary by the development, including additional road and drainage works or any civil works directed by Council, to make a smooth junction with existing work.

### **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".

## **31. Section 73 Certificate**

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

## **32. 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.

## **33. 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.

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#### **34. 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.

#### **35. Termite Protection**

Prior to the principal certifying authority issuing an occupation certificate, certification from a licensed pest controller shall be submitted certifying that the termite treatment has been installed in accordance with *AS3660.1*.

#### **36. BASIX**

Prior to the principal certifying authority issuing an occupation certificate, completion of all requirements listed in the relevant BASIX certificate for the subject development shall be completed/installed.

#### **37. 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 4000
  - 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.
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**Advice 2. Smoke Alarms**

From 1 May 2006 all NSW residents must have at least one working smoke alarm installed on each level of their home. This includes owner occupier, rental properties, relocatable homes and any other residential building where people sleep.

The installation of smoke alarms is required to be carried out in accordance with AS 3786. The licensed electrical contractor is required to submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786.

**Advice 3. Buried Waste**

Should buried materials/wastes or the like be uncovered during the excavation of footings or trenches on site works, Council is to be contacted immediately for advice on the treatment/removal methods required to be implemented.

**Advice 4. 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 5. 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 6. 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 7. Asbestos Warning**

Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by Work Cover NSW), be engaged to manage the proper disposal and handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)  
[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)  
[www.adfa.org.au](http://www.adfa.org.au)  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

Alternatively, call Work Cover Asbestos and Demolition Team on 8260 5885.

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**Advice 8. Rain Water Tank**

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. NSW Health recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

**Advice 9. 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](http://www.dialbeforeyoudig.com.au)

**END OF CONDITIONS**

**CARRIED**

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

Voting against the Committee's Recommendation: Nil.

**Council Meeting 20 November 2012 (Oates/Kolkman)**

That the Committee's Recommendation be adopted.

**Council Resolution Minute Number 202**

That the Committee's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Brticevic, Dobson, Glynn, Greiss, Hawker, Kolkman, Lake, Lound, Matheson, Mead, Oates, Rowell and Thompson.

Voting against the Council Resolution were Councillors: Borg and Chanthivong.

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## **4. COMPLIANCE SERVICES**

### **4.1 Legal Status Report**

#### **Reporting Officer**

Acting Manager Compliance Services

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#### **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 for the 2012-2013 period as they relate to:

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

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

<b>1. Land and Environment Court Class 1 Matters – Appeals Against Council's Determination of Development Applications</b>
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<b>Total ongoing Class 1 DA appeal matters (as at 23/10/2012)</b>	<b>0</b>
<b>Total completed Class 1 DA appeal matters (as at 23/10/2012)</b>	<b>0</b>
<b>Costs from 1 July 2012 for Class 1 DA appeal matters:</b>	<b>\$119.40</b>

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**2. Land and Environment Court Class 1 Matters – Appeals Against Council’s issued Orders / Notices**

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Total ongoing Class 1 Order/Notice appeal matters (as at 23/10/2012)	0
Total completed Class 1 Order/Notice appeal matters (as at 23/10/2012)	0
Costs from 1 July 2012 for Class 1 Order/Notices appeal matters:	\$0.00

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

Total ongoing Class 4 matters before the Court (as at 23/10/2012)	0
Total completed Class 4 matters (as at 23/10/2012)	0
Costs from 1 July 2012 for Class 4 matters	\$0.00

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**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 23/10/2012)	0
Total completed Class 5 matters (as at 23/10/2012)	0
Costs from 1 July 2012 for Class 5 matters	\$0.00

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

Total ongoing Class 6 matters (as at 23/10/2012)	0
Total completed Class 6 matters (as at 23/10/2012)	0
Costs from 1 July 2012 for Class 6 matters	\$0.00

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**6. District Court – Matters on Appeal from lower Courts or Tribunals not being environmental offences**

<b>Total ongoing Appeal matters before the Court (as at 23/10/2012)</b>	<b>0</b>
<b>Total completed Appeal matters (as at 23/10/2012)</b>	<b>0</b>
<b>Costs from 1 July 2012 for District Court matters</b>	<b>\$0.00</b>

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**7. Local Court prosecution matters**

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

<b>Total ongoing Local Court Matters (as at 23/10/2012)</b>	<b>0</b>
<b>Total completed Local Court Matters (as at 23/10/2012)</b>	<b>11</b>
<b>Costs from 1 July 2012 for Local Court Matters</b>	<b>\$3616.00</b>

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<b>File No:</b>	LP20/12 – Court Election of Penalty Notice
<b>Offence:</b>	Disobey no-stopping sign.
<b>Act:</b>	<i>Road Rules 2008</i>

<b>Final Costs:</b>	\$0.00 – representation by Council's Legal and Policy Officer
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<b>Status:</b>	Completed
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The matter was before the Court for defended hearing on 4 October 2012 where the defendant, Ms Nicole Fuller, changed her plea to guilty with an explanation. After hearing the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing a \$150 fine and an order for \$83 Court costs.

