

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 4 November 2014.

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 4 November 2014

Present

Councillor G Greiss (Chairperson)
Councillor R Kolkman
Councillor D Lound
Councillor A Matheson
Councillor M Oates
Councillor T Rowell
General Manager - Mr P Tosi
Acting Director Planning and Environment - Mr J Baldwin
Manager Community Resources and Development - Mr B McCausland
Manager Compliance Services - Mr P Curley
Manager Waste and Recycling Services - Mr P Macdonald
Acting Manager Development Services - Mr B Leo
Manager Information Management and Technology - Mrs S Peroumal
Acting Coordinator Animal Care Facility - Mr J Greiss
Manager Governance and Risk - Mrs M Dunlop
Executive Assistant - Mrs D Taylor

Apology (Rowell/Matheson)

That the apology from Councillor Thompson be received and accepted.

CARRIED

Also in Attendance

At the conclusion of the City Works Committee Meeting the following Councillors attended the Planning and Environment Committee meeting during discussion of the following items:

Councillor Borg - item 3.3
Councillor Mead - items 3.3 and 4.4
Councillor Hawker - items 3.3 and 4.4
His Worship the Mayor, Councillor Lake - item 4.4.

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 - Nil

Non Pecuniary – Significant Interests - Nil

Non Pecuniary – Less than Significant Interests

Acting Director Planning and Environment - Item 2.3 - Joint Regional Planning Panel Application - Development Application 473/2014/DA-S - Residential Subdivision Bardia - Council's Acting Director Planning and Environment advised that he is reporting to the Joint Regional Planning Panel on this matter and that he will leave the Chamber during the debate.

Acting Manager Development Services - Item 2.3 - Joint Regional Planning Panel Application - Development Application 473/2014/DA-S - Residential Subdivision Bardia - Council's Acting Manager Development Services advised that he is reporting to the Joint Regional Planning Panel on this matter and that he will leave the Chamber during the debate.

1. WASTE AND RECYCLING SERVICES

1.1 'Garden to Garden' Initiative

Reporting Officer

Manager Waste and Recycling Services

Attachments

Nil

Purpose

To provide Council with updated information on the 'Garden to Garden' initiative.

History

At its meeting on 13 November 2012 Council resolved to support the 'Garden to Garden' initiative and, pending approval from Camden and Wollondilly Councils and SITA, make arrangements for the compost giveaway to be implemented at community events in 2013.

Report

The 'Garden to Garden' initiative was developed as a concept jointly between Campbelltown, Camden and Wollondilly Councils, and SITA Australia, who is the contractor responsible for processing of the Macarthur Councils' kerbside-collected garden organics waste.

The concept involved SITA's production of bags of compost made from the garden organics collected from residents, and giving the bags away free of charge at the Councils' community events. The key message of this initiative was 'closing the loop' on recycling. The bags would display the Macarthur Councils' and SITA's logos, along with a circular graphic showing the 'lifecycle' of the organic material: from the resident's garden, to the garden waste bin, to the collection vehicle, to the processing facility, into bags, and back into the resident's garden. This initiative was seen as an excellent opportunity to promote recycling and to engender residents' direct participation in the garden organics lifecycle. Council's Waste and Recycling Services staff and SITA's organics marketing staff worked closely together for some time to develop graphic design for product packaging, and marketing strategies.

Shortly before entering production phase, SITA's marketing staff referred the initiative to its 'in-house' legal department. Based on advice from its legal department, SITA advised the Councils that they could only proceed with the project on the condition that the Councils agreed to enter a formal supply agreement that indemnified SITA against any claims arising from injury or illness resulting from handling or use of the compost product. It should be noted that due to a slight risk of the presence of the Legionnaire's Disease bacteria in compost and potting mix, a voluntary arrangement exists among many suppliers of pre-packaged compost and potting mixes, to include labelled information regarding health risks and appropriate handling precautions.

Council referred the draft supply agreement to its insurer, who advised that the draft was unreasonable and posed an unacceptable risk to Council, especially in light of the fact that SITA already produces and sells compost to commercial customers, and would in all likelihood carry product liability insurance. The Councils endeavoured to negotiate a compromise position with SITA on the issue of indemnity, however have been unable to reach an arrangement acceptable to all parties.

Under the circumstances there has been no further progress on the 'Garden to Garden' initiative. Council will be provided with updated information should there be any further developments.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 11 November 2014 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 214

That the Officer's Recommendation be adopted.

2. SUSTAINABLE CITY AND ENVIRONMENT

2.1 Independent Review of Coal Seam Gas Activities in NSW

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Report to Council's meeting on 15 October 2013 - Initial Report by the Office of the Chief Scientist on the Review of the Coal Seam Gas Industry in NSW (contained within this report)
2. Final Report of the Independent Review of Coal Seam Gas Activities in NSW (contained within this report)

Purpose

To provide Council with a summary of the key issues and recommendations of the Final Report on the 'Independent Review of Coal Seam Gas Activities in NSW' (Final Report) produced by the NSW Chief Scientist and Engineer.

History

On 21 February 2013 the NSW Government announced a package of reforms on the regulation of the coal seam gas industry that included a request for the NSW Office of the Chief Scientist and Engineer (Chief Scientist) to carry out an independent review of all coal seam gas activities in NSW. The Terms of Reference for the Review issued by the NSW Government requested that the Chief Scientist focus on the impacts of coal seam gas activities on human health and the environment. A report (provided in attachment 1) was provided to Council at its meeting on 15 October 2013 on the 'Initial Report by the Office of the Chief Scientist on the Review of the Coal Seam Gas Industry in NSW' released in July 2013 and Council resolved:

"That the information be noted and no further action be taken until the Chief Scientist and Engineer report is presented to Council."

In addition to the release of the 'Initial Report' the NSW Government introduced a number of policy changes to regulate the Coal Seam Gas (CSG) industry as follows:

- appointing the Environment Protection Authority as the lead regulator of environmental and health effects of CSG activity
 - prohibiting evaporation ponds and the use of BTEX chemicals (benzene, toluene, ethylbenzene and xylenes) in drilling and in fracking fluids
 - establishing CSG exclusion zones, banning new coal seam gas activities, within two kilometres of existing residential areas
-

- establishing an Office of CSG to regulate non-environmental issues relating to CSG activity
- development of an Aquifer Interference Policy to afford protection to NSW's crucial water resources, including groundwater systems
- increased and upfront land owner and community consultation through the development of community consultation guidelines and the establishment of a Land and Water Commissioner.

Full details of the developments in Government and related entities since the independent review started can be found in Chapter 2 of the Final Report in attachment 2. Since the release of the 'Initial Report' and prior to the 'Final Report' the Chief Scientist has, as additionally requested by the NSW Government, also investigated and released the following CSG related reports:

- Measuring the cumulative impacts of all activities which impact ground and surface water in the Sydney Water Catchment (30 May 2014)
- Environmental risk & responsibility and insurance arrangements for the NSW CSG industry (30 May 2014)
- Placement of monitoring equipment for water resources in New South Wales (30 June 2014).

The Final Report was released on 30 September 2014 and was accompanied by the following reports and Information Papers on regulatory compliance and managing risk:

- Independent Review of Coal Seam Gas Activities in NSW - Study of Regulatory Compliance Systems and Processes for Coal Seam Gas
- Independent Review of Coal Seam Gas Activities in NSW - Managing environmental and human health risks from coal seam gas activities
- Information Paper: Managing the interface between coal seam gas activities and other land uses
- Information Paper: Fracture stimulation activities
- Information paper: Abandoned wells.

This report provides a summary of the conclusions, findings and recommendations of the Final Report.

Report

1. Conclusions of the Final Report

The Chief Scientist concluded that the technical challenges and risks posed by the CSG industry can in general be managed through:

- careful designation of areas appropriate in geological and land-use terms for CSG extraction
 - high standards of engineering and professionalism in CSG companies
 - creation of a State Whole-of-Environment Data Repository so that data from CSG industry operations can be interrogated as needed and in the context of the wider environment
 - comprehensive monitoring of CSG operations with ongoing automatic scrutiny of the resulting data
-

- a well-trained and certified workforce
- application of new technological developments as they become available.

However, the Chief Scientist further stated that “All of this needs to take place within a clear, revised, legislative framework which is supported by an effective and transparent reporting and compliance regime and by drawing on appropriate expert advice.”

2. Findings of the Final Report

The high-level findings of the review are detailed below:

- Stakeholders have significant concerns.

The following key issues were identified in the Final Report:

- **Land** – rights of access to their land, lack of consultation, inadequate compensation, property value decrease and legacy issues were raised by landowners
- **Water** – impacts on prime agricultural land and reduced food production as a result of depleting aquifers and contaminating groundwater reserves
- **Environmental impacts** – short and long-term negative environmental impacts and who will pay to remediate land, possible impacts on human and animal health
- **Fracking** – impacts on aquifers and contaminating groundwater reserves
- **Consultation** – lack of adequate and respectful consultation
- **Funding** – for local government to provide necessary infrastructure upgrades
- **Legislation** – complex, opaque and inconsistent legislation

Lack of Trust

The following key issues were identified in the Final Report:

- CSG companies are viewed by some as untrustworthy
- Government is perceived by some as favouring the CSG industry
- Information provided by Government and Industry is perceived by some as lacking independence
- Lack of access to raw data is viewed by some with suspicion
- Social tension is created in local communities between those for and against CSG production.

There can be benefits to individuals, industry and communities

The Final Report acknowledged that increasing amounts of locally produced gas helps address concerns about rising gas prices and possible further shortages.

CSG extraction and related technologies are mature and Australia is well equipped to manage their application

The Final Report indicates that Australia has a long history of subsurface extraction of resources which has resulted in the development and refinement of technologies, a good understanding by Australian governments of what is needed to regulate such activities, a diverse range of specialist government agencies and research agencies and a strong track record in water technology innovation and management.

There are things we need to know more about

While Australia has a long history of working in the subsurface, there is still considerable uncertainty associated with the development of any new resource province. A better understanding of the industry impacts at scale and over time is needed. To enable better planning decisions and better management of cumulative impacts, it will be necessary that industry collects and provides to Government significantly more data than at present including data from a wider range of sources. More detailed knowledge of the structure and composition (especially regarding hydrogeology) of the sedimentary basins is needed to enhance productivity for the CSG industry through more precise resource characterisation and better subsurface and surface environmental management.

There is a need to understand better the nature of risk of pollution or other potential short- or long-term environmental damage from CSG and related operations, and the capacity and cost of mitigation and/or remediation and whether there are adequate financial mechanisms in place to deal with these issues. This requires an investigation of insurance and environmental risk coverage, security deposits, and the possibility of establishing an environmental rehabilitation fund. Doing this is essential to ensure that the costs and impacts from this industry are not a burden for the community. Legacy issues, including better understanding of inappropriately abandoned wells, need attention.

Risks can be managed

The Review studied the risks associated with the CSG industry in depth and concludes that:

- provided drilling is allowed only in areas where the geology and hydrogeology can be characterised adequately, and provided that appropriate engineering and scientific solutions are in place to manage the storage, transport, reuse or disposal of produced water and salts
- the risks associated with CSG exploration and production can be managed.

That said, current risk management needs improvement to reach best practice. In particularly sensitive areas, such as in and near drinking water catchments, risk management needs to be of a high order with particularly stringent requirements on companies operating there in terms of management, data provision, insurance cover, and incident-response times.

New knowledge and technologies are becoming available but need to be harnessed to make CSG extraction safer and more productive

Rapid advances in knowledge and technologies in a wide range of fields (especially in information and communication technologies; numerical modelling; geology, geophysics and petroleum engineering; and new materials) are occurring and can be harnessed to improve CSG production efficiency and to minimise adverse impacts. In order to speed the beneficial uptake of new technology developments for an industry as contentious as CSG, the Final Report concludes that Government needs access to such expertise on a permanent basis, such as by creation of a standing committee comprising top experts from relevant disciplines, to advise it when to act on new technology developments as they become available.

There are no guarantees

All industries have risks and, like any other, it is inevitable that the CSG industry will have some unintended consequences, including as the result of accidents, human error, and natural disasters. Industry, Government and the community need to work together to plan adequately to mitigate such risks, and be prepared to respond to problems if they occur.

3. Recommendations of the Final Report

The recommendations of the Final Report are contained in attachment 2 to this report and a summary of each with comment is presented below, grouped according to themes.

Intent, communication, transparency and fairness

Recommendation 1

That Government make clear its intent to establish a world-class regime for extraction of CSG.

Comment:

This recommendation is consistent with the first recommendation from the Initial Report of the Chief Scientist. This recommendation is considered pivotal in setting the scene for the future regulation of the CSG industry which is to be transparent, inclusive, equitable and easy to understand.

Recommendation 2

That Government ensure clear and open communication on CSG matters is maintained at all times.

Comment:

This recommendation is necessary in order to create a world class regime to be established in accordance with Recommendation 1.

Recommendation 3

That Government investigate as a priority a range of practical measures for implementation (or extension of current measures) to allow affected communities to have strengthened protections and benefits including fair and appropriate, land access arrangements, compensation and funding.

Comment:

This recommendation would overcome many of the stakeholder concerns presented as part of the high level findings of the Final Report.

Recommendation 4

That the full cost to Government of the regulation and support of the CSG industry be covered by the fees, levies, royalties and taxes paid by industry, and an annual statement be made by Government on this matter as part of the Budget process.

Comment:

This recommendation is consistent with the user/polluter pay principle.

Legislative and regulatory reform and appropriate financial arrangements

Recommendation 5

That Government use its planning powers and capability to designate those areas of the State in which CSG activity is permitted to occur, drawing on appropriate external expertise as necessary.

Comment:

This recommendation would provide certainty to many communities within NSW and enable resources to be allocated appropriately to these specific areas where CSG activity is to occur.

Recommendation 6

That Government move to a single Act for all onshore subsurface resources (excluding water) in the State, constructed to allow for updating as technology advances. This will require a review of all major Acts applying to the resources sector.

Comment:

This recommendation would simplify the regulatory landscape by having a unified and consolidated 'one stop shop' for the regulation of subsurface extractive industries.

Recommendation 7

That Government separate the process for allocation of rights to exploit subsurface resources (excluding water) from the regulation of the activities required to give effect to that exploitation (i.e. exploration and production activities); and that it establish a single independent regulator.

Comment:

The separation of these functions will aid in regulation transparency.

Recommendation 8

That Government move towards a target and outcome-focused regulatory system, with three key elements: regularly reviewed environmental impact and safety targets optimised to encourage uptake of new technologies and innovation; appropriate and proportionate penalties for non-compliance and automatic monitoring processes.

Comment:

This recommendation would ensure a world-class regime focused on best practice, continuous improvement, technology advances supported by continuous monitoring.

Recommendation 9

That Government consider a robust and comprehensive policy of appropriate insurance and environmental risk coverage of the CSG industry to ensure financial protection short and long term. Government should examine the potential adoption of a three-layered policy of security deposits, enhanced insurance coverage, and an environmental rehabilitation fund.

Comment:

This recommendation would provide greater security to the community and the environment by ensuring there are appropriate mechanisms to fund environmental rectification projects.

Managing risk by harnessing data and expertise

Recommendation 10

That Government commission the design and establishment of a Whole-of-Environment Data Repository for all State environment data including all data collected according to legislative and regulatory requirements associated with water management, gas extraction, mining, manufacturing, and chemical processing activities.

Comment:

This recommendation is necessary in order to understand the cumulative impacts of major developments upon the environment. The collection of this data would make future environmental assessments simpler and cheaper to perform and more accurate as data would be readily available based on existing examples.

Various legislative amendments or other incentives will be needed to direct all environment data to the Repository.

Recommendation 11

That Government develop a centralised Risk Management and Prediction Tool for extractive industries in NSW. This would include a risk register, a database of event histories, and an archive of Trigger Action Response Plans. The tool would be updated annually based on Government and company reporting and would include information on risk management and control approaches and draw on data from the Whole-of-Environment Data Repository for the State.

Comment:

This recommendation would improve environment and community safety through assessment of new proposals, reviewing compliance, improving prediction capability for consequences of incidents in risk assessments and informing the calculation of cumulative impacts of CSG activities.

Recommendation 12

That Government establish a standing expert advisory body on CSG (possibly extended to all the extractive industries). This body should comprise experts from relevant disciplines, particularly information and communication technologies and the earth and environmental sciences and engineering, but drawing as needed on expertise from the biological sciences, medicine and the social sciences.

Comment:

This recommendation, while considered beneficial, would require detailed investigation, planning and administration to implement to ensure its overall effectiveness.

Recommendation 13

That Government establish a formal mechanism consisting of five parallel but interacting steps. The five steps are given below.

- Companies seeking to mine, extract CSG or irrigate as part of their initial and ongoing approvals processes should, in concert with the regulator, identify impacts to water resources, their pathways, their consequence and their likelihood, as well as the baseline conditions and their risk trigger thresholds before activities start. These analyses and systems should be incorporated in project management plans to meet regulator-agreed targets. Appropriate monitoring and characterisation systems would be developed as part of these project management plans and then installed. The monitors would measure baseline conditions and detect changes to these, as well as providing data on impacts and triggered risk thresholds
- Data from the monitors should be deposited (either automatically or in as close to real time as possible) in the State Whole-of-Environment Data Repository by all the extractive industries
- As a separate process, the expert advisory body would examine on a frequent basis all data relevant to a region or a sedimentary basin
- In a parallel process, the Government should commission, construct and maintain a variety of models of each region and in particular one that seeks to address cumulative impacts
- Government, working with other appropriate Australian governments, should commission formal scientific characterisation of sedimentary basins starting with the East Coast basins, and concentrating initially on integration of groundwater with the geological, geophysical and hydrological context.

Comment:

This recommendation would ensure that appropriate baseline and ongoing monitoring data is captured and analysed by independent experts to identify and mitigate any impacts on ground and surface water resources.

Training and certification

Recommendation 14

That Government ensure that all CSG industry personnel, including subcontractors working in operational roles, be subject to ongoing mandatory training and certification requirements. Similarly, public sector staff working in compliance, inspections and audits should be given suitable training and, where appropriate, accreditation.

Comment:

This recommendation would result in an increase in and consistency of knowledge in CSG operations which could lead to a reduction in impacts on the environment and community.

Legacy and consistency matters

Recommendation 15

That Government develop a plan to manage legacy matters associated with CSG. This would need to cover abandoned wells, past incomplete compliance checking, and the collection of data that was not yet supplied as required under licences and regulations. There will also need to be a formal mechanism to transition existing projects to any new regulatory system.

Comment:

This recommendation would ensure that any abandoned, partially complete or rehabilitated CSG operations are identified for continued monitoring.

Recommendation 16

That Government consider whether there needs to be alignment of legislation and regulation governing extraction of methane as part of coal mining and the application of buffer zones for gas production other than CSG with the relevant legislation and regulation provisions governing CSG production.

Comment:

This recommendation, if alignment of legislation occurred, would remove a perceived regulatory anomaly between the two industries that capture and use CSG.

Conclusion

The Chief Scientist in September 2014 released a Final Report into her one and one half year review of CSG activity in NSW. The Chief Scientist concluded that the technical challenges and risks posed by the CSG industry can in general be managed provided there is a clear, revised, legislative framework which is supported by an effective and transparent reporting and compliance regime and by drawing on appropriate expert advice.

The Final Report builds on the Initial Report released in July 2013 and provides details of a number of major findings which are addressed by 16 detailed and comprehensive recommendations. These recommendations, if implemented, would provide a world class regime that would address Council's previous concern that coal seam gas activities should not proceed until such time as conclusive evidence indicates that the Campbelltown community and the environment can be protected from any adverse impacts of coal seam gas extraction.

While many of the recommendations seek to improve communication and transparency, implement legislative and regulatory reform and introduce training and certification requirements, it appears that recommendations 10 – 13, which are designed to manage risk through the establishment of a Whole-of-Environment Data Repository for all State environment data, will require significant change in current data collection, analysis and reporting and will require detailed technical, administration and financial support mechanisms to be developed to aid their implementation.

It is noted that the NSW State Government has not as yet released a public statement on the Final Report and its recommendations and it is therefore considered that until such time as this occurs that Council notes the Final Report and the recommendations.

Officer's Recommendation

That Council notes the Final Report – Independent Review of Coal Seam Gas Activities in NSW by the NSW Chief Scientist and Engineer and the recommendations.

Committee's Recommendation: (Lound/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 11 November 2014 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 214

That the Officer's Recommendation be adopted.

ATTACHMENT 1



Planning and Environment Committee Meeting 08/10/13

**TITLE Initial Report by the Office of the Chief Scientist on the Review
 of the Coal Seam Gas Industry in NSW**

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Terms of Reference for the Review issued by the NSW Government (contained within this report)
2. Executive Summary of the Initial Report (contained within this report)
3. Recommendations of the Initial Report (contained within this report)
4. Draft letter to the NSW Premier requesting a prompt NSW Government response to the findings and recommendations of the Initial Report (contained within this report)
5. Draft letter to the Office of Chief Scientist expressing support to the Initial Report and seeking further discussions regarding its findings and recommendations (contained within this report)

Purpose

1. To provide Council with a summary of the key issues and recommendations of the Initial Report on the 'Independent Review of Coal Seam Gas Activities in NSW' (the Review) produced by the NSW Chief Scientist and Engineer.
2. To seek Council endorsement of a recommended response to the findings and recommendations of the Initial Report.

History

Council has adopted a strong position on both the Camden Gas Project and issues associated with the coal seam gas industry in general within the Campbelltown Local Government Area (LGA) in recent years. In this regard, Council at its Ordinary Meeting held 26 February 2013, considered a report that (in part) provided an overview of recent Council initiatives regarding this industry. The report also outlined the package of reforms announced by the NSW Government on 19 February 2013 on the regulation of the coal seam gas industry that included a request for the NSW Office of the Chief Scientist and Engineer (Chief Scientist) to carry out an independent review of all coal seam gas activities in NSW. This report also referred to a resolution of Council at its meeting on 18 December 2012 that 'Council lead, organise, support and promote a No Coal Seam Gas in Macarthur community protest rally'.

Council resolved at this meeting:

'That Council's upcoming rally be deferred until the Chief Scientist's and Engineer's Report is published and further information is received in relation to Coal Seam Gas

Regulations and what those proposed regulations mean in relation to the Environmental Protection Authority being the lead regulator of environmental and health impacts with responsibility for compliance and enforcement.'

A Planning and Environment Councillors weekly memo (dated 2 August 2013) advised that the Initial Report on the Review (the Initial Report) had been publicly released and would be the subject of a detailed report to Council. A Report on the Chief Scientists initial report was presented to Councils meeting on 10 September 2013 where the matter was deferred to enable the Councillors to be briefed on the matter. A subsequent briefing took place at the briefing session on the 24 September 2013. This report recommends that Council reaffirm its adopted position on both the Camden Gas Project and the coal seam gas industry in general, in response to the findings and recommendations of the Initial Report.

Report

Introduction

The Terms of Reference (ToR) for the Review issued by the NSW Government (presented in attachment 1) requested that the Chief Scientist focus on the impacts of coal seam gas activities on human health and the environment. The Review is comprised of a number of components including a review of existing literature, reports and research, case studies of coal seam gas projects (including the Camden Gas Project), consultation with stakeholders and commissioning of research papers. The Initial Report provides findings on completed components and a description of the status of the uncompleted components.

The Chief Scientist as well as staff members assisting in the Review (the Review Team) met with Council Officers on 1 July 2013 as advised in the presentation provided to Councillors at the briefing session held on 23 July 2013. Officers outlined the position and concerns of Council regarding coal seam gas extraction activities within the Campbelltown LGA at this meeting. A separate subsequent meeting with members of community groups organised by the Office of Scientist was held at Council's Civic Centre. Three on-site inspections of approved coal seam gas projects, including operations of the Camden Gas Project fields with representatives of AGL were carried out by the Review Team.

The Initial Report

The 160 page Initial Report (including Appendices) discusses 11 key issues associated with the coal seam gas industry in NSW. The Initial Report also provides a description of the controversy that has enveloped the coal seam gas industry in NSW in recent years, which it labels as 'the Perfect Storm'. A copy of the Executive Summary is presented in attachment 2, while a full copy of the Initial Report can be viewed on the website of the Chief Scientist at <http://www.chiefscientist.nsw.gov.au/coal-seam-gas-review/initial-report-july-2013>

The initial report (in essence), provides a succinct status report on current risks, issues and technology associated with the coal seam gas industry in NSW, from a scientific perspective. The Initial Report advises that subsequent stages of the Review will focus on principles that could underpin coal seam gas exclusion zones, international best practices, and research studies on the management and mitigation of risks associated with coal seam gas extraction activities. The initial report includes a number of references to the NSW Government's Strategic Regional Land Use Policy (SRLUP) but does not provide any specific findings on its adequacy as a regulatory environment for the coal seam gas industry in NSW.

- a) Summary of key issues discussed in the initial report
-

The key issues considered in the initial report which have been previously raised by Council's submissions include land access and property Issues, geology and CSG, CSG extraction processes and technologies, water, subsidence, fugitive emissions and air quality, health, safety, cumulative impacts and data. Earthquakes (potentially induced by coal seam gas extraction activities) and work safety issues associated with the coal seam gas industry are also discussed. The initial report also summarises a study commissioned by the Chief Scientist to analyse community concerns related to the coal seam gas industry in NSW.

A key theme of the discussion on these issues was the significant deficiencies that exist within the monitoring of the different components of coal seam gas operations and the imperativeness of this data being made publicly available in a suitable format for the community. A further key theme was the level of community distrust that existed regarding the coal seam gas industry overall, and the need for transparency within both the regulation and operation of the industry, to address this community distrust.

b) Summary of key findings and conclusions

The findings of the initial report provide an insight into the viewpoint of the Chief Scientist on the risks to the environment and community health from coal seam gas extraction activities as well as the adequacy of current technology, scientific knowledge and regulatory regimes in managing and mitigating these risks. The provision of findings on the adequacy of the AGL fugitive emissions and expanded groundwater program, which was reported to Council at its meeting on 21 May 2013, was not included into the ToR for the Review. However, the initial report does provide broad comments regarding the required design and scientific base for such programs.

It is appropriate that Council recognise that AGL has initiated activities that are consistent with certain findings of the Chief Scientist's Initial Report such as the commencement of a fugitive emissions monitoring program in the Camden Gas Project Area. However, the findings and conclusions of the Initial Report are noted to be consistent with related issues raised in Council submissions and associated resolutions on the Camden Gas Project and the coal seam gas industry in general. The findings of the initial report are therefore considered to have validated a wide range of Council actions and resolutions including those as summarised in Table 1.

Table 1: Key findings and Council actions and resolutions validated by these findings

Initial Report Finding	Council action validated by the finding
The controversy surrounding the coal seam gas industry has been primarily fuelled by the failure of industry and government at all levels to adequately address community concerns before proceeding with the development.	Requested the NSW Government consider the issues raised by the community at the community information forums organised by Council. (Council Resolution 13 August 2013 - Coal Seam Gas Community Information Forums).
Further research is required to build our understanding of risks to groundwaters associated with coal seam gas activities. Further work to understand health risks associated with these activities is also warranted.	Advised the NSW Government of concerns with the assessment of potential impacts to groundwaters (based upon specialist advice) and human health. (Council Resolutions 18 October 2011 – AGL Groundwater Investigation and Sampling Program; 13 December 2013 – Submission on the Application for the Installation of a Proposed Additional Gas Extraction Well at Menangle Park; 18 December 2012 –

	Camden Gas Response to Submissions Report).
Initial Report Finding	Council action validated by the finding
There is a requirement for further research, baseline and ongoing monitoring to understand the level of fugitive methane emissions from the coal seam gas industry.	Requested the NSW Government to establish an Independent Inquiry into fugitive methane emissions from coal seam gas extraction activities. (Council Resolution 18 December 2012 – Camden Gas Response to Submissions Report).
The NSW Government has significant work to do in getting the policy settings right and building the trust of the public (in both government and industry).	Expressed strong opposition to the NSW Government's view that the Strategic Regional Land Policy provides 'a comprehensive regulation for the coal seam gas industry'. (Council Resolution 26 February 2013 – Response of the NSW Government to the Parliamentary Inquiry into Coal Seam Gas).
There is an absence of scientific guidelines for monitoring programs but such programs should be designed to achieve a groundwater system in a lateral and vertical context.	Requested the NSW Government to address the adequacy of the scientific base for the AGL expanded groundwater and fugitive methane emissions monitoring programs due to deficiencies in providing a comprehensive understanding of the groundwater system. (Council Resolution 18 December 2012 – Camden Gas Response to Submissions Report).

The initial report broadly concludes that the coal seam gas industry is a new industry that needs cooperation between government and the community to address outstanding areas of scientific uncertainty. The conclusion of the initial report is noted to state in this regard 'that the need for scientific and regulatory solutions of a high order to enable coal seam gas activities to achieve high standards of environmental care and human safety cannot be emphasised too strongly'. These conclusions are also considered to validate the actions and resolutions of Council as summarised in Table 1.

Council comment:

It is considered the validation of a wide range of Council actions and resolutions by the findings and conclusions of the initial report will be of benefit to Council in its representations with the NSW Government, Government Agencies as well as AGL regarding issues associated with coal seam gas activity in the Campbelltown LGA. This benefit is considered to be enhanced as a consequence of the Initial Report being produced by an organisation appointed by the NSW Government to provide policy decisions requiring independent science and engineering input.

c) Recommendations of the initial report

The overall philosophy behind the recommendations of the initial report is 'to assist the NSW Government in building trust in the wider community regarding its intention and capacity to oversee the coal seam gas industry'. Within this philosophy, the initial report contains one broad recommendation 'that the Government commits to establishing a regime for extraction of coal seam gas that is world class'. The initial report also contains four other subsidiary

recommendations which have been identified by the Chief Scientist as being of relatively low expense and requiring implementation as a high priority to establish an adequate basis for this recommended regime.

The full recommendations and list of suggested components of the recommended regime as well as the characteristics of a recommended data repository by the Chief Scientist is presented in attachment 3. Officers understand from discussions with a representative of the Chief Scientist that the NSW Government is not legally compelled to provide a response to the initial report, however, it is expected that a response will be provided at a timeframe yet to be determined.

Council comment

The recommendations of the initial report are broadly consistent with Council's resolutions submissions regarding the Camden Gas Project and the coal seam gas industry in general and should therefore be broadly supported by Council. In addition, it could be inferred from the recommendation of the Initial Report that the Chief Scientist would appear to agree with Council's view that the NSW Government's Strategic Regional Land Use Policy does not provide an adequate scientific based regulation of the coal seam gas industry in NSW.

The suggested components of the regulatory regime (listed in attachment 3) are seen to have merit insofar as achieving an adequate regulatory regime for the coal seam gas industry. However, it is considered that a further meeting with the Chief Scientist would be of benefit in enabling the specific issues and concerns of Council to be considered in the refinement of the suggested components of the regulatory regime during subsequent stages of the review.

Such a meeting would also provide a suitable opportunity to discuss the views of the Chief Scientist specifically in regard to the AGL fugitive emissions and expanded groundwater monitoring programs. A representative of the Chief Scientists Office has indicated a willingness to attend such a meeting with Council officers.

Recommended Council response to the findings and recommendations of the Initial Report

Council's previously adopted position on the coal seam gas industry is considered to be generally consistent with the findings and recommendations contained in the Chief Scientist's Initial Report. It is therefore recommended that Council reaffirm the following resolutions regarding this industry:

'That Council states its opposition to Coal Seam Gas exploration and mining in the Campbelltown Local Government Area.'

'That Council advise the NSW Government that Council continues to have the view that no licences for coal or mining applications be issued until such time as scientific evidence guarantees that such activities do not compromise the environment or health of the community'.

It is further recommended that Council reaffirm the resolution made at its 26 February 2013 meeting (stated at the commencement of this report) to defer the holding of a 'No Coal Seam Gas Rally'. This recommended response is in light of the need for additional scientific research to be undertaken regarding aspects of the coal seam gas industry identified by the Initial Report as well as its recommendation that the NSW Government commit to establishing a regulatory regime that is world class.

It is also considered appropriate that Council communicate its support for the report's findings and recommendations to the NSW Government. A draft letter to the NSW Premier has therefore been prepared (presented in attachment 4) which advises that Council has reaffirmed its position on the coal seam gas industry and requests a prompt response from the NSW Government to the findings and recommendations of the initial report.

In addition, a draft letter to the Chief Scientist has also been prepared and is presented in attachment 5. This draft letter expresses support to the findings and recommendations of the Initial Report and seeks further discussion regarding the refinement of suggested components of the recommended regulatory regime for the coal seam gas industry. It also seeks the views of the Chief Scientist on the AGL fugitive emissions and expanded groundwater monitoring programs.

Conclusion

The initial report produced by the Chief Scientist on the Review of the Coal Seam Gas Industry in NSW provides a succinct overview of current risks and issues associated with the coal seam gas industry as well as current research and technology from a scientific perspective. Subsequent stages of the review will focus on best practice principles and research studies regarding the management and mitigation of risks associated with coal seam gas extraction activities.

The initial report contains a number of key findings that are considered to validate issues that have been raised and associated resolutions by Council with regard to the Camden Gas Project, the regulatory regime introduced by the NSW Government for the coal seam gas industry, and the scientific uncertainty regarding potential risks to human health and the environment presented by this industry. It is considered this validation will be of high benefit to Council in its representations with the NSW Government, Government Agencies and AGL regarding issues associated with coal seam gas activity in the Campbelltown LGA. This report recommends that Council reaffirm previous resolutions that define its position regarding the coal seam gas industry as well as its resolution to defer the holding of a 'No Coal Seam Gas Rally' in response to the findings and recommendations of the Initial Report.

The recommendation of the Initial Report, 'that the NSW Government commits to establishing a regime for extraction is world class' should be supported. However, pursuant to the consideration of this report, it is recommended that Council endorse draft correspondence to the Chief Scientist that seeks further discussions regarding the suggested components of the recommended regulatory regime as well as the AGL monitoring programs. This report also recommends that Council endorse further draft correspondence to the NSW Premier that advises Council has reaffirmed its position regarding the coal seam gas industry and requests a prompt response from the NSW Government to the findings and recommendations of the initial report.

Officer's Recommendation

1. That Council reaffirm the following previous resolutions in response to the findings and recommendations of the Initial Report on Coal Seam Gas produced by the NSW Chief Scientist and Engineer:

'That Council states its opposition to Coal Seam Gas exploration and mining in the Campbelltown Local Government Area'

'That Council continues to have the view that no licences for coal or mining applications be issued until such time as scientific evidence guarantees that such activities do not compromise the environment or health of the community'

2. That Council reaffirm its resolution to defer holding a 'No Coal Seam Gas Rally' in response to the need for additional scientific research identified by the Initial Report as well as its recommendation that the NSW Government commit to establishing a regulatory regime that is world class.
 3. That pursuant to Recommendation 1, Council endorse the attached correspondence to the NSW Premier (presented in attachment 4).
 4. That Council endorse the attached correspondence to the NSW Chief Scientist and Engineer (presented in attachment 5).
-

APPENDICES

APPENDIX 1 TERMS OF REFERENCE

Review of coal seam gas activities in NSW

At the request of the NSW Government, the NSW Chief Scientist & Engineer will conduct a review of coal seam gas (CSG) related activities in NSW, with a focus on the impacts of these activities on human health and the environment.

The Chief Scientist & Engineer is to:

1. undertake a comprehensive study of industry compliance involving site visits and well inspections. The Chief Scientist's work will be informed by compliance audits undertaken by regulatory officers, such as the Environment Protection Authority and other government agencies
2. identify and assess any gaps in the identification and management of risk arising from coal seam gas exploration, assessment and production, particularly as they relate to human health, the environment and water catchments
3. identify best practice in relation to the management of CSG or similar unconventional gas projects in close proximity to residential properties and urban areas and consider appropriate ways to manage the interface between residences and CSG activity
4. explain how the characteristics of the NSW coal seam gas industry compare with the industry nationally and internationally
5. inspect and monitor current drilling activities including water extraction, hydraulic fracturing and aquifer protection techniques
6. produce a series of information papers on specific elements of CSG operation and impact, to inform policy development and to assist with public understanding. Topics should include:
 - operational processes
 - NSW geology
 - water management
 - horizontal drilling
 - hydraulic fracturing (fracking)
 - fugitive emissions
 - health impacts
 - wells and bores
 - subsidence.

The NSW Chief Scientist & Engineer will provide an initial report to the Premier and the Minister for Resources and Energy on her findings and observations by July 2013.

EXECUTIVE SUMMARY

The independent review of coal seam gas (CSG) activities in NSW by the NSW Chief Scientist & Engineer commenced in late February 2013. This is the initial report of the Review, which was requested by July 2013.

Based on consultations and submissions to date, the Review makes a small number of recommendations aimed at improving the information available to the community and assisting the Government to build confidence that it has the intention and capacity to oversee a safe CSG industry.

CSG is a complex and multi-layered issue which has proven divisive chiefly because of the emotive nature of community concerns, the competing interests of the players, and a lack of publicly-available factual information.

The debate has been fuelled by unanswered concerns surrounding landholders' legal rights, land access and use; human health; the environment, particularly relating to impacts on water; engineering and operational processes; and industry regulation and compliance. These issues remain matters of contention.

The challenges faced by government and industry are considerable and a commitment from all parties will be required to improve the existing situation and build trust with the community.

From a technical and scientific standpoint, many challenges and risks associated with CSG are not dissimilar to those encountered in other energy and resource production, and water extraction and treatment.

Some challenges are well defined and can be effectively managed through high standards of engineering and rigorous monitoring and supervision of operations.

Other challenges relating to long-term and cumulative environmental impacts are less obvious and require a commitment to significant and ongoing research, as well as a consequent evolution of engineering practice.

This initial report aims to explore the many issues of community concern – drawing on material learned through listening to stakeholders and applying an evidence-based approach to problems.

Based on the work done to date by the Review, this report recommends the NSW Government commit to adopting a vigilant, transparent and effective regulatory and monitoring system to ensure the highest standards of compliance and performance by the CSG industry.

As a first step, the Government needs to institute a strong and sophisticated policy for data collection and data handling, and establish a whole-of-environment data repository.

The Government should also implement stronger conditions around the training of CSG operators, and champion further research on the unanswered questions around the science of CSG.

There is, however, more work to do.

Based on preliminary investigations, the Review will continue the industry compliance study and the study of best practice in unconventional gas extraction technologies and regulation. It will also commission studies on risk and on exposure pathways for chemicals and contaminants.

In addition, the Review has identified areas around land owner compensation, company insurance and operator penalties which could be strengthened and, as such, has commissioned further legal work in these areas.

The issue of CSG in NSW is a very tough one with many complicated parts. A commitment to sound policy implementation based on highly developed data and further research to fill the knowledge gaps will be essential.

RECOMMENDATIONS

Recommendation 1

That the Government commits to establishing a regime for extraction of coal seam gas that is world class. This involves inter alia:

- *clear public statements of the rationale/need for coal seam gas extraction (including, for example, within the State planning policies on energy and resources; environment and conservation; infrastructure; hazards; agricultural and rural resources; and development assessment being developed following the 2013 White Paper, a New Planning System for NSW)*
 - *insisting on world best practice in all aspects and at all stages (exploration, production, abandonment) of CSG extraction*
 - *sending a clear message to industry that: CSG extraction high performance will be mandatory; compliance with legislation will be rigorously enforced; and transgressions will be punished with published high fines and revocation of licences as appropriate*
 - *treating coal seam gas extraction in NSW as a complex system with appropriate mechanisms to estimate risk both in toto and locally on a dynamic basis*
 - *having a clear, easy-to-navigate legislative, compliance and monitoring framework that evolves over time to incorporate new engineering and science developments*
 - *high levels of transparency*
 - *having a fair system for managing land access and compensation for those whose land is affected by coal seam gas activities*
 - *maintaining reliable, complete, current and authoritative data on all aspects of CSG and having this data held in a central, comprehensive, spatially-enabled, open, whole-of-environment data repository. All data collected by the private and public sectors relevant to CSG extraction, coal, other mining, and water would be sent directly to the repository. Such a repository supports transparency and enables rapid compliance checking, fast response to alarms and accidents, increased understanding of cumulative impacts, and research on complex issues*
 - *developing within government a system to assess cumulative impacts of multiple industries operating in sensitive environments with formal assessments being updated annually with any major problems identified being addressed promptly*
 - *the Ministry of Health continuing to monitor any unusual symptoms reported in areas where coal seam gas is being extracted and looking for correlations with changing environmental factors*
 - *committing to high levels of monitoring with an understanding that the amount and sophistication of monitoring is likely to increase rather than decrease over time as sensors become even cheaper and communications and data technologies become even better*
 - *adjusting on a regular basis industry levies, bonds and insurance to make sure all financial costs of overseeing the State's coal seam gas system and maintaining infrastructure are covered, as are all contingencies and making sure industry understands that fees can be adjusted at annual notice*
 - *ensuring all coal seam gas companies have structures in place to ensure full legislative compliance not only by themselves but also by any subcontractors they retain*
 - *ensuring all those working in the coal seam gas industries have appropriate training and certification*
-

- *ensuring those working in the public sector on CSG legislation and compliance are provided with a sound compliance and monitoring framework within which to operate, and given appropriate on-the-job training to ensure up-to-date knowledge of this fast-moving industry and of latest developments in monitoring and compliance worldwide*
- *commitment to ramping up research on difficult issues such as continuing to develop comprehensive and detailed models of the State's underground water and how to build robust engineering approaches to assessing cumulative impact of multiple industries affecting underground resources in a dynamic way*
- *working closely and continuously with the community, industry, industry bodies, and research organisations to keep the coal seam gas system in NSW up to world standard.*

Recommendation 2

That Government commission the design and establishment of a whole-of-environment data repository for all State environment data including all data collected according to legislative and regulatory requirements associated with water management, gas extraction, mining, manufacturing, and chemical processing activities. This repository would, as a minimum, have the following characteristics:

- *have excellent curatorial systems*
- *be designed and managed by data professionals to highest world quality data-handling standards*
- *be open except for limited exceptions where the data is commercial-in-confidence and to which access is restricted to varying degrees*
- *be not only accessible by all under open-data conventions but also able to accept citizen data input*
- *be able to be searched in real time*
- *be spatially enabled*
- *hold all data electronically*
- *hold data of many diverse formats including text, graphics, sound, photographic, video, satellite, mapping, electronic monitoring data, etc.*
- *be the repository of all research results pertaining to environmental matters in NSW along with full details of the related experimental design and any resulting scientific publications and comments*
- *be the repository of historical data with appropriate metadata*
- *for all bodies governed by relevant legislation, generate an automatic deposit schedule, and notify the regulator and the organisation involved automatically of overdue deposits.*

That any legislation amendments needed to direct all environment data to the Data Repository are undertaken.

Recommendation 3

That a pre-major-CSG whole-of-State subsidence baseline be calculated using appropriate remote sensing data going back, say, 15 years. And that, from 2013 onwards, an annual whole-of-State subsidence map be produced so that the State's patterns can be traced for the purpose of understanding and addressing any significant cumulative subsidence.

Recommendation 4

That all coal seam gas industry personnel including subcontractors working in operational roles be subject to mandatory training and certification requirements and that these mandatory training and certification requirements be included in the codes of practice relevant to CSG.

Recommendation 5

That the Government continue and extend its role as a champion of research relevant to the hard problems related to under-earth especially the development of sophisticated predictive underground models and a formalisation of engineering processes for cumulative impact assessment. The Government should not only lead by example in encouraging and funding such research to be undertaken and discussed in NSW, but should exhort other governments and organisations to take a related approach through mechanisms such as COAG and international partnerships.



16 October 2013

The Hon. B O'Farrell MP
Premier of NSW
Level 40 Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2001

Dear Mr O'Farrell

Independent Review of Coal Seam Gas Activities in NSW by the NSW Office of the Chief Scientist and Engineer

At its meeting on 15 October 2013 Council considered a report on the Initial Report of the Independent Review of Coal Seam Gas Activities in NSW by the NSW Office of the Chief Scientist and Engineer. The Initial Report is viewed by Council as validating a wide range of Council's concerns and actions in relation to the Camden Gas Project and the coal seam gas industry in NSW. A summary of these actions is provided in Table 1 (see attached) for your information.

In response to the findings and recommendations of the Initial Report Council resolved that Council reaffirm the following previous resolutions in response to the findings and recommendations of the Initial Report produced by the Chief Scientist:

'That Council states its opposition to Coal Seam Gas exploration and mining in the Campbelltown Local Government Area'

'That Council continues to have the view that no licences for coal or mining applications be issued until such time as scientific evidence guarantees that such activities do not compromise the environment or health of the community'

Council is also seeking a prompt response from the NSW Government to the findings and recommendations of the Initial Report.

If you require any further information please contact Council's Manager Sustainable City and Environment, Andrew Spooner, on (02) 4645 4598.

Yours sincerely

Jeff Lawrence
Director Planning and Environment

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ABN 31 459 914 087

Table 1: Initial Report findings corresponding to validated Council actions

Initial Report finding	Council action validated by the finding	Source of Council action
Further research is required to build our understanding of risks to groundwaters associated with coal seam gas activities. Further work to understand health risks associated with these activities is also warranted.	Raised deficiencies in the assessment of potential impacts to groundwaters (based on specialist advice) as well as human health in regard to the Camden Gas Project.	Council submission on the Camden Gas Project Stage 3 Application (dated 20 December 2010) and Camden Gas Response to Submissions Report (dated 16 January 2013).
There is a requirement for further research, baseline and ongoing monitoring to understand the level of fugitive methane emissions from the coal seam gas industry.	Requested the NSW Government establish an independent inquiry into fugitive methane emissions from coal seam gas extraction activities.	Resolution at a Council meeting of 18 December 2012.
The NSW Government has significant work to do in getting the policy settings right and building the trust of the public (in both government and industry).	Expressed strong opposition to the NSW Government's expressed view that the Strategic Regional Land Policy provides 'a comprehensive regulation for the coal seam gas industry'.	Resolution at a Council meeting of 26 February 2013.
There is an absence of scientific guidelines for monitoring programs but such programs should be designed to achieve a comprehensive understanding of a groundwater system in a lateral and vertical context.	Requested the adequacy of the scientific basis of the AGL expanded groundwater and fugitive methane emissions monitoring programs be investigated due to a failure to provide a comprehensive understanding of the groundwater system.	Resolution at a Council meeting of 21 May 2013.
The controversy surrounding the coal seam gas industry has been primarily fuelled by the failure of industry and government at all levels to adequately address community concerns before proceeding with the development.	Requested the NSW Government consider the issues raised by the community at the information forums coordinated by Council in its deliberations regarding issues associated with the coal seam gas industry.	Resolution at a Council meeting of 13 August 2013.



16 October 2013

Ms M O'Kane
The Chief Scientist
The NSW Office of the Chief Scientist and Engineer
GPO Box 5477
SYDNEY NSW 2001

Dear Ms O'Kane

Independent Review of Coal Seam Gas Activities in NSW

I am writing to you in regard to the public release of the Initial Report on the Independent Review of Coal Seam Gas Activities in NSW. Council would like to express its appreciation for the opportunity to make comment on the Initial Report and the consultation conducted by representatives of the NSW Office of the Chief Scientist and Engineer (the Office) with Council staff at a meeting on 1 July 2013.

The Initial Report was the subject of a detailed report to Council at its meeting on 16 October 2013. The Council report broadly supported the findings and recommendations of the Initial Report. However Council continues to have concerns regarding regulatory and monitoring programs associated with the industry. Council is therefore seeking a meeting with representatives of the Office to discuss:

- the refinement of the regulatory regime recommended in the Initial Report to incorporate the specific issues and concerns of Council
- the adequacy of the scientific basis of the AGL fugitive methane emissions and expanded groundwater monitoring program, that was the subject of Council correspondence to the Office (dated 28 May 2013).

It would be appreciated if a representative of the Office could contact Council's Senior Environmental Officer, David Henry, on (02) 4645 4214 to discuss the proposed meeting.

