

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 19 March 2013.

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 19 March 2013

Present

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
Manager Community Resources and Development - Mr B McCausland
Manager Cultural Services - Mr M Dagostino
Manager Development Services - Mr J Baldwin
Manager Sustainable City and Environment - Mr A Spooner
Manager Waste and Recycling Services - Mr P MacDonald
Executive Planner - Mrs C Puntillo
Consultant Planner - Mr G Pascoe
Corporate Support Coordinator - Mr T Rouen
Executive Assistant - Mrs D Taylor

Apology Nil

Also in Attendance

Councillor P Hawker
Councillor C Mead

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

Special Disclosure - Councillor Greiss - Item 2.6 - Draft Campbelltown Local Environmental Plan 2013 - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Greiss declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Special Disclosure - Councillor Oates - Item 2.6 - Draft Campbelltown Local Environmental Plan 2013 - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Oates declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Special Disclosure - Councillor Kolkman - Item 2.6 - Draft Campbelltown Local Environmental Plan 2013 - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Kolkman declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Special Disclosure - Councillor Lound - Item 2.6 - Draft Campbelltown Local Environmental Plan 2013 - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Lound declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Special Disclosure - Councillor Thompson - Item 2.6 - Draft Campbelltown Local Environmental Plan 2013 - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Thompson declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Special Disclosure - Councillor Mead - Item 2.6 - Draft Campbelltown Local Environmental Plan 2013 - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Mead declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Special Disclosure - Councillor Matheson - Item 2.6 - Draft Campbelltown Local Environmental Plan 2013 - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Matheson declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Non Pecuniary – Significant Interests

Nil

Non Pecuniary – Less than Significant Interests

Special Disclosure - Councillor Rowell - Item 2.6 - Draft Campbelltown Local Environmental Plan 2013 - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Rowell declared a Special Disclosure of a Non Pecuniary - Less than Significant Interest and will remain in the Chamber and vote on the matter.

1. WASTE AND RECYCLING SERVICES

No reports this round

2. SUSTAINABLE CITY AND ENVIRONMENT

2.1 Proposal for Park Central to become a Suburb

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Map of proposed suburb boundaries
2. Table showing the areas and population of the current urban suburbs within the Campbelltown Local Government Area

Purpose

To advise Council of the feasibility and administrative requirements necessary for the area known as Park Central to formally become a suburb.

History

Council at its meeting on 3 July 2012, Corporate Governance Committee Item 8.2 – Park Central, resolved that a report be provided investigating the feasibility and administrative requirements necessary for the area known as “Park Central” to become a suburb of Campbelltown in its own right.

Report

Development of the area in Campbelltown bounded by Kellicar Road, Gilchrist Drive, Therry Road and Narellan Road commenced in 2003. This area was referred to as ‘The Link Site’ during its initial planning stages and was previously the location of the Campbelltown Golf Links. The map in Attachment 1 to this report shows the location and extent of the subject area.

Before construction commenced, the developer (Landcom) adopted the marketing name ‘Park Central’ for this development to emphasis the fact that the proposed layout featured a central area of open space. This marketing name is now commonly used by the public when referring to this area, although it still officially remains part of the suburb of Campbelltown.

The Geographical Names Board of NSW (GNB) is the authority responsible for the creation of new suburbs under the provisions of the *Geographical Names Act 1966*. The Board provides seven criteria to be used as guidelines when determining whether an area comprises a new suburb.

Assessment of the proposal against the GNB criteria:

1. Does the proposed suburb represent a new community?

Park Central is a master-planned development incorporating a number of different precincts and land uses. In many ways it exhibits the characteristics of a separate community with a variety of housing types, a retirement village, a retail/commercial area (including a private hospital) and areas of open space. However, it also lacks other facilities and services, such as a primary school or community centre, which sometimes characterise a new and separate community.

2. Does the proposed suburb have a unique character compared to surrounding areas?

As a modern master-planned development, it is considered that the area does have a unique urban character, with a mixture of higher density housing and commercial/retail land uses not seen in the surrounding areas. In the original planning of the Park Central development, part of the vision was the creation of a high quality urban environment which had “a special identity and sense of community.”

3. Is there a significant change of land use?

All of the land within the proposed suburb is currently zoned 10 (a) Regional Comprehensive Centre Zone under the Campbelltown (Urban Area) Local Environmental Plan 2002. The land located to the north, east and west of the proposed suburb is also zoned 10(a), with the land to the south being zoned 2(b) Residential B Zone and 10(c) Local Comprehensive Centre Zone under the same environmental planning instrument. To the north of the proposed suburb, the predominant land use is commercial/retail, including the Marketfair Shopping Centre and a Bunnings Warehouse. To the east is the Campbelltown Catholic Club and Campbelltown Hospital. To the south is lower density residential land use within the suburb of Ambarvale and medium density residential land use in the suburb of Englorie Park. To the west is the Macarthur Square Shopping Centre. The area proposed for the new suburb of Park Central includes elements of the land uses of the surrounding areas, including medium density residential and commercial/retail. It is therefore considered that there is not a significant change of land use in this instance. However, as previously stated, it is the mixture of these different land uses within this development which provides the proposed suburb with a unique character when compared to the surrounding areas.

4. Is the proposed suburb isolated physically from the surrounding suburbs?

The network of major roads surrounding the proposed suburb does provide an element of physical isolation from the surrounding areas. It is not proposed to include Campbelltown Hospital or the adjacent ambulance station within the suburb of Park Central as it is considered that any alterations to the addresses of these two facilities to not include the suburb of Campbelltown could cause confusion, particularly during emergencies. As shown on the map in Attachment 1, the proposed suburb would therefore directly adjoin the suburb of Campbelltown, without any obvious physical separation, at these locations. In addition, the planning of the Park Central development specifically included the provision of a number of pedestrian links to prevent its isolation from the adjacent sections of the Campbelltown Regional Centre.

5. What is the vehicular and pedestrian access?

The road network within the Park Central development is contained by the surrounding arterial roads, with vehicular access to the proposed suburb being from four access points located on each of these major roads. Numerous pedestrian links to adjoining areas also exist in the form of pedestrian crossings or an underground pedestrian tunnel.

6. There must be community acceptance of the new suburb by the residents.

As previously stated, Park Central is commonly used by members of the public when referring to this area. However, it is considered that the extent of community acceptance can only be fully assessed following a community consultation process which includes the notification and exhibition of the proposal for public comment.

7. The name should comply with the GNB's naming guidelines.

The GNB's publication 'Guidelines for the Determination of Placenames' outlines these requirements. The name Park Central complies with all of these guidelines, with the exception of guideline number three – 'Names of Aboriginal origin or with a historical background are preferred'. As previously stated, this name has its origins in the design and layout of the development. These guidelines, however, only indicate that the GNB has a preference for names with these origins and this would not necessarily preclude the use of Park Central as the name for this proposed new suburb. As the name Park Central has now become associated with this area, it is considered that the use of an alternative name for any new suburb created at this location in compliance with this guideline would be a source of confusion.

Additional matters to be considered:

1. Size of the proposed suburb.

'Geographical area' or 'population' are not listed as criteria by the GNB for use in considering the creation of a new suburb. However, the GNB discourages the break-up of existing suburbs into numerous small suburbs for administrative reasons. The areas and population of the current urban suburbs within the Campbelltown Local Government Area (LGA) are shown in the table in Attachment 2 to this report. Using the proposed boundaries shown in Attachment 1, the total area of the proposed suburb of Park Central would be approximately 35 hectares. It is estimated that this proposed suburb will eventually contain approximately 575 residential dwellings along with 262 apartments within the retirement village. Using an average of 3 persons per residential dwelling (the 2011 Census average for the Campbelltown LGA) and an average of 2 persons per retirement village unit, the proposed suburb could have an estimated population of approximately 2,250 people once development is complete. The proposed suburb would therefore be the second smallest in area and the fifth smallest in population when compared to the 25 suburbs that currently exist within the urban area of the Campbelltown LGA. It should also be born in mind that the approval of Park Central as a suburb may lead to further requests to have other developer's marketing estate names (such as Macarthur Gardens) also created as suburbs in their own right.

2. Outstanding Council resolution regarding Englorie Park.

At its meeting on 5 September 1999, Planning and Building Committee Item 1.7 – Proposal to amend the suburb boundary between Campbelltown (Englorie Park Estate) and Glen Alpine (as an addendum to its resolution requesting the GNB create the suburb of Englorie Park), Council resolved that discussions be held with the owners of the Link Area concerning the suburb name to be given to that residential development and that consideration be given to extending the boundaries of Englorie Park to include the Link Area. It is not clear from available Council records whether any discussions with the developer of Park Central occurred and what resulting decision, if any, was made regarding the suburb name for this area. However, as previously stated, the developer adopted at an early stage the name Park Central and made no reference to the inclusion of this area within the suburb of Englorie Park when marketing this development. The inclusion of this area into the suburb of Englorie Park would serve to increase the area of what is currently the smallest suburb within the Campbelltown LGA. However, it is considered that the name Park Central has now become associated with this area and that any proposal to use Englorie Park as the suburb name would prove unpopular with residents and may cause confusion with the delivery of services to properties in the future.

3. Inconvenience to current residents.

To avoid inconvenience to residents, the optimum time for the creation of a new suburb is either before any development begins or at an early stage in the development of an area. Although Park Central has been extensively used when referring to this development, the official suburb used by residents in their property addresses has always been Campbelltown. Development of this area is now almost complete and any change of suburb name at this time would result in a number of residents and businesses having to change their contact details with numerous agencies. The resulting inconvenience has been the primary source of public objections to many previous proposals that have affected property addresses.

Outline of the administrative process for the creation of a new suburb

Although anyone can make an application to the GNB to create a new suburb, only proposals that have the concurrence of the local council will be considered by the Board. The GNB also recommends that the local council ensures wide community support for any proposal through extensive public consultation prior to its concurrence. The administrative process for the creation of a new suburb is, therefore, as follows:

Council staff assess the proposal to create a new suburb against current GNB guidelines.

1. If the proposal conforms to these guidelines, a report to Council is prepared recommending that the proposal be publicly exhibited for a period of one month to allow for community comment.
 2. If the proposal is approved for exhibition, a notice is published in local newspapers and the proposal is exhibited at Council's Administration Centre and the local library. Any submissions received during the exhibition period are then considered and a report to Council is prepared recommending that either the proposal not be continued, or that an application be made to the GNB requesting consideration of the creation of the new suburb.
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3. If an application is made, the GNB assesses the proposal at a meeting of the Board and recommends that either the naming proposal be rejected, or that the naming proposal be advertised to give the community a further opportunity to comment.
4. If approved for advertising, notice of the proposal is published by the GNB in a local newspaper and in the NSW Government Gazette, and material is provided to Council for public exhibition locally. One month is allowed by the GNB for the receipt of any comments on the proposal from the public.
5. If no objections are received, the new suburb is formally created by way of a notice published in the NSW Government Gazette.
6. If objections are received, Council is asked to provide feedback. The GNB then either re-advertises the proposal, abandons the proposal or makes a recommendation to the Minister for Lands for final determination.

Conclusion

As the proposal to create Park Central as a suburb complies with some of the criteria in the GNB guidelines, it is recommended that Council notify and exhibit this proposal to assess the level of community acceptance before considering submitting an application to the GNB requesting the creation of this new suburb.

Officer's Recommendation

1. That Council exhibit and advertise the proposal to create Park Central as a suburb for a period of one month for public comment.
2. That Council notify all residents and property owners within the area of the proposed suburb by letter of the proposal.
3. That a further report be provided to Council on the outcome of the public exhibition of this proposal.

Committee's Recommendation: (Matheson/Rowell)

That a decision in this matter be deferred to allow further consideration regarding the feasibility of also allocating this proposed suburb its own postcode.

CARRIED

Council Meeting 26 March 2013 (Greiss/Lake)

That the Committee's Recommendation be adopted.

Amendment (Chanthivong/Kolkman)

1. That Council exhibit and advertise the proposal to create Park Central as a suburb for a period of one month for public comment.
2. That Council notify all residents and property owners within the area of the proposed suburb by letter of the proposal.
3. That a further report be provided to Council on the outcome of the public exhibition of this proposal.

Council Resolution Minute Number 31

That the above amendment be adopted.

ATTACHMENT 1

Map of proposed suburb boundaries



ATTACHMENT 2

Table showing the areas and population of the current urban suburbs within the Campbelltown Local Government Area

Suburb Name	Area (hectares)	Population (2011 Census)
Airds	241	3,552
Ambarvale	276	6,706
Blair Athol	89	2,705
Blairmount	343	483
Bow Bowing	73	1,600
Bradbury	359	8,726
Campbelltown	1,114	10,407
Claymore	136	3,299
Eagle Vale	249	5,714
Englorie Park	11	583
Eschol Park	272	2,666
Glen Alpine	294	4,656
Glenfield	696	7,632
Ingleburn	1,239	13,902
Kearns	236	2,754
Leumeah	448	9,463
Macquarie Fields	691	13,028
Macquarie Links	163	1,095
Minto	951	10,310
Raby	261	5,981
Rosemeadow	301	7,654
Ruse	260	5,502
St Andrews	224	5,681
St Helens Park	514	6,271
Woodbine	150	2,647

2.2 Corporate Sustainability Fund

Reporting Officer

Manager Sustainable City and Environment

Attachments

Nil

Purpose

To seek Council's support for the establishment of a Corporate Sustainability Fund.

History

Historically financial assistance to promote and implement sustainability initiatives has been primarily sourced through external grant funds, such as the NSW Government's Waste and Sustainability Improvement Payments (WaSIP) Program (funded through the NSW Government's Waste Levy). Through these initiatives Council has been able to make considerable reductions in energy, water, waste and associated costs.

However Council has most recently been advised that it will only receive one more round of WaSIP grant funding in April 2013. Beyond this period the NSW Government has announced the establishment of the 'Waste Less, Recycle More for NSW' initiative, where funding will be focused on increasing recycling rates in local communities to complement the NSW Government's Waste and Recycling Infrastructure package.

Whilst there are other grant funding programs periodically available, many of them require financial contributions from Council and due to the short timeframes provided for preparation of funding applications, supporting contributions are unable to be sourced through the budget planning process. With this in mind and Council's growing commitment to sustainability, it is considered appropriate that a Corporate Sustainability Fund be established.

A sustainability fund is not a new concept to Council. At its meeting on the 4 August 2009 Council considered a report on the Energy Savings Action Plan Annual Review and resolved (in part) that:

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

Subsequently investigations into the establishment of a fund have been undertaken with their results reported to Council on two occasions. Firstly in a report entitled 'Sustainability Committee' on the 20 October 2009 and secondly in a report entitled 'Woking Borough' as an international leader in energy efficiency on the 1 June 2010. At the time of these reports, the challenges associated with increasing utility prices, the relatively small scale of completed projects and the inability to accurately identify savings were raised as impediments to the establishment of a fund.

Report

In 2011 Council engaged a specialist consultancy to develop a computerised organisational wide tool to capture and report on information relating to the following six areas of sustainability:

- electricity
- gas
- water
- paper
- vehicle fleet
- waste.

The resultant Sustainability Accounting Tool (SAT) is a web-based platform which combines environmental and financial monitoring and asset management. The SAT has provided Council with a range of benefits including the ability to:

- Create accurate, reliable, easy to read and readily accessible reports on aspects of Council's operations relating to resource consumption, sustainability and greenhouse gas emissions
- Provide independent reports/figures/graphs on a regular basis to Council employees and facility managers to promote awareness of resource consumption trends
- Effectively and efficiently integrate and manage large quantities of information
- Measure the effectiveness of sustainability initiatives implemented to reduce Council's and the community's resource consumption
- Assist decisions concerning future investment in Council facilities
- Foster stewardship of initiatives by Council employees and facility managers.

Though the SAT has taken some time and resources to comprehensively develop, it is now producing significant data and reports. The savings from the implementation of major capital work sustainability initiatives funded through the WaSIP have been identified through the SAT and are presented in Table 1.

Table 1. Overview of sustainability initiatives and savings incurred.

Project	Project aim	Consumption saving p.a	Cost saving p.a
Solar Pool Heating - Gordon Fetterplace Aquatic Centre	To install a solar pool heating system to reduce Council's consumption of natural gas for pool water heating.	423,862 kWh - 22%	\$21,549 - 21%
Solar Pool Heating - Eagle Vale Central	To install a solar pool heating system to reduce Council's consumption of natural gas for pool water heating.	119,456 kWh - 6%	\$7,732 - 7%
Photovoltaic system - Works Depot, Workshops	To install a solar energy system to reduce the workshop's consumption of grid-sourced electricity.	28,100 kWh 17%	\$700 – 2%
Building Management System and air conditioning replacement - HJ Daley Library	To install a Building Management System to automate the control of lighting and air conditioning, and replace the existing cooling tower style air conditioning system with a more energy efficient system.	257,412 kWh - 62% (Note: 6 month measurement period)	\$28,232 - 50% (Note: 6 month measurement period)

All savings are calculated over an initial 12 month period with the exception of the HJ Daley Library, which is based on a six monthly analysis. Implementation of the above high profile sustainability initiatives, has resulted in an annual energy reduction of almost 100,000 kWh and annual savings of almost \$60,000 (which will be greater following a full year of analysis at HJ Daley Library).

Costs, including network and rate charges for energy, which cannot be adjusted, have increased and currently represent more than consumption usage charges. Therefore, without these reductions in energy consumption, Council would have experienced a much higher increase in costs.

Moreover, as Council would be aware, photovoltaic (solar) systems are currently being installed on both the Civic Centre and Campbelltown Arts Centre. Conservatively projected annual savings from the systems have been estimated as follows:

- Arts Centre = 92,155 kWh or \$11,233
- Civic Centre = 146,799 kWh or \$21,770.

With the above completed projects, the ability to accurately identify savings and the impending cessation of the WaSIP program, it is appropriate that Council now consider the establishment of a sustainability fund to continue on its path toward a more sustainable organisation. Further, Council has a responsibility to act more sustainably under the Integrated Planning and Reporting framework. The establishment of a Sustainability Fund would formally provide the mechanism to capture the financial savings from sustainability initiatives that are implemented and enable their reinvestment into further sustainability initiatives, thereby perpetuating the cost-benefit.

The proposed objectives of such a Fund would include:

- provide financial support for the ongoing implementation of sustainability initiatives
- support grant applications for sustainability initiatives
- streamline Council's investment in large scale sustainability initiatives
- streamline sustainability reporting.

It is proposed that any savings realised by the installation of sustainability initiatives would be recouped on a one off annual basis from the date of implementation of the initiative and would be placed into a Reserve. The Fund would be primarily used to leverage further funding from grant opportunities or to supplement additional expenses incurred in sourcing sustainable upgrades or replacements to Council's assets.

Should Council support the establishment of the Fund, guidelines will be developed by the Sustainability Committee for application and management of the Fund.

Conclusion

Through the development of the SAT Council has been able to identify significant resource and cost savings associated with the implementation of high profile sustainability initiatives.

Due to the impending cessation of the WaSIP program, Council needs to source alternative funds to continue to reduce its environmental and financial bottom line and enact Council's previous resolution. It is therefore recommended that Council establish a Sustainability Fund from savings incurred from the implementation of sustainability initiatives to support sustainable grant funding applications and finance future sustainability initiatives.

Officer's Recommendation

That Council establish a Sustainability Fund from savings incurred from the implementation of sustainability initiatives as detailed in this report.

Committee's Recommendation: (Kolkman/Oates)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 March 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 31

That the Officer's Recommendation be adopted.

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

2.3 NSW Planning System Green Paper Feedback Summary

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Copy of Council's submission on the NSW Planning System Green Paper
2. NSW Government Publication (24 December 2012): 'A New Planning System for NSW: Green Paper - Feedback Summary' (distributed under separate cover)

Purpose

To update Councillors on the release of the NSW Government Report 'A New Planning System for NSW: Green Paper - Feedback Summary'.

History

In July 2012, the NSW Government released 'A New Planning System for New South Wales - Green Paper' (Green Paper) which outlined a range of broad policy measures for the reform of the existing NSW planning framework and legislation.

Key aspects of the proposed reforms include an emphasis on community consultation at the strategic planning phase of the overall process, and greater certainty for development outcomes in order to facilitate economic growth. Additionally, the reform process also intends to replace the existing *Environmental Planning and Assessment Act 1979* with new legislation.

The Green Paper was exhibited by the NSW Government between July and October 2012. At this time, Council staff attended several workshops conducted by the NSW Department of Planning and Infrastructure, and also made a formal submission on the Green Paper in October 2012 (Attachment 1).

On 24 December 2012 the NSW Government released the 'Green Paper Feedback Summary' (Feedback Summary) which provided an overview of the submissions and feedback received on the Green Paper from the community and key stakeholder groups (Attachment 2).

The NSW Government has advised that the Feedback Summary is currently being considered and will inform the next phase of the reform process, namely the preparation of the White Paper and a draft Exposure Bill.

Report

Council's submission on the Green Paper expressed its qualified support for the review and modification of the current NSW Planning System to improve the overall integrity and efficiency of the system, and promote more sustainable land use and development outcomes.

However, Council raised a number of specific issues and concerns with the proposed measures outlined in the Green Paper. The principle concern was the lack of detail being provided by the NSW Government to properly explain the broad policy measures proposed.

In summary, the issues and concerns raised by Council generally related to the following matters:

- review and amendment of planning and associated legislation
- community consultation Issues
- details of new planning policies and infrastructure delivery
- enforcement and appeal matters
- economic and developer incentives
- increased role of panels and removal of locally elected councillors from the planning process
- operation and composition of proposed Chief Executive Officer's Group
- stronger commitment to 'Ecologically Sustainable Development'
- code Complying Development Issues
- transitional arrangements and resourcing
- developer contributions and fees.

On 24 December 2012 the NSW Government released the 'Green Paper Feedback Summary' (Feedback Summary) which provided an overview of the submissions and feedback received on the Green Paper from the community and key stakeholder groups (Attachment 2).

The NSW Government has advised that the Feedback Summary is currently being considered and will inform the next phase of the reform process, namely the preparation of the White Paper and a draft Exposure Bill.

According to the Feedback Summary, a total of 1,220 submissions were received on the Green Paper sourced as follows:

- 61% coming from the community
- 11% from community organisations
- 9% from local government.

Of these:

- 570 submissions (47%) did not indicate support or opposition of the proposed reforms
 - 347 (28%) supported the reforms with qualifications
 - 227 (19%) did not support the reforms
 - 76 (6%) supported the reforms.
-

The Feedback Summary categorised submissions into five areas, corresponding with key policy initiatives outlined in the Green Paper. An extract of commonly raised issues under these respective categories is provided below.

Community Participation

While there was strong support for community participation at the strategic level of the planning process, key issues identified were the need for new methods of consultation, better resourcing and the need for higher quality and easily understood information.

Strategic Focus

Comments on the Strategic Focus reform outlined in the Green Paper identified the need for a clear and understandable hierarchy of plans to be articulated. Many other submissions stated the need for more detail on how the system will work.

Significant comment was also made in regard to the lack of effective planning at the regional and subregional level.

Streamlined Approval

Proposals to streamline approval processes were supported by a large number of submissions. Notwithstanding this support, more detail and clarification was requested.

There was support for the depoliticisation of the planning process, but some submissions argued that expert panels would add more bureaucracy. Conversely, proposals to simplify assessment were largely supported, but met with concerns that streamlining would reduce rigour.

Provision of Infrastructure

The largest proportion of submissions regarding infrastructure provision related to more affordable infrastructure contributions and the proposal to streamline delivery of public priority infrastructure.

Many submissions expressed support for more affordable contributions, noting the high cost of current levies and the effect on housing supply. In addition, it was noted that a dedicated approval system for major infrastructure would reflect global best practice.

Delivery Culture and Organisational Reform

The largest number of submissions related to Regional Planning Boards and organisational reform. It was noted that the role, representation and skills base for the Boards was not clear, and that the White Paper needs to identify the effect of these Boards on a future planning system. Cultural change was also noted as being essential to the success of a new planning system.

The NSW Government has advised that the purpose of the Feedback Summary is to assist the preparation of the draft 'White Paper', which will provide specific detail on the proposed new planning system and how it will be implemented.

Whilst Council has not received a specific reply to its submission on the Green Paper, the Feedback Summary does provide an overlap with a number of the issues outlined in Council's submission. Importantly, this includes the overriding concern raised by Council that insufficient details have been provided by the NSW Government to properly explain the proposed reforms and how they will be implemented.

Following the release of the Feedback Summary, the NSW Government has expressed its commitment to the development of the White Paper which is to include specific details of the reforms and a draft exposure Bill.

Councillors will be updated on the exhibition of the White Paper as this occurs, which is scheduled for 'early 2013'. Review and preparation of a submission as appropriate, will be undertaken by Council staff at this time.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Oates)

1. That Council request that the Department of Planning and Infrastructure conduct one or more community workshop(s) in Campbelltown on the NSW Planning White Paper, following its expected release in early 2013.
2. That any such workshop(s) should be conducted as soon as practicable after the release of the White Paper, in order to inform our local community about the proposals contained within the White Paper and provide an opportunity for Council staff and Councillors to hear community views on these proposals.

CARRIED

Council Meeting 26 March 2013 (Greiss/Lake)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 31

That the Committee's Recommendation be adopted.

ATTACHMENT 1



5 October 2012

The New Planning System Team
NSW Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001
newplanningsystem@planning.nsw.gov.au

Dear Sir,

NSW Planning System Review – Submission to Green Paper by Campbelltown City Council

Please accept this submission on behalf of Campbelltown City Council (CCC) to the NSW Government's Green Paper, "A New Planning System for NSW".

CCC welcomes the State's initiative to overhaul the current NSW Planning System and supports in principle the reforms that should improve the overall integrity and efficiency of the system and provide for more sustainable land use and development outcomes.

General areas of reform that are supported include the expanded use of new information technologies, improving community engagement at the strategic planning stage, and providing greater transparency and accountability for all levels of decision making associated with land use planning within NSW. CCC also strongly advocates for the statutory integration of the funding and delivery of key public infrastructure in the land use planning process.

It is apparent however, that the Green Paper only provides conceptual information on many aspects of the proposed planning reforms, meaning that the following comments are subject to further consideration by CCC of the related White Paper and Exposure Bill to be released in the near future. In this respect, CCC advises that it intends to provide a supplementary submission on the proposed planning reforms as more specific details of the proposed reforms are published.

The following summarise the key issues identified by CCC with the measures proposed within the Green Paper:

1. Review and streamline legislation

- a) All relevant legislation must be reviewed and synchronised to address competing priorities and complexity in decision making for the land use planning process (eg. EPBC Act, PoEO Act, LG Act).
- b) Replacing the EP&A Act with three separate Acts may potentially increase the complexity of the system, rather than simplify it.
- c) Legal responsibilities relating to Building Control Provisions must be clearly defined eg. maintenance of privately certified buildings and auditing responsibilities, particularly for life safety aspects of the building over its life. Legislation should be reviewed to remove the burden placed on councils (including the costs) in dealing with failed private certification processes and being placed with the responsibility of resolving the issues.
- d) How do future amendments to legislation, including Ministerial directions "fit" into proposed planning framework?

2. Community Consultation

- a) It is important that Public Participation Charter address the difficulties associated with achieving effective community engagement at the strategic planning stage (where the direct impacts of a particular development proposal are not readily apparent). It is recommended that a targeted statistical sampling technique is mandated to ensure a true representation of community views. Consultation/participation methods that do not identify statistically valid community feedback (as opposed to the views only of particular interest groups) need to be avoided.
- b) More detail is required concerning mechanisms, models and resources to involve local communities in the preparation of Planning Policies and related decision making. Concerns are raised that there may be a risk that communities may feel removed from the process, if consultation only occurs after policies / strategies have been determined.
- c) Does the DoPI have sufficient resources and capacity to effectively implement the necessary community consultation and engagement processes?
- d) Council would promote a model of community participation where it played a major role and where appropriate resourcing was made available by government.
- e) Notwithstanding the State's proposal to consult heavily with the community through the forward and strategic planning stages, there needs to be clear and defined methods of appropriately scaled and focussed community engagement during the actual development application process.

3. New Planning Policies / Infrastructure Delivery

- a) CCC supports the integration of long term planning strategies with infrastructure funding and delivery, however it concerns the Council that proposed State Policies and Regional Growth Plans are not statutory - so how can they be legally enforced and provide certainty to all relevant stakeholders? (e.g. accountability for infrastructure delivery and 'strategic compliance') Alternative "commitment" mechanisms need to be put into place to provide more certainty, particularly for the community.
 - b) The focus of strategic policy and infrastructure delivery appears to rest with the development of (statutory) Subregional Delivery Plans, however concerns are raised that community participation in the formulation of these plans may be limited given:
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- i. Their composition must align with higher order plans that have already set the priorities; and
- ii. Preparation of these plans will be done by another layer of bureaucracy (Regional Planning Boards) and from which elected councillors are to be excluded, rather than by community representatives.