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<b>File No:</b>	LP21/12 - Court Election of Penalty Notice
<b>Offence:</b>	Fail to comply with Nuisance Dog Order (nuisance barking)
<b>Act:</b>	<i>Companion Animals Act 1998</i>
<b>Final Costs:</b>	\$0.00 – representation by Council's Legal and Policy Officer
<b>Status:</b>	Completed

The matter was before the Court for first mention on 23 October 2012 where the defendant, Mr Sam Alnajafie, did not appear. The Magistrate granted Council's application for the matter to proceed in the defendant's absence and after having considered the statement of facts and submissions found the offence proved and convicted the defendant imposing a \$400 fine and an order for \$83 Court costs.

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#### **8. Matters Referred to Council's solicitor for advice**

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.

<b>Total Advice Matters (as at 23/10/2012)</b>	<b>3</b>
<b>Costs from 1 July 2012 for advice matters</b>	<b>\$3,961.40</b>

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<b>9. Legal Costs Summary</b>		
The following summary lists the Planning and Environment Division's net legal costs for the 2012/2013 period.		
<b>Relevant attachments or tables</b>	<b>Costs Debit</b>	<b>Costs Credit</b>
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$119.40	\$0.00
Class 1 Land and Environment Court - appeals against Orders or Notices issued by Council	\$0.00	\$0.00
Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or prosecutions	\$0.00	\$0.00
Class 5 Land and Environment Court - pollution and planning prosecution matters	\$0.00	\$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
Local Court prosecution matters	\$3616.00	\$940.00
Matters referred to Council's solicitor for legal advice	\$3961.40	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$7,696.80	\$940.00
<b>Overall Net Costs Total (GST exclusive)</b>	<b>\$6756.80</b>	

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Matheson/Oates)**

That the Officer's Recommendation be adopted.

**CARRIED**

### **Council Meeting 20 November 2012 (Greiss/Lake)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 195**

That the Officer's Recommendation be adopted.

## 4.2 Compliance Services Quarterly Statistics July to September 2012

### Reporting Officer

Acting Manager Compliance Services

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### 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 summarised key section activities and operational results for the reporting period July to September 2012.

#### 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 re inspections) 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 803 regulated food premises separated into three categories requiring 1,191 scheduled inspections per annum as follows:

**Low Risk Premises 1** (inspections of market and events throughout the year) ie Fisher's Ghost, Ingleburn Alive, Riverfest, New Year's Eve and Australia Day.

**Low Risk Premises 2** (inspected as required for food recalls or customer complaint - includes food businesses such as pre-packaged food outlets, variety stores, confectionary shops, chemists, video stores, newsagents, teaching kitchens and tobacconists.

**Medium Risk Premises** (inspected once per year) - includes fruit and vegetable stores, service stations and convenience stores (serving unpackaged food), general grocery stores and minimal food preparation stores.

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**High Risk Premises** (inspected twice per year) - includes restaurants, takeaway shops, cafes, clubs, childcare centres, supermarkets, unprepared fish shops, delicatessens, school canteens, mobile food vendors, boarding houses and charcoal chicken outlets.

Food Premises Category	No. of Premises	No. of Annual Inspections
Low Risk 1	52	52
Low Risk 2	13	when required
Medium Risk	87	89
High Risk	525	1050
<b>TOTAL</b>	<b>803</b>	<b>1191</b>

Amendments to the *Food Act 2003* and the establishment of the Food Regulations 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 144 food premise inspections were conducted for the reporting period, which is lower than quarterly average inspection numbers (317) for 2011-2012. This lower than average inspection result was due to an administrative system error which failed to identify a number of premises that were due for inspection during the period. Of the 144 inspections undertaken, 39 (27%) 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, Improvement Notices or Penalty Notices are issued under the *Food Act 2003* when necessary to encourage compliance.

#### **b. Public Health**

Within Campbelltown there are approximately 262 regulated premises separated into three risk categories requiring 269 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.
- **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 towers).
- **Category 4 Premises** (inspected via complaints) - Public and private swimming pools.

Health Premises Category	No. of Premises	No. of Annual Inspections
Category 1	156	156
Category 2	23	46
Category 3	67	67
Category 4	16	via complaints only
<b>TOTAL</b>	<b>262</b>	<b>269</b>



A total of seven health premises inspections were conducted for the reporting period being below the number of inspections undertaken during the corresponding quarter (46) in 2011-2012 and quarterly averages (58) for 2011-2012 year. Again this was due to an administrative system error that failed to identify a number of premise inspections due during the reporting period.

Of the seven regulated health premises inspections conducted during the reporting period, three (43%) 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 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.

A total of 44 system inspections were conducted during the reporting period, being lower than the number of inspections conducted in the previous quarter (58).

## **2. Notices/Orders Issued**

*Food Act 2003* 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 16 *Food Act 2003* Notices were issued during the reporting period, being slightly higher than quarterly average Food Act notice numbers (11) for 2011-2012.

*Local Government Act 1993* Notices and Orders are issued for a range of matters including overgrown, unhealthy, unsafe or unsightly conditions. The number of *Local Government Act 1993* Notices and Orders issued during the reporting period was 64 being relatively consistent with the corresponding quarter (62) in 2011-2012.

The number of *Swimming Pools Act 1992* Directions issued (28) requiring the erection of pool fencing or fencing repairs was relatively consistent with the corresponding quarter (22) in 2011-2012.

*Environmental Planning and Assessment Act 1979* 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 32 Notices and Orders were served during the reporting period which is lower than quarterly averages (48) for 2011-2012.

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*Protection of the Environment Operations Act 1997* (POEO) Notices are issued for a variety of pollution matters including water pollution and waste dumping. The number of POEO Notices issued for the reporting period (7) was lower than quarterly averages (14) for 2011-2012.