Yours sincerely

Jeff Lawrence
Director Planning and Environment

ATTACHMENT 2



**Chief Scientist
& Engineer**

Final Report of the Independent Review of Coal Seam Gas Activities in NSW

September 2014



www.chiefscientist.nsw.gov.au/coal-seam-gas-review



**Chief Scientist
& Engineer**

The Hon Michael Baird MP
Premier
Minister for Infrastructure
Minister for Western Sydney
Parliament House
SYDNEY NSW 2000

Dear Premier,


Final Report – Independent Review of Coal Seam Gas Activities in NSW

In February 2013 your predecessor wrote requesting I undertake an independent review of coal seam gas activities in NSW. I now submit the final report of that Review.

This report presents the Review's findings and recommendations. Detailed support for the outcomes of the Review is provided in the accompanying reports and information papers released as part of the Review.

In presenting this final report I wish again to acknowledge the assistance of many people – the experts who advised the Review; those who took the time to write submissions or talk to my team; colleagues from government departments in NSW and other jurisdictions; colleagues in industry, research organisations, learned academies and professional associations; and the CSG review team itself which worked hard to make sense of a complex and contentious issue.

Yours sincerely,

 Digitally signed
by Mary O'Kane
Date:
2014.09.30
17:22:51 +10'00'

Mary O'Kane
Chief Scientist & Engineer
30 September 2014

EXECUTIVE SUMMARY

This report is the final and overarching report of the independent review of coal seam gas activities in NSW (the Review) undertaken by the Chief Scientist and Engineer. It presents the main findings and recommendations of the Review along with a summary of Government decisions regarding CSG over the time of the Review and a description of the Review process.

The Review was commissioned on 21 February 2013 by the former Premier, in a climate of community unease about CSG extraction.

The initial report of the Review was released in July 2013. In June 2014 the Review released reports on related matters referred to it by Government (cumulative impacts of activities in the Sydney Water Catchment, and placement of monitoring equipment for NSW water resources). At that time it also released a report on whether adequate financial mechanisms are in place to deal with possible environmental impacts from CSG and related operations.

With the release of this final report, the Review is also releasing reports on regulatory compliance and managing risk.

In preparing these reports, the Review drew on information from a large number of experts from around the world in a range of fields. It also consulted extensively with community groups, industry and government agencies.

Having considered all the information from these sources and noting the rapid evolution of technological developments applicable to CSG from a wide range of disciplines, the Review concluded that the technical challenges and risks posed by the CSG industry can in general be managed through:

- careful designation of areas appropriate in geological and land-use terms for CSG extraction
- high standards of engineering and professionalism in CSG companies
- creation of a State Whole-of-Environment Data Repository so that data from CSG industry operations can be interrogated as needed and in the context of the wider environment
- comprehensive monitoring of CSG operations with ongoing automatic scrutiny of the resulting data
- a well-trained and certified workforce, and
- application of new technological developments as they become available.

All of this needs to take place within a clear, revised, legislative framework which is supported by an effective and transparent reporting and compliance regime and by drawing on appropriate expert advice.

Of course, as the technologies involved are applied in new regions where the detailed hydrogeology is not yet fully characterised, there could be unexpected events, learnings, or even accidents. This is common for new applications in the extractive industries and underlines the need for Government and industry to approach these issues with eyes wide open, a full appreciation of the risks, complete transparency, rigorous compliance, and a commitment to addressing any problems promptly with rapid emergency response and effective remediation. It also highlights the need to record and capitalise on the data and knowledge gained from CSG extraction activities in new regions and to take advantage of new technology developments which, if harnessed appropriately, can make CSG production increasingly safer and more efficient over time.

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1 ABOUT THE REVIEW

1.1 THE REVIEW AND ITS REPORTS

The independent review of coal seam gas activities in NSW (the Review) undertaken by the Chief Scientist & Engineer began in late February 2013. The Terms of Reference for the Review are at Appendix 1. This report is the final and overarching report of the Review.

Over the past 19 months, the Review has examined the coal seam gas (CSG) industry, the potential environmental, human health and social impacts of CSG extraction, and the legislative and regulatory framework within which CSG operations occur in NSW.

The Initial Report of the Review (CSE Initial Report) was released in July 2013. It provided an overview of the issues and made five recommendations. Since then, the Review has released and is releasing reports on major topics identified through the Review, including:

- insurance and related financial coverage to manage environmental impacts (CSE Insurance)
- compliance systems and processes (CSE Compliance)
- risks to human and environmental health (CSE Risks).

The Review has also provided advice on other related matters requested by Ministers, specifically:

- the placement of monitoring equipment for water resources (CSE Monitoring)
- measuring cumulative impacts of activities which impact ground and surface water in the Sydney Water Catchment (CSE Catchment).

A full list of all the reports released by the Review is given at Appendix 2. All are available on the Chief Scientist & Engineer's website (<http://www.chiefscientist.nsw.gov.au/coal-seam-gas-review>).

In addition, the Review team is releasing information papers on fracture stimulation, abandoned wells and on managing the physical interface between the CSG industry and other activities. As well, more than 20 background information papers by experts were commissioned on a range of topics, with more than one paper for more controversial topics. These background papers are also available on the website.

1.2 PROCESS OF THE REVIEW

Overall the process of the Review was developed in the knowledge that the issues to be examined were contentious, complex, technical and wide ranging. For this reason it was clear that the Review needed to canvass many different opinions and experts covering a range of perspectives and fields, but it had to do this in a way that maintained a level of independence and avoidance (or awareness) of organisations' conflicts of interests.

The Chief Scientist & Engineer established a team within the Office of the Chief Scientist & Engineer (the Review team) to support and facilitate the Review work. The size of the task required the team to grow from the small team already in place in the Office. The fact that the Review team included individuals with a diverse range of academic and professional backgrounds, including computer engineering, chemical engineering, mechanical engineering, petroleum engineering, hydrogeology, medicine, agriculture, chemistry, environmental science, high-tech equipment compliance systems, public policy and communication, brought a range of perspectives to the issues involved. While the Review team members were not CSG experts, their range of experience meant the Review was able

to formulate detailed technical queries and undertake informed analysis and interpretation of relevant issues and information, drawing on experts advising the Review as necessary.

Throughout the Review the team has pursued the philosophy of operating as transparently as possible, publishing all submissions received apart from those marked 'confidential' on the website of the Chief Scientist & Engineer, talking to the media on request and publishing commissioned papers on the website. Those working on the Review, either in the team or as commissioned experts, were asked to declare all real and possible conflicts of interest with a register established and decisions about how to handle conflicts being determined on a case-by-case basis with decisions formally recorded.

The range and complexity of the issues meant that a great many individuals and organisations needed to be canvassed, ranging from independent impartial experts, to key players in the CSG landscape; from those deeply supportive, to others fighting to prevent the industry's further development.

To address the terms of reference and understand the complexities of the issues, the Review team conducted substantial literature searches (CSE Initial Report §1.4.1) and read widely in the peer-reviewed literature as well as the 'grey literature' reports from organisations, industry and associations. During the course of the Review, a range of material was developed and released by other Australian bodies including the Commonwealth (particularly through the IESC processes), the Queensland Government, CSIRO and other organisations. This was taken into account by the Review.

Consultation was undertaken widely with independent academic experts, government agencies, natural gas industry and service companies, industry bodies, wider industry, community activist groups and the broader community to understand the key issues from a range of perspectives. These consultations were done through public submissions, background technical information papers, formal meetings, visits, workshops, interviews and information requests.

Technical assistance and expertise was drawn particularly from universities, publicly funded research organisations, the learned academies and technical consulting firms. Such assistance included commissioned papers, occasional advice on formulating issues, assistance with identifying experts, peer review of the Review reports, and participation in meetings.

A series of background technical information papers was commissioned on a range of issues related to the CSG industry. Independent experts, who had minimal or no actual, potential or perceived conflicts of interest, were engaged to write the papers. The rationale, process and development for the papers is discussed in the Initial Report §1.4.2. More than 20 background papers have been developed and are available on the website (<http://www.chiefscientist.nsw.gov.au/coal-seam-gas-review/csg-background-papers>).

The Review inspected CSG exploration and related water-management activities at Narrabri and Gloucester and inspected CSG production and related activities at Camden. It also inspected the Apex Energy CSG exploration site in the Sydney Catchment.

A call for public submissions to the Review was made to enable the Review to understand the issues and concerns from various perspectives (CSE Initial Report §1.4.5). Submissions were welcomed throughout the entire Review and provided considerable insight into specific issues. A total of 266 submissions was received. The submissions are available on the website (<http://www.chiefscientist.nsw.gov.au/coal-seam-gas-review/public-submissions>).

Consultations involving community members and local councils were held across the State in Camden, Campbelltown, Gloucester, Sydney Catchment, Taree, Gunnedah, Narrabri (including the Pilliga) and the Liverpool Plains.

The team also consulted with government agencies in NSW, across Australia, and overseas.

Consultations with NSW Government agencies formed an important part of the Review, and were used to provide information on the current regulatory system, how the system has operated previously, and what reforms have been put in place more recently. The Review had many face-to-face meetings and teleconferences over the period with agencies, and also surveyed relevant agencies to identify data holdings and systems. The Review sought formal advice on specific issues as required. The Review team also worked closely with the Land and Water Commissioner, drawing on his ongoing consultations across the State on CSG.

The team met with relevant officers from Queensland, Western Australian and South Australian agencies to understand the processes and issues being dealt with in those states. Discussions were held with various Commonwealth Government agencies and agencies from overseas including from Canada, New Zealand, USA and UK. The government agencies associated with resource and environmental management in these other jurisdictions were consulted through meetings, phone discussions and email, with some of these agencies also assisting the Review by providing peer review of report sections, in particular as they related to their jurisdictions.

Various stakeholders from the CSG industry, including companies providing services to the CSG industry, community groups, industry bodies and associations, including from the wider business sector, were invited to meetings with the Review team to discuss key issues and concerns – including those raised in submissions. The Review team met many of these organisations multiple times, including meeting with peak bodies and key stakeholders in the final few weeks of the Review to ensure that the team kept abreast of any new issues that may have arisen.

The Review also ran several workshops aimed at resolving some of the more difficult issues. To understand the complexities associated with cumulative impacts in the Sydney Water Catchment, the Review held two workshops where it brought together top-level experts in relevant fields (see CSE Catchment §1.3.3). To inform the work on CSG risks, four workshops were held. These were a novel way of bringing together stakeholders (many expert) from industry, research organisations, government and the community so participants could hear, debate, consider and, in some cases, resolve opposing viewpoints. Attendees at these workshops were selected for their knowledge, expertise and interest in the issues related to CSG and related activities. Government officials, researchers, and representatives from extractive industries, peak bodies, learned academies and community groups took part, providing a diverse range of backgrounds, expertise and views. Further to this a series of targeted meetings was held with expert practitioners from individual government agencies, research organisations and industry to delve further into specific issues in particular the risks and technical controls available to manage CSG (see CSE Risks §1.2.1).

By far the most complex and time-consuming task the Review undertook was the Compliance Study and its investigation of the processes and systems for ensuring compliance with legislative instruments, regulations and conditions applying to CSG extraction in NSW. The approach to reviewing compliance activity was informed by consultation, public submissions, well inspections, site visits and extensive interaction with the various agencies responsible for compliance with the legislation and regulations pertaining to CSG extraction (see CSE Compliance §1.2), but was challenged by difficulties

in obtaining data to demonstrate compliance, and indeed it ended up being the rate-limiting step for the Review.

1.3 HOW THIS REPORT IS STRUCTURED

This final report provides the overall findings and recommendations of the Review. The individual reports, listed at Appendix 2, provide the detail, evidence and rationale behind various findings and recommendations.

The main findings of the Review are in Chapter 3 and its recommendations are in Chapter 4. As much has happened in Government regarding CSG over the course of the Review, these developments are summarised in Chapter 2 to provide contemporary context for the findings and recommendations.

2 DEVELOPMENTS IN GOVERNMENT AND RELATED ENTITIES SINCE THE REVIEW STARTED

During the course of the Review, a number of regulatory, administrative and process changes have been brought in by NSW Government as well as Commonwealth and local entities to address issues related to CSG.

Legislative reform has included a range of amendments to the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (SEPP), which brought about initiatives such as the Gateway Process, Strategic Agricultural Land mapping, residential CSG exclusion zones and their 2km buffers, as well as Critical Industry Clusters in the Upper Hunter, and clarified the State Significant Development criteria for CSG exploration wells. Further changes to the SEPP were also introduced to stipulate criteria to protect water resources, habitat and amenity; to ensure that decisions around approvals balance economic (resource) and environment issues; and to require the consent authority to consider biodiversity mitigation and offsets.

The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (General) Regulation 2009* were amended, positioning the Environment Protection Authority (EPA) to be the lead regulator for environmental and human health impacts of CSG; and introducing a risks-based approach to environmental licensing.

Soon to be completed are a review of the *Petroleum (Onshore) Act 1991* and the introduction of a new title instrument that aims to ensure that activity approvals and conditions travel with the petroleum title. The Codes of Practice for Fracture Stimulation Activities and Well Integrity are also being reviewed, while Codes for Safety Management Systems and Emergency Response are being developed.

During the period of the Review, the Commonwealth Government has also introduced legislative changes that impact NSW CSG industry, in particular the introduction of the 'water trigger' under the *Environmental Protection and Biodiversity Conservation (EPBC) Act 1999*, requiring the CSG-related proposals that are likely to impact significant water resources to be referred to the Commonwealth. Later amendments devolved the Environmental Impact Assessment authority from the Commonwealth to NSW, with the Commonwealth accrediting the NSW processes.

Several changes have also been made to the administrative arrangements in NSW Government agencies for dealing with CSG. These have included the establishment of the Office of Coal Seam Gas in NSW Trade & Investment; the establishment of the position of Land and Water Commissioner; and a review followed by a restructure of the Division of Resources and Energy (DRE) in NSW Trade & Investment, following the appointment of a new Deputy Secretary. Furthermore, the responsibility for collecting minerals royalties (including for petroleum) has been transferred from DRE in NSW Trade & Investment to the Office of State Revenue in the Treasury and Finance cluster of NSW Government, effective from July 2014.

Efforts have also been made to streamline and coordinate processes across regulators, including through a Memorandum of Understanding (MOU) and the establishment of a cross-agency working group on CSG. In addition, several agencies have taken steps to improve regulatory capability and capacity through recruiting staff, purchasing additional

instrumentation and developing materials to improve officers' knowledge of the CSG industry.

On exploration licence issues, the NSW Government has:

- put a hold on CSG exploration and extraction in the Sydney Water Catchment Special Areas
- put a 6 month freeze on new petroleum exploration licence applications, which was extended by a further 12 months to September 2015
- undertaken to audit existing petroleum exploration licences
- designated the Santos Narrabri Gas Project and AGL's Gloucester Gas Project as Strategic Energy Projects
- signed an MOU with Santos to streamline the assessment process for the Narrabri Gas Project
- renewed AGL's Gloucester petroleum exploration licence and granted an activity approval to fracture stimulate four wells.

Initiatives that relate to land access have been introduced by Government and other entities, such as a review of the process for arbitrating land access arrangements for exploration commissioned by NSW Government followed by the announcement in August 2014 that all recommendations of that review were endorsed and will be implemented progressively. A voluntary Code of Practice for Land Access was developed by DRE. An MOU was executed by NSW Farmers, Cotton Australia, NSW Irrigators Council, AGL, and Santos agreeing common principles of access to private agricultural landholders' property.

Other broader initiatives that affect CSG extraction include:

- an Energy Security Summit that examined emerging issues of gas supply for NSW
- the release of the Water Monitoring Framework developed by the NSW Office of Water, which includes a Groundwater Baseline Project commissioned by the Land and Water Commissioner
- an announcement by the Minister for Natural Resources, Lands and Water of a scheme to credit the return of groundwater to the water sources from which it was extracted
- development by the NSW Office of Water of Guidelines to assist proponents to develop Groundwater Monitoring and Modelling Plans
- release of a framework by the NSW Office of Water that describes the assessment criteria for the Aquifer Interference Policy to aid the development of a project proposal or Environmental Impact Statement.

Other developments, not directly related to CSG, that could impact the industry include:

- the release in October 2013 of the Independent Commission Against Corruption's report *Reducing the opportunities and incentives for corruption in the state's management of coal resources*, that makes a range of relevant recommendations on managing the coal mining industry in NSW
 - a number of agency amalgamations and restructures including the formation of Bulk Water NSW from the Sydney Catchment Authority and State Water, and the creation of the new Department of Planning and Environment.
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3 FINDINGS

This chapter presents the high-level findings of the Review. The evidence and reasoning supporting these findings is provided in the various detailed reports of the Review, listed at Appendix 2.

Stakeholders have significant concerns

- Land is a key issue and one that strikes an emotional chord due to the strong affinity Australians have with their land and its central role in the livelihood of rural communities. There is a perceived lack of support for rights of landowners in terms of access to their land. Lack of consultation, inadequate compensation, property value decreases, and potential legacy issues are also cited as major issues by landowners as are the negative impacts on amenity and a lack of adequate benefits for their neighbours and their communities.
- Water is another key issue. Primary producers and others fear that CSG developments will negatively impact prime agricultural land by depleting aquifers and contaminating groundwater reserves. They argue that it could result in reduced food production.
- Other major concerns, especially from community groups, are short- and long-term negative environmental impacts (and who will pay to remediate land); managing produced water and associated by-products such as salts; possible impacts on human and animal health; the distributed nature of the industry (giving rise to concerns including malfunctioning unattended wells and heavy traffic on minor roads); and the cost to the taxpayer of regulating the industry.
- Certain processes such as fracture stimulation ('fracking') and, to a lesser extent, horizontal drilling, are of particular concern in the context of CSG although the use of these techniques in other industries (underground water access in the case of fracture stimulation and infrastructure provision in the case of horizontal drilling) is more accepted.
- There is concern about lack of adequate and respectful consultation. Stakeholders cited the failure of industry proponents and government agencies at all levels to engage, provide information, communicate and address community concerns before proceeding with development. On the issue of consultation and adequate information provision, the Review notes that getting the balance right between overall benefit to society and impact on individuals is a recurrent challenge for governments especially for issues as divisive as CSG. While the Review found that consultation and information provision could be significantly improved, it is clear that there are many in the community whose level of concern is such that they are likely to remain opposed to CSG production in NSW under any conditions.
- A large number of those who expressed their opposition to CSG to the Review also made it clear that they were not opposed to CSG *per se* but were opposed to CSG production in heavily populated areas and in areas of intensive agricultural production.
- Local councils, especially rural councils, are concerned that they are not receiving adequate funds to cover rapid infrastructure upgrades (such as upgrades to local roads and other amenities) necessary to deal with the CSG industry coming to a rural locality.
- The CSG industry is concerned that it is being adversely affected financially by what it perceives to be an uncertain, often changing, and increasingly tough regulatory regime in NSW.
- There is a perception in some parts of the community that CSG extraction is potentially more damaging and dangerous than other extractive industries. This perception was heightened following the release of the American movie *Gasland* in 2010. The Review examined this issue in detail and concluded that while the CSG industry has several

aspects that need careful attention, as do almost all industries, it is not significantly more likely to be more damaging or dangerous than other extractive industries.

- Many perceive the CSG industry to be a new industry that is being fast-tracked without adequate attention to significant concerns. CSG production has been happening at significant levels in North America (where coal seam gas is generally referred to as coal bed methane) for two decades and in NSW for 13 years (at Camden by Sydney Gas, later AGL). CSG from NSW sources currently accounts for 5% of the NSW gas supply. In the 1990s the Government introduced measures such as a five-year royalty holiday (followed by a five-year incremental sliding scale of royalties from 6% up to 10%) to encourage the petroleum industry. This benefit was removed at the end of 2012. Some of the companies that began exploring during this time were responsible for incidents that led to increased concerns about the industry generally.
- Complex and opaque legislation and complex regulatory processes. This concern was raised repeatedly by community, the CSG industry and government agencies. It can lead to considerable administrative burden for those needing to comply, those assessing compliance and those trying to understand the legislative and regulatory regime from the community for the purpose of investigating concerns. This complexity can also lead to gaps, overlaps, contradictions and wasted time in inefficient oversight. The Review agrees that the legislation and regulatory processes need to be addressed.
- Inconsistent legislation. Many industry and community groups have alerted the Review to varying legislative and regulatory regimes for things similar to those relating to CSG extraction. Legislation and regulation covering the construction of wells and production of gas from coal seams as part of coal mining activities is less stringent than that for CSG production. Similarly a 2km buffer zone approach has been introduced for CSG extraction, but no such zone is in place for conventional gas or other types of unconventional gas extraction.

Lack of trust

- CSG companies are viewed as untrustworthy by some members of the community in both urban and rural areas. This lack of trust seems to stem particularly from some CSG exploration companies: being perceived to be in violation of land access regulations; being perceived by some to bully vulnerable landholders; not managing sub-contractors appropriately; engaging in questionable environmental practices; and not reporting accidents to the regulator quickly enough.
 - Despite the limited extent of CSG development across NSW, Government is perceived by some as favouring the CSG industry for allowing it to proceed in areas where there has been considerable community opposition. Government is also perceived by some as not managing regulatory compliance effectively and not supporting compliance activities with sufficient penalties where CSG companies have infringed regulations.
 - Government and industry information about CSG is perceived by some as lacking independence and, accordingly, is not trusted.
 - Among groups trying to understand CSG impacts there is concern about lack of access to raw data, and especially baseline data associated with a locality, before CSG exploration and production commences. While the Government open data access provisions of recent years go some way to addressing this concern, the fact that most companies are not releasing this data in raw form (and are not required by Government to release it) leads to increased suspicion.
 - There is considerable social tension and animosity between some neighbours in some local communities where CSG operations are proceeding or proposed. On the one hand there are those who are concerned about potential negative impacts of CSG extraction and see those who want its introduction as 'selling out' to CSG companies. On the other hand, landowners and community members who are in favour of CSG often feel that the debate has been 'hijacked' by environmental activists who are 'using' the community for their own ends.
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There can be benefits to individuals, industry and communities

- Industry, particularly the manufacturing industry, believes having increased amounts of locally produced gas helps deal with concerns about rising gas prices and possible future shortages. This is a particular issue for several companies that have long-term gas purchase contracts expiring. As well as raising concerns about price, several industry and government figures have also expressed concern about potential gas shortages, in the light of the high-value contracts for the export of gas from the new LNG plants at Gladstone. The impending increase in export capacity is anticipated to lead to greater demand for CSG production and to cause Australian east coast gas prices to rise to meet the export price.
- With effective consultation addressing stakeholder concerns and appropriate levels of compensation, CSG development can provide new revenue streams for landholders and their communities. With appropriate support arrangements in place, landholders can make money from CSG production on their land. While local councils have to ensure their communities can cope with the industry influx, industry activity can bring benefits to communities, especially to rural communities, in terms of increased employment, rents and servicing opportunities.

CSG extraction and related technologies are mature and Australia is well equipped to manage their application

- Unconventional gas production is now a major industry especially in North America where, on balance, it is generally highly valued because of the energy security it provides. On the back of this, there is now considerable investment and experience in the development and refinement of technologies to maximise production while minimising adverse impacts. In Australia related technologies have now been extensively deployed successfully for some years (including at Camden in NSW). The independent petroleum engineering, geological and geophysical experts advising the Review consider that such technologies (including fracture stimulation and horizontal drilling technologies), with appropriate safeguards, are suitable for use in many parts of the sedimentary basins in NSW, noting that drilling in any new location is, to an extent, a learning-by-doing activity as there will always be local geological attributes specific to an individual resource development. These activities can and should be guided by companies investing in geophysics and other characterisation techniques to inform the best drilling and extraction approaches to take.
 - There is a long history of working in the subsurface in Australia for the extraction of resources such as minerals, coal, gas, oil, water and, to a lesser extent, geothermal heat. This has led to a good understanding by Australian governments of what is needed to regulate subsurface activities for the purposes of safety, health, minimising environmental impact and protecting high-priority resources such as water. As a consequence Australia has built up high-quality expertise and knowledge of subsurface activities. In the public sector it has government agencies such as Geoscience Australia and State resources departments; research-intensive Earth Science and Mining Engineering departments in universities; publicly funded research agencies such as CSIRO and ANSTO; various collaborative research centres; and relevant national collaborative research infrastructure. In the private sector Australian resources companies have reputations as leading in the applications of world best practice. With Australia heavily invested in resources development, most of the global resources industry service companies have a major presence here. Australia also has a well-educated workforce.
 - Australia has a strong track record in water technology innovation and management. Water is a key issue for Australia so we have developed significant capabilities in water management. This includes water treatment, operations and infrastructure for water and fluids management, management of byproducts such as salts, waste disposal,
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remediation and rehabilitation. These activities are backed by considerable research and science expertise especially in government agencies, universities, CSIRO, the Bureau of Meteorology and various Cooperative Research Centres. This means that Australia is in a good position to rise to the challenge of managing the various water issues associated with CSG production.

There are things we need to know more about

- While Australia has a long history of working in the subsurface, there is still considerable uncertainty associated with the development of any new resource province. Currently CSG activities tend to be considered mainly at a site-specific level. A better understanding of the industry impacts at scale and over time is needed. To enable better planning decisions and better management of cumulative impacts, it will be necessary that industry collects and provides to Government significantly more data than at present including data from a wider range of sources. With a diverse range of resources, including coal, CSG and underground water, hosted in our sedimentary basins, there is a need to understand better how the different resources and their development regimes interact. More detailed knowledge of the structure and composition (especially regarding hydrogeology) of the sedimentary basins is needed to enhance productivity for the CSG industry through more precise resource characterisation and better subsurface and surface environmental management.
- There is a need to understand better the nature of risk of pollution or other potential short- or long-term environmental damage from CSG and related operations, and the capacity and cost of mitigation and/or remediation and whether there are adequate financial mechanisms in place to deal with these issues. This requires an investigation of insurance and environmental risk coverage, security deposits, and the possibility of establishing an environmental rehabilitation fund. Doing this is essential to ensure that the costs and impacts from this industry are not a burden for the community.
- Legacy issues, including better understanding of inappropriately abandoned wells, need attention.

Risks can be managed

- Management of potential risks associated with CSG, as with other industries, requires effective controls; high levels of industry professionalism; systems to predict, assess, monitor and act on risks at appropriate threshold conditions; legislation; regulation; research; and commitment to rapid remediation, continuous improvement and specialist training. The Review studied the risks associated with the CSG industry in depth and concludes that – provided drilling is allowed only in areas where the geology and hydrogeology can be characterised adequately, and provided that appropriate engineering and scientific solutions are in place to manage the storage, transport, reuse or disposal of produced water and salts – the risks associated with CSG exploration and production can be managed. That said, current risk management needs improvement to reach best practice.
- In particularly sensitive areas, such as in and near drinking water catchments, risk management needs to be of a high order with particularly stringent requirements on companies operating there in terms of management, data provision, insurance cover, and incident-response times.

New knowledge and technologies are becoming available but need to be harnessed to make CSG extraction safer and more productive

- Rapid advances in knowledge and technologies in a wide range of fields (especially in information and communication technologies; numerical modelling; geology, geophysics and petroleum engineering; and new materials) are occurring and can be harnessed to improve CSG production efficiency and to minimise adverse impacts. Some of the most notable recent developments include:
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- data technologies especially in the area of big data, data analytics and data fusion. These technologies use very large amounts of data from diverse sources to enable better understanding of complex earth systems with an improved grasp of the uncertainties in modelling for purposes such as characterising CSG resources and predicting groundwater impacts. For these powerful technologies to be effective, significantly more data from a wider range of sources need to be collected
- visualisation technologies that allow for detailed inspection of data. These include using 3D and movie techniques which are often particularly useful in allowing experts from a wide range of disciplines to inspect and analyse large amounts of complex data easily and quickly. They are also used for training and testing responses to hazardous situations
- sensor and monitoring technologies – both in-line and remote monitoring technologies – are becoming very cheap and are increasingly integrated with onboard signal processing and communications technologies. This means that the very large amounts of surveillance data they produce can be preprocessed locally then rapidly sent to a central data repository
- artificial intelligence techniques that allow for intelligent, real-time interrogation of monitoring data with alerts when anomalies are detected
- developments in petroleum engineering that allow for better matching of combinations of appropriate technologies for particular geological situations
- developments in new materials.
- In order to speed the beneficial uptake of new technology developments for an industry as contentious as CSG, the Review concludes that Government needs access to such expertise on a permanent basis, such as by creation of a standing committee comprising top experts from relevant disciplines, to advise it when to act on new technology developments as they become available.

There are no guarantees

- All industries have risks and, like any other, it is inevitable that the CSG industry will have some unintended consequences, including as the result of accidents, human error, and natural disasters. Industry, Government and the community need to work together to plan adequately to mitigate such risks, and be prepared to respond to problems if they occur.
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4 RECOMMENDATIONS

The final recommendations of the Review are presented below, grouped according to themes. Some of the recommendations have been modified, simplified or combined, compared with the form in which they were first presented in previously released reports of the Review; however their intent has not changed.

Intent, communication, transparency and fairness

Recommendation 1

That Government make clear its intent to establish a world-class regime for extraction of CSG. This could be articulated in a clear public statement that covers:

- the rationale/need for CSG extraction
- a clear signal to industry that high performance is mandatory, compliance will be rigorously enforced and transgressions punished
- a fair system for managing land access and compensation
- a mechanism for developing a clear, easy-to-navigate legislative and regulatory framework that evolves over time to incorporate new technology developments
- mechanisms for working closely and continuously with the community, industry, and research organisations on this issue.

Recommendation 2

That Government ensure clear and open communication on CSG matters is maintained at all times. This includes:

- simplicity and clarity in legislative and regulatory requirements
- ensuring openness about CSG processes in line with an open access approach; publishing all relevant approval requirements, decisions and responses, and compliance and enforcement outcomes on appropriate government websites and making CSG data from companies, Government and research organisations available through a centralised Government data repository
- measurable outcomes to track performance against commitments to reform.

Recommendation 3

That Government investigate as a priority a range of practical measures for implementation (or extension of current measures) to allow affected communities to have strengthened protections and benefits including fair and appropriate:

- land access arrangements, including land valuation and compensation for landholders
- compensation for other local residents impacted (above threshold levels) by extraction activities
- funding (derived from the fees and levies paid by CSG companies) for local councils to enable them to fund, in a transparent manner, infrastructure and repairs required as a consequence of the CSG industry.

Recommendation 4

That the full cost to Government of the regulation and support of the CSG industry be covered by the fees, levies, royalties and taxes paid by industry, and an annual statement be made by Government on this matter as part of the Budget process.

Legislative and regulatory reform and appropriate financial arrangements

Recommendation 5

That Government use its planning powers and capability to designate those areas of the State in which CSG activity is permitted to occur, drawing on appropriate external expertise as necessary.

Recommendation 6

That Government move to a single Act for all onshore subsurface resources (excluding water) in the State, constructed to allow for updating as technology advances. This will require a review of all major Acts applying to the resources sector.

Recommendation 7

That Government separate the process for allocation of rights to exploit subsurface resources (excluding water) from the regulation of the activities required to give effect to that exploitation (i.e. exploration and production activities); and that it establish a single independent regulator. The regulator will require high levels of scientific and engineering expertise, including geological and geotechnical ability, environmental and water knowledge and information, and ICT capability including data, monitoring and modelling expertise; and will be required to consult – and publish details of its consultations – with other arms of Government and external agencies, as necessary. The regulator will also require appropriate compliance monitoring and enforcement capability.

Recommendation 8

That Government move towards a target and outcome-focused regulatory system, with three key elements:

- regularly reviewed environmental impact and safety targets optimised to encourage uptake of new technologies and innovation
- appropriate and proportionate penalties for non-compliance
- automatic monitoring processes that can provide data (sent to and held in the openly accessible Whole-of-Environment Data Repository) which will help detect cumulative impacts at project, regional and sedimentary basin scales which can be used to inform the targets and the planning process.

Recommendation 9

That Government consider a robust and comprehensive policy of appropriate insurance and environmental risk coverage of the CSG industry to ensure financial protection short and long term. Government should examine the potential adoption of a three-layered policy of security deposits, enhanced insurance coverage, and an environmental rehabilitation fund.

Managing risk by harnessing data and expertise

Recommendation 10

That Government commission the design and establishment of a Whole-of-Environment Data Repository for all State environment data including all data collected according to legislative and regulatory requirements associated with water management, gas extraction, mining, manufacturing, and chemical processing activities. This repository, as a minimum, would have the characteristics that it:

- is accessible by all under open data provisions
 - has excellent curatorial and search systems
 - houses long-term data sets collected as part of compliance activities
 - can accept citizen data input
 - can be searched in real time
 - is spatially enabled
 - is able to hold data in many diverse formats including text, graphics, sound, photographs, video, satellite, mapping, electronic monitoring data, etc., with appropriate metadata
 - is the repository of all research results pertaining to environmental matters in NSW along with full details of the related experimental design and any resulting scientific publications and comments
 - is the repository of historical resources data with appropriate metadata
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Various legislative amendments or other incentives will be needed to direct all environment data to the Repository.

Recommendation 11

That Government develop a centralised Risk Management and Prediction Tool for extractive industries in NSW. This would include a risk register, a database of event histories, and an archive of Trigger Action Response Plans. The tool would be updated annually based on Government and company reporting and would include information on risk management and control approaches and draw on data from the Whole-of-Environment Data Repository for the State. The risk tool would be reviewed and commented on by relevant expert and regulatory bodies. The risk tool would be used to assist with:

- assessing new proposals
- assessing compliance
- improving prediction capability for consequences of incidents in risk assessments
- improving prediction capability of risk likelihoods
- informing project design amendments to decrease risk levels (such as undertaken in the Dam Safety Committee)
- informing the calculation of cumulative impacts
- flagging issues or risks that require a higher level of regulatory protection such as inclusion in legislation.

Recommendation 12

That Government establish a standing expert advisory body on CSG (possibly extended to all the extractive industries). This body should comprise experts from relevant disciplines, particularly ICT and the earth and environmental sciences and engineering, but drawing as needed on expertise from the biological sciences, medicine and the social sciences. The prime functions of this expert body would be to advise Government:

- on the overall impact of CSG in NSW through a published Annual Statement which would draw on a detailed analysis of the data held in the Whole-of-Environment Data Repository to assess impacts, particularly cumulative impacts, at project, regional and sedimentary basin scales
- on processes for characterising and modelling the sedimentary basins of NSW
- on updating and refining the Risk Management and Prediction Tool
- on the implications of CSG impacts in NSW for planning where CSG activity is permitted to occur in the State
- on new science and technology developments relevant to managing CSG and when and whether these developments are sufficiently mature to be incorporated into its legislative and regulatory system
- on specific research that needs to be commissioned regarding CSG matters
- on how best to work with research and public sector bodies across Australia and internationally and with the private sector on joint research and harmonised approaches to data collection, modelling and scale issues such as subsidence
- on whether or not other unconventional gas extraction (shale gas, tight gas) industries should be allowed to proceed in NSW and, if so, under what conditions.

Recommendation 13

That Government establish a formal mechanism consisting of five parallel but interacting steps. The five steps are given below.

- Companies or organisations seeking to mine, extract CSG or irrigate as part of their initial and ongoing approvals processes should, in concert with the regulator, identify impacts to water resources, their pathways, their consequence and their likelihood, as well as the baseline conditions and their risk trigger thresholds before activities start. These analyses and systems should be incorporated in project management plans to meet regulator-agreed targets. Appropriate monitoring and characterisation
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systems would be developed as part of these project management plans and then installed. The monitors would measure baseline conditions and detect changes to these, as well as providing data on impacts and triggered risk thresholds.

- Data from the monitors should be deposited (either automatically or in as close to real time as possible) in the State Whole-of-Environment Data Repository by all the extractive industries. Increasingly automated tools to interrogate data in the Repository should be developed, and these used to search data for discontinuities and compliance alerts.
- As a separate process, the expert advisory body would examine on a frequent basis all data relevant to a region or a sedimentary basin. This data would come from a range of sources (the companies' monitoring data along with triangulation/cross-validation data such as that from satellites, reports from local councils, seismic data, subsidence maps, information from cores, etc.). The expert body would use this data review to check for any factors signalling problems in that region and, if any are found, recommend to Government the appropriate action to be taken with regard to the relevant parties.
- In a parallel process, the Government should commission, construct and maintain a variety of models of each region and in particular one that seeks to address cumulative impacts. These models should feed into the land use planning process and the activity approvals processes, and should assist in target setting for new projects.
- Government, working with other appropriate Australian governments, should commission formal scientific characterisation of sedimentary basins starting with the East Coast basins, and concentrating initially on integration of groundwater with the geological, geophysical and hydrological context. Viewing these integrated systems in models and in interpretation could be described as a 'Glass Earth' approach to understanding the dynamics of activities and impacts in the basins.

Training and certification

Recommendation 14

That Government ensure that all CSG industry personnel, including subcontractors working in operational roles, be subject to ongoing mandatory training and certification requirements. Similarly, public sector staff working in compliance, inspections and audits should be given suitable training and, where appropriate, accreditation.

Legacy and consistency matters

Recommendation 15

That Government develop a plan to manage legacy matters associated with CSG. This would need to cover abandoned wells, past incomplete compliance checking, and the collection of data that was not yet supplied as required under licences and regulations. There will also need to be a formal mechanism to transition existing projects to any new regulatory system.

Recommendation 16

That Government consider whether there needs to be alignment of legislation and regulation governing extraction of methane as part of coal mining and the application of buffer zones for gas production other than CSG with the relevant legislation and regulation provisions governing CSG production.

APPENDICES

APPENDIX 1 TERMS OF REFERENCE

Review of coal seam gas activities in NSW

At the request of the NSW Government, the NSW Chief Scientist & Engineer will conduct a review of coal seam gas (CSG) related activities in NSW, with a focus on the impacts of these activities on human health and the environment.

The Chief Scientist & Engineer is to:

1. undertake a comprehensive study of industry compliance involving site visits and well inspections. The Chief Scientist's work will be informed by compliance audits undertaken by regulatory officers, such as the Environment Protection Authority and other government agencies
2. identify and assess any gaps in the identification and management of risk arising from coal seam gas exploration, assessment and production, particularly as they relate to human health, the environment and water catchments
3. identify best practice in relation to the management of CSG or similar unconventional gas projects in close proximity to residential properties and urban areas and consider appropriate ways to manage the interface between residences and CSG activity
4. explain how the characteristics of the NSW coal seam gas industry compare with the industry nationally and internationally
5. inspect and monitor current drilling activities including water extraction, hydraulic fracturing and aquifer protection techniques
6. produce a series of information papers on specific elements of CSG operation and impact, to inform policy development and to assist with public understanding. Topics should include:
 - operational processes
 - NSW geology
 - water management
 - horizontal drilling
 - hydraulic fracturing (fracking)
 - fugitive emissions
 - health impacts
 - wells and bores
 - subsidence.

The NSW Chief Scientist & Engineer will provide an initial report to the Premier and the Minister for Resources and Energy on her findings and observations by July 2013.

APPENDIX 2 REPORTS AND BACKGROUND PAPERS WRITTEN AND/OR COMMISSIONED BY THE NSW CHIEF SCIENTIST & ENGINEER DURING THE INDEPENDENT REVIEW OF COAL SEAM GAS ACTIVITIES IN NSW

Reports written by the NSW Chief Scientist & Engineer for the Independent Review of Coal Seam Gas Activities in NSW

Available at <http://www.chiefscientist.nsw.gov.au/reports>

- Initial Report on the Independent Review of Coal Seam Gas Activities in NSW
- Environmental risk & responsibility and insurance arrangements for the NSW CSG industry
- On measuring the cumulative impacts of activities which impact ground and surface water in the Sydney Water Catchment
- Placement of monitoring equipment for water resources in NSW
- Study of regulatory compliance systems and processes for coal seam gas
- Managing environmental and human health risks from coal seam gas activities
- Final Report of the Independent Review of Coal Seam Gas Activities in NSW

Information papers written by the NSW Chief Scientist & Engineer for the Independent Review of Coal Seam Gas Activities in NSW

- Information paper: On managing the interface between coal seam gas activities and other land uses (Setbacks)
- Information paper: Fracture stimulation activities
- Information paper: Abandoned wells

Reports commissioned by the NSW Chief Scientist & Engineer for the Independent Review of Coal Seam Gas Activities in NSW

Available at <http://www.chiefscientist.nsw.gov.au/coal-seam-gas-review/csg-background-papers>

	Topic	Expert name and organisation	Title of paper
1	Baseline human health	Dr Pavla Vaneckova & Assoc Professor Hilary Bambrick: University of Western Sydney – Centre for Health Research	Approaches to baseline studies of human health in relation to industries with potential environmental impact
2	CSG processes	Professor Peter Cook: PJC International, National Centre for Groundwater Research and Training, Flinders University	Life Cycle of Coal Seam Gas Projects: Technologies and Potential Impacts
3	Community concerns	Dr Melanie Taylor, Ms Natalie Sandy & Professor Beverley Raphael: University of Western Sydney - School of Medicine, Disaster Response and Resilience Research Group	Background paper on community concerns in relation to coal seam gas
4	Data management	Dr Ian Gibson, Intersect Australia	NSW Coal Seam Gas: Data Background Paper
5	Gas dispersion modelling	Professor Peter Rayner & Dr Steven Utembe: University of Melbourne - School of Earth Sciences	Modelling the Airborne Dispersion of Pollutants from Coal Seam Gas Extraction
6	Geology	Dr Craig O'Neill and Dr Cara Danis: Macquarie University - Department of Earth and Planetary Science	The Geology of NSW: The geological characteristics and history of NSW with a focus on coal seam gas (CSG) resources
7	Geology	Professor Colin Ward and Assoc. Professor Bryce Kelly: University of New South Wales - School of Biological, Earth and Environmental Sciences	Background Paper on New South Wales Geology: With a focus on basins containing coal seam gas resources
8	Groundwater	Mr Doug Anderson, Ms Priom Rahman, Ms Erica Davey, Mr Brett Miller, Dr William Glamore: University of New South Wales - Water Research Library	Background Paper on Groundwater Resources in Relation to Coal Seam Gas Production
9	Horizontal drilling	Professor John Carter: Advanced Geomechanics	Background Paper on Horizontal Drilling
10	Legislation and regulation	Ms Sue Graebner, Independent consultant	Legislative framework for CSG exploration and production. Released as appendix to CSE report, "Study of

			regulatory compliance systems and processes for coal seam gas"
11	Methane	Dr Linda Stalker: CSIRO	Methane origins and behaviour
12	Produced water	Assoc Professor Damian Gore and Dr Peter Davies: Macquarie University - Department of Environment & Geography	Macquarie University Background paper on produced water and solids in relation to coal seam gas production
13	Produced water	Dr Stuart Khan and Ms Geena Kordek	Coal Seam Gas: Produced Water and Solids,
14	Risk, insurance & management	Mr Bernard Evans: Hicksons Lawyers	Paper 1 - Insurance and Environmental Securities; Attachment: Environmental risks arising from CSG operations
15	Risk, insurance & management	Mr Tony Abbott: Piper Alderman	Insurance and Environmental Securities; Attachment: Risk Model Evaluation
16	Sedimentary basins	Assoc Professor Tim Rawling & Professor Mike Sandiford: University of Melbourne - Melbourne Energy Institute	Multi basin usage/cumulative impact,
17	Seismicity	Professor Mike Sandiford and Mr Gary Gibson: The University of Melbourne - Melbourne Energy Institute	Seismicity and Induced Earthquakes
18	Seismicity	Dr Barry Drummond: Independent consultant, formerly with Geoscience Australia	Background Paper on Seismicity
19	Subsidence causes	Dr Jubert A Pineda and Professor Daichao Sheng: The University of Newcastle - ARC Centre of Excellence for Geotechnical Science and Engineering	Subsidence: An overview of causes, risks and future developments for Coal Seam Gas production
20	Subsidence monitoring	Dr Simon McClusky and Dr Paul Tregoning: The Australian National University - School of Earth Sciences	Background paper on subsidence monitoring and measurement with a focus on coal seam gas (CSG) activities
21	Subsidence monitoring	Cooperative Research Centre for Spatial Information	Subsidence monitoring in relation to coal seam gas production
22	Water treatment	Emeritus Professor Chris Fell: Fell Consulting Pty Ltd	Water treatment and coal seam gas
Other reports written by or commissioned by the NSW Chief Scientist & Engineer prior to the Independent Review of Coal Seam Gas Activities in NSW			
<ul style="list-style-type: none"> Hydraulic fracturing for coal seam gas (CSG) stimulation in NSW, by Dr Rob Jeffrey: CSIRO CSE draft letter on the likelihood of hydraulic fracturing 			

2.2 Camden Gas Community Consultative Committee Minutes

Reporting Officer

Manager Sustainable City and Environment

Attachments

Minutes of the Camden Gas Community Consultative Committee meeting, held on 30 July 2014 (contained within this report)

Purpose

To inform Council on the outcomes of the Camden Gas Community Consultative Committee meeting held on 30 July 2014.

History

The Camden Gas Community Consultative Committee (CGCCC) is comprised of representatives of Campbelltown, Camden and Wollondilly Councils as well as community representatives associated with each of the stages of the Camden Gas Project (CGP). The CGCCC was established as a condition of consent for the CGP to provide a forum for discussion between AGL Upstream Investment (AGL) (the proponent) and the community.

The General Manager was appointed as Council's representative to the CGCCC on 31 May 2011, with the Director of Planning and Environment his formal delegate.

Report

A meeting of the CGCCC was held at the Rosalind Park Gas Processing Plant on 30 July 2014. The minutes of this meeting, which were formally endorsed at the CGCCC meeting held on 24 September 2014, are presented in attachment 1. Copies of presentations referred to in the minutes are available by searching 'Camden Gas Project' on the AGL website at: <http://www.agl.com.au>.

This report provides a broad summary of the outcomes of the CGCCC meeting held on 30 July 2014 and highlights issues of relevance to Council.

Presentations

(i) AGL Operational Summary

There have been no drilling activities at gas extraction well sites within the CGP Area since September 2012. There was no maintenance work carried out on existing wells, however maintenance was conducted on well access roads.

Quarterly monitoring of air emissions and noise levels at the Rosalind Park Gas Processing Plant was undertaken in the June 2014 quarter, with all data collected complying with the permitted levels specified with the EPA licence for the facility. Compressor 1 engine at the Rosalind Park Gas Plant was removed off site on 25 July 2014 for an engine overhaul and is expected to be reinstalled in November for Commissioning in December 2014.

AGL are continuing to complete corrective actions arising from the EPA's 2013 Compliance Audit Report and the 2010-2012 Independent Environmental Audit Report with details of both of these available by searching 'Camden Gas Project' on the AGL website at: <http://www.agl.com.au>.

AGL also completed revision two of its Incident Notification Protocol and Community Notification Protocol which is available on its website.

(ii) EPA Compliance Audit of AGL Licence No. 12003

The A/Manager Compliance and Assurance Section of the EPA provided a presentation on the EPA's Compliance Audit of AGL Licence No. 12003. The EPA undertook an unannounced audit inspection of AGL's Rosalind Park Gas Plant on 17 and 19 July 2013 with the final report being released on 17 June 2014. The report is on the EPA Public Register at: <http://www.epa.nsw.gov.au>.

The Audit Report identified twelve non compliances relating to administrative, monitoring and reporting requirements and five environmental non compliances relating to air emissions and water issues. The air emission non compliances were the most serious and have previously been reported to Council. The EPA responded to these non-compliances via an Enforceable Undertaking for not operating continuous emissions monitoring equipment in a proper and efficient manner and Penalty Notices for oxides of nitrogen emission which exceeded limits at two separate discharge points.

The water non compliances related to not managing water pollution risks associated with the storage of oily water in underground storage tanks and not having spill containment measures in place during the loading and unloading of produced water to the flare pit.

The administrative, monitoring and reporting non compliances were for:

- seven non-compliances related to air monitoring requirements including not using the required sampling methods, monitoring at the required frequency and recording all required details
 - two non-compliances related to water monitoring requirements including not using the required sampling method and not monitoring for the correct pollutant
 - one non-compliance was for not reporting all required information in the noise compliance monitoring report
 - two non-compliances were for not recording all required information in relation to pollution complaints and not submitting the Annual Return within the required time.
-

AGL has reviewed their procedures for managing waste water and developed a corrective action plan which is being progressively implemented under the monitoring/supervision of the EPA.