4. Enforcement and Appeals

- a) Concerns are raised that Strategic Compliance Certificates will effectively allow prohibited development contrary to local planning policies and without proper community consultation. Are such Certificates appealable?
- b) Additional mechanisms are required for ensuring accountability and improved enforcement of planning breaches. A flexible range of regulatory tools and penalties must be made available, including 'open standing' to bring enforcement proceedings.
- c) If statutory approval timeframes are proposed for decision making, they must take account of delays caused by applicants supplying inadequate and/or untimely information.
- d) Compliance and enforcement policies and statistics should be published in a consistent and comparable form, validated by relevant performance indicators.
- e) The proposed Third Party Appeal measures appear to be excessively limited and restrictive – must "demonstrate direct adverse effect resulting by the granting of the dispensation". Third Party Appeal rights should not be reduced.
- f) Approvals and inspections issued/carried out by private certifiers continue to raise concerns, particularly where approvals may not be in line with council's standard policies and council resources are called upon by the community to investigate/enforce perceived/actual non-compliance issues. It appears that all too often council officers are required to spend inordinate amounts of time investigating and adjudicating on whether a development is authorised or compliant, despite the Council not having anything to do with the approval or certification of the project in the first place. This goes on without any opportunity to recoup the time and/or financial cost involved in carrying out the investigation.

5. Economic and Developer Incentives

- a) The Green Paper appears to express some bias towards catering for economic and market growth - additional emphasis should be placed on ensuring processes achieve balanced and high quality planning outcomes.
 - b) There are potential negative implications of approving development under a 'Strategic Compliance Certificate', ahead of endorsed and co-ordinated infrastructure planning and delivery provided for, by Subregional Delivery Plans. Such risks need to be removed, or at the very least, minimised.
 - c) While it is accepted that under a merit assessment regime, opportunities need to remain to allow for the rezoning of specific areas, concern is raised that additional opportunities for developers to seek 'spot' rezoning may undermine previous strategic planning work – the cornerstone of the Government's reforms.
 - d) Development must be approved if it complies with adopted Subregional Plans, but it is also the case that development must be considered even where it doesn't comply. This has the potential to reduce public confidence in the proposed planning system. Developers should not be given new rights for non-compliant projects, particularly if councils and communities cannot refuse or object to projects that do comply.
 - e) 'Amber Light Approach': Obligation for council Officers to re-design development proposals to facilitate approval - decision makers should not be designers of
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proposals. This approach will also encourage substandard applications to be lodged in the knowledge that an approval can be worked towards, increasing complexities, responsibilities, delays and potentially, liabilities for councils.

- f) Council objects to the concept of deemed approvals as (although the Council would commit to upholding all adopted assessment time provisions) it is not always possible to provide an answer on a particular proposal within a mandated time frame. Maybe at the 'deemed approval' time, the applicant should be able to issue a 14 day letter of demand which would allow for special internal review by the Council's executive where the application could not be finalised within the deemed approval timeframe.
- g) Suitably robust mechanisms must be included to ensure that proposals that don't comply are subject to a reasonable merit based assessment process that is relative to the level of non-compliance and where appropriate, involves the determination by the elected Council.

6. Increased Role of Panels and Removal of Locally Elected Councillors from the Planning Process

- a) Justification is required for increasing role of Panel involvement in local decision making, given the existing minimal determinations of DAs by elected councils, high transparency of council decision making, and greater accountability of elected councillors.
- b) The expanding roles of the JRPPs creates additional costs, resourcing and time impacts for council in DA decision making in particular, this is the case for development types that (but for the JRPP thresholds) would have usually been determined under delegated authority. Council queries the 'independence' of JRPPs and, whether they are better equipped to reflect community values and expectations?
- c) The reforms emphasise that councils are to be involved with strategic planning decision making however, in contradiction to this it would appear that elected councillors will not be represented on Regional Planning Boards. This is unacceptable and belies the 'claim' that 'local councils' will be placed at the centre of the Subregional Delivery Plan process.

7. CEO Group

- a) Clear objectives and governance of the operation of the CEO Group must be devised, including KPIs for performance. To ensure transparency of decision making, the chair should not be selected from the CEO's Group.
- b) The exclusion of the Office of Environment and Heritage from the CEO Group is queried?

8. Ecologically Sustainable Development

- a) A commitment to ecologically sustainable development (ESD) and urban sustainability as part of the objectives and throughout the new Act and system must be clear. For example, strategic plans and development outcomes must be measured (in terms of performance) against achieving ESD.
 - b) Major public infrastructure projects can have significant environmental and social impacts, just as private projects do. The Green Paper is signals that there will be expedited approvals for projects that are deemed to be 'public priority infrastructure'. How will potential environmental and social impacts be properly considered and managed, and what rights will the community have in participating in planning decisions concerning infrastructure that impact on their safety, amenity or environmental quality?
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9. Code Complying Issues

- a) Code assessment should require the Local Land Use Plan to be complied with, as well as the Subregional Delivery Plan.
- b) Where a development is part code assessable and part merit assessment the entire assessment should rest with council.
- c) Code complying development should include design quality standards similar to those now contained under SEPP 65. This would help maintain a reasonably balanced level of quality for similar development types instead of just the lowest of cost "butter box" or "cookie cutter" development examples. Quality planning outcomes can and must be assured.

10. Transitional Arrangements and Resourcing

- a) Specific detail needs to be provided on interim measures to appropriately regulate and manage planning and development processes during the transitional period. It is relevantly noted that the Department published the Standard Instrument Order in 2006 requiring councils to prepare consolidated LEPs in accordance with the standard template – this process is incomplete 6 years later.
- b) The Green Paper is proposing a new 'Local Land Use Plan' to replace Council's LEP, including the added complexity of consolidating all development control plans. Given that the standard LEP template exercise has not been finalised after 6 years, what additional resources will be provided to assist the DoPI and councils to undertake this more complicated task, particularly in light of the significance of Subregional Delivery Plans.

11. Developer Contributions and Fees

- a) Strong concerns are raised that the delayed payment of developer contributions will exacerbate the current problem of unpaid levies where owners are unaware of the requirement following private certification of their development.
 - b) The DA Fee system needs to be able to respond to the issue of deflated project costs being submitted with applications to deliberately reduce DA fees. Once applications are determined, councils have no ability to recover additional fees where it is established (post consent) that project value is substantially higher than that stated on the DA application form. This issue does not only impact Local Government fees, but also the collection of State imposed fees and charges such as the Long Service Leave Levy. Where at CC stage, it is established that (through the acceptance of a bill of quantities/tender price and through the calculation of any developer contributions) the actual project cost is higher than that stated at the DA stage, council should be able to require the payment of the additional fees prior to the release of the CC.
 - c) The creation of a State controlled Contributions Collection Panel or similar is supported in order to reduce the resource burden on councils having to recoup and distribute unpaid (or under-paid) developer contributions. Further to this, the opportunity should be taken to raise the accountability of Private Certifiers to properly manage contribution payments with applicants/owners.
 - d) The creation of a State controlled contributions management plan could be included as part of the planning reform whereby developer contributions collected for works carried out throughout the State can be accessed by councils for the carrying out of specified infrastructure projects when those projects are most needed. This would
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discourage councils from holding substantial levels of developer contributions and would enable those councils that don't generate significant levels of developer contributions, to access the State developer contribution fund for the financing of major and much needed projects in their local area, where such justification exists.

- e) Specific detail is needed to identify if/when a developer contribution can be refunded and whom is entitled to the refund. In the case that a development project changes hands and the new owner surrenders a consent, who is entitled to the refund of any developer contributions or other unused fees/charges applied under the surrendered consent?
- f) Statutory measures need to be provided concerning the ownership of a developer contribution, a bond/bank guarantee or DA fees, when a new entity takes over a DA or consent. It is often the case that a consent changes hands through bankruptcy or the sale of a property. Specific direction and statutory weight should be given to who owns the relevant fee/charge/contribution in the case of ownership changing hands.
- g) Clear and specific instructions should be articulated through the appropriate statutory regulation on what steps a council should take when seeking payment of outstanding developer contributions. It should go as far to say how outstanding developer contributions are to be managed and how any outstanding amount is to be indexed.
- h) Stronger and clearer enforcement measures should be introduced to enable the Council/State Authority to pursue the payment of developer contributions that remained unpaid for a particular development. The obligation to pay outstanding developer contributions should remain with the land holder and should be articulated on the s149 certificate to ensure all future purchases of the property are aware of any outstanding developer contributions.

Overall, the Council commends the Government in its Green Paper initiative but would emphasise the importance of retaining the essential role that elected local councils play in both the strategic and development approval process.

I thank you for your consideration of the above items and if you require any further information or clarity with respect to the above, please contact Council's Manager Development Services - Mr Jim Baldwin on 4645 4616.

Yours sincerely



Paul Tosi
General Manager

2.4 Proposed renaming of Alyan Place, St Helens Park

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Copies of previous reports to Council on this matter
2. Minutes of the meeting of the Campbelltown Aboriginal Community Reference Group

Purpose

To provide Council with further information for its consideration when making a decision with regards to the proposal to rename Alyan Place at St Helens Park to Alyandabu Place.

History

Council at its meeting of 31 July 2012, Planning and Environment Committee Item 2.3 – Proposed Renaming of Alyan Place, St Helens Park, resolved:

“That a decision in this matter be deferred pending investigation and a further report detailing:

- a. The full costs to residents associated with the renaming of their street.
- b. Receipt of legal advice regarding any potential liability of Council to meet the costs incurred by residents arising from an alteration to the existing street name and advice concerning any additional relevant matters concerning this proposal.
- c. the outcome of consultation with local Aboriginal elders, Councils Aboriginal Advisory Sub Committee and the Aboriginal Land Council concerning an alteration to the existing street name.”

Copies of the previous reports on this matter to the Planning and Environment Committee Meetings of 3 April 2012 and 24 July 2012 are included as Attachment 1 to this report. The proposed renaming of this street was also the subject of a briefing presented to Councillors on 31 January 2012.

Report

The following additional information relevant to this renaming proposal is provided to Councillors:

a) **Costs to residents associated with the renaming of this street**

The potential cost to the residents of Alyan Place as a result of the renaming of this street would largely depend on the number of contact details each individual would be required to change and is, therefore, difficult to quantify, however it is anticipated that such costs would be incidental.

It is understood that many agencies, such as Roads and Maritime Services, do not charge a fee for changing a person's address details. Council also notifies Australia Post, the Valuer General's Department, the Department of Lands, the Australian Electoral Commission and all utility service providers of any changes to property addresses within the Campbelltown Local Government Area as a matter of procedure.

However, even when no fee is charged by an agency to change contact details, there is still a non-financial cost to the residents in time taken to notify and implement these changes. Residents would also be required to pay many of the incidental costs incurred with each address change such as phone calls, postage and travel expenses. Any changes to documents requiring the services of a solicitor, such as a will, would also incur a cost to the resident. In a submission received by Council during the exhibition period of this renaming proposal, a resident estimated that it would cost them between \$250 and \$400 to complete all of the resulting changes to their address details. However, this figure was not further quantified.

b) **Legal advice**

Legal advice regarding any potential liability Council may have to meet the costs incurred by residents arising from the renaming of this road and any other issues associated with the renaming proposal was received by Council on 18 October 2012.

This advice states that under section 162 of the *Roads Act 1993*, a roads authority may name all public roads for which it is the roads authority. It goes on to note that Division 2 of Part 2 of the *Roads Regulation 2008* outlines the notification requirements a roads authority must comply with when proposing to name or rename a road. It also states that:

"There are no provisions in either the *Roads Act 1993* or the *Roads Regulation 2008* which require a roads authority to pay compensation to an owner or occupier of land that immediately adjoins a public road for any loss or damage or cost arising from the exercise of the power to name (or rename) this road."

The advice concludes by stating:

"Accordingly, it would seem that an owner or occupier of land immediately adjoining a public road that has been renamed has no entitlement to be paid compensation for costs incurred that relate to the renaming under either legislation or common law."

Alyan Place was dedicated as a public road by registration of deposited plan number 815301 on 12 February 1992. Under the provisions of section 7(4) of the *Roads Act 1993*, Council is therefore the relevant 'roads authority' and has the authority to name this road. Council has also complied with the notification requirements set out in the *Roads Regulation 2008* relevant to this current renaming proposal. It is therefore considered that Council may continue with the renaming process and that no liability would exist for Council to meet any costs incurred by residents should it resolve to rename this road.

c) Consultation with local Aboriginal elders, Council's Aboriginal Advisory Sub Committee and the Local Aboriginal Land Council

Council's Strategic Aboriginal Development Officer raised this matter with the Campbelltown Aboriginal Community Reference Group at their meeting on 23 January 2013. The reference group unanimously agreed that this road name should be amended to the correct and full name of Alyandabu Place. It should also be noted that three elders from the local Aboriginal community were present at this meeting. A copy of the minutes from this meeting is included as Attachment 2 to this report.

Council wrote to the Tharawal Local Aboriginal Land Council (LALC), requesting any comments they may have on this renaming proposal be provided to Council. Unfortunately a reply has not been received from Tharawal LALC.

Conclusion

The family and representative elders of the descendants group of Alyandabu have requested that Council rename Alyan Place to correctly honour the person after whom this street was named. This request has now been endorsed by the Campbelltown Aboriginal Community Reference Group, including three elders from the local Aboriginal community.

However, Council has also received submissions from the residents of 18 of the 22 properties in Alyan Place objecting to the proposal to rename this street. Although the receipt of these submissions does not prevent Council renaming this street and legal advice indicates that Council would not be liable to pay any resulting costs, a change to the name of this street would cause considerable inconvenience to the residents.

It is therefore recommended that Council does not rename Alyan Place but erects additional signage underneath the current street name sign acknowledging that this road was named in honour of Aboriginal elder Alyandabu.

Officer's Recommendation

That Council resolves not to rename Alyan Place at St Helens Park but erects additional signage underneath the current street name sign acknowledging that this road was named in honour of Aboriginal elder Alyandabu.

Committee Note: Ms Mildon addressed the Committee supporting the Officer's Recommendation.

Mr Morley and Mr Mills addressed the Committee supporting the proposal to rename the street.

Committee's Recommendation: (Kolkman/Thompson)

1. That Council resolve not to rename Alyan Place at St Helens Park but erects additional signage underneath the current street name sign acknowledging that this road was named in honour of Aboriginal elder Alyandabu.
2. That at the earliest opportunity Council enter in to discussions with the family of Alyandabu and the local aboriginal community to seek permission to name a street, park or place of significance in a new subdivision to acknowledge Alyandabu's significant place in history.

CARRIED

Council Meeting 26 March 2013 (Greiss/Lake)

That the Committee's Recommendation be adopted.

Amendment (Mead/Greiss)

1. That Council resolve not to rename Alyan Place at St Helens Park and request permission of the family to erect additional signage underneath the current street name sign acknowledging that this road was named in honour of Aboriginal elder Alyandabu.
2. That at the earliest opportunity Council enter in to discussions with the family of Alyandabu and the local aboriginal community to seek permission to name a street, park or place of significance in a new subdivision to acknowledge Alyandabu's significant place in history.

Council Resolution Minute Number 31

That the above amendment be adopted.

ATTACHMENT 1



Planning and Environment Committee Meeting 03/04/12

TITLE Proposed Renaming of Alyan Place, St Helens Park

Reporting Officer

Acting Manager Environmental Planning

Attachments

1. Letters requesting that Council consider renaming Alyan Place at St Helens Park (distributed under separate cover)
2. Diagram showing possible additional signage (distributed under separate cover)

Purpose

To provide Councillors with information relating to a proposal to rename Alyan Place at St Helens Park.

History

At its meeting on the 16 of June 1987, Council adopted the theme of "Great Australian Women" for the street names in St Helens Park and approved 30 new road names drawn from this theme.

At its meeting on 23 July 1991, Council's Planning Building and Environmental Protection Committee considered a report in relation to additional street names for St Helens Park, and recommended that a list of 35 additional street names on the theme "Great Australian Women" be adopted for use in St Helens Park. The Committee also recommended that a further report be submitted to add names of great Aboriginal women to the list of street names.

A report by the then Director of Planning and Community Development in relation to this additional recommendation was presented to Council at its meeting on 30 July 1991. This Director's report included the names of six great Aboriginal women to be added to the list of street names in the report on 'Additional Street Names for St Helens Park'. The source of these names was recorded in this Director's report as being the Campbelltown City Library and it provided the following brief details with regards to the subject road name:

"Alyandabu – Called Alyan by other Aborigines, she lived in Darwin. She lived and worked in railway fettler's camps on the old north Australian railway".

In spite of the full name Alyandabu being stated in the report, it was recommended that the name Alyan, along with the five other names, be approved as additional road names for St Helens Park and this recommendation was subsequently adopted by Council at its meeting on 30 July 1991. The reason for recommending the name 'Alyan' rather than 'Alyandabu' for use as a road name is not recorded in the report.

Alyan Place was dedicated as a public road on 12 February 1992 and an appropriate street name sign would have been erected around this time.

At Council's Ordinary Meeting on 28 June 2011, a question without notice was raised by Councillor Matheson regarding the name of Alyan Place in St Helens Park. Councillor Matheson advised that representations had been received from family members of the person that the street was named after, requesting that consideration be given to re-naming the street to properly reflect the person's full name "Alyandabu".

Councillors were advised in the Planning and Environment Councillor Weekly Memo of 8 July 2011 that Council staff were researching the basis for the original naming proposal which led to the selection of the current street name. The memo also advised that Council would write to the person who originally contacted the Councillor to seek further details and a formal request for renaming.

The proposed renaming of this street was also the subject of a briefing presented to Councillors on 31 January 2012.

At its meeting on 13 March 2012, Council deferred consideration of a report on this matter to the next meeting of Council.

Report

Council has now received letters from the representative Elders of the descendants group of Alyandabu and also from her great grandson formally requesting that Council consider the renaming of Alyan Place at St Helens Park to reflect the true name of the person after whom this street was named. These two letters are included as Attachment 1 to this report.

Further research by Council staff has confirmed that Alyandabu appears to be the more correct form of this person's name, although some sources do confirm that she was also known as Alyan and in some cases use the alternative spelling 'Alngindabu'.

The process Council must follow when renaming roads is outlined in Part 2 of Division 2 of the *Roads Regulation 2008*. The first step in this process requires Council to advertise the proposal to allow for public comment. Council is also required to notify Australia Post, the Registrar General, the Surveyor General and emergency services to provide them with an opportunity to comment on the renaming proposal. In addition, it has been Council's practice to notify by letter any residents and landowners affected by the renaming proposal. A period of one month is then allowed for the receipt of any submissions relating to this proposal and a further report on this matter is then be presented to the next available Council meeting.

Council would then have the following options available:

Option 1 – Council can resolve to rename the road

With regard to Alyan Place, this would be in accordance with the wishes of the family and would correct the current inaccuracy in this street name.

However, the renaming of any street is usually unpopular with any residents affected by it. Council's records indicate that 22 properties currently use Alyan Place in their street address. Following media coverage of the renaming proposal in a local newspaper, Council received two letters of objection from residents prior to undertaking the formal exhibition and notification process. A letter of objection was also subsequently published in the local newspaper. These objections were mainly concerned with the potential expense and

inconvenience which would be incurred by residents in having to change all their contact details and also raised concerns about the pronunciation of the proposed new name.

It should also be noted that at its meeting on the 12 April 2011, Council resolved not to rename Mortimer Street at Minto because of similar objections from the residents of the four properties affected by this proposal.

Option 2 – Council can resolve not to rename the road

This would result in no inconvenience to residents and would also be in accordance with the Geographical Names Board's guidelines which state that, 'where names have been changed by long established local usage, it is not usually advisable to attempt to restore the original form'.

However, this would be contrary to the family's wishes and the road name would continue to not correctly acknowledge the person it was meant to honour.

Option 3 – a compromise solution involving the erection of additional signage

With this renaming proposal, Council also has a third option available which was suggested by a resident in their letter of objection. This involves Council resolving not to rename the road but erecting additional signage underneath the current street name sign acknowledging that this road was named in honour of Aboriginal elder Alyandabu. An indication of the possible positioning and content of this additional signage is shown in the diagram in Attachment 2 to this report.

This would mean no inconvenience to residents and would ensure that the origins of the street name are correctly acknowledged. However, it is possible that this option may not fully satisfy the family's wish for this street to be completely renamed.

Having considered the merits of these three options, it is recommended that Council adopts Option 3.

Officer's Recommendation

That Council resolves to maintain the existing name of Alyan Place at St Helens Park and erects additional signage underneath the current street name sign acknowledging that this road was named in honour of Aboriginal elder Alyandabu.



Planning and Environment Committee Meeting 24/07/2012

TITLE Proposed Renaming of Alyan Place, St Helens Park

Reporting Officer

Acting Manager Sustainable City and Environment

Attachments

Copies of written submissions and a petition objecting to the renaming proposal (distributed under separate cover)

Purpose

To advise Council of submissions received following the exhibition and notification of the proposal to rename Alyan Place, St Helens Park to Alyandabu Place and to outline the options available to Council with regards to this renaming proposal.

History

Council at its meeting on 10 April 2012, Planning and Environment Committee Item 2.5 – Proposed Renaming of Alyan Place, St Helens Park, resolved:

1. That Council resolves to rename Alyan Place at St Helens Park to Alyandabu Place.
2. That Council notifies and exhibits this proposed renaming in accordance with Clause 7 of the *Roads Regulation 2008*.
3. That if the street name change is endorsed following the public exhibition, Council erect additional signage underneath the new street name acknowledging that this street was named in honour of Aboriginal elder Alyandabu and was formerly named Alyan Place.

Report

In accordance with Council's resolution and Clause 7 of the *Roads Regulation 2008*, notice of the proposal to rename Alyan Place to Alyandabu Place was published in local newspapers on the 22 and 23 May 2012. The authorities prescribed by Clause 7 of the Regulation (Australia Post, the Registrar-General, the Surveyor-General, the Chief Executive of the Ambulance Service of NSW, NSW Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service and the NSW Volunteer Rescue Association Incorporated) were notified of this proposal by letter on 11 May 2012. A letter advising of the renaming proposed was sent to each of the owners of 22 properties in Alyan Place on 11 May 2012. Any submissions were required to be received by Council before close of business on 15 June 2012.

One submission was received from the prescribed authorities. A letter from Land and Property Information NSW on behalf of the Geographical Names Board (GNB), the Surveyor General and the Registrar General stated that the proposed name of Alyandabu Place had been reviewed under the GNB Guidelines for the Naming of Roads and that there was no objection to the use of this name. It should be noted that this submission only related to the suitability of the proposed road name rather than to the renaming proposal itself.

Four separate written submissions objecting to the proposal were received from residents and property owners in Alyan Place. A petition including a form letter was signed by a further 24 residents of Alyan Place objecting to the renaming of this street, was also received. In addition, Council had previously received two letters from residents objecting to the proposal before it had been formally notified and exhibited. Copies of these written submissions, petition and form letters are included as Attachment 1 to this report (distributed under separate cover). Of the 22 properties in Alyan Place, Council has received an indication of objection from residents of 18 of these properties, which equates to 82% of properties in Alyan Place.

The primary objection to the proposed renaming proposal raised in all submissions was the inconvenience and cost which would be suffered by residents in having to change their address details with a number of different agencies and other contacts. Further concerns were raised with regards to problems pronouncing the proposed new road name and also the potential for disruption to the delivery of services to residents in the period before the new street name appeared in street directories and satellite navigation systems.

In relation to the potential cost to residents in changing their address details, the issue of a claim for compensation against Council was raised in two of the submissions. Previous renaming proposals considered by Council have generally arisen as a result of changes in the layout or alignment of roads and as such any claim would need to be considered on its merit as a separate process.

Having completed the exhibition and notification requirements outlined in Clause 7 of the *Roads Regulation 2008*, Council now has the following options available with regards to this renaming proposal:

Option 1 – Council can resolve to rename the road

This would be in accordance with the wishes of the family of Alyandabu and would depict the full name of the person it was meant to honour. However, the submissions received during the exhibition period indicate that the majority of the residents of Alyan Place object to this proposal, primarily on the grounds that they would suffer inconvenience and expense if the road was renamed.

It should also be noted that at its meeting on the 12 April 2011, Council resolved not to rename Mortimer Street at Minto following consideration of a report that addressed issues including similar objections from the residents of the four properties affected by that proposal.

Option 2 – Council can resolve not to rename the road

This would result in no inconvenience to residents and would also be in accordance with the Geographical Names Board's guidelines which state that, 'where names have been changed by long established local usage, it is not usually advisable to attempt to restore the original form'.

However, this would be contrary to the family's wishes and the road name would continue not to depict the full name of the person it was meant to honour.

Option 3 – a compromise involving the erection of additional signage

With this renaming proposal, Council also has a third option available which was suggested by a resident in their letter of objection. This involves Council resolving not to rename the road but erecting additional signage underneath the current street name sign acknowledging that this road was named in honour of Aboriginal elder Alyandabu.

This would result in no inconvenience and expense to the residents and would ensure that the origins of the street name are acknowledged. However, it is possible that this option may not fully satisfy the family's wish for this street to be completely renamed.

Conclusion

Council's records do not detail why the name Alyan was chosen over the full name Alyandabu at the time of the original street naming proposal in 1991.

Since that time, Alyan Place has continued to be used. Following representations by family members of Alyandabu to a Councillor a formal request was received by Council on 16 July 2011 to rename Alyan Place to Alyandabu.

Councillors were provided with a briefing on this matter on 31 January 2012 and a report to Council's meeting on 13 March 2012 was deferred to the 10 April meeting where Council resolved to proceed with the renaming process.

The subsequent public notification process has resulted in a 24 signature petition including a form letter signed by each petition signatory and four separate written submissions. These along with two written submissions received prior to the public notification process equates to 82% of all properties in Alyan Place, indicating an objection to Council's renaming proposal.

In contrast to these objections are the wishes of the descendants of Alyandabu who wish to see the full name of the person whom the street is named in honour of used.

Having considered the considerable number of submissions received and the merits of these three options, it is recommended that Council adopts Option 3 as a reasonable and balanced outcome.

Officer's Recommendation

That Council resolves to maintain the existing name of Alyan Place at St Helens Park and erects additional signage underneath the current street name sign acknowledging that this road was named in honour of Aboriginal elder Alyandabu.