*Companion Animals Act 1998* Notices are issued to ensure owners of dogs and cats keep their animals in accordance with the *Companion Animals Act 1998* requirements. A total of 6 Notices/Orders were issued during the reporting period, which is consistent with quarterly averages (five) for 2011-2012.

### **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 743 customer service requests were received for the reporting period. Significant complaint categories were barking dogs (122 requests), parking (including heavy vehicles) (124 requests), health (non regulated premises) (60 requests), abandoned motor vehicles (69 requests), pollution (79 requests) and illegal construction/development (62 requests).

### **4. Applications**

Building Certificate Applications relate to certificates issued under Section 149A of the *Environmental Planning and Assessment Act 1979* 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 (13) received during the reporting period was consistent with the quarterly average (13) experienced in 2011-2012 period.

Staff have continued to seek applications for an approval to operate a system of waste water management, from system owners on a risk category basis. Two applications for approval to operate a wastewater management system were received during the reporting period being significantly lower than the average number of applications (48) received per quarter for 2011-2012. This variation is typical as application numbers fluctuate in response to bulk mail outs that are conducted from time to time to seek applications from different areas within the Local Government Area.

Four Section 68 (*Local Government Act 1993*) Event applications were received. These were for The Big Sleep Out on 10 August 2012 at the Campbelltown Showground, the Bangladesh Welfare Society on 7 October 2012 at Campbelltown Sportsground, Monster Day on 3 October 2012 at Kevin Wheatley Reserve, Airds and Family Fun Festival to be held on 3 November 2012 at Koshigaya Park, Campbelltown.

### **5. Impounding**

The number of dogs impounded during this reporting period was 536, being relatively consistent when compared to 604 dogs for the corresponding quarter in 2011-2012. The percentage of dogs microchipped at the time of impounding was 57% which is below quarterly averages.

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A total of 191 cats were impounded throughout the reporting period which is slightly higher than the number of cats impounded (160) in the corresponding quarter in 2011-2012. The number of cats that are microchipped at the time they were impounded is typically lower than the dogs and for this reporting period, 10% were microchipped.

The number of abandoned vehicles impounded for this quarter was eight. None of these vehicles were released back to their owners. Seven of these vehicles were disposed of by Council. Council is currently holding one abandoned vehicle.

Forty-three shopping trolleys were impounded during the quarter which was significantly higher than the quarterly average (8) during 2011-2012 and was a result of increased patrols conducted in the quarter.

## **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. Refer to the table at Attachment 1 for the number of penalty notices issued under the various offence categories.

The number of penalty notices issued for parking offences in Council car parks (400) was below the number of penalty notices issued in the corresponding quarter (995) in 2011-2012. The number issued for on-street offences (227) was also lower than the corresponding quarter (1015) in 2011-2012.

## **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, 14 school locations were patrolled resulting in the issue of 18 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 no joint patrols with Police were undertaken. NSW Police are currently reviewing their trail bike patrol program which may impact on the conduct of future joint patrols with Council and other agencies. Historically this program has been successful in addressing wide ranging illegal trail bike riding issues across the local government area.

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It is considered that there may be merit in Council making representations to the NSW Police seeking their support to continue joint illegal trail bike riding operations.

**d. Litter from Vehicles**

For the reporting period no operations were undertaken.

**e. Shopping Trolleys**

Three coordinated programs were conducted during the reporting period and this resulted in the tagging of 64 trolleys and 43 trolleys being impounded.

**f. Truck Parking**

Two Trucking patrols were undertaken during the reporting period resulting in the issue of twelve 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 in the Food Regulation partnership, incorporating activity reporting and the review of inspection procedures and related documentation
- 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 and Macarthur Square continued through the reporting period
- Periodic (three yearly) review of risk identification documents for various environmental health, building, land use, animal care/control and ranger activities
- Ongoing review and development of Standard Operating Procedures relating to Section activities, tasks and programs
- Continuation of participation in the CAWS subsidised desexing program for cats and dogs jointly with the RSPCA and Sydney University Veterinary Training Hospital Camden Campus. This program provides subsidised desexing in identified hot spots locations within the City for low income earning people.

**Officer's Recommendation**

That Council write to the NSW Police urging the continuation of joint integrated patrols with Council to address illegal trail bike riding in the Campbelltown Local Government Area.

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**Committee's Recommendation: (Oates/Thompson)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 20 November 2012 (Greiss/Lake)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 195**

That the Officer's Recommendation be adopted.

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## **4.3 Noise Monitoring - Coal Seam Gas Drilling Menangle Park**

### **Reporting Officer**

Acting Manager Compliance Services

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### **Attachments**

1. Aerial Photograph of coal seam gas drilling site and noise monitoring locations (distributed under separate cover)
2. Copy of Modification Consent for Coal Seam Gas Production Well MP25.

### **Purpose**

To inform Council of the results of independent noise monitoring conducted by Council in September 2012 relating to coal seam gas activity at the (MP25) coal seam drilling site at Menangle Park.

### **History**

The Camden Gas Project (CGP) is a major coal seam methane gas project within the Southern Coalfields of the Sydney Basin. The CGP currently comprises over 130 wells, low pressure gas gathering lines (GGL), access roads, the Rosalind Park Gas Plant and a high pressure gas sales pipeline.