Next meeting

The next meeting of the CGCCC will be held on 26 November 2014, where the minutes of the meeting held on 24 September 2014 are scheduled to be endorsed. A report providing a summary of the minutes of the 24 September 2014 meeting will be presented to the next available Council meeting following their endorsement.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Rowell/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 11 November 2014 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 214

That the Officer's Recommendation be adopted.

ATTACHMENT 1

COMMUNITY CONSULTATIVE COMMITTEE AGL – CAMDEN GAS PROJECT

MEETING NO.40

Held in the RPGP Conference Room, Menangle on 30 July 2014 at 5.30pm

MINUTES

Member / Guest	Attendance Type
Mrs Margaret MacDonald-Hill (MM) Chair	Present
Mr Brad Staggs (BS)	Present
Mrs Diane Gordon (DG)	Apologies
Mr Fred Anderson (FA)	Present
Ms Jacqui Kirkby (JK)	Present
Mr Andrew Spooner (AS)	Apologies
Mr Peter Bloem (PB)	Present
Mr Simon Hennings (SH)	Present
Mr Troy Platten (TP)	Apologies
Mr Paul Reynolds (PR)	Present
Mr Aaron Clifton (AC)	Present
Ms Jenny O'Brien (JO)	Present
Ms Carla Pignatelli (CP)	Present
Mr Kieran Lynch (KL)	Present
Ms Renee Winsor (RW)	Present
Ms Jenny MacMahon (JM)	Present

Meeting Opened at: 5:35pm

ITEM	ACTION
1.0 Welcome Welcome and Introductions by Chair – MM Advised Kieran Lynch EPA – Acting Manager of Compliance and Assurance Section would be presenting upon his arrival Also introduced Renee Winsor from Campbelltown Council and Jenny MacMahon, Head of Upstream Gas Environment MM - Advised that she is engaged by AGL as an independent chair, approved by the Director General of Planning and Environment. She is also a member of the Mine Subsidence Board and the Minister's Arbitration Panel.	
2.0 Apologies As above.	
3.0 Confirmation of Previous Minutes	

<p>MM advised of minor amendments to be made to meeting #39 minutes following discussion with JK. Will be re-issued and shown in track changes.</p> <p>General agreement that minor amendments be accepted.</p>	<p>Minutes to be confirmed at next meeting</p>
<p>4.0 Correspondence</p> <p>In</p> <p>20/5/14 - email from AGL on actions from 2010-2012 Independent Environmental Audit</p> <p>20/6/14 - email from AGL on Compliance Audit Report</p> <p>25/6/14 - email from AGL on upcoming Open Day</p> <p>25/7/14 - email response from AGL on query from Justine Firth presentation</p> <p>Out</p> <p>-</p>	
<p>5.0 AGL Update</p> <p>Health, safety and the environment</p> <p>Presentation delivered by Aaron Clifton. Copies of the presentation were made available.</p> <p><i>JK – Asked for an explanation of ‘suspended’ refers to?</i></p> <p>AC - Wells that aren’t producing gas and may either be in need of a workover to stimulate the well and bring it back into production or otherwise be waiting to be plugged and abandoned.</p> <p><i>JK- When you say stimulate, does this mean these wells will be fracture stimulated?</i></p> <p>AC- the workover rig does not fracture stimulate- to stimulate the well and bring it back into production, they may put a down hole pump into the well to lift water that will then allow the gas to flow again.</p> <p><i>JK – Is the RP09 access road likely to have any visual impact on Mt. Gilead?</i></p> <p>AC - No, it has been taken into account. The road has really good vegetation screening and is only a small shale access road, similar to a farm track.</p> <p><i>BS – In relation to (Compressor 1 Engine Overhaul), Does it affect production?</i></p> <p>AC - It has but not significantly. If one of the other two engines fail then production will drop 50%.</p> <p>Corrective actions plan for the EPA 2013 Compliance Audit Report – AGL</p> <p>Updated today.</p> <p>This will be made available on the AGL website.</p> <p>Development consent –issued by Department of Planning</p>	

<p><i>JK - Referred to a discussion with the department on the current Development Consent; The copy provided by the Department was dated 2009, is there a more recent copy?</i></p> <p>AC - We have 10 development consents, and it would be ideal if they could all be consolidated, but this will not happen anytime soon. There have been some minor changes to the Rosalind Park Gas Plant Development Consent and AGL can provide a more up to date copy of this. The minor changes are more inconsistencies that have been brought into line.</p> <p>MM - ongoing changes to legislation to pick up anomalies and inconsistencies. A dynamic process but very lengthy.</p> <hr/> <p>Community update by Jenny O'Brien Copies of the presentation were made available.</p> <p><i>RW – does AGL have a corporate responsibility program?</i></p> <p>JO – Yes. AGL has a corporate social responsibility program and is referred to as Energy for Life.</p> <p>At a local level the Camden Gas project has the ability to support local initiatives and there are a number of projects we support.</p> <p><i>BS – Local communities come to Council asking for sponsorship and grants, is this something AGL would look at supporting?</i></p> <p>JO- I am currently working on a local community investment program that should be implemented shortly. Community groups would then be able to apply for funding similar to that of a grants program.</p>	<p>AGL to provide a copy to the CCC</p>
<p>1. EPA Compliance Audit (Kieran Lynch)</p> <p>See Presentation attached to these minutes</p> <p><i>JK – Was the unannounced audit subsequent to Enforceable undertaking?</i></p> <p>KL – No.</p> <p><i>JK - Is this audit process new for the EPA?</i></p> <p>KL – No, process is at least 15 years old. The fundamentals have not changed however some of the sections and focus do change over time to suit what is happening.</p> <p><i>JK - Has anything changed?</i></p> <p>KL – The only thing that has changed is the requirement to do more focused audits. The results of these audits have always been available for the public; however, access to audits has now increased by being available on the web.</p> <p><i>JK – There have been years of non-compliance prior to the Enforceable undertaking. How did EPA not pick it up? How can confidence be had in the auditing process if nothing has changed?</i></p> <p>KL – There has been a big shift in action that has been done. Larger penalties.</p> <p>PB – Yes, the failure to undertake continuous monitoring should have been detected early. The onus is on the Company to comply. Large</p>	

penalties can result when this does not occur. AGL notified the EPA and community when they became aware of the non-compliance. EPA has dealt with this issue with the Enforceable Undertaking. Some monitoring was being undertaken by AGL and reported. This is the first formal EPA compliance audit that I am aware of for AGL Camden Gas in my capacity as Manager Illawarra.

JK – Issue for communities is the penalties aren't high enough.

PB - The EPA isn't operating the gas plant and the onus must be on the Company to do the right thing. EPA's job is to take action when companies are not doing the right thing. Failure to do so can result in regulatory action. The final action depends upon the nature of the incident.

There has been some criticism that some existing fines are not high enough. For example under existing laws a penalty notice of \$1500 can be issued by EPA for failure to comply with licence conditions. There are moves to increase these fines 10 fold.

JK – where can we find information on penalties and how they have changed?

KL – The Minister flagged these changes in the media in May this year and outlined the broad principles of the changes proposed. It is envisaged that these changes will take effect in September 2014.

PR- when an audit team is put together on a specialised area does the EPA put together a specialist team?

KL- no not necessarily as an audit is about fact finding and gathering information. The EPA does have specialists within the EPA that can then provide assistance and comment on particular issues.

BS - Is more staff being made available? Small number for large number of licences.

KL – The compliance audit team are not involved in day to day regulation of sites but rather focus on key priority issues or activities. This allows for objectivity during the auditing process. The audit team spends time researching activities and pollution controls when planning to audit a new industry.

FA - If the number of licences increased in the number of years, has the burden increased significantly?

PB- There has been a decrease in the number of licences in this EPA region as some industries have closed or reduced operations following the last economic downturn. However community expectation and interest has increased with some licensed premises or other new environmental issues have emerged. . Amount of work therefore, hasn't really changed.

BS - Is it a case that politicians have given community what they want? Falling behind from latest budget for example?

KL - Government has sent very strong signal in re-establishing the EPA. A lot of work to get this fair and solid. Expectations and requirements are constantly changing.

<p><i>JK – Workload must have increased because of the number of conditions that have to be met.</i></p> <p>PB – Part of the role of the EPA Compliance Audit Program is to ensure clear, effective and enforceable conditions and to prevent ambiguity in licences.</p> <p><i>SH- I could imagine that with limited resources and the number of licences issued there would be a good relationship with the regional branches and the Compliance and Assurance Section?</i></p> <p>KL- yes there is</p> <p><i>JK – Was the audit completed in 2 days?</i></p> <p>KL – The site inspection took two days, but the full audit took much longer to assess the information gathered during the site inspection and determine the level of compliance.</p> <p><i>JM – When conducting the audit do you select staff that has more knowledge about certain things on the site?</i></p> <p>KL - EPA has experts who are able to provide staff with information. It is the auditor's job to gather information but an information network is also available within the EPA if required to assist in specialist areas.</p> <p><i>BS – Government centre adding more resources into compliance – is EPA captured within this?</i></p> <p>KL- In addition to regional staff who undertake day to day regulation, EPA has a team of people to focus on compliance auditing on priority issues or premises. This gives EPA flexibility to combine and draw on subject matter expertise within other parts of the EPA if required.</p> <p><i>RW – Do announced audits occur?</i></p> <p>KL – They do but rarely</p> <p><i>PR - Would imagine that given the limits of resources the EPA can't audit every licence. Is there a selection criterion for audits?</i></p> <p>PB - Yes there is. Selection factors include environmental risk, history of non compliance, etc. The possibility of an audit can also increase if communities express concerns. Telling groups of licensees that audits are going to happen but not saying who will be audited also brings the standard up.</p>	
<p>7. Business arising</p> <p><i>BS – Referred to changes within Council and asked if there an opportunity for additional representation?</i></p> <p>MM - Happy to have additional representation.</p> <p>JO- the SEPP was gazetted on Friday July 25 and what that means specifically for the Camden Gas Project is that the 2km residential exclusion zone remains and therefore the proposed Northern Expansion remains suspended. The changes also allow minor modifications to existing approvals that have minimal environmental impact. Also will allow AGL to look at tidying up our approvals to provide consistency.</p>	<p>BS to discuss process with MM</p>

8. Next meeting date 24th September 2014	
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Meeting Closed at: 7:10pm

Acronym Index

CCC	Community Consultative Committee
EPA	Environment Protection Authority
EPL	Environment Protection Licence
EU	Enforceable Undertaking
SEPP	State Environmental Planning Policy
DP&E	Department of Planning and Environment

2.3 Joint Regional Planning Panel Application - Development Application 473/2014/DA-S - Residential Subdivision Bardia

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Location Plan (contained within this report)
2. Subdivision Plan (contained within this report)

Purpose

To advise Council of the lodgement of Development Application 473/2014/DA-S for the proposed subdivision of land within the Edmondson Park South urban release area at Bardia, and provide Council the opportunity of making a submission to the Sydney West Joint Regional Planning Panel (JRPP) prior to its determination of the application.

Property Description	Lots 1136, 1137, 1138, 1140 and 1141 DP 1175991 MacDonald Road and Campbelltown Road, Bardia.
Application No	DA 473/2014/DA-S
Applicant	UrbanGrowth NSW
Owner	UrbanGrowth NSW
Relevant Policies	State Environmental Planning Policy (Major Development) 2005 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 Edmondson Park South Development Control Plan 2012
Date Received	5 March 2014

Report

Development Application 473/2014/DA-S was lodged with Council on 5 March 2014 for a residential land subdivision at Bardia, comprising 433 residential allotments and associated road, drainage and public domain works.

The site is located within the Edmondson Park South urban release area, which is presently being developed by UrbanGrowth NSW (formerly known as Landcom). The proposed development has a total capital investment value of \$22.44m.

2.3 Joint Regional Planning Panel Application - Development Application 473/2014/Da-S - Residential Subdivision Bardia

The JRPP has assumed Council's usual role as consent authority for the determination of the subject application in accordance with Part 4 of State Environmental Planning Policy (State and Regional Development) 2011. This Policy applies to development that has a capital investment value of more than \$20m.

A detailed assessment addressing all prescribed considerations under the *Environmental Planning and Assessment Act 1979* is being separately prepared for the consideration of the JRPP. This process is being administered by JRPP appointed staff and is to include an assessment of comments received from government agencies and Council.

The following report provides a general summary of the proposed development with the focus on identifying potential issues and concerns that Council may include in a submission to the JRPP prior to its determination of the application.

Background

Edmondson Park South generally comprises the former Ingleburn army camp area, previously purchased from the Commonwealth Government by the NSW Government. The land is situated within the Liverpool and Campbelltown Local Government Areas and is one of the first precincts released by the State Government for urban development in the nominated South West Growth Centre.

On 5 August 2011, Edmondson Park South was listed by the State Government as a 'State Significant site' and consequently, the land use zones and development controls applying to development within Edmondson Park South are provided under Schedule 3 of the State Environmental Planning Policy (Major Development) 2005.

On 18 August 2011, the NSW Planning Assessment Commission (PAC) granted approval of a Concept Plan (MP10_0118) for a residential and mixed use development on the site under the now repealed Part 3A of the *Environmental Planning and Assessment Act 1979*. At that time the PAC also granted consent (MP10_0119) for Stage 1 subdivision works comprising 232 lots and associated infrastructure. The terms of the Concept Plan Approval require separate development approval for all further subdivision works within Edmondson Park South.

On 12 December 2012, the Edmondson Park South Development Control Plan 2012 (EPSDCP) came into effect for the land, and provides additional development controls and guidelines in accordance with the terms of the Concept Plan Approval. The EPSDCP provides for a sustainable mix of land uses strategically located around the future Edmondson Park railway station and town centre, including a subdivision pattern designed to promote affordable housing options and pedestrian connectivity.

Council has recently determined (under delegated authority) a number of development applications for subdivision works on the land in accordance with the EPSDCP and Concept Plan Approval. These applications were below the capital value threshold for referral and determination by the JRPP.

2.3 Joint Regional Planning Panel Application - Development Application 473/2014/Da-S - Residential Subdivision Bardia

Proposed Development

The subject application proposes the next stage of subdivision works within the Bardia precinct in accordance with the Concept Approval and EPSDCP. The proposed subdivision and road layout is shown in attachment 2, and comprises 433 residential allotments, including two 'super lots' for future residential development.

The land to which the DA applies is owned by UrbanGrowth NSW and is bounded by Campbelltown Road to the north, vacant land for future residential development to the east, the Hume Highway to the south and the previously approved Stage 1 precinct to the west.

Macdonald Road runs approximately north-south through the middle of the site and is proposed to be realigned westward from its current location, to form the western boundary of the existing Ingleburn North Public School. The intersection between the realigned MacDonald Road and Campbelltown Road is not proposed to be constructed under this DA. Under this application, direct access to Campbelltown Road is to be limited to a minor left in - left out intersection constructed to the west of the re-aligned MacDonald Road.

The intended residential yield from the proposed subdivision is 479 dwellings, ranging from 200m² lots for terrace housing, to larger environmental living lots of over 1 hectare in size. Details of the proposed allotment and future dwelling yield are summarised in the following table:

Lot/Dwelling Type	Lots	Future Dwellings
Superlot #1	1	40
Superlot #2	1	8
Terrace Lots - by lot width (to suit generic terrace types)		
5.4m	12	12
6.6m	46	46
Other Lot Frontages		
Patio (corner)	32	32
8-9m	42	42
10m	67	67
11-12m	11	11
12.5m	71	71
14-16m	89	89
17m	35	35
20m+	14	14
Environmental / Rural	12	12
TOTAL	433	479

Associated works proposed under the application include:

- road construction
- removal of existing trees and vegetation
- bulk excavation and earthworks
- stormwater and drainage infrastructure works
- construction of utility services
- public domain and landscape works.

The design and construction of road and drainage works, utility services and public domain and landscaping works are proposed to be completed over five stages, in order to allow for the incremental delivery to the market of completed residential allotments.

Issues for Consideration

Given the assumed role of the JRPP as consent authority in this instance, there is a clear mandate for the JRPP to separately administer the assessment process in accordance with the statutory requirements of the *Environmental Planning and Assessment Act 1979*. In this respect, the detailed assessment by JRPP appointed staff will need to include an examination of the full suite of environmental and technical reports submitted by the applicant, including the following matters:

- Aboriginal Cultural Heritage assessment
- Stormwater and drainage management
- Traffic Impact Assessment
- Landscape works
- Acoustic impact assessment
- Bushfire risk management
- Site contamination, including potential for unexploded ordnances
- Construction and Waste Management.

Whilst it is beyond the scope of this report to duplicate the detailed assessment being separately administered by the JRPP, the proposal is considered to be permissible with consent and generally compliant with the relevant controls of the Major Development SEPP, EPSDCP and Concept Approval.

The proposed subdivision pattern is consistent with recent consents issued for subdivision works on adjoining land, providing a legible street network in accordance with the concept subdivision plan with good connections to the future town centre, public transport and community facilities. All proposed lots comply with the prescribed lot sizes, and will allow for a variety of dwelling densities to be developed within a master planned urban environment.

It is therefore considered that subject to all relevant environmental and technical considerations being appropriately addressed by the JRPP, the subject application would likely have sufficient merit to be considered for approval.

Notwithstanding, for the purposes of this report, a general review of the application has been undertaken to identify any potential matters that Council may include in a submission to the JRPP for its consideration prior to the determination of the subject development application. In this regard, a number of items have been identified as outlined below.

1. Approval of Roads and Maritime Services (RMS)

It is noted the application has been forwarded to the RMS for comment and approval.

2.3 Joint Regional Planning Panel Application - Development Application 473/2014/Da-S - Residential Subdivision Bardia

The following matters are identified as being relevant to the assessment of the subject application by the RMS, and would therefore need to be properly resolved by the JRPP prior to the determination of the subject application:

- State Environmental Planning Policy (Infrastructure) 2007 - Clause 104 (Traffic generating development)
- Condition B1.4 of the Concept Plan Approval - Works Authorisation Deed to be obtained from RMS prior to works on Campbelltown Road
- Condition C1.4 of the Concept Plan Approval - Concurrence of RMS required for any proposed additional intersections with Campbelltown Road.

2. Infrastructure Provision - Voluntary Planning Agreement (VPA)

The Edmondson Park South Concept Plan Approval contained a condition which required UrbanGrowth to provide local infrastructure contributions in accordance with its Statement of Commitments as outlined in the concept plan application. This Statement of Commitment was transferred into an Infrastructure Services Delivery Plan which forms part of the Edmondson Park South Planning Agreement which was reported to Council at its meeting on 13 August 2013 and where Council resolved:

1. That Council endorse the draft Edmondson Park South Voluntary Planning Agreement and Explanatory Note for the purpose of public exhibition subject to the matters raised by Council's solicitor being addressed to the satisfaction of the General Manager in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and Regulation for a period of 28 days
2. That all submissions received during the public exhibition period that do not support the VPA be reported to Council. However, should no non supportive submissions be received then Council's General Manager be authorised to sign the Edmondson Park South Voluntary Planning Agreement on behalf of Council.

Since that time Council staff and its solicitor have met with UrbanGrowth on a number of occasions in an attempt to resolve the matters previously identified. Following exchanges between Council's solicitors and UrbanGrowth (including their lawyers) the draft VPA is almost finalised. On this basis it is not considered unreasonable nor inappropriate to request the Joint Regional Planning Panel to impose a condition on any consent that is issued to require the works/land dedications outlined in the draft VPA endorsed by Council at its meeting held 13 August 2013, relevant to this current application to either have been completed prior to the release of the subdivision certificate or bonded with an appropriate guarantee.

Therefore, Council should request that the JRPP not determine the subject application until such time as agreement has been reached on the terms of the Voluntary Planning Agreement between UrbanGrowth and Council.

3. Tree Removal/Management

The site is subject to a Biodiversity Certification Order under the *Threatened Species Conservation Act 1995* (TSC Act) and a Strategic Assessment under the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). As a result, the ordinarily required level of fauna and flora impact assessment is not required for the development to proceed, in accordance with the Biodiversity Certification Order.

Notwithstanding this, the level of information on tree removal proposed under the application is considered to be brief with no clear plan of tree removal provided. Importantly, the Concept Plan Approval imposes a number of conditions relating to tree management and rehabilitation that the JRPP will need to be address in the determination of the subject application.

Condition C1.12 of the Concept Plan Approval requires the proponent to provide details on appropriate procedures for clearing of vegetation and strategies to retain mature trees where possible for each stage. Additionally, these procedures and strategies are to be incorporated into a Vegetation Management Plan prior to commencement of works on site.

Condition B1.2 of the Concept Plan Approval requires a rehabilitation plan to be prepared and approved by the Office of Environment and Heritage prior to commencement of works.

Accordingly, it is considered that the JRPP should require additional information from the proponent to clarify the impacts of the proposed works on existing trees, and demonstrate compliance with the relevant vegetation management and rehabilitation requirements of the Concept Plan Approval.

4. Signalised Intersection - MacDonald Road and Arthur Allen Avenue

The Traffic Impact Assessment Report submitted with the application has identified that the intersection of the realigned Macdonald Road and Arthur Allen Avenue does not technically require the installation of a signalised intersection having regard to RMS guidelines. However, the technical report goes on to recommend that a signalised intersection be provided given the close proximity of Ingleburn North Public School and expected traffic volumes and high pedestrian activities.

To avoid doubt, it is considered that the JRPP should be requested to require as a condition of any consent issued, that the junction of the realigned Macdonald Road and Arthur Allen Avenue be constructed as a signalised intersection in order to maximise pedestrian safety for school students.

5. Heritage Conditions - Concept Plan Approval

The Concept Plan Approval requires certain information to be provided with any future applications to address issues of heritage significance, specifically:

- Condition C1.14 - Any future applications are to be accompanied by a Heritage Interpretation Strategy prepared by a suitably qualified heritage conservation practitioner
-

2.3 Joint Regional Planning Panel Application - Development Application 473/2014/Da-S - Residential Subdivision Bardia

- Condition C1.15 - Any future applications are to be accompanied by a Statement of Heritage Impact prepared by a suitably qualified heritage conservation practitioner in accordance with the NSW Heritage Office guideline Statements of Heritage Impact (2002) which assesses potential impacts of proposed works on heritage items and their settings
- Condition C1.18 - Future applications are to identify how the detailed design has responded opportunities to further mitigate impacts on Aboriginal archaeological heritage.

In this respect it is noted that the proponent has committed to providing updated information to comply with these conditions, however it is not known at this stage what additional information has been or is to be lodged with the JRPP to determine compliance with this condition.

Accordingly, it is considered that the JRPP be requested to resolve these heritage assessment issues as part of the determination process, including where relevant the imposition of appropriate conditions of consent.

Conclusion

Development Application 473/2014/DA-S proposes the next stage of subdivision works at Bardia, and is being determined by the JRPP given the relatively high capital value of the proposed works. The application has been reported to Council to provide the opportunity for Council to endorse a submission to the JRPP prior to their determination of the proposal.

Whilst it is beyond the scope of this report to duplicate the assessment process being undertaken by the JRPP, it is considered that the development is permissible with consent and is generally compliant with the relevant controls of the Major Development SEPP, EPSDCP and Concept Approval. Subject to all relevant environmental and technical considerations being properly addressed by the JRPP, the subject application would likely have sufficient merit to be considered for approval.

However, for the purposes of Council making a submission to the JRPP, a number of technical assessment issues have been identified that should be resolved as part of the determination of the application. It is therefore recommended that Council should make a submission to the JRPP to ensure these matters are appropriately addressed prior to any consent being issued.

Officer's Recommendation

1. That the information be noted relating to Development Application 473/2014/DA-S lodged by UrbanGrowth NSW for a residential land subdivision at Bardia, comprising 433 residential allotments and associated road, drainage and public domain works.
 2. That Council delegate authority to the Director Planning and Environment to make a submission to the South West Sydney Joint Regional Planning Panel requesting that the subject application not be determined until those issues outlined in the body of this report are satisfactorily addressed including Councils request for the imposition of a condition of any development consent issued concerning the provision of contributions (works/land dedication) or a suitable guarantee relevant to the subdivision.
-

Committee Meeting 4 November 2014

Having declared an interest in regard to Item 2.3, Council's Acting Director Planning and Environment and Acting Manager Development Services left the Chamber during debate of this item.

Committee's Recommendation: (Lound/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

At the conclusion of the discussion regarding Item 2.3, Council's Acting Director Planning and Environment and Acting Manager Development Services returned to the Chamber for the remainder of the meeting.

Having declared an interest in regard to items 2.3 and 3.3, His Worship the Mayor, Councillor Lake left the Chamber and did not take part in debate nor vote on these items. In the absence of the Chairperson, His Worship the Mayor, Councillor Lake, Deputy Mayor, Councillor Rowell chaired the meeting for items 2.3 and 3.3 which were dealt with consecutively.

Having declared an interest in regard to item 2.3, Councillor Hawker left the chamber and did not take part in debate nor vote on this item. Having also declared an interest in this item, Council's Acting Director Planning and Environment left the Chamber during debate of this item.

Council Meeting 11 November 2014 (Borg/Lound)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 215

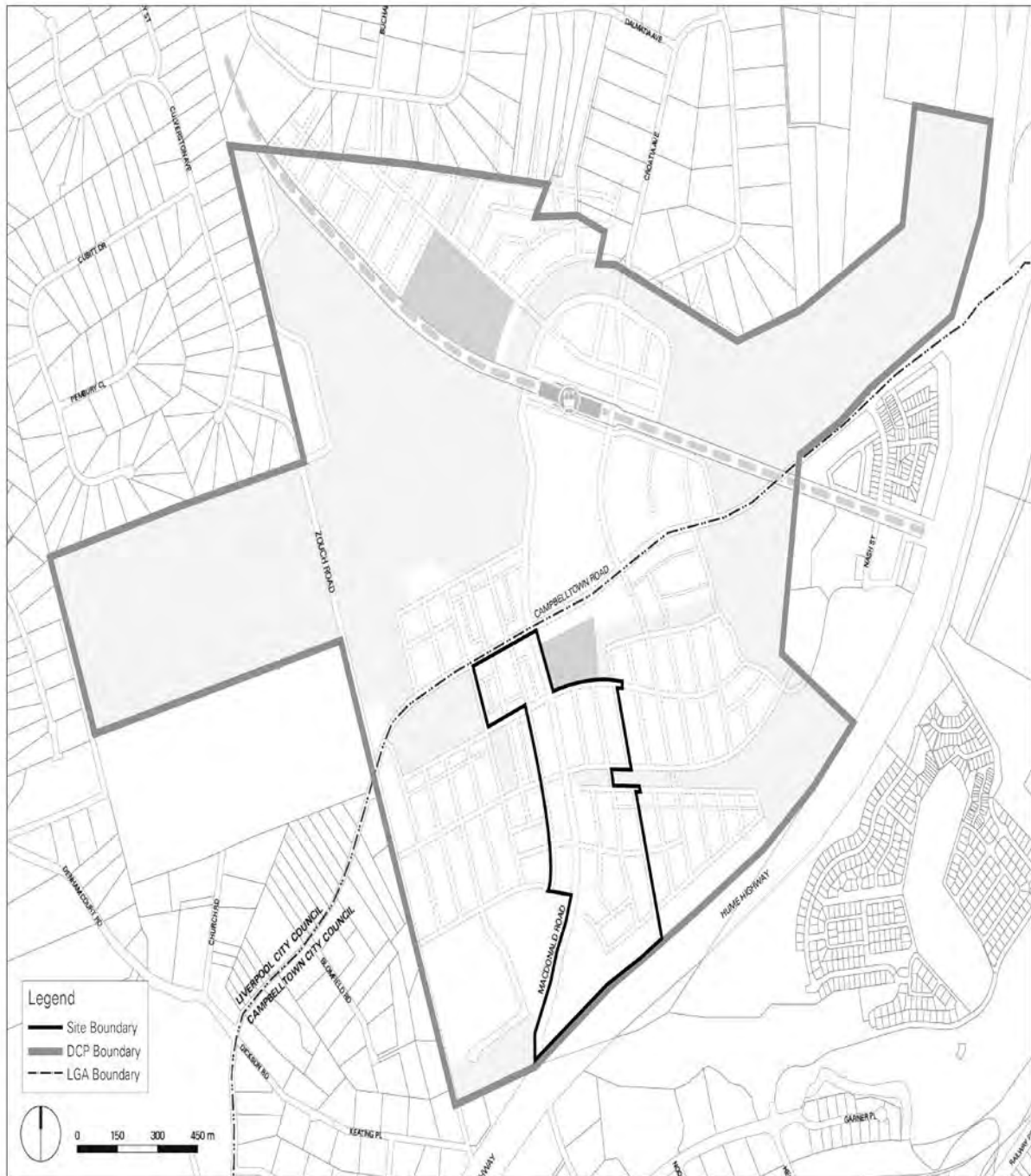
That the Officer's Recommendation be adopted.

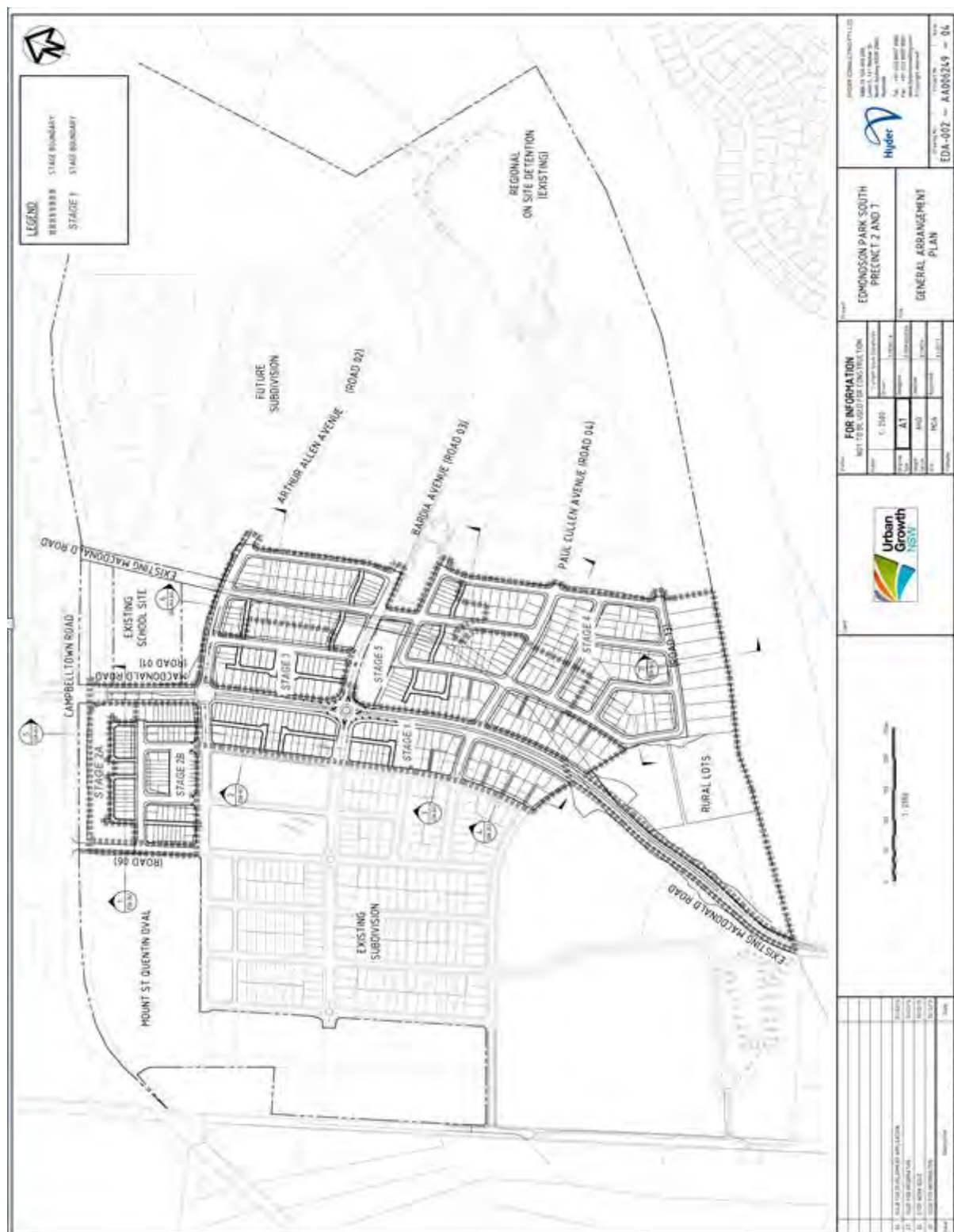
Voting for the Council Resolution were Councillors: Borg, Brticevic, Chanthivong, Glynn, Greiss, Kolkman, Lound, Matheson, Mead, Oates, and Rowell.

Voting against the Council Resolution: Nil.

At the conclusion of the discussion regarding Item 2.3, Councillor Hawker and Council's Acting Director Planning and Environment returned to the Chamber for the remainder of the meeting.

ATTACHMENT 1





3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics September 2014

Reporting Officer

Acting Manager Development Services

Attachments

Development Services application statistics for September 2014 (contained within this report)

Purpose

To advise Council of the status of development and other applications within the Development Services section.

Report

In accordance with Council's resolution of 23 August 2005, that Councillors be provided with regular information regarding the status of development applications, the attachment to this report provides details of key statistics for September 2014 as they affect the Development Services section.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 11 November 2014 (Greiss/Matheson)

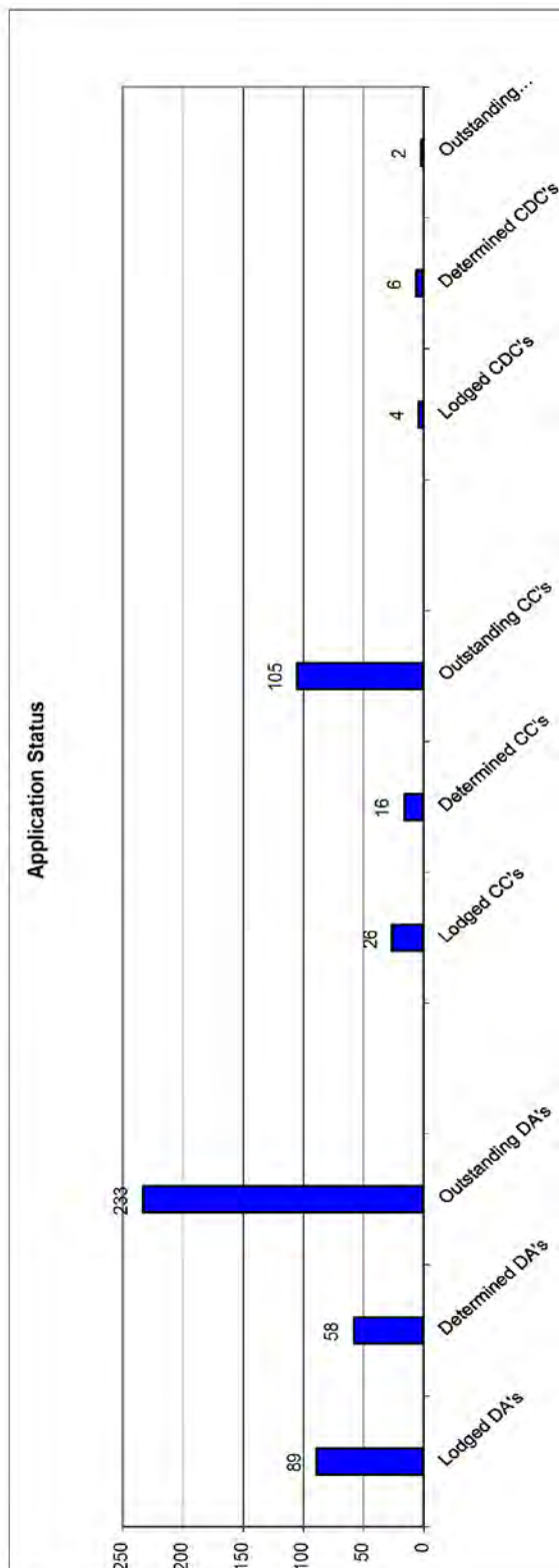
That the Officer's Recommendation be adopted.

Council Resolution Minute Number 214

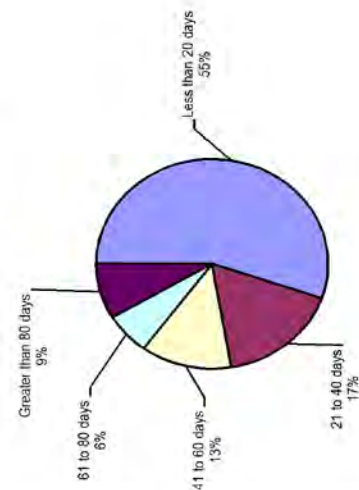
That the Officer's Recommendation be adopted.

ATTACHMENT 1

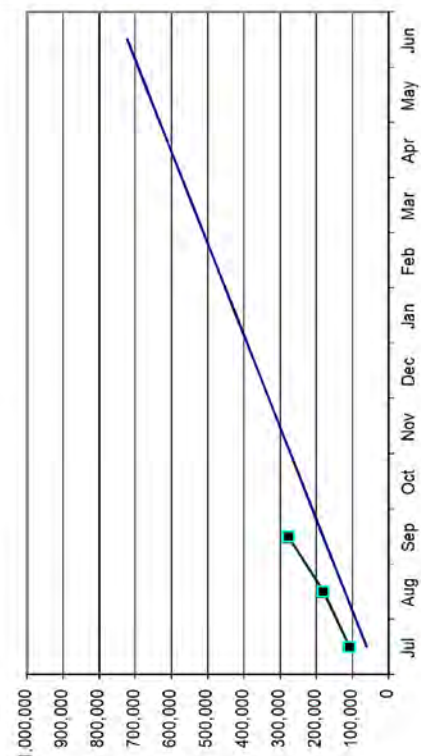
DEVELOPMENT SERVICES SECTION MONTH AT A GLANCE – September 2014



Development Application Monthly Processing Times



Development Application Income



3.2 Council's Monitoring And Reporting Obligations Of Variations To Development Standards Allowed Under State Environmental Planning Policy No. 1 - Development Standards (SEPP 1)

3.2 Council's Monitoring and Reporting obligations of Variations to Development Standards allowed under State Environmental Planning Policy No. 1 - Development Standards (SEPP 1)

Reporting Officer

Acting Manager Development Services

Attachments

SEPP 1 variations approved for the period July to September 2014 (contained within this report)

Purpose

To advise Council of development applications approved for the period 1 July, 2014 to 30 September, 2014 that involved a variation of a development standard allowed under the relevant provisions of the State Environmental Planning Policy No. 1 - Development Standards (SEPP 1 applications).

Report

In accordance with the Department of Planning and Infrastructure's (DPI) requirement for all SEPP 1 applications to be reported to Council, the attachment to this report provides details of all SEPP 1 applications that were determined within the period stated above.

Further to the above, a copy of the attachment to this report was included in the quarterly report to the DPI and the information is also made available to the public under the SEPP 1 register on Council's website.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 11 November 2014 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 214

That the Officer's Recommendation be adopted.

3.2 Council's Monitoring And Reporting Obligations Of Variations To Development Standards Allowed Under State Environmental Planning Policy No. 1 - Development Standards (SEPP 1)

ATTACHMENT 1

SEPP 1 Variations 1 July 2014 to 30 September 2014

Council DA reference number	Lot number	DP number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined
Nil														

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

3.3 Modification of existing development consent for the construction and operation of a child care centre - No. 1 Blomfield Road, Denham Court

Reporting Officer

Acting Manager Development Services

Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality plan (contained within this report)
3. Proposed intersection plan (contained within this report)
4. Amended proposed intersection plan (contained within this report)

Purpose

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

Property Description	Pt Lot 101 DP 602622, No. 1 Blomfield Road, Denham Court
Application No	610/2004/DA-C/A
Applicant	G8 Education P/L c/- Cardno HRP
Owner	J F Galluzzo
Provisions	State Environmental Planning Policy (Infrastructure) 2007 Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan
Date Received	July 2014

History

Council resolved to refuse a development application for the construction and operation of a child care centre at the subject site at its meeting held on 3 May 2005.

Immediately prior to that decision by Council, the land owner appealed to the Land and Environment Court (the Court) on the grounds that Council had failed to determine the application within the prescribed period of time.

After receipt of amended plans and expert witness opinion from several professionals, the Court granted development consent for the construction and operation of the child care centre in September 2005.

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

The consent from the Court was issued with 61 conditions of consent, which addressed a wide range of issues including the building's construction, provision of car parking, on-site effluent treatment and operational matters for the centre, construction of a commercial kitchen and traffic safety.

In December 2012, Council issued a 'Notice of Proposed Order', which required the owner to comply with the requirements of Condition 19 of the consent. Condition 19 relates to the construction of a new intersection at Campbelltown and Blomfield Roads once the number of children attending the centre reaches certain thresholds.

At the time, Council received advice from the RMS which supported the Notice's intention, that being, construction of an upgraded intersection adjacent to the child care centre site and in accordance with the Court's condition.

Extracts from RMS correspondence at the time reads:

"RMS has reviewed the information submitted and advises that once enrolments at the child care centre reach above 50, the warrant is met to upgrade the intersection of Blomfield Road and Campbelltown Road to a Type AUR intersection treatment at full cost to the operator of the child care centre."

"If the abovementioned intersection is not upgraded to a Type AUR intersection treatment, concern is raised with regard to non-frangible fixed objects being located within the clear zone on the northern side of Campbelltown Road at the intersection, which poses a road safety hazard."

"As a result of all the above, RMS fully supports Council in enforcing Condition No. 19 of the development consent."

Also in December 2012, following issue of Council's Notice of Proposed Order, the owner submitted an application to modify the existing Court-issued consent so as to remove Condition 19. This was not supported by Council and was subsequently amended so that Condition 19 would remain although in an altered format.

Council appointed an independent expert to conduct an assessment of the applicant's proposed amendment to the condition and the previously-approved intersection type. The independent expert's report is summarised in three points below:

1. We recommend that Council refuse the S96 Application to delete Consent Condition 19.
 2. We recommend that the intersection treatment (as proposed by the applicant) not be accepted as an adequate replacement of the required Type B layout.
 3. If this refusal is appealed, we recommend that the argument be made that the current RMS/Austrroads guidelines be applied, and subsequently that a higher level treatment than the Type B (AUR) be applied, with the Type CHR(S) being the minimum desirable treatment.
-

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

Council subsequently refused the application to modify Condition 19 at its Ordinary meeting held on 12 November 2013.

Following determination of the abovementioned application, Council moved to issue an Order so that the works to the intersection would be carried out by the owner in accordance with the consent. This Order was subsequently submitted to the Land and Environment Court as a Class 4 appeal by the owner. The outcome of that appeal is remains outstanding at the time of preparing this report.

Report

An application to modify the Court issued development consent has been received. The application has been made pursuant to Section 96AA of the *Environmental Planning and Assessment Act 1979* (the Act). Section 96AA of the Act allows the Council to determine modification requests, even though the original consent was issued by the Court.

The subject application is threefold in its nature. The separate parts and the conditions to which they relate are:

1. Condition 11 – Hours of Operation

Condition 11 of the consent currently reads:

This development consent permits the following hours of operation only. Any extension of these hours requires Council's separate development consent.

- Monday to Friday: 7.00am to 6.00pm
- Saturday: 8.00am to 12.00pm

The applicant requests an extension to those hours for certain days "to enable the centre to host special events a few times" per year. The nominated days are Easter Saturday, Father's Day, Mother's Day and a Christmas function in December.

Accordingly, should Council approve the modification application, the consent condition would be amended to read:

This development consent permits the following hours of operation only. Any extension of these hours requires Council's separate development consent.

- Monday to Friday: 7.00am to 6.00pm
 - Saturday: 8.00am to 12.00pm
 - Easter Saturday: 8.00am to 5.00pm
 - Mother's Day: 8.00am to 5.00pm
 - Father's Day: 8.00am to 5.00pm
 - One weekend day in December: 8.00am to 5.00pm
-

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

The request is effectively an extension of operating hours for five hours on two Saturdays and the opening of the centre for two Sundays per year. However, it is also important to consider the impacts of these requested additional opening hours on the local community, as the centre would not be operating under normal conditions.

Rather, the centre would operate at a high capacity with a large number of visitors and children attending for the special events.

It is recommended that an additional condition be placed within the consent, which requires the applicant to:

- Respond to the impacts the permitted events may temporarily have on the area's amenity, by way of noise and traffic increases
 - Develop a Traffic Management Plan (TMP) for all events at the child care centre, which is to be submitted to Council and approved by Council's Local Traffic Committee prior to the commencement of events at the child care centre.
 - The TMP is required to be submitted a minimum of 12 weeks prior to the conduct of the first approved event to meet reporting timeframes/deadlines.
 - The TMP is to include as a minimum details of the following:
 - A traffic control plan (TCP) for the management of parking on-site and on Campbelltown and Blomfield Roads.
 - The TCP shall include means to prohibit/restrict parking on the southern side of Blomfield Road from Campbelltown Road to the crest of the hill heading east along Blomfield Road.
 - Identification of suitable car parking overflow areas that do not create a nuisance or safety issue for residents, attendees of the events and other businesses in Denham Court
 - Indicate the number of authorised traffic controllers required to implement and manage the TCP
 - The TCP shall be applied at each event.
 - Provision for additional signage is to be included in the TCP such that suitable signs be placed on the nature strip and sufficiently spaced from Campbelltown Road to the crest of the hill in Blomfield Road with the wording "No Parking on Nature Strip – Penalties Apply".
 - That traffic control devices (such as witches hats) be placed on the road a minimum of two metres either side of residential driveways to ensure safe vehicle access and egress for residents and no parking in driveways.
 - Prior to each event, the child care centre operator notify Council in writing a minimum of two weeks prior to an event.
 - Residents of Blomfield Road are to be notified in writing by the child care centre operator a minimum of 72 hours prior to an event.
-

A new recommended condition (11A) would read:

11A. Special Events

Four special events are permitted at the centre per year on the following days:

- Easter Saturday
- Mother's Day
- Father's Day
- One weekend day in December

The applicant shall prepare a Traffic Management Plan (TMP) for all events at the child care centre, which is to be submitted to Council and approved by Council's Local Traffic Committee prior to the commencement of events at the child care centre.

The TMP is required to be submitted a minimum of 12 weeks prior to the conduct of the first approved event to meet reporting timeframes/deadlines.

The TMP is to include as a minimum details of the following:

- A traffic control plan (TCP) for the management of parking on-site and on Campbelltown and Blomfield Roads.
 - The TCP shall include means to prohibit/restrict parking on the southern side of Blomfield Road from Campbelltown Road to the crest of the hill heading east along Blomfield Road.
 - Identification of suitable car parking overflow areas that do not create a nuisance or safety issue for residents, attendees of the events and other businesses in Denham Court
 - Indicate the number of authorised traffic controllers required to implement and manage the TCP
 - The TCP shall be applied at each event.
 - Provision for additional signage is to be included in the TCP such that suitable signs be placed on the nature strip and sufficiently spaced from Campbelltown Road to the crest of the hill in Blomfield Road with the wording "No Parking on Nature Strip – Penalties Apply".
 - That traffic control devices (such as witches hats) be placed on the road a minimum of two metres either side of residential driveways to ensure safe vehicle access and egress for residents and no parking in driveways.
 - Prior to each event, the child care centre operator notify Council in writing a minimum of two weeks prior to an event.
 - Residents of Blomfield Road are to be notified in writing by the child care centre operator a minimum of 72 hours prior to an event.
-

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

Further, and prior to the first event, the applicant shall prepare and submit for Council's written approval and 'amenity management plan', which details as a minimum the following:

- Proposed or likely number of attendees
- Measures that will be used to minimise the impact of events on the amenity of nearby and adjoining residents, with special regard to noise and property access.

The proposed operating times on those two Saturdays are also within the permitted hours of operation detailed in Section 8.3.5 of Council's Campbelltown (Sustainable City) Development Control Plan (SC DCP). Under the SC DCP, Sunday operation is not permitted.

With quantifiable measures in place to reduce known issues that occur in the area during previous events and noting that they are to be run only four times per year and except for two Sundays, within Council's city-wide permitted operating hours, the impacts of the centre's activities in this regard is considered to be acceptable.