ATTACHMENT 2

CAMPBELLTOWN ABORIGINAL COMMUNITY WORKING GROUP
MINUTES OF MEETING DATE: 23 January 2013
TIME: 2pm to 4pm

Agenda Item	Comments/Status	Action & Date By
1. Attendees	Aaron Simon, Dan Lea, Ricky Lyons, Joyce Mate, Donna Hipwell, Janny Ely, Muriel Brandy, Karen Beetson, Debbie McCall.	
Apologies	Alana Moffett, Uncle Ed Blakely, Uncle Ivan, Joanne Goulding, Carolyn Hughes, Alice Wood, Vennessa Tompkin, Angela Loneragan. Meeting Open 2:10	
2. Confirmation of the Minutes of the previous meeting	No comments.	
3. Business Arising from previous meeting	Dan- Yarn update: Hoping to have first meeting on 21 February Looking for about 8 participants Donna -question re: Is there any Aboriginal staff member employed at Youth Solutions. Dan- Not at the moment but Dan ensures he	

	<p>engages with Aboriginal Elders & workers.</p> <p>Aunty Joyce - JJ's young people could be a referral to Dan.</p> <p>Aunty Muriel – Spoke about some cases.</p> <p>Discussion on a program best for the kids.</p> <p>Discussion about early morning program at AB Central - Program is good but the early mornings aren't good for everyone.</p> <p>The program is great but needs infrastructure support and more people to support it</p> <p>What about night programs. There are exercise programs at night. There was discussion what other suburbs like Mac Fields and Claymore have programs.</p> <p>A venue is needed for young people to meet with other community members. There used to be a Bush Camp at Minto. Girls went to the women and the boys went to the men.</p>	
<p>4. Draft roles and responsibilities for</p>	<p>This item no longer necessary. It had been suggested to have this when the group considered</p>	

Elders	Elders meeting separately. Our Elders have opted to participate in the monthly CACRG meetings, so no document needed.	
5. Group name	Discussion on including the working Torres Strait Islander into the title of the working group. Debbie had a discussion with Trevor prior to the meeting and it was suggested we put on the CACRG templates a notation: "Aboriginal refers to both Aboriginal and Torres strait Islander people".	Action: Debbie To add to Templates
6. Advice re: Street name in St Helen's Park	Unanimous agreement to support the family to have the name of the street in St Helen's Park – Alyan Place to the full name of Alyandabu Place. Comments from member were had a street name for another famous woman been shortened (for example Chisolm Street had been Chis Street) the community would want it changed to the correct full name. The same should apply for Alyan Place.	Action: Debbie to forward recommendation to appropriate section of Council
7. Council's Website -Current website and	Debbie explained that Council would like to update the Aboriginal section of the Website.	Working group to discuss in more detail at future meeting

<p>suggestions for development -Calendar of meetings and events.</p>	<p>Debbie discussed an Aboriginal calendar proposed by the CACRG and other working groups to be placed on Council's website. A calendar specifically for Aboriginal dates can't be placed on Council's website; however a direct link to a site with a calendar could be used instead. The CACRG agreed to this as a compromise. Debbie will be the administrator. Suggestion non-Aboriginal meetings to be included (ie RACI, BANC etc.) Colour coding to identify Aboriginal specific meetings could be used.</p>	<p>Debbie to continue to work with relevant Council staff to develop the calendar.</p>
<p>8. Macarthur Multicultural Film Festival</p>	<p>Tabled. The group agreed it would be good to include Reconciliation Week "film trail" if possible.</p>	<p>Debbie to advise Angela (who is Council's rep on the MMFF working group).</p>
<p>9. Anniversary of Apology to stolen Generations (13 February)</p>	<p>MACUNITY 5 year anniversary Replay at Mawson Park and do Morning tea. Copies of speech Deb to find out how to book Mawson Park TV microphone for people to make comments. Leo to talk to Karen from TAC and will talk to Macunity Cardboard hands to be written on and left there for</p>	<p>*Please note since the CACRG meeting and through Macunity it was decided to support an event already organised at Wollondilly Council by Denise* Debbie will send out flyer ASAP to CACRG.</p>

	the afternoon. Deb to check if ok and to also leave at the Library.	
10. Harmony day (14 March)	Macunity- } Leo – will take this to Macunity Debbie spoke about colouring competition through Year 3 in schools that MDSI are running (Council is a partner in this). Debbie would like to promote Aboriginal children participate and use the pictures in the Aboriginal Community Plan currently being developed.	Debbie to send information re: colouring competition to Sherrie Meyers to promote in the schools.
11. Elders Olympics (15 March)	Elders Olympics is coming together. Annette has sent out an email with Doctor's clearance forms that participants must have for the event.	Debbie to send forms out to the network.
12. Close the Gap day. (24 March)	March 21 Close the gap day CACRG will partner with Health, Council, MNM at TAC	Aaron will send out an invite for planning meeting for Close the Gap day.
13. Appin Massacre Memorial (14 April/ 17 April)	Sister Kerry contacted Debbie to advise the Memorial Ceremony will be on the 14 April this year at Cataract Dam. Sister Kerry will approach Council	Debbie will email flyers as soon as they have been developed.

	to do a Flag Raising on the actual anniversary which is 17 April.	
14. Sorry Day/ Reconciliation Week (26 May to 1 June) <ul style="list-style-type: none"> - Council - Joint Council Film Trail (with support of CACRG, Mygunyah Residents Group & WAAC) - Sister Kerry's service on Sorry Day - Sister Kerry's proposal for Reconciliation Week - Other Events 	<p>- Leo to talk to Pastor Michael about doing something because Sr Kerry may not be doing a service this year.</p> <p>Wollondilly Council do an Art Exhibition with schools</p> <p>Campbelltown Council Early Childhood Centre's will be developing Art Works with the children during Reconciliation Week. These may be displayed at the Arts Centre. These can be used during NAIDOC Week and other special events.</p>	Leo to talk to Pastor Michael
15. NAIDOC Week (7 - 14 July) <ul style="list-style-type: none"> - Local Talent Showcase - Small Grants - Council Activities 	<p>The group discussed what we could do differently instead of just having heaps of stalls where the community just get "information overload" and ending up with heaps of flyers etc that will just get thrown away.</p> <p>The group suggested we have activities rather than stalls. We will ask services to do an activity that engages with the community in some way. This way the community will know does what is relevant to their circumstances and needs.</p> <p>Meeting closed 4:05</p>	
16. General Business <ul style="list-style-type: none"> - New Flag Protocol 	<p>Debbie advised of Council's new Flag Protocol. This was well received by the group.</p>	

<p>- Aboriginal Women's Forum</p> <p>- Domestic and Family Violence Framework Workshop (13 Feb)</p> <p>- Midnight Basketball</p> <p>- International Women's Day (8 March)</p> <p>- Seniors Week (17- 24 March)</p> <p>- Youth Week (5- 14 April)</p>	<p>Debbie tabled the flyer for the Aboriginal Women's Forum and the Domestic and Family Violence Workshop.</p> <p>Midnight Basketball is running from Fri 1st of Feb for 8 weeks. Volunteers are still needed and Aboriginal volunteers would be appreciated to encourage more Aboriginal young people to participate.</p> <p>International Women's Day is 8th March and will be held at Greg Percival Centre (Ingleburn Community Hall) from 10am to 2pm. Nominations for recognition of inspirational women are open contact Deborah Ferry on 4645 4902.</p> <p>Debbie updated the group on Senior's Week and Youth Week dates.</p> <p>Other General Business:</p> <p>Karen advised Tharawal Aboriginal Corporation are recruiting for several positions:</p> <p>Social worker</p> <p>Drug and Alcohol worker</p> <p>Mental Health worker</p> <p>Sexual Health worker</p> <p>Healthy Lifestyles worker</p> <p>2x Tobacco workers</p> <p>Bringing Them Home worker</p> <p>Waranwarin Child and Family Centre are also recruiting for:</p> <p>Aboriginal Community Liaison worker</p> <p>Aboriginal Child worker trainee</p> <p>5 x school based trainees</p> <p>{ get the resumes to AES for school based trainees}</p>	<p>The group to encourage volunteers to participate in Midnight Basketball.</p> <p>Members will consider nominations for recognition on International Women's Day.</p> <p>The working group to promote vacant positions.</p>
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	<p>All identified positions.</p> <p>Aunty Muriel identified a need for Elders who need help to do garden, mowing and yard clean ups. Karen suggested some families need support with clean-ups.</p> <p>Debbie spoke about a program by Many Rivers Microfinance who assist groups to get enterprise up and running. There was discussion on DMAC looking at this to get a business up and running to address the yard and clean-up shortage.</p> <p>Aunty Joyce suggested this could be something done through WDO's</p> <p>Donna informed there would be a protest at NSWALC re: mining on Friday.</p> <p>Aunty Janny spoke about a system in Mudgee- instead of receiving mining royalties the mining companies had an employment program.</p> <p>Karen requested a list of who's on reference group.</p>	<p>Debbie to email CACRG and request the OK to provide contact details to Karen.</p>
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Note: The word "Aboriginal" in the title of Campbelltown Aboriginal Community Reference Group (CACRG) includes both Aboriginal and Torres Strait Islander people.

2.5 Community River Health Monitoring Program 2011-2012 Report Card

Reporting Officer

Manager Sustainable City and Environment

Attachments

Community River Health Monitoring Program 2011-2012 Report Card (distributed under separate cover)

Purpose

To provide Council with information on the release of the Georges River Combined Councils Committee (GRCCC) Community River Health Monitoring Program 2011-2012 Report Card.

History

In 2009, the GRCCC commenced its Community River Health Monitoring Program. The program involves the monitoring of macroinvertebrates (small aquatic animals without a backbone), water quality and riparian vegetation at selected sites along the Georges River catchment. The data collected is being used to produce a series of program 'report cards' which provide a snapshot of the health of the Georges River.

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

The project also aims to create an on-going 'culture shift' to allow and encourage residents to be active in their river's management.

Since 2009 the Program has facilitated over 200 sampling events at 42 freshwater and estuarine sites along the Georges River catchment. In 2011, as a result of additional funding, the program expanded to include nine sites in the Cooks River catchment.

The first four report cards presented data from spring 2009, autumn 2010, spring 2010 and autumn 2011. In late 2011 the focus of the report cards shifted from biennial to annual. This report therefore presents the results of monitoring undertaken between spring 2011 and autumn 2012.

Report

River health monitoring took place along the course of the Georges and Cooks Rivers between spring 2011 and autumn 2012 and the results have been used to produce the 2011-2012 Report Card (Attachment 1) which was publicly released on 14 February 2013.

Methodology

The same methodology was used for the preparation of this report card as in previous rounds. Over 1000 community volunteer hours were contributed to testing. The testing was led by Council staff and science professionals at 42 sites along the Georges River and nine sites along the Cooks River. The monitoring examined both fresh water and estuarine environments in the catchments from the rivers' headwaters to Botany Bay.

The testing focused on three key river health indicators:

1. Water quality - water was tested for pH, electrical conductivity, turbidity, dissolved oxygen, total phosphorous and total nitrogen, against Australian and New Zealand Environment Conservation Council (ANZECC) guidelines for upland and lowland rivers, to determine what pollutants may be affecting the health of the river. Many organisms are sensitive to changes in water quality and changes to water quality can result in population decline or extinction.
2. Riparian vegetation – vegetation was surveyed using the 'Rapid Appraisal of Riparian Condition' (published by the Australian Government's Land and Water Australia Corporation), which assesses the ecological condition of riparian habitats using indicators that reflect functional aspects of the physical, community and landscape features of the riparian zone. Healthy riparian vegetation is an important factor in maintaining a functioning ecosystem. These vegetation communities play an important role in recycling nutrients, slowing stormwater flows into waterways and filtering sediment. They also provide critical habitat and food for a vast array of organisms. Through monitoring these communities it is hoped to better understand their condition and effectiveness in maintaining water quality within the catchment. Each site was surveyed in 2009 and unless significant change is observed at a particular site riparian vegetation will not be resurveyed until 2013.
3. Macroinvertebrate populations – macroinvertebrates were tested for species diversity against different orders (a statistical test for biodiversity), in accordance with industry standards. These populations provide valuable information on the health and quality of the aquatic ecosystem. Many macroinvertebrates are sensitive to environmental change and in particular, changes to water quality.

Under each of the tests a statistical score is generated. These scores are then extrapolated to a grading for each indicator and further combined to produce an overall grading for each site, sub-catchment (upper, middle and lower Georges River) and the overall catchment. The grading scores range from A+ (excellent) to F- (poor). The results provide a greater understanding of the integrity of the aquatic ecosystems.

Test Results

The results from spring 2011 and autumn 2012 indicated that the overall health of the Georges River system continues to be 'fair' but is improving, with the grading moving from a C+ to a B. Thus far, all report cards verify that the river system has been affected by a degree of urban and industrial development, particularly in the lower catchment. This has led to a loss of riparian and estuarine vegetation and deterioration in water quality and macroinvertebrate diversity. In the upper catchment, the protection of large areas of vegetation has resulted in mostly healthy waterways. However there is evidence of degraded water at a number of sites which can be attributed to either industrial discharge or urban runoff.

Once again, slight variations were observed in grading in terms of overall catchment health, between all report cards, however no significant changes warranted concern.

The report card splits the catchment into three areas; upper, mid and lower. Whilst the report card does not include or follow local government boundaries the Campbelltown Local Government Area (LGA) lies entirely within the upper catchment section of the project. An additional site has been added to the monitoring regime this round, taking the total number of monitoring sites within the Campbelltown LGA to seven. A further six sites within the upper catchment are being monitored within the Wollondilly LGA.

The location and results for the Campbelltown LGA are listed in Table 1 below.

Table 1. River Health Monitoring Program gradings for Campbelltown LGA sites

Site	Macro-invertebrate Grading	Water Quality Grading	Vegetation Grading	2011-2012 Overall Grading
Stokes Creek, Dharawal National Park	A+	A+	A+	A+
O'Hares Creek, The Woolwash	A+	A+	A-	A+
Georges River, The Woolwash	A-	B+	A+	A
Georges River, Ingleburn Weir	A+	A	A+	A+
Georges River, Simmos Beach	A-	A+	B	A-
Bunbury Curran Creek, Macquarie Fields*	D+	B+	A+	B
Georges River, Cambridge Avenue	A-	A-	B-	B+
Upper Georges River (overall)	A	A	A-	A

*New site

A comparison of the overall results for sites within the Campbelltown LGA for each of the five report cards is provided in Table 2 below.

Table 2. Comparison of River Health Monitoring Program overall gradings of Campbelltown LGA sites from all report cards

Site	Spring 2009 overall grading	Autumn 2010 overall grading	Spring 2010 overall grading	Autumn 2011 overall grading	2011-2012 overall grading
Stokes Creek, Dharawal National Park	A	A+	A+	A	A+
O'Hares Creek, The Woolwash	A	A-	A	A	A+
Georges River, The Woolwash	B+	B	B	B	A
Georges River, Ingleburn Weir	A+	A+	A+	A+	A+
Georges River, Simmos Beach	B-	B	B	B+	A-
Bunbury Curran Creek, Macquarie Fields	-	-	-	-	B
Georges River, Cambridge Avenue	C+	B-	B	B	B+
Upper Georges River (overall)	B+	B+	B+	B+	A

The overall grading for the Upper Georges River catchment continues to be assessed as good, however with a grading increase from B+ to A. The best rated sites have been persistently located within bushland catchments in Stokes Creek, O'Hares Creek and the upper reaches of the Georges River upstream of the confluence of with Bunbury Curran Creek.

A marked improvement in the gradings for the upper catchment has occurred, in Brennan's Creek and downstream. This may be due to increased rainfall experienced during the monitoring period. Whilst macroinvertebrate populations appear to have improved within Brennan's Creek, the site continues to display poor water quality. In addition the results highlight the worst performing areas within the Upper Georges River as those within or fed by urban waterways such as Bunbury Curran Creek and the Georges River at Appin.

Recommendations from the program provided in the River Health Technical Report to council staff to improve river and ecosystem health include:

- investigate opportunities for the implementation of further Water Sensitive Urban Design (WSUD) in urbanised areas of the Georges River catchment
- develop a WSUD action plan to build capacity within organisation and target onground works
- undertake weed control and re-establish riparian vegetation along Bunbury Curran Creek to improve biodiversity, increase water treatment and stabilise banks
- investigate opportunities for monitoring of mining discharge from Brennan's Creek in partnership with Wollondilly Shire Council.

In response to these recommendations, Council staff participated in a WSUD rapid assessment workshop in 2012. One of the actions from this workshop was the development of a WSUD action plan. The WSUD working party proposed to be established under the revised Sustainability Committee will be charged with the preparation of this action plan during 2013. It is anticipated that this action plan will be guided by the Upper Georges River Strategic Environmental Management Plan and will identify opportunities for WSUD implementation within the Campbelltown LGA which may include naturalisation of areas of the Bow Bowling Bunbury Curran system.

Council staff are also in liaison with Wollondilly Council regarding opportunities for chemical monitoring within Brennan's Creek. It should be noted that in 2012 Endeavour Coal applied to the NSW Environment Protection Authority to vary its Environment Protection Licence for the operation of West Cliff Colliery in regard to discharges from the Brennan's Creek Coal Emplacement Area. At this time Council made a submission to the EPA on the licence variation application requesting that the EPA strengthen the licence conditions to reduce the levels of pollutants discharged from the facility and require the investigation and adoption of alternate means of coal wash waste disposal.

Conclusion

The Community River Health Monitoring Program 2011-2012 Report Card was publicly released on 14 February 2013. The card provides a snap shot of river system health based on results from sampling undertaken for the Community River Health Monitoring Program in spring 2011 and autumn 2012.

Overall, the health of the Georges River catchment has been graded as 'fair' and the Upper Georges River (which includes the Campbelltown LGA) was graded as 'good'. These results are generally consistent with those reported in the previous report cards. The results of this program will continue to assist Council in strategic allocation of further resources towards the management of the river.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 March 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 31

That the Officer's Recommendation be adopted.

2.6 Draft Campbelltown Local Environmental Plan 2013

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Draft New City Wide Strategic Outline Plan
2. Review of Existing Planning Controls
3. Explanation of Group Terms and Individual Terms
4. Diagram illustrating the Framework for Draft CLEP 2013
5. Draft Campbelltown Local Planning Strategy
6. Draft Campbelltown Residential Development Strategy
7. Preliminary Draft CLEP 2013 written instrument and a selection of main maps
8. The East Edge Scenic Protection Lands
9. Campbelltown City Centre Urban Design Blueprint
10. Former and proposed controls for the Campbelltown City Centre

The attachments to this report have been distributed to Councillors under separate cover as their contents contain information of a confidential nature that may confer a commercial advantage or disadvantage.

Purpose

1. Advise Council about:
 - a. the context and content of Draft Campbelltown Local Environmental Plan 2013 (Draft CLEP 2013)
 - b. procedural matters and the next steps in the LEP process.
2. Seek Council's endorsement of Draft CLEP 2013 and its supporting background documents in order to enable:
 - a. submission of the draft plan to the DPI, as required, by the end of March 2013
 - b. the concurrent undertaking of further internal consultation and formal consultation with government agencies and adjoining local councils.

History

All councils in NSW are required to prepare a single new comprehensive Local Environmental Plan (LEP) for their local government areas, based on a standard template (the Standard Instrument or SI LEP). In Campbelltown, the new LEP (currently referred to as Draft CLEP 2013) will replace all of the existing principal LEPs and Interim Development Orders (IDOs), many of which are becoming outdated. Draft CLEP 2013 is based on the SI LEP, as mandated by the NSW Government.

Council's decision to prepare a new SI based comprehensive LEP was made on 18 April 2006, with Council notifying the former Department of Planning (now the Department of Planning and Infrastructure – the DPI) under Section 54 of the *Environmental Planning & Assessment Act* (EP&A Act). The Department subsequently responded outlining the process to be followed and its expectations in respect of planning outcomes.

A team comprising both Council staff and specialist consultants has been preparing background supporting documentation and draft CLEP 2013 in the intervening period. The supporting documentation and key policy directions to inform the new LEP have been presented to Council incrementally since 2006 in the form of Councillor briefings and formal reports. The contents of these briefings and reports have informed the new City Wide Strategic Outline Plan for a Sustainable Campbelltown. This Outline Plan is based broadly on Campbelltown 2025 – A Strategic Vision (adopted by Council in 2004) and reflected in the more recent Campbelltown Community Strategic Plan. A copy of the new draft City Wide Strategic Outline Plan is provided at Attachment 1.

In late 2012, both the Minister for Planning and Infrastructure and the Department of Planning and Infrastructure (DPI) instructed that the new LEP for Campbelltown (Draft CLEP 2013) must be submitted to the Department by the end of March 2013, with a view to obtaining endorsement to proceed to public exhibition and community consultation. Failure to observe this instruction may result in the Minister assuming control for finalising the Draft LEP, via the DPI.

It is felt that Council therefore, needs to remain responsive to the NSW Government to maintain control of the new draft LEP's content and ensure, as much as is possible, that the unique sensitivities of Campbelltown are respected in the new standardised LEP.

Report

This report is divided into several parts:

Part 1 discusses the purpose of Draft CLEP 2013.

Part 2 describes the completed and forthcoming steps in the LEP Process.

Part 3 provides an overview of the SI LEP and of how it provides a framework for Draft CLEP 2013.

Part 4 sets the strategic context for Draft CLEP 2013.

Part 5 discusses specific strategic policy directions that have been followed in the preparation of Draft CLEP 2013.

Part 6 highlights other important considerations related to the LEP Process.

Part 7 discusses statutory procedural matters including pecuniary interests.

Part 8 provides a brief overview of matters that will be dealt with in a series of suggested future amendments to Draft CLEP 2013.

A short conclusion and recommendations are then provided for Council's consideration.

Part 1 – Purpose of Draft CLEP 2013

The purpose of Draft CLEP 2013 is to combine and update the provisions contained within the eight principal statutory planning instruments that currently apply to land within the Campbelltown Local Government Area (LGA), to create a single principle LEP that applies across the whole of the Campbelltown LGA. These current instruments are:

- Campbelltown (Urban Area) Local Environmental Plan 2002
- Campbelltown Local Environmental Plan – District 8 (Central Hills Lands)
- Campbelltown Local Environmental Plan No. 1 (Wedderburn)
- Campbelltown Local Environmental Plan No. 32 (Wedderburn)
- Campbelltown Local Environmental Plan No. 112 – Macquarie Field House
- Interim Development Order No. 13 – City of Campbelltown
- Interim Development Order No.15 – City of Campbelltown
- Interim Development Order No. 28 – City of Campbelltown.

It is also proposed that Draft CLEP 2013 will repeal the following statutory planning instruments:

- Campbelltown Local Environmental Plan No. 197 (brothels in industrial areas)
- Campbelltown Local Environmental Plan No. 209 – Exempt Development.

The provisions of these instruments have been transferred to, or replaced by, the provisions of other environmental planning instruments. Their subject matter will be addressed as part of the new SI LEP.

Due to the:

- continuing and evolving changes to the NSW Planning System (including a likely new approach to embodying local and sub-regional strategic planning into regional and local planning instruments)
- final timeframe imposed by the NSW Government for submission of Council's draft SI LEP to the DP&I.

the draft CLEP 2013 primarily focuses on consolidating the existing LEPs and IDOs into one new LEP document. This process has been one of transferring planning provisions from the older instruments into the new draft SI LEP format on a 'best fit' basis.

The introduction of a new comprehensive planning strategy and policy into the new draft CLEP is limited, as is the inclusion of new planning provisions beyond those provided by the SI LEP and the Model Clauses.

This pragmatic approach to creating a new LEP has been adopted by many councils in NSW. In doing so, it is readily acknowledged that Draft CLEP 2013 will be subject to likely future amendments as Council finalises new policy positions and the NSW planning reform process is further advanced by the State Government.

The preparation and adoption of a single consolidated principal LEP for Campbelltown at this time, (based on the SI LEP), is considered important and valuable given the current number of planning instruments and the resultant lack of consistency in approach that applies to land use planning decisions across the Campbelltown LGA. In addition, many of the existing LEPs and IDOs, despite being amended over time, are outdated having been implemented between 38 and 11 years ago. Some of the plans (given their historical drafting style) lack clear objectives which can make it difficult for Council to defend challenges when it refuses to grant consent to developments that are now considered inappropriate. The LEPs and IDOs are also complemented by the comprehensive Campbelltown Sustainable City Development Control Plan (DCP) and a series of issues and place-based DCPs, further increasing the complexity of the local planning controls.

Combining the existing LEPs and IDOs into one modernised LEP will enhance consistency, clarity, and the relationship between the LEP and DCPs. This 'streamlining' of local planning controls will be of significant benefit to Council, land owners, the community, businesses and developers and hopefully will result in increased efficiency and reduced costs for a range of stakeholders in the longer-term. It will also be beneficial in the continuing clarification and refinement of the role of DCPs as 'guideline documents' which has been a recent policy initiative of the NSW Government, connected with the NSW planning review process. This will provide councils with the opportunity to translate principal development standards such as building height, floor space ratio (FSR) and minimum lot sizes for subdivision from DCPs, into their LEPs.

A review of the planning controls contained within Council's existing LEPs and IDOs and particularly their relevance at this point in time, is provided in Attachment 2. It summarises and clarifies the controls that are to be retained and the proposed format of retention. The controls that are no longer considered essential and that have not been transferred into Draft CLEP 2013 are also noted in the Attachment.

Part 2 – The LEP Process

The following process is being used to prepare Draft CLEP 2013:

The steps completed to date are:

- Council resolved to prepare the new LEP and the Department of Planning was advised under Section 54 of the EP&A Act (2006)
 - Funding and grants were sourced to assist with the costs of preparing the background studies and the new LEP (2006-2010)
 - Research and background studies were undertaken (2006-2013)
 - Initial community consultation sessions (2007)
 - Initial consultation with government agencies and adjoining councils (2008)
 - Internal staff workshops and working group meetings (2008-2012)
 - Briefings and reports to Council on various components of the draft LEP (2006-2013)
 - Presentation of Draft CLEP 2013 to Council via a briefing (5 February 2013)
 - This report to be presented to Council on 26 March 2013.
-

Steps yet to be completed (as required by the DPI), subject to Council endorsement of Draft CLEP 2013 include:

- Submission of the draft CLEP 2013 to the DPI as has been required
- Concurrently undertake formal consultation with government agencies and adjoining councils (under Sections 34A and 62 of the EP&A Act 1979), and further internal (within Council's technical sections) consultation
- Report to Council on the outcomes of the Sections 34A, 62 and further internal consultation asking Council to resolve to submit draft CLEP 2013 (as amended) to the DP&I seeking permission to publicly exhibit the draft plan
- Submission of the draft CLEP 2013 to the DPI under Section 64 of the EP&A Act formally requesting a Section 65 Certificate to enable the draft plan and background documentation to be placed on public exhibition
- Undertake public exhibition of the draft CLEP 2013 and community consultation once a Section 65 Certificate has been issued
- Report to Council on the outcomes of the public exhibition, outlining the issues raised and any proposed amendments to Draft CLEP 2013 as a result of the submissions
- Council decides whether or not to amend Draft CLEP 2013 (significant amendments may require re-exhibition)
- Submission of draft CLEP 2013 (incorporating any amendments deemed appropriate by Council) to the DPI under Section 68 of the EP&A Act, requesting that the Minister make the LEP
- Work with the DPI to prepare the report to the Minister under Section 69 of the EP&A Act
- The Minister decides whether or not to make the LEP (in the form agreed by Council or in an amended form)
- The LEP is implemented by Council if it is made by the Minister.

Part 3 – The Standard LEP and draft CLEP 2013

The draft CLEP 2013 is based on the SI LEP, as legally required. The SI LEP comprises a written statement (instrument) and a portfolio of supporting maps. It has the following features:

- A standard format and layout
 - Standard definitions of land use terms and other terms that are contained within a mandated "Dictionary" of terms
 - The use of Group Terms and Individual Terms to describe land use categories and specific land uses within those categories
 - A set of 35 standard zones from which councils can select those appropriate to their local government area
 - A series of mandated zone objectives
 - The ability to add additional local zone objectives that do not conflict with the mandated objectives
 - Certain mandated land uses that must be permitted or prohibited in particular zones
 - The ability to add additional permitted and prohibited uses to zones so long as they do not conflict with the mandated uses and the intent of the zones
 - Mandated and optional standard clauses relating to a range of planning related matters including land acquisition, heritage, tree preservation, and the variation of development standards
-

- A requirement that provisions relating to building height, floor space ratios (FSRs) and minimum lot sizes for subdivision be included in LEPs rather than DCPs
- The ability to add other Model Clauses relating to various planning, land use and environmental issues
- The ability to add local clauses to address local issues
- Schedules that allow for the listing of:
 - Additional permitted land uses on particular sites (irrespective of the applicable zone)
 - Additional matters that can be listed as exempt or complying development (beyond those identified in State Environmental Planning Policies (SEPPs))
 - The Classification and reclassification of public land
 - The listing of heritage items and heritage conservation areas.

The draft CLEP 2013 proposed by staff is based on the SI LEP that has been refined in order to suit Campbelltown's local circumstances. This draft instrument has taken account of previous Council decisions and strategic policy directions (which are outlined in Part 5 of this report) and includes:

- Specific aims in the plan that reflect circumstances in the Campbelltown Local Government Area
- A selection of standard zones that best reflect existing zoning arrangements, land uses and existing development
- The application of the selected zones in appropriate locations
- Additional (compared to the SI LEP) zone objectives
- Additional (compared to the SI LEP) permitted and prohibited uses within certain zones, with a focus on translating existing provisions into the new draft CLEP 2013 where possible
- Additional local content to some of the mandated clauses (where allowable under the standard template)
- Insertion of local standards into some of the compulsory clauses
- Additional local clauses to address local planning issues and to reflect local and regional planning strategies
- Specification of some additional types of exempt development suitable for the Campbelltown Local Government Area
- A series of maps to accompany the written LEP.

It should be noted, however, that all local content added to a draft LEP needs to be endorsed by the DPI prior to public exhibition.

Detailed discussions will also need to be held with the DPI regarding how methods by which principal development standards within site specific development control plans (DCPs) and master plans can be accommodated within, or made consistent with, a new LEP based on the SI LEP. This could include discussion of how smaller minimum lot sizes within greenfield or urban renewal areas than those permitted within existing urban areas could be permitted in order to achieve certain residential development types, densities and dwelling targets. This would be consistent with Council's current policy approach that applies particularly to new urban release areas.

It also needs to be noted that converting existing planning controls into the mandated standardised format has resulted in some differences between current and proposed future land use permissibility. The most important of these types of issues to note include:

Standard definitions

Definitions of land use and other terms that are used within LEPs have been standardised across NSW. This means that land uses are now described and grouped in different ways, compared to what they have been in the past. This has implications for land use permissibility and means that translating existing controls into the new standardised format will inevitably and unavoidably result in some changes.

It also means that in order to gain a full understanding of the land uses that are permissible and prohibited within a particular zone, the land use terms listed in the zoning table need to be cross-referenced with the definitions of those terms contained within the Standard Dictionary, which also forms part of the LEP. This is particularly the case where a specific land use forms part of a defined group of land uses, only the term used to describe the group is included in the zoning table. This is a mandated requirement.

Attachment 3 explains in some detail how the group terms and individual terms within the SI LEP relate to each other.

Mandated land uses within certain zones

The standard zones within the SI LEP contain mandated permissible uses and some zones also contain mandated prohibited uses.

Council staff will also be discussing land use permissibility issues with the DPI such as the possibility of adding 'drainage' as a land use that can be permitted with consent in all zones. This is not currently possible under the SI LEP.