Development consent 183-8-2004-i was granted for the Harness Racing Drilling Program of the CGP in 2004 by the NSW Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) under Part 4 of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act). This consent granted drilling and connection of 15 coal seam methane wells to the previously approved Rosalind Park Gas Plant and for the production of coal seam methane from these wells, which included the drilling of five wells and associated GGLs on the property of Menangle Park Paceway (the Paceway).

Development Consent 183-8-2004-i was subsequently modified for the construction of a new additional production well, MP25 on the Paceway site. A Planning Assessment Commission granted consent to the Modification Application in April 2012. A copy of that consent is shown as Attachment 2.

Council, in response to complaints received and media reports regarding local residents concerns about noise impacts from AGL coal seam gas operations at the (MP25) coal seam gas site at Menangle Park, arranged an independent noise assessment of the drilling operations that were being conducted during construction of the production well.

The MP25 gas well site is located between the Paceway Training Circuit and the Nepean River. An aerial photograph of the drilling site and noise monitor locations is shown at Attachment 1.

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Further, in response to a Question Without Notice raised at Council's Ordinary Meeting on 28 August 2012 in relation to AGL coal seam gas wells at Menangle Park, the General Manager, advised that the results of the independent monitoring being arranged by Council's Planning and Environment Division would be presented to Council in due course.

## **Report**

Council engaged the services of Atkins Acoustics to undertake independent noise monitoring of the (MP25) gas well site to monitor noise impacts at the nearest affected residence being located at No. 22 Racecourse Avenue, approximately 500-700 metres east of the drilling site. A 24 hour continuous noise logger was installed from 27 August to 10 September 2012 to establish whether the construction (including drilling) activity was breaching noise conditions outlined in the subject Modification consent granted by the Planning Assessment Commission.

The results of the noise analysis failed to identify any significant noise impacts associated with the drilling and associated activity. Site observations confirmed that daytime noise levels were influenced by local domestic activities, birds, local traffic, racecourse activities, trains and distant road traffic. A review of the night time measurements confirmed a number of high level noise events that were typical of train movements. A review of the noise measurements failed to reveal any clearly identifiable or significant level of noise that would suggest a continuous noise source from coal seam gas related operations.

AGL staff have reported that all works upon the coal seam gas drilling site are regularly monitored by a number of government agencies including the EPA and Department of Planning to ensure compliance with conditions of development consent.

Council's Compliance staff have not received any further complaints from nearby residents with respect to the coal seam (MP25) gas site since independent noise monitoring ceased in September. Staff will continue to liaise with residents and AGL in response to any ongoing community concerns. Council's observations to date indicate AGL appear to be complying with their development consent obligations.

## **Officer's Recommendation**

That the information be noted.

## **Committee's Recommendation: (Kolkman/Lound)**

That the Officer's Recommendation be adopted.

## **CARRIED**

## **Council Meeting 20 November 2012 (Greiss/Lake)**

That the Officer's Recommendation be adopted.

## **Council Resolution Minute Number 195**

That the Officer's Recommendation be adopted.

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## **4.4 NSW Wood Smoke Discussion Paper**

### **Reporting Officer**

Acting Manager Compliance Services

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### **Attachments**

Draft Completed Submission Form – Wood Smoke Control Options for NSW

### **Purpose**

To outline and discuss details of the discussion paper entitled 'Options for Wood Smoke Control in New South Wales', which identifies a new framework for Council's to manage wood smoke in their local government area.

### **History**

The NSW Environment Minister, The Hon. Robyn Parker MP, issued a media release on 11 October 2012 announcing the availability of funding and inviting interested Councils to apply for funding of up to \$60,000 for the implementation of local wood smoke reduction programs. Programs can comprise education initiatives, local enforcement programs and targeted rebates to encourage the removal of old inefficient heaters.

The funding announcement coincided with the release of the discussion paper entitled 'Options for Wood Smoke Control in New South Wales' that outlines strategies local councils can use to control and reduce the amount of wood smoke generated in their local area.

The discussion paper sets out six options to control wood smoke and a statutory framework for implementing them. The wood smoke control options were identified using data from an air emissions inventory for the Greater Metropolitan Area in NSW, local government feedback on current controls and possible new measures, and an analysis of the benefits and costs to the community, industry and government of various control options.

Under the current regulatory regime in NSW, wood smoke is largely managed by local government as it mostly affects local air quality. Councils are aware of wood smoke problems in their local government areas and are responsible as the 'appropriate regulatory authority' under the Protection of the Environment Operations Act (POEO Act), for handling complaints and enforcing wood smoke regulation.

Members of the community, industry and government have been invited to comment on current and proposed wood smoke controls and the method of implementing them on or before 30 November 2012.

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## **Report**

Smoke emissions from domestic solid fuel combustion heaters, such as wood heaters and open fireplaces, can potentially be a major cause of air pollution especially in densely populated areas that experience colder winters such as within the Campbelltown Local Government Area (LGA).

Exposure to the fine particles in wood smoke is a significant health concern as they can cause respiratory and circulation problems, particularly in elderly people, children and those with existing health conditions. The impacts of wood smoke on local air quality vary from area to area due to differences in topography, weather conditions, housing density, and the number of wood heaters in use and how they are operated. Wood smoke controls therefore need to be tailored to specific locations to be most effective.