2. Condition 12 – Enrolment Numbers

Condition 12 of the Court's consent is reproduced exactly below:

This development consent permits the enrolment of maximum 74 children at the child care facility, in the following age configuration and subject to the concurrent use of Building 1 and 2. Any change to the maximum number of children in each age group, or the maximum total number of children enrolled at the centre requires Council's separate development consent.

- 0-2 year olds: maximum 15 children
- 2-6 year olds: maximum 59 children

Subject to compliance with the other conditions of this consent (including condition 26A), the use of Building 1 may commence prior to commencement and/or completion of work associated with Building 2. In such an instance the capacity of the child care centre where only Building 1 is available is limited to a maximum of 28 children. An interim Occupation Certificate may be sought upon completion of all related works to Building 1 to permit such use.

Prior to the operation of the childcare centre in buildings 1 and 2 for more than 50 children (not exceeding 54 children), the type B work required by condition 19 of this consent to the intersection of Blomfield Road\Campbelltown Road shall be carried out.

The applicant has requested an amendment to the approval total number of children so that 90 would be permitted to attend, instead of the current 74. The applicant's requested condition wording follows:

This development consent permits the enrolment of maximum 90 children at the child care centre facility.

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

Deleted references to intersection construction from the existing to proposed condition are discussed in more detail in the third facet of the modification later in this report.

The applicant notes that the centre's existing operation licence (issued by the NSW Department of Education and Communities – Early Childhood Education and Care Directorate) permits 90 children to attend the centre. Council is informed that the Early Childhood Education and Care Directorate, operating pursuant to the Children (Education and Care Services) National Law (NSW)), use a child care centre's building, play and car parking areas to determine the appropriate number of children permitted in a licensed centre. Also (and unlike the consent), the existing licence does not specify a set number of children from particular age groups which may attend the centre.

The applicant has undertaken an assessment of the existing car parking areas in accordance with Section 8.4.1 of Council's SC DCP. Under that Section, a child care centre is required to provide 1 space for every 4 children permitted to attend the centre. Thus, the car parking required is determined in the following arithmetic calculation:

$$90/4 = 22.5, \text{ say } 23.$$

23 car parking spaces have been approved by the Court for the site, meaning that even with the increased number of children rising to 90, Council's car parking requirement is satisfied.

An increase of an additional 16 children at any one time is also not considered likely to noticeably and detrimentally impact on the nearby natural and built environment; over and above the existing approved attendance, although this is subject to compliance with condition 19, discussed in the following section of this report.

It is therefore recommended that Council approve a modification to condition 12, so that it reads:

This development consent permits the attendance of a maximum 90 children at the child care centre facility at any one time. The attendance of children shall also be limited in accordance with the centre's current Service Approval at all times, up to 90 children.

Prior to the operation of the child care centre for more than 50 children, the CHR(S) intersection, required by Condition 19 of this consent, shall be completed.

The minor change from the applicant's request removes a reference to enrolments, which is not considered to be as specific as attendance 'at any one time'.

As mentioned previously, the applicant has also requested an amendment to condition 19, which relates to the construction of an upgraded intersection of Campbelltown and Blomfield Roads.

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

3. Condition 19 – Intersection Construction

Condition 19 of the Court's consent is reproduced exactly below:

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit engineering details of the required intersection construction described below.

Upgrade the intersection to type A intersection (as contained within Austroads 'The Guide to Traffic Engineering Practice, Intersections at Grade, Part 5'), comprising creation of a 4 m wide Clear Zone on the northern side of Campbelltown Road, directly opposite Blomfield Road. The Clear Zone would be achieved by the relocation of a light pole, the removal of 2-3 trees (if required) and minor road should(sic) improvement works to the RTA's satisfaction prior to the commence(sic) of the centre, where the enrolment of children does not exceed 50 places. The intersection shall be upgraded to type B intersection (as contained within Austroads 'The Guide to Traffic Engineering Practise, Intersections at Grade, Part 5') where enrolment exceeds 50 children to a maximum of 74 children.

Details of Type A & B construction design details to be provided prior to the issue of a Construction Certificate.

The applicant shall liaise with the Roads and Traffic Authority (RTA) Project Services Manager, Traffic Projects Section, Blacktown (ph. 8814 2144) in preparation of the intersection design. Prior to issue of a construction certificate, the written approval of the RTA as to the intersection design is required to be provided to Council.

All works shall be to the sole cost of the applicant. The applicant may be required to pay a plan checking fee and lodge a performance bond with the RTA prior to release of the approved road design from the RTA.

The applicant shall advise council in writing a minimum of three months prior to commencement of operation of the centre with more than 50 children.

Council's previous enquiries with the child care centre operator have revealed that current daily attendance is in the order of 75 and up to 90 children. This attendance rate greatly exceeds the design criteria for the intersection (especially at 'Type A' as required by the consent) and also exceeds the maximum permitted by the Court's consent, which capped enrolment at 74.

Council and Roads and Maritime Services (RMS) have previously received certain evidence that a 'Type A' intersection was constructed by the applicant. Surveys undertaken in 2013 tend to agree with that evidence. However, the number of children attending the centre is significantly exceeding the Court's requirement of attendance prior to the upgrade of the Campbelltown and Blomfield Roads intersection.

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

In order to support the application to increase child numbers, in light of Council's 2013 decision to refuse an application to construct works that were of a lesser safety standard than the Court's original approval, the applicant has advanced an alternate intersection design, which much more closely mirrors the Court's approval of the child care centre.

Under the applicant's proposal (and as seen in Attachment 3 to this report), a channelised right turn (short) intersection (CHR(S)) would be constructed. It is important to note that in the current Austroads Guidelines, the Type B intersection treatment is no longer used, and is replaced by a Type CHR(S), which is a reduced version of the standard right turn bay treatment. It is considered safer than the B treatment.

Pursuant to the requirements of State Environmental Planning Policy (Infrastructure) 2007, Council forwarded the modification application to the RMS for its consideration and concurrence, as Campbelltown Road is a classified road that falls under RMS control.

Council received a written response from the RMS on 25 August 2014. The response indicated the following key relevant points, reproduced below:

1. Roads and Maritime acknowledges that to accommodate additional right turn movements on Campbelltown Road at Blomfield Road, the preferable treatment is a channelised right turn treatment, designed and constructed in accordance with Austroads.
2. However, Roads and Maritime advises that while the abovementioned channelised right turn treatment is the preferable intersection treatment, the existing intersection configuration is acceptable to Roads and Maritime, subject to the following:
 - All trees and poles within the clear zone shall be removed at the developer's cost. This will require the applicant to provide alternative measures for street lighting at the intersection.
 - No Stopping shall be implemented on the northern side of Campbelltown Road to Roads and Maritime requirements.

Briefly, paragraph 1 (above) reiterates the Court-issued consent requirements to construct a channelised right turn intersection, while paragraph 2 (above) presents a lower grade intersection in terms of its design safety and construction work.

Similarly to the modification application determined in 2013, the advice in paragraph 2 endorses an intersection type that is of a lesser standard than the Court's consent and is in contrast to the RMS's correspondence to Council in December 2012, which recommended that Council enforce the condition as approved by the Court for a dedicated right turn bay intersection type. It is also in contrast to the applicant's own submission, which recommends construction of a CHR(S) intersection at the site.

In mid-August, Council and the applicant were made aware of a meeting held on site with the owner's representatives and the RMS. Council was not privy to the meeting or the matters discussed therein, however, were made aware that an alternate CHR(S) design would be forthcoming after RMS officers made comment on the channelised right turn proposal when physically at the site.

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

The amended plan was received in late August and forms Attachment 4 to this report. The main difference is that the physical surface of Campbelltown Road would move to the east, as the RMS could not support the expansion of the sealed road area on the western side due to its proximity to existing boundaries and hard structures. The proposal to shift the southbound lane to the east means that the road can remain comfortably within the existing road reserve, although it would be located approximately 3 metres closer to the child care centre and a residence at Number 2 Blomfield Road.

Independent Assessment

Whilst the modification application was under consideration by the RMS, Council's officers sought independent advice from a traffic engineering expert. The brief to the independent expert was to undertake a "peer review" of the information submitted in support of the application to modify Condition 19 in particular.

The independent expert was provided with a copy of the information forming part of the application. The expert has also visited the site previously.

After reviewing the submitted information and forming an opinion about the intersection and its environs, the independent expert made the following comments and observations (amongst others) in his report on the proposal to modify Condition 19:

- With their (the RMS) adoption of the current (2009) Austroads Guidelines, the old Type B intersection treatment is no longer considered satisfactory by the RMS. . . . it is clear that the old Type B is now equivalent to the new Type CHR(S), where the "S" denotes "short". The CHR(S) is a shortened version of the Type CHR. Thus, for the current development consent, when the enrolment exceeds 50 children, the intersection should be upgraded to a Type CHR(S), instead of a Type B.
- If the approved development was assessed under the 2009 Austroads warrants, a Type CHR treatment is warranted for in excess of 50 children.
- However, there is a question of reasonableness and of the application of standards applicable at the time a consent is granted. I consider that for the enforcement of the current development consent, the 'Guide to Traffic Engineering Practise, Intersections at Grade, Part 5' (as referenced in the Court's condition) warrants should be used, but with intersection types updated to current practice.
- This means that for an enrolment of 50-74 children, the intersection needs to be upgraded to a Type CHR(S), which has replaced Type B as the middle level of treatment.
- This layout (that included in Attachment 4 to this report), subject to RMS consent, is appropriate for meeting the obligations of Consent Condition 19. Council could consider approving the enrolment of the current centre up to 90 children, subject to this layout being constructed.

Accordingly, Council should continue to pursue construction of a channelised right turn intersection as part of the child care centre's original consent, as by the RMS's own comment it is "the preferable treatment."

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

It is therefore recommended that Council approve a modification to condition 19, so that it reads:

The intersection of Campbelltown Road and Blomfield Roads is to be reconstructed to provide a Type CHR(S) layout that complies with Austroads 'Guide to Road Design' recommendations prior to daily child attendance at the child care centre exceeding 50.

The intersection shall be constructed generally in accordance with the plan prepared by McLaren Traffic Engineering (ref. 12103, Drawing 1, Revision 1, dated 19 August 2014), with an increase to the south eastern deflection from 43 metres to 60 metres and the approval of Roads and Maritime Services.

The applicant shall carry out design and construction of the intersection to include all necessary road pavement construction, drainage, creation of right turn lane, deceleration, storage and acceleration areas, thermoplastic line marking and signposting, landscaping, and the capital cost of street lighting to Endeavour Energy's requirements.

All works associated with the proposed development shall be at no cost to Roads and Maritime Services and Campbelltown and Liverpool City Councils.

Any works on Campbelltown Road at the Blomfield Road intersection requires the applicant to enter into a 'Works Authorisation Deed' with Roads and Maritime Services, which shall be executed prior to the commencement of any works at the intersection.

Other Matters

In addition to the assessment above, which was requested by the applicant, it is considered prudent for Council to consider another potential impact of the development in what would be an expanded format. The matter being waste water treatment and disposal as the site is not connected to Sydney Water's sewerage system.

There is an existing approved system installed and operational at the site. Council's officers had requested confirmation that the existing system would be capable and suitable for the proposal to increase child enrolments and possibly, staff numbers.

Council requested additional information from the applicant and has conducted its own assessment of the existing installed system and the proposal to increase enrolments. The key considerations in the assessment are:

- The number of persons on site contributing to waste water generation;
- The capacity of the existing system; and
- The capacity of the area nominated for irrigation of treated water as detailed in Council's existing records of the facility.

Following a review of the abovementioned factors, Council's officers are of the opinion that the current system and its irrigation areas are not of sufficient capacity to support the proposed increase to enrolments at the site.

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

Accordingly, changes to the Court's conditions of consent in relation to wastewater treatment have been made to the effect that the applicant must ensure the system operates as a 'pump out' style, with no irrigation or transpiration of water occurring at the premises.

Public Consultation

Council notified the modification proposal in accordance with the requirements of Section 96AA of the *Environmental Planning and Assessment Act 1979*. All properties in Blomfield Road were notified as well as other affected properties located in both Campbelltown and Liverpool City Council areas on Campbelltown Road and Liverpool City Council itself.

Three submissions objecting solely to the modification were received. Matters raised in the submissions are detailed below:

- The impacts on amenity of weekend use at the child care centre:

Submissions detailed the significant local impact that functions previously held at the centre without Council's approval had caused in terms of traffic safety, traffic congestion and access to and from residential properties.

In response, the recommended condition of consent detailed in this report, which requires the operators of the centre to engage with residents and undertake significant traffic management before and during the four events has been developed.

The condition (and the requirements contained within) is considered adequate to address the traffic safety and congestion issues, which residents have previously experienced.

The proposed operating hours and the four occasions per year are not considered likely to have a significant and detrimental impact on nearby and adjoining residents.

- Issues with staff at the centre interfering with enjoyment of property:

Submissions cited examples of staff at the centre interfering with the enjoyment of the adjoining owners at their own property, including smoking within lands adjacent to the centre and parking in a manner that seriously inconveniences adjoining owners.

The identified issues will be passed to the centre operator's management company for further action and also to Council's Compliance Section for investigation with specific regard to parking offences.

- Objection to increasing the number of children permitted:

Submissions have objected to the number of children being increased at the centre on several grounds, including the potential impacts on traffic, the failure of the owner to have previously constructed an intersection in accordance with the Court's requirements and a potential increase from noise.

The increase in permitted number of children is not anticipated to significantly increase already experienced noise levels emanating from the child care centre. Council is aware that the centre is already being operated with an attendance higher than that permitted by the consent, although subpoenaed records do detail that attendance does not at any time exceed 90.

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

The car parking supply of the centre meets Council's development control plan requirement for 90 children.

The proposed modification requires the construction of an Austroads 'Guide to Road Design' Type CHR(S) intersection, which is substantially more safe than the existing and outdated 'Type A' treatment.

Conclusion

An application to modify an existing development consent issued by the Land and Environment Court to construct and operate a child care centre has been received.

The modification application proposes three distinct changes to the existing development consent. The changes relate to:

- The provision to operate for special events four times per year
- The construction of an upgraded intersection at Campbelltown and Blomfield Roads
- An increase to the maximum number of children permitted to attend the centre from 74 to 90.

The application has been reviewed and is considered to be acceptable for the site, subject to the amendment of, and imposition of new conditions which relate to the matters mentioned above.

Council forwarded the proposal to NSW Roads and Maritime Services for its comment, as Campbelltown Road is a classified road under the control of the RMS. Notwithstanding, Council is the consent authority.

Council sought an independent expert review of the application, which utilised all the information submitted by the applicant. The independent review concluded that the higher-grade or CHR(S) intersection should be constructed in order to increase vehicle safety on Campbelltown and Blomfield Roads. This also accords with the applicant's own assessment.

The RMS has provided a 'preferred' and secondary option for construction of the intersection required at the site. The preferred option is a channelised right turn and the second option is a hybrid interpretation of the existing intersection, with some minor works to the road's external interfaces. Notwithstanding the RMS's position, it's considered that Council would be remiss in recommending approval of an intersection which is lower in safety standing than that originally approved by the Court.

It would appear that non-compliance with the requirements of the Court's development consent, including to construct a Type B intersection and notify Council when enrolments increase above 50 children, result in a potential safety risk for people travelling on Campbelltown and Blomfield Roads. As noted in the past by the independent expert engaged by Council:

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

“While it is fortunate that there have been no recorded accidents on weekdays at this intersection in the period July 2006 until June 2011, this is not sufficient reason to not require an intersection upgrade when the children enrolled exceeds 50.”

The enrolment at the centre is significantly higher than 50 children. Council has been informed that daily attendances at the centre are in the order of 75 to 90 children, which not only exceeds that Court's cap on enrolments, but also highlights a degree of concern in terms of ongoing compliance with the Court's conditions in relation to traffic safety.

It is concluded that approval of the application can be recommended, subject to the amendment of Conditions 11 (Hours of Operation), 12 (Enrolment Numbers) and 19 (Intersection Construction) and the imposition of an additional Condition 11A, which requires the applicant to undertake certain consultations and coordination tasks prior to the four weekend events that would be permitted per year.

Officer's Recommendation

1. That the application to modify existing development consent 610/2004/DA-C/B to construct and operate a child care centre at No. 1 Blomfield Road, Denham Court be approved, subject to the conditions detailed in Attachment 1 of this report.
2. That those members of the public who made a submission on the proposal be notified of Council's decision.

Committee Note: Ms Painter and Mr Howie addressed the Committee in opposition to the development.

Ms Murray addressed the Committee on behalf of the applicant.

Committee's Recommendation: (Kolkman/Lound)

That the application to modify existing development consent 610/2004/DA-C/B to construct and operate a child care centre at No. 1 Blomfield Road, Denham Court be refused based on:

- i) the negative impact the increase in the numbers of children will have on the quiet enjoyment of the semi-rural environment by neighbours.
- ii) that long standing traffic implications of the development coupled with an expansion of client patronage will exacerbate an already dangerous traffic environment.

CARRIED

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

Voting against the Committee's Recommendation: Nil.

Council Meeting 11 November 2014 (Borg/Oates)

That the Committee's Recommendation be adopted.

Amendment (Kolkman/Glynn)

That the application to modify existing development consent 610/2004/DA-C/B to construct and operate a child care centre at No. 1 Blomfield Road, Denham Court be refused due to:

- i) the unacceptable adverse impact the operation of the child care centre with more than 74 children is having on the amenity of the surrounding semi-rural environment
- ii) the unacceptable adverse impact the traffic generated as a result of the operation of the child care centre with more than 74 children is having on the safety and convenience of local residents
- iii) the likely exacerbation of adverse traffic impact on safety by the proposed increased enrolments
- iv) the unacceptable adverse impact the opening of the centre for functions will have on the amenity of the surrounding semi-rural environment
- v) the unacceptable adverse impact the additional traffic generated as a result of the child care centre being used for family functions will have on the safety of all road users in the proximity of the child care centre
- vi) there being no evidence that the intersection type proposed has the capacity to accommodate the unknown volume of traffic generated as a result of the child care centre being used for family functions.

Voting for the Amendment were Councillors: Borg, Brticevic, Chanthivong, Glynn, Kolkman, Lound, Matheson, Mead, Oates and Rowell.

Voting against the Amendment were Councillors: Greiss and Hawker.

Council Resolution Minute Number 216

That the above amendment be adopted.

Voting for the Council Resolution were Councillors: Borg, Brticevic, Chanthivong, Glynn, Kolkman, Lound, Matheson, Oates and Rowell.

Voting against the Council Resolution were Councillors: Greiss, Hawker and Mead.

At the conclusion of the discussion regarding Item 3.3, His Worship the Mayor, Councillor Lake returned to the Chamber for the remainder of the meeting and resumed the chair.

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 the development consent.

1. Approved Development

The development shall take place in accordance with the approved development plans reference:

- Untitled Issue E dated 19/12/2004 by Branvel Developments Pty Ltd
- Sheet 1 of 1 Issue E dated 17/6/2005 by Branvel Developments Pty Ltd
- Sheet 1 of 9 Issue E dated 16/6/2005 by Branvel Developments Pty Ltd
- Sheet 2 of 9 Issue G dated 8/7/2005 by Branvel Developments Pty Ltd
- Sheet 3 of 9 Issue F dated 8/7/2005 by Branvel Developments Pty Ltd
- Sheet 4 of 9 Issue I dated 4/7/2005 by Branvel Developments Pty Ltd
- Sheet 5 of 9 Issue B dated 14/1/2004 by Branvel Developments Pty Ltd
- Sheet 6 of 9 Issue A dated 14/1/2004 by Branvel Developments Pty Ltd
- Sheet 7 of 9 Issue E dated 9/9/2004 by Branvel Developments Pty Ltd
- Sheet 8 of 9 Issue E dated 11/8/2005 by Branvel Developments Pty Ltd
- Sheet 9 of 9 Issue E dated 11/8/2005 by Branvel Developments Pty Ltd
- Sheet 1 of 3 Issue A dated 8/7/2005 by Dacad Design
- Sheet 2 of 3 Issue A dated 8/7/2005 by Dacad Design
- Sheet 3 of 3 Issue A dated 8/7/2005 by Dacad Design
- Sheet 1 of 1 Issue A dated 29/6/2005 by Dacad Design

and all associated documentation submitted with the application, except as modified by 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. Landscaping

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan. And see the requirements of condition 25 below.

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

4. Deleted

5. Advertising Signs – Separate DA Required

This consent permits only the erection and display of one (1) advertising sign and support structure shown on Sheet 1 of 1 Issue A dated 29 June 2005 reference 0015-05A, drawn by Dacad Design, within this consent.

Any additional signs or variation to the approved signs, structures or illumination requires Council's separate development consent.

6. Advertising Sign

All approved signage is to be erected/supported in a safe and secure manner.

At no time shall the sign be illuminated.

The signage shall not flash, move or display electronic images.

The advertising structure shall be maintained in a condition so as to not become unsightly so as to adversely affect the amenity of the surrounding area.

7. 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 (as amended)* so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises or traffic.

A maximum of two downward-facing security lights are permitted below the soffit to the verandah of Building 1.

No floodlighting of the car park is permitted at any time.

8. Graffiti Removal

The owner/lessee of the building shall be responsible for the removal of any graffiti from the building within 48 hours of the graffiti appearing.

9. Deleted

10. Security Monitoring

At all times when the child care facility is not operating, an active monitored security and alarm system must be operational.

11. Hours of Operation

This development consent permits the following hours of operation only. Any extension of these hours requires Council's separate development consent.

- Monday to Friday: 7am to 6pm
 - Saturday: 8am to 12pm
-

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

- Easter Saturday: 8am to 5pm
- Mother's Day: 8am to 5pm
- Father's Day: 8am to 5pm
- One weekend day in December: 8am to 5pm

11A. Special Events

Four special events are permitted at the centre per year on the following days:

- Easter Saturday
- Mother's Day
- Father's Day
- One weekend day in December

The applicant shall prepare a Traffic Management Plan (TMP) for all events at the child care centre, which is to be submitted to Council and approved by Council's Local Traffic Committee prior to the commencement of events at the child care centre.

The TMP is required to be submitted a minimum of 12 weeks prior to the conduct of the first approved event to meet reporting timeframes/deadlines.

The TMP is to include as a minimum details of the following:

- A traffic control plan (TCP) for the management of parking on-site and on Campbelltown and Blomfield Roads.
 - The TCP shall include means to prohibit/restrict parking on the southern side of Blomfield Road from Campbelltown Road to the crest of the hill heading east along Blomfield Road.
 - Identification of suitable car parking overflow areas that do not create a nuisance or safety issue for residents, attendees of the events and other businesses in Denham Court
 - Indicate the number of authorised traffic controllers required to implement and manage the TCP
 - The TCP shall be applied at each event.
 - Provision for additional signage is to be included in the TCP such that suitable signs be placed on the nature strip and sufficiently spaced from Campbelltown Road to the crest of the hill in Blomfield Road with the wording "No Parking on Nature Strip – Penalties Apply".
 - That traffic control devices (such as witches hats) be placed on the road a minimum of two metres either side of residential driveways to ensure safe vehicle access and egress for residents and no parking in driveways.
 - Prior to each event, the child care centre operator notify Council in writing a minimum of two weeks prior to an event.
 - Residents of Blomfield Road are to be notified in writing by the child care centre operator a minimum of 72 hours prior to an event.
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3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

Further, and prior to the first event, the applicant shall prepare and submit for Council's written approval and 'amenity management plan', which details as a minimum the following:

- Proposed or likely number of attendees
- Measures that will be used to minimise the impact of events on the amenity of nearby and adjoining residents, with special regard to noise and property access.

12. Enrolment Numbers

This development consent permits the attendance of a maximum 90 children at the child care centre facility at any one time. The attendance of children shall also be limited in accordance with the centre's current Service Approval at all times, up to 90 children.

Prior to the operation of the child care centre for more than 50 children, the CHR(S) intersection, required by Condition 19 of this consent, shall be completed.

13. Department of Community Services (or its equivalent)

Prior to occupation, an operating licence issued by the NSW Department of Community Services (or its equivalent) is required to be submitted to Council. The operating licence shall not be inconsistent with the plans, operating hours and enrolment details approved in this development consent.

14. Road Construction

All road construction shall comply with the requirements of Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and Engineering Design Guide for Development (as amended).

15. Right-Turn Restriction

As a result of the development, Council's Traffic Committee will consider a weekday AM and PM peak "no right turn" restriction for vehicles attempting to access Campbelltown Road from Blomfield Road. Should Council consider imposing this restriction necessary, all costs associated with implementation and signposting of this restriction shall be borne by the applicant.

15a. Restriction of On-street Car Parking

- a. It shall be a requirement of enrolment that all parent and staff parking shall be wholly on site in the nominated spaces provided.
 - b. All visitors to the site shall be required to park on site.
 - c. (c)"No stopping" restriction signs for the period 7am-9am and 4pm-6pm Monday to Friday shall be provided at the cost of the applicant and erected on both sides of Blomfield Road to prevent on-street parking for the width of the property. Details of sign locations shall be provided with the Construction Certificate and erected prior to operation.
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3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

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.

16. Water/Electricity Utility Services

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

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

17. Telecommunications Utility Services

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

18. 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.

19. Intersection Construction

The intersection of Campbelltown Road and Blomfield Roads is to be reconstructed to provide a Type CHR(S) layout that complies with Austroads '*Guide to Road Design*' recommendations prior to daily child attendance at the child care centre exceeding 50.

The intersection shall be constructed generally in accordance with the plan prepared by McLaren Traffic Engineering (ref. 12103, Drawing 1, Revision 1, dated 19 August 2014), with an increase to the south eastern deflection from 43 metres to 60 metres and the approval of Roads and Maritime Services.

The applicant shall carry out design and construction of the intersection to include all necessary road pavement construction, drainage, creation of right turn lane, deceleration, storage and acceleration areas, thermoplastic line marking and signposting, landscaping, and the capital cost of street lighting to Endeavour Energy's requirements.

All works associated with the proposed development shall be at no cost to Roads and Maritime Services and Campbelltown and Liverpool City Councils.

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

Any works on Campbelltown Road at the Blomfield Road intersection requires the applicant to enter into a 'Works Authorisation Deed' with Roads and Maritime Services, which shall be executed prior to the commencement of any works at the intersection.

20. Traffic Committee

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans and obtain approval from Council's Local Traffic Committee for any proposals for the construction of prescribed traffic control devices and traffic control facilities and all associated line marking and/or sign posting arising from Conditions 15 and 15a of this consent.

21. Traffic Control Plans

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and obtain approval from an accredited person, a Traffic Control Plan (TCP) in accordance with the RTA manual "Traffic Control at Work Sites" and Australian Standard AS 1742.3 (as amended). A copy of the approved TCP shall be kept on site for the duration of the works in accordance with Work Cover Authority requirements. A copy shall be submitted to Council for its records.

22. 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 above finished site levels and stormwater shall be conveyed from the site to the nearest drainage system under Council's control. All proposals shall comply with Council's Engineering Design Guide for Development (as amended).

23. Work on Public Land

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

24. External Finishes

Prior to the issue of the construction certificate, a schedule of external finishes of the buildings and paved/concreted areas (including product samples) shall be submitted to Council for all external finishes. The schedule shall be to Council's written satisfaction. When constructed, all external finishes are to be in accordance with the approved schedule. Any proposed alterations to these finishes are considered to be a modification to the development consent and require Council's separate development consent.

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

25. Landscaping

Prior to the issue of a construction certificate, an amended landscape plan shall be submitted to Council, detailing each plant type and location. This plan shall be to Council's written satisfaction. Planting shall comprise a mix of indigenous specimens able to achieve a continuous screen of minimum height of 3.3 metres alongside the proposed open space and the remaining plants at 1.8 metres high alongside (a) the western side of the car park; (b) adjacent to car spaces 15-23 along the eastern boundary and (c) in the south-eastern corner of the street frontage.

Landscaping for the whole of the proposed child care centre (including along the existing Colorbond fence of the outdoor area facing Campbelltown Road) shall be planted before the occupation of building 1 even if building 2 is not immediately erected. The landscaping shall thereafter be maintained. Any landscaping that dies is to be replaced. To assist in the growth and maintenance of landscaping required to be planted along the western side of the Colorbond fence facing Campbelltown Road, an automatic watering system is to be installed before the occupation of building 2 and water for this system is to be collected from the roof of proposed building 2, in accordance with a rainwater collection plan submitted to and approved by the Council.

26. Sewage Management Facility

Prior to issue of a construction certificate, full details and amended site plans shall be provided of the wastewater management system required to service the development. The waste water treatment regime at the site shall be of a pump-out nature and operated in accordance with Condition 51A of this consent, relevant Australian Standards and the facility's approval pursuant to the Local Government Act 1993.

27a. Construction Management Plan (CMP) Building 2

This condition applies if the use of building 1 as a child care centre has lawfully commenced before the construction of building 2 is completed.

Prior to commencement of carrying out of any (further) works to building 2 while building 1 is in use, the applicant shall submit to the Council a construction management plan (CMP) relating to building 2 and obtain Council's written approval for that plan. *The overriding purpose of the CMP is the protection of the children concurrently using the centre and its outdoor area.* Without limiting that overriding purpose, the plan shall specify or deal with the following:

- All site works and related vehicle parking shall be limited to those parts of the land not utilised by operations associated with building 1 and any associated outdoor area or car park.
 - All related construction service deliveries shall occur via a temporary entrance from Campbelltown Road.
 - Appropriate fencing shall be provided to ensure the safety and security of all carers and children associated with operation of building 1 and any associated outdoor area or car park.
 - No construction related deliveries associated with building 2 should occur between 7am and 9am.
-

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

- All fencing shall contain dust generated by the construction of building 2.
- The continuing operation of the effluent disposal system for building 1.
- The protection of vegetation and landscaping.

The approved CMP and any conditions relating thereto shall be complied with.

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.

27. Erosion and Sediment Control

Prior to the commencement of any works on the land, erosion and sediment control measures detailed on the approved *Erosion and Sediment Control Plan* shall be fully installed/implemented.

28. Erection of Construction Sign

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

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

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

29. Toilet on Construction Site

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

- a. A public sewer, or
-

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

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

30. Trade Waste

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

31. Vehicular Access During Construction

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided to minimise ground disturbance and prevent to transportation of soil onto any public place. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street, kerb/road to the site is to be provided as a minimum requirement in the event that the unsealed entrance from Campbelltown Road is used.

32. Public Property

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

33. Hoarding / Fence

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

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

34. Sydney Water

The approved development plans shall be submitted to Sydney Water to determine whether the development will affect Sydney Water sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the plans will be stamped identifying that no further works are necessary.

3.3 Modification Of Existing Development Consent For The Construction And Operation Of
A Child Care Centre - No. 1 Blomfield Road, Denham Court

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.

35. 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.

36. 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.

37. 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 Sub-Committee outlining the proposal for the work zone. The application must 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 shall be borne by the applicant.

38. 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). All haul roads and construction areas shall be treated/ regularly watered to the satisfaction of the principal certifying authority.

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

39. 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.

40. Deleted

41. Deleted

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.

42. Section 73 Certificate

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

43. Structural Engineering Certificate

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

44. Completion of External Works

Prior to the issue of an occupation certificate for either buildings 1 or 2, all related 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 consent authority.

45. Restoration of Public Roads

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

46. Public Utilities

Prior to the principal certifying authority issuing an occupation certificate, adjustments to public utilities required as a result of the development shall be completed at the sole cost of the applicant.

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

47. Termite Protection

Prior to the principal certifying authority issuing an occupation certificate, certification from a licensed pest controller shall be submitted certifying that the termite treatment has been installed in accordance with AS3660.1.

48. Intersection Construction

Prior to the principal certifying authority issuing an occupation certificate, or interim occupation certificate, all intersection construction works described under this consent shall be completed to the satisfaction of the RMS.

FOOD CONSTRUCTION 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 Food Act 2003, Food Regulation 2004 Local Government Act 1993 and associated technical standards.

49. Construction

The internal construction of the childcare centre must be completed in accordance with AS4674-2004: Design, construction and fit-out of food premises.

50. Registration

The childcare centre is required to be registered with Council. An application must be made submitting the appropriate the form and fee prior to the business operations commencing.

51. Childcare Centre (Food Preparation) Notification Requirement

The proprietor of the childcare centre is required to notify their business details to the *NSW Food Authority* prior to operations commencing. An application can be made via www.foodnotify.nsw.gov.au or by submitting a notification form and fee to Council or NSW Food Authority.

ON SITE WATER MANAGEMENT FACILITIES

51A. Tanker Pump out System

- a. The collection well shall be emptied at least every two (2) weeks, or more frequently if required, and the contents removed and lawfully disposed of by a licensed liquid waste removal contractor.
 - b. Any exposed PVC (Class 12) pump-out line / effluent suction pipe shall be adequately protected against impact damage.
-

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

- c. The pump-out line from the collection well shall terminate at the property boundary closest to the road and is to be fitted with a 50mm or 65mm Kamlock fitting and approved dust cover or plug. The necessary fitting, dust cover, plug and adaptor may be purchased from the sanitary contractor/licensed liquid waste removal contractor.
- d. The owner/licensee shall maintain service contract arrangements with a suitably licensed waste removal contractor for the regularly fortnightly waste removal service.
- e. A graduated dipstick of copper material not less than 13mm in diameter shall be provided to the collection well. The highest graduation must indicate when the collection well is full.
- f. The lids of tanks are to be free of any soil or vegetation from the top of the septic tank and collection well (entire Tanker Pump-out system). The concrete join between the lid and the tank shall remain exposed (minimum 100mm height clearance) to ensure surface water cannot enter the tank.
- g. The lids and access opening covers shall be accessible and rendered watertight.
- h. The inspection holes on the tanks are to be clear and easily accessible.
- i. The septic tank and collection well (entire Tanker Pump-out system) must be pumped out immediately by a suitably licensed waste removal contractor, if there is evidence and or potential that the system is approaching a level where surcharge into the environment is likely.
- j. The primary chambers of the septic tank shall be pumped out/desludged by a suitably licensed waste removal contractor at a regular frequency (i.e. every 3 to 5 years), or when scum and sludge occupy 2/3 of the volume of the septic tank and / or as directed by Council.

Advisory Note

The chambers shall be pumped out / desludged equally, to prevent adjacent chambers collapsing due to hydrostatic pressures.

- k. The effluent from the Tanker Pump-out system shall not be used for irrigation or discharged onto any land or into any watercourse or drainage system.

52. Disposal Area

Deleted

53. Sewage Management Facility

The Sewage Management Facility shall be upgraded to adequately cater for the proposed enrolment of 90 children and proposed staffing levels.

3.3 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

The wastewater management facility shall not be used until Council has issued a certificate of completion which indicates that the facility has been upgraded accordingly. The applicant shall pay the standard fee for Council's inspection/assessment.

54. Effluent Disposal Area/s

Deleted.

55. Setback

Deleted.

56. Spray Irrigation

Deleted.

57. Irrigation Pipework

Deleted.

58. Disposal Area

Deleted.

59. Effluent Disposal Irrigation Area

Deleted.

60. Water Saving Devices

Water saving devices shall be installed to reduce the effluent load for onsite disposal.

61. Quarterly Service Record

Deleted.

62. Operator's Manual

Deleted.

63. Annual Service Contract

Deleted.

ADVISORY NOTES

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

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

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

Advice 2. Tree Preservation Order

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

Advice 3. Disability Discrimination Act

Your attention is drawn to the existence of the *Disability Discrimination Act*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act*. This is the sole responsibility of the owner, builder and applicant.

Advice 4. Smoke Alarms

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 5. Covenants

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

Advice 6. Inspections – Civil Works

Where Council is nominated as the principal certifying authority for civil works, the following stages of construction shall be inspected by Council. A compliance certificate or other documentary evidence of compliance is required to be obtained prior to proceeding to the subsequent stages of construction:

- a. EROSION AND SEDIMENT CONTROL –
 - Direction/confirmation of required measures.
 - After installation and prior to commencement of earthworks.
 - As necessary until completion of work.
 - b. STORMWATER PIPES – Laid, jointed and prior to backfill.
 - c. SUBSOIL DRAINS – After:
 - The trench is excavated.
 - The pipes are laid.
 - The filter material placed.
 - d. SUBGRADE – Joint inspection with NATA Reg. Laboratory after preliminary boxing, to confirm pavement report/required pavement thicknesses.
 - e. SUBGRADE – 10/12 tonne 3-point roller proof test, density tests and finished surface profiles prior to placement of sub-base.
 - f. CONDUITS – Laid and jointed prior to backfilling.
 - g. GULLEY PITS & OTHER CONCRETE STRUCTURES – Prior to pouring concrete.
 - h. PAVEMENT THICKNESS MEASUREMENT (DIPS) – After placement of kerb and gutter and final trimming of sub-base.
 - i. SUB BASE – 10/12 tonne 3-point roller proof test and finished surface profiles after finishing and prior to base course placement.
 - j. BASECOURSE – 10/12 tonne 3-point roller proof test, density tests and finished surface profiles after finishing and prior to sealing.
 - k. OVERLAND FLOWPATHS – After shaping and prior to topsoil/turf placement.
-

3.3 Modification Of Existing Development Consent For The Construction And Operation Of
A Child Care Centre - No. 1 Blomfield Road, Denham Court

- l. CONCRETE PATHS, CYCLEWAYS, VEHICLE CROSSINGS OR LAYBACKS – Prior to pouring concrete.
- m. ASPHALTIC CONCRETE SEAL – Finished surface profiles after sealing.
- n. FINAL INSPECTION – All outstanding work.

Advice 7. Inspection Within Public Areas

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

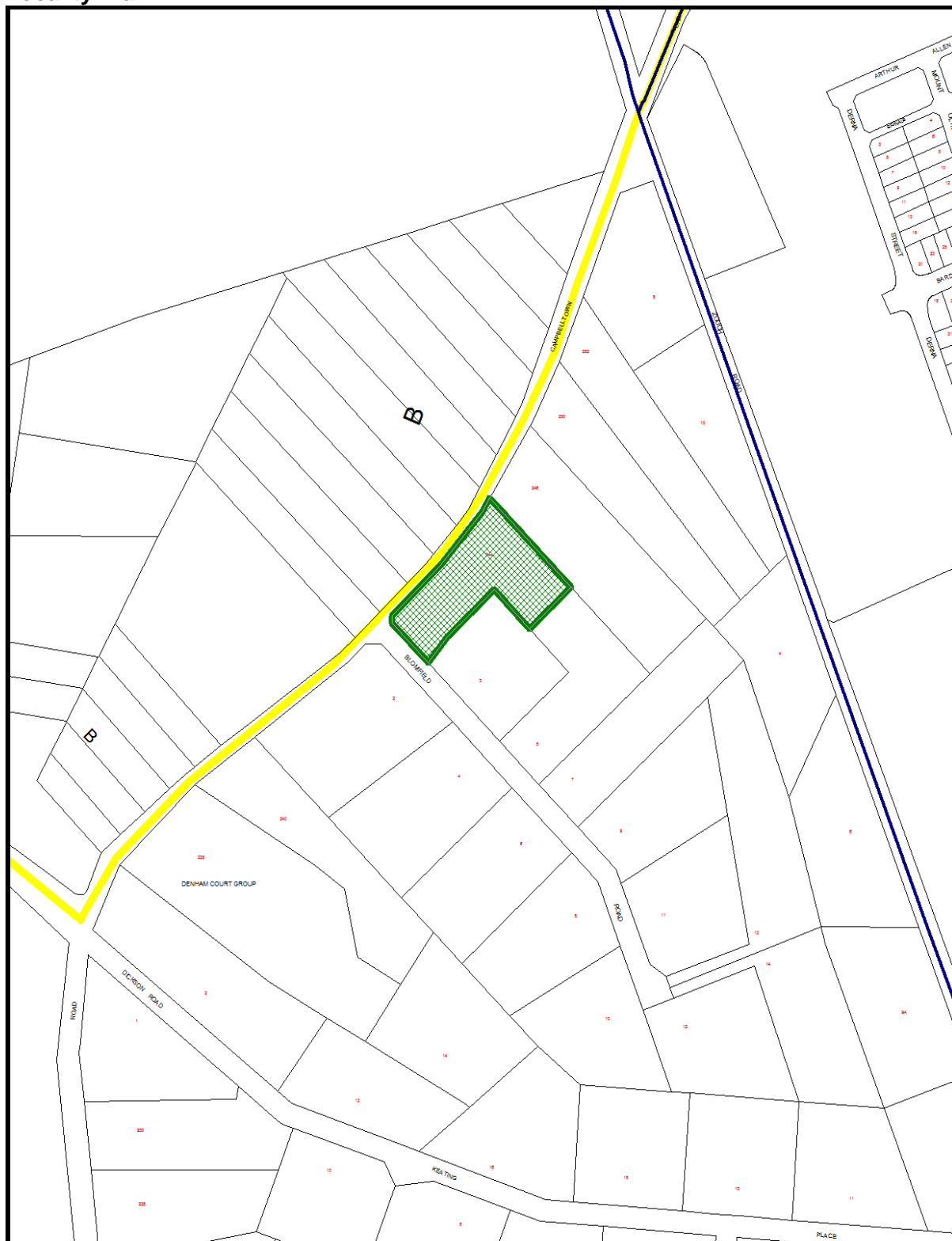
Advice 8. Salinity

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 Council's Engineering Design Guidelines for Development (as amended).

THIS DOCUMENT HAS BEEN ISSUED WITHOUT ALTERATION OR ERASURE

ATTACHMENT 2

Locality Plan



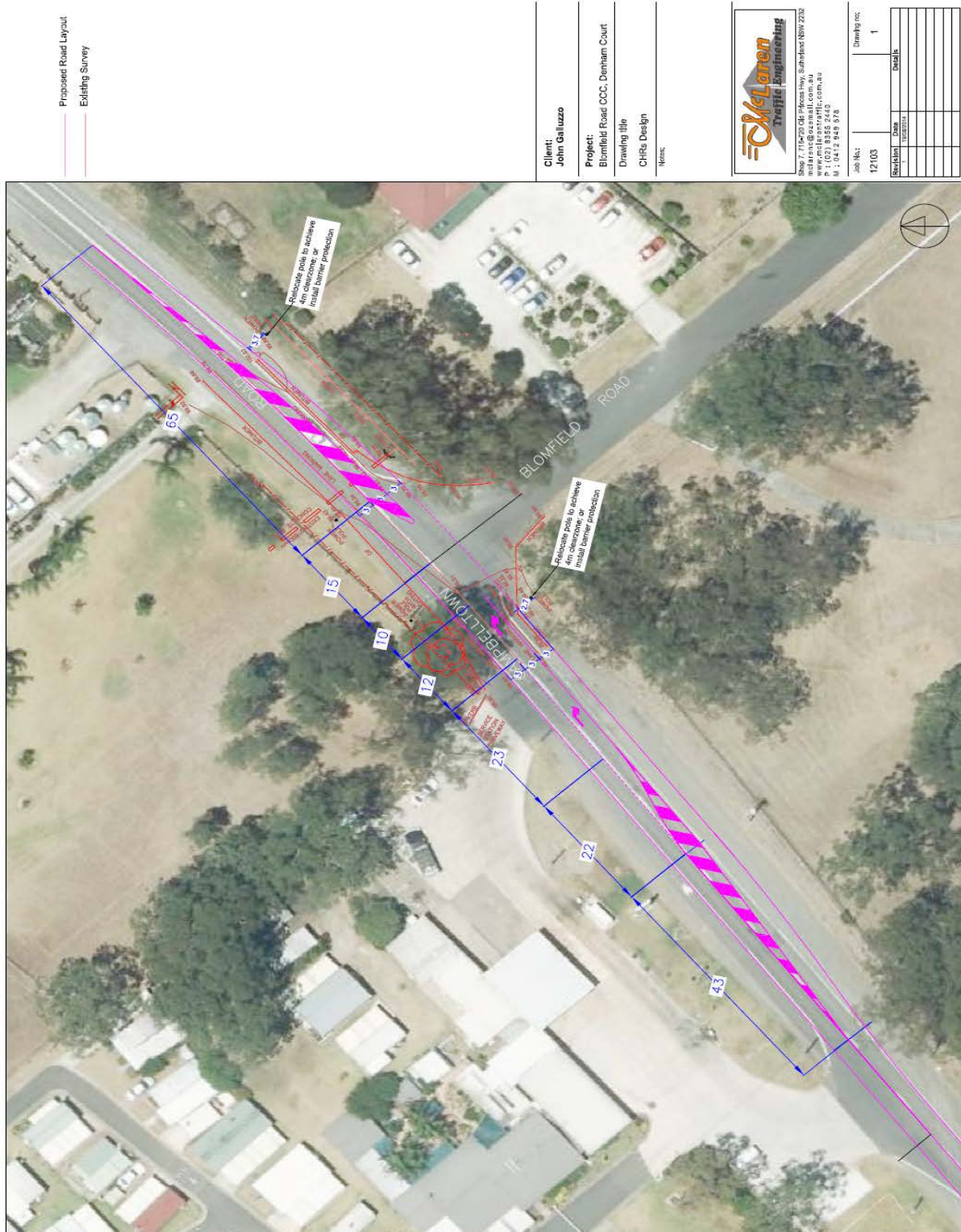
ATTACHMENT 3

Proposed Intersection Plan



ATTACHMENT 4

Amended Intersection Plan



4. COMPLIANCE SERVICES

4.1 Legal Status Report

Reporting Officer

Manager Compliance Services

Attachments

Nil

Purpose

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

Report

This report contains a summary of the current status of the Division's legal matters for the 2014-2015 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.

Note: The year to date cost totals itemised in sections one to seven inclusive of the report do not necessarily correlate with the costs to date total of individual matters listed in each section, as the costs to date total of individual matters shown refer to total costs from commencement of the matter, which may have commenced before 1 July.