Part 4 – Strategic Context

Draft CLEP 2013 is set within, and has been prepared having regard to, a broader strategic planning context, where such exists with some degree of certainty. This context comprises various elements, as described below.

Campbelltown 2025 – Looking Forward, (adopted by Council in 2004), is a community inspired vision for the future of Campbelltown that responded to wide ranging community consultation undertaken by Council. It also contains a statement of long-term planning intent. The vision and statement of intent provide the basis for the Campbelltown LGA's sustainable future by focussing upon:

- Protection and enhancement of the City's key environmental assets
- Growth as a Regional City
- Creation of a distinctive Campbelltown sense of place
- An accessible City
- Provision and maintenance of quality infrastructure
- Creation of educational, employment and entrepreneurial opportunities.

Realisation of the vision requires the development and implementation of a relevant comprehensive future planning strategy. Elements of this strategy have been developed and are being adopted incrementally, together with the recent development of the Campbelltown Community Strategic Plan 2012-2022.

The development of local planning strategies is also importantly influenced by State and regional planning directions and policies, particularly the Metropolitan Plan for Sydney 2036 and the Draft South West Subregional Strategy (Draft SW Strategy). The diagram at Attachment 4 illustrates the broader framework within which Draft CLEP 2013 is set.

As part of its future planning, Council is required to meet the challenge of achieving balanced planning outcomes and an appropriate mix of land uses, within the context of continuing urban growth and change. To address this challenge and realise the community vision, Council staff propose an approach to managing future growth and change in Campbelltown (in terms of land use, development and environment) in the form of a Local Planning Strategy (see Attachment 5).

The major elements of the draft Campbelltown Local Planning Strategy are also presented graphically as a City Wide Strategic Outline Plan, which was presented at the Councillor Briefing session on 5 February 2013 (see Attachment 1). Discussion of the preferred locations for residential growth and the methods through which Council can achieve its residential growth targets, as set down by the Draft SW Strategy, are outlined in the Draft Campbelltown Residential Development Strategy, also prepared by Council staff and summarised at the Councillor Briefing session on 5 February 2013 (provided at Attachment 6).

Critical to the ongoing realisation of the vision is the implementation of a suite of new planning controls principally represented in the form of the Draft CLEP 2013, with complementary amendments to Council's Sustainable City DCP. A copy of the written instrument for Draft CLEP 2013 proposed by staff and a selection of the main draft CLEP 2013 Maps is provided at Attachment 7.

Part 5 – Specific Strategic Policy Directions

The following specific policy directions have been proposed for Council's consideration for inclusion into the draft CLEP 2013, as they are understood to have been endorsed by Council previously:

Scenic Hills

- Land currently zoned 7(d1) Environmental Protection (Scenic) with a minimum subdivision standard of 100 hectares is proposed (in the new draft CLEP 2013) to be zoned E3 – Environmental Management, and the 100 hectare minimum subdivision standard is proposed to be retained. This zone restricts land uses to lower impact/sensitive types of development that retain broadacre and scenic character
 - Large lot residential development near Raby Road that is currently zoned 7 (d6) with a 0.4ha minimum subdivision standard, is proposed to be zoned E4 -Environmental Living and to retain the 0.4ha minimum lot size and existing rural-residential character within an environmentally sensitive landscape setting
 - Land zoned 5(a) Special Uses (water supply) is proposed to be zoned SP2 (Infrastructure)
 - Land zoned 6(c) Open Space (Regional) is proposed to be zoned RE1 (Public Recreation)
 - It is proposed to seek agreement from the DPI to introduce a 'Future Urban' zone for the current 1(d) Future Urban zoned land at Blairmount. This is consistent with a recent DP&I discussion paper which proposed that such a zone may be introduced into the SI LEP in future.
-

East Edge Scenic Protection Lands

- General adoption of the E4 -Environmental Living zone with a 2 hectare minimum subdivision standard, for land that is currently zoned 7(d6) – 2 hectare minimum, and inclusion of a provision permitting subdivision and the erection of dwellings to 1 hectare, subject to compliance with controls contained in a “Bushland Edge” housing model.
- The areas proposed for the application of such model include:
 - E-LU1 - Evelyn Street/Oakley Road (Macquarie Fields)
 - E-LU3 - Mercedes and Bensley Roads (Ingleburn)
 - E-LU4 - Eagleview Road (Minto)
 - E-LU5 - Hansens Road (Minto and Leumeah)
 - E-LU6 - Acacia Avenue and Botany Place (Ruse).See Attachment 8.
- Adoption of the E4 - Environmental Living zone and retention of the 0.4 hectare minimum subdivision standard for land currently zoned 7(d4) - 0.4 hectare minimum.

Introduction of the R3 – Medium Density Residential zone

- It is proposed to separate the existing 2(b) Residential Zone (under the Campbelltown (Urban Area) LEP 2002 into two zones. It is proposed that the 'R2 – Low Density' zone would apply to most suburban residential land and the 'R3 – Medium Density' zone (which would typically allow town houses and villas) would apply as a transitional housing zone between the business centres (inclusive of residential apartments and/or shop top housing depending upon location) and the detached dwelling dominated R2 zone
- Under this proposal, town houses and villas would no longer be permissible in the detached dwellings R2 zone as is currently permissible under the Residential 2(b) Zone.

Campbelltown City Centre (Eastern Side of the Railway Line)

- It is proposed that Council consider adopting the Urban Design Blueprint, as presented at the Councillor briefing session on 5 February 2013, and summarised in Attachment 9
 - This proposal introduces a new suite of planning controls, contained principally in the form of amended controls relating to maximum building height and floor space ratio standards
 - Attachment 10 highlights the key variations between the former and the proposed suite of controls.
-

Deferred Matters

Where external and/or internal policy direction is imminent and new zonings are likely to emerge in the short-term, a general approach of deferring a zoning translation is proposed by staff. By identifying such lands as a 'deferred matter' in effect means that generally the existing planning controls continue to apply until such time as the policy position is determined, and a specific response can be inserted into the LEP.

The areas identified as "deferred matters" include:

- Glenfield Town Centre and Transport Interchange Precinct and immediate 'curtilage' situated on the eastern side of the railway station (currently the subject of a nomination to the DPI under the Urban Activation Precinct Program)
- The Blaxland-Gilchrist Gateway site including Maryfields, part of UWS and Council owned land along Farrow Road (currently the subject of a nomination to the DPI under the Urban Activation Precinct Program)
- The Glenfield Waste Disposal Site (currently being investigated for future employment lands uses)
- The Mount Gilead Urban Release Area
- Certain land at Amundsen Street (and potentially Eagleview Drive) that has some capacity to be considered for rezoning to accommodate a greater density of residential development, and are subject to further investigation.

The future zoning of these areas is proposed to be dealt with via the examination of a package of possible amendments to Draft CLEP 2013 or via SEPPs or SEPP amendments, following consideration of the results of further investigation.

Part 6 – Other Important Considerations

Council owned land

Unless a specific decision has been made to change the zoning of land owned by Council, the land has been zoned using the 'best-fit' method as described earlier in this report. In particular, it is of importance to note that land that is currently zoned 'Community Use' cannot continue to be zoned in this manner as there is no equivalent standard zone available under the SI LEP template. Accordingly, such land is proposed to be incorporated into the most appropriate zone being applied to adjoining land, and community uses will be listed as permissible land uses within that zone. For example, if land is currently zoned 'Community Use' and used for a child care centre and community facilities, and that land is surrounded by land zoned for residential use, all of that land would be zoned for residential purposes under the proposed draft CLEP 2013, noting that child care centres and community facilities would be listed as permissible land uses within that residential zone.

Classification and reclassification of Council owned or controlled land

The *Local Government Act 1993*, provides for the classification of land that is owned or controlled by Council. Such land is classified as either 'community land' or 'operational land'. Community land is Council owned land retained for general public use where its use and management is generally regulated by a Plan of Management. Operational land is Council owned land held as a temporary asset or investment, which enables Council to use, lease or dispose of the land for other purposes.

Schedule 4 of the SI LEP (and therefore of Draft CLEP 2013 given the mandated provisions) provides Council with the ability to classify or reclassify public land should it decide to do so. This process would require a public hearing to be held to complement the public exhibition of the Draft LEP. However, it is not proposed at this stage for draft CLEP 2013 to seek to classify or reclassify any land. Therefore no public hearing would be required.

Statutory compliance

Draft CLEP 2013 needs to be consistent with a range of higher order statutory requirements including Section 117 Directions, State Environmental Planning Policies (SEPPs) and deemed SEPPs, and Regional and Subregional planning strategies.

Under Section 117 of the EP&A Act, the Minister for Planning and Infrastructure has issued directions to councils regarding the principles, aims, objectives and policies that need to be achieved or given effect to in the preparation of draft LEPs. In effect, the DPI and / or the Minister require draft LEPs to be consistent or justifiably inconsistent with the Section 117 Directions, and Council staff are of the opinion that draft CLEP 2013 as proposed by this report, satisfies this requirement.

SEPPs are planning controls established by the NSW Government to deal with issues considered to be of significance for the State. Deemed SEPPs (or former Regional Environmental Plans – REPs) provide planning directions and controls for issues of regional significance, such as urban growth, commercial centres, extractive industries, recreational needs, rural lands and heritage and conservation. All relevant SEPPs and deemed SEPPs have been considered in the preparation of draft CLEP 2013.

Regional and Subregional strategies are currently the key policy instruments for managing and integrating development within NSW. The strategies consider issues such as the delivery of services and infrastructure, environmental sustainability, housing and economic development. They provide the broader context in which local strategy and policy development need to take place. The Metropolitan Plan for Sydney 2036 and the Draft SW Strategy underpin the Draft Campbelltown Local Planning Strategy and the Draft Campbelltown Residential Development Strategy, and have been considered in the preparation of draft CLEP 2013.

Consultation with government agencies, councils and further internal consultation

The consultation process that is required to be undertaken with government agencies, authorities, departments and with adjoining local councils may result in changes to the proposed draft CLEP 2013 (as presented to Council by this report) being required.

Section 34A of the EP&A Act details special consultation procedures in respect of threatened species. In particular, it requires Council to consult with the Director General of the Office of Environment and Heritage, should Council consider critical habitat or threatened species, population or ecological communities, or their habitats, will or may be adversely affected by proposed draft CLEP 2013.

Draft CLEP 2013 does not introduce provisions which are considered to adversely affect the abovementioned sensitive biodiversity qualities. Proposed variations to zoning provisions to permit limited urban development where such qualities may exist are accompanied by planning provisions to ensure adverse impacts are negated, such as within the East Edge Scenic Protection Lands.

Section 62 of the EP&A Act requires Council to formally consult with government agencies and with adjoining local councils, when a draft LEP is being prepared. Formal consultation under both Sections 34A and 62 has been deferred until Council has endorsed draft CLEP 2013, as this would then enable the consultation to be more informed and meaningful and assist in bringing the draft instrument 'into law' as efficiently as possible. This consultation may result in some further amendments to Council's draft CLEP 2013.

Other changes may be required once general feedback on the Draft CLEP 2013 is received from the DPI. Any such changes may necessitate further internal consultation and amendments to the draft LEP.

Once these consultation processes have been finalised, a further report will be presented to Council outlining any proposed changes to draft CLEP 2013 and seeking Council's endorsement of these changes and of draft CLEP 2013 for the purposes of seeking a Certificate from the DPI under Section 65 of the EP&A Act to enable the draft LEP to be placed on public exhibition.

Public exhibition and further community consultation

Draft CLEP 2013 is a comprehensive document that consolidates, rationalises and provides the proposed planning controls to guide the future of the Campbelltown LGA. Its progress to date has been followed closely by a diverse range of stakeholders including:

- the general community
- land owners
- persons seeking to maximise returns on their landholdings and investments
- the development industry
- the business sector
- environmental groups
- community and special interest groups
- State Government agencies
- Infrastructure and service providers.

These parties will have the opportunity to make formal comment via the lodgement of submissions in response to the public exhibition of the draft Plan.

It is therefore proposed that once draft CLEP 2013 is ready for public exhibition and a certificate to enable exhibition has been issued by the DPI, the draft plan and its accompanying background documents be placed on public exhibition for a period of eight weeks, rather than the statutory period of 28 days. The public exhibition should be augmented by community information and consultation sessions. Additional information concerning community consultation will be submitted to Council for endorsement in due course.

Government agencies, and adjoining local councils should also be expressly invited to provide any final submissions in respect of draft CLEP 2013 during the public exhibition period.

All submissions received will be acknowledged, reviewed and if considered appropriate, amendments to Draft CLEP 2013 will be suggested for Council to consider in order to address the matters raised. The outcomes of the public exhibition process and any proposals to amend draft CLEP 2013 would need to be addressed in a future report to Council for its consideration. Council would have the ability to address each of the issues raised in the public submissions in one of the following ways:

- If requests provide no justification and/or are speculative, Council may choose not to support the requests or require the submission of additional information
- For requests with merit, that would result in minor changes or that correct anomalies within draft CLEP 2013, Council may choose to amend the draft LEP
- For requests with merit, that would result in major changes being required to Draft CLEP 2013, Council may choose to address these matters via amendment and re-exhibition or future amendments to the draft LEP once it has been gazetted.

Part 7 – Procedural Matters

Disclosure of pecuniary interest exemptions

Section 451 of the *Local Government Act 1993* requires Councillors, who have a pecuniary interest in any matter that Council is considering, to declare that interest and absent themselves from the meeting at any time that the matter is being considered or discussed.

A recent amendment to the pecuniary interest provisions provides for a Councillor who has a pecuniary interest (i.e being a property owner with the LGA) in a principal local environmental plan (applying to the whole or a significant part of Council's area – as is the case with draft CLEP 2013 - the subject of this report), to participate in the discussion of, and vote on, the LEP, provided that they make a special disclosure.

A separate report concerning this matter has been included in the Business Paper of the Corporate Governance Committee meeting scheduled for 19 March 2013 (Item 2.3).

Delegation for Minor Amendments

Given the scale and complex nature of preparing a principal LEP such as draft CLEP 2013, minor anomalies and/or amendments will potentially emerge prior to the time when a further report is presented to Council on this matter. It is therefore strongly suggested that the General Manager and Director Planning and Environment be granted delegated authority to address matters that are largely editorial and to rectify any obvious drafting errors in the written instrument and the maps. It would also be beneficial for the delegation to extend to allow the ability to redraft the written LEP and redesign the maps to improve their function and useability, in a manner that does not introduce new policy or alter the original intent. Council can then be notified of any such matters dealt with under delegated authority.

Part 8 – Matters to be dealt with via proposed future amendments

Due to the timeframe for the preparation of Draft CLEP 2013, a number of as yet unresolved matters will (subject to Council's endorsement) need to be dealt with in future amendments to the new LEP. This is not an unusual practice in the circumstances in which Council is placed currently.

It is considered likely that Amendment 1 to the new LEP would need to address a range of matters including:

- Inclusion of Precinct No.1 of the Mount Gilead Urban Release Area
- Possible amended zoning for land located on the fringes of the Mount Sugar Loaf Precinct of the Scenic Hills in the vicinity of Menangle Road and Glen Alpine
- Resolving future planning directions for land at Amundsen Street, Leumeah and land along part of Eagleview Road, Minto, which currently form part of the East Edge Scenic Protection Lands
- Detailed revised future planning directions and development standards for the Ingleburn Town Centre
- Rezoning of the Glenfield Waste Disposal Site for the purposes of future employment lands
- Resolving the 'deferred matter' status of the Glenfield Town Centre and Transport Interchange Precinct with the prospect of opportunities for urban renewal and revitalisation
- Resolving the 'deferred matter' status of the Blaxland-Gilchrist Gateway Precinct (including land along Farrow Road) with the prospect of opportunities for a business park and city living precinct
- Inclusion of potential additional heritage items and amendments to some existing heritage items, subject to further consultation with the owners of those items
- Inclusion of any new zones applying to the Glenlee Coal Washery Site resulting from the current planning proposal.

These are all matters that need to be investigated in greater detail and separately reported to Council at the appropriate time, prior to being considered for inclusion in to the future amendment to CLEP 2013.

Conclusion

Draft CLEP 2013 has been prepared having regard to the SI LEP and other statutory requirements and directions, and has been informed by a series of background documents and Council policy directions. It aims to consolidate and update the existing planning controls contained within the LEPs and IDOs that currently apply across the Campbelltown LGA, and to make some limited changes to strategic land use policy, as outlined in the preceding parts of this report.

An approach of 'best-fit' has been used to translate existing planning provisions into the proposed new instrument as accurately as possible in areas where no strategic policy change has been indicated. However, standardisation of definitions, zones, zone objectives, permitted and prohibited land uses, and clauses, has made some changes inevitable. These changes have been minimised wherever possible and appropriate.

Further internal consultation and consultation with government agencies and adjoining councils is also required before Council can seek to place draft CLEP 2013 on public exhibition and undertake further consultation with the community. It is intended to provide a further report to Council on the outcomes of these consultation processes, and any resulting proposed amendments to draft CLEP 2013, prior to seeking a Section 65 Certificate to enable public exhibition.

Minor anomalies and/or amendments to draft CLEP 2013 will potentially emerge prior to the time when a further report is presented to Council on this matter. The General Manager and Director Planning and Environment could deal with these matters under delegated authority if Council deem such to be appropriate.

Council has been required to submit draft CLEP 2013 to the DP&I by the end of March 2013 in accordance with the direction given by the Minister and the Department in late 2012. Failure to submit the draft plan on time could result in Council losing its control over the preparation of the new draft LEP for the Campbelltown Local Government Area.

Officer's Recommendation

1. That Council note and endorse Draft CLEP 2013 and its supporting background documents in order to enable:
 - (a) submission of the draft plan to the DP&I, as required
 - (b) the concurrent undertaking of further internal consultation and formal consultation with government agencies and adjoining local councils.
2. That Council provide the General Manager and the Director Planning and Environment with the delegated authority to deal with minor anomalies and amendments to Draft CLEP 2013 during the LEP Process and to notify Council of matters that have been dealt with in this manner as soon as practicable thereafter.

Committee's Recommendation: (Kolkman/Lound)

1. That Council note and endorse Draft CLEP 2013 and its supporting background documents in order to enable:
 - (a) submission of the draft plan to the DP&I, as required
 - (b) the concurrent undertaking of further internal consultation and formal consultation with government agencies and adjoining local councils.
2. That Council provide the General Manager and the Director Planning and Environment with the delegated authority to deal with minor anomalies and amendments to Draft CLEP 2013 during the LEP Process and to notify Council of matters that have been dealt with in this manner as soon as practicable thereafter.
3. That an appropriate letter of thanks be forwarded to the staff for recognising their outstanding efforts in preparing the Draft Campbelltown Local Environmental Plan 2013.

CARRIED

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

Voting against the Committee's Recommendation: Nil.

Council Meeting 26 March 2013 (Greiss/Lake)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 32

That the Committee'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.

2.7 Minto Urban Renewal Project - Subdivision of Stage 12 and 13

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Locality Plan (distributed under separate cover)
2. Minto Urban Renewal Concept Plan (distributed under separate cover)
3. Site / Subdivision Plan (Stage 12 and 13) - (distributed under separate cover)
4. Scarborough Park - Proposed Layout and Embellishment Plan (distributed under separate cover)

Purpose

To advise Council of a Development Application that has been received for Stage 12 and 13 of the residential subdivision for Minto Renewal Project area that qualifies for determination by the Joint Regional Planning Panel for Western Sydney.

Property Description	Stage 12 - Lot 967 DP 1164989 Ben Lomond Road, Lot 968 and 970 DP1164989 Pendergast Avenue, Lot 969 DP1164989 Dalrymple Street, Lot 161 DP 716484 Pendergast Avenue, Lot 14 DP716487 Pendergast Avenue and Lot 22 DP 716486 Townson Avenue Stage 13 - Lot 14 DP 716487 Pendergast Avenue, Lot 13 DP 716487 Eagleview Road, Lot 18 DP 716486 Pendergast Avenue and Lot 19 DP 716486 Eagleview Road.
Application No	7/2013/DA-SW
Applicant	Landcom
Owner	Housing NSW and Campbelltown City Council
Statutory Provisions	Campbelltown (Urban Area) Local Environmental Plan 2002 Minto Renewal Development Control Plan 2006
Date Received	2 January 2013

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*. The Concept Plan providing 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 extract of the Concept Plan is provided in Attachment 2.

The Minto Renewal Development Control Plan (Minto DCP) was also prepared in 2006 to ensure that the development principles set out in the Concept Plan are implemented throughout the project area.

In accordance with Part 4 of *State Environmental Planning Policy (State and Regional Development) 2011*, the current application for Stages 12 and 13 has been forwarded to the Sydney West Joint Regional Planning Panel (JRPP) for determination, given that the application has been made by a Crown authority which has a capital investment value exceeding \$5 million (\$14.2m) and further, given that Council has a financial interest in the matter.

It is noted that the current application follows the previous approvals of Stages 1 - 9 by Campbelltown City Council, and more recently Stage 10 by the JRPP on 3 June 2011 and Stage 11 by the JRPP on 22 March 2012 and is the last subdivision in the Minto Renewal Project.

Report

Council is in receipt of a development application from Landcom for a 182 lot residential subdivision (98 lots for Stage 12 and 84 lots for Stage 13) as part of the Minto Urban Renewal Project as shown in Attachment 3.

Stage 12 is bound by the Ben Lomond Road to the north, Stage 13 to the east, Stage 11 to the south and Stages 10E and 9 to the west.

Stage 13 is bound by Ben Lomond Road to the north, Eagleview Road to the east, which forms the eastern boundary of the renewal site, Stage 11 to the south and Stage 12 to the west.

The sites include parts of Pendergast Avenue, Rachel Crescent, Vines Crescent, Goodwin Crescent, Wardell Way, Hammal Way, Evans Way and Bigge Way. It also includes areas of open space and a pedestrian network linking these spaces.

The development application seeks consent for the following:

- The re-subdivision of Stages 12 and 13 site
 - Stage 12 into 98 lots for housing
 - Stage 13 into 84 lots for housing.
 - Associated subdivision works including the construction of roads and roadworks, associated drainage, site regrading and retaining works, utility services and landscaping
 - Minor associated works such as the removal of redundant services, sedimentation control and tree removal
 - Excavation works associated with road grading and site benching.
-

The proposed development occupies land zoned 2(b) Residential under Campbelltown (Urban Area) Local Environmental Plan 2002 and the land use is permissible in the zone. The proposed subdivision layout is generally consistent with the Minto Urban Renewal Project Concept Plan, and continues overall design improvements to the local street network, public domain, pedestrian pathways and landscaped public open space areas.

All allotments to be created satisfy Council's minimum development standards of 300 square metres in area with a 10 metre width at the street frontage. All allotments have street frontages with some access handles where necessary, to provide access to corner lots.

As foreshadowed in the previous Stage 11 DA considered by Council at its meeting of 7 February 2012, the subject application no longer includes a small park area ('Kids Park'). It is emphasised however that this is consistent with the review and reconfiguration of public open space undertaken in earlier stages so as to provide a greater overall quantum of open space for the Minto Project Area than originally envisaged under the Concept Plan.

The resulting distribution of open space in the development compared to the Minto DCP is shown in the following table:

Park	DCP Area (m²)	Actual Area (m²)
Valley Vista	5,000	5,300
Redfern	20,000	22,830
Benham	20,000	21,030
Scarborough	8,000	10,160
Kyngmount	15,000	15,300
Kids	5,000	0
Total	73,000	74,620
Ha per 1000 persons	2.13	2.18

'Kids Park' was originally proposed to be located less than 100 metres from the larger 'Scarborough Park' which forms part of the Stage 10 development application.

It is noted that all other parks as shown in the Concept Plan have or will be provided and that the level of embellishment and standard of facilities provided in parks has been higher than originally expected in some cases. In particular, the level of embellishment for Scarborough Park has been significantly enhanced. A copy of the improvement plan for Scarborough Park is shown as Attachment 4. The very close proximity of Kids Park to Scarborough Park and the range of other local parks provided with the development indicates that the objectives and principles for open space provision in the approved Concept Plan are being met and that the arrangement of open space without Kids Park would still satisfy current Council open space planning and management objectives. The removal of this park would not detract from the urban structure and form expressed in the approval Concept Plan.

The amalgamation of the two parks into one, not only brings with it an increase in the size of Scarborough Park (new Kids Park) by more than 2000sqm but includes (in addition to that already proposed for the new Kids Park) the devices, equipment and embellishments originally proposed to be erected and/or installed within the current Kids Park in accordance with the originally approved master plan.

Further to this, ongoing and frequent liaison with the Kids Community Park Group, staff from Council's Community Services Division and Landcom has resulted in an outcome that not only transfers devices and embellishments proposed for the current Kids Park into the new Kids Park, but additionally has proposed to relocate a mural created in the existing Kids Park into the new Kids Park, and introduce the amphitheatre planned for the existing Kids Park into the new Kids Park including a memorial created by the Minto people "Remembering Minto Estate".

It is considered that the proposed parks can readily meet the needs of the new community notwithstanding that Kids Park is no longer proposed. All residents of Stages 9 to 13 would be located within 400 metres walking distance to at least one park.

It is considered that the range of facilities provided in Scarborough Park and Kynngmount Reserve and its connections with the surrounding residential area will meet the needs of the development and the surrounding stages.

Consequently it is considered that the proposed development is generally consistent with the Concept Plan.

The proposal has also been considered against the Minto DCP and the concept masterplan and is considered to be generally compliant.

The proposal provides for significant improvements to the local street network, with the removal of a number of existing cul-de-sacs within the public housing estate. A range of public domain improvements are also incorporated into the proposed development, including road infrastructure, pedestrian pathways, street tree planting and lighting.

The application has been reported to Council to inform Councillors of the requirement for the application to be determined by the Sydney West Joint Regional Planning Panel and to advise Council that the application is generally consistent with the Concept Plan Approval for the Minto Renewal Project and Council's planning provisions.

It is considered that there is no need for Council to make a submission to the JRPP concerning the subject application.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Having declared an interest in regard to Item 2.7, Councillors Hawker and Lake left the Chamber and did not take part in debate nor vote on this item.

Council Meeting 26 March 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 33

That the Officer's Recommendation be adopted.

At the conclusion of the discussion regarding Item 2.7, Councillors Hawker and Lake returned to the Chamber for the remainder of the meeting.

2.8 Saving with Sustainability Household Calculator

Reporting Officer

Manager Sustainable City and Environment

Attachments

Nil

Purpose

To seek Council support for the launch of the 'Saving with Sustainability Household Calculator'.

History

Council receives annual payments from the NSW Government's Waste and Sustainability Improvement Payments (WaSIP) program to implement projects that improve its and the community's environmental performance, focusing on sustainability.

Rises in the cost of living associated with food, energy and fuel have demonstrated that there is a greater need for Council to support its residents in understanding their consumption trends and the associated costs and impacts on the environment. The concept of a web-based household sustainability monitoring tool was approved as a project through the WaSIP program in 2010. Subsequently Carbon Systems Pty Ltd was engaged by Council to develop the tool, now known as the 'Saving with Sustainability Household Calculator'.

Report

At Council's briefing night on 5 March 2013, Councillors were provided with a presentation on the 'Saving with Sustainability Household Calculator', which aims to assist householders to track their resource use and to empower them to make choices to live more sustainably and reduce associated costs.

The calculator is a web-based tool which provides each participating household with a secure login. The calculator records:

1. Cost and consumption information associated with:
 - Electricity
 - Gas
 - Water.
 2. How much general, recycled and garden waste is being thrown away?
 3. Vehicle and air travel
 4. Food consumption.
-

The user enters information, for example bill/receipt data, for the above areas of sustainability, including the period, the consumption and cost. This data is stored in the system and the user can see their history and can also view a graphical analysis.

Users are presented with a summary screen, which shows their consumption across all of the areas and a total cost. Summary charts show the percentage of emissions and the percentage cost breakdown across each area. Users are finally offered helpful hints on how they can reduce their consumption and costs.

There are other calculators available online, however they do not have secure logins which retain the information, show trends overtime or keep information stored, so information has to be re-entered every time making tracking laborious and time consuming.

The calculator has been reviewed and trialled by Council staff and is proposed to be launched through local media in the coming weeks and made available to the local community through Council's website.

Councillors should note that participation in this initiative is completely voluntary and left to the discretion of individual households.

Officer's Recommendation

That Council support the launch of the 'Saving with Sustainability Household Calculator' to the Campbelltown community.

Committee's Recommendation: (Matheson/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 March 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 31

That the Officer's Recommendation be adopted.

3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics - January 2013

Reporting Officer

Manager Development Services

Attachments

Development Services Application Statistics for January 2013 (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 January 2013 as they affect the Development Services Section.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 March 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 31

That the Officer's Recommendation be adopted.

3.2 Pt Lot B DP 340306, No. 38 Moore Street, Campbelltown - Construction Of A Boarding House

Reporting Officer

Manager Development Services

Attachments

1. Recommended conditions of development consent
2. Locality plan
3. Site plan
4. Site analysis and shadow plans
5. Floor plans
6. Elevations
7. Landscaping plan

Purpose

To assist Council in its determination of a development application, pursuant to the requirements of the *Environmental Planning and Assessment Act 1979*.