### **Existing Wood Smoke Control Regulatory Framework**

The POEO Act provides regulatory powers for local councils to issue smoke abatement notices. These notices may be issued where a household has been given information on correct wood heater operation but makes little or no effort to prevent excessive emissions of wood smoke.

The POEO Act also provides regulatory powers for local councils to issue a prevention notice to householders who use a wood heater 'in an environmentally unsatisfactory manner'. For example, a prevention notice could direct a householder to:

- not use a particular wood heater
- ensure that the wood heater has an adequate air supply to prevent smoke emissions
- burn only dry wood
- increase the height of a chimney
- only operate the wood heater between specified hours.

However, issuing smoke abatement notices is usually the preferred option where the wood smoke problem can be rectified by maintenance or improved operation.

The NSW Government and local councils have periodically provided cash incentives to replace older wood heaters with cleaner heating alternatives. These incentives are usually provided on a first-come basis or to low income earners or pensioners who would have difficulty upgrading their home heating systems. Incentive programs such as these are generally supported by community education and enforcement campaigns.

### **Proposed Wood Smoke Control Regulatory Framework**

The discussion paper advocates that since the impact of wood smoke on local air quality varies from area to area, wood smoke controls need to be tailored to locations to be most effective, this allows councils to apply appropriate controls according to their community needs and unique geographic location.

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One method of tailoring wood smoke controls to different locations could be to adopt a regulatory framework which allows councils to select the level of control most suitable for their local area, similar to the 'control of open burning framework' under the Clean Air Regulation. Local councils could adopt one or more controls depending upon factors unique to their area such as high or low housing density, topography, climate, zonings, new release areas, community concerns, and availability of alternative forms of heating and the proximity of schools or hospitals.

One approach to applying wood smoke controls to different locations could be to adopt a regulatory framework successfully used to manage open burning in NSW, which allows local councils new and additional powers to manage the type and number of wood heater installations in areas where extra controls are needed. Councils with wood smoke problems could choose to implement one or more of the controls for particular locations.

The proposed wood smoke control options that councils could consider under a statutory framework to manage wood smoke more effectively in their particular local government area, depending on their own circumstances include:

**Control Option 1**

Permitting the installation of only low-emission, high efficiency wood heaters in designated areas – wood heaters would have maximum emissions of no more than 2-3 grams of particles for each kilogram of wood burnt and operate at a minimum efficiency standard of 65-70%.

**Control Option 2**

Removal of open fireplaces by the owners of dwellings in designated areas before the sale of the property – this would require owners to either block out fireplaces rendering them inoperable, or convert the space for gas or electric heating.

**Control Option 3**

Removal of older or high-emission wood heaters in designated areas before the sale of dwellings.

**Control Option 4**

Disallow the installation of open fireplaces in designated areas.

**Control Option 5**

Disallow the installation of wood heaters in designated areas.

**Control Option 6**

Disallow all new installations of solid fuel combustion heaters, such as wood heaters and open fireplaces, within the local government area.

The discussion paper also states that councils with no wood smoke problem in their local area could choose to take no action with respect to the identified options.

The discussion paper invites members of the community, industry and government to comment on the list of wood smoke control options and the proposed wood smoke control framework by addressing the questions in the submission form provided within the discussion paper.

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Council's State of the Environment Report 2011 indicates (through Macarthur Air Quality Index data presented in the Report) that the area has experienced a general improvement in air quality annually since 2008 and that local air quality is rated overall as good. Monthly air quality index data suggests that local air quality is poorer during the warmer months of the year.

In consideration of the above and in the absence of any clear and specific scientific data that indicates air pollution from wood heaters is a significant air pollution problem (in itself) for the Campbelltown LGA, it may be appropriate that Council elect to take no action with respect to mandating one or more of the additional controls as outlined in the option paper. It is considered that there is merit for Council to simply rely on the existing regulatory controls to control unsatisfactory situations as and when they arise and extend its community current education and awareness campaign to discourage the public take up of wood burning appliance and fireplaces. It is envisaged that Council would be able to review this position at a future time should a particular need arise.

In order to be recognised as being proactive in reducing the impact of wood heater smoke Council should respond to the discussion paper by seeking funding from the NSW EPA to extend its community education program that is effectively coupled with a targeted rebate scheme to encourage residents to voluntarily remove poorly performing wood heaters and open fireplaces and to upgrade to more modern and cleaner burning alternative appliances. This would be consistent with Council's historical policy approach of compliance through education and awareness as distinct from regulations and enforcement unless absolutely necessary.

### **Officer's Recommendation**

1. That Council indicate in its submission in response to the options for wood smoke control in New South Wales as outlined in the discussion paper, that it does not support the mandatory introduction of additional controls as identified in options 1 – 6 within the Campbelltown Local Government Area, given the absence of clear scientific information that indicates a localised problem exists with respect to air pollution from wood heaters.
  2. That Council endorse the submission as indicated in the draft completed submission form 'Wood Smoke Control Options for NSW' as per Attachment 1 of this report noting the inclusion of a request for funding assistance to extend Council's community education and media campaign to discourage the take up of wood burning appliances and fireplaces, coupled with a targeted rebate scheme made available to residents to remove poorly performing wood heaters.
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**Committee's Recommendation: (Oates/Thompson)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 20 November 2012 (Greiss/Lake)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 195**

That the Officer's Recommendation be adopted.