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 9/10/2014)	1
Total completed Class 1 DA appeal matters (as at 9/10/2014)	1
Costs from 1 July 2014 for Class 1 DA appeal matters:	\$488.22

1 (a)	John Cephas GALLUZZO
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Issue:	An appeal against Council's deemed refusal of development application No. 1416/2014/DA-C that sought consent for construction of a new building, new driveway, new car parking area and other works at 1 Blomfield Road, Denham Court, an increase to the enrolment numbers to 130; and, an upgrade to the intersection of Campbelltown and Blomfield Roads to allow for a specific 'right turn lane' on Campbelltown Road and other necessary changes such as movement of telegraph poles, line marking and construction of a median island.
Property:	Pt Lot 101 DP 602622, 1 Blomfield Road, Denham Court.
Property Owner:	Mr. John Frank Galluzzo
Council File:	Development Application No: 1416/2014/DA-C
Court Application:	Filed on 5 September 2014 - File No. 10710 of 2014
Applicant:	John Cephas Galluzzo
Costs Estimate:	\$10,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Final Costs:	\$488.22
Status:	Completed – applicant discontinued the appeal application.
Progress:	<p>The Applicants filed an appeal in the Land and Environment Court of NSW against Council's deemed refusal of development application No. 1416/2014/DA-C that sought consent for construction of a new building, new driveway, new car parking area and other works at 1 Blomfield Road, Denham Court, an increase to the enrolment numbers to 130; and, an upgrade to the intersection of Campbelltown and Blomfield Roads to allow for a specific 'right turn lane' on Campbelltown Road and other necessary changes such as movement of telegraph poles, line marking and construction of a median island.</p> <p>The applicant discontinued the appeal application, as it was filed with the Court before the allowable period for assessment of the DA by Council had expired.</p>

1 (b)

John Cephas GALLUZZO

Issue:	An appeal against Council's deemed refusal of development application No. 1416/2014/DA-C that sought consent for construction of a new building, new driveway, new car parking area and other works at 1 Blomfield Road, Denham Court, an increase to the enrolment numbers to 130; and, an upgrade to the intersection of Campbelltown and Blomfield Roads to allow
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	for a specific 'right turn lane' on Campbelltown Road and other necessary changes such as movement of telegraph poles, line marking and construction of a median island.
Property:	Pt Lot 101 DP 602622, 1 Blomfield Road, Denham Court.
Property Owner:	Mr. John Frank Galluzzo
Council File:	Development Application No: 1416/2014/DA-C
Court Application:	Filed on 25 September 2014 - File No. 10799 of 2014
Applicant:	John Cephas Galluzzo
Costs Estimate:	\$20,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$0.00
Status:	Ongoing – listed for conciliation conference on 25 November 2014.
Progress:	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's deemed refusal of development application No. 1416/2014/DA-C that sought consent for construction of a new building, new driveway, new car parking area and other works at 1 Blomfield Road, Denham Court, an increase to the enrolment numbers to 130; and, an upgrade to the intersection of Campbelltown and Blomfield Roads to allow for a specific 'right turn lane' on Campbelltown Road and other necessary changes such as movement of telegraph poles, line marking and construction of a median island.</p> <p>The appeal was listed before the Court for first mention on 3 October 2014.</p> <p>On 3 October 2014 the Court, by consent, adjourned the proceedings to 25 November 2014 in order that the parties can participate in a section 34 conciliation conference.</p>

1 (c)	AL-FAISAL COLLEGE LIMITED
Issue:	An appeal against Council's deemed refusal of development application No. 499/2014/DA-C that sought consent for an increase in the number of students from 250 to 700 and the introduction of Years 9, 10, 11 and 12 at the existing school premises.
Property:	Lot 1 DP 1193701, 10 Benham Road, Minto.
Property Owner:	Al-Faisal College Limited

Council File:	Development Application No: 449/2014/DA-C
Court Application:	Filed on 10 October 2014 - File No. 10849 of 2014
Applicant:	Al-Faisal College Limited
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 7 November 2014.
Progress:	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's deemed refusal of development application No. 499/2014/DA-C that sought consent for an increase in the number of students from 250 to 700 and the introduction of Years 9, 10, 11 and 12 at the existing school premises.</p> <p>The appeal is listed before the Court for first mention on 7 November 2014.</p>

2. Land and Environment Court Class 1 and 2 Matters – Appeals Against Notices, Orders, or Directions issued by Council

Total ongoing Class 1 and 2 appeal matters (as at 9/10/2014)	1
Total completed Class 1 and 2 appeal matters (as at 9/10/2014)	1
Costs from 1 July 2014 for Class 1 and 2 appeal matters:	\$0.00

2 (a)	Gail Christine IRSAK and Gordon IRSAK
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Issue:	An appeal against Council's Order 18 given under section 124 of the <i>Local Government Act 1993</i> requiring a live pig kept on the property at Lot 213 DP 778495, 3 Glasgow Street, St. Andrews NSW to be removed from the property for reasons of the protection of the health and safety of the occupants and neighbours of the property that is used as a childcare and pre-school centre.
Property:	Lot 213 DP 778495, 3 Glasgow Street, St. Andrews.
Property Owner:	Mrs. Gail Christine Irsak and Mr. Gordon Irsak
Council File:	No. 1397/2014/N-LGA
Court Application:	Filed on 26 September 2014 - File No. 20807 of 2014

Applicant:	Gail Christine Irsak and Gordon Irsak
Costs Estimate:	\$10,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$0.00
Status:	New matter - listed for first mention on 24 October 2014.
Progress:	<p>The Applicants filed an appeal in the Land and Environment Court of NSW against Council's Order 18 given under section 124 of the <i>Local Government Act 1993</i> requiring a live pig kept on the property at Lot 213 DP 778495, 3 Glasgow Street, St. Andrews NSW to be removed from the property.</p> <p>The appeal is listed before the Court for first mention on 24 October 2014.</p>

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 9/10/2014)	2
Total completed Class 4 matters (as at 9/10/2014)	0
Costs from 1 July 2014 for Class 4 matters	\$68,813.06

3 (a)	Abdulhalim ELBAF & Amne ELBAF
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Issue:	An appeal seeking judicial review of disputed complying development certificate No. CDC 0455/12 issued by the private certifier for the development comprising a residential dwelling and residential outbuilding and associated site works, on the property.
Property:	Lot 1 DP 1039153 Zouch Road, Ingleburn.
Property Owner:	Mr. Abdulhalim Elbaf and Mrs Amne Elbaf
Council File:	No. 2491/2012/CDCPRI
Court Application:	Filed on 24 December 2013 - File No. 41030 of 2013
Applicant:	Abdulhalim Elbaf and Amne Elbaf
Costs Estimate:	\$10,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$50,898.33

Status: Ongoing – listed for costs hearing on 15 October 2014.

Progress: The Applicants filed an appeal in the Land and Environment Court of NSW seeking judicial review of disputed complying development certificate No. CDC 0455/12 issued by the private certifier for the development comprising a residential dwelling and residential outbuilding and associated site works, on the property.

At the first mention on 7 February 2014 the proceedings were adjourned to 14 February for directions hearing.

On 14 February 2014, the Court, by consent, adjourned the proceedings to 4 April 2014 for directions hearing.

On 4 April 2014 the Court gave certain procedural directions and adjourned the proceedings to 16 and 17 June for hearing.

On 16 June 2014 the Court, by consent, granted the Applicant's application to vacate the hearing dates, pending determination by Council of a fresh DA No. 1138/2014/DA-M for the proposed development comprising the completion of construction of a partly built attached dual-occupancy, fencing, retaining walls, driveways and landscaping. The Court gave certain procedural directions and adjourned the proceedings to 25 July 2014 for mention.

On 25 July 2014 the Court, by consent, granted the Applicant's application to adjourn the proceedings pending determination by Council at its ordinary meeting of 19 August 2014 of DA No. 1138/2014/DA-M for the proposed development comprising the completion of construction of a partly built attached dual-occupancy, fencing, retaining walls, driveways and landscaping. The Court gave certain procedural directions and adjourned the proceedings to 29 August 2014 for mention.

On 19 August 2014, Council at its ordinary meeting gave conditional consent to DA No. 1138/2014/DA-M for the proposed development comprising the completion of construction of a partly built attached dual-occupancy, fencing, retaining walls, driveways and landscaping.

Prior to the directions hearing on 29 August 2014 the parties reached agreement that in view of the granting by Council of conditional consent to DA No. 1138/2014/DA-M the Applicant file a notice of discontinuance in the proceedings and that complying development certificate No. CDC 0455/12 be surrendered. Agreement on costs was not able to be reached.

On 29 August 2014 the Court, by consent, made an order that relevant notice of discontinuance be filed in the proceedings and that complying development certificate No. CDC 0455/12 shall be surrendered by the applicant on determination of

costs. The judge made certain orders in respect of submissions to the Court on costs and listed the proceedings for cost hearing on 15 October 2014.

Having regard to the granting by Council of conditional consent to DA No. 1138/2014/DA-M, on 5 September 2014, Council issued Building Certificate 1203/2014/BC-UW for the existing structures on the premises relevantly constructed under complying development certificate No. CDC 0455/12 comprising: lower ground floor level dwelling – mass concrete piers, reinforced concrete footings, reinforced concrete floor slab; upper ground floor dwelling – reinforced concrete floor slab; lower ground floor level attached dual occupancy – mass concrete piers, reinforced concrete footing, reinforced concrete floor slab; upper ground floor level dual occupancy – reinforced concrete floor slab; reinforced concrete block retaining wall; and, brick fence with attached piers.

3 (b)

John Frank GALLUZZO

Issue:

The Land and Environment Court NSW granted conditional development consent No. 610/2004/DA-C on 25 September 2005 for a childcare centre at 1 Blomfield Road, Denham Court. Conditions 15 and 19 of the consent required the respondent to construct a Type B intersection at the intersection of Campbelltown Road with Blomfield Road, Denham Court. To date the respondent has failed to fully comply with the consent.

Property:

Pt Lot 101 DP 602622, 1 Blomfield Road, Denham Court.

Property Owner:

Mr. John Frank Galluzzo

Council File:

Development Application No: 610/2004/DA-C

Court Application:

Filed on 25 March 2014 - File No. 40179 of 2014

First Respondent:

John Frank Galluzzo

Second Respondent:

G8 Education Limited

Costs Estimate:

\$15,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Costs to date:

\$35,353.35

Status:

Ongoing – listed for directions hearing on 14 November 2014.

Progress:

On 25 March 2014 Council issued a summons seeking declarations and orders of the Court that the respondent comply with conditions 15 and 19 of Court issued development consent No. 610/2004/DA-C relating to the construction of a

Type B intersection at the intersection of Campbelltown Road and Blomfield Road, Denham Court.

The matter was before the Court for first mention on 24 April 2014 where counsel for the respondent sought an adjournment until after 2 June, as the respondent was overseas attending to his seriously ill wife. Council informed the Court that it was aware that the respondent and the childcare centre proprietor had been conferring about the submission of a modification application to development application No: 610/2004/DA-C seeking consent for a revised intersection installation at the corner of Blomfield and Campbelltown Roads and an increase in the centre enrolment numbers from 74 to 90 children. Having regard to the long history of this matter and the safety concerns raised by the respondents failure to comply with the conditions of the original consent requiring construction of the subject intersection, Council made submissions that the Court direct the respondent progress the preparation and submission of the development application during the period of any adjournment granted. The Court agreed and made directions accordingly and adjourned the proceedings to 13 June 2014 for further directions hearing.

On 13 June 2014 the Respondent notified the Court of his intention to file a fresh DA, which is intended to remedy the breach of the existing consent. Council noted its concerns regarding the ongoing safety issues pertaining to the existing intersection at Campbelltown and Blomfield Roads and its desire to amend the original summons to join the Childcare Centre operator. The Court gave certain procedural directions and adjourned the proceedings to 4 July 2014 for directions hearing.

On 4 July 2014 the Court gave certain procedural directions and adjourned the proceedings to 11 July 2014 for further directions hearing.

On 11 July 2014 the Court by consent adjourned the proceedings and referred the matter for mediation. A Commissioner of the Court has been assigned to conduct the mediation on 15 August 2014.

On 15 August 2014 the mediation proceedings were adjourned to eCourt mention on 22 August. The purpose of the adjournment was to enable the parties to clarify and consider recommendations of the RMS pertaining to the intersection type, and for the parties to determine if the mediation should proceed or be terminated and restored to the Court list.

Following further adjournment of the mediation proceedings to allow the parties' time to discuss possible settlement options, no agreement was eventually reached and the mediation was terminated on 1 September 2014.

Subsequently, the Class 4 proceedings were restored to the Court list and adjourned to 17 September for hearing of a notice of motion to join the proprietor of the childcare centre 'G8 Education Limited' in the proceedings; Council's motion in this regard was successful. The proceedings have been further adjourned to 3 October for directions hearing.

On 3 October 2014 the Court heard submissions from each of the parties concerning progress of the proceedings with Council highlighting its concerns regarding the ongoing safety issues pertaining to the existing intersection at Campbelltown and Blomfield Roads and its desire that unnecessary delay be avoided in this regard. The Court was further informed about the second respondent's modification application to development application No: 610/2004/DA-C currently before Council for assessment seeking consent for a revised intersection installation at the corner of Blomfield and Campbelltown Roads and an increase in the centre enrolment numbers from 74 to 90 children. The Court, having particular regard to the modification application, directed that the proceedings be adjourned in anticipation that a determination by Council will have been made that may have the effect of resolving the current proceedings. The Court gave certain procedural directions and adjourned the proceedings to 14 November 2014 for further directions hearing.

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 9/10/2014)	0
Total completed Class 5 matters (as at 9/10/2014)	0
Costs from 1 July 2014 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 9/10/2014)	0
Total completed Class 6 matters (as at 9/10/2014)	0
Costs from 1 July 2014 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 9/10/2014)	0
Total completed Appeal matters (as at 9/10/2014)	0
Costs from 1 July 2014 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 9/10/2014)	5
Total completed Local Court Matters (as at 9/10/2014)	7
Costs from 1 July 2014 for Local Court Matters	\$456.00

File No:	LP20/14 to LP22/14 & LP25/14 – Penalty Notice Court Elections x 4
Offence:	Development not in accordance with development consent (working outside of approved hours x 2 and incorrect materials storage x 2)
Act:	<i>Environmental Planning & Assessment Act 1979</i>
Costs to date:	\$0.00 – currently being handled by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Ongoing – listed for mention on 7 October 2014.
Progress:	The matter was before the Court for mention on 7 October 2014 where the Registrar, by consent, adjourned the proceedings to 3 December 2014 in order to allow the defendant sufficient time to make representations to Council about the matters before the Court.

File No:	LP26/14 – Penalty Notice Court Election
Offence:	Stop on path/strip in built-up area (heavy vehicle)
Regulation:	<i>Road Rules 2008</i>
Costs to date:	\$0.00 – currently being handled by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.

Status:	New matter – listed for first mention on 28 October 2014.
Progress:	New matter – listed for first mention on 28 October 2014.

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 9/10/2014)	5
Costs from 1 July 2014 for advice matters	\$6,082.80

9. Legal Costs Summary

The following summary lists the Planning and Environment Division's net legal costs for the 2014/2015 period.

Relevant attachments or tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$488.22	\$0.00
Class 1 and 2 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	\$68,813.06	\$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	\$456.00	\$0.00
Matters referred to Council's solicitor for legal advice	\$6,082.80	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$75,840.08	\$0.00
Overall Net Costs Total (GST exclusive)	\$75,840.08	

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Matheson/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 11 November 2014 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 214

That the Officer's Recommendation be adopted.

4.2 Annual Report on the Planning and Environment Division's Legal Proceedings

Reporting Officer

Manager Compliance Services

Attachments

Planning and Environment Division's legal proceedings for the period 1 July 2013 to 30 June 2014 (contained within this report)

Purpose

To update Council on the status of the Planning and Environment Division's legal proceedings for the period 1 July 2013 to 30 June 2014.

Report

Marked as Attachment 1 to this report are Tables indicating particulars relating to all legal proceedings undertaken, together with costs incurred for the period 1 July 2013 to 30 June 2014.

The Tables provide details of:

Table 1 – Class 1 proceedings in the Land and Environment Court NSW (L&EC) dealing with appeals against Council's determination of development applications.

Table 2 – Class 1 proceedings in the L&EC dealing with appeals against the terms of Notices, Orders, or Directions issued by Council.

Table 3 – Class 4 proceedings in the L&EC dealing with judicial appeal of privately certified complying development certificates.

Table 4 – Class 4 proceedings in the L&EC dealing with civil enforcement for non-compliance with conditions of Development Consent or Notices, Orders, or Directions issued by Council.

Table 5 – Class 5 proceedings in the L&EC dealing with criminal prosecution of alleged pollution offences and various breaches of environmental planning laws.

Table 6 – Class 6 proceedings in the L&EC dealing with appeals for convictions in the Local Court relating to environmental matters.

Table 7 – Proceedings in the District Court NSW dealing with appeals from convictions in the Local Court not being environmental offences.

Table 8 – Proceedings in the NSW Civil and Administrative Tribunal – civil disputes of a commercial nature between Council and its customers.

Table 9 – Proceedings in the Local Court dealing with prosecution matters in response to various offences under the legislation specified in column 2 of the table.

Table 10 – Cost of advice obtained from Council's contracted panel of Solicitors that relates to various matters that may also include proposed Court proceedings.

Table 11 – Summary of 2013/2014 net costs.

Table 12 – Comparison with previous four financial years costs.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Lound/Oates)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 11 November 2014 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 214

That the Officer's Recommendation be adopted.

ATTACHMENT 1

Planning and Environment Division

Legal Proceedings for the period 1 July 2013 to 30 June 2014

Note: The cost incurred totals itemised in tables one to nine included in the attachment do not necessarily correlate with the 2013/2014 cost (debit) totals identified in table 11, as the costs incurred total of individual matters shown in tables one to nine inclusive, refer to total costs from commencement of each matter, which may have commenced before 1 July 2013.

Land and Environment Court Matters

TABLE 1 - Class 1 Appeals against Council's determination of Development Applications (DA)			
Case No.	Matter	Status	Costs Incurred
10119/2013	BC 772/2012/BC-UW, appeal against Council's deemed refusal of the building certificate application seeking to regularise unauthorised building works to a place of public worship, which had impacted on the structural aspects and fire safety requirements for the building. Lot 26 DP 28853 No. 2 Somerset Street, Minto.	By consent, appeal upheld and order made that Council issue the building certificate. Building certificate issued in accordance with the Court order. Proceedings completed.	Final Costs \$9,839.04
10120/2013	DA 763/2008/DA-1A, appeal against Council's deemed refusal of the development application seeking to modify an existing consent to allow demolition of a dwelling and conversion of an existing industrial building for use as a place of worship, with associated car parking area. Lot 26 DP 28853 No. 2 Somerset Street, Minto.	Appeal dismissed and development application refused. Proceedings completed.	Final Costs \$24,730.07
10812/2013	DA 2159/2012/DA-RS, appeal against Council's deemed refusal of the development application for the construction of a dual occupancy with Torrens title subdivision. Lot 2736 DP 811889 No. 15 Nepean Towers Avenue, Glen Alpine.	Appeal dismissed and development application refused. Proceedings completed.	Final Costs \$20,766.38
10969/2013	BC 957/2013/BC-UW, appeal against Council's deemed refusal of the building certificate application seeking to regularise building works, the subject of a disputed complying development certificate, comprising a partly constructed residential dwelling and residential outbuilding and associated masonry retaining walls and fences on the premises. Lot 1 DP 1039153 Zouch Road, Ingleburn.	Appeal dismissed and building certificate application refused. Proceedings completed.	Final Costs \$9,392.47

4.2 Annual Report On The Planning And Environment Division's Legal Proceedings

10970/2013	DA 1458/2013/DA-82A, appeal against Council's refusal of a modified development application seeking review of DA 1458/2013/DA-DW for the completion of building works on the premises, the subject of a disputed complying development certificate, comprising a partly constructed residential dwelling and residential outbuilding and associated masonry retaining walls and fences. Lot 1 DP 1039153 Zouch Road, Ingleburn.	Appeal dismissed and development application refused. Proceedings completed.	Final Costs \$9,392.47
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TABLE 2 - Class 1 Appeals against Orders or Notices issued by Council

Case No.	Matter	Status	Costs Incurred
10954/2013	Appeal by applicant against Council's Order 2 given under the Environmental Planning and Assessment Act 1979 requiring building works, the subject of a disputed complying development certificate and comprising a partly constructed residential dwelling and outbuilding and associated masonry retaining walls and fences, to be demolished. Lot 1 DP 1039153 Zouch Road, Ingleburn.	Action ongoing into the 2014/15 reporting period. Proceedings ongoing.	Progressive Costs \$1,450.00

TABLE 3 - Class 4 Judicial appeal against privately certified Complying Development Certificates

Case No.	Matter	Status	Costs Incurred
41030/2013	CDC 0455/12 (Council Ref: No. 2491/2012/CDCPRI), appeal seeking judicial review of disputed complying development certificate issued by a private certifier for development comprising a residential dwelling and residential outbuilding and associated site works on the premises. Applicant issued summons seeking that the CDC be found to be valid. Council issued cross-summons seeking that the CDC be found to be invalid. Lot 1 DP 1039153 Zouch Road, Ingleburn.	Action ongoing into the 2014/15 reporting period. Proceedings ongoing.	Progressive Costs \$17,438.82

4.2 Annual Report On The Planning And Environment Division's Legal Proceedings

TABLE 4 - Class 4 – Civil Enforcement for Non-compliance with conditions of Development Consent, Council Orders or Notices			
Case No.	Matter	Status	Costs Incurred
41261/2012	Action initiated by Council to restrain the respondents from conducting unauthorised activities on the premises associated with transport logistics and vehicle repairs and servicing. Lot 7 DP 1008057 and Lot 92 DP 1004803 No. 20 Frost Road, Campbelltown.	By consent, Court made orders concerning the allowable use of the premises and hours of operation of associated activities. Proceedings completed.	Final Costs \$58,769.04
40179/2014	Action initiated by Council seeking orders of the court to require the respondent to comply with conditions of development consent 610/2004/DA-C for the construction of a Type-B intersection at the corner of Campbelltown Road and Blomfield Road, Denham Court that related to the use of the respondent's premises as a childcare centre. Pt Lot 101 DP 602622 No. 1 Blomfield Road, Denham Court.	Action ongoing into the 2014/15 reporting period. Proceedings ongoing.	Progressive Costs \$6,708.40

TABLE 5 - Class 5– Criminal prosecution of alleged pollution offences and various breaches of environmental planning laws.			
Case No.	Matter	Status	Costs Incurred
N/A	Nil matters during 2013/2014 period.	N/A	\$0.00

TABLE 6 - Class 6 - Appeals from convictions in the Local Court relating to environmental offences.			
Case No.	Matter	Status	Costs Incurred
N/A	Nil matters during 2013/2014 period.	N/A	\$0.00

District Court Matters

TABLE 7 - District Court NSW – Appeals from convictions in the Local Court not being environmental offences.			
Case No.	Matter	Status	Costs Incurred
2013/217125-001	The appellant filed an appeal in the District Court against the severity of a sentence handed down in the Local Court that resulted from the conviction for offences under the Companion Animals Act relating to an attack by a dog owned by the appellant on other animals being kept on private property.	The Court confirmed the order of the Local Court in respect of the conviction and costs but found in favour of the appellant in respect of severity of the penalty and reduced the fine amount from \$1000 to \$500. Proceedings completed.	Final Costs \$795.00

4.2 Annual Report On The Planning And Environment Division's Legal Proceedings

Civil and Administrative Appeal Matters**TABLE 8 – NSW Civil and Administrative Tribunal – civil disputes of a commercial nature between Council and its customers.**

Case No.	Matter	Status	Costs Incurred
N/A	Nil matters during 2013/2014 period.	N/A	\$0.00

Local Court Matters**TABLE 9 - Prosecution for various offences under nominated legislation.**

File No.	Act and Offence	Status	Fine imposed	Costs awarded to Council	Costs Incurred
LP09/13	Road Rules 2008 – disobey no parking sign.	Plea – Not Guilty. Proved and convicted. Proceedings completed.	\$100	N/A	Final Costs \$0.00
LP11/13	Companion Animals Act – not identify companion animal by 3-months of age – not dangerous dog.	Plea – Not Entered. Charge withdrawn and caution issued Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP12/13	Companion Animals Act – own dog that attacked animal – not dangerous dog.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$550	\$825	Final Costs \$825.00
LP13/13	Companion Animals Act – owner not prevent dog from escaping premises where kept – not dangerous dog.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$550	\$825	Final Costs \$825.00
LP14/13	Companion Animals Act – own dog uncontrolled in public place – not dangerous dog.	No Appearance. Heard Ex parte Proved and convicted. Proceedings completed.	\$250	N/A	Final Costs \$0.00
LP15/13	Road Rules 2008 – stop on path/strip in built up area.	Plea – Not Guilty. Proved and convicted. Proceedings completed.	\$99	N/A	Final Costs \$0.00
LP16/13	Road Rules 2008 – stop in bus zone.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP17/13	Companion Animals Act – own dog that attacked animal – not dangerous dog.	Plea - Guilty Proved and convicted Control order made requiring certain measures to be implemented in respect of the dog, and a compensation order for veterinary fees of \$85 were imposed. Proceedings completed.	500	N/A	Final Costs \$0.00

4.2 Annual Report On The Planning And Environment Division's Legal Proceedings

LP18/13	Companion Animals Act – owner have dog in a prohibited place (school grounds).	Plea – Guilty. Proved and convicted. Proceedings completed.	\$200	N/A	Final Costs \$0.00
LP19/13	Companion Animals Act – own dog uncontrolled in public place – not dangerous dog.	Plea - Guilty. Proved and convicted. Proceedings completed.	\$200	N/A	Final Costs \$0.00
LP20/13	Companion Animals Act – own dog uncontrolled in public place – not dangerous dog.	Plea - Guilty. Proved and convicted. Proceedings completed.	\$200	N/A	Final Costs \$0.00
LP21/13	Road Rules 2008 – disobey no stopping sign.	Plea - Guilty. Proved and convicted. Proceedings completed.	\$200	N/A	Final Costs \$0.00
LP22/13	Companion Animals Act – own dog that attacked animal – not dangerous dog.	No Appearance. Heard Ex parte Proved and convicted. Control order made requiring certain measures to be implemented in respect of the dog, and a compensation order for veterinary fees of \$85 were imposed. Proceedings completed.	\$1000	\$550	Final Costs \$550.00
LP23/13	Road Rules 2008 – stop in bus zone – school zone.	Plea - Guilty. Proved and convicted. Proceedings completed.	\$350	N/A	Final Costs \$0.00
LP24/13	Road Rules 2008 – stop in bus zone – school zone.	Plea - Guilty. Proved and convicted. Proceedings completed.	\$100	N/A	Final Costs \$0.00
LP25/13	Road Rules 2008 – stop on path/strip in built up area.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP26/13	Road Rules 2008 – stop on path/strip in built up area.	Plea - Guilty. Proved and convicted. Proceedings completed.	\$100	N/A	Final Costs \$0.00
LP27/13	Road Rules 2008 – stop on path/strip in built up area.	No Appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$100	N/A	Final Costs \$0.00
LP28/13	Local Government Act – stand vehicle longer than allowed.	No Appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$200	N/A	Final Costs \$0.00

4.2 Annual Report On The Planning And Environment Division's Legal Proceedings

LP29/13	Local Government Act – stand vehicle in disabled person's parking space without authority displayed.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP30/13	Companion Animals Act – own dog uncontrolled in public place – not dangerous dog.	Plea - Guilty. Proved and convicted. Proceedings completed.	\$100	N/A	Final Costs \$0.00
LP01/14	Road Rules 2008 – disobey no stopping sign.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP02/14	Road Rules 2008 – disobey no parking sign – school zone.	Plea – Not Entered. Charge withdrawn and caution issued Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP03/14	Road Rules 2008 – disobey no parking sign – school zone.	Plea – Not Guilty. Dismissed. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP04/14	Local Government Act – stand vehicle longer than allowed.	No Appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$500	N/A	Final Costs \$0.00
LP05/14	Road Rules 2008 – stop in bus zone – school zone.	Plea – Not Entered. Charge withdrawn and caution issued Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP06/14	Road Rules 2008 – disobey no stopping sign.	Plea - Guilty. Proved and convicted. Proceedings completed.	\$300	N/A	Final Costs \$0.00
LP07/14	Road Rules 2008 – disobey no stopping sign.	Plea - Guilty. Proved and convicted. Proceedings completed.	\$300	N/A	Final Costs \$0.00
LP08/14	Local Government Act – not park rear to kerb where indicated by sign.	Plea - Guilty. Proved and convicted. Proceedings completed.	\$100	N/A	Final Costs \$0.00
LP09/14	Road Rules 2008 – stop on/near children's crossing – school zone.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP10/14	Local Government Act – stand vehicle in disabled person's parking space without authority displayed.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00

4.2 Annual Report On The Planning And Environment Division's Legal Proceedings

LP11/14	Road Rules 2008 – disobey no stopping sign.	No Appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$400	N/A	Final Costs \$0.00
LP12/14	Swimming Pools Act – not comply with written direction.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP13/14	Road Rules 2008 – stop on path/strip in built up area.	Plea – Not Guilty. Adjourned for defended hearing. Proceedings ongoing into 2014/15 period.	N/A	N/A	Progressive Costs \$0.00
LP14/14	Road Rules 2008 – disobey no stopping sign.	New matter. Listed for first mention. Proceedings ongoing into 2014/15 period.	N/A	N/A	Progressive Costs \$0.00
LP15/14	Companion Animals Act – not register companion animal (dog).	New matter. Listed for first mention. Proceedings ongoing into 2014/15 period.	N/A	N/A	Progressive Costs \$0.00
LP16/14	Local Government Act – not stand vehicle in marked parking space.	New matter. Listed for first mention. Proceedings ongoing into 2014/15 period.	N/A	N/A	Progressive Costs \$0.00
TOTAL			\$6,399	\$2,200	\$2,200.00

Legal Advice

**TABLE 10 – LEGAL ADVICE
FOR PERIOD 1 JULY 2013 TO 30 JUNE 2014.**

Costs for various advice sought from Council's Contracted Solicitors	\$31,755.90
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Costs Summary Table

TABLE 11 - SUMMARY OF 2013/2014 NET COSTS	DEBIT	CREDIT
TABLE 1 - Class 1 Appeals against Council's determination of Development Applications	\$59,900.97	\$0.00
TABLE 2 - Class 1 Appeals against Council Orders or Notices	\$1,450.00	\$0.00
TABLE 3 - Class 4 Judicial appeal into validity of privately certified Complying Development Certificate	\$17,438.82	\$0.00
TABLE 4 - Class 4 Civil enforcement for non-compliance with Development Consent or Notices / Orders / Directions	\$38,913.28	\$0.00
TABLE 5 - Class 5 Criminal Prosecution for alleged pollution offences and various breaches of environmental and planning laws.	\$0.00	\$0.00

4.2 Annual Report On The Planning And Environment Division's Legal Proceedings

TABLE 6 - Class 6 Appeals from convictions relating to environmental offences non-compliance with Council Orders, Notices or Prosecutions	\$0.00	\$0.00
TABLE 7 - District Court NSW Appeals from convictions in the Local Court not being environmental offences.	\$795.00	\$0.00
TABLE 8 – NSW Civil and Administrative Tribunal – civil disputes of a commercial nature between Council and its customers.	\$0.00	\$0.00
TABLE 9 - Local Court Prosecution matters	\$2,200.00	\$2,481.01
TABLE 10 - Legal Advice	\$31,755.90	\$0.00
Costs Sub-Total	\$152,453.97	\$2,481.01
NET COSTS TOTAL (GST exclusive)	\$149,972.96	

Costs Comparison Table

TABLE 12 - COMPARISON WITH PREVIOUS FINANCIAL YEAR'S LEGAL COSTS					
	2009/10	2010/11	2011/12	2012/13	2013/14
TABLE 1 - Class 1 appeals DAs	\$179,555.88	\$37,703.61	\$70,956.41	\$90,269.21	\$59,900.97
TABLE 2 - Class 1 appeals others	\$3,444.65	\$797.23	\$0.00	\$2,039.10	\$1,450.00
TABLE 3 - Class 4 judicial appeal	\$0.00	\$0.00	\$0.00	\$0.00	\$17,438.82
TABLE 4 - Class 4 civil proceeding	\$4,561.37	\$7,683.15	\$-4,103.02	\$33,292.86	\$38,913.28
TABLE 5 - Class 5 prosecution	\$34,256.47	\$18,902.84	\$143.2	\$0.00	\$0.00
TABLE 6 - Class 6 appeals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TABLE 7 - District Court appeals	\$0.00	\$2,300.31	\$-4,609.84	\$0.00	\$795.00
TABLE 8 - NCAT civil disputes	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TABLE 9 - Local Court proceedings	\$6,168.02	\$9,951.13	\$900.42	\$2,676	-\$281.01
TABLE 10 - Legal advice	\$52,931.31	\$21,935.21	\$31,529.93	\$20,002.81	\$31,755.90
OVERALL COSTS TOTAL	\$280,917.70	\$99,273.47	\$94,817.10	\$148,279.98	\$149,972.96

4.3 Compliance Services Quarterly Statistics July to September 2014

Reporting Officer

Manager Compliance Services

Attachments

Compliance Services quarterly activity summary table (contained within this report)

Purpose

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

Report

This report summarises key section activities and operational results for the reporting period July to September 2014.

1. Regulated premises inspections

Regulated premises inspection statistics presented in the Activity Summary Statistics Table are divided into food, public health and wastewater management system inspections.

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

a. Food premises

Within Campbelltown, there are approximately 780 regulated food premises separated into three categories requiring 1167 scheduled inspections per annum as follows:

Low Risk Premises 1 (inspections of market and events throughout the year) ie Festival of Fisher's Ghost, Ingleburn Alive, Riverfest, New Year's Eve and Australia Day.

Low Risk Premises 2 (inspected as required for food recalls or customer complaint) - includes food businesses such as pre-packaged food outlets, variety stores, confectionary shops, chemists, video stores, newsagents, teaching kitchens and tobacconists.

Medium Risk Premises (inspected once per year) - includes fruit and vegetable stores, service stations and convenience stores (serving unpackaged food), general grocery stores and minimal food preparation stores.

High Risk Premises (inspected twice per year) - includes restaurants, takeaway shops, cafes, clubs, childcare centres, supermarkets, unprepared fish shops, delicatessens, school canteens, mobile food vendors, boarding houses and charcoal chicken outlets.

Food premises category	No. of premises	No. of annual inspections
Low Risk 1	0	0
Low Risk 2	151	when required
Medium Risk	91	91
High Risk	538	1076
TOTAL	780	1167

Amendments to the *Food Act 2003* and the establishment of the Food Regulations Partnership between the NSW Food Authority and NSW councils in 2008, resulted in a mandated and more consistent role for local government in food regulation.

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

A total of 117 food premise inspections were conducted for the reporting period, which is below the quarterly average inspection numbers (301) for 2013-2014. Of the 117 inspections undertaken, 15 (13%) food premises inspections were recorded as unsatisfactory. Follow up reinspections are undertaken where premises are found to be unsatisfactory at the time of initial inspection, to ensure they reach a satisfactory standard. In certain situations, Improvement Notices or Penalty Notices are issued under the *Food Act 2003* when necessary to encourage compliance.

b. Public health

Within Campbelltown, there are approximately 294 regulated premises separated into three risk categories requiring 312 scheduled inspections per annum.

- **Category 1 Premises** (inspected once per year) - beauty salons (low risk), boarding houses, funeral parlours, skin penetration (low risk procedure, ie waxing), hairdressers, nail artists
- **Category 2 Premises** (inspected twice per year) - brothels, skin penetration (high risk procedure - body piercing)
- **Category 3 Premises** (inspected once per year) - *Legionella* microbial control (air-conditioning towers)
- **Category 4 Premises** (inspected via complaints) - public and private swimming pools.

Health premises category	No. of premises	No. of annual inspections
Category 1 - Medium	153	153
Category 2 - High	41	82
Category 3 - Low	77	77
Category 4 - Swimming Pools	23	via complaints only
TOTAL	294	312

A total of 26 health premises inspections were conducted for the reporting period being lower than the quarterly averages (36) for 2013 - 2014.

Of the 26 regulated health premises inspections conducted during the reporting period, seven (27%) of the premises inspected were recorded as unsatisfactory.

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

c. Wastewater management systems

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

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

The implementation of the revised strategy has continued and is staged, with various unsewered locations throughout the city being addressed progressively.

A total of 39 system inspections were conducted during the reporting period.

In addition, one new installation was approved and 36 existing systems were issued with an approval to operate during the reporting period.

2. Notices/Orders issued

Food Act 2003 Notices are usually issued where there is repeated failure by a proprietor to meet appropriate standards or where serious breaches are identified. A total of 14 *Food Act 2003* Notices were issued during the reporting period, being higher than quarterly average *Food Act* notice numbers (8) for 2013 - 2014.

Local Government Act 1993 Notices and Orders are issued for a range of matters including overgrown, unhealthy, unsafe or unsightly conditions. The number of *Local Government Act 1993* Notices and Orders issued during the reporting period was 32, being considerably lower the corresponding quarter (60) in 2013 - 2014.

The number of *Swimming Pools Act 1992* Directions issued (127) requiring the erection of pool fencing or fencing repairs was considerably higher than the corresponding quarter (22) in 2013 - 2014 due to the ongoing implementation of the Swimming Pool Inspection Program.

Environmental Planning and Assessment Act 1979 Notices and Orders are issued by Land Use and Environmental Compliance staff, primarily to ensure that premises comply with conditions of development consent and to regulate unauthorised land use. A total of 32 Notices and Orders were served during the reporting period which is lower than quarterly averages (48) for 2013 - 2014.

Protection of the Environment Operations Act 1997 (POEO) Notices are issued for a variety of pollution matters including water pollution and waste dumping. The number of POEO Notices issued for the reporting period (5) is consistent with the quarterly averages (7) for 2013 - 2014.

3. Customer service requests

The Compliance Services Section receives a significant number of customer service requests across a broad range of issues as represented in attachment 1. A total of 812 customer service requests were received for the reporting period. Significant complaint categories were:

Category	July to September 2014
Parking (includes heavy vehicles)	173
Barking dogs	124
Abandoned motor vehicles	65
Illegal construction/development	66
Pollution	75
Health (non-regulated premises)	57
Dogs straying	48

4. Applications

Building Certificate Applications relate to certificates issued under Section 149A of the *Environmental Planning and Assessment Act 1979* and provide assurance to applicants on issue that Council will not take action to require the demolition or upgrade of the respective structure for a period of seven years after the date of issue of the certificate. These certificates are generally sought on sale of property.

The number of Building Certificate Applications (6) received during the reporting period was below the quarterly average (10) experienced in 2013 - 2014 period.

Staff have continued to seek applications for an approval to operate a system of waste water management from system owners, on a risk category basis. Two applications for approval to operate a wastewater management system were received during the reporting period, being consistent with the number of applications (4) received for the corresponding quarter for 2013 - 2014. Variation is not unusual as application numbers fluctuate in response to bulk mail outs that are conducted from time to time to seek applications from different areas within the Local Government Area.

Two section 68 (*Local Government Act 1993*) event applications were received. These were for Fight Against Cancer at Hollylea Road, Leumeah and Family Fun Day Festival at Koshigaya Park, Campbelltown.

5. Impounding

The number of dogs impounded during this reporting period was 399, which is higher than the 362 dogs impounded for the corresponding quarter in 2013 - 2014. The percentage of dogs microchipped at the time of impounding was 67%.

A total of 188 cats were impounded throughout the reporting period which is higher than the number of cats impounded (140) in the corresponding quarter in 2013 - 2014. The number of cats that are microchipped at the time they were impounded is typically lower than the dogs and for this reporting period, 11% were microchipped.

The number of abandoned vehicles impounded for this quarter was three. None of these vehicles were released back to their owner, three were disposed of by Council, and Council is not currently holding any abandoned vehicles.

15 shopping trolleys were impounded during the quarter.

6. Penalty notices

Council issues a range of penalty notices relating to various matters including parking offences (on street, Council car parks, school zones), companion animal registration, dog straying, littering, fail to comply with orders, food safety and fail to obtain or comply with development consent. Please refer to the table at attachment 1 for the number of penalty notices issued under the various offence categories.

The number of penalty notices issued for parking offences in Council car parks (742) was considerably higher than the number of penalty notices issued in the previous quarter (309). The number issued for on-street offences (984) was considerably higher than the previous quarter (488).

7. Compliance/education programs

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

A summary of compliance programs undertaken during the reporting period follows:

a. Illegal parking in school zones

During the reporting period, 33 school locations were patrolled, resulting in the issue of 71 penalty notices.

b. Illegal sign statistics

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

c. Illegal trail bike riding

Rangers continue to undertake a number of single agency patrols of known trail bike riding hot spots in response to community complaints.

d. Litter from vehicles

Monitoring of littering from vehicles was undertaken during the reporting period, nine penalty notices were issued.

e. Shopping trolleys

Monitoring of areas in proximity of shopping centres was undertaken as part of daily patrols during the reporting round which resulted in 15 trolleys being tagged.

f. Truck parking

Five truck parking patrols were undertaken during the reporting period, resulting in 65 penalty notices being issued.

8. ACF operational issues

At Council's Ordinary Meeting of 18 June, 2013 Council adopted an Operational Change Plan for the ACF. Listed below is a summary of actions undertaken in response to plan implementation during the report period:-

- The ACF continues to work actively with 25 approved Rescue Groups.
- The cattery upgrade was completed with the installation of cat cages to the facility.
- Euthanasia procedure document has been amended to require a list of all euthanised animals to be recorded together with the reasons for euthanasia.
- Consultation has occurred with Rescue Groups to finalise the Procedure document for Rescue Organisations.
- Website update process has been streamlined to facilitate more rapid updating of the website to show "lost" animals and "animals for sale".

9. Other activities

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

- Council continues to conduct surveillance of construction sites for traffic, sediment and erosion control compliance.
 - Active participation in the Food Regulation partnership, incorporating activity reporting and the review of inspection procedures and related documentation.
 - continued participation in the Sydney South West Area Health Service Public Health Unit Skin Penetration Working Group to improve industry practice and compliance
 - Patrols (by way of formalised agreement) of disabled parking at Campbelltown Mall and Macarthur Square continued through the reporting period.
 - Periodic (three yearly) review of risk identification documents for various environmental health, building, land use, animal care/control and ranger activities.
 - Council's Ranger Services were a selected site for the WHS Audit conducted by WorkCover during the reporting period. A pass result was achieved.
 - Audit on Council's DRIVES Program Access undertaken by Council's Internal Auditor.
 - Consultant Best Practice Review of Animal Care Facility undertaken.
 - Ongoing review and development of Standard Operating Procedures relating to Section activities, tasks and programs.
 - Continuation of participation in the CAWS subsidised desexing program for cats and dogs jointly with the RSPCA and Sydney University Veterinary Training Hospital Camden Campus. This program provides subsidised desexing in identified hot spots locations within the city for low income earners.
 - A grant funding submission was made for an extension to the CAWS program involving Macarthur Vet Group and the RSPCA under the Office of Local Government Responsible Pet Ownership Program.
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Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Rowell/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 11 November 2014 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 214

That the Officer's Recommendation be adopted.

ATTACHMENT 1

Compliance Quarterly Activity Summary Statistics

Activity	2014-2015 Quarter Results				YTD
	1	2	3	4	
Regulated Premises Inspections					
Food	117				117
Public Health	26				26
Wastewater Management Systems	39				39
Total	182				182
Notices/Orders Issued					
<i>Food Act 2003</i>	14				14
<i>Local Government Act 1993</i>	32				32
<i>Swimming Pools Act 1992</i>	127				127
<i>Protection of Environment Operations Act 1979</i>	5				5
<i>Environmental Planning and Assessment Act</i>	32				32
<i>Companion Animals Act 1998</i>	13				13
Total	223				223
Customer Requests					
Abandoned Motor Vehicles	65				65
Animals (other)	29				29
Barking Dogs	124				124
Dog Attacks	24				24
Dog Straying	48				48
Food/Health (regulated)	26				26
Footpath Obstruction	15				15
Health (other)	57				57
Heavy Vehicle Parking	32				32
Illegal Constructions/Development	66				66
Misuse of Council Park	5				5
Overgrown Land	22				22
Parking (General)	141				141
Pollution	75				75
Rubbish Dumping/Litter	24				24
Shopping Trolley	14				14
Signs	4				4
Swimming Pool Fencing	7				7
Trail Bikes	17				17
Tree Removal/Dangerous	17				17
Total	812				812
Applications					
Building Certificates	6				6
Approval to Operate Effluent Disposal System Section 68 (<i>Local Government Act 1993</i>)	36				36
Event Approvals Section 68 (<i>Local Government Act 1993</i>)	2				2
Total	44				44

Activity	2014-2015 Quarter Results				YTD
	1	2	3	4	
Impounding					
Abandoned Vehicles	3				3
Shopping Trolleys	15				15
Dogs (Incoming)					
Impounded	327				327
Surrendered	72				72
Dogs (Outgoing)					
Released to Owner	193				193
Sold	77				77
Released to rescue organisation	60				60
Euthanased – Surrendered by Owner	24				24
Euthanased – Restricted Dog	0				0
Euthanased – Health/temperament	11				11
Euthanased – Unable to re-home	19				19
Total	384				384
Cats (Incoming)					
Impounded	155				155
Surrendered	33				33
Cats (Outgoing)					
Released to Owner	17				17
Sold	26				26
Released to rescue organisation	19				19
Euthanased – Surrendered by Owner	12				12
Euthanased – Health/temperament	37				37
Euthanased – Unable to re-home	59				59
Total	170				170
Penalty Notices					
Companion Animals	196				196
Environmental - includes litter and waste dumping	36				36
General - Includes Public Health and Food Safety	74				74
Land Use	6				6
Parking (car parks)	742				742
Parking (on street)	984				984
Total	2038				2038
Compliance Programs					
Illegal Parking in School Zones					
Patrols	33				33
Warnings	16				16
Penalty Notices	71				71

Activity	2014-2015 Quarter Results				YTD
	1	2	3	4	
Illegal Signs					
Complaints – Council property	4				4
Complaints – Private property	0				0
Letters sent	0				0
Cautions issued	0				0
Fines issued	0				0
Removed (posters from poles)	1066				1066
Litter from Vehicles					
Patrols	2				2
Penalty Notices	9				9
Shopping Trolleys					
Patrols	0				0
Trolley's Tagged	15				15
Trolleys Impounded	15				15
Contractor Notified	0				0
Truck Parking					
Patrols	5				5
Penalty Notices	65				65

4.4 Best Practice Upgrade Options for the Operation and Management of the Animal Care Facility

Reporting Officer

Manager Compliance Services

Attachments

1. Animal Shelter Planning Australia - Animal Shelter Audit Report 15 September, 2014 (contained within this report)
2. Therian Animal Care Solutions - Animal Care Facility Report, 8 October, 2014 (contained within this report)

Purpose

To advise Council on options for the best practice management and operation of the Animal Care Facility (ACF), having due regard to its resolution of 19 August 2014, which called for an urgent report detailing upgrade requirements to reflect current industry standards and best practice in the housing of animals and animal care.

History

In February 2013, consultant Mr Cliff Haynes on behalf of Council undertook an independent review of Council's ACF operations. The review came about in response to concerns received from the community over issues related to animal euthanasia rates, animal welfare and customer service levels.

The findings of the independent review were reported to Council and in June 2013 Council resolved to invite tenders for the management of the Animal Care Facility (not including regulatory and compliance functions).

Tenders were subsequently received from two organisations:

- Gosford Dog Paws Pty Ltd (conforming and non-conforming tenders); and,
- Sydney Dogs and Cats Home Incorporated.

On 17 June, 2014 Councillors were provided with a briefing relating to the tenders. At its meeting on 29 July, 2014 Council resolved to decline to accept the tenders and called for a further report regarding alternative options for the provision of services relating to the ACF.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility

A report was presented to the Planning and Environment Committee Meeting on 12 August, 2014 outlining three options for the future operation of the ACF:

1. Council continue to operate the ACF with current service levels.
2. Council operate the ACF with increased service levels (in accordance with the recommendations of the Haynes Report).
3. Operate ACF through a shared service arrangement with Sutherland Shire Council.

Upon consideration of the report, the Planning and Environment Committee recommended:

1. That option two as outlined within the report be adopted.
2. That the Campbelltown Animal Care Facility be upgraded to reflect current industry requirements and guidelines including a purpose built facility to house cats and dogs including dedicated exercise runs.
3. That a report be presented to Council detailing the planning designs and construction with all associated costs together with staffing and volunteer implications.
4. That the Campbelltown Animal Care Facility works towards becoming a no kill facility within a short time frame with the exception of medically unwell animals and dangerous breeds or behavioural issues.

Upon consideration of the Planning and Environment Committee's Recommendation at its Ordinary Meeting on 19 August, 2014 Council resolved:

1. That the Campbelltown Animal Care Facility including the day to day operation and animal care remain within the Campbelltown Local Government Area.
2. That as a matter of urgency a dedicated exercise run be installed in the current Facility.
3. That the Campbelltown Animal Care Facility work towards becoming a low kill animal Facility.
4. That an urgent report be presented to Council detailing upgrade requirements to reflect current Industry Standards and Best Practices in housing of animals and animal care including:
 - a) The construction of purpose built, building/buildings to house animals with separate dedicated animal exercise runs
 - b) The best location to house the Facility within the Campbelltown Local Government Area
 - c) The best Management Practices for the Facility and animal welfare/care.

Subsequent to the above resolution and at the time of writing this report, work is nearing completion on the construction of three dedicated exercise yards at the ACF.

Report

1. Introduction

Pursuant to Council's resolution of 19 August, 2014 seeking advice on industry standard facility upgrade requirements and best practice management and operational requirements, this report considers the recommendations of respected animal welfare facility consultants Therian Animal Care Solutions (TACS) and Animal Shelter Planning Australia (ASPA), who both possess vast industry experience, specialising in the design of animal care facilities.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility

These two consultants were engaged to undertake a review of the ACF in terms of the facility's consistency with contemporary animal welfare housing standards, industry best practice and future requirements including Council's desire to move towards a low kill shelter.

2. Consultant Review Findings

i) Animal Shelter Planning Australia Animal Shelter Audit Report (ASPA Report)

ASPA have provided Council with a shelter audit report (Attachment 1) which recommends facility improvements to bring the ACF into compliance with current and proposed Animal Housing Codes and Standards.