Property Description	Pt Lot B DP 340306, No. 38 Moore Street, Campbelltown
Application No	1950/2012/DA-MAH
Applicant	ACA Design Consultants
Owner	Landbank Real Estate Pty Ltd
Non-Statutory Provisions	Campbelltown 2025 – ‘Looking Forward’
Statutory Provisions	State Environmental Planning Policy (Affordable Rental Housing) 2009 Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan
Date Received	October 2012

Report

A development application has been received to construct a boarding house at the subject site in Campbelltown. The application has been made pursuant to the objectives and controls listed in State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP), which to the extent of any inconsistencies, supersedes Council's relevant planning controls.

3.2 Pt Lot B DP 340306, No. 38 Moore Street, Campbelltown - Construction Of A Boarding House

The application was notified to adjoining and nearby owners and several submissions in objection to the proposal have been received.

Council conducted an inspection and were briefed on the site on 27 November 2012.

The Site

The site is located on the corner of Moore and Genty Streets, Campbelltown. It has an area of approximately 945.5 square metres and has a moderate gradient, which results in a fall in height of some 3.5 metres to the north-west (ie. towards Moore Street). The land is presently vacant, with the dwelling formerly located on the site having been demolished in approximately May 2008.

The site is located opposite to Campbelltown Showground and Presbyterian Cemetery and is in close proximity to a range of residential dwelling types, including single and double-storey detached homes, multi-unit double-storey townhouses and multi-storey residential flats.

The Proposal

The development application provides for the construction of a two-storey building that would be used as a boarding house. The proposal includes the following features:

- 13 boarding rooms, each with their own courtyard/balcony, bathroom, laundry and kitchen facilities
- An indoor communal room
- Six car parking spaces
- A dedicated motorcycle and bicycle parking area
- An outdoor barbecue area
- Associated landscaping and site works.

The building would present to both Moore and Genty Streets, owing to its corner position. The building uses glazing, articulation and other architectural measures to enhance its streetscape appeal. A roof in a hipped style, finished with concrete tiles is also proposed, which is consistent with nearby roof forms.

The building would be used to provide accommodation for persons on a 'fee and reward' basis and as such is a registrable boarding house pursuant to the *Boarding Houses Act 2012*.

At this stage, the nature of likely future residents of the building have not been confirmed by the applicant, however, Council's officers have been informed that discussions have taken place with the University of Western Sydney and Campbelltown Hospital staff with a view to providing the site as a form of accommodation for students or hospital staff.

Assessment

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

Section 79C(1)(a) requires Council to consider environmental planning instruments and development control plans that apply to the site.

Non-Statutory Provisions

1.1 Campbelltown 2025 – ‘Looking Forward’

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

- Responds to what Council understands people want the City of Campbelltown to look, feel and function like
- Recognises likely future government policies and social and economic trends
- 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
- Getting around the City
- Retaining and creating jobs.

The proposed development is generally consistent with these directions.

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

- Creating opportunities for ongoing private investment
 - Developing urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable
 - Increase local area self-containment to lessen dependence on private cars
-

3.2 Pt Lot B DP 340306, No. 38 Moore Street, Campbelltown - Construction Of A Boarding House

- Create an impression of architecture that engages its environmental context in a sustainable way
- Encourage development and land use that matches environmental capacity and capability.

The proposal has been assessed having regard to Campbelltown 2025 – ‘Looking Forward’. It is considered that the development application is generally consistent with the Vision's desired outcomes having regard to the proposed density, design and impact on adjoining development and the locality.

Statutory Controls

1.2 State Environmental Planning Policy (Affordable Rental Housing) 2009

The application has been made pursuant to the requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009 (the ‘ARH SEPP’).

Relevant aims of the Policy are:

- “(a) to provide a consistent planning regime for the provision of affordable rental housing
- (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards
- (f) to support local business centres by providing affordable rental housing for workers close to places of work”.

Clauses 26 – 28 of the ARH SEPP provide for the construction of new boarding houses in various residential zones. The subject site is zoned accordingly and therefore the boarding house is permissible with development consent pursuant to the ARH SEPP.

Clause 29 of the ARH SEPP contains standards for which development consent cannot be refused if compliance with such is demonstrated. A summary of these standards is discussed below:

- Floor Space Ratio: the ARH SEPP provides that the floor space ratio of the development may match that of existing maximum for any form of residential accommodation.

In this case, Council's Campbelltown (Sustainable City) Development Control Plan (SCDCP) provides a floor space ratio of 0.55:1 for dwelling-houses.

The subject proposal has a floor space ratio of 0.55:1 and complies with the SEPP's requirement.

3.2 Pt Lot B DP 340306, No. 38 Moore Street, Campbelltown - Construction Of A Boarding House

- Building height: the ARH SEPP states that the building height shall not exceed that which is stated within an environmental planning instrument.

In this case, there is no maximum height within an existing applicable environmental planning instrument. However, Council's SCDCP does specify a two-storey height limit.

The subject proposal has a maximum height of two storeys and therefore, complies.

- Landscaped area: the ARH SEPP requires that the landscaped area within the front setback shall be compatible with the streetscape on which the building is located.

In this case, the setback of the proposed building is compatible with adjoining and nearby residential buildings and would be landscaped to provide for tree plantings and a front entry path from Moore Street. The proposal complies.

- Solar access: the ARH SEPP requires that where a communal room is supplied, that room shall receive a minimum of three hours of direct sunlight.

The proposed building does contain a communal room on its Moore Street frontage. The room would receive direct sunlight access for more than three hours per day, due to its north-westerly orientation. The proposal complies.

- Open Space: the ARH SEPP requires a minimum of 20 square metres of private open space for the use of lodgers.

The proposal includes an open space area containing a barbecue and turfed area, in excess of 20 square metres. The proposal complies.

- Car parking: where the boarding house site is located in an accessible area, at least 0.2 car parking spaces are required per boarding room. For the purposes of the ARH SEPP, an accessible area is defined as one that is within 800 metres walking distance of a public entrance to a railway station or within 400 metres of a bus stop used by a regular bus service that has at least one bus per hour during certain times of the day.

In this case, the development site is approximately 870 metres walking distance to the public entry of Campbelltown railway station. However, the site is approximately 150 metres away from a stop served by Busways services operating on Transport for New South Wales' route 882. This service operates half-hourly or hourly during the specified times, therefore, the site meets the criteria for an 'accessible area'.

The proposed boarding house contains 13 rooms, therefore requiring 2.6 car spaces pursuant to the ARH SEPP. The proposal provides for six car parking spaces (as well as motorcycle and bicycle parking), and therefore complies.

3.2 Pt Lot B DP 340306, No. 38 Moore Street, Campbelltown - Construction Of A Boarding House

- Accommodation size: the ARH stipulates the minimum room sizes for boarder accommodation. For rooms available to one lodger, the minimum room size is 12 square metres and for rooms available to two lodgers, the minimum room size is 16 square metres.

In this case, each room is designed for two lodgers with room sizes ranging from 18.52 square metres to 24.98 square metres. The proposal complies with the requirements.

Clause 30 of the ARH SEPP contains further standards for boarding houses. An assessment of the proposal against relevant standards is discussed below:

- If a boarding house has five or more rooms, a communal living room shall be provided – the proposed building contains a communal living room on the ground floor, therefore complying with the requirement.
- No boarding room will have a gross floor area greater than 25 square metres (excluding bathrooms and private kitchens) – the proposal's largest room has a floor area of 24.98 square metres, therefore complying with the requirement.
- No boarding room will be occupied by more than two adult lodgers – the submitted floor plans illustrate that each room exceeds the 12 square metre restriction for single occupancy rooms and further, each room is illustrated containing a double bed only. Recommended condition of consent number 4 also stipulates this requirement. The proposal complies.
- Adequate kitchen and bathroom facilities will be available to each lodger – each room in the proposed boarding house contains its own kitchen, bathroom and laundry facilities. The proposal complies.
- At least one parking space shall be provided for a bicycle and one will be provided for a motorcycle for every five boarding rooms – adequate space has been provided for the three motorcycle and three bicycle spaces that are required under the ARH SEPP. The proposal complies.
- The boarding house would contain 13 rooms, each of a size capable of accommodating two people (as per the area requirements discussed in Clause 29 of the ARH SEPP). As such, under Clause 30(1)(e) of the ARH SEPP, the boarding house is required to provide accommodation for a boarding house manager as its capacity is 20 lodgers or greater (in this case 26). Recommended condition of consent 4 requires that the development comply with the SEPP in terms of supplying an on-site manager, to be engaged in management of the premises at all times.

Clause 30A of the ARH SEPP requires Council to consider whether the design of the development is compatible with the character of the local area.

The design of the development is considered to be compatible, having regard to its size, scale and appearance in comparison to nearby residential development. The nearby residential development ranges in size from detached, single-storey dwelling-houses, to two-storey townhouses and multi-storey residential flats.

3.2 Pt Lot B DP 340306, No. 38 Moore Street, Campbelltown - Construction Of A Boarding House

The proposed building would present to streets as a large two storey dwelling, which is in keeping with surrounding development in terms of scale and height. The building features glazing and masonry construction as well as a hipped roof, which are commensurate with the general style of adjoining residential buildings.

Further, the building would be lower than some surrounding buildings due to the fall of the land along Genty Street, potentially minimising the perception of its scale and bulk compared to nearby dwellings.

The provision of open spaces around the site's boundaries (particularly in the rear) is also consistent with the typology of buildings in Genty Street, which adds to the development's compatibility with the area's character.

Having regard to the above comments and the previous assessment of the proposal's compliance with the ARH SEPP's aims and standards, the development is considered to be a suitable response to the State Government's relevant environmental planning instrument.

1.3 Campbelltown (Urban Area) Local Environmental Plan 2002

Campbelltown (Urban Area) Local Environmental Plan 2002 (the LEP) applies to the development site. Pursuant to the LEP, the site is zoned 2(b) – Residential B Zone.

The development is complementary to several zone objectives, including:

- “(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 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.’

Pursuant to Clause 9(4) of the LEP, boarding houses are permissible with Council's consent in the 2(b) – Residential B Zone.

Accordingly, the proposal is considered to be consistent with Council's environmental planning instrument and Council may grant consent should it deem appropriate to do so.

1.4 Campbelltown (Sustainable) City Development Control Plan

Campbelltown (Sustainable City) Development Control Plan (the SCDCP) applies to the development site, although does not contain controls that are specific to this type of development. Notwithstanding, it is pertinent to consider the SCDCP's controls for residential development, as they convey Council's intention with regard to the desired outcomes across the City.

Relevant portions of the SCDCP are discussed below:

Part 2 of the SCDCP applies to all development. Relevant components of the Part are:

Part 2.4 – Sustainable Building Design – this section of the SCDCP conveys Council's requirements for integrating sustainable design elements into new buildings. In this case, the SCDCP requires that the development meet the requirements stipulated by State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. In response to the SEPP's requirements, the building would be constructed using energy efficient lighting and hot water heating. Further, a 10,000 litre rainwater capture and re-use tank would also be installed on the site. The proposal complies with the BASIX SEPP and is therefore **compliant** with Council's DCP.

Part 2.5 – Landscaping – this section of the SCDCP sets out Council's requirements for the provision of landscaping of new development. The proposal includes the establishment of several large trees, shrubs and grasses across the site and is considered to be **compliant** with the DCP.

Part 2.8 – Cut and Fill – this section of the DCP sets out Council's requirements for the cutting and filling of land required as a result of development of land. The SCDCP stipulates that a maximum cut depth or filling of land to 900mm is permitted in residential zones, when measured at the corner of the building platform. The maximum cut proposed at the site is approximately 400mm, **complying** with the SCDCP. The maximum fill proposed is 1,400mm which **does not comply**. This fill would be located along the development's frontage to Moore Street and is required to ensure a level building platform after consideration of the site's fall. Notwithstanding the non-compliance, the impacts of such are likely to be minimal, having regard to the landscaping provided along the building's frontage to Moore Street and the negligible impact of over shadowing that this rise may cause on neighbouring properties, owing to the site's orientation.

Part 2.12 – Fencing and Retaining Walls – this section of the DCP sets out Council's requirements for the construction and appearance of boundary fences and retaining walls. The subject development would require the construction of retaining walls to support the cut made at the rear of the property. The walls would be constructed of masonry materials to an engineer's approved design and would be located further from the boundary than required by the SCDCP. Fencing is not proposed along both street boundaries and side and rear boundary fences would be constructed in accordance with the plan's requirements (and subject to negotiation with adjoining owners). The proposal is **compliant** with the DCP.

Part 2.13 – Security – this section of the SCDCP details Council's requirements for ensuring that new buildings are designed in a manner that minimises the potential for crime, both on the site and outside by providing a means of casual surveillance for public areas. This building has been designed as such, providing several balconies and windows to surrounding public areas. Entry to the building would be by secured card or by intercom for visitors. Direct access to the building for the public would not be provided. Landscaping would be used to clearly delineate public and private areas of the development site.

External lighting would be provided to light pedestrian access areas for safety and security, which would be particularly important if the site is used for hospital staff accommodation, as they would be shift workers, arriving and departing at various hours of the day and night. Lighting will be required to cause no disturbance to nearby residential properties. The proposal is considered to be **compliant** with Council's controls.

2.15 – Waste Management – this section of the DCP sets out Council's requirements for the storage and disposal of waste. In this instance, the development has been provided with a garbage bin storage area on the ground floor, which would provide capacity to store the required number of garbage bins, which would be taken to the kerb for pick up as part of Council's regular waste and recycling collection service. The proposal is **compliant** with Council's controls.

Having regard to the above, the proposal is considered to exhibit a high level of compliance with Council's SCDCP.

2. Impacts on the Natural and Built Environment

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires Council to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts.

Having regard to the building's size, location and appearance, as well as the existing character in its immediate vicinity, the most prominent potential impact on the built environment is considered to be the possible traffic generation of the development.

The building would contain 13 rooms with a maximum of 26 boarders and provide only six car parking spaces (as well as six bicycle and motorcycle spaces). It is considered likely that the development will result in an increase of on-street parking taking place in Genty Street (noting that Moore Street along the site's frontage is a 'No Stopping' area, where parking is not permitted). Genty Street is relatively narrow, measuring approximately 6.6 metres from kerb to kerb and on-street parking will cause a slowing down of traffic along the street as two moving cars will not be able to pass if one stationary vehicle is parked parallel to the kerb. This situation in itself is not of major detriment, noting the site's proximity to the intersection of busy Moore Street, where vehicles located on Genty Street would be slowing to a stop in any case. However, it is a different scenario to that which occurs on the street at present and is therefore an impact of this development.

3.2 Pt Lot B DP 340306, No. 38 Moore Street, Campbelltown - Construction Of A Boarding House

It is important to note that the development does comply with the ARH SEPP in terms of the number of car parking spaces it provides (it actually significantly exceeds the requirement). The accessibility requirements embedded into the ARH SEPP are designed to ensure that these developments are located in close proximity to suitable public transport, with the goal to decrease reliance on private transport (and hence, a reduction in cars required to be on site at any given time).

Pursuant to Clause 29 of ARH SEPP, Council cannot refuse the application on the grounds that it does not provide enough parking for future residents.

Social and economic impacts of the development are anticipated to be positive, as the boarding house's construction would provide a means of alternative, low-cost accommodation for future residents of (and potentially employees working in) the City.

The *Boarding Houses Act 2012* sets strict criteria for the letting of rooms and the behaviour of proprietors and residents. Registration and inspection of the boarding house by the Department of Family and Community Services will ensure that the site is properly run and cause minimal disturbance to surrounding existing residents. Recommended conditions of development consent numbers 3 and 54 stipulate that the house shall be run in accordance with the provisions of the *Boarding Houses Act 2012*. Council will also have an ongoing inspection role under the provisions of that Act. In addition, an on-site manager of the boarding house would be required to be in residence as part of the development's compliance with the Affordable Rental Housing SEPP.

3. Site Suitability

Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979* requires Council to assess the suitability of the site for the proposed development.

As mentioned previously in the report, the development site is located within an 'accessible area' as defined by the ARH SEPP, meaning that it is in relatively close proximity to public transport and other amenities.

As further detailed, the proposal is considered to be complementary to the existing character of its neighbourhood, having regard to the size and physical appearance of the building in comparison to nearby residential development.

4. Public Participation

Section 79C(1)(d) of the *Environmental Planning and Assessment Act 1979* requires Council to consider submission made to the proposal.

The application was notified to adjoining and nearby owners between 29 October and 12 November 2012.

During the notification period, 15 submissions were received in objection to the proposal. 14 of the 15 submissions were a form letter signed by the objector. A discussion of the matters raised is detailed below.

Compatibility with Surrounding Development

Concerns were raised in submissions regarding the compatibility of the development with its surrounds. The concerns related to the physical size and scale of the building, as well as the potential impacts that future residents may have on the neighbourhood. Submissions noted the existence of existing facilities that cater for intellectually disabled and homeless men in the vicinity.

Council's records indicate that accommodation for the intellectually disabled is located near to the subject site, with its access provided to Lindesay Street. The accommodation is provided by the State Government's Department of Family and Community Services. Council does not have record of a men's refuge being approved in the vicinity of the development site as detailed in submissions, although a St Vincent de Paul sign is noted within the driveway area of Nos. 1-3 Genty Street. The submissions note some instances of disturbance from residents of the existing accommodation which have resulted in attendance to that site by the Police. Council has not received complaints in regard to the operation of the accommodation. As noted in submissions, complaints are generally forwarded to the operators of the accommodation and/or Police as required.

Also mentioned earlier in the report, the subject boarding house would be controlled by its registration under the *Boarding Houses Act 2012*. Reference is made to the report prepared by Council's Acting Manager of Compliance (tabled at Council's Ordinary meeting held on 26 February 2013), which outlines the purposes of the Act and Council's role in inspecting and monitoring boarding houses to ensure compliance with relevant State and local requirements. Whilst at this time it is not known 'who' exactly would occupy the boarding house, the proposal exhibits a high level of compliance with relevant State and local planning controls and would be required to be registered under the *Boarding Houses Act 2012*, meaning that it would be monitored and inspected for ongoing compliance issues.

In addition, an on-site manager of the boarding house would be required to be in residence as part of the development's compliance with the Affordable Rental Housing SEPP. This on-site manager would be responsible for ensuring that residents of the boarding house and their activities do not have a detrimental impact on the existing neighbourhood in terms of noise and other potential anti-social behaviour.

With regard to the building's physical size and appearance, the scale of the development is considered to be of a similar scale and nature to surrounding residential development. The building would present as a large two-storey dwelling and contains architectural features that are compatible with surrounding residential properties.

Overshadowing

One submission raised concern with the building's potential to significantly overshadow an adjoining property.

3.2 Pt Lot B DP 340306, No. 38 Moore Street, Campbelltown - Construction Of A Boarding House

The submitted shadow diagrams illustrate that the building is not likely to significantly shadow the adjoining site. A portion of the adjoining land would be shadowed in the afternoon, however most of the shadow created by the building falls over Genty Street and is not likely to impact on any residential properties during that time. The building's shadowing impact is likely to be reduced because of its orientation and the fall of the land. The adjoining property to the south-east is higher than the subject site, meaning that the shadow would not project as far into the property as it would had the land been level or lower.

Traffic and Car Parking

Submissions raised the issue of the development's potential to increase traffic in Genty Street and in particular, an increase in on-street parking.

As mentioned in Section 2 of this report, the development is considered likely to increase the number of vehicles utilising Genty Street as well as the number of vehicles parked on the street. Notwithstanding, the application complies with the standards set by State Environmental Planning Policy (Affordable Rental Housing) 2009 and Council cannot refuse the applications on the grounds that it does not contain enough on site car spaces.

Noise

Submissions raised issue with the potential noise impacts of the development, including the movement of vehicles and noise from plant rooms.

It is acknowledged that two plant rooms are contained on the ground floor, with the nearest approximately 15 metres from the objector's boundary. The application does not specify exactly what would be located in the plant rooms, however, it is likely that they would contain infrastructure for the building's centralised water heating, air conditioning and electrical systems.

A recommended condition of consent requires that the plant room noise does not exceed the limits specified by the Protection of the Environment Operations (Noise Control) Regulation 2008. Briefly, this requires that the plant not be heard in a habitable room of adjoining residences.

With regard to vehicle noise, it is acknowledged that the car parking area is located adjacent to an existing dwelling (approximately 2 metres away from the existing dwelling, separated by a fence). Recommended condition of consent number 7 requires that a sign be affixed to the retaining wall at the car parking area requesting that residents and visitors do not congregate in that area after 9pm at night, in order to minimise the impacts that conversations may have on adjoining owners.

Proximity of the Development to Adjoining Properties

Submissions note the development's proximity to boundaries.

The building as proposed is set back near to certain boundaries, however, is deemed to be compliant with relevant planning controls. A thorough assessment against the Building Code of Australia would take place prior to the issue of a construction certificate to ensure that the structure meets the Code's requirements in terms of habitability and fire safety.

3.2 Pt Lot B DP 340306, No. 38 Moore Street, Campbelltown - Construction Of A Boarding House

A recommended condition of development consent requires that retaining walls near boundaries be designed by a qualified and practising engineer and be of masonry construction for strength and longevity.

5. The Public Interest

Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979* requires Council to consider the public's interest in consenting to a development application.

The public interest is a comprehensive requirement that requires Councils to consider the long term impacts of development and the suitability of the proposal in a larger context. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the desired future outcomes expressed in SEPPs, LEPs and DCPs.

The application is considered to have satisfactorily addressed the State Government's and Council's relevant objectives and controls required for development of this type, in this area.

Conclusion

A development application has been received for the construction of a boarding house at 38 Moore Street, Campbelltown. The application has been made pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

The boarding house would contain 13 separate rooms, each containing their own kitchen, laundry and bathroom as well as common facilities. An outdoor recreation area and parking for motorcycles, cars and bicycles is also proposed.

Several submissions in objection to the proposal were received, regarding matters such as compatibility of the development with its surroundings, noise, traffic impacts and overshadowing.

An assessment of the development proposal has been undertaken against relevant State and local planning controls. The development exhibits a high level of compliance with relevant aims, objectives and controls.

Officer's Recommendation

1. That development application 1950/2012/DA-MAH for the construction of a boarding house at Pt Lot B DP 340306, No. 38 Moore Street, Campbelltown be approved, subject to the conditions detailed in Attachment 1 of this report.
 2. That objectors to this application be advised of Council's decision.
-

Committee Note: Mr and Ms Mammone addressed the Committee objecting to this development.

Ms Tionville addressed the Committee objecting to this development.

Mr Zarb addressed the Committee in support of the development.

Committee's Recommendation: (Kolkman/Oates)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation were Councillors: Rowell and Thompson.

Council Meeting 26 March 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 34

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Greiss, Glynn, Hawker, Kolkman, Lake, Matheson, Mead and Oates.

Voting against the Council Resolution were Councillors: Borg, Brticevic, Chanthivong, Dobson, Lound, Rowell and Thompson.

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

The development shall 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. Boarding Houses Act 2012

The boarding house shall be operated in accordance with the requirements of the *Boarding Houses Act 2012* at all times.

4. On-site Manager

Pursuant to the requirements of Clause 29(1)(e) of State Environmental Planning Policy (Affordable Rental Housing) 2009, the applicant shall ensure that accommodation is provided within the development for an on-site manager. The on-site manager shall be responsible for ensuring that the development's impact on the neighbourhood is minimised and that the boarding house is managed in accordance with the requirements of the conditions of consent, relevant legislation and so as to minimise its impact on the existing neighbourhood.

5. Occupancy Rates

The occupancy rate of any boarding room in the house shall not exceed two persons.

6. Lighting

Illumination of the site is to be arranged to provide an appropriate level of lighting and in accordance with the requirements of Australian Standard 4282 so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises or traffic.

7. Unreasonable Noise

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise and cause no interference to adjoining or nearby occupants.

Noise from plant rooms associated with the development shall not exceed the values contained within the Protection of the Environment Operations (Noise Control) Regulation 2008.

The applicant shall place signs in the vehicle car parking and outdoor recreation areas that contain wording to the effect that residents and visitors are requested to refrain from making noise after 9pm.

8. Landscaping

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/ contractor for landscaping works. The landscape design shall incorporate a significant portion of native, low water demand plants consistent with BASIX requirements.

9. 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.

10. Fencing

A 1.8 metre high fence shall be erected on the site's side and rear boundaries behind the front building alignment and between each required courtyard at the sole cost of the developer. 'Colorbond' style metal fences that face a public space are not permitted.

11. 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.

12. Driveway

The gradients of driveways and manoeuvring areas shall be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2 (as amended).

Driveways shall be constructed using decorative paving materials such as pattern stencilled concrete, coloured stamped concrete or paving bricks. The finishes of the paving surfaces are to be non-slip and plain concrete is not acceptable.

All driveways in excess of 20 metres in length shall be separated from the landscaped areas by the construction of a minimum 150mm high kerb, dwarf wall or barrier fencing.

13. 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.

14. Parking Spaces

The six car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2.

The motorcycle and bicycle parking space shall be line marked and made available for parking at all times.

15. Shoring and Adequacy of Adjoining Property

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

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

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

16. 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.

17. 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; and
 - c. The private certifying authority shall notify Council of their appointment no less than two 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.

18. Utility Servicing Provisions

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.

Note: The applicant should also contact the relevant water servicing authority to determine whether the development will affect the authorities water or sewer infrastructure.

19. 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.

20. Soil and Water Management Plan

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

21. 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 Council's nearest available infrastructure. All proposals shall comply with the Campbelltown (Sustainable City) DCP - Volumes 1 and 2.

22. Work on Public Land

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written approval from Council for any proposed work on public land. Inspection of this work shall be undertaken by Council at the applicants expense and a compliance certificate, approving the works, shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

23. Dilapidation Report

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all buildings on lands that adjoin the subject works.

24. Design for Access and Mobility

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant shall demonstrate by way of detailed design, compliance with the relevant access requirements of the BCA and AS 1428 – Design for Access and Mobility.

25. Retaining Walls

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall provide engineer designed plans for the masonry retaining walls around the site to the certifying authority.

26. Work outside the Site Boundary

Prior to Council or an accredited certifier issuing a construction certificate, engineering plans for any work outside the site boundary to be submitted to Council for approval. All works shall comply with Council's Campbelltown (Sustainable City) DCP 2009 volume 2 and shall be inspected by Council at all stages of construction.

A compliance certificate for the work shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

Council assessment and inspection fees, apply to the above requirements.

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

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

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

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the Consumer Price Index - All Groups (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or
-

3.2 Pt Lot B DP 340306, No. 38 Moore Street, Campbelltown - Construction Of A Boarding House

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

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

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

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

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

PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

28. 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.

29. Erection of Construction Sign

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

- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours;
 - b. Stating that unauthorised entry to the work site is prohibited; and
 - c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent);
-

3.2 Pt Lot B DP 340306, No. 38 Moore Street, Campbelltown - Construction Of A Boarding House

- 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.

30. Toilet on Construction Site

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

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

31. 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.

32. Vehicular Access during Construction

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

33. 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.

34. Footpath and Vehicular Crossing Levels

Prior to the commencement of any work, footpath and vehicular crossing levels are to be obtained from Council by lodging an application on the prescribed form.

35. 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 Work Cover NSW prior to the commencement of any works.

36. Fencing

An appropriate fence preventing public access to the site shall be erected for the duration of construction works.

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.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

42. Nature Strip

The nature strip adjoining the subject land shall be regraded in accordance with levels to be obtained from Council.

Concrete foot paving 1.2 metres wide in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements of the Campbelltown (Sustainable City) DCP - Volumes 1 and 2 shall be constructed to the satisfaction of Council along the site's frontage to Genty Street.

Areas not concreted shall be topsoiled and turfed. The footpath formation may need to be extended beyond the site boundary to provide an acceptable transition to existing footpath levels.

43. Medium Density Driveway and Layback Crossing

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's Medium Density Vehicle Crossing Specification.

A separate application for this work, which will be subject to a crossing inspection fee, fixing of levels and inspections by Council, must be lodged with Council. Conduits must be provided to service authority requirements.

44. Redundant Laybacks

All redundant layback/s shall be reinstated to conventional kerb and gutter to Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements of the Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

45. Completion of Construction Works

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

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

46. Section 73 Certificate

Prior to the principal certifying authority issuing an occupation certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

For help either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

47. 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.

48. 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.

49. 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.

50. Air Handling System

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit documentary evidence demonstrating that the air handling system has been designed by a qualified mechanical engineer in accordance with AS 1668 – Mechanical Ventilation and Air Conditioning Code, Parts 1 and 2.

51. Retaining

Prior to the principal certifying authority issuing an occupation certificate, all excavated and filled areas shall be battered to a slope of not greater than 1:2 or similarly be retained in accordance with the approved retaining wall.

52. 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.