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## **4.5 Review of the Swimming Pool Act 1992 - Implications for Council**

### **Reporting Officer**

Acting Manager Compliance Services

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### **Attachments**

1. Copy of Council's submission to a review of the *Swimming Pools Act 1992* pursuant to Council's resolution of 8 July 2008
2. Copy of Council's submission to the 2012 Discussion Paper
3. Cost Estimates for Implementation of a Swimming Pool Barrier Inspection Program.

### **Purpose**

The purpose of this report is to update Council on the review of the *Swimming Pools Act 1992* and the consequential provisions of the *Swimming Pools Amendment Bill 2012*. The report recommends that Council prepare a swimming pool barrier inspection program and policy for Council's further consideration.

### **History**

Legislation pertaining to swimming pools in NSW comprises the *Swimming Pools Act 1992* (the Act) and the *Swimming Pools Regulation 2008* (the Regulation) which were introduced to require four-sided child resistant barriers complying with a prescribed standard to surround privately owned pools.

A review of the Act was undertaken in 2008 by the then Department of Local Government to identify appropriate amendments to enhance the safety of children under the age of five in proximity of private swimming pools. Council made a submission to this review which was endorsed by Council at its Ordinary Meeting on 8 July 2008. A copy of Council's submission is shown as Attachment 1.

The amended Act, which commenced on 14 December 2009 remains in place today and provides a legislative framework for a high standard of four-sided, child-resistant pool barriers to be consistently applied to all newly constructed private pools in NSW together with appropriate additional mechanisms (including Notice, Direction and penalty notice provisions) to encourage compliance with the legislation.

The subsequent amended Regulation adopted an updated version of the Australian Standard AS1926.1 -2007- *Swimming Pool Safety: Part 1 Safety Barriers for Swimming Pools*, which incorporated a number of new performance requirements for pool fencing, including the concept of a minimum 900mm non climbable zone which is measured from the top of the inside of a boundary fence, (or a minimum 900mm from the top of the outside of internal pool fence), which was designed to further restrict access over boundary and internal pool fences.

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Since 2009, the NSW Deputy State Coroner, the NSW Child Death Review Team and a range of pool safety advocacy organisations have consistently called for a further strengthening of the Act. As a consequence, a Cross Agency Working Group met in 2010 and 2011 to develop a coordinated response to repeated calls for strengthened legislation.

The NSW Government proposed further amendments to the Act to address the safety concerns raised and sought comment from key stakeholders and the community by way of the 2012 Review Discussion Paper.

Council made a further submission to the 2012 Discussion Paper which was endorsed by Council at its Ordinary Meeting on 13 March 2012. A copy of that submission is shown as Attachment 2.

Subsequent to the Government's review of submissions to the Discussion Paper it has recently introduced into the NSW Parliament, the Swimming Pools Amendment Bill 2012.

In addition, Council at its Ordinary Meeting on 16 October 2012 adopted the following recommendations of the Corporate Governance Committee:

1. That a report be presented outlining recent amendments to the legislation regarding backyard swimming pools
2. That the report also examine the feasibility and potential costs associated to both Council and/or local pool owners if Council was to undertake regular inspections of all backyard swimming pools in the Local Government Area.

## **Report**

*The Swimming Pools Amendment Bill 2012* was passed by both houses of Parliament on 23 October 2012 and is awaiting assent.

The object of the Swimming Pool Amendment Bill 2012 (the Bill) is to amend the *Swimming Pools Act 1992* to strengthen its provisions. A summary of the provisions of the Bill are outlined below:

### **1. State Wide Swimming Pool Register**

Swimming pool owners are required to ensure details of their swimming pools are entered onto a state wide register which is administered by the Division of Local Government. As and from 12 months after the date of commencement of the legislation, registration details are to be provided by pool owners either directly to the Division of Local Government, or alternatively, to the relevant local authority (i.e. Council).

This requirement will have an administrative impact on Council in having to enter pool owner details onto the register which will be accommodated within existing resources. The forthcoming Regulation may make provision for the form of the Register, the information to be entered and the fees (if any) payable for lodging the information.

Pool owners who fail to register their pools may face fines of up to \$2,200.00. It is envisaged that Council will have the responsibility of enforcing this requirement.

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## **2. Mandatory Swimming Pool Inspection Program**

The Bill requires each local authority (within 6 months after commencement of the legislation), to develop and adopt a program for the mandatory inspection of regulated swimming pools in its area to ensure compliance with requirements of the Act. The local authority (Council) is required to inspect swimming pools in accordance with the program.

The application of the Act is also extended to cover tourist and visitor accommodation (temporary or short term commercial accommodation establishments such as backpacker, bed and breakfast or farm stay accommodation or serviced apartments), as opposed to just hotels or motels, as was the case previously. However, the legislation does provide an exemption for the outdoor pool fencing requirements for existing pools within visitor or tourist accommodation (that are not associated with hotels or motels) and for any of these types of pools constructed or installed before 1 May 2013.

Within 12 months of the commencement of the legislation, the mandatory inspection program (by Councils) must make provision for the inspection of all swimming pools that are associated with tourist or visitor accommodation and properties with more than 2 dwellings (eg unit/townhouse developments) at least once every 3 years.