The recommendations of the report are made in accordance with the NSW Department of Primary Industries Draft Animal Welfare Code of Practice: Dogs and Cats in Pounds and Animal Shelters (2010) and the Draft Animal Welfare Standards and Guidelines: Council Pounds and Shelters (2011).

The report identifies that at Council's current ACF, there are no animal assessment, holding, isolation/quarantine and dangerous dog areas separated from animal re-homing areas, thereby potentially increasing the likelihood of injury in animal holding and spread of infectious disease.

The consultant identifies that four rows of kennels are south-east facing and receive little sunlight and natural ventilation, including kennel block A-AA which is located in a fully enclosed building and where kennel rows face each other, thereby creating increased stress and over stimulation to impounded dogs. The consultant's report recommends complete demolition of this building.

It is noted by the report that the existing cattery does not comply with the NSW Department of Primary Industries Animal Welfare Code of Practice - Dogs and Cats in Animal Boarding Establishments (provisions for sleeping and exercise) and concludes there is a need to upgrade the shelter to provide for improved animal welfare, to better control the spread of disease and increase the ACF's capacity for holding cats and dogs.

The report also recognises the need for improvements in vehicle/pedestrian access, car parking provision, directional signage, vehicle/animal off load facilities, provision of outdoor exercise yards and food preparation areas.

A risk matrix has also been prepared which assigns a priority risk rating to each recommended improvement, together with an indicative cost for each recommended improvement.

The report examines the option of an upgrade to the existing ACF incorporating the abovementioned infrastructure improvements together with significant upgrade of existing dog kennels including floor and drainage improvements, partition replacement, ceiling insulation and improved animal welfare and comfort with heating, lighting and ventilation improvements. The total estimated capital project cost of this option is estimated at approximately \$3.5m (excluding GST).

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility

The report also discusses the option of demolishing all existing shelter facilities (excluding the administration building) and the construction of a new replacement animal facility. The new facility would incorporate the various design elements and improvements addressed in the option that considers the upgrading of the existing facility but with the addition of new north facing kennel and cattery areas to maximise infiltration of sunlight and ventilation.

The report presents a proposed concept plan for the proposed new facility design and supports this concept as the preferred option at an estimated capital project cost of approximately \$5m (excluding GST).

ii) Therian Animal Care Facility Report (Therian Report)

Therian Animal Care Solutions have provided Council with a detailed report (Attachment 2) incorporating a series of recommendations to retrofit the existing Animal Care Facility to meet best practice industry standards (based on the Victorian Code of Practice for the Operation of Shelters and Pounds) and taking into account Council's desire to move the facility towards a "low kill" operational shelter. The report is based on the Victorian Code as it is the code the NSW Department of Primary Industries is using as a benchmark for drafting the new NSW Code of Practice for NSW Pounds and Shelters.

Similar to the ASPA report, the Therian report identifies that there are no animal assessment, holding, isolation/quarantine, exercise, meet and greet and dangerous dog areas separated from animal rehoming areas provided at the ACF. The report also recommends a number of operational improvements including a vaccination program, behaviour/health assessment, provision for animal exercise, training and grooming.

The report recommends an increase in animal accommodation from 60 dog kennels to 120 and a new cattery with increased cat holding capacity from 14 to 72, to assist the ACF in its capability to move toward a "low kill" operating environment.

Therian have also considered staffing levels in conjunction with its recommendations, acknowledging a need to employ additional staff fully trained in animal handling to cater for operational changes and the increase in cat and dog holding numbers recommended in the report, on the basis that Council would continue to operate the facility.

The Therian report also recommended significant upgrading of existing animal holding facilities for dogs similar to the ASPA report, with the exception that A-AA block be refurbished to comply with animal housing standards as opposed to demolition. The report also advocates the use of cat condominiums for cat housing which have proven very successful at Sutherland Shire's Shelter in reducing odour and improving disease control, as cats are individually contained in well ventilated, state of the art enclosures.

The report recommends the refurbishment of the existing ACF buildings, improved utilisation of existing open space and the introduction of new purpose built facilities for holding other animals as a preferred alternative to a complete facility re-build.

A concept plan supported by a scope of works is included in the report. Refurbishment is considered by Therian to be a cost effective option and could be implemented progressively, in stages, allowing the facility to continue operation.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility

Costings for this option as proposed by Therian were not available at the time of writing this report, however estimates will be available prior to the Committee meeting and will be circulated to all Councillors.

3. The Concept of a "Low Kill" Animal Facility

As indicated in its resolution of 19 August 2014, Council has indicated a desire for the operation of the Animal Care Facility to move toward a "low kill" facility.

For the purpose of this report and to assist Council in clarifying what is understood to be meant by this term, it is considered that a low kill shelter can be taken to mean that the facility and its staff do all that can be done to rehome every "adoptable" animal that comes into the shelter. The term infers that there would be no time limit on an animal's stay, and an adoptable animal would not be euthanised to make room for another. The circumstances where an animal may have to be euthanised would be where:

- An animal is too sick or injured (beyond medical treatment)
- Medical treatment costs outweigh the practicable likelihood of adoption
- An animal is unadoptable or suffering due to severe kennel stress
- Behavioural assessment identifies a reason for an animal not being adoptable.

It is considered that the facility could not operate strictly as a "no kill" facility because the ACF is an open admissions shelter having limited housing capacity and often receives animals (eg surrendered animals) for which euthanasia is the most appropriate and humane option as indicated in the comments provided by Therian in relation to "Low Kill" Animal Facility on page 6 of their report.

On this basis, for Council's existing ACF to effectively move toward a low kill shelter it would mean that:

- The facility would operate with "low kill" protocols/procedures that aim to ensure all healthy adoptable animals entering the shelter are re-homed. Existing holding capacity in terms of dog and cat accommodation would need to be significantly increased and this is discussed in more detail later in this report (refer to section on upgrading of the existing ACF)
 - The ACF would have a local vet attend regularly to monitor and deal with the health and wellbeing of animals in care. Currently Council's contracted vet attends one day per week to perform euthanasia services. The scope of visitation would need to be broadened to incorporate a veterinarian's check of all animals in Council's care, once a week
 - The ACF would have written agreements with responsible rescue organisations. This is already in place and Council has written agreements with 25 rescue organisations
 - The facility would undertake the highest level of animal welfare ensuring the care and wellbeing of all animals. This would entail regular vet checks of all animals, regular exercise and human interaction, introduction of enrichment and training programs, and the employment of additional industry trained animal care and management staff
 - The ACF would need to implement a behaviour and temperament assessment and behaviour modification process. A staff member would need to be specifically trained to facilitate this process.
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4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility

4. ACF Capital Works Upgrade - Options

This existing ACF consists of a recently constructed administrative building and four kennel blocks each containing 10 kennels, a kennel block containing 20 kennels and a cattery room with 14 individual cat cages.

There is an understood desire for Council to upgrade the ACF in order to comply with contemporary animal housing standards, to better control disease transmission, improve animal welfare, reduce animal euthanasia, integrate best practice and move towards it being a "low kill" facility.

In consideration of Council's resolution of 19 August 2014, three capital upgrade options have been identified:

- i) Refurbish the existing facility to meet industry and best practice standards
- ii) Demolish the ACF buildings (excluding the Administrative Building) and rebuild a new facility on the current site that meets industry and best practice standards
- iii) Relocate the ACF and construct a replacement facility on an alternate site within the Campbelltown LGA that meets industry and best practice standards.

i) Option 1 - Refurbish the existing facility

An option to upgrade the existing facility to meet industry standards and best practice has been outlined in both the Therian and ASPA reports (Attachments 1 and 2).

In consideration of the Therian and ASPA reports, a summary of recommended capital upgrade improvements proposed by staff, are indicated below:

General Facility Improvements

- Need to provide improved directional signage for vehicle and pedestrian access
 - A Ranger dog drop off area needs to be provided which is fenced to prevent animal escape and includes an initial screening and assessment area for impounded animals. Once the animal is assessed, the animal can be transferred to the most appropriate area for holding i.e. general holding for regulatory period (7 or 14 days), quarantine/isolation area for unwell animals, or dangerous dog area for ill-tempered/aggressive dogs
 - An area to be allocated and fitted out as a grooming room within the old office building with a trained member of staff to groom animals intended for sale and fitted with a hydro bath and other grooming equipment
 - A dedicated area for animal food preparation and storage is recommended and provision for this within the old office would be appropriate
 - Separate facilities including an aviary, poultry housing and horse stables have been recommended for housing other animals that may from time to time be held at the facility
 - The kennels to be constructed to prevent physical contact by visitors to prevent disease transmission or animal bites or scratches
-

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility

- An upgrade of security and fire safety measures were recommended for the site. Suitable fire extinguishers and hose reels were recommended for installation at the facility. In addition, a review of security measures was undertaken by Council's Manager Emergency Management and Community Safety who recommended a range of improvements including the upgrade of existing animal holding area fencing and exterior sensor lighting, security office access upgrades in the administration foyer area, alarm system and CCTV improvements.

Dog Kennels/Facilities

- Kennel refurbishment including sealing of kennel floors (to be made impervious and non-slip), replacement of partition surfaces (remove gaps and reduce opportunity for disease transmission), drainage re-configuration (to prevent disease transmission), roof insulation (to reduce roof dampness, noise and for temperature control), lighting and ventilation (temperature control) and to assist cleaning, the installation of animal contact barriers, high pressure hose and hose track installation (to assist ease of cleaning)
 - The existing twin kennel rows (Block A/AA) position dogs in such a way that they face each other producing increased barking and animal stress, and are provided with little ventilation and no natural light. Refurbishment of this kennel block to remove "line of sight" between rows of kennels and the introduction of natural lighting and ventilation to overcome these deficiencies is recommended
 - The number of dog pens should be increased to 120, with the construction of an additional 60 kennels recommended, to cater for future growth and improve the capacity of the ACF to move towards a "low kill" operation
 - Install north facing windows (with overhangs for shading in summer) and north/south louvered windows for cross flow ventilation, with supplementary exhaust fan ventilation to be fitted to all existing north/south aligned dog kennels
 - Install in-floor heating for steel mesh front kennels to maintain kennel warmth in winter months
 - Kennel floors to be raised to reconfigure existing open surface drains as box gutter drains to prevent disease transmission between kennels
 - It is recommended that up to 15 x dog exercise runs (to allow dogs to be exercised for a minimum of 20 minutes daily) and three meet and greet yards (for potential animal owners) be constructed. Three outdoor exercise runs are currently being built at the time of writing this report, with a further 10 x runs recommended to be constructed in the rear paddock area
 - A new kennel block containing up to 10 kennels is required to be provided to isolate diseased or unwell dogs, for disease control purposes
 - A new kennel block containing up to 10 kennels is required to be constructed for dangerous dogs. These shall be specifically designed to allow for safe access/handling by staff and restricted from public access. Protocols need to be developed and followed to guide staff in dealing with these animals
 - Provision of a veterinary treatment room for animal examination and euthanasia. The fit out of the old office building is recommended to accommodate this facility. A vet treatment facility is recommended to be housed in the cattery building also.
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4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility

Cats/Cattery Facilities

- Existing cat accommodation does not comply with the identified standard and there is a significant need to improve the level/quality and capacity of cat accommodation. A new cattery building, separate cat isolation, play and adoption areas and ventilated cat condominium style accommodation (for disease and odour control) is required. Seventy two (72) condominium style cat enclosures, plus an additional four units (to accommodate adoption) in the administration area are recommended
- Provision of a cat play area for exercise, enrichment and socialisation incorporating ramps, stairs, high rest areas, scratch poles and enrichment toys is required.

It is estimated that the cost of constructing option 1 (ie: refurbishment of the existing facility) is in the vicinity of \$3.5M based on the figure supplied by ASPA in their report. Additional costing information for this option will be made available to Councillors prior to the Committee meeting as indicated in section 2(ii) of this report.

ii) Option 2 - Construction of a new facility

As an alternative to upgrading the existing ACF to accommodate industry standard/best practice recommendations, the option of a total “re-build”, incorporating the recommended outcomes suggested for the refurbished facility has been considered in the ASPA consultant's report. Concept plans are identified in the consultant's report (Attachment 1) which could be implemented by means of a staged demolition and rebuild on the current site or by relocating and rebuilding it as a new facility on a separate site, at an estimated project cost in the order of approximately \$5.0M (excluding administrative building and site establishment costs).

iii) Option 3 - Facility Relocation

The viability of an option to vacate the existing site and re-building a purpose built facility on an alternative site has been examined. This option has the advantage of minimal disruption to ACF service delivery during the replacement facility construction phase. Furthermore, funds from the sale of the existing ACF site could be used to offset re-building costs.

Council's Property Section staff have estimated the current site, excluding the Administrative Building, has an unimproved capital value of approximately \$2.M. The option of reconstructing a compliant replacement facility would incur capital costs in the order of \$5.0M as indicated in the ASPA shelter audit report, not including the cost of constructing an administrative building and other site establishment costs. For information purposes Councillors are advised that the cost to construct the recently erected administration building at the ACF was approximately \$350,000 which was completed in the 2010-2011 financial year.

The availability of suitable replacement sites is relatively scarce given potential land use impacts and zoning constraints, particularly relating to associated noise issues associated with a large animal shelter. Potential sites currently owned by Council that could be considered for rebuilding a new facility have been identified as follows:

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility

Lynwood Park (former waste depot site) St Helens Park

The identified portion of Lynwood Park is described as Lot 288 in DP 752062 which has a total area of approximately 8.45 hectares. The site comprises the former waste depot site. The land is predominantly zoned 6(c) Open Space (Regional) in accordance with Interim Development Order No. 28 together with a small portion of 5(b) - Special Uses Arterial Roads Zone in accordance with Campbelltown (Urban Area) Local Environmental Plan 2002 and would require rezoning to accommodate a new Animal Care Facility.

The site is generally clear of vegetation however is undulating and would require geotechnical studies to determine the land's suitability for any construction activities together with addressing any issues arising from the site's previous land use.

With regard to the proximity of an ACF to existing residential dwellings, the nearest residences to the Lynwood Park site are located approximately 50 metres from the site's frontage with Lynwood Road. It is therefore likely that the proposed establishment of the ACF at this location would potentially impact upon the surrounding residences specifically with respect to the generation of and disturbance by noise.

In addition, the site adjoins significant bushland (preferred koala habitat) within the buffer zone to the north and east and therefore noise from dogs barking at the location may have potential to impact on fauna in the immediate vicinity, including koalas.

Quarry Site, Georges River Road, Kentlyn

The quarry site at Kentlyn described as Lot 200 DP 752062 located at the corner of Georges River Road and Riverview Road, has a total area of approximately 6.4 hectares.

From its high point at Georges River Road and Riverview Road, the quarry walls are cut generally parallel to the two adjoining roads. Beyond the cut walls, the balance of the site is relatively level.

Rural residences directly adjoin the site along its two boundaries. Given that residences directly adjoin the site there is a probability that establishing an ACF at this location would impact upon the surrounding residences specifically with respect to the generation of and disturbance by noise.

In addition, the general remoteness of these two sites in comparison to the current location in central Campbelltown could be argued to have some impact on the site viability.

Given the location of the existing Rose Street site in an industrial area, it's convenient and accepted location, available land area for the future expansion of facilities, and the practicability of facility upgrade, it is considered the existing ACF site is the most suitable location for the facility within the Campbelltown LGA.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility

5. Facility Upgrade Costs

A specialist Quantity Surveyor "WT Partnership" has been engaged to review costings and prepare high level estimates for the three ACF upgrade options presented in this report, being specifically the ASPA report options of facility refurbishment and re-build, together with the facility refurbishment option recommended by Therian.

6. Operational Changes

i) ACF Best Practice Operational Improvements

In consideration of the ASPA and Therian reports, potential operational improvements include:

- Based on a recommended increase in the holding capacity to 120 dogs and 76 cats the appointment of up to six additional animal attendant staff to cater for best practice animal management including animal grooming, exercising, vaccination, behaviour assessment and temperament testing. All animal attendant staff would need to be trained with Certificate IV in animal studies. Further, a pool of not less than six casual staff would need to be recruited during permanent staff absences whilst on leave
- Taking into account the implementation of the recommendations to engage additional suitably trained animal attendant staff, and the installation of exercise yards (thereby avoiding a dependence upon volunteers to exercise the animals), there would be a reduced requirement for Council to engage volunteers to assist with operation of the ACF
- A comprehensive vaccination program needs to be implemented for dogs and cats admitted to the ACF
- In addition, a subsidised desexing rate for dog and cat owners should be considered for introduction for all undesexed animals claimed by their owners through the ACF.

ii) Volunteers

As part of considering the implementation of operational change at the ACF to help achieve best practice, Council also may wish to consider the option of introducing a volunteer program, in the event that Council continues to operate the facility.

This option would necessitate the employment of a suitably skilled and trained volunteer coordinator to implement and supervise any volunteer program. Council would need to introduce related procedures and provide suitable equipment and training for volunteers.

It is proposed that volunteers could be engaged under an agreement which would incorporate strict code of conduct requirements to manage operational risk and maintain Work Health and Safety standards. Volunteers may be able to assist with activities including animal grooming, basic obedience training and exercise, cleaning of bed linen and website updating. It is also envisaged volunteers would attend the facility outside of public opening times to minimise operational risks.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility

The presence of volunteers could potentially improve standards of animal care and welfare and also increase the opportunity to promote the rehoming of animals.

Issues related to this option may include some increased potential operational risks associated with volunteer involvement (e.g. legal liability, WHS, disease control) increased operational costs and the direct responsibility incurred by Council in managing volunteers within an "operational environment".

Council has sought feedback from its solicitor in relation to Council's legal liabilities and risks associated with the involvement of volunteers at the ACF.

Information received noted that there are clearly a number of potential liabilities that could arise that relate to injury or damage suffered by a volunteer, injury or damage caused by a volunteer, breach of Work Health and Safety (WH&S) obligations and defamation.

Council, if it chose to continue to operate the ACF and engage volunteers, would be obliged to owe a duty of care to all of its volunteers, in respect of the condition of the ACF premises and as supervisor/controller of the volunteer's work.

In this respect, Council would have liability in respect of injury or damage suffered by a volunteer, if Council was found to have breached its duty of care obligations and it was demonstrated that the breach caused the injury or damage suffered.

Council would also owe statutory duties under the Work Health and Safety Act 2011 (WHS Act) in respect of any work performed by volunteers. Council's primary duty of care under the WHS Act extends to include matters such as ensuring a work environment without risks to health and safety is provided and maintained; adequate information, training, instruction and supervision is provided and that the conditions of the workplace are monitored.

There is also a potential risk associated with defamation in the communication of defamatory matter, whether it be in the media or on Council's website or through other internet/social media communication. In this regard appropriate control measures would need to be put into place to manage the risk, such as volunteer conduct obligations and publication approval requirements.

The various risks identified would be addressed through insurance, procedures, training and the like, but it is considered that no assurance could be given to Council that such measures would remove the risk potential altogether.

In the event that Council decided to tender out the ACF operation it has been assumed that the implementation of a volunteer program would be a requirement under the scope of services to be provided by any successful contractor.

iii) Extension of Operating Hours

In considering operational change at the ACF and improving customer service levels, Council may consider extending operating hours to cover Sundays.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility

If Council were to determine to increase operational hours to cover Sundays and continue to operate the facility it would need to engage additional staff to cater for the spread of operating hours across a seven day operating week.

In the event Council ever decided to tender out the ACF operation, it is suggested that the spread of operating hours be extended to include Sundays which would be a requirement under the scope of services to be provided by the successful contractor.

iv) IT Linkage

The ACF site relies on a microwave link for connection to Council's IT network. This link has a tendency to be unreliable at times as connectivity to Council's IT network "falls out" intermittently when a signal is unable to be received.

Given Council's intention to consider best practice improvements to the facility, it is appropriate to consider upgrading the IT linkage to improve connectivity to Council's IT network if Council continues to operate the facility.

The disruption to IT connectivity impacts on the capacity of staff to efficiently access and update website information on animals held at the facility as well as other important data processing needs.

7. ACF Management Options

Following the decision by Council at its Ordinary Meeting on 19 August 2014 that the ACF operation remain within the Campbelltown City LGA, it is suggested that Council may wish to consider either to continue to operate the facility itself, or possibly reconsider the option of contracting out the management and operation of the facility. This re-tendering process would need to address the range of operational and management best practice improvements/changes presented in this report. To pursue the tender option further, Council would need to re-tender, following its decision earlier in 2014 to reject the previous tenders that were submitted.

In considering the option of re-tendering, Council could review the proposed Management Agreement and Scope of Services with a view to attracting more competitively priced tender bids.

As was the case associated with the original tender proposal, in the event that the facility was contracted out, it is intended that the existing ACF staff would be retained and continue to perform animal control regulatory work.

Conclusion

This report has sought to provide a comprehensive response to Council's resolution of 19 August 2014, to advise on options for the best practice management and operation of the Animal Care Facility, including capital upgrade requirements.

The report has outlined a range of Industry Standard and best practice options, and operational improvements which aim to improve the quality of animal welfare and care provided to animals kept at Council's facility and lead to more healthy and adoptable dogs and cats being available to the public.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility

The recommended improvements, if implemented, would provide an opportunity for Council to significantly improve animal welfare standards and would elevate Campbelltown Council's Animal Care Facility to the forefront of best practice.

It is recommended that a further report incorporating detailed cost estimates be prepared in association with a proposal for upgrading the existing facility and implementing a range of operational improvements, based on an assumption that Council would continue to operate the facility. This would require detailed budget consideration.

In addition, it is recommended that Council undertake to recall for tenders, as was done earlier in 2014, to operate and manage the Animal Care Facility, excluding compliance and regulatory functions and incorporating a requirement to operate the facility similar to its current hours of operation, but including a requirement that in addition the facility be open from 9am - 12pm on Sundays and that the scope of works include a requirement to implement a volunteer program.

It is intended that a report be presented no later than March 2015 that would outline a costed proposal to upgrade the existing ACF facility, including recommended operational improvements together with advice on the tenders received for Council's consideration, in conjunction with the 2015-2016 budget deliberations.

Officer's Recommendation

1. That a further report be prepared detailing a proposed best practice and industry standard upgrade of Council's Animal Care Facility, including operational improvements, staffing implications and detailed cost estimates, together with details of any tenders received for the operation and management of the ACF, to be considered as part of Council's 2015-2016 budget preparations.
 2. That subject to Council's consideration of the costings, that the ACF refurbishment option as detailed in the Therian Report outlined in attachment 2 be accepted as the preferred capital works upgrade option for further consideration in conjunction with the proposed report referred to in recommendation 1.
 3. That Council invite tenders for the management and operation of the Animal Care Facility (excluding compliance and regulatory functions) addressing the range of relevant management and operational best practice initiatives presented in the above report, as well as a requirement to maintain as a minimum, public opening hours consistent with Council's present operation, excepting that the facility also be required to open from 9am - 12pm on Sundays and that a requirement to implement a volunteer program be included.
-

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility

Committee Note: Ms Riley and Ms Scott addressed the Committee.

Motion: (Rowell/Matheson)

1. That the Animal Care Facility (ACF) remain at its current location in Rose Street, Campbelltown.
2. That the ACF refurbishment option as detailed in the Therian Report in attachment 2, be accepted as the preferred capital works upgrade option in conjunction with the proposed report referred to in recommendation 3.
3. That a further report be prepared and presented to Council at the February 2015 meeting, reflecting the upgrade of the ACF incorporating both best practices and industry standards including all operational/upgrade improvements, staffing levels and detailed related cost estimates and that Council incorporate the costs into the 2015-2016 budget.
4. That Council invite representatives from Therian Animal Care Solutions, to brief Council on all stages of the proposed improvements/refurbishment, outlining those areas in need of urgent attention including detailed costings and completion times of each stage, with a commitment from Council of starting the urgent refurbishment by March/April 2015, with monies put aside in the 2013-2014 budget for the relocation to Sutherland as discussed at the August meeting.
5. That Council allocates either a current staff member or employs a suitably qualified staff member with a minimum of Cert IV in animal studies with excellent computer/data entry skills, as soon as practicable to coordinate and implement Council's previously agreed policy of placing all animals photos onto the Council website. The placing of photos should be a direct replica of the Renbury Farm website, which is best practice and achieves outstanding results in adoption and rehoming of animals. Other duties would include the grooming and preparation of animals for photos and duties as directed by the ACF Coordinator.
6. That Council investigate and improve the IT connectivity between the ACF and Council's IT network as a matter of urgency to prevent IT fallouts and upgrade the system if required.
7. That Council investigates a Training Package in Cert IV in animal care studies for all staff employed at the ACF.

LOST

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility

Committee's Recommendation: (Kolkman/Oates)

1. That a further report be prepared detailing a proposed best practice and industry standard upgrade of Council's Animal Care Facility, including operational improvements, staffing implications and detailed cost estimates, together with details of any tenders received for the operation and management of the ACF, to be considered as part of Council's 2015-2016 budget preparations.
2. That subject to Council's consideration of the costings, that the ACF refurbishment option as detailed in the Therian Report outlined in attachment 2 be accepted as the preferred capital works upgrade option for further consideration in conjunction with the proposed report referred to in recommendation 1.
3. That Council invite tenders as soon as a decision is made on the long term future for the management and operation of the Animal Care Facility (excluding compliance and regulatory functions) addressing the range of relevant management and operational best practice initiatives presented in the above report, as well as a requirement to maintain as a minimum, public opening hours consistent with Council's present operation, excepting that the facility also be required to open from 9am - 12pm on Sundays and that a requirement to implement a volunteer program be included.

CARRIED

Council Meeting 11 November 2014 (Greiss/Matheson)

That the Committee's Recommendation be adopted.

Amendment (Rowell/Greiss)

1. That the Animal Care Facility remain at its current location.
2. That the Animal Care Facility refurbishment option as detailed in the Therian Animal Care Solutions Report in attachment 2, be accepted as the preferred capital works upgrade option in conjunction with the proposed report referred to in recommendation 3.
3. That a further report be prepared and presented to Council at the February 2015 meeting to set out options for a 3 staged development of a best practice Animal Care Facility to cater for current and future requirements. This report should incorporate costings in the 2015-2016 and 2016-2017 budgets with a view to finalising the proposed upgrade of the Animal Care Facility by December 2017.

PROPOSED STAGES:

STAGE 1: (a)

That Council utilise funds allocated in the 2014-2015 budget for the relocation of the Animal Care Facility to Sutherland to address the urgent compliance for existing animal's welfare at the Animal Care Facility until stage 2 commences in 2015-2016.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility

STAGE 1: (b)

Immediate commencement of the above refurbishment to address areas:

- Thermal controlled, north-facing kennels
- Initial cattery upgrade
- Additional exercise runs
- Urgent IT maintenance to prevent regular drop outs so that all animals may be listed on the Council's website in accordance with best practice.

STAGE 2:

That Council allocate funds in the 2015-2016 budget for ongoing refurbishments in consultation with Council and Therian Animal Care Solutions to bring the Animal Care Facility up to industry standards.

STAGE 3:

That Council allocates funds in the 2016-2017 budget for the final stage of the Animal Care Facility refurbishment with an expected completion date of December 2017.

4. That Council allocates a staff member as soon as practicable to coordinate and implement Council's previously agreed policy of placing all animals photos onto the Council's website in accordance with best practice.
5. That Council investigates and implements a training package in Cert IV Animal Studies for all current and any new staff employed at the Animal Care Facility.

LOST

A **Division** was called in regard to the Amendment for Item 4.4 - Best Practice Upgrade Options for the Operation and Management of the Animal Care Facility with those voting for the Amendment being Councillors Hawker, Matheson, Rowell and Greiss.

Voting against the Amendment were Councillors Borg, Brticevic, Chanthivong, Glynn, Kolkman, Lake, Lound, Mead and Oates.

Further Amendment (Matheson/Hawker)

1. That a further report be prepared detailing a proposed best practice and industry standard upgrade of Council's Animal Care Facility, including operational improvements, staffing implications and detailed cost estimates, together with details of any tenders received for the operation and management of the ACF, to be considered as part of Council's 2015-2016 budget preparations.
 2. That subject to Council's consideration of the costings, that the ACF refurbishment option as detailed in the Therian Report outlined in attachment 2 be accepted as the preferred capital works upgrade option for further consideration in conjunction with the proposed report referred to in recommendation 1.
 3. That Council invite tenders as soon as a decision is made on the long term future for the management and operation of the Animal Care Facility (excluding compliance and regulatory functions) addressing the range of relevant management and operational best practice initiatives presented in the above report, as well as a requirement to maintain as a minimum, public opening hours consistent with Council's present operation, excepting that the facility also be required to open from 9am - 12pm on Sundays and that a requirement to implement a volunteer program be included.
-

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility

4. That Council utilise funds allocated in the 2014-2015 budget for the relocation of the Animal Care Facility to Sutherland to address the urgent compliance for existing animal's welfare at the Animal Care Facility until further stages commence in 2015-2016.
5. That the Animal Care Facility remain at its current location.

LOST

A **Division** was called in regard to the Amendment for Item 4.4 - Best Practice Upgrade Options for the Operation and Management of the Animal Care Facility with those voting for the Amendment being Councillors Hawker, Matheson, Rowell, Greiss and Mead.

Voting against the Resolution were Councillors Borg, Brticevic, Chanthivong, Glynn, Kolkman, Lake, Lound and Oates.

It was **Moved** Councillor Greiss, **Seconded** Councillor Matheson that the Committee's Recommendation be adopted:

1. That a further report be prepared detailing a proposed best practice and industry standard upgrade of Council's Animal Care Facility, including operational improvements, staffing implications and detailed cost estimates, together with details of any tenders received for the operation and management of the ACF, to be considered as part of Council's 2015-2016 budget preparations.
2. That subject to Council's consideration of the costings, that the ACF refurbishment option as detailed in the Therian Report outlined in attachment 2 be accepted as the preferred capital works upgrade option for further consideration in conjunction with the proposed report referred to in recommendation 1.
3. That Council invite tenders as soon as a decision is made on the long term future for the management and operation of the Animal Care Facility (excluding compliance and regulatory functions) addressing the range of relevant management and operational best practice initiatives presented in the above report, as well as a requirement to maintain as a minimum, public opening hours consistent with Council's present operation, excepting that the facility also be required to open from 9am - 12pm on Sundays and that a requirement to implement a volunteer program be included.

CARRIED

Council Resolution Minute Number 214

1. That a further report be prepared detailing a proposed best practice and industry standard upgrade of Council's Animal Care Facility, including operational improvements, staffing implications and detailed cost estimates, together with details of any tenders received for the operation and management of the ACF, to be considered as part of Council's 2015-2016 budget preparations.
 2. That subject to Council's consideration of the costings, that the ACF refurbishment option as detailed in the Therian Report outlined in attachment 2 be accepted as the preferred capital works upgrade option for further consideration in conjunction with the proposed report referred to in recommendation 1.
-

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility

3. That Council invite tenders as soon as a decision is made on the long term future for the management and operation of the Animal Care Facility (excluding compliance and regulatory functions) addressing the range of relevant management and operational best practice initiatives presented in the above report, as well as a requirement to maintain as a minimum, public opening hours consistent with Council's present operation, excepting that the facility also be required to open from 9am - 12pm on Sundays and that a requirement to implement a volunteer program be included.
-

ATTACHMENT 1**CAMPBELLTOWN CITY COUNCIL ANIMAL SHELTER AUDIT**

2 Rose Street Campbelltown

**SHELTER LOCATION**

STREET ADDRESS	2 Rose Street Campbelltown	OWNERSHIP	Campbelltown City Council
LOT No	21	TOWN WATER	Available
DP	572308	GAS SUPPLY	Available
ZONING		ELECTRICITY SUPPLY	Available

SURROUNDING DEVELOPMENT

NORTH	Rose Street	RECYCLED WATER	No
SOUTH	Reserve Land	WATERMETER	Yes
EAST	Blaxland Road	METER BOX	Yes
WEST	Reserve Land		

LOCAL AUTHORITIES

CAMPBELLTOWN CITY COUNCIL

RELEVANT DOCUMENTATIONDRAFT CAMPBELLTOWN LOCAL
ENVIRONMENTAL PLAN 2014CAMPBELLTOWN (SUSTAINABLE
CITY) DEVELOPMENT CONTROL
PLAN 2014

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



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4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



1. BACKGROUND

Our company, DW & SL Baxter Pty Ltd has over 30 years' experience in the building design industry, with our partnering business Animal Shelter Planning Australia specialising in the design of animal housing for the past 10 years. Our Animal Housing designs are developed in accordance with the Draft Animal Welfare Code of Practise: Dogs and Cats in Pounds and Animal Shelters (2010) as well as the draft Animal Welfare Standards and Guidelines: Council Pounds and Animal shelters (2011).

Over the past 10 years our company has developed a specialised skill in the design and construction of Animal Housing. Through the careful selection of impervious, solid and washable building materials, our animal enclosures allow for easy maintenance while promoting comfort and reducing the risk of injury and infection to the animal.

Our strategically positioned north facing enclosures also facilitate animal health through natural light, solar access and ventilation, utilising natural breeze paths while assisting with drying and disinfection following cleaning. Staff cleaning time is greatly reduced allowing more interaction with animals.

Our state of the art designs incorporate an Assessment, Isolation and Dangerous Dog enclosures separate from re-homing kennels and catteries to reduce animal injury and control the spread of disease and infection.

Our company offers Council's and Not-for –profit organisations the opportunity to improve their current shelter condition in accordance with current Animal Welfare Codes and standards by providing advice and sharing our knowledge and experience.

We also understand while the need for improvement is apparent, a lack of financial resources largely influences the upgrade transition. Our company can smooth this transition by working within your budget and through the careful consideration of an itemised list of costings and possible staging options during the construction phase. We believe that while the initial outlaying cost may be sizeable, future cost savings will become apparent when little maintenance is required.

2. PURPOSE

This report was comprised to provide an assessment of the current Animal Housing facility at 2 Rose Street Campbelltown and to suggest improvements that should be made in order to create a facility that complies with current Animal Housing Codes and Standards.

The suggested improvements are made in accordance with the Draft Animal Welfare Code of Practise: Dogs and Cats in Pounds and Animal Shelters (2010) as well as the draft Animal Welfare Standards and Guidelines: Council Pounds and Animal shelters (2011).

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



3. EXISTING SHELTER

(a) SHELTER DESCRIPTION

Campbelltown City Council Animal Care Facility is located at 2 Rose Street Campbelltown (off Blaxland Road). The shelter consists of a newly constructed administration building, 4x10 kennel rows, 1x20 kennel row and a small cattery with the capacity to hold 14 Mobile Cat Cages.

There is currently no Assessment, Holding, Isolation and Dangerous Dog areas separated from animal re-homing areas, increasing the likelihood of injury and the spread of infectious disease. There is also no food preparation and laundry area. This does not comply with current Animal Housing Standards.

The four rows of kennels currently on site are South east facing, receiving little natural sunlight and ventilation. The existing kennels are approximately over 30 years old and present in typical condition of their approximate age.

The kennel row of 20 kennels adjacent to the access road is unsuitable and should be demolished. The dogs held in these kennels are in clear sight of each other, creating over stimulation and increased stress to the animal. The kennels have no natural light and minimal ventilation.

The current cattery is a large room with 14 mobile cat cages. This does not comply with current Animal Housing Standards.

There is currently a strong need to upgrade the shelter in order to comply with current Animal Housing Standards, to control disease and increase shelter capacity to reduce the number of animals being euthanized each year.

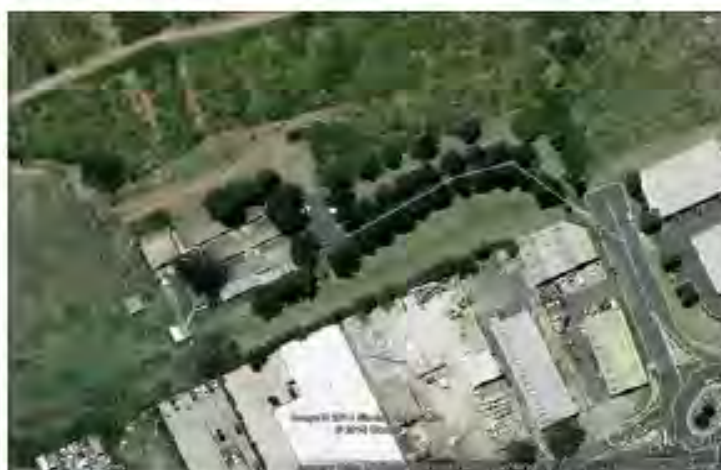


Photo 1. Existing Shelter

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



(b) SHELTER CONDITION

(i) Vehicular and Pedestrian Access

The vehicle and pedestrian access is currently shared.



Photo 2. Existing vehicular access

(ii) Car Parking

There is currently twelve (12) existing car parking spaces on site. While the number of spaces available to customers complies with current standards (AS 1428.1), there are no spaces allocated for staff and the distance between the two car parking rows does not comply with this standard (AS 1428.1).

This area is insufficient in size and may cause harm to customers and staff if an accident was to occur. The likelihood of an accident occurring is high, due to the current space provided for vehicles entering and exiting the car parking area. A separate staff car parking area needs to be provided with separate access of approximately twelve (12) car parking spaces.

(iii) Directional Signage

No visible directional signage for vehicle and pedestrian access was sighted on the day of inspection. No informational signage was sighted and is required to inform patrons of animal containment, such as; "Dogs must be on a leash", "Cat's must be in a carry box" and "All animals in uncontained areas must remain under the control of the owner at all times".

(iv) Ranger Vehicle Animal off load area.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



The current area assigned for ranger drop off does not include all the important elements required to ensure safety to the ranger, staff and animal. In order to ensure their health and safety, this area should include an initial screening/assessment area where the animal can be immediately examined for illness, injury or ill-tempered behavior. The animal can then be transferred to the most appropriate area for holding. This area should be fully fenced to allow for animal containment.

(v) Administration

The existing administration building is a new building, approximately 3 years old. This building is in good condition and satisfactory for use. It is important to consider best practise principles for use of this area to allow separate areas for adoption, surrender and impound clientele.



Photo 3. Existing Administration building

The old administration building remains onsite, with the data and cabling existing. This building can be utilised for animal holding, Isolation. Food preparation and laundry facilities if the shelter is to be retained.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



(vi) Kennels

The existing dog kennels are approximately 30 years old and are in typical condition of age. The current floor, wall and partition surfaces do not comply with current Animal Housing Codes and Standards. The current flooring surface is cracked and is not impervious or non-slip.



Photo 4. Kennel Corridor to the west of the site



Photo 5. West kennel cracked floor surface

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



The kennels are currently positioned south east facing, receiving little natural sunlight and ventilation making enclosures difficult and time consuming to clean.



Photo 6. West kennels lacking natural light for most parts of the day

The existing kennel area produces excess noise pollution from barking dogs. This can be managed and reduced by judicious use of sound proofing and the careful construction of barriers to avoid unnecessary arousal produced through the sight of other animals.

The twin kennel row situated to the South east of the site positions animals directly in sight of each other producing increased arousal and noise pollution, with little to no natural sunlight or ventilation being produced.

The facility has the current capacity to hold 60 dogs, with the future desire to hold more than double these numbers to cater for the increasing number of animals entering the facility.

The partitions between the kennels does not comply with current Animal Housing Standards and will need to be replaced. The partition replacement should be impervious, a height of 1200mm and overlap the existing hob.

All kennels lack the capacity to allow for temperature control. In order to comply with current Animal Housing Standards, kennels must be kept between 15 to 30 Degrees Celsius at all times.

(vii) Cattery

The existing cattery has the current capacity to hold 14 cats. These cages do not meet size and capacity requirements of current Animal Housing Codes and Standards. There is currently a high rate of euthanized feline at the facility due to incapacity. There is a need to expand upon the existing cattery to cater for a larger number of feline entering the facility. The adoption of an isolation area onsite for sick or injured animals will also be of benefit to combat the spread of disease and infection. The installation of an air conditioning system will greatly assist in reducing the spread of disease.

(viii) Stray Cattery

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



There is currently no designated area for stray cats. In order to comply with current Animal housing Codes and standards, the installation of individual cat housing with solid sides will be required.

(ix) Outdoor Runs and Exercise Yards

There are currently no outdoor exercise runs on site. It is suggested that dogs must have the opportunity to exercise for at least 20 minutes daily. This can be provided by allowing the animal access to an exercise area which is a minimum of 9m x 3m to run freely within the outdoor fenced area. With no current outdoor exercise runs available, the dogs are under stimulated throughout the day and become over active when clientele arrive to the site. The excessive noise and over excitement may turn many customers away. In turn, less people are re-homing animals and more animals are being euthanized through insufficient holding capacity.

(x) Behavioural Assessment

There is currently no allocated area for behavioural assessment. It is suggested that dogs and cats should be examined as soon as practicable after arrival at the facility to ensure adequate housing consideration procedures are employed, whereby distressed animals are housed in a manner which prevents olfactory contact and poor temperament animals are not available for rehoming. The addition of a Behavioural Assessment area will provide dogs entering with a poor temperament the opportunity to be re-trained and re-homed, minimising the rate of euthanasia.

(xi) Isolation

There is currently no isolation facilities on site. It is suggested that Animals known or suspected to be suffering from a significant infectious disease or severe injury must be taken directly to the isolation facility unless written assurances from a registered veterinary practitioner regarding the appropriateness of housing with other animals is received.

Cat isolation facilities must be a sufficient distance from dog enclosures to minimise the stress created by the sound, sight or smell of dogs.

(xii) Dangerous Dogs

There is currently no area allocated for dangerous dogs. It is suggested that Dogs and cats must be housed singly in a quiet, warm and dry area isolated from other animals if they are aggressive or ill-tempered.

(xiii) Food prep

There is currently no designated food prep and storage area for food, water and utensils.

The food preparation area is important in the control of disease as the bowls and litter trays of infected animals can be stored and washed in separate locations to that of healthy animals.

(xiv) Waste Management

A separate area should be set aside for the storage and management of waste.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



(C) RISK ASSESSMENT

General

The overall condition of the shelter is poor with most areas run down and in need of renovation.

Risk Probability

- 1 - Critical (may be catastrophic/fatal to animal/human welfare)
- 2 – Major (may cause major/permanent disability to animal/human welfare)
- 3 – Moderate (may cause moderate/temporary disability to animal/human welfare)
- 4 – Minor/Negligible (may require minor/medical treatment)

Action rating


Score	Action
1 Critical	ACT NOW – Urgent – Immediate repair
2 Major	Immediate repair required
3 Moderate	Operational planning is required for future repair
4 Minor/negligible	OK for now. Will require operational planning for future repair.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



Risk Log					
Owner/Management		Animal holding facility			
Date/time of Inspection		Attendee's			
Report prepared by:		Date/time:			
Current structure	Description	Areas of concern	Probable risk	Risk rating	Action rating
Vehicular and Pedestrian access	Currently vehicular and pedestrian access is shared	Injury to staff and public patrons	Injury to staff and public patrons	2	Immediate repair required
Car parking	This area is insufficient in size and does not allow for designated staff car parking	Congestion	Traffic accidents	2	Immediate repair required
Directional signage	No visible directional signage from car park	Lack of essentially required information to patrons using the facility	Confusion, frustration and traffic accidents.	2	Immediate repair required
Ranger vehicle loading and unloading area	Insufficient in size and lacking important elements required to ensure safety. The area is also unfenced with no area wash bay	Disease containment	Dangerous dogs escaping and or injuring ranger, staff and other animals	2	Immediate repair required
Adoption cattery	Inadequate size caging and temperature control system. Unsatisfactory food prep area	Does not comply with current and future requirements	The cattery only holds a limited number of cats. Less cats being re-homed, more cats being euthanized Risk of food contamination and disease	3	Operational planning is required for future repair
Quarantine Cattery	There is currently no cat Isolation area	Does not comply with current and future requirements	Spread of disease and infection	2	Immediate repair required
Dog Kennels	Undesirable drainage system and staff access Unsafe flooring Non-compliant partitions	Staff dragging the hose along the front of the kennel before hosing can commence	Back injury Muscle strain/tension	2	Immediate repair required
Dog exercise yards	There is currently no outdoor exercise runs	Under stimulation for animal	Excessive noise from barking dogs	3	Operational planning is required for future repair

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



Dog Isolation	There is currently no Dog Isolation areas	Spread of disease and infection	Animal injury Disease control	3	Operational planning is required for future repair
Vet Assessment Room Holding Room	None	No area for animal assessment	Risk of unsatisfactory behavior and the spread of disease	2	Immediate repair required
Food Preparation	None	Spread of disease and infection	Animal injury Disease control	2	Immediate repair required
Laundry	None	Spread of disease and infection	Animal injury Disease control	2	Immediate repair required
Dog Bath	None	Spread of disease and infection	Animal injury Disease control	3	Operational planning is required for future repair
Aviary	Insufficient in size. Located close to larger animals	Close to excess noise from barking dogs	Creates anxiety for the animal	3	Operational planning is required for future repair

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



(D) RISK MANAGEMENT ACTION PLAN & BUDGET COSTING

Risk Management Action Plan and Budget Costings				
Probable risk	Action	Benefits of action	Estimated cost of action	Timeframe
Vehicular access Pedestrian access	Separate pedestrian access Staff and client pedestrians to access site safely	Reduction in animal transportation times and animal stress and anxiety. Reduction in animal agitated and aggressive behavior. Increased client flow	\$50,000.00	TBA
Car parking	Increased car parking area for clients, staff and disabled	Separate parking for staff, clients and disabled. Reduction in the likelihood of accident/injury	\$70,000.00	TBA
Directional signage	Locate visible signage to direct clients to designated areas from the car park Locate animal containment signage eg, "Dogs must be on leash" and "Cats must be in a carry box" and "Animals must be controlled by their owners at all times"	Reduce confusion Reduce the likelihood of accident/injury	\$5,000.00	TBA
Ranger vehicle loading and unloading area	A ranger vehicle loading and unloading area will contain a designated wash bay, be fully fenced, and positioned adjacent to the vet assessment and holding rooms	To improve the health and safety of safe and clients. To provide easier access to vet assessment and holding rooms.	\$85,000.00	TBA
Adoption Cattery	Refurbish existing cattery and rebuild. The new cattery will be built to satisfy current and future animal codes of practice. The new cattery will include an area for the public to interact with the animal before adoption and social interact with potential owners existing pets	The new cattery will hold more cats i.e. welcome more cats into the facility.	\$350,000.00	TBA

Note: Construction costs are a Budget Estimate only. These are based on previous construction experience. Costs will vary taking into account topography of land, existing infrastructure, local material and labour costs. For an accurate Building cost, it is recommended that a Quantity Surveyor be engaged to prepare a Bill of Materials once the design is finalised and a full set of plans have been prepared.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



RISK MANAGEMENT ACTION PLAN & BUDGET COSTING Continued

Risk Management Action Plan and Budget Costings			
Probable risk	Action	Benefits of action	Estimated cost of action
Quarantine Cattery	Stainless steel caging large enough to hold more cats for the required length of time. Food prep area and a litter tray wash sink	Reduce the risk of disease and infection	\$400,000.00
Dog Kennels New and additional kennels	Build north facing kennels with Dog Exercise Yards at the end of each kennel row. Eight (8) kennels per row.	Allow for natural sunlight and ventilation to occur. Minimize staff cleaning times Clients able to interact with their potential pet and existing pets	\$215,000.00 per row
Dog Exercise yards	Construct outdoor exercise yards for animals to run freely or be walked on a lead	The provide exercise and stimulation for the animal	\$100,000.00
Dog Isolation	Separate from Dog kennels	To control the spread of disease and infection	\$215,000.00
Vet Assessment Room	The construction of vet assess as well as cat and dog holding rooms	To allow assessment to take place upon entry into the facility	\$200,000.00
Food Preparation	The construction of a Food Preparation area	To control the spread of disease and infection	\$120,000.00
Laundry	The construction of a laundry area	To control the spread of disease and infection	\$75,000.00
Dog Bath	The construction of a Dog Bath located near Food Preparation and Laundry area	To control the spread of disease and infection	\$7,000.00
Existing Dog Kennels	To refurbish the existing dog kennels; Ceilings, in floor heating and drainage.	To increase the animal health and safety. Reduction in the likelihood of accident/injury. To control the spread of disease and infection	\$80,000.00 per row
Aviary	To relocate and expand the existing aviary away from larger animals	Reduce the risk of stress and anxiety caused to the animal	\$320,000.00
Dangerous Dogs	To construct dog specific Enclosure	Reduce Risk to Staff	\$160,000.00

Note: Construction costs are a Budget Estimate only. These are based on previous construction experience. Costs will vary taking into account topography of land, existing infrastructure, local material and labour costs. For an accurate Building cost, it is recommended that a Quantity Surveyor be engaged to prepare a Bill of Materials once the design is finalised and a full set of plans have been prepared.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



4. RECOMMENDATIONS

OPTION 1 – UPGRADE OF EXISTING SHELTER

The first option proposed is that Council upgrades the existing Animal facility. This will involve; upgrading existing kennels, including dog exercise yards and meet and greet areas. It will also include the addition of dog isolation and dangerous dog kennels. As well as the construction of a ranger loading and unloading area, vet assessment, holding area, food preparation areas and laundry; Adoption and quarantine catteries and aviary.