BOARDING HOUSE CONDITIONS

The following conditions have been applied to ensure that the use of the building is carried out in such a manner that is consistent with the Public Health Act 2010, Regulations Local Government Act 1993 and associated technical standards.

53. Sleeping Accommodation

The occupier of the premises must not allow any room or cubicle in the premises to be used for the purposes of sleeping accommodation unless the room or cubicle has a floor area of 5.5 square metres or more for each person sleeping in it (in the case of long-term sleeping accommodation) or 2.0 square metres or more for each person sleeping in it (in any other case). (Public Health Regulation 2012).

54. Acts and Regulations

The boarding house must comply (where relevant) with the following Acts and Regulations:

Public Health Act 2010

Public Health Regulation 2012

Boarding Houses Act 2012

Local Government Act 1993

Local Government (General) Regulation 2005

Protection of the Environment (Noise Control) Regulation 2008

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.

Advice 2. Provision of Equitable Access

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992) or Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards).

Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the Building Code of Australia (BCA) & the Premises Standards. In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the Premises Standards.

Where no building works are proposed and a Construction Certificate is not required, it is the sole responsibility of the applicant and building owner to ensure compliance with the DDA1992.

Advice 3. 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 4. Retaining Walls

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

Advice 5. 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. 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 8. Salinity

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

Advice 9. Smoke Free Environment Act

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

Advice 10. Dial before you Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Advice 11. Telecommunications Act 1997 (Commonwealth)

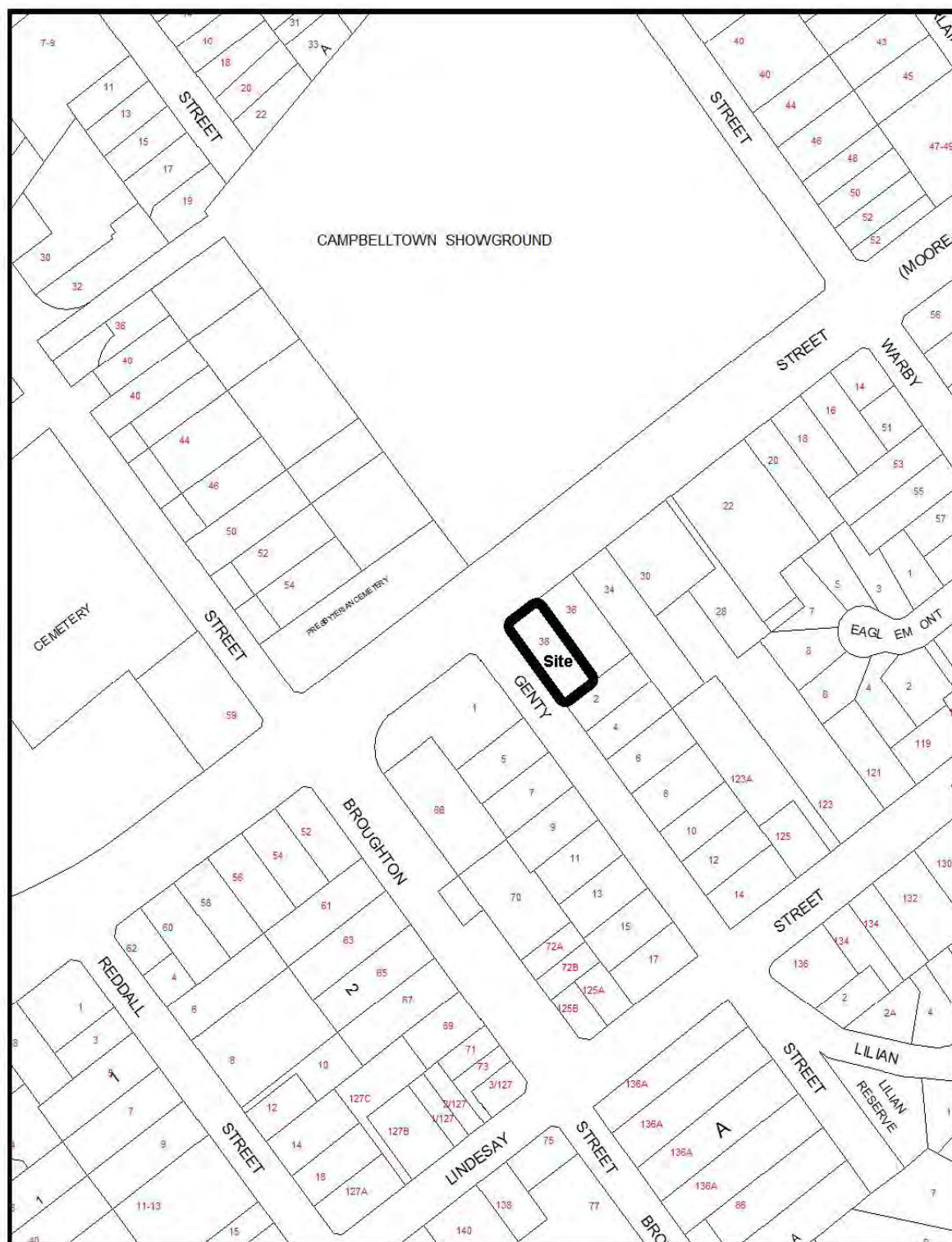
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

END OF CONDITIONS

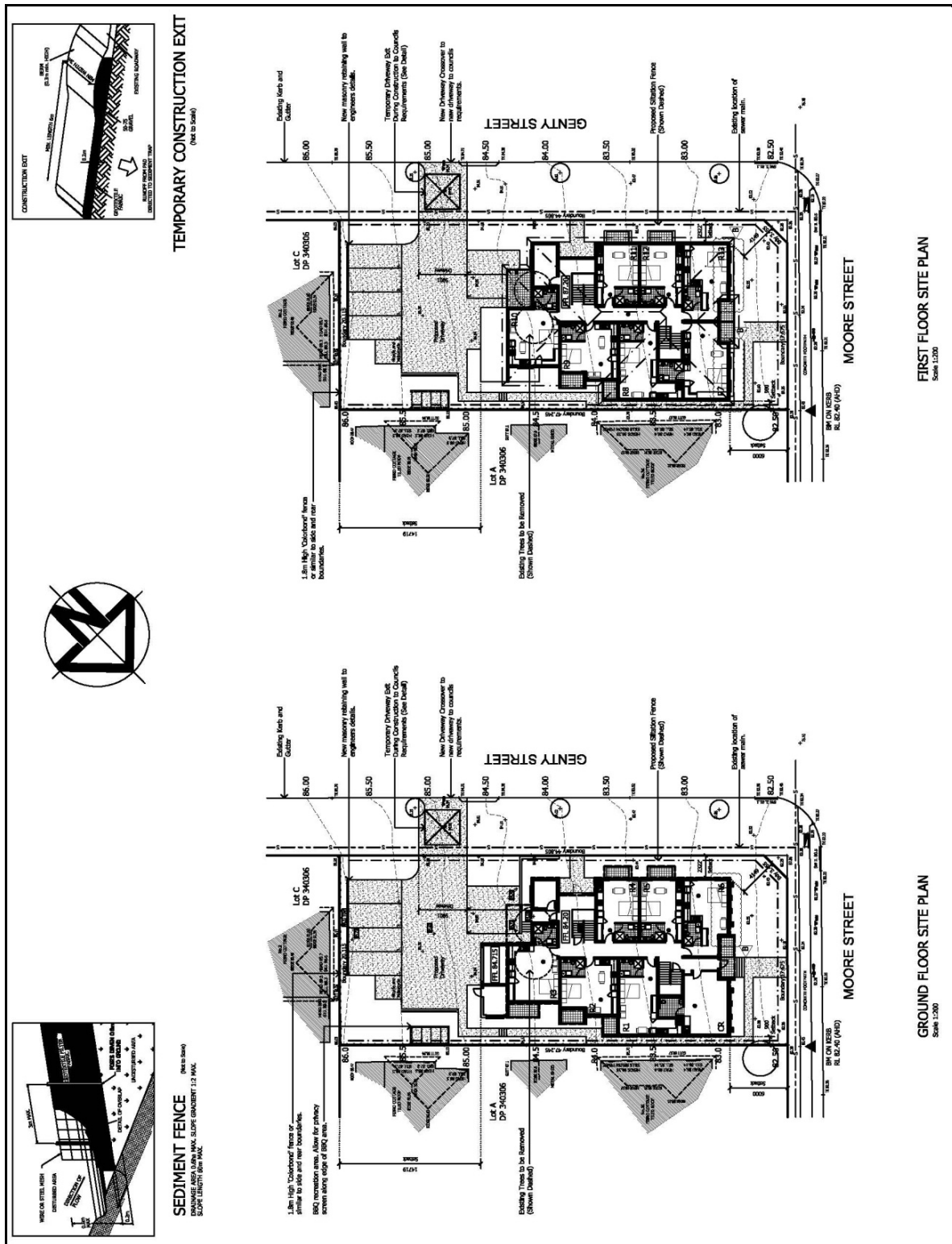
ATTACHMENT 2

Locality Plan



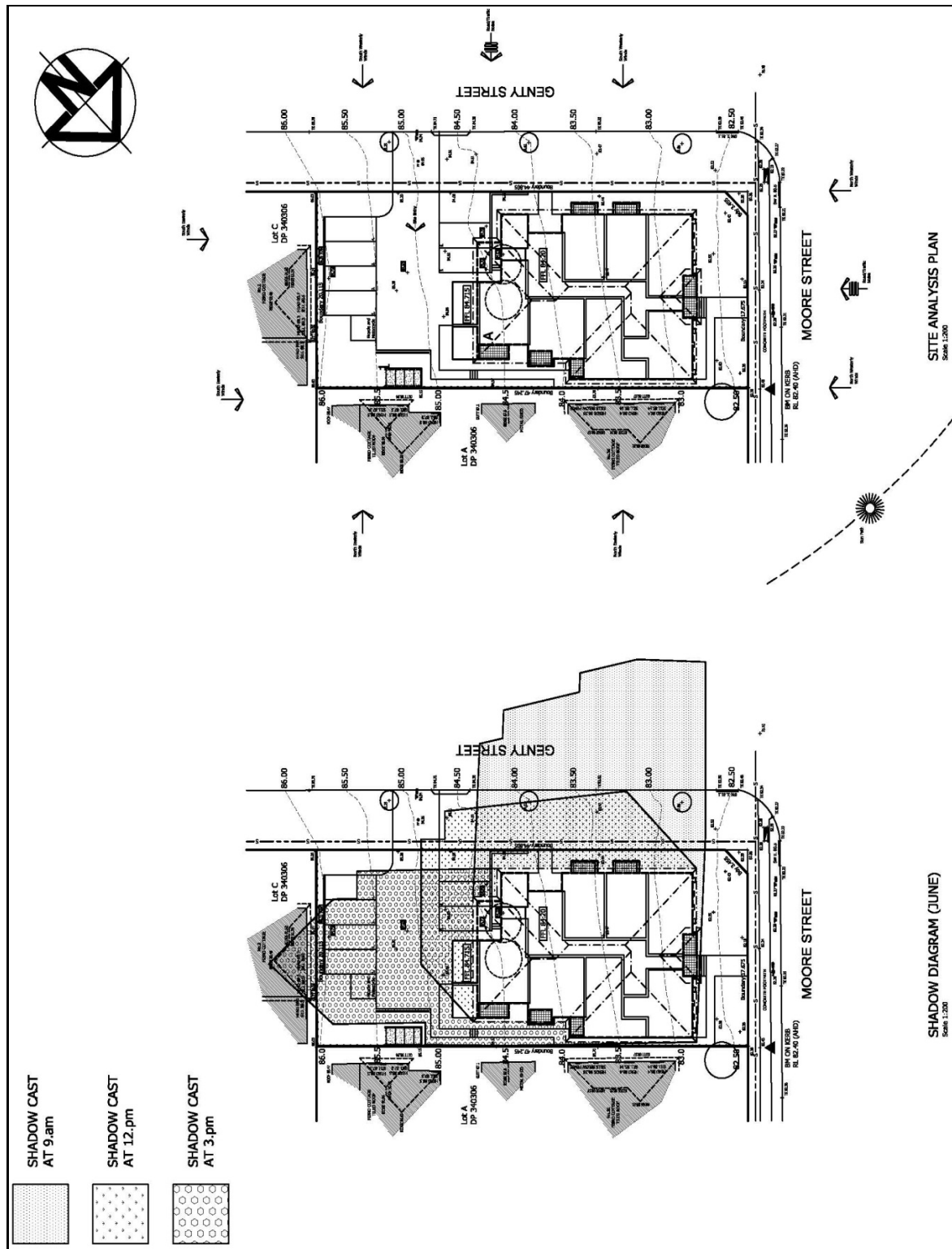
ATTACHMENT 3

Site Plan



ATTACHMENT 4

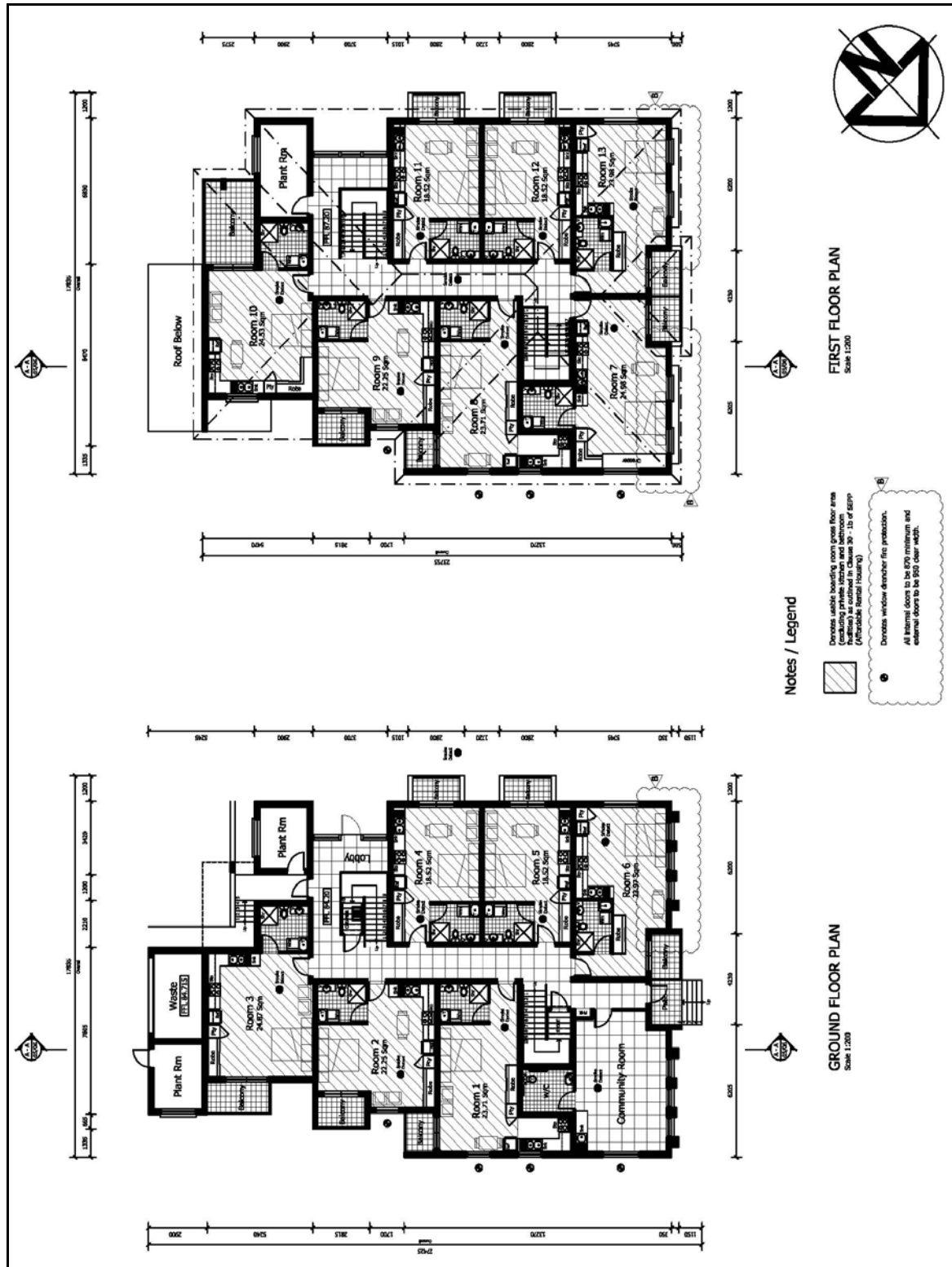
Site Analysis and Shadow Plan



3.2 Pt Lot B DP 340306, No. 38 Moore Street, Campbelltown - Construction Of A Boarding House

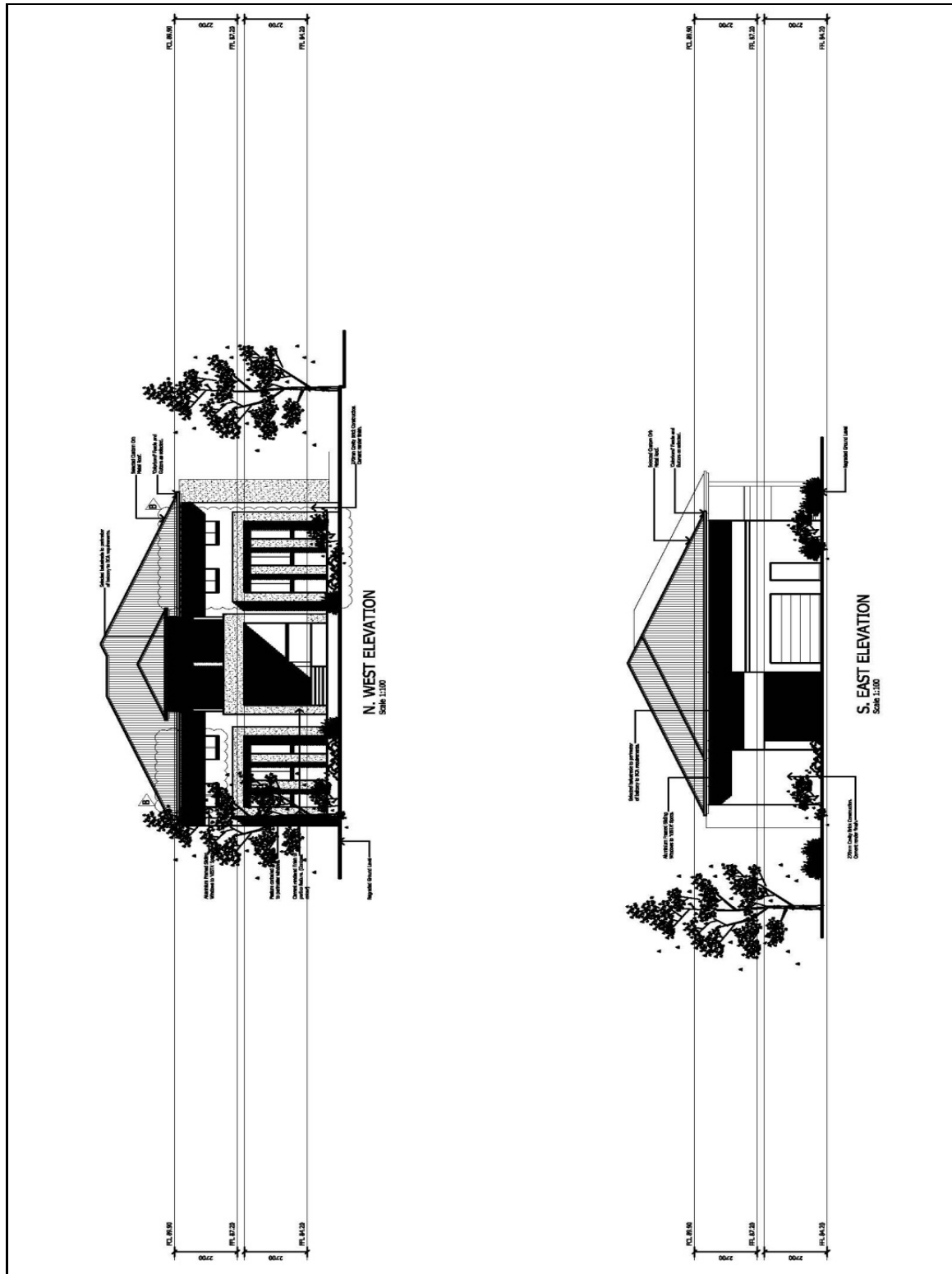
ATTACHMENT 5

Floor Plans



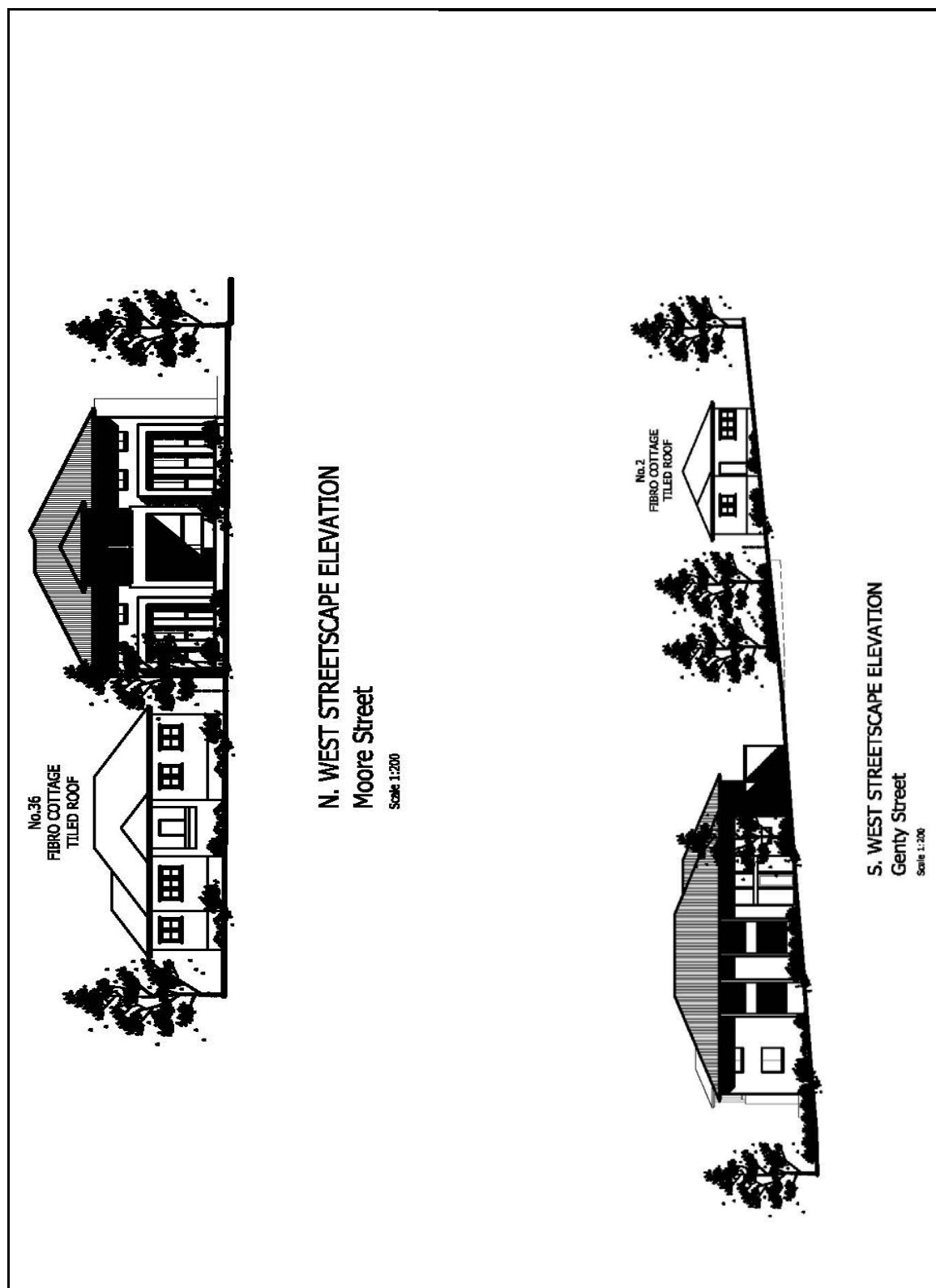
ATTACHMENT 6

Elevations



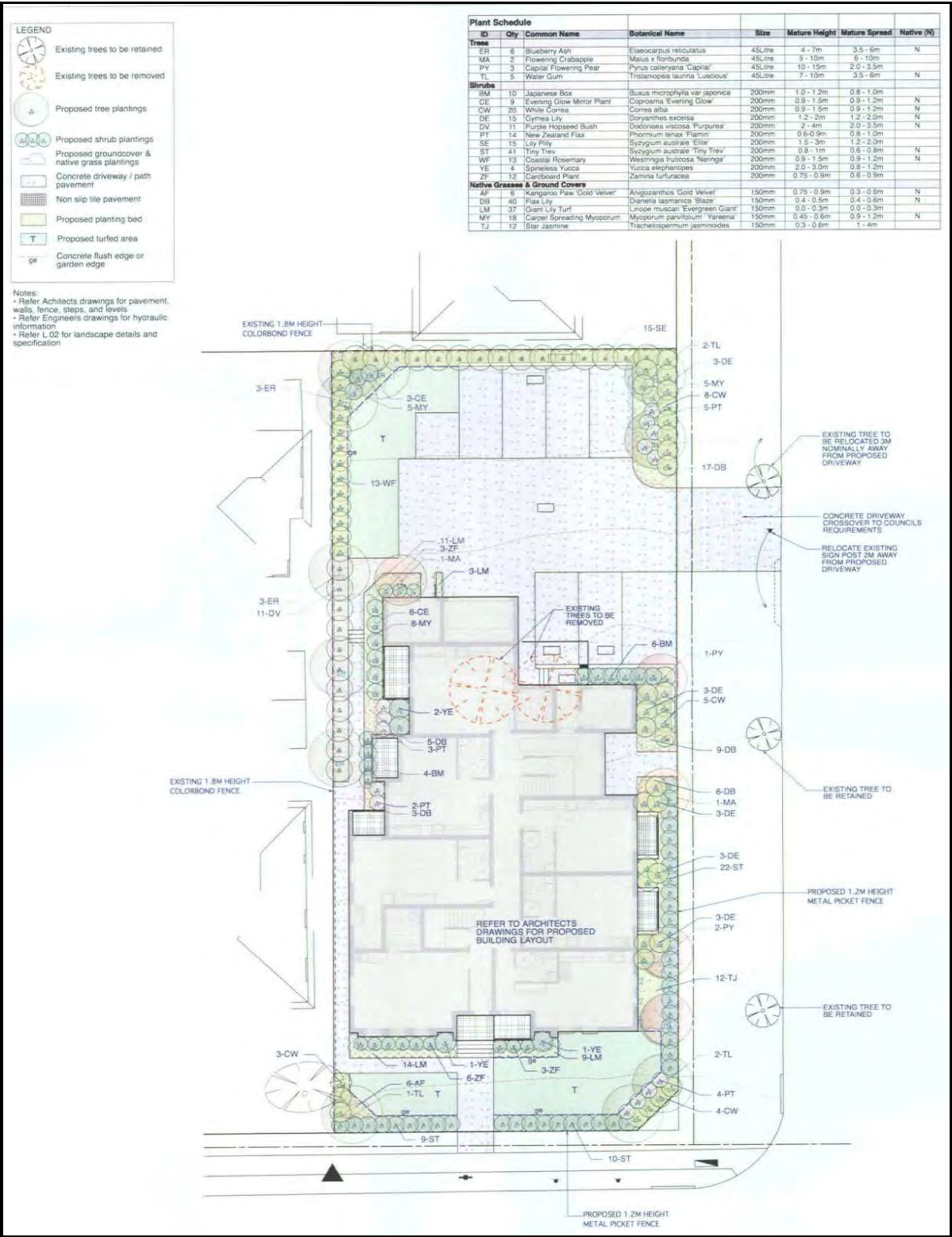
3.2 Pt Lot B DP 340306, No. 38 Moore Street, Campbelltown - Construction Of A Boarding House

Elevations



ATTACHMENT 7

Landscape Plan



3.3 Lot 1023 DP 777831, No. 57 Woodhouse Drive, Ambarvale - Modification Of Existing Development Consent To Construct A Tavern

3.3 Lot 1023 DP 777831, No. 57 Woodhouse Drive, Ambarvale - Modification of existing development consent to construct a tavern

Reporting Officer

Manager Development Services

Attachments

1. Recommended conditions of consent
2. Locality map
3. Site plan
4. Ground floor plan
5. Roof and first floor plan
6. Elevations

Purpose

This report has been prepared to assist Council in its determination of an application to modify an existing development consent for a licensed premises in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

Property Description	Lot 1023 DP 777831, No. 57 Woodhouse Drive, Ambarvale
Application No	314/1985/DA-C/B
Applicant	Borg Architects
Owner	Australian Executor Trustees Ltd
Provisions	Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan
Date Received	September 2012

History

Development consent for the 'Ambarvale Tavern' was first issued by the Land and Environment Court in October 1986.