The Bill also amends the *Conveyancing (Sale of Land) Regulation 2012* and the *Residential Tenancies Regulation 2010* to prevent the sale or lease of residential premises with a swimming pool unless the pool is registered and there is a valid certificate of compliance or occupation certificate for the pool. Local Authorities or Private Certifiers will be required to undertake inspections and issue certificates of compliance as a result of the above legislative amendments which will take effect 18 months after the date of commencement of the legislation.

Council's role has historically been reactive, responding only to complaint situations. The Bill mandates the implementation of a proactive inspection program incorporating visitor and tourist accommodation as well as multi-dwelling developments and a 'locally appropriate' residential pool inspection program for single dwelling premises. Although the number of premises to be included in the inspection program will not be known until the register is fully established, it is evident the number of pools will be significant and that the mandatory inspection program (including the 'locally appropriate' single dwelling pool inspection program) will not be able to be accommodated within existing Council resources and will require the engagement of additional staff.

In order to effectively respond to the mandatory swimming pool inspection program promulgated by the newly introduced legislation, it is proposed that Council initially employ two specialist pool safety officers, being qualified building surveyors, (due to the risk and liability associated with the inspection role). These officers would have the principal responsibility of carrying out inspections of pools associated with visitor tourist and multi-dwelling developments as well as developing and implementing a 'locally appropriate' inspection program for single dwelling pools based on an audit approach that meets the requirements of the Bill. Council would also need to extend its community education and awareness strategy. Details of proposed additional resources required to implement an inspection program and estimated costs are outlined in Attachment 3.

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Should Council take a decision to inspect every 'regulated' pool within the Campbelltown Local Government Area further staff resources would need to be employed. The extent of extra resourcing would depend upon how many pools are identified as requiring inspection and how often inspections would be required by Council to be carried out.

In this regard it should be noted that section 22B (3) of the amended Act states that 'the program is not to require the inspection of a swimming pool in respect of which there is a valid certificate of compliance or a relevant occupation certificate'. This suggests an inspection frequency (excluding reinspections) of not greater than one inspection each three years as a minimum, which would generally align with the statutory period that a swimming pool occupation certificate or compliance certificate is valid for.

Legislation provides that a local authority may charge a fee for an inspection, being a fee that is not greater than the maximum fee (if any) that is prescribed by the Regulation, but it may not charge a separate fee for issuing a certificate of compliance. In addition, a council must include details of inspections it undertakes as part of its annual report.

### **3. Certificates of Compliance**

Upon undertaking an inspection as part of a mandatory inspection program, (including a 'locally appropriate' single dwelling pool inspection program), or a voluntary inspection that is requested prior to the sale or lease of a property and if Council or an accredited certifier is satisfied that the requirements for the issue of a certificate of compliance are satisfied, (i.e. the pool is registered and complies with the requirements the *Swimming Pools Act 1992*), a Council or private certifier must issue a certificate of compliance. A certificate of compliance remains valid for 3 years unless a Direction under Section 23 of the *Swimming Pools Act* is issued. Once a certificate of compliance is issued the details are required to be entered onto the register.

A certificate of compliance issued under the Act before the repeal by the 2012 amending Act (i.e. an existing certificate of compliance) is taken to be a valid certificate of compliance under the 2012 amending Act and remains valid for a period of three years from the date it was issued, or until 6 months after the commencement of the 2012 amending Act (whichever is the later).

If an accredited certifier carries out an inspection of a swimming pool at the request of the owner of the premises and finds that the requirements for the issue of a certificate of compliance have not been met, the certifier must give a written notice to the owner setting out (amongst other things) the reasons why the requirements have not been met and whether the accredited certifier is of the opinion that the swimming pool poses a significant risk to public safety.

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If the accredited certifier is of the opinion that the pool poses a significant risk to public safety, the accredited certifier must immediately forward a copy of the notice to the relevant local authority (Council). If the accredited certifier is not of the opinion that the pool is a significant risk to public safety, the notice is to be forwarded to the relevant local authority only if a certificate of compliance is not issued in respect of the swimming pool within six weeks after the accredited certifiers inspection. The local authority (Council) is then able to use its existing powers under the *Swimming Pools Act 1992* to ensure that the swimming pool is brought into compliance through issue and enforcement of Notices and Directions issued under the Act.

A local authority is taken to have refused to issue a certificate of compliance in relation to a swimming pool if the local authority has failed to issue either a certificate of compliance or a Direction under section 23 in respect of a swimming pool within 6 weeks of undertaking an inspection or a written request is made in respect of the proposed sale or lease of a property.

#### **4. Definition of a Swimming Pool**

The Bill also makes a minor amendment to bring the definition of a swimming pool in the Act in line with the definition used in the Australian Standard 1926.1 – 2007 and to promote consistency with the requirements of other States to help achieve increased national uniformity.

A swimming pool is now defined as:-

'Any excavation or structure containing water to a depth greater than 300mm and used primarily for swimming, wading, paddling or the like including a bathing or wading pool, or spa'

The definition extends to include various temporary, or less expensive pools, including small inflatable or above ground pools providing they contain water to a depth greater than 300mm and are used mainly for wading, paddling, swimming or the like.

#### **5. Swimming Pool Barrier Inspection Program and Policy**

The Bill provides that a local authority must, within 6 months after the commencement of the respective provision, develop and adopt a program for the inspection of swimming pools within its area. Accordingly it is recommended that a Swimming Pool Barrier Inspection Program and Policy be developed to set out Councils response to the amended legislation as defined in the Bill.