(a) PROPOSED CONCEPT PLAN

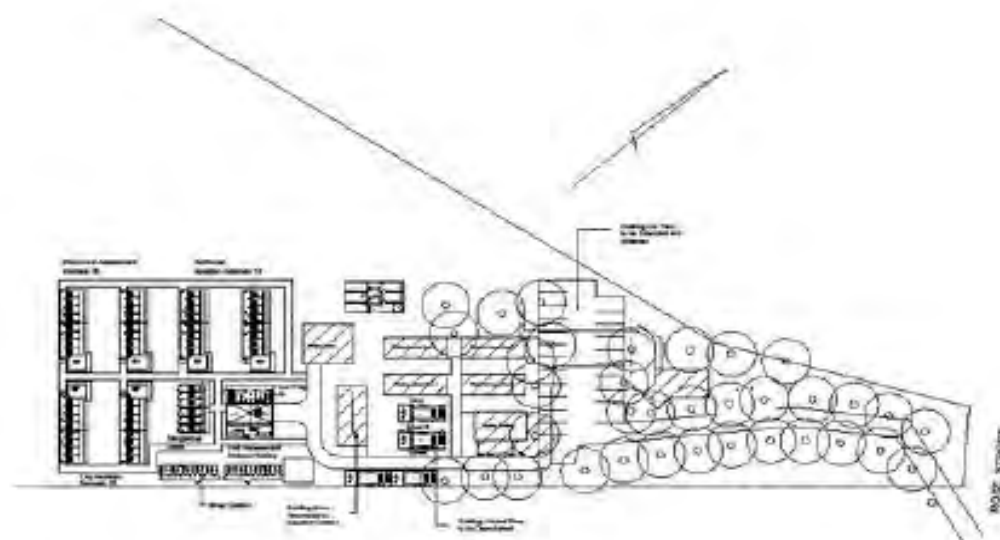


Figure 1. Proposed concept plan – Option 1

The proposed concept plan has the capacity to hold 94 Dogs, 32 small to medium and 62 large dogs. It also has the capacity to hold a total of 42 cats, 24 stray and 18 adoption cats. The proposed holding capacity is almost four times the current holding capacity.

The proposed concept plan includes a kennel area for 6 Dangerous Dogs, a vet assessment and dog isolation area. Exercise yards/meet and greet areas have been proposed at the end of each kennel row, with three additional outdoor exercise yards proposed to be used for daily exercise by the animal.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



The proposed kennels and catteries are north facing, allowing for natural sunlight and ventilation to occur.

(b) SHELTER OPERATIONS AND ANIMAL PATHWAYS

(i) Vehicular and Pedestrian Access

The existing vehicular access to the site will remain via Rose Street. Additional pedestrian access has been proposed for the safety of staff and public.

(ii) Car Parking

In order to comply with AS 1428.1, car parking should consist of at least one (1) Disabled car park, eight (8) customer and three (3) staff car parks. It is suggested that the current car park be repositioned around to the west end of the site. This will provide a larger turning circle for staff and patrons entering and exiting the facility, reducing the likelihood of accident and injury. Please refer to the Concept Site Plan attached for further details.

(iii) Directional Signage

It is suggested that directional signage be visible from the car park to direct clients to correct areas. Informational signage is also required relating to animal containment e.g. "Dogs must be on a leash" and "Cats must be in a carry box". "All animals in an uncontained area must remain under the control of the owner at all times".

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



(iv) Ranger Vehicle Animal loading and unloading area

It is suggested that the Ranger loading area be easily accessible upon entry to the site. This area should be fully fenced and adjacent to the vet assessment room and animal holding rooms for initial examination to occur and correct enclosure placement to be carried out following assessment. This will ensure the health and safety of ranger, staff and animal. A designated wash bay should be located undercover, have adequate backflow prevention and drainage to comply with trade waste requirements.

(v) Vet Assessment Room Holding Room

A vet assessment room would be recommended to allow for assessment to take place away from housed animals. This would also include cat and dog holding rooms. This would be utilized by the Ranger to hold animals before they are assessed and housed in kennels or Quarantine.

Figure 2. Proposed Concept Plan: Vet Assessment, Food Preparation, Laundry and Ranger Drop off area



VET ASSESS
FOOD PREP LDY
RANGER DROP OFF

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



(vi) Adoption Cattery

The existing adoption cattery should be demolished and rebuilt. The new adoption cattery will require cat housing that will have a floor area of 0.8sq m if the enclosure height is 2.1m and 0.9sq m if the enclosure height is 900mm in order to comply with current Animal Housing Codes and Standards. Please refer to the table below for further details.

It is strongly recommended that the enclosures have a height of 2.1m to allow for easy entry and cleaning of the enclosure. These enclosures should be orientated north so the cat can access an enclosed outside shelf with solar access.

The cattery will also need a cat lounge for the public to interact with the cat before adoption or to allow for social interaction between the new cat and an existing pet. The cattery will also require a food preparation area with the ability to wash cat litter trays.

The cattery will also need to be heated whilst still allowing for the required air exchange.

Table 1: Minimum sizes for cat enclosures

Animal	Holding Time	Min floor area (m ²)	Min height (cm)	Min width (cm)
Kitten* (max 2)	<21 days	0.9	90	90
Single cat	<14 days	0.9	90	90
Cats (max 2)	<21 days	1.7	90	90
Kitten/s*(+/- queen)	>21 days	0.8	210**	60
Single cat	>21 days	0.8	210**	60
Cats (max 2)	>21 days	0.8	210**	60

* less than 12 weeks of age

** The module must contain at least 2 levels incorporating raised sleeping quarters. Access to all levels must be available through the provision of ramps, poles, steps or the like.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



Figure 3. Proposed Concept Plan: Cattery Renovation

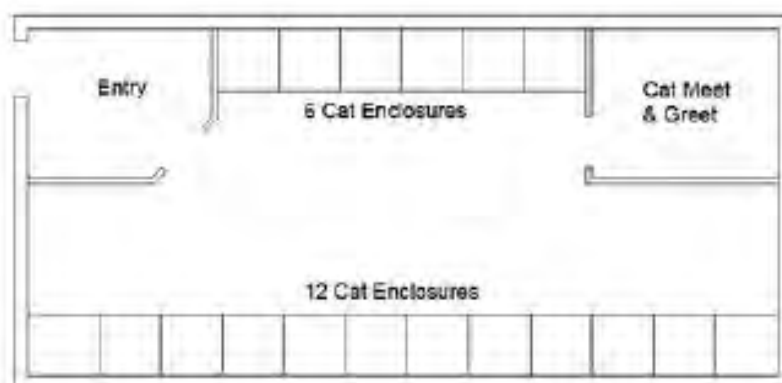
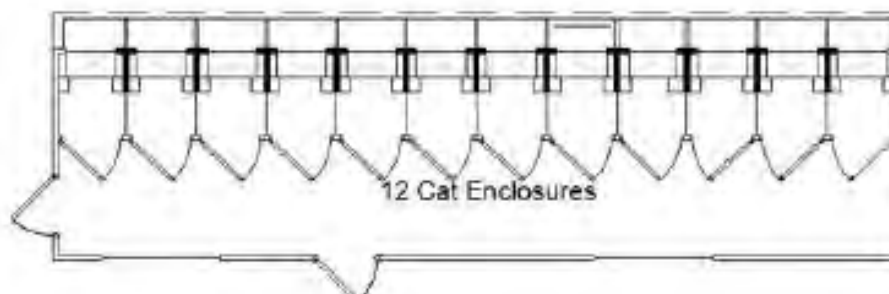


Figure 4. Proposed Concept Plan: Stray Cattery



4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



Transportable Catteries

Alternatively, our company offers a selection of custom built transportable catteries designed to satisfy all current Animal Housing Codes and Standards. These catteries would be appropriate if the construction of a new facility was required on a new site in the future. The catteries can be easily transported to the new site, with no additional building costs.



Photo 7. Transportable cattery



Photo 8. Transportable cattery - Internal



Photo 9. Transportable cattery - External

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



(vii) Quarantine Cattery

A Quarantine cattery is required to house sick or injured animals away from healthy animals to combat the spread of infection or disease. This cattery will require stainless steel caging large enough to house cats for the length of their stay.

It will also require a food preparation area incorporating a litter tray wash sink.



Photo 10. Stainless steel caging

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



(viii) Dog Kennels

The existing dog kennels should be demolished and positioned to the north for the promotion of health, comfort and wellbeing of the animal. These north facing kennels will allow natural light cycles and ventilation to occur, reducing staff cleaning times.

It is also recommended that a dog meet and greet yard be positioned at the end of each kennel row for clients to interact with the dog and for the social interaction with existing pets.

Our kennel designs satisfy all relevant Animal Housing Codes and Standards in that:

- All materials proposed are of low maintenance and allow for easy cleaning; are solid, impervious and washable;
- Wall & Floor junctions are impervious to facilitate cleaning and disinfection;
- Walls and doorways of pens and exercise yards prevent the protrusion of heads or limbs through to the outside of, or between pens, and
- Floor surfaces are non-slip and impervious
- Animal enclosures are designed, built and operated in such a way that liquids or faeces are rapidly removed from the enclosure, and will not contaminate the animal's coat or another enclosure; and
- Animal enclosures are designed and maintained to minimise the risk of injury to animal
- Dog kennels are designed to face north for the promotion of animal comfort and to assist with the drying and disinfection following cleaning
- Drainage systems are designed and fitted with mesh traps to prevent hair and other solids from blocking and contaminating sewers and septic systems
- Pens are completely enclosed with solid roofing
- Kennels are designed to be sound proof to comply with noise regulations and occupational health and safety requirements
- Kennel orientation allows for exposure to natural light cycles, ventilation, and provide protection from rain, wind, and direct sunlight or other adverse weather conditions and extreme temperatures
- An in floor heating system is designed to regulated temperature control where temperature falls below 15 degrees
- Our outdoor exercise yards provide dogs with the opportunity to exercise for at least 20 minutes daily, to run freely, or by walking on a lead
- Our assessment area located near Ranger unloading area provides an area for initial screening/examination of the animal as it enters the facility.
- Our Isolation area located near Assessment provides a quarantine holding area for animals known or suspected to be suffering from significant infectious disease or severe injury to prevent the transfer of disease
- Our Dangerous Dog kennels provide space for aggressive or ill-tempered animals away from other animals

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



Figure 5. Proposed Concept Plan: Existing Kennel Renovation

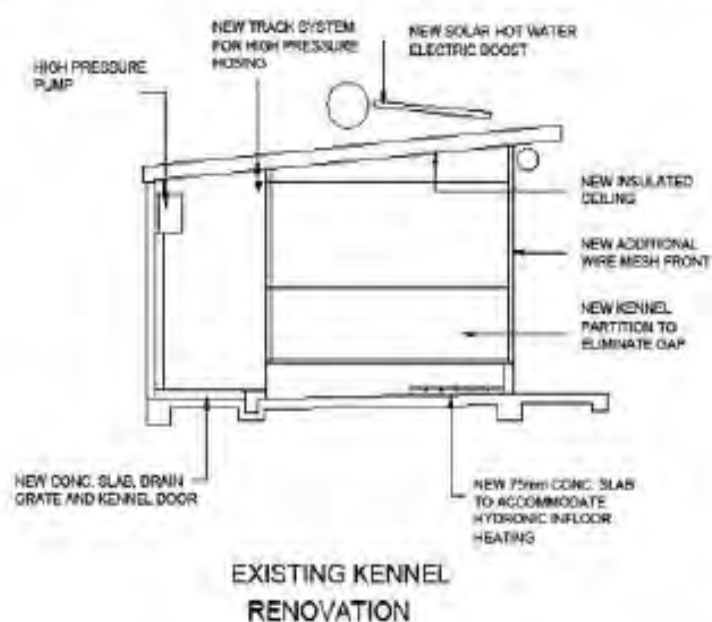


Table 2 below outlines the minimum pen sizes for dog enclosures under the Draft Animal Welfare Code of Practice (2010).

Table 2: Minimum sizes for dog enclosures

Animal	Min floor area (m ²)*	Min. height (cm)	Min. width (cm)
Puppies**	3.5	180	120
1 dog >60cm to shoulder	3.5	180	120
2 dogs > 60 cm to shoulder	5.2	180	120
1 dog 40 – 60 cm to shoulder	2.4	180	90
2 dogs 40 – 60cm to shoulder	3.6	180	90
1 dog <40cm to shoulder	1.5	180	90
2 dogs <40cm to shoulder	2.5	180	90

* Minimum floor area includes the area allocated to bedding

** Less than 12 weeks of age

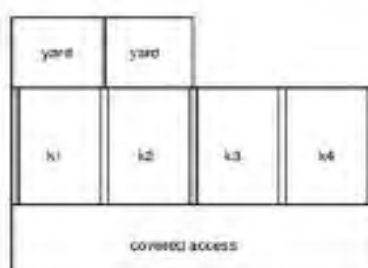
4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



(ix) Dangerous Dogs

It is suggested that a kennel area be constructed for ill-tempered animals, away from rehoming animals. This area should be within a reasonable distance from Assessment to allow for easy transportation where necessary.

Figure 6. Proposed Concept Plan: Dangerous Dog Kennels



DANGEROUS DOGS STRAY DOGS

AREA - 25.8 m²



Photo 11. Dangerous dogs

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



(x) Dog Exercise Yards

It is suggested that two outdoor exercise yards are constructed providing adequate open space for the animal to run freely or be walked on a lead. An antibacterial synthetic grass is recommended inside the yard to minimize the deterioration of bare earth while combating the spread of disease and infection.



Photo 12. Dog exercise yards

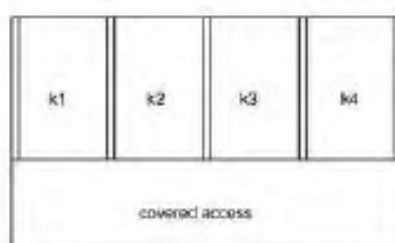
4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



(xi) Dog Isolation

It is suggested that separate dog kennels are provided for animals known or suspected to be suffering from significant infectious disease or severe injury.

Figure 7. Proposed Concept Plan: Dog Isolation kennels



DOG ISOLATION STRAY DOGS

AREA - 25.8 m²



Photo 13. Dog Isolation rooms



Photo 14. Dog Isolation wash room

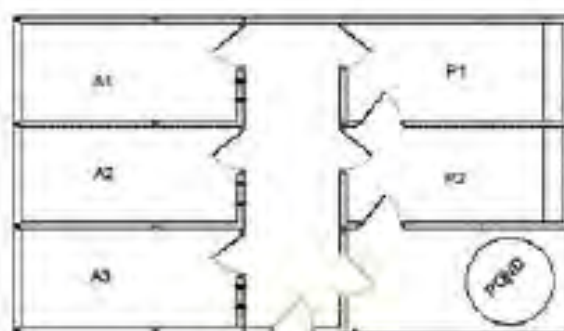
4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



(xii) Aviary

It is suggested that the existing aviary be expanded and relocated away from larger animals to minimise stress and anxiety to poultry.

Figure 8. Proposed Concept Plan: Bird and Poultry aviary



BIRD & POULTRY AVIARY

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



OPTION 2 – TOTAL RE-BUILD

This option will include the demolition of all existing shelter facilities, excluding the administration building and the construction of a new animal facility. The new facility will include all elements mentioned in option 1 with the addition of new north facing kennel and cattery areas allowing natural sunlight and ventilation to occur. In order to comply with current Animal Housing Codes and Standards, the construction of option 2 is highly recommended. Please refer to figure 9, *Proposed Concept Plan* for further details.

Please see page 41 for budget breakdown comparisons of option 1 and 2.

(c) PROPOSED CONCEPT PLAN



Figure 9. Proposed concept plan – Option 2

The proposed concept plan has the capacity to hold 96 Dogs, 32 small to medium and 64 large dogs. It also has the capacity to hold a total of 78 cats, 30 stray and 48 adoption cats. The proposed holding capacity is almost four times the current holding capacity.

The proposed concept plan includes a kennel area for 6 Dangerous Dogs, a vet assessment and dog isolation area. Exercise yards/meet and greet areas have been proposed at the end of

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



each kennel row, with three additional outdoor exercise yards proposed to be used for daily exercise by the animal.

The proposed kennels and catteries are north facing, allowing for natural sunlight and ventilation to occur.

(d) SHELTER OPERATIONS AND ANIMAL PATHWAYS

(vi) Vehicular and Pedestrian Access

The existing vehicular access to the site will remain via Rose Street. Additional pedestrian access has been proposed for the safety of staff and public.

(vii) Car Parking

In order to comply with AS 1428.1, car parking should consist of at least one (1) Disabled car park, eight (8) customer and three (3) staff car parks. It is suggested that the current car park be repositioned around to the west end of the site. This will provide a larger turning circle for staff and patrons entering and exiting the facility, reducing the likelihood of accident and injury. Please refer to the Concept Site Plan attached for further details.

(viii) Directional Signage

It is suggested that directional signage be visible from the car park to direct clients to correct areas. Informational signage is also required relating to animal containment e.g. "Dogs must be on a leash" and "Cats must be in a carry box". "All animals in an uncontained area must remain under the control of the owner at all times".

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



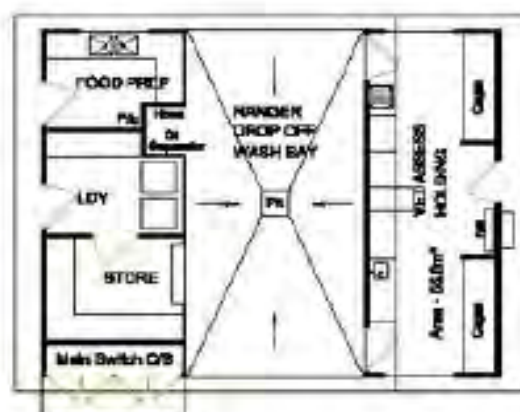
(ix) Ranger Vehicle Animal loading and unloading area

It is suggested that the Ranger loading area be easily accessible upon entry to the site. This area should be fully fenced and adjacent to the vet assessment room and animal holding rooms for initial examination to occur and correct enclosure placement to be carried out following assessment. This will ensure the health and safety of ranger, staff and animal. A designated wash bay should be located undercover, have adequate backflow prevention and drainage to comply with trade waste requirements.

(x) Vet Assessment Room Holding Room

A vet assessment room would be recommended to allow for assessment to take place away from housed animals. This would also include cat and dog holding rooms. This would be utilized by the Ranger to hold animals before they are assessed and housed in kennels or Quarantine.

Figure 10. Proposed Concept Plan: Vet Assessment, Food Preparation, Laundry and Ranger Drop off area



VET ASSESSMENT
FOOD PREP. LDY
RANGER DROP OFF

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



(vi) Adoption Cattery

The existing adoption cattery should be demolished and rebuilt. The new adoption cattery will require cat housing that will have a floor area of 0.8sq m if the enclosure height is 2.1m and 0.9sq m if the enclosure height is 900mm in order to comply with current Animal Housing Codes and Standards. Please refer to the table below for further details.

It is strongly recommended that the enclosures have a height of 2.1m to allow for easy entry and cleaning of the enclosure. These enclosures should be orientated north so the cat can access an enclosed outside shelf with solar access.

The cattery will also need a cat lounge for the public to interact with the cat before adoption or to allow for social interaction between the new cat and an existing pet. The cattery will also require a food preparation area with the ability to wash cat litter trays.

The cattery will also need to be heated whilst still allowing for the required air exchange.

Table 1: Minimum sizes for cat enclosures

Animal	Holding Time	Min floor area (m ²)	Min height (cm)	Min width (cm)
Kitten* (max 2)	<21 days	0.9	90	90
Single cat	<14 days	0.9	90	90
Cats (max 2)	<21 days	1.7	90	90
Kitten/s* (+/- queen)	>21 days	0.8	210**	60
Single cat	>21 days	0.8	210**	60
Cats (max 2)	>21 days	0.8	210**	60

* less than 12 weeks of age

** The module must contain at least 2 levels incorporating raised sleeping quarters. Access to all levels must be available through the provision of ramps, poles, steps or the like.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



Figure 11. Proposed Concept Plan: Cattery

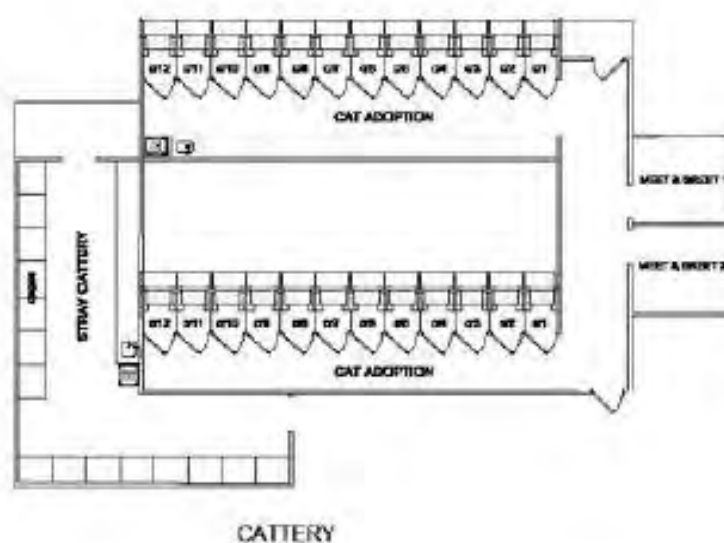


Photo 15. Cattery (outside)



Photo 16. Cattery (inside)

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



(xiii) Quarantine Cattery

A Quarantine cattery is required to house sick or injured animals away from healthy animals to combat the spread of infection or disease. This cattery will require stainless steel caging large enough to house cats for the length of their stay.

It will also require a food preparation area incorporating a litter tray wash sink.



Photo 17. Stainless steel caging

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



(xiv) Dog Kennels

The existing dog kennels should be demolished and positioned to the north for the promotion of health, comfort and wellbeing of the animal. These north facing kennels will allow natural light cycles and ventilation to occur, reducing staff cleaning times.

It is also recommended that a dog meet and greet yard be positioned at the end of each kennel row for clients to interact with the dog and for the social interaction with existing pets.

Our kennel designs satisfy all relevant Animal Housing Codes and Standards in that:

- All materials proposed are of low maintenance and allow for easy cleaning; are solid, impervious and washable;
- Wall & Floor junctions are impervious to facilitate cleaning and disinfection;
- Walls and doorways of pens and exercise yards prevent the protrusion of heads or limbs through to the outside of, or between pens, and
- Floor surfaces are non-slip and impervious
- Animal enclosures are designed, built and operated in such a way that liquids or faeces are rapidly removed from the enclosure, and will not contaminate the animal's coat or another enclosure; and
- Animal enclosures are designed and maintained to minimise the risk of injury to animal
- Dog kennels are designed to face north for the promotion of animal comfort and to assist with the drying and disinfection following cleaning
- Drainage systems are designed and fitted with mesh traps to prevent hair and other solids from blocking and contaminating sewers and septic systems
- Pens are completely enclosed with solid roofing
- Kennels are designed to be sound proof to comply with noise regulations and occupational health and safety requirements
- Kennel orientation allows for exposure to natural light cycles, ventilation, and provide protection from rain, wind, and direct sunlight or other adverse weather conditions and extreme temperatures
- An in floor heating system is designed to regulated temperature control where temperature falls below 15 degrees
- Our outdoor exercise yards provide dogs with the opportunity to exercise for at least 20 minutes daily, to run freely, or by walking on a lead
- Our assessment area located near Ranger unloading area provides an area for initial screening/examination of the animal as it enters the facility.
- Our Isolation area located near Assessment provides a quarantine holding area for animals known or suspected to be suffering from significant infectious disease or severe injury to prevent the transfer of disease
- Our Dangerous Dog kennels provide space for aggressive or ill-tempered animals away from other animals

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



Table 2 below outlines the minimum pen sizes for dog enclosures under the Draft Animal Welfare Code of Practice (2010).

Table 2: Minimum sizes for dog enclosures

Animal	Min floor area (m ²)*	Min. height (cm)	Min. width (cm)
Puppies**	3.5	180	120
1 dog >60cm to shoulder	3.5	180	120
2 dogs > 60 cm to shoulder	5.2	180	120
1 dog 40 – 60 cm to shoulder	2.4	180	90
2 dogs 40 – 60cm to shoulder	3.6	180	90
1 dog <40cm to shoulder	1.5	180	90
2 dogs <40cm to shoulder	2.5	180	90

* Minimum floor area includes the area allocated to bedding

** Less than 12 weeks of age

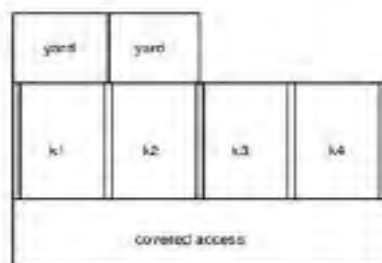
4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



(xv) Dangerous Dogs

It is suggested that a kennel area be constructed for ill-tempered animals, away from re-homing animals. This area should be within a reasonable distance from Assessment to allow for easy transportation where necessary.

Figure 12. Proposed Concept Plan: Dangerous Dog Kennels



DANGEROUS DOGS STRAY DOGS

AREA - 25.8 m²



Photo 18. Dangerous dogs

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



(xvi) Dog Exercise Yards

It is suggested that two outdoor exercise yards are constructed providing adequate open space for the animal to run freely or be walked on a lead. An antibacterial synthetic grass is recommended inside the yard to minimize the deterioration of bare earth while combating the spread of disease and infection.



Photo 19. Dog exercise yards

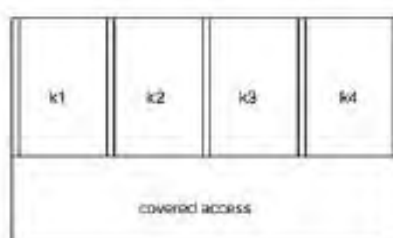
4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



(xvii) Dog Isolation

It is suggested that separate dog kennels are provided for animals known or suspected to be suffering from significant infectious disease or severe injury.

Figure 13. Proposed Concept Plan: Dog Isolation kennels



DOG ISOLATION STRAY DOGS

AREA - 25.8 m²



Photo 20. Dog Isolation rooms



Photo 21. Dog Isolation wash room

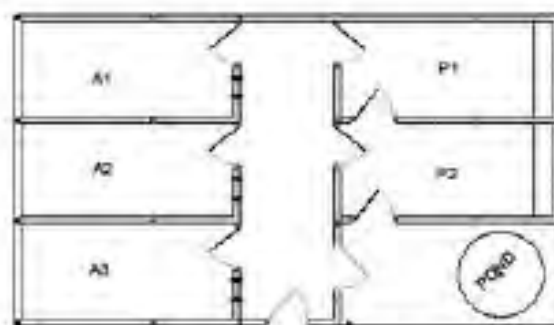
4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



(xviii) Aviary

It is suggested that the existing aviary be expanded and relocated away from larger animals to minimise stress and anxiety to poultry.

Figure 14. Proposed Concept Plan: Bird and Poultry aviary



BIRD & POULTRY AVIARY

PROPOSED NEW SHELTER DESIGN

2 ROSE STREET, CAMPBELLTOWN

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



BUDGET COST ESTIMATE – CAMPBELLTOWN CITY COUNCIL

BUDGET COST ESTIMATES – PROJECT INFORMATION

PROJECT: Campbelltown City Council
LOCATION: 2 Rose Street, Campbelltown
CLIENT: Campbelltown City Council
DESIGN: DW & SL Baxter Pty Ltd
NUMBER OF NEW BUILDINGS: 8

OPTION 1: UPGRADE EXISTING BUDGET COST ESTIMATE – COST SUMMARY1	
NEW BUILDING	ESTIMATED COST
VEHICULAR, PEDESTRIAN ACCESS, CARPARKING & SIGNAGE	\$125,000.00
CATTERY; ADOPTION	\$350,000.00
STRAY CATTERY/ISO QUARANTINE	\$400,000.00
RANGER, VET ASSESSMENT HOLDING, FOOD PREP & LDY	\$480,000.00
DANGEROUS DOGS	\$160,000.00
DOG ISOLATION	\$430,000.00
ADOPTION DOGS	\$430,000.00
BEHAVIOURAL ASSESSMENT	\$430,000.00
KENNEL UPGRADE	\$320,000.00
AVIARY	\$320,000.00
MEET & GREET AREA	\$100,000.00
TOTAL PROJECT COST exc. gst	\$3,545,000.00

Note: Construction costs are a Budget Estimate only. These are based on previous construction experience. Costs will vary taking into account topography of land, existing infrastructure, local material and labour.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



costs. For an accurate Building cost, it is recommended that a Quantity Surveyor be engaged to prepare a Bill of Quantities once the design is finalised and a full set of plans have been prepared.

OPTION 2: TOTAL RE-BUILD BUDGET COST ESTIMATE – COST SUMMARY1	
NEW BUILDING	ESTIMATED COST
VEHICULAR, PEDESTRIAN ACCESS, CARPARKING & SIGNAGED	\$125,000.00
CATTERY; ADOPTION & QUARANTINE	\$750,000.00
RANGER, VET ASSESSMENT HOLDING, FOOD PREP & LDY	\$480,000.00
DANGEROUS DOGS	\$160,000.00
DOG ISOLATION	\$215,000.00
BEHAVIOURAL ASSESSMENT	\$430,000.00
AVIARY	\$320,000.00
NEW ADOPTION KENNELS & EXERCISE YARD	\$1,505,000.00
MEET & GREET AREA	\$100,000.00
INFRASTRUCTURE – DEMOLITION, PATHS, LANDSCAPING, INGROUND SERVICES	\$1,000,000.00
TOTAL PROJECT COST exc. gst	\$5,085,000.00

Note: Construction costs are a Budget Estimate only. These are based on previous construction experience. Costs will vary taking into account topography of land, existing infrastructure, local material and labour costs. For an accurate Building cost, it is recommended that a Quantity Surveyor be engaged to prepare a Bill of Quantities once the design is finalised and a full set of plans have been prepared.

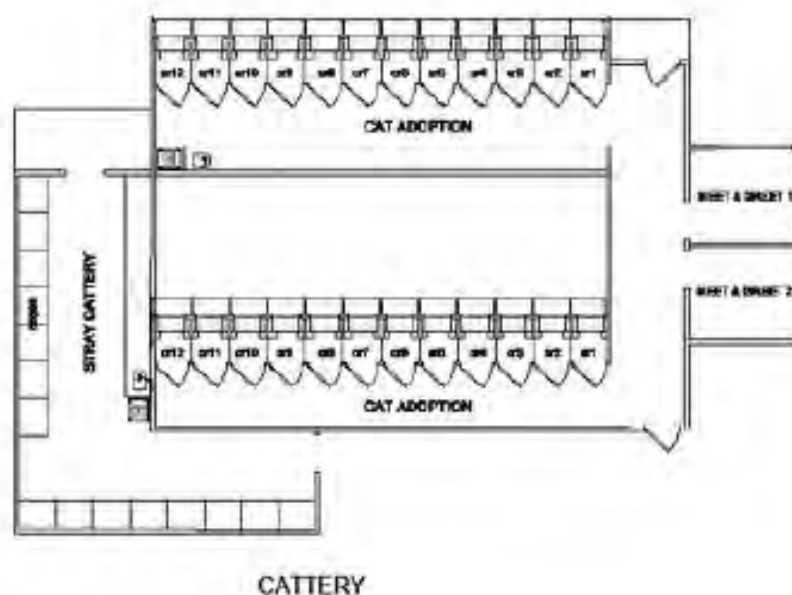
Note: All estimates are exclusive of GST

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



CAMPBELLTOWN CITY COUNCIL

ADOPTION & QUARANTINE CATTERY



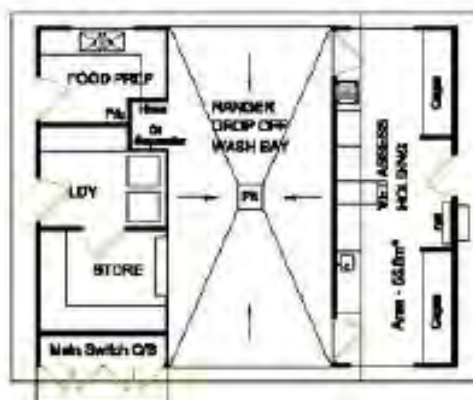
BUDGET COST ESTIMATE – CATTERY: ADOPTION & QUARANTINE	
CATTERY: ADOPTION & QUARANTINE	TOTAL BUILDING COST
TOTAL ESTIMATED COST exc. gst	\$750,000.00

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



CAMPBELLTOWN CITY COUNCIL

RANGER, VET ASSESS, HOLDING, FOOD PREP & LDY



VET ASSESSMENT
FOOD PREP. LDY
RANGER DROP OFF

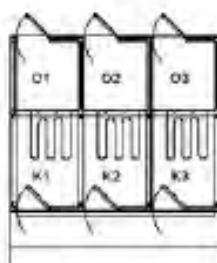
BUDGET COST ESTIMATE – RANGER, VET ASSESS, HOLDING, FOOD PREP, LDY	
RANGER, VET ASSESS, HOLDING, FOOD PREP, LDY	TOTAL BUILDING COST
TOTAL ESTIMATED COST exc. gst	\$480,000.00

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



CAMPBELLTOWN CITY COUNCIL

DANGEROUS DOG KENNELS



DANGEROUS DOGS

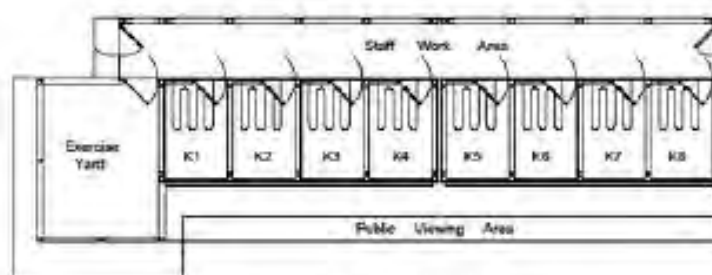
BUDGET COST ESTIMATE – DANGEROUS DOG KENNELS	
DANGEROUS DOG KENNELS	TOTAL BUILDING COST
TOTAL ESTIMATED COST exc. gst	\$160,000.00

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



CAMPBELLTOWN CITY COUNCIL

DOG ISOLATION KENNELS



DOG KENNELS

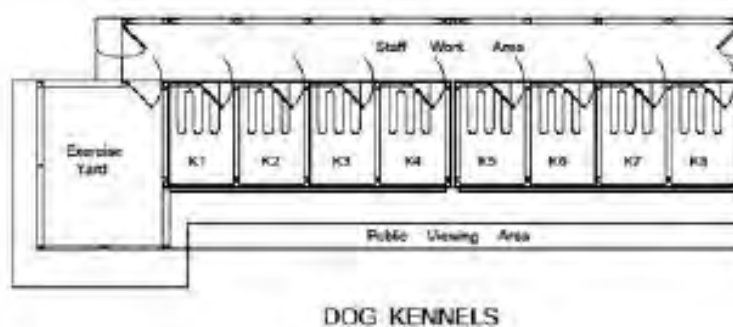
BUDGET COST ESTIMATE – DOG ISOLATION	
DOG ISOLATION	TOTAL BUILDING COST
TOTAL ESTIMATED COST exc. gst	\$215,000.00

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



CAMPBELLTOWN CITY COUNCIL

BEHAVIOURAL ASSESSMENT



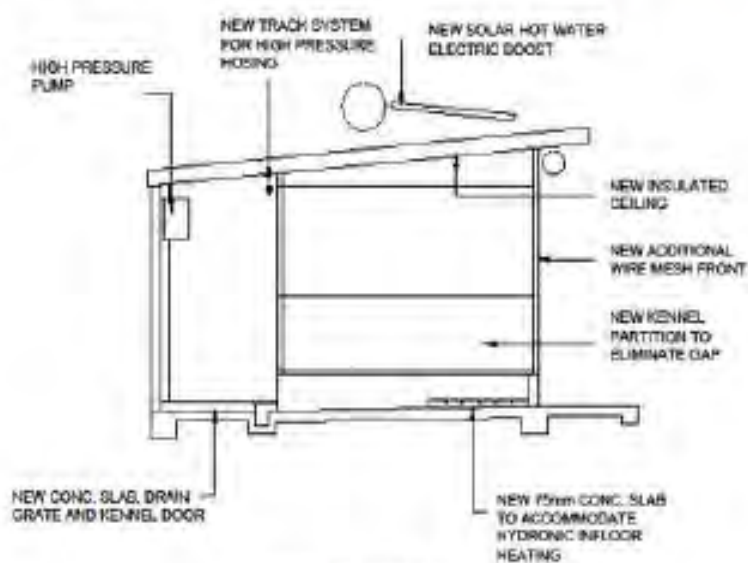
BUDGET COST ESTIMATE – BEHAVIOURAL ASSESSMENT	
BEHAVIOURAL ASSESSMENT	TOTAL BUILDING COST
TOTAL ESTIMATED COST exc. gst	\$430,000.00

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



CAMPBELLTOWN CITY COUNCIL

EXISTING KENNEL UPGRADE



EXISTING KENNEL RENOVATION

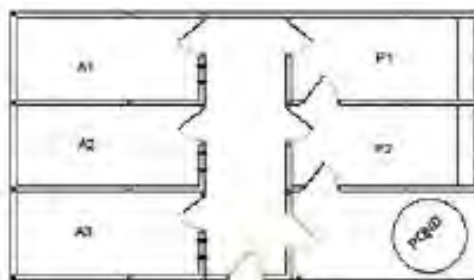
BUDGET COST ESTIMATE – EXISTING KENNEL UPGRADE	
KENNELS	TOTAL BUILDING COST
TOTAL ESTIMATED COST exc. gst	\$320,000.00

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



CAMPBELLTOWN CITY COUNCIL

AVIARY



BIRD & POULTRY AVIARY

BUDGET COST ESTIMATE – AVIARY	
AVIARY	TOTAL BUILDING COST
TOTAL ESTIMATED COST exc. gst	\$320,000.00

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



6. PROPOSED STAGING OPTIONS

Order of action/Staging options			
Stage No.	Description of works	Estimated cost	Timeframe
1	Infrastructure – Demolition (if required), paths, landscaping, in ground services	\$1,000,000.00	TBA
2	Vehicle & Pedestrian access	\$50,000.00	TBA
	Car parking	\$70,000.00	
	Directional signage	\$5,000.00	
3	Ranger loading and unloading area Vet Assessment Holding Food Prep Laundry	\$480,000.00	TBA
4	Dangerous Dogs	\$160,000.00	TBA
5	Behavioral Assessment Kennels	\$430,000.00	
6	Dog Isolation Kennels	\$430,000.00	
7	Cattery: Adoption & Quarantine	\$750,000.00	TBA
Stage 8			
OPTION 1	Existing Kennel upgrade (includes thermo control)	\$320,000.00	TBA
OR			
OPTION 2	New Adoption kennels & exercise yards	\$1,505,000.00	TBA
9	Aviary	\$320,000.00	TBA
10	Meet & Greet area	\$100,000.00	TBA

Please note: Stage 1 may only be required in the event of option 2 occurring.

Stage 5 involves either option 1 OR 2

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



Appendix 1

**NSW Draft Animal Welfare Code of Practise 2010
Dogs and Cats in Pounds and Animal Shelters
Compliance Checklist**

Clause 6.1		ANIMAL HOUSING		Status
Phase 1	Standard	Solid internal surfaces, impervious, solid, washable materials. Free from cracks or crevices	<input type="checkbox"/>	Immediate Compliance 2010
		Wall & Floor junction impervious or curved	<input type="checkbox"/>	
		Walls and doorways prevent protrusion of heads or limbs	<input type="checkbox"/>	
		Floor surfaces non slip and impervious	<input type="checkbox"/>	
		Liquid and faeces rapidly removed and will not contaminate animals coat or other enclosures	<input type="checkbox"/>	
		Designed and maintained to minimise risk of injury	<input type="checkbox"/>	
	Guidelines	Located away from excessive noise or pollution	<input type="checkbox"/>	
		Face dog housing north	<input type="checkbox"/>	
		Drain traps fitted with mesh	<input type="checkbox"/>	
		Pens should be completely enclosed	<input type="checkbox"/>	
Measures to minimise exercise areas to bare earth		<input type="checkbox"/>		
Installation of accessible pens for out of hours holding		<input type="checkbox"/>		
Clause 6.2		ACCOMODATION MANAGEMENT		
Phase 1	Standards	No more than 2 dogs in one enclosure	<input type="checkbox"/>	
		Dogs and Cats housed singly in a quiet, warm and dry area	<input type="checkbox"/>	
		Enclosures maintained in a hygienic condition	<input type="checkbox"/>	
		Minimise transmission of infectious diseases	<input type="checkbox"/>	
		Each enclosure to have a dedicated sleeping area, clean and dry	<input type="checkbox"/>	
		Each cat provided with suitable box in which to hide or sleep	<input type="checkbox"/>	
		Pound or shelter in conjunction with boarding documented	<input type="checkbox"/>	
		biosecurity precautions	<input type="checkbox"/>	
		Sleeping areas must have suitable bedding	<input type="checkbox"/>	
	Guidelines	Noise from barking dogs managed to comply with noise regulations	<input type="checkbox"/>	
Clause 6.3		ENVIRONMENT		
Phase 1	Standards	Animals must be exposed to natural light cycles, either artificial or natural light sources	<input type="checkbox"/>	
		Enclosures must provide protection from rain wind direct sunlight	<input type="checkbox"/>	
		Housing must be provided with ventilation minimise odour, and moisture condensation	<input type="checkbox"/>	
		Air ventilation devices ventilation sufficient for animal health, must have backup system	<input type="checkbox"/>	
		Artificial lighting must be as close as possible to natural conditions	<input type="checkbox"/>	
		Guidelines	Protect dogs and cats from loud or sudden noise	<input type="checkbox"/>
	Temperature range from 15 deg to 30 deg.		<input type="checkbox"/>	
Clause 6.4		SECURITY		
	Standards	Animal enclosures designed to, prevent access by the public un supervised, prevent the escape of animals	<input type="checkbox"/>	

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



Phase 1		All facilities must have 2 barriers between an animal and escape from the facility	<input type="checkbox"/>	
		Functioning fire fighting equipment	<input type="checkbox"/>	
	Guidelines	Outdoor encloses prevent dogs from escape digging or climbing	<input type="checkbox"/>	
		Perimeter fencing 1.8m high any solid material chain wire or mesh	<input type="checkbox"/>	
Clause 7.1		ANIMAL CARE		
Phase 1	Standards	All staff to be able to identify individual dogs and cats	<input type="checkbox"/>	
		Protect dogs and cats from distress or injury from other animals or people	<input type="checkbox"/>	
		Distressed animals to be housed that prevents visual contact	<input type="checkbox"/>	
		Dogs must have the opportunity to exercise 20mins each day. 10x4m yard or walking on a lead	<input type="checkbox"/>	
	Guidelines	1 animal attendant pre 50 animals held	<input type="checkbox"/>	
Clause 10		QUALITY MANAGEMENT SYSTEMS		Status
Phase 2	Standards	Isolation facility must be available at the facility or at a veterinary hospital	<input type="checkbox"/>	Comply by 1/01/2012
Clause 11		ANIMAL HOUSING		Status
Phase 3	Standard	Min. Pen sizes table 1 and 2	<input type="checkbox"/>	Comply by 1/01/2015
		Dividing partitions solid, impervious 1.2m high	<input type="checkbox"/>	
		Animal treatment room at facility	<input type="checkbox"/>	

Table 1: Minimum sizes for dog enclosures

Animal	Min floor area (m ²)*	Min. height (cm)	Min. width (cm)
Puppies**	3.5	180	120
1 dog >60cm to shoulder	3.5	180	120
2 dogs > 60 cm to shoulder	5.2	180	120
1 dog 40 – 60 cm to shoulder	2.4	180	90
2 dogs 40 – 60cm to shoulder	3.6	180	90
1 dog <40cm to shoulder	1.5	180	90
2 dogs <40cm to shoulder	2.5	180	90

* Minimum floor area includes the area allocated to bedding

** Less than 12 weeks of age

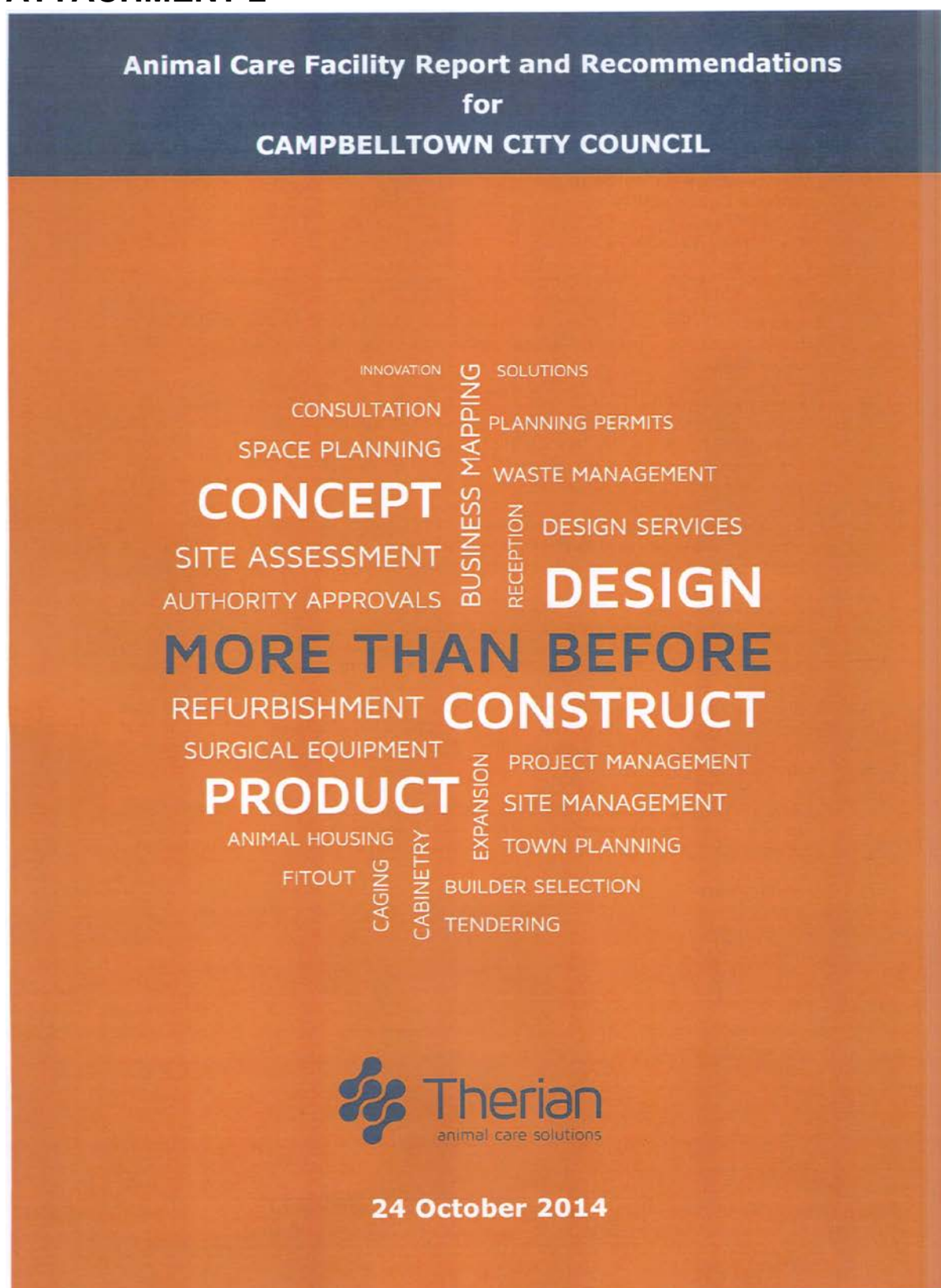
Table 2: Minimum sizes for cat enclosures

Animal	Holding Time	Min floor area (m ²)	Min height (cm)	Min width (cm)
Kitten* (max 2)	<21 days	0.9	90	90
Single cat	<14 days	0.9	90	90
Cats (max 2)	<21 days	1.7	90	90
Kitten/s* (+/- queen)	>21 days	0.8	210**	60
Single cat	>21 days	0.8	210**	60
Cats (max 2)	>21 days	0.8	210**	60

* less than 12 weeks of age

** The module must contain at least 2 levels incorporating raised sleeping quarters. Access to all levels must be available through the provision of ramps, poles, steps or the like.