The development consent has been modified twice since. Firstly in 1987 for minor internal changes and construction of a caretaker's residence and secondly in 2006 for an alteration to the approved opening hours.

Report

An application to modify an existing development consent has been received. The application relates to the formalisation of building works that have been undertaken at the site without previous Council approval. The application has been reported to Council in accordance with delegations that require it to determine applications relating to licensed premises.

The Tavern has recently undergone a change of ownership and the new owners have applied to Council to formalise the building's approval so that it is consistent with what is presently existing on the land.

The applicant states in the submitted statement of environmental effects that:

"These alterations and additions are existing changes that have been made prior to the current owners taking control of the premises and relate to the discrepancies between the existing hotel building and details of planning consent D85/314 (as amended). It is not known when the changes to the building were made, but owing to the nature of the majority of these discrepancies, it is assumed that the majority were constructed as part of the original building erection."

The identified discrepancies are:

- A screened area at the front of the hotel which incorporates an additional 66 square metres of space, which is currently used for outdoor gaming
- The internal configuration of the amenities and bar in the south-east corner
- The internal configuration of the cool room/garbage room and fire egress stairs on the north-western corner
- Additional internal screening, located within the indoor gaming and public bar areas
- The outdoor bistro balcony edge and stairs which lead to natural ground level do not accord to the approved plans, which illustrate a considerably less inclined area to that which exists
- The detail of the outdoor sunscreens at the outdoor bistro.

The areas identified as being different to the approved plans from 1986 are illustrated in Attachments 3-6 of this report.

In addition to the abovementioned changes, the applicant has also included some minor changes to the car parking area in order to increase the number of spaces and achieve improved compliance with the original consent, which required 100 spaces to be provided on-site. The proposal also includes an additional disabled car parking space near the Tavern's entrance.

The modification does not involve any changes to conditions of consent, including those relating to the existing approved opening hours or liquor licensing requirements.

It should be noted that Council has recently issued a Section 149D Certificate, pursuant to the *Environmental Planning and Assessment Act 1979*. The S149D certificate (better known as a 'building certificate') has been issued to the effect that Council is satisfied that the works undertaken without authorisation are satisfactory in terms of their compliance with the Building Code of Australia and structural adequacy.

Planning Assessment

The *Environmental Planning and Assessment Act, 1979* does not provide restriction on the assessment and retrospective development approval of works already undertaken. As such, Council is able to assess the proposal to modify the consent.

The unapproved works at the Tavern site comprise an additional 76 square metres over and above the area provided for in the 1986 consent. This equates to approximately 4.5% of the total floor area of the Tavern.

Having regard to the scope and scale of the works in relation to the development as a whole, there are three main points for consideration, being compliance with Council's car parking requirements, the external appearance of the Tavern and compliance with the Building Code of Australia. The three points are expanded in discussion below.

1. Car Parking

As mentioned above, the unapproved works account for approximately 76 square metres of additional floor space above that which was approved in 1986. The consent issued by the Land and Environment Court requires the provision of exactly 100 car parking spaces at the site. At present, there are 98 available. Under Council's current development controls (as provided for by Campbelltown (Sustainable City) Development Control Plan, specifically Table 5.4.1 – car parking rates), hotels are required to provide 1.5 spaces per 10 square metres of leasable floor area. Therefore, due to the additional leasable floor area identified in the applicant's audit of the building (being 66 square metres in the outdoor gaming area), an additional 10 spaces are required under the Sustainable City Development Control Plan (SC DCP), meaning that 110 spaces should be provided at the site.

Due to constraints of the site, such as existing boundaries and a shared access road with a neighbouring property, increasing the land area available for parking is not practical. However, the applicant has proposed a reorganisation of the car park to provide for an additional five spaces (including one disabled space) to increase the total on site to 103.

The shortfall of seven spaces is considered to be acceptable on the following grounds:

- There is no record of complaint from nearby land owners regarding excessive car parking related to the Tavern being undertaken on adjoining lands
 - Anecdotal/casual monitoring of the car parking area reveals it is rarely near its capacity
 - The departure is relatively minor in its nature having regard to the scale of the site
-

3.3 Lot 1023 DP 777831, No. 57 Woodhouse Drive, Ambarvale - Modification Of Existing Development Consent To Construct A Tavern

- A new recommended condition of consent requires the installation of additional landscaping across the front (Woodhouse Drive) of the property, which will serve to soften the site's appearance and increase its streetscape appeal.

2. Visual Appearance

The Tavern's visual appearance has been altered as a result of the changes made over time (or during its construction). Changes to the exterior include the construction of screening structures to the front and rear elevations and changes to stair height and location on the rear façade. The new owners of the Tavern have recently undertaken some aesthetic upgrades, including repainting the facades.

The changes to the facades involved in the modification are considered to be minor and not detrimental to the building's overall appearance.

3. Building Code of Australia

The application was submitted with a statement from a practising building code professional regarding the building's compliance with the Building Code of Australia (BCA). The statement recommended that certain changes be made to the building, with particular regard to fire safety.

As part of the assessment undertaken prior to issue of the S149D certificate referenced earlier, the applicant has completed the required works. Notwithstanding, it is deemed appropriate that a reference to the works be made as a new condition of consent, so as to ensure that the applicant (and potential future owners) are made aware of the requirements.

Conclusion

An application to modify an existing development consent has been received. The application relates to an existing licensed premises known as 'Ambarvale Tavern' at No. 57 Woodhouse Drive, Ambarvale.

Following the current owner's purchase of the property, it became evident that certain alterations had been made to the building without Council approval. This modification application has been made to 'regularise' the approval of the building, so that Council's approval records match the existing physical building.

The changes relate predominantly to room and partition wall delineation, the location of some stairs and minor external features such as shading and screening structures.

The changes are considered to be relatively minor in their extent, having regard to the building's size and its ongoing use. The changes have been considered in light of present town planning requirements and although one inconsistency in particular has been revealed (relating to the provision of car parking), the variation to Council's current numerical standard, as reflected in the Sustainable City Development Control Plan 2012, is approximately 7%. The variation is not likely to cause an adverse environmental impact on users of the site or others within the local community.

3.3 Lot 1023 DP 777831, No. 57 Woodhouse Drive, Ambarvale - Modification Of Existing Development Consent To Construct A Tavern

The modifications are not considered likely to have any significant or detrimental impact on the natural or built environment and are suitable for the site, upon consideration of the long-standing nature of their existence and Council's recent issue of a S194D certificate, which concludes the works are structurally adequate and compliant with the BCA.

Officer's Recommendation

That the application to modify development consent 314/1985/DA-C/B at Lot 1032 DP 777831, No. 57 Woodhouse Drive, Ambarvale be approved subject to the addition of two conditions to those appearing on the existing consent (as amended). Additional Conditions 1.4 and 1.5 relate to the provision of additional landscaping and compliance with a Building Code of Australia assessment report.

Committee's Recommendation: (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: Nil.

Council Meeting 26 March 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 35

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.

ATTACHMENT 1

Recommended Conditions of Consent

1.0 THE DEVELOPMENT

The following condition/s have been applied to ensure that the land and/or building will be developed so as to minimise impact on the local environment and to achieve the objectives of the relevant planning instruments.

- 1.1 All external building materials shall be approved by Council. A schedule and/or sample of materials to be lodged with the Building Application for approval. All external metal deck surfaces including the roof shall be of a bonded metal finish of an approved colour. External surfaces shall not be painted in colours, other than those approved by Council without the prior consent of Council.
- 1.2 The development shall be landscaped and maintained with lawns, shrubs and trees of an advanced nature to the satisfaction of Council. A detailed landscape plan, to scale shall be lodged with the Building Application and shall include:
 1. Location of buildings, fences, roads, parking and storage areas
 2. Details of earthworks including mounding and retaining walls
 3. Location and nomination of plant species
 4. Details of planting procedure and maintenance.
- 1.3 An approved physical barrier (e.g. 150mm concrete kerb) shall be provided generally between trafficable areas and landscaped areas. Details shall be submitted with the Building Application.
- 1.4 The applicant shall install and maintain additional shrub and tree plantings along the Woodhouse Drive frontage of the site, generally in accordance with the plans amended in red ink by Council.
- 1.5 The applicant shall ensure that the recommendations of the 'Building Code of Australia Deemed to Satisfy Assessment Report' (prepared by Essential Certifiers, dated September 2012, ref. 2013-14.2) are implemented and maintained whilst the building is in use.

2.0 OFF-STREET CAR PARKING AND VEHICULAR SERVICING

The following condition/s have been applied to ensure that the development has provided adequate car parking and vehicular servicing areas and to prevent conflict within the public road system.

- 2.1 One hundred (100) off-street car parking spaces together with access driveways as shown on the plan to be constructed, paved, line marked and signposted in accordance with Council's Off-Street Car Parking Code. Enclosed spaces shall be a minimum of 3.0 metres wide. Engineering details for the construction of these areas shall be lodged for approval with the Building Application.
-

3.3 Lot 1023 DP 777831, No. 57 Woodhouse Drive, Ambarvale - Modification Of Existing Development Consent To Construct A Tavern

- 2.2 The applicant shall liaise with Council and adjoining land owners regarding the provision of shared access driveways and service areas. In this regard, it will be necessary to submit plans showing details of common rights-of-way to be created over both properties. The plan shall be approved prior to release of the building approval and registered at the Land Titles Office prior to occupation.
- 2.3 Loading and unloading facilities at the rear of the bottle shop to conform to the requirements of the Traffic Authority Guidelines for a large rigid truck so that arrival and departure of delivery vehicles is in a forward direction.
- 2.4 The applicant shall undertake any works associated with the provision of shared driveways including the removal of any kerbing and concreting involved in making service areas and car parking usable by both parties.

3.0 PUBLIC ROADS

The following condition/s have been applied to ensure that adequate and safe public access is provided to the site for both pedestrian and vehicular traffic in accordance with Council's adopted Development Control Plans.

- 3.1 The footpath area adjoining the subject land shall be regarded, in accordance with levels to be obtained from Council, and concrete footpaving 1.2 metres wide shall be constructed to the satisfaction of Council. Areas not concreted shall be topsoiled and turfed. Where necessary, the footpath formation shall be carried beyond the boundary to provide an acceptable transition to existing footpath levels.
- 3.2 Full width concrete vehicular crossings shall be constructed to all entrances and exits in accordance with Council's Specification.
- 3.3 The redundant layback(s) shall be reinstated to conventional kerb and gutter.
- 3.4 Public road and associated works necessitating restoration as a result of the development shall be carried out by Council and all relevant costs shall be borne by the applicant.
- 3.5 Adjustments to public utilities necessitated by the development shall be completed prior to occupation of the premises.

4.0 STORMWATER DRAINAGE

The following condition/s have been applied to ensure that stormwater drainage collected on and/or passing through the site is conveyed through a controlled system to prevent nuisance and damage to the subject land and adjacent lands.

- 4.1 A plan indicating all engineering details and calculations relevant to site regarding and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval with the Building Application. Floor levels of all buildings shall be above finished site levels and stormwater shall be conveyed from the site to the nearest pipe drainage system unless otherwise specified by Council. All proposals shall be to the specification of Council.
-

3.3 Lot 1023 DP 777831, No. 57 Woodhouse Drive, Ambarvale - Modification Of Existing Development Consent To Construct A Tavern

- 4.2 Where stormwater passes through the site, a formal drainage system designed to conform, with Council's Stormwater Management Policy, including the creation of appropriate drainage reserves and/or easements where necessary, shall be constructed. Engineering details shall be submitted for approval with the Building Application.

Where adjacent properties are affected, drainage formalisation shall be extended to include these properties to the satisfaction of the adjacent owners and Council.

5.0 SERVICES

The following condition/s have been applied to ensure that adequate utility installations are provided to the site to service the development and to satisfy the requirements of the relevant planning instrument.

- 5.1 The developer shall submit an application to the Prospect County Council (P.O Box 389, Parramatta, 2150) giving details of the proposed development together with two copies of the ground floor plan for determination of electricity supply requirements. The County Council may require a sub-station on site with appurtenant easements to be granted. In this regard the applicant is to submit a letter from the Prospect County Council to the effect that all the County Council's requirements have been satisfied prior to the release of the Building Approval.
- 5.2 The applicant shall obtain a compliance certificate under Section 27 of the Water Board Act, 1987. In this regard an application on the prescribed form should be lodged with the Developer Services Branch of the Water Board (Cnr. Bigge & Moore Streets, Liverpool) and a copy of the Section 27 Certificate shall be forwarded to Council prior to release of Building Approval.

6.0 LAND USE

The following condition/s 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 Environmental Planning Instrument and Development Control Plans affecting the land and that the development is conducted so as not to be prejudicial to the amenity of the local environment.

- 6.1 All works, processes and the storage of materials and goods shall be carried out within the confines of the building.
- 6.2 All vehicles being landed and/or unloaded are to stand entirely on the premises.
- 6.3 The development is to be conducted in such a manner so as not to interfere with the amenity of the neighbourhood.
- 6.4 The development is to be conducted in such a manner as to ensure that the environment of the surrounding locality is not adversely affected, disturbed or disrupted by virtue of the existence or operation of this development. In this regard, disturbance or disruption of the surrounding environment includes social effects outside the subject premises such as the generation of large congregations of people, vandalism, violence, excessive noise or the like.
-

3.3 Lot 1023 DP 777831, No. 57 Woodhouse Drive, Ambarvale - Modification Of Existing Development Consent To Construct A Tavern

- 6.5 The use of the tavern shall not include the playing of live music or discos or the like unless a separate development approval is issued by Council. In this regard it would be necessary to establish that adequate noise control measures were provided to prevent nuisance to residential properties in the locality.

7.0 ADDITIONAL CONDITIONS - EXTENDED TRADING HOURS

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 Environmental Planning Instrument affecting the land and that the development is conducted so as not to be prejudicial to the amenity of the local environment.

- 7.1 The trading hours of the hotel are restricted to the following periods:

Monday to Saturday	5am to 2am the following day
Sunday	10am to midnight

- 7.2 The operation of the premises shall be carried out in accordance with the approved 'Code of Practice and Security Management Plan' submitted with the application (Annexure C - Statement of Environmental Effects) to the satisfaction of Council.

In this respect, the applicant shall amend the Code of Practice and Security Management Plan for the written approval of Council and the NSW Police Service prior to trading beyond midnight on any day. The Plan shall be amended to require the provision of an automatic cut-off device for the operation of the jukebox (and similar music devices) between the hours of midnight and 7am on any day.

- 7.3 If so directed by the Police or Council, the management shall employ private security staff (in addition to that required by the approved Code of Practice and Security Management Plan) to ensure that the amenity conditions of this consent are complied with to the satisfaction of Council.

THIS DOCUMENT HAS BEEN ISSUED WITHOUT ALTERATION OR ERASURE

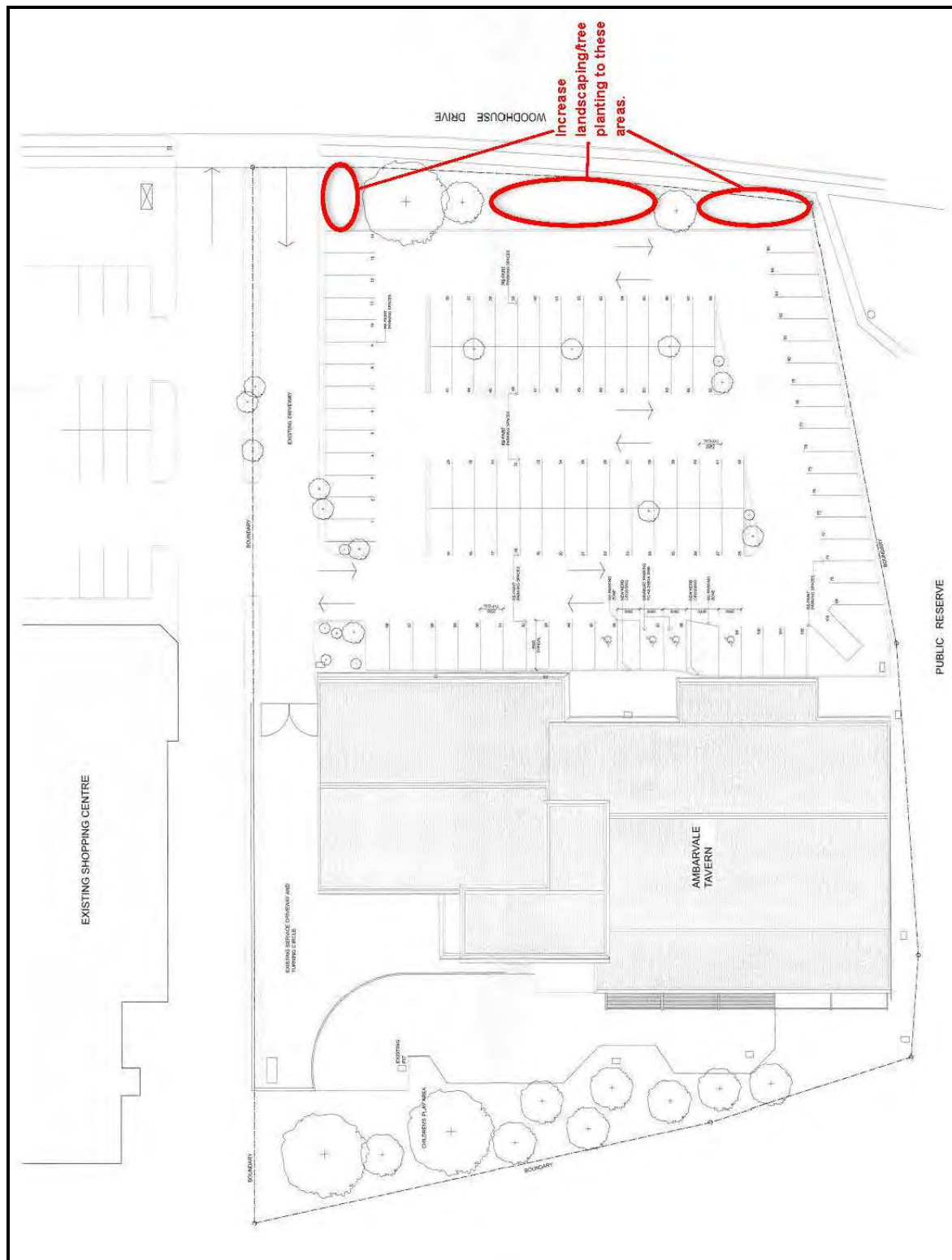
ATTACHMENT 2

Locality Plan



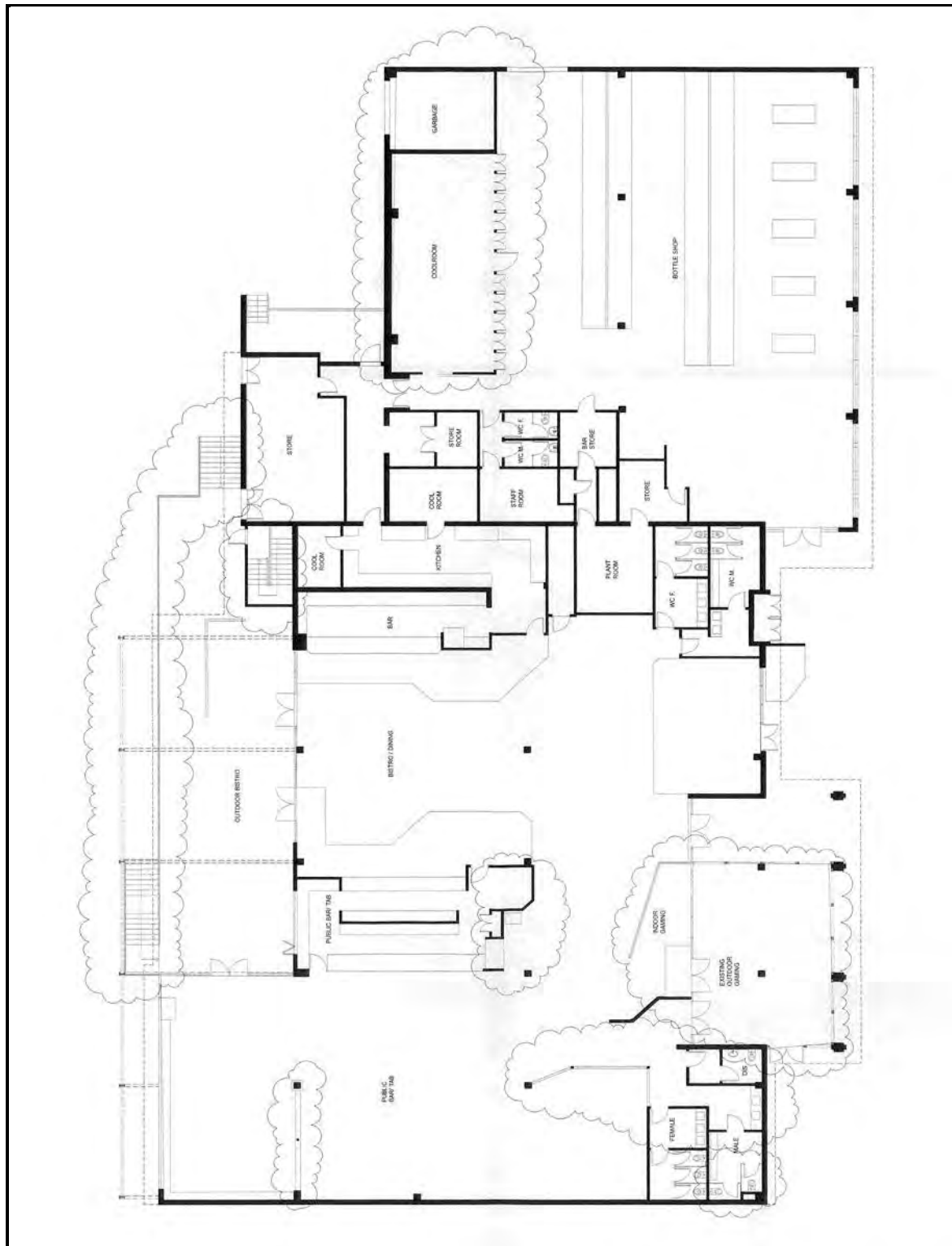
ATTACHMENT 3

Site Plan



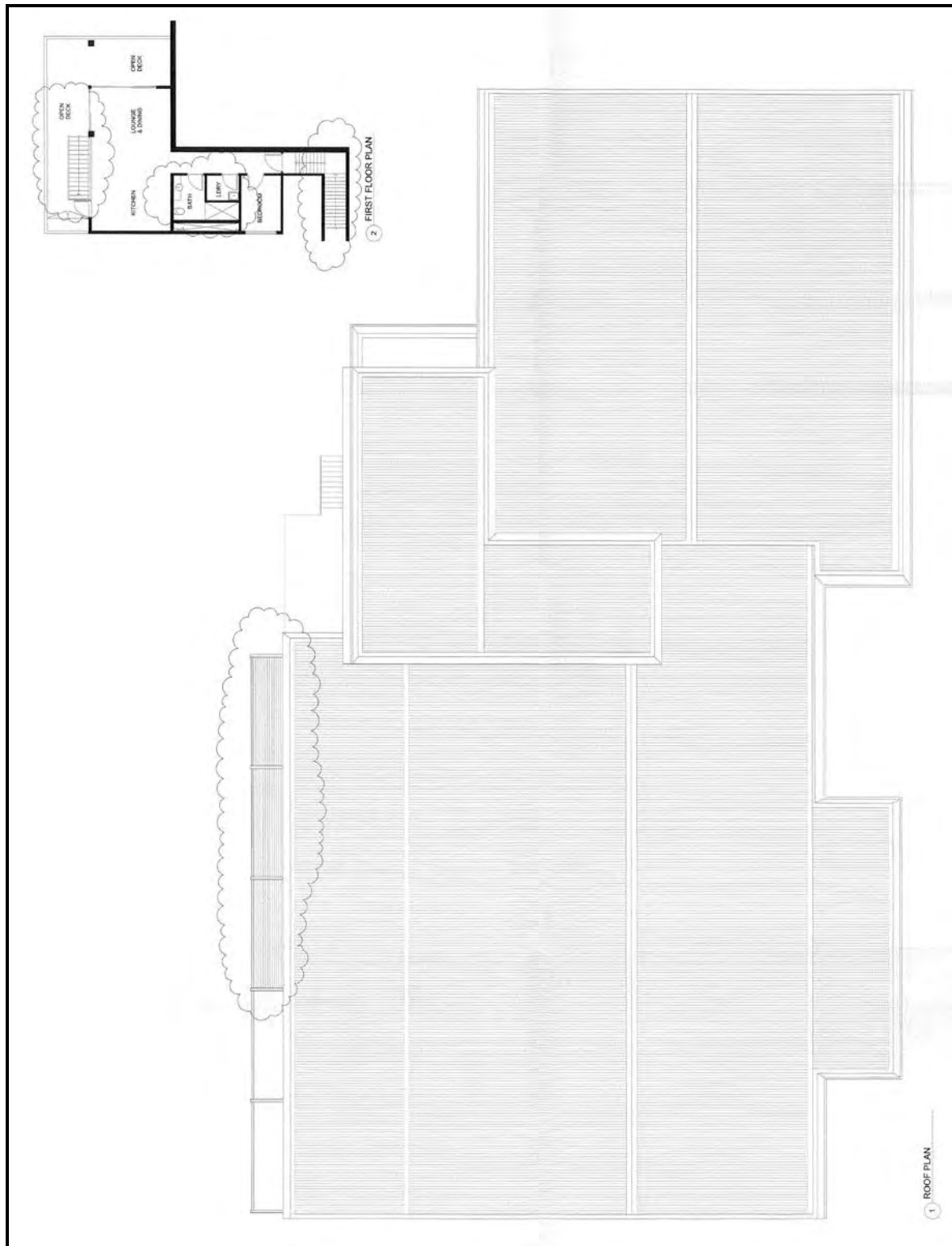
ATTACHMENT 4

Ground Floor Plan



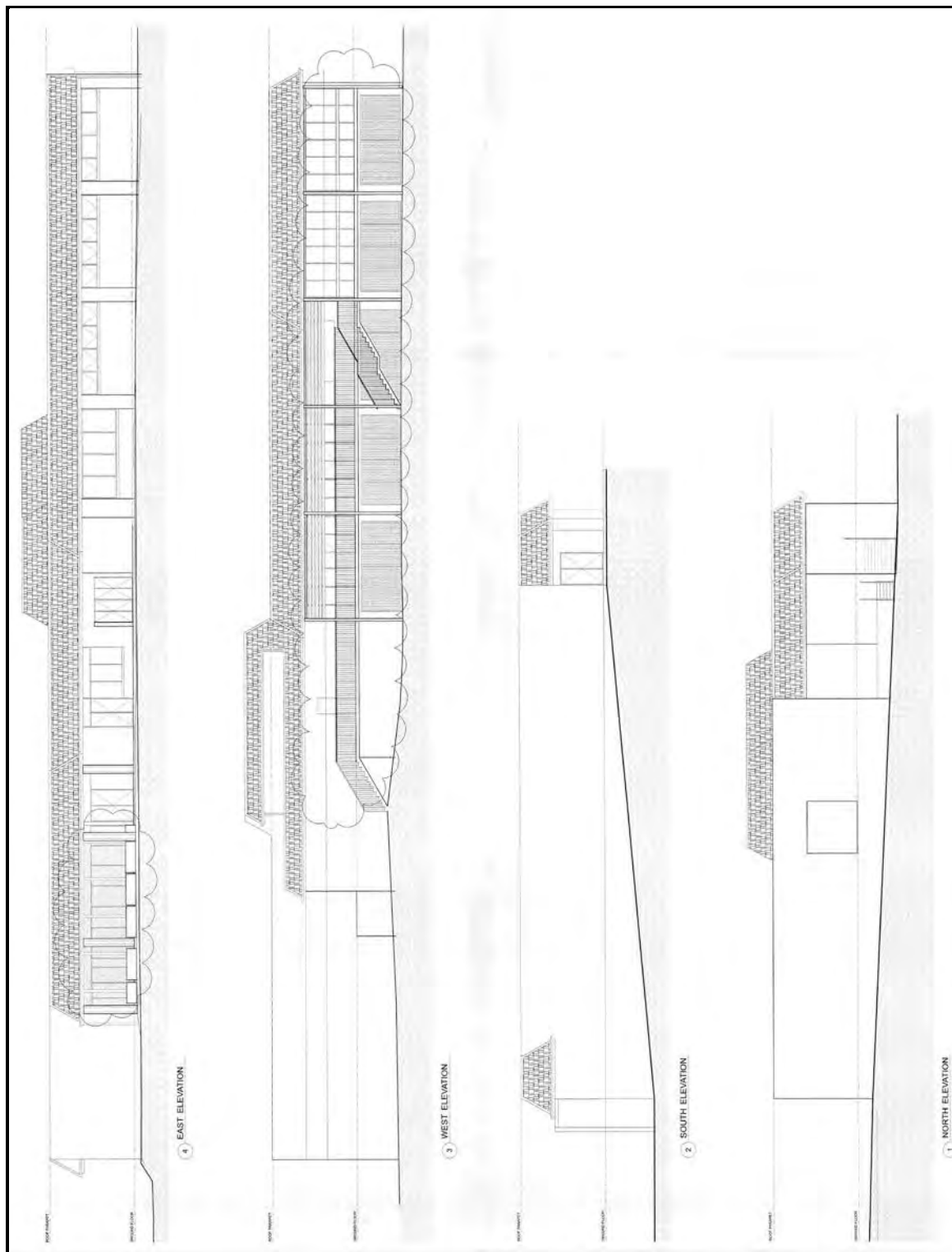
ATTACHMENT 5

Roof and First Floor Plan



ATTACHMENT 6

Elevations



4. COMPLIANCE SERVICES

4.1 Legal Status Report

Reporting Officer

Acting Manager Compliance Services

Attachments

Nil

Purpose

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

Report

This report contains a summary of the current status of the Division's legal matters 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 matters is also included.