Given the large number of pools that would require inspection within the Campbelltown LGA it may be feasible to adopt an audit based approach whereby a defined percentage of registered pools are inspected each financial year. It should be noted however, that this approach may not result in the inspection of all registered pools, nor the identification and inspection of all pools that are required to be registered. It is envisaged that each pool safety officer would conduct approximately 4-5 inspections per day (not including reinspections). Council would be able to charge inspection fees to offset costs of implementing a locally appropriate inspection program.

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The inspection program and policy would outline details of inspection and enforcement requirements, inspection fees and details of an integrated and complementary community education and awareness strategy.

In view of the above, it is considered appropriate that these details be incorporated into a draft policy that is submitted to Council for endorsement for public consultation. (A briefing to Councillors in this matter would also be undertaken).

### **Officer's Recommendation**

That a draft swimming pool barrier inspection program and policy be developed for consideration by Council.

### **Committee's Recommendation: (Rowell/Lound)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 20 November 2012 (Greiss/Lake)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 195**

That the Officer's Recommendation be adopted.

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## **4.6 IPART Regulation Review - Local Government Compliance and Enforcement**

### **Reporting Officer**

Acting Manager Compliance Services

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### **Attachments**

Local Government Compliance and Enforcement Regulation Review - Submission by Campbelltown City Council to the Independent Pricing and Regulatory Tribunal (IPART) dated 29 October 2012.

### **Purpose**

The purpose of this report is to inform Council of the details of a submission made on behalf of Council in response to a call for submissions by IPART from interested parties relating to the Local Government Compliance and Enforcement Regulation Review Issues Paper, September 2012.

### **History**

IPART released a Regulation Review Issue Paper in September 2012 calling for submissions from interested individuals, business, councils and the broader community. Interested parties had until 5 November 2012 to provide their submission.

The NSW Government has a target of \$750m in reduced 'red tape' costs for business and the community to be achieved by June 2015. To help secure this outcome, IPART have been requested by the NSW Government to undertake a series of reviews to reduce unnecessary regulatory burden ('red tape'). One of the first areas of review focuses on local government compliance and enforcement activities. The review intends to explore how Councils in NSW implement and enforce regulations to identify practices that are imposing unnecessary regulatory costs on councils, business and the community.

The review is intended to assist IPART to develop recommendations to reduce or eliminate unnecessary regulatory imposts including recommendations to remove any impediments to the adoption of best practice initiatives and any other reforms to improve local government's implementation and enforcement of regulation.

### **Report**

Regulation is one of the key tools government uses to achieve its economic, social and environmental objectives. However, it must be designed, targeted and administered, so that it achieves its objectives at least cost to the community. If regulation is inefficiently or ineffectively designed or administered, it can impose unnecessary costs on business and the community.

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In general terms, IPART, in undertaking the Regulation Review is seeking feedback on:

- the specific local government compliance and enforcement activities that are imposing unnecessary costs on business and the community
- any impediments to local government applying efficient and effective compliance and enforcement practices
- ideas for reforms to reduce unnecessary costs on business and the community from local government compliance and enforcement activity.

In addition to submissions to the issues paper, it is intended that IPART will meet and consult with key stakeholders. IPART will also hold a public roundtable discussion later this year, to provide a further opportunity for stakeholders to present their views.

After consideration of all the information and views expressed in submissions and at the roundtable discussion, IPART will release a draft report and invite stakeholders to make further submissions on that report. This process will inform the preparation of a final report from IPART to the NSW Government in June 2013.

Given the brevity of the consultation period associated with the Regulation Review Issues Paper (released in September 2012), staff have prepared and forwarded a submission to IPART on behalf of Council, in order to meet the submission deadline. The submission sets out a range of comments and suggestions noting that further amendments may follow once Council has had the formal opportunity to consider the matter. A copy of the IPART submission dated 29 October 2012 is included as Attachment 1 to this report.

Accordingly, it is recommended that Council endorse the content of the submission made to IPART dated 29 October 2012 in response to the Local Government Compliance and Enforcement Regulation Review Issues Paper September 2012.

### **Officer's Recommendation**

1. That Council endorse the submission made to IPART dated 29 October 2012 shown as Attachment 1 to this report.
2. That Council write to IPART advising it of its resolution in this matter.

### **Committee's Recommendation: (Thompson/Oates)**

That the Officer's Recommendation be adopted.

**CARRIED**

### **Council Meeting 20 November 2012 (Greiss/Lake)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 195**

That the Officer's Recommendation be adopted.

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## **5. GENERAL BUSINESS**

### **5.1 HJ Daley Library - Proposed Cafe**

#### **Committee's Recommendation: (Thompson/Greiss)**

That Council investigate the feasibility of incorporating a café in HJ Daley Library.

**CARRIED**

#### **Council Meeting 20 November 2012 (Greiss/Lake)**

That the Committee's Recommendation be adopted.

#### **Council Resolution Minute Number 195**

That the Committee's Recommendation be adopted.

#### **Confidentiality Motion: (Matheson/Oates)**

That the Committee in accordance with Section 10 of the *Local Government Act 1993*, move to exclude the public from the meeting during discussions on the items in the Confidential Agenda, 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.

**CARRIED**

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## **18. CONFIDENTIAL ITEMS**

### **18.1 Confidential Information - Directors of Companies**

#### **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

There being no further business the meeting closed at 8.54pm.

G Greiss  
CHAIRPERSON

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