1. Land and Environment Court Class 1 Matters – Appeals Against Council's Determination of Development Applications
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Total ongoing Class 1 DA appeal matters (as at 05/03/2013)	4
Total completed Class 1 DA appeal matters (as at 05/03/2013)	1
Costs from 1 July 2012 for Class 1 DA appeal matters:	\$8,046.30

1 (a) CARDNO (NSW/ACT) PTY LIMITED

Issue: Appeal against Council's deemed refusal of Development Application No. 2052/2012/DA-C for the use of approved retail premises as a liquor store.

Property: SP 85424, 4 Rennie Road, Campbelltown

Property Owner: Andrew Osborne ATF AKO No. 2 Trust

Council File: No. 2052/2012/DA-C

Court Application: Filed on 6 December 2012 - File No. 11207/2012

Applicant: Cardno (NSW/ACT) Pty Limited

Costs Estimate: \$25,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Costs to date: \$0.00

Status: Ongoing – Adjourned to 14 and 15 March 2013 for hearing.

Progress: At the mention on 15 January 2013 the Court gave directions in respect of the hearing which is listed for 14 and 15 March 2013.

1 (b) Frank ASSARD

Issue: Appeal against Council's refusal of Development Application No. 124/2012/DA-C for variation to conditions of use, and alterations and additions to an existing brothel.

Property: Lot 2 DP 519337 No. 15 Blaxland Road, Campbelltown

Property Owner: Mr. Zhi Hua Yan and Ms. Cui Li Wang

Council File: No. 124/2012/DA-C

Court Application: Filed on 8 February 2013 - File No. 10084/2013

Applicant: Frank Assad

Costs Estimate: \$20,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Costs to date: \$0.00

Status: New Matter – Listed for first mention on 15 March 2013.

Progress: Matter referred to Council's solicitor for preparation.

1 (c) Ray JARDINE

Issue: Appeal against Council's deemed refusal of Building Certificate Application No. 772/2012/BC-UW seeking to regularise unauthorized building works (two mezzanine floors and addition of access doors) which have impacted on the structural aspects and fire safety provisions of the building.

Property: Lot 26 DP 28853 No. 2 Somerset Street, Minto

Property Owner: Mr. Ray Jardine and Mrs. Precilla Eva Jardine

Council File: No. 772/2012/BC-UW

Court Application: Filed on 21 February 2013 - File No. 10120/2019

Applicant: Ray Jardine

Costs Estimate: Not sought at this time.

Costs to date: \$0.00

Status: New Matter – Listed for first mention on 15 March 2013.

Progress: Matter with Manager Development Services for determination of appropriate response to the appeal application as the building certificate application has been deferred pending submission of additional information and details required by Council to properly assess the application. The applicant has not provided complete information and details as requested.

1 (d) Ray JARDINE

Issue: Appeal against Council's deemed refusal of Development Application No. 763/2008/DA-IB seeking modification (alterations to the existing building including the addition of a takeaway shop) to existing consent No's. 763/2008/DA-I and 763/2008/DA-IA for demolition of a dwelling, conversion of existing industrial building as place of public worship and associated car parking; and modification to front of building (replace window with entrance doorway).

Property: Lot 26 DP 28853 No. 2 Somerset Street, Minto

Property Owner: Mr. Ray Jardine and Mrs. Precilla Eva Jardine

Council File: No. 763/2008/DA-IA

Court Application: Filed on 21 February 2013 - File No. 10120/2013

Applicant: Ray Jardine

Costs Estimate:	Not sought at this time.
Costs to date:	\$0.00
Status:	New Matter – Listed for first mention on 15 March 2013.
Progress:	Matter with Manager Development Services for determination of appropriate response to the appeal application as the Development Application No. 763/2008/DA-IB has been deferred pending submission of additional information and details required by Council to properly assess the application. The applicant has not provided complete information and details as requested.

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 05/02/2013)	1
Total completed Class 1 Order/Notice appeal matters (as at 05/02/2013)	0
Costs from 1 July 2012 for Class 1 Order/Notices appeal matters:	\$0.00

2 (a)	John Frank GALLUZZO
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Issue:	Appeal against Council's Order 15 given under the <i>Environmental Planning and Assessment Act 1979</i> requiring compliance with conditions 19 and 48 of development consent 610/2004/DA-C (construction of a Type 'B' intersection at the intersection with Campbelltown Road and Blomfield Road, Denham Court) relating to the childcare centre development at 1 Blomfield Road, Denham Court.
Property:	Pt Lot 1 DP 602622 No. 1 Blomfield Road, Denham Court
Property Owner:	John Frank Galluzzo
Council File:	No. 610/2004/DA-C
Court Application:	Filed on 6 February 2013 - File No. 10080/2013
Applicant:	John Frank Galluzzo
Costs Estimate:	\$20,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$0.00
Status:	Ongoing – Listed for further mention on 17 April 2013

Progress: The matter was before the Court for first mention on 6 March 2013 where by consent the proceedings were adjourned to 17 April 2013 for further mention given that a Section 96 development application to vary the relevant conditions of consent is currently being assessed by Council. .

3. Land and Environment Court Class 4 Matters – Civil Enforcement in respect of non-compliance with Planning Law or Orders issued by Council

Total ongoing Class 4 matters before the Court (as at 05/03/2013)	1
Total completed Class 4 matters (as at 05/03/2013)	0
Costs from 1 July 2012 for Class 4 matters	\$14,656.84

3 (a)	Precision Logistics Pty Ltd & Robert Andrew Tebb & Annette Margaret Tebb
Issue:	Enforcement action initiated by Council to restrain the respondents from conducting unauthorised trucking activities on the property.
Property:	Lot 7 DP 1008057 and Lot 92 DP 1004803 No 20 Frost Road Campbelltown
Property Owner:	Robert Andrew Tebb and Annette Margaret Tebb
Council File:	No. 845/2012/DA-I
Court Application:	Filed on 20 December 2012 - File No. 12/41261
Respondents:	Precision Logistics Pty Ltd & Robert Andrew Tebb and Annette Margaret Tebb
Costs Estimate:	\$30,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$14,656.84
Status:	Ongoing - Adjourned to 15 March 2013 for further mention
Progress:	On 1 March 2013 the proceedings were adjourned pending submission by the Respondent of an amended development application which seeks to address issues raised in Council's assessment of the application to regularise the use for certain truck maintenance operations on the property. The matter was adjourned to enable the respondent to confer with their planning consultant and prepare suitable undertakings that address Council's concerns in the interim until the amended development application is determined by Council.

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 05/03/2013)	0
Total completed Class 5 matters (as at 05/03/2013)	0
Costs from 1 July 2012 for Class 5 matters	\$0.00

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

Total ongoing Class 6 matters (as at 05/03/2013)	0
Total completed Class 6 matters (as at 05/03/2013)	0
Costs from 1 July 2012 for Class 6 matters	\$0.00

6. District Court – Matters on Appeal from lower Courts or Tribunals not being environmental offences

Total ongoing Appeal matters before the Court (as at 05/03/2013)	0
Total completed Appeal matters (as at 05/03/2013)	0
Costs from 1 July 2012 for District Court matters	\$0.00

7. Local Court prosecution matters

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

Total ongoing Local Court Matters (as at 05/03/2013)	4
Total completed Local Court Matters (as at 05/03/2013)	11
Costs from 1 July 2012 for Local Court Matters	\$3,616.00

File No:	LP01/13 – Court Election of Penalty Notice
Offence:	Deposit litter (cigarette) from vehicle.
Act:	<i>Protection of the Environment Operations Act 1997</i>
Costs to Date:	\$0.00
Status:	Ongoing

Progress:	Not guilty plea entered. Listed for defended hearing on 25 March 2013
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File No:	LP02/13 – Penalty Notice Court Election
Offence:	Own dog that attacks (rush at, harass, or chase) person.
Act:	<i>Companion Animals Act 1998</i>
Costs to date:	\$0.00

Status:	Ongoing
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Progress:	Not guilty plea entered. Listed for defended hearing on 26 March 2013
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File No:	LP03/13 – Penalty Notice Court Election
Offence:	Development not in accordance with consent - corporation.
Act:	<i>Environmental Planning and Assessment Act 1979</i>
Costs to date:	\$0.00

Status:	Ongoing
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Progress:	Not guilty plea entered. Listed for defended hearing on 8 April 2013
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File No:	LP04/13 – Penalty Notice Court Election
Offence:	Fail to Comply with Pollution Prevention Notice - corporation.
Act:	<i>Protection of the Environment Operations Act 1997</i>
Costs to date:	\$0.00

Status:	Ongoing
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Progress:	Listed for further mention on 19 March 2013. Representations by the defendant are currently being considered.
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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.

Total Advice Matters (as at 05/03/2013)	6
Costs from 1 July 2012 for advice matters	\$12,880.80

9. Legal Costs Summary		
The following summary lists the Planning and Environment Division's net legal costs for the 2012/2013 period.		
Relevant attachments or tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$8,046.30	\$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	\$14,656.84	\$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	\$3,616.00	\$940.00
Matters referred to Council's solicitor for legal advice	\$12,880.80	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$39,199.94	\$940.00
Overall Net Costs Total (GST exclusive)	\$38,259.94	

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Thompson/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 March 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 31

That the Officer's Recommendation be adopted.

4.2 Leaping Learners Early Education Centre

Reporting Officer

Acting Manager Compliance Services

Attachments

1. Land and Environment Court Consent Judgement (distributed under separate cover)
2. A list of concerns raised by a local resident in respect of Leaping Learners Early Education Centre (distributed under separate cover)

Purpose

To update Council on the investigation into concerns from a local resident regarding the operation of the Leaping Learners Early Education Centre.

History

On 29 September 2005, the Land and Environment Court granted development consent (Attachment 1) for a childcare centre at No. 1 Blomfield Road, Denham Court. Consent was granted subject to a number of conditions and allowed for enrolments up to a maximum of 74 children.

Since the consent was issued by the Land and Environment Court and the subsequent commencement of the centre, Council has received numerous complaints from a local resident raising a number of concerns and alleged non-compliances with the conditions of consent. A copy of these concerns is provided in Attachment 2.

Report

A response to each of the concerns raised by the resident is outlined below.

Parking Issues

Early Education Centre staff were observed by Council staff to be parking on grassed areas on site. A Notice of Proposed Order was served on the operator of the Early Education Centre to require parking to occur within the designated carparking spaces in accordance with consent requirements and this requirement is currently being satisfied with the exception of two special occasions in 2012.

Approval to park on grassed areas within the centre to ease parking congestion on Blomfield Road, was allowed by Council on two occasions for two special functions in 2012, being a parent/guardian performance night and a Christmas party function.

A request was also made by a local resident to extend the no stopping zones along both sides of Blomfield Road in a south easterly direction to the crest of the road. The zone currently extends along both sides of Blomfield Road being confined to the frontage of the Early Education Centre site. A roadside mobile CCTV was installed to monitor traffic movement and parking over a two week period in September 2012 to assist in assessing the need to extend the no stopping zone. The results did not support the need to extend the no stopping zone.

The resident advised that the survey period occurred whilst staff were parking on the grassed areas of the site and therefore the results were flawed and has requested Council to undertake a further survey. In this regard it is proposed to undertake monthly site observations to compare to the previous mobile CCTV findings.

Signage

An issue was raised concerning various signage at the Early Education Centre consisting of a business identification sign, (located within the premises and near the corner of Blomfield and Campbelltown Roads), a roof gable mounted business motif (frog) sign, coloured flags, a sunsmart advertising sign and front boundary pole signage. The signage was assessed by Council staff in light of Council's development standards for signage and the occupier was requested to remove the pole signage along the front boundary, which has occurred.

Footpath

Issues were raised by the resident regarding the compacted and eroded condition of the footpath in Blomfield Road due to the parking of vehicles associated with the Early Education Centre and the trip hazard posed by timber sleepers placed along the sides of the driveway entrances.

The operator was required to remove the timber sleepers and has complied with this request. The damage to the footpath due to compaction or erosion is not considered of such significance to warrant any remediation work.

Property Maintenance

The resident raised issues in relation to the maintenance of landscaping and the discharge of stormwater to the Campbelltown Road stormwater drainage system.

The upkeep of the property (including landscaping) is considered to be well maintained. In addition, an inspection of the stormwater drainage discharge confirmed that it was consistent with development standards and Building Code of Australia requirements.

Light Spillage

Issues continue to be raised by the complainant over light spillage from the premises, including car park lighting. The operator was required to decommission car park lighting and has complied with this request by disabling all car park lighting. External lighting on the building is directed downward to light the front area of the premises only. An after hours inspection has confirmed there is no significant nuisance affecting neighbouring premises and that the lighting is adequately sensor controlled.

Special Functions

In recognition of the Centre's desire to conduct occasional functions, (such as parent/teacher functions and Christmas parties), the operator intends to submit a Section 96 application to vary the existing consent to extend operating hours on occasion beyond 6pm and allow parking during these occasions in other areas on the site to minimise on street parking impacts. It is anticipated that the section 96 application will be submitted in March and will enable Council to provide detailed consideration over the merits of the proposal, and whether a variation is appropriate. Should Council deem it appropriate to approve such an application, Council would have the capacity (through conditions of development consent) to manage any potential negative impacts on neighbourhood amenity.

Side Boundary Clearance

An issue was raised indicating that the side boundary setback of building number two of the Early Education Centre was inconsistent with the approved plans. A review of the approved plans and subsequent site observations indicates that the building is setback in accordance with the approved plans.

Campbelltown Road Intersection Upgrade

Of significant concern is the failure (to date) of the property owner to construct a Type B intersection at Blomfield and Campbelltown Roads in accordance with the Land and Environment Court issued development consent.

In response to the failure of the applicant to upgrade the intersection of Blomfield and Campbelltown Roads, prior to the issue of an occupation certificate, Council issued a Notice of Proposed Order under section 121B of the *Environmental Planning and Assessment Act 1979*, to the owner requiring compliance with consent conditions relating to the construction of a Type B intersection.

Council received a written representation to the Notice of Proposed Order in the form of a report from the owners' traffic consultant regarding the Type B intersection. The report concluded that the construction of the intersection upgrade was not considered necessary given the nature of local traffic and the proposed lane upgrade of Campbelltown Road by Roads and Maritime Services (RMS). The report and recommendations were forwarded to the RMS for review and comment.

On 20 December 2012, the RMS advised Council, following its review of the report, that it supports Council in enforcing consent condition No. 19 by requiring the construction of the intersection, for reasons of road safety. The RMS further confirmed that the upgrade of Campbelltown Road between Camden Valley Way and Denham Court Road has not been planned or funded and will not occur within the next 5 years.

As a result of the response received from the RMS, Council issued an Order No 15 under section 121B of the *Environmental Planning and Assessment Act 1979*, to the owner requiring compliance with consent conditions relating to the construction of a Type B intersection on or before 31 July 2013. Subsequently the owner has appealed the Order which was listed for mention in the Land and Environment Court on 6 March 2013. The Court subsequently decided to adjourn proceedings until 17 April 2013 in light of a formal Section 96 application being lodged with Council, looking to vary the consent requirements relating to the intersection.

Accompanying the application is a modified traffic report incorporating modelling that indicates the intersection upgrade is not required despite the RMS advice that the upgrade of Campbelltown Road is not going to proceed in the immediate future. This traffic report has recently been referred to the RMS for review as part of the section 96 application assessment. The report has also been referred to a specialist traffic consultant for independent review.

Issue of Occupation Certificate

A review of Council's records indicate that the occupation certificate for the Child Care Centre was issued by the Principal Certifying Authority (Private Certifier) which was reliant on information indicating that the intersection upgrade works required by the consent were completed. As the consent conditions were not complied with, this matter has been reported by Council officers to the Building Professionals Board for further action.

Conclusion

Council has recently written to the resident to confirm the status of the various concerns raised and action taken by Council as outlined in the report.

Of significant concern is the matter relating to the incomplete upgrade of the intersection at Campbelltown Road to provide a slip lane, to allow north bound traffic to bypass traffic stopping to turn right into Blomfield Road. It is intended that Council will seek orders for the intersection to be completed through the Land and Environment Court in the event that the Section 96 application is refused and the owner does not complete the intersection upgrade as required by Council's Order.

Officer's Recommendation

That the information be noted.

Committee Note: Ms Painter and Mr Howie addressed the Committee highlighting traffic concerns.

Committee's Recommendation: (Matheson/Greiss)

That traffic management issues arising from events held at the Leaping Learners Early Education Centre be referred to Council's Traffic Committee for consideration.

CARRIED

Council Meeting 26 March 2013 (Greiss/Lake)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 31

That the Committee's Recommendation be adopted.

4.3 Renewal of Alcohol Free Zones

Reporting Officer

Acting Manager Compliance Services

Attachments

Maps of Alcohol Free Zones for Airds, Ambarvale, Bradbury, Campbelltown CBD South, Campbelltown CBD North, Campbelltown East 1, Campbelltown East 2, Leumeah, Menangle Park, Rosemeadow 1, Rosemeadow 2, Ruse, St Helens Park 1 and St Helens Park 2 (distributed under separate cover)

Purpose

To submit to Council for endorsement, a proposal to renew without change 14 Alcohol Free Zones that are located within the southern area of the Campbelltown Local Government Area (LGA) and due to expire on 24 December 2013.

History

The *Local Government Act 1993* (the Act) provides Council with the ability to establish an Alcohol Free Zone (AFZ) to promote the safe use of roads, footpaths and public car parks (including privately owned shopping centre car parks) without interference from anti-social behaviour caused by public drinkers. The object of an AFZ is an early intervention measure to prevent the escalation of irresponsible street drinking to incidents involving serious crime.

Any person living or working within the Local Government Area (LGA), the local police or a local community group can make an application for an AFZ. Once established, an AFZ prohibits the drinking of alcohol in the specified zone. A proposal to establish an AFZ must, in all cases, be supported by evidence that street drinkers have compromised the public's use of those footpaths, roads or car parks. The maximum duration of an AFZ is four years although it may be re-established upon following the same procedure that was used to originally establish the zone.

Report

The management and operation of an AFZ is a collaborative approach between Council and Police Local Area Commands. Council's role has been the establishment and sign posting of the zones, while Police have been responsible for enforcement. Discussions with Police confirm that this arrangement will continue.

Re-establishment of Existing AFZs

The procedure that Council must follow prior in resolving to declare an AFZ is outlined in the legislation and is summarised as follows:

1. Publish a notice in one or more local newspapers advising of Council's intention to establish the alcohol free zone and inviting public submissions. The minimum period for lodging representations is 14 days after publication of the notice.
2. Consider any submissions received, and where it is decided to declare the zone, advise:
 - The Anti-Discrimination Board
 - The Officer in charge of the Police Station nearest to the zone
 - The liquor licensees and secretaries of registered clubs whose premises border on, adjoin or are adjacent to the proposed zone
 - Any known group that might be affected by the creation of the AFZ.

Council must give each of the abovementioned notified organisations or persons 30 days to make a written submissions.

3. Consider any submissions received and where it is decided to proceed with the declaration, notify that decision (whether as originally proposed or as amended), in a local newspaper at least seven days in advance of the proposed date of commencement.
4. Signpost the area in accordance with the Act.

The zones subject of this report are proposed to be re-established and are due to expire on 24 December 2013.

The specific streets covered by the zones are shown in Attachment 1 to this report and are listed below:

Airds:

Briar Road
Byrne Way
Carr Place
Cardew Way
Chevoit Place
Creigan Road
Coldenham Way
Croft Place
Dangar Way
Deans Road
Docharty Street
Harrah Place
Hartigan Way
Karingal Place
Nowland Way
Riverside Drive (between Garrallan Place and Samuel Place)

Romney Way
Ryeland Place
Saxon Way
Southdown Place
St Johns Road (between Docharty Street and Briar Road)
Summers Place
Teeswater Place

Ambarvale:

Codlin St (between Jiniwin Place and Copperfield Drive)
Copperfield Road (between Codlin Street and Woodhouse Drive)
Jiniwin Place
Woodhouse Drive

Bradbury:

The Parkway (between Lawn Avenue and St Johns Road)
Jacaranda Avenue (between Hoddle Avenue and St Johns Road)
Karri Place
Campbellfield Avenue (between Greenoaks Avenue and Jacaranda Avenue)
St Johns Rd (between The Parkway and Jacaranda Avenue)

Campbelltown East 1

Lindesay Street (between Chamberlain Street and 100m past Ronald Street)
Ronald Street (between Lindesay Street and McLean Road)
McLean Road (between Chamberlain Street and Ronald Street)
Chamberlain Street (between Lindesay Street and McLean Road)

Campbelltown East 2 (St Patricks College and Campbelltown East Public School)

Valley Road
Waminda Avenue (between Hobart Avenue and College Road)
Broughton Street (between Hume Street and College Road)
College Road
St Johns Road (between College Road and Hoddle Avenue)

Menangle Park (Broughton Anglican College)

Menangle Road (between Medhurst Road and Broughton Anglican College)

Rosemeadow 1

Copperfield Drive (between Cleopatra Drive and Anthony Drive)
Fitzgibbon Lane (between Copperfield Drive and Appin Road)
Thomas Rose Drive
Rosemeadow Shopping Centre car park and associated internal roadways

Rosemeadow 2 (John Therry High School)

Demetrius Road (between Canidius Street and Anthony Drive)
Anthony Drive (between Alexis Place and Othello Avenue)

Ruse (Leumeah High School and Ruse Public School)

Junction Road
Wallaga Avenue
Corunna Avenue
Flinders Street
Isaac Place
Dawson Place
Leichhardt Street (between Flinders Street and the cul-de-sac adjacent to Dawson Place)

St Helens Park 1 (Woodland Road Public School)

Woodland Road (between Quokka Place and Karrabul Road)
Karrabul Road (between Wintaroo Crescent and Rangers Road)
Woodlands Road Baseball Complex car park

St Helens Park 2 (St Helens Park Public School)

Kellerman Drive (between Anderson Street and Carbasse Crescent)
Crommelin Crescent (between Fiveash Street and Kellerman Drive)
Mary Brookes Park car park
Cameron Place
Benny Place

Campbelltown CBD-South

Bolger Street
No. 1 Bolger Street Car Park
Bugden Place
Centennial Drive
Geary Street
Gilchrist Drive (between Menangle Road and Therry Road)
Hyde Parade
No. 3 Bolger Street Macarthur Tavern Car Park and surrounding car parking areas
Kellicar Road (between Geary Street and Narellan Road)
Menangle Road (between Geary Street and Narellan Road)
Narellan Road (between Main Southern Railway and Appin Road)
Parkside Crescent
Parc Guell Drive
Tindal Street

Campbelltown CBD - North

Allman Street (between Queen Street and Moore-Oxley Street)
Anzac Lane
Appey Lane
Badgally Road (between Johnson Road and Farrow Road)
Blaxland Road (between Aldi Supermarket and Rose Street)
Bradbury Avenue (between Queen Street and Moore-Oxley Street)
Broughton Street (between Hurley Street and Moore-Oxley Street)
Browne Street
Camden Road (between rail corridor and Moore-Oxley Street)
Cordeaux Road (between Queen Street and Moore-Oxley Street)
Coogan Lane
Dumaresq Street (between Hurley Street and Moore-Oxley Street)
Farrow Road

Howe Street
Hurley Street (including bus/taxi terminal)
Kellicar Road (between Camden Road and Narellan Road)
Lithgow Street (between Queen Street and Moore-Oxley Street)
Milgate Lane
Narellan Road (between Hurley Street and Appin Road)
Patrick Street
Queen Street (between Chamberlain Street and Camden Road)
Railway Street
Short Street
Unnamed lane 6.1w (Southern Side of Dumaresq Street)

Leumeah

O'Sullivan Road (between Pembroke Road and Old Leumeah Road)
Old Leumeah Road (between O'Sullivan Road and Pembroke Road)
Pembroke Road (between O'Sullivan Road and Rose Payton Drive)
Rose Payton Drive (between Pembroke Road and Airds Road)
Airds Road (between Rose Payton Drive and Plough Inn Road)
Grange Road
Plough Inn Road
Plough Inn Road Commuter Car Park
Hollylea Road
Harbord Road (between Campbelltown Road and Rennie Place) and
Rennie Road

The abovementioned zones are due to expire on 24 December 2013 and therefore in the interest of continuing to promote the safe use of footpaths and carparks within the zones and reduce the potential for alcohol related incidents, it is proposed these zones be re-established.

Officer's Recommendation

1. That a notice be placed in a local paper inviting submissions from any person or group, in response to Council's intention to re-establish Alcohol Free Zones over the streets and footpaths detailed in Attachment 1 to this report for the proposed Alcohol Free Zones of:
 - (a) Airds
 - (b) Ambarvale
 - (c) Bradbury
 - (d) Campbelltown CBD South
 - (e) Campbelltown CBD North
 - (f) Campbelltown East 1
 - (g) Campbelltown East 2
 - (h) Leumeah
 - (i) Menangle Park
 - (j) Rosemeadow 1
 - (k) Rosemeadow 2
 - (l) Ruse
 - (m) St Helens Park 1
 - (n) St Helens Park 2
-

2. That all submissions received during the exhibition period be reported to Council.
3. That should no submissions be received during the exhibition period, advice be given that Council intends to re-establish Alcohol Free Zones over the areas specified in Recommendation 1 above to:
 - (a) The Anti-Discrimination Board
 - (b) The Officer in charge of the Police Station nearest to the zone
 - (c) The liquor licensees and secretaries of registered clubs whose premises border on or adjoin or are adjacent to the proposed zone
 - (d) Any known group that might be affected by the creation of the AFZ.
4. That should no submissions be received a further report be provided to Council on the re-establishment of the Alcohol Free Zones specified in Recommendation 1 at the completion of the period for comment by the organisations/groups listed in Recommendation 3.

Committee's Recommendation: (Rowell/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 March 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 31

That the Officer's Recommendation be adopted.

Councillor Mead asked that his name be recorded in opposition to the resolution in regard to Item 4.3.

5. GENERAL BUSINESS

5.1 Coal Seam Gas

Committee's Recommendation: (Rowell/Matheson)

That Council write to the Premier, Minister for Planning, Minister for Energy and the Local State Members thanking the NSW Government for continually supporting the residents of Campbelltown, listening to their concerns and taking decisive action to prevent any further Coal Seam Gas mining within the Campbelltown Local Government Area.

CARRIED

Council Meeting 26 March 2013 (Greiss/Lake)

That the Committee's Recommendation be adopted.

Amendment (Kolkman/Oates)

That Council write to the Premier, Minister for Planning, Minister for Energy and the Local State Members thanking the NSW Government on the publically announced policy change in respect of Coal Seam Gas mining and urge the government speedily give legal effect to the announced change in policy.

Council Resolution Minute Number 31

That the above amendment be adopted.

Having declared an interest in regard to Item 5.2, Councillor Borg left the Chamber and did not take part in debate nor vote on this item.

5.2 Pensioner Rate Subsidy

Committee's Recommendation: (Greiss/Rowell)

That Council, as part of the 2013 - 2014 budget, increase the rate subsidy to pensioners by \$50.00.

CARRIED

Council Meeting 26 March 2013 (Greiss/Lake)

That the Committee's Recommendation be adopted.

Amendment (Chanthivong/Kolkman)

That an urgent report be presented to the next briefing evening and the next Corporate Governance Committee meeting outlining the financial impact on Council of a \$50 increase to the rate subsidy for pensioners.

Council Resolution Minute Number 36

That the above amendment be adopted.

At the conclusion of the discussion regarding Item 5.2, Councillor Borg returned to the Chamber for the remainder of the meeting.

Note: Councillor Thompson was not in the Chamber during discussion of Item 5.2 and did not take part in debate nor vote on this matter.

Confidentiality Motion: (Rowell/Kolkman)

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

18. CONFIDENTIAL ITEMS

18.1 Confidential Report 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 9.31pm.

G Greiss
CHAIRPERSON