ATTACHMENT 2



4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



**Campbelltown City Council
Animal Care Facility**

Lot 21 Rose Street
Campbelltown NSW 2560

Attention: Mr Paul Curley (email: Paul.Curley@campbelltown.nsw.gov.au)

Subject: Review of current Animal Care Facility and recommendations to bring the facility to best practice and with a view for low kill council animal care facility

Campbelltown City Council has engaged Therian to provide a detailed report on the current Animal Care Facilities and their suitability to comply with the current NSW Animal Welfare Code of Practice No 5 and draft new NSW Animal Welfare Code of Practice currently being developed by the NSW Animal Welfare Advisory Council on behalf of the Department of Primary Industries.

Included in this report is a review of the current facilities, services being offered, statistics from current year and future requirements, including the desire to be a low kill shelter, as provided by Campbelltown City Council.

In addition, we have provided concept site and floor plans of recommendations required to be undertaken of the existing facilities using the existing site plans provided by Campbelltown City Council of the existing pound facilities. These plans show, in broad terms, the refurbishment and expansion works required to the existing facility. Based upon these drawings and the recommendations from the report, Therian will provide overall cost per square metre indicative rates for the refurbishment and expansion activities to assist Campbelltown City Council in determining overall costs of these works.

If you have any questions about our report I would be happy to answer these for you. We look forward to working with Campbelltown City Council as you review our recommendations and look to implement these.

With regards

A handwritten signature in black ink, appearing to read "G Biggs".

Gavin Biggs
Managing Director

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



Project Name: CAMPBELLTOWN CITY COUNCIL ANIMAL CARE FACILITY

Site Address: LOT 21 ROSE STREET, CAMPBELLTOWN NSW 2560

Client Name: CAMPBELLTOWN CITY COUNCIL

Report Prepared by:

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Record of Revision

Revision	Date	Section	Pages	Details
A	08/10/2014	ALL	ALL	Draft Report for review
B	22/10/2014	ALL	ALL	Preliminary Report
C	24/10/2014	Quarantine	9	Final Report
		Exercise Areas	16	
		Staff Recommendations	18	

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4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



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4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



CAMPBELLTOWN CITY COUNCIL ANIMAL CARE FACILITY

The aim of this report is to provide an understanding of the current services and facilities provided by the Animal Care Facility at Lot 21 Rose Street, Campbelltown. With these in mind, recommendations have been made to develop a facility that is "best practice", "low kill" and that brings the facility into line with current NSW Codes of Practice.

"BEST PRACTICE" IN DOG AND CAT MANAGEMENT

Campbelltown City Council is committed to achieving "best practice" in the care and management of dogs, cats and other animals entering the Council Animal Care Facility. A new Code of Practice for Pounds and Shelters is currently being developed by the NSW Department of Primary Industries, however for the purpose of this report the recommendations are based on the Victorian Code of Practice for the Operation of Shelters and Pounds. We have based this report on the Victorian code as this code is the most stringent code across Australia and is the code for which the NSW Department of Primary Industries are using as the benchmark when drafting the new NSW code.

"LOW KILL" ANIMAL FACILITY

Council has shown a desire for the current Animal Care Facility to move towards a "low kill shelter".

A low kill shelter means that the facility does all they can to place every "adoptable" animal that comes into the shelter. There is no time limit on an animal's stay, and an adoptable animal will not be euthanized to make room for another. The instances where they may have to euthanize are:

- Animal is too sick or injured (beyond medical treatment)
- Medical treatment cost outweighs the likelihood of adoption
- Unadoptable or suffering due to severe kennel stress
- Behavioural assessment identifies reason for not being adoptable.

The facility cannot be a no kill facility because they are an Open Admissions shelter and therefore they often receive animals for which euthanasia is the most appropriate and humane option. The decision to euthanize is made on the advice of a veterinary practitioner and must be carried out by the veterinarian.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



COMPLIANCE WITH NSW CODE OF PRACTICE

- The Shelter Manager is responsible for ensuring that the facility fully complies with all legislation, regulations and the Code of Practice in NSW for the operation of animal pounds and shelters.

New operational protocols must be initiated to allow the Animal Care Facility to move towards operating as a low kill shelter.

- The Shelter operates with low kill protocols to aim to rehome all healthy adoptable animals entering the shelter.
- The Shelter has a written agreement with a local veterinary practitioner/s to attend the shelter on a regular basis to ensure the health and well-being of the animals in care
- The Shelter has written agreements with responsible rescue organisations that assist with re-homing animals from the Shelter
- The Shelter undertakes the highest levels of animal welfare ensuring the care and well-being of all animals in their care is paramount
- The Shelter employs industry trained animal care and management staff
- The Shelter offers ongoing support to new owners on care and management of animals sold e.g. puppy school, dog training etc.
- The Campbelltown Animal Care Facility is known as an "employer of choice" in the animal industry.

STATISTICS

There is limited pound and shelter statistics openly available to make assumptions and comparisons with other councils in the Greater Sydney Basin regarding the number of animals held, length of stay of animals, re-homing rates (to rescue or new owners) and return to owner rates etc. Therefore it is difficult to estimate Campbelltown Animal Facility's performance and compare it with other like council's in the South Western area of Sydney.

The new facility will allow improved disease control, safer handling of animals as they move through the shelter, introduction of enrichment and exercise programs which will lead to more healthy adoptable dogs and cats available to the public. More animals will have the opportunity to be displayed for adoption.

The recommended refurbishment of the facility will allow Campbelltown Council to significantly improve animal welfare standards and raise the benchmark for council animal care facilities. High standards of animal care and management together with excellent working conditions for management and staff will allow Council to be at the forefront of best practice not only for the welfare of animals but by creating a welcoming environment where people feel comfortable when visiting to find their new pets.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



FLOW OF ANIMALS ENTERING, RESIDING AND EXITING THE FACILITY

DOGS ENTERING THE FACILITY

- Efficient movement of animals through the facility is essential for animals to be returned quickly to their owners or re-homed as soon as possible
- All dogs entering the facility are recorded and located in Incoming Dogs Holding area for the regulatory period of 7 or 14 days
- All declared dangerous dogs must be housed in the Dangerous Dog area
- All diseased dogs must be housed in the quarantine/isolation area for veterinary inspection and management under veterinary supervision
- All dogs entering the shelter should be vaccinated for parvovirus
- At completion of the regulatory period animals are checked for health and temperament by a veterinarian
- Dogs assessed by the veterinarian as healthy and re-homeable are relocated to the Healthy Hold area of the facility
- Behaviour modification (if required) and enrichment are managed whilst dogs are located in Healthy Hold
- Dogs supplied to responsible rescue organisations may be selected from the Healthy Hold area by their representative and must be accompanied by a staff member
- Dogs are moved from the Healthy Hold area to the Dogs for Adoption area
- Dogs deemed by the veterinarian to be unsuitable for re-homing are to be euthanased by a veterinarian off site. If there is a need to euthanase the animal on site it must be undertaken by the veterinarian in an area that is separated from animal accommodation and must not be carried out in view of any other animals or members of the public.

CATS ENTERING THE FACILITY

- All incoming cats/kittens are to be located in the Strays and Reclaim area of the cat building so as to isolate them prior to a veterinary check
 - All cats are held for the regulatory period
 - At the end of the regulatory period cats that have not been returned to owners are checked for health and temperament by a veterinarian
 - Cats and kittens assessed by the veterinarian as healthy and re-homeable are relocated to the Healthy Hold area
 - Grooming, enrichment and human contact is paramount whilst cats/kittens are in Healthy Hold
 - Cats/kittens supplied to responsible rescue organisations may be selected from the Healthy Hold area when accompanied by a staff member
 - Cats are moved from the Healthy Hold area to the Adoptions area (Adoption room for cats, enclosure in reception area for kittens) on approval of the Shelter Manager
 - The Shelter has protocols in place to ensure the recording of all animals deemed to be euthanased by a veterinary practitioner are
-

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



completed in full together with correct procedures in the disposal of the animal in line with regulatory requirements for the disposal of animals

- Cats and kittens deemed by the veterinarian to be unsuitable for re-homing are to be euthanased by a veterinarian off site. If there is a need to euthanase the animal on site it must be undertaken by the veterinarian in an area that is separated from animal accommodation and must not be carried out in view of any other animals or members of the public.

OTHER ANIMALS ENTERING THE FACILITY

Livestock and poultry entering the shelter must be housed in the appropriate enclosures allocated in the rear of the facility. Veterinary consultations for these animals will be undertaken in their relevant enclosures.

RECOMMENDATIONS

A flow chart must be developed which tracks the movement of all animals through the facility from entry to re-homing including the process of handling, isolation and care of diseased animals entering the facility.

The flow chart will indicate areas open and closed to public access, staff only etc. All staff are to be trained in the flow process and protocols to be adhered to in each sector of the shelter. Special protocols and training must be developed for the management of dangerous and menacing dogs including housing, handling, feeding and exercise. In consultation with the visiting veterinarian protocols are to be initiated for the care and management of dogs and cats identified with disease.

Animal records must be updated tracking the progress of all animals through the shelter.

QUARANTINE / ISOLATION FOR DISEASED ANIMALS

There are currently no quarantine facilities available at the shelter.

RECOMMENDATIONS

This report recommends a thorough review to instigate protocols for the quarantining of animals:

- 10 kennels in the new building G should be allocated to incoming/quarantine dogs.
 - At least 2 (preferably 4) cat cages needed to hold diseased animals
 - Under the Victorian Code of Practice for Shelters and Pounds all animals must be vaccinated on admission and serve an eight day quarantine period prior to being made available for re-homing. The only exception is if the animal was previously vaccinated and presented with a current vaccination certificate and is free from infectious disease
-

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



- Currently council does not vaccinate dogs with C5 or cats with F3 vaccination until the animals are ready to be adopted. The animal is desexed, microchipped, vaccinated and wormed prior to re-homing
- Council introduce a regime of vaccination of each animal entering the shelter for parvovirus
- The introduction of a flow process of animals through the shelter will allow for the separation of incoming animals', healthy hold animals and animals for sale within the shelter and will assist with disease control management. The recommended construction of isolation/quarantine facilities for animals entering the shelter is paramount for diseased animals or animals developing disease whilst in the shelter
- A written protocol must be developed and instigated in consultation with the veterinarian to give guidance on disease management and vaccinations. This should include the need for every animal to be C5 vaccinated for dogs and F3 vaccinated for cats on admission
- Protocols must be developed in consultation with the veterinarian to cover information and training of staff in zoonoses as discussed under staff health.

In line with the Victorian Code of Practice for Operation of Pounds and Shelters it is a requirement that all establishments must provide an area for isolation for animals suspected of having an infectious disease or must have a written agreement with a veterinary practitioner to provide isolation facilities off site.

This report recommends that the allocated quarantine kennels be utilised for use by diseased animals.

DANGEROUS DOGS

There is currently no area allocated in the shelter for the care and management of dogs declared dangerous.

RECOMMENDATIONS

This report recommends the following protocols be instigated:

- 10 kennels in new building G should be allocated to dangerous dogs and isolation
- Only the most highly trained staff are to attend to these animals
- Strict staff protocols to be instigated to ensure safety of staff
- Must be located in an area restricted from public access
- Staff to be trained in additional handling techniques if required

ANIMAL HOUSING

DOGS

There are a total of 58 kennels, as per the below table. The average height for the kennels is 2200mm.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



Block	No of Pens	Length (mm)	Width (mm)	Square Metres	Notes
AA	9	2700	1500	4.05	Except for AA10 which is only 130mm wide
A	7	2900	1500	4.35	
B	7	2900	1500	4.35	
C	10	2900	1500	4.35	
D	10	3000	1500	4.50	
E	9	3000	1500	4.50	Except for E1 (security kennel) which is 2800mm x 1400mm, and E9 (double-sized kennel) which is 3000mm x 2600mm
F	6	2900	1500	4.35	Except for F1 & F2 (security kennels) which are 2700mm x 1400mm

Based upon the above pen sizes, all current pens comply with the Victorian Code of Practice for one large dog per pen (3.5m²)

RECOMMENDATIONS

120 dog kennels are recommended utilising the Mason Sani-Kennel System. Modifications to the existing kennel buildings and construction of additional kennel building is required to accommodate the increased number of dogs held.

- Kennel design and construction complies with the Victorian Code of Practice for Operation of Pounds and Shelters including requirements for Dangerous Dogs and disease isolation/quarantine areas
- Renovation and construction to include the introduction of North facing windows in outside walls to increase light and warmth in winter
- Use of an overhang to reduce overheating in summer of these north facing windows
- Ventilation by way of louvre windows at the north and south side of each dog run. Supplementary exhaust fan ventilation is to be mounted above the dog pens on the south side of each dog building
- Drainage to comply with the Victorian code if installed outside the kennels
- Existing drains will need to be reconfigured as box drains with grate covers
- Lighting should be as close as possible in duration and intensity to natural conditions. Sunlight is the preferred means of lighting with shaded areas provided. Artificial lighting should be provided where needed to allow areas to be thoroughly cleaned and animals checked
- One dog per dog pen
- Only dogs that have lived together in the past are to be co-housed or where evidence is available to justify the action. These animals are to be inspected regularly in case of disputes.
- Building H, B and C hold healthy hold dogs
- Building I holds healthy hold/for adoption

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



- Building E and D Dogs for adoption

On inspection of the facility the existing dog runs are well constructed brick buildings which can be modified to suit new dog kennels within. There are considerable benefits that can be achieved from refurbishment of the existing buildings such as:

- New kennel fit-out in each existing building as these already comply with the code of practice for kennel runs, including sealing to the floor and upgrading of partition walls to stop cross contamination, no gaps to cause visual stimulation
- The benefit of refurbishing in stages allowing the shelter to continue operation and not shut down
- Enhancements to the existing infrastructure would include windows, ventilation, new epoxy floor surfaces, visual barriers, prefabricated Mason kennel division panels and other items as detailed in the drawings attached to this report which will be tailored to the existing buildings
- Construction of new dog kennel runs and a cat holding building
- Construction of new exercise runs and meet and greet yards
- Improved veterinary facilities
- A planned facility flow system for animals moving through the shelter
- The savings gained by retaining the existing buildings can be redirected to staff resources and training and animal enrichment, exercise yards and stock yards
- Given the gradient of the land of the existing site, if a decision were made to knock down and rebuilt the facilities, considerable excavation costs would be incurred whilst the end result would be a similar layout to the current building layout

This report recommends refurbishment of the existing compliant buildings, better utilisation of existing space and the introduction of new buildings as a preferred alternative to achieve Council's objectives.

CATS

No of Pens	Length (mm)	Width (mm)	Square Metres	Height (mm)
15	1200	750	0.90	850

RECOMMENDATIONS

72 condominium style cat enclosures are recommended to manage the increased number of cats/kittens held. Existing cat accommodation does not comply with the Victorian Code of Practice and therefore it is recommended that a new building to house cats be constructed in the area above the existing car park.

- Cats must not to be group housed with the exception of a queen and kittens or a litter of kittens
- Condominium style enclosures recommended

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



- Specific areas allocated for Incoming Hold, isolation/quarantine and Healthy Hold
- This report recommends that a space in the reception area be allocated for a kitten enclosure plus a smaller enclosure to display one or two adult cats for sale
- Housing must be individually ventilated to avoid cross contamination of disease
- Each enclosure to have an area for the cat to escape/hide. Litter areas should be kept well separate of feed and sleep areas
- Use of dual purpose feed bowls should be discouraged
- Water bowls should be wide and shallow (saucer shape)

In addition it is recommended 4 additional condominium style cat enclosures be located in the existing Administration Building reception area for adoption of kittens.

OTHER ANIMALS

Limited areas are currently available for the housing of additional animals at the shelter. These may include horses, cattle, goats, sheep, pigs and poultry.

RECOMMENDATIONS

Two large animal paddocks are to be provided with each paddock split in the middle to allow for the separation of animals if required. Each large animal paddock is to have a roofed stable area for protection against the elements.

One poultry yard is to be provided and is to include a roofed area for protection against the elements plus a small wading pool.

FENCING

Currently there is fencing throughout the site which is compliant with the current Code of Practice. There are some deficiencies in terms of management of the public throughout the site as currently the public can wander around all buildings once inside the front gate. This is not good for risk management or disease management.

RECOMMENDATIONS

The Animal Care Facility must have a fence erected around all animal holding areas and exercise areas to prevent the escape of any animals. The fence should be chainlink wire fencing no less than 1.8 metres in height and constructed in accordance with the Victorian Code of Practice clause 3.2.1.

NUTRITION

There is currently no dedicated feed up area for the facility.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



RECOMMENDATIONS

This report recommends the allocation of space in the old administration building to accommodate a feed up kitchen, good storage area, washing up facilities with hot and cold water and constructed to enable easy cleaning and disinfection. The feed up area is to be located as close to the animals kennels as possible.

- Food to be distributed on trolleys to ensure all WHS conditions apply for staff safety and well being
- Food must be provided in sufficient quantity and nutritional quality to meet the daily requirements for the condition and size of the animal.
- Dogs and cats must be fed once per day
- Animals between four and six months of age must be fed a minimum of twice a day
- Animals up to four months of age must receive a minimum of three feeds a day
- A nutritional regime including individual quantities of food is to be established in consultation with the visiting veterinarian
- Food must be stored in sealed containers which must be vermin proof
- All animals in the shelter must have access in their housing at all times to a sufficient supply of fresh clean water.
- Food and water containers must be non-spillable and be designed to be easily cleaned and disinfected. Containers must not cause injury to the animals
- For dogs and weaned puppies one food and water container must be provided for each animal.
- For cats there must be one feeding bowl per adult and one feeding bowl per three kittens

This report recommends the construction of 2 stables in the paddock to accommodate a horse, cattle, goat, sheep, pigs etc. fenced to ensure that no animals can escape to other areas of the shelter. This incorporates an undercover area for rest, shade, food. Fresh water must be available at all times in the enclosure. The enclosure should be located at the rear of the shelter surrounded by appropriate fencing and accessible by float/trailer/truck transporting animals to the area.

A fenced enclosure should be erected to accommodate poultry and must include a covered dry area for sleeping, resting, food and water containers.

GROOMING

There is currently no animal grooming undertaken at the shelter.

RECOMMENDATIONS

It is recommended that an area be allocated as a grooming room within the within the old administration building with a trained groomer on staff to supervise the animals.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



- The grooming area should be large enough to hold two grooming tables, storage, hot and cold water, grooming and drying equipment.
- At least two cages to contain dogs and four cages to contain cats appropriately separated
- A hydrobath for dogs to be bathed prior to sale and for long term residents
- Cats should be groomed on a regular basis to reduce matting of coat

HYGIENE

Protocols must be initiated to ensure the shelter must be clean and hygienic at all times

- All kennels cages and modules must be cleaned out at least once per day or more often if required
- Animal housing must not be allowed to remain wet if the animal is returned to the area
- Hoses and taps used for wash down must be positioned to reach all kennels with hoses being of a weight and length so as not to cause injury to staff whilst in use
- All faeces, used bedding, used cat litter and uneaten food must be removed prior to cleaning
- All watering and feeding utensils must be cleaned daily using chemicals in accordance with the manufacturer's instructions
- Cats must be provided with clean litter daily
- Used litter and uneaten food must be placed in a waste disposal device
- Waste disposal must be in accordance with the requirements of the appropriate statutory authority
- Use of a trade waste service for collection and disposal of waste is preferable
- Waste must not be incinerated unless the incinerator is registered with the appropriate authority
- Disinfection of kennels, cages and modules must be done whenever the animal housing area is vacated or every eighth day with a hospital grade disinfectant. Phenol must NOT be used
- Material Safety Data Sheets for all chemicals used in the establishment must be current and kept on site in an accessible format
- All animals housed at the facility must be inspected by staff, at least once each day. Puppies and kittens must be inspected at least twice a day

EXERCISE AREAS

The Shelter currently has no secure exercise areas for dogs or cats in the facility.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



RECOMMENDATIONS

DOGS

At least 10 (preferably 15) exercise lawn areas be constructed. The surface area should be grass or preferably artificial grass and one third of the area is to be covered by utilising a shade sail. A permanent supply of clean drinking water is to be available in each exercise area.

- Exercise areas must be securely fenced (min 1.8 metres in height) and designed to prevent the escape by any animal
- The use of plants in a hedge or other suitable solid barrier should be applied to the outside of the fence up to 1 metre from ground level to avoid eye contact of dogs between exercise areas
- Where more than one animal is in the area a staff member must supervise the animals to ensure the animals are not in danger of attack or other injury
- Exercise areas are to be used for temperament testing and enrichment training
- On leash dog walking tracks should be provided on the perimeters of the shelter grounds to allow leash and harness training of dogs
- Faeces disposal bag stations must be installed in exercise areas and on walking tracks throughout the shelter

CATS

It is recommended that at least one area within the cat building be made available for enrichment and socialisation. This area should allow natural light and sunlight and be constructed with a variety of high and low level areas where the cats/kittens can easily access. This should be in the form of ramps/stairs to allow the cats to rest high above the ground level. The enclosure should be large enough to house more than one cat at one time where they are deemed to socialise. Enrichment toys should be included on the ground.

- Exercise areas must be securely enclosed and designed to prevent escape by any animal
 - A permanent supply of clean fresh drinking water is to be in the area at all times and dry food as deemed necessary
 - More than one litter tray is required to accommodate more than one animal and must be cleaned as soon as soiled or on completion of the exercise time.
 - Animals should not be left in the exercise areas for extended periods and should be returned to their enclosures on completion of exercise.
 - Exercise areas must be cleaned daily
-

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



TEMPERAMENT ASSESSMENT AND BEHAVIOUR MODIFICATION FOR DOGS AND CATS

We did not witness any temperament assessment being carried out on dogs or cats, and if this is being carried out, it is more ad-hoc rather than routine on all animals.

RECOMMENDATIONS

In line with Council's desire to become a low kill shelter it is recommended that a behaviour assessment, temperament testing and behaviour modification process instigated. A staff member must be trained in behaviour assessment and temperament testing

- All dogs and cats entering the shelter are placed in the Incoming Dog and Cat areas where they are initially assessed by the Manager or Supervisor and the Behaviour Assessment staff member of the shelter for any obvious behaviour or temperament issues
- Stray dogs and cats serving the regulatory 7 or 14 day stay should be monitored during the regulatory period to ensure their well-being and the safety of both animal and staff
- Dogs and cats having not been returned to their owners at the end of the regulatory period must be checked for health and temperament by a veterinary practitioner to allow them to be re-homed
- Animals will be euthanased on advice from the veterinary practitioner when deemed the animal to be suffering from illness or having severe behaviour issues and no quality of life. Euthanasia must be carried out by a veterinary practitioner
- Dogs and cats being assessed for re-homing will be moved to the Healthy Hold area where they will have their behaviour monitored, be exercised, socialised and given any other behaviour modification training that is required for them to be re-homed
- Dogs and cats held for longer periods of time must be health checked by a veterinary practitioner once a month to ensure their well-being whilst in the care of the shelter. A protocol for diet, exercise, socialisation and enrichment is to be in place for these animals
- New owners purchasing an animal that has been undertaking behaviour modification training will be briefed and given information to allow the new owner to continue with any continuing training required. A contact at the shelter should be given for the new owner to contact for further assistance

VETERINARY CONSULTING ROOM(S)

There is currently no dedicated space allocated in the shelter for use by the visiting veterinary practitioner.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



RECOMMENDATIONS

A recommendation of this report is to allocate an area within the old administration building to be and fitted with an examination table, overhead lighting, hot and cold water, autoclave and sufficient veterinary supplies as required by the veterinarian.

This consultation room may be required for any on site euthanasia's deemed by the veterinarian.

STAFF

Staffing at the shelter is currently:

- 3 Animal attendants (1 allocated to grounds maintenance)
- 2 Animal management officers (on the road)
- 1 investigator (when required for complaints)
- 2 Administration staff
- 1 Acting Animal Control Co-ordinator

Total Full Time Staff: 9

The current holding capacity at the facility is for 60 dogs and 14 cats.

RECOMMENDATIONS

In line with Council's desire to move towards a low kill shelter, the requirement of refurbishment will necessitate the increase of capacity to 120 dogs and 72 Cats. Based on the current intake numbers for both dogs (1,878) and cats (1065) an increase of 100% in dog capacity and an increase of 500% in cat capacity is considered sufficient to manage animals housed given that the time an animal stays in the shelter may be extended.

Staff ratios vary greatly across the industry with many shelters struggling at 50 animals to 1 attendant. The following staffing levels are recommended whilst considering that staff numbers may be restricted by availability of resources:

- A Staff ratio for a capacity of 120 dogs and 72 cats (equiv. 25 animals to 1 staff)
- Engage 8 full time staff – trained with Certificate IV in Animal Studies
- Includes 1 staff member trained in behaviour assessment & temperament testing
- Includes 1 staff member trained in dog and cat grooming
- Engage 1 full time grounds maintenance person
- Recruit a 'pool' of not less than 6 casual staff (maximum 8)
- Administration staff x 2 (further assistance could be drawn from casual pool in peak times, data entry etc)
- Animal management officers x 2
- Investigator – minimum of 1
- Animal Control Co-ordinator x1

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



Total Staff Required for Low Kill Operation = 15 full time, 6-8 casual

Rationale: All seven staff will be fully trained and competent in animal handling. Two would be nominated to undertake additional training in behaviour assessment and grooming with cross training available to other interested animal staff. The pool of casual staff would be recruited and trained internally to back up full-time staff allowing 'top up' the staff levels when running at full capacity and 'fill-in' for staff on sick or annual leave.

STAFF HEALTH

Potential health risks for humans exist when working and some animals harbour disease causing organisms which can be transmitted to humans (zoonoses). To protect the staff health a list of common diseases associated with animals must be prominently displayed throughout the facility and staff must be educated in prevention of zoonoses.

Staff health must be protected by being provided with or have access to:

- Personal protective clothing
- Hot and cold hand washing facilities with disinfectant soap at the facility
- Adequate information and training on health, hygiene and safety at induction
- Tetanus immunisation

Members of the public must be provided with access to hot and cold water hand washing facilities with disinfectant soap and public toilet.

All staff are to be trained in the WHS requirements for the facility in line with current harmonisation legislation to ensure a safe healthy working environment.

OCCUPATIONAL HEALTH AND SAFETY

Current practices in the shelter in public access areas must be addressed. In particular where the public can view the dogs and cats, allowing them to put fingers through wire etc. whilst attempting to socialise with the animals in their enclosures.

RECOMMENDATIONS

A written protocol for OH & S needs to include:

- The careful management and regular observation of all public spaces in the shelter ensuring clean hygienic conditions with no unmarked trip hazards
 - Signage should address the conditions of public entry and management of children whilst in the shelter
-

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



- Safety of public whilst in the shelter is paramount
- Safety of public when viewing all animals in the shelter
- Construction of kennels to allow vision of animals without physical contact
- Sufficient clear signage throughout the shelter incorporating restricted areas and public areas
- Warnings on kennel doors if required regarding the temperament of an animal
- Meet and greet areas for animals and new owners must be supervised by staff and have appropriate signage

SECURITY AND FIRE EQUIPMENT

A security system with back to base capability is in place in the shelter and cameras are sufficient in the administration area however the ones in the shelter are insufficient, of poor quality and do not cover the entire animal holding area.

Fire extinguishers are located in the administration building and there are no fire extinguishers present in any other areas of the shelter. Hoses are available in all kennel buildings however these are only 1" diameter used for wash down and not for the purpose of fire -fighting. With the considerable presence of bush around the perimeters of the property this lack of equipment poses a major problem in an emergency situation.

RECOMMENDATIONS

The preparation of an Emergency Management Plan is of paramount importance. The plan must be developed and instigated by council in consultation with fire prevention experts and assistance from the Rural Fire Service. This will include the correct selection of fire extinguishers and the installation of fire hoses and reels with range to cover all buildings on the shelter site and are easily accessible for fire services in an emergency.

The evacuation plan must include plans for the evacuation any public on site and the evacuation or lock down of animals and staff. Fire wardens are to be appointed and regular fire and evacuation trials are to be undertaken. Copies of the evacuation plan and emergency meeting points are to be visually displayed throughout the facility and staff are to be fully trained and drilled in use of fire equipment.

A protocol should be introduced to allow visitors and prospective new owners visiting the shelter to sign in at reception prior to viewing animals and sign out once leaving the shelter. This action must be a requirement of the evacuation plan.

MEET AND GREET AREAS

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



There is currently no space allocated at the shelter to allow new and prospective owners a socialise with a dog or cat/kitten they may wish to purchase

RECOMMENDATIONS

DOGS

This report recommends the construction of 3 Meet and Greet lawns behind the Dog Adoption building of the Shelter to allow a quiet space for dogs and new owners to get to know one another.

- Meet and greet areas must be securely fenced (min 1.8 metres high) and designed to prevent the escape by any animal. A double gate system at entry is preferred
- A portion of the lawn must be shaded by a sail and a permanent supply of fresh clean water is to be available
- The use of plants in a hedge or other suitable solid barrier should be applied to the outside of the fence up to 1 metre from ground level to avoid eye contact of dogs between lawns
- Staff are to supervise transport of dogs to and from meet and greet areas allowing new owners sufficient time to socialise with the dog

CATS

It is recommended that cat condominiums within the reception area are provided to allow the display of kittens for sale. This report recommends that an additional enclosed area or room is dedicated to house at least one adult cat for sale with enough room for an adult to sit and socialise with the cat, which is to be constructed in the new cat building.

The ability to display kittens and one or two cats in the reception area of the facility will increase the re-homing rate.

4.4 Best Practice Upgrade Options For The Operation And Management Of The Animal Care Facility



AREA TO PHOTOGRAPH ANIMALS FOR SALE

There is currently no allocated area available for staff to take photos of animals for sale.

RECOMMENDATIONS

It is recommended that the Meet and Greet Lawns be utilised for outdoor photographs. Photographs of cats can be taken when displayed in the reception area or for adoption area of the cat building.

POINT OF SALE

RECOMMENDATIONS

It is recommended that a small display of leashes, collars, food and bedding be installed in the reception area for new owners. This may include worming, flea and tick prevention products.

SALE OF ANIMALS

RECOMMENDATIONS

It is recommended that the shelter prepare a "points to consider" information sheet for new pet owners explaining the commitment required to own a dog or cat. The purpose of this document is to make sure people are aware of the responsibility they are undertaking with the purchase of a pet.

All animals sold from the shelter must:

- Be desexed, microchipped, vaccinated and wormed prior to sale
 - All documentation relating to desexing, microchipping, vaccination certificates etc. must accompany the dog or cat on sale
 - Information sheets on the care and management of the animal sold should accompany the animal and include:
 - Diet and feeding program
 - Breed specific information if required
 - Information on responsible pet ownership
 - Where to seek veterinary advice
 - Information on puppy school and dog training
 - Specific information for animals who have recently undertaken behaviour modification
 - Advice on collars, leashes, harnesses
 - It is recommended that all dogs are bathed and cats groomed prior to leaving the shelter for their new homes
 - Flea and tick prevention should also be applied
-



DOG TRAINING / PUPPY SCHOOL

RECOMMENDATIONS

A staff member with behaviour and temperament testing experience can undertake dog training

- Puppy pre-school and basic dog training facilities would enhance the image of the shelter and offer new owners basic training
- Offers an additional income stream

It is recommended that Puppy Pre-School and basic dog training be offered to new owners as an additional service and revenue stream.

An allocated outdoor contained area of the paddock would be allocated for dog training and puppy pre-school. It is also recommended that a room(s) to accommodate indoor puppy training is provided. This room could also be used for behaviour assessment.

REFERENCE DOCUMENTS

The following documentation was referenced in this report:

- Campbelltown City Council Planning and Environmental Committee Meeting 12 August 2014 – Compliance Services Quarterly Statistics April to June 2014 plus 2013/2014 yearly statistics - Dogs and Cats
 - Victorian Department of Primary Industry Code of Practice – Management of Dogs and Cats in Shelters and Pounds Revision 1 (attached to this report)
 - New South Wales Department of Primary Industry Animal Welfare Code of Practice No 5 - Dogs and Cats in Animal Boarding Establishments (attached to this report)
-

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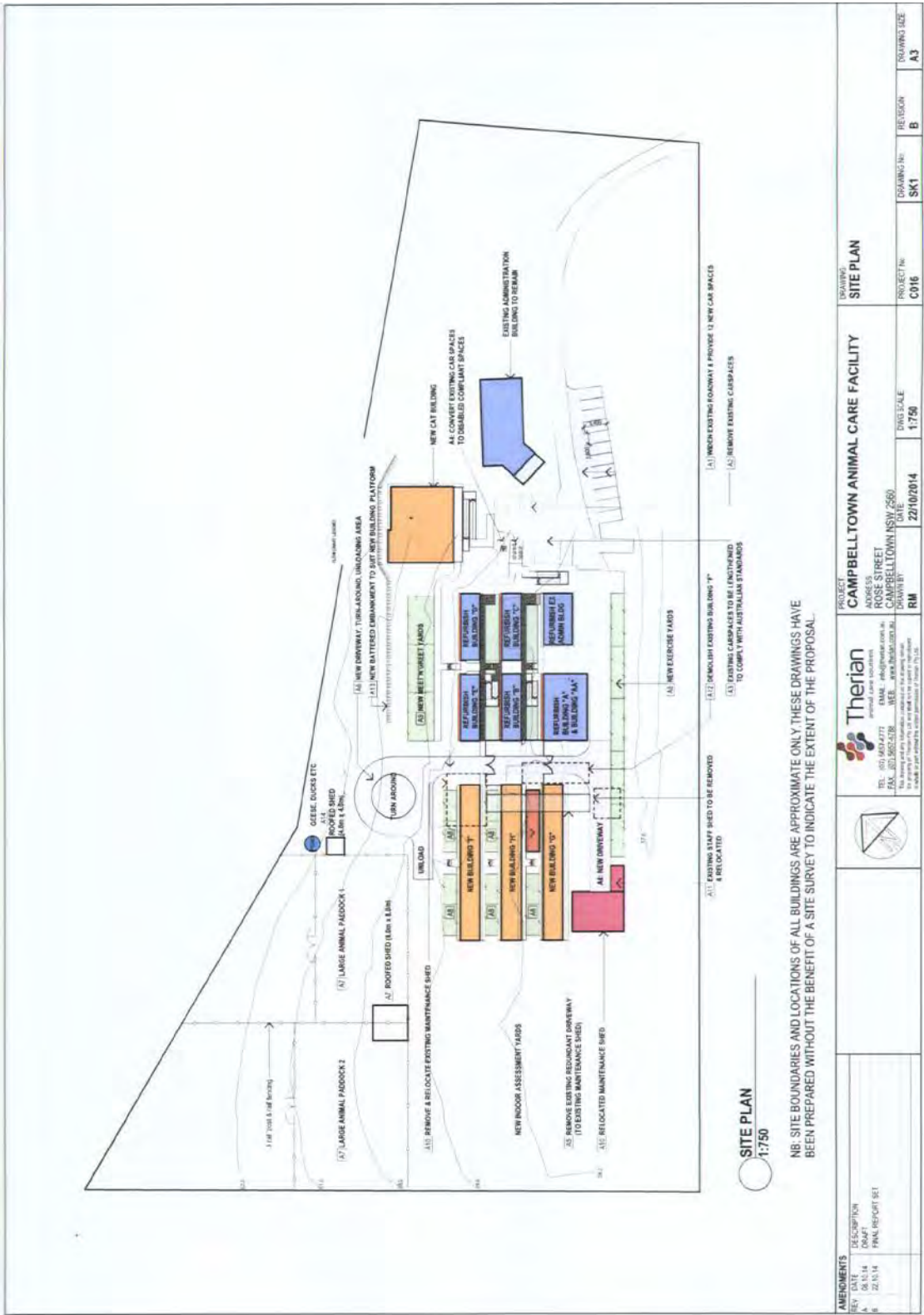
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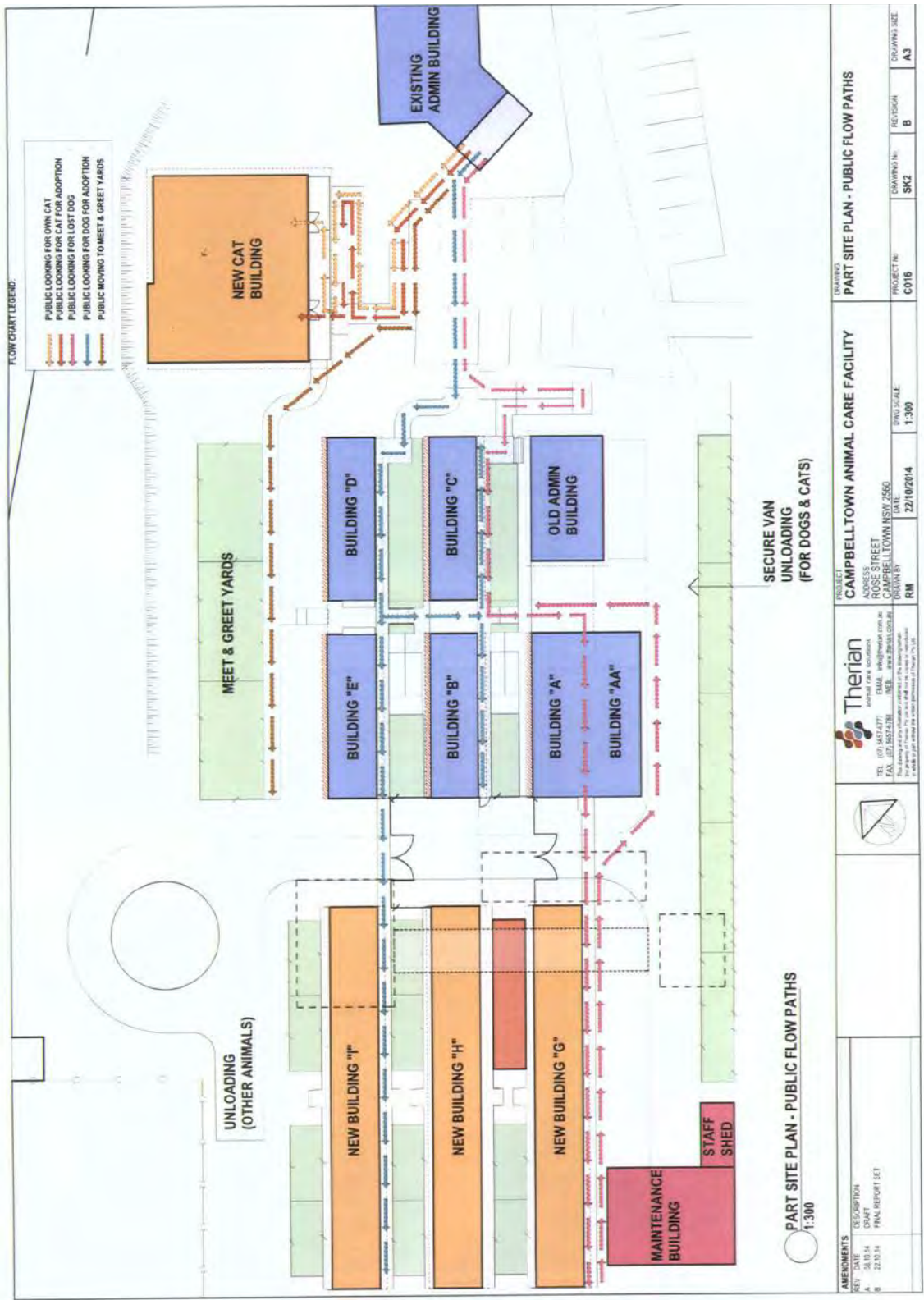
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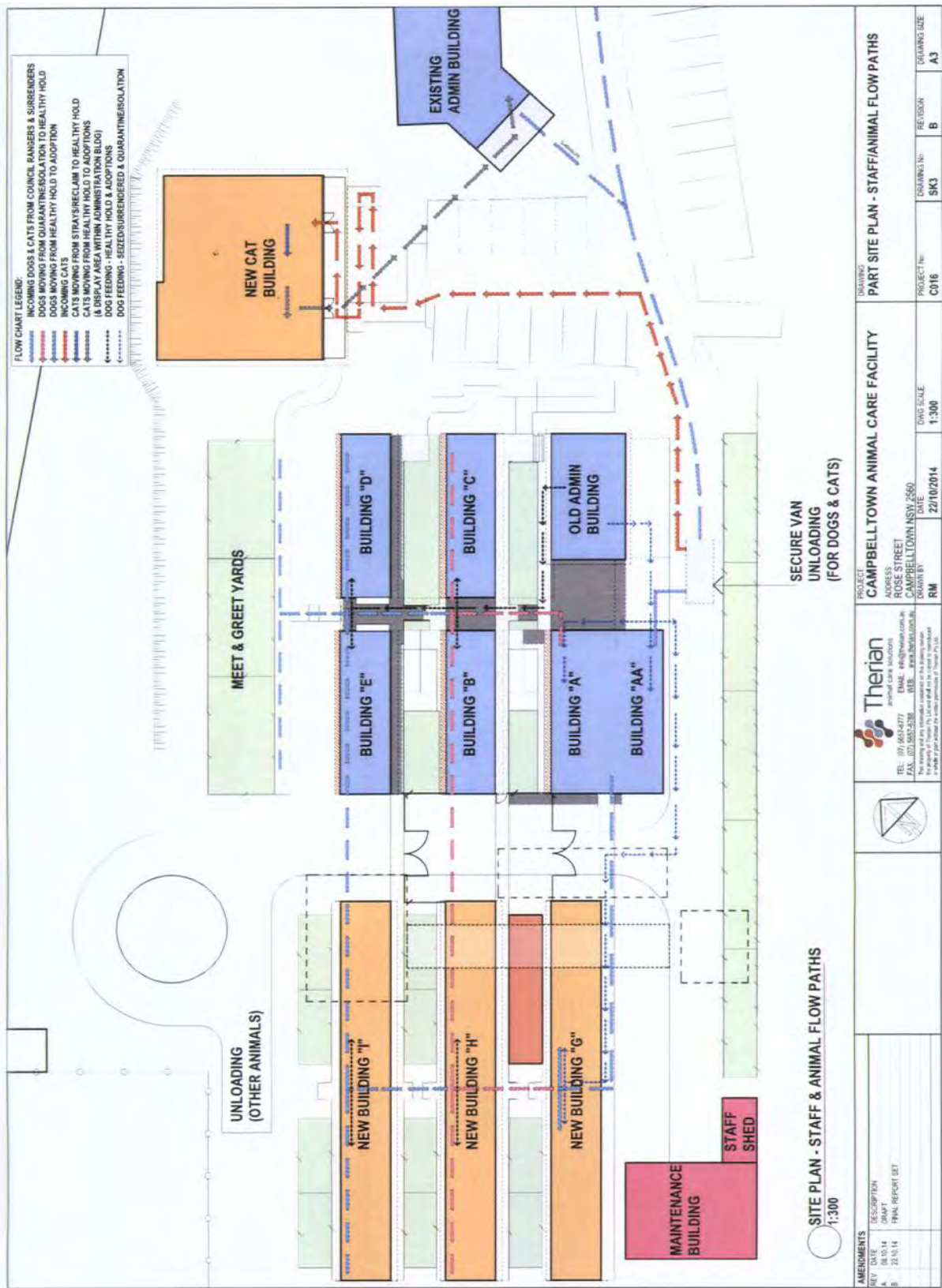
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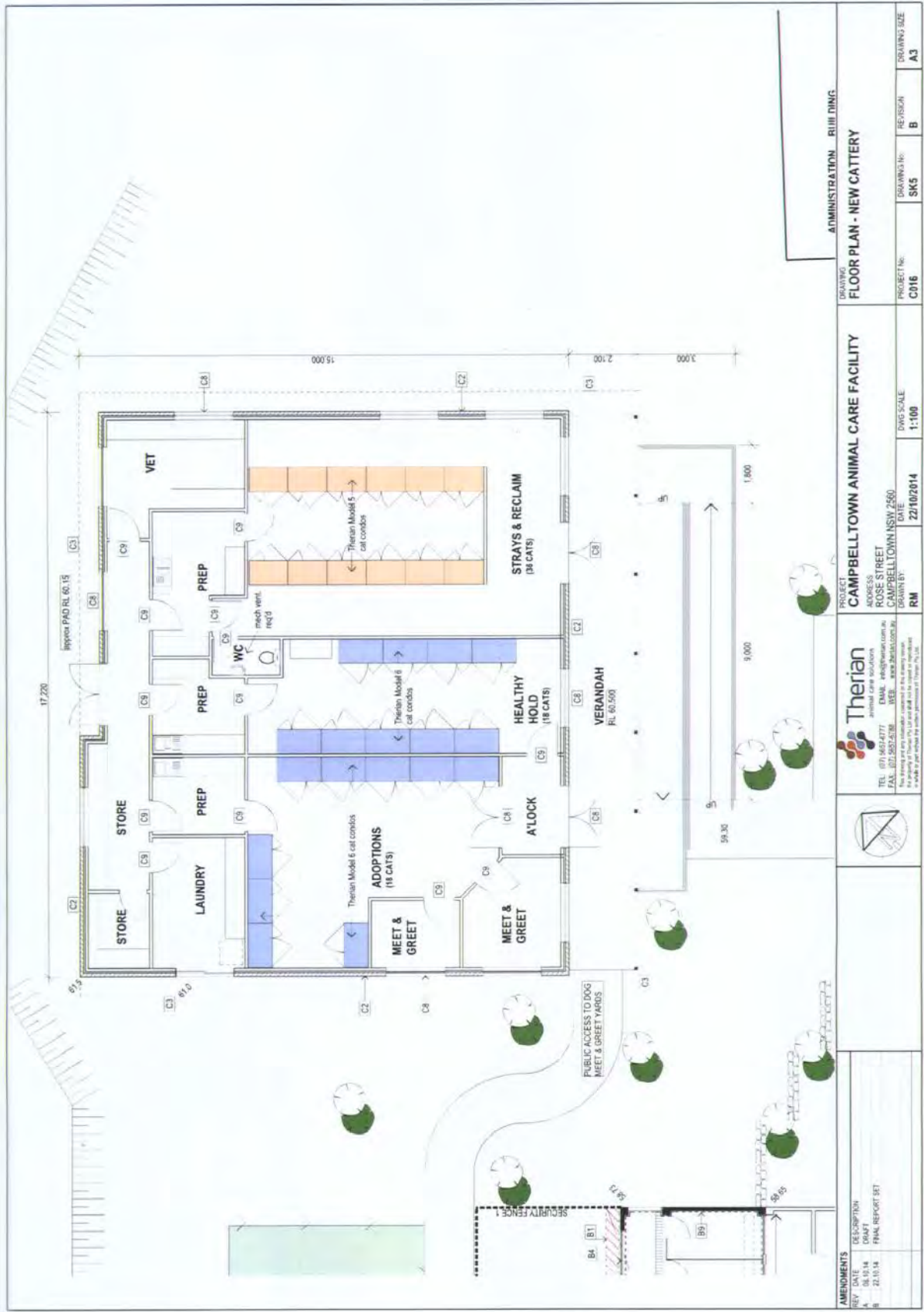
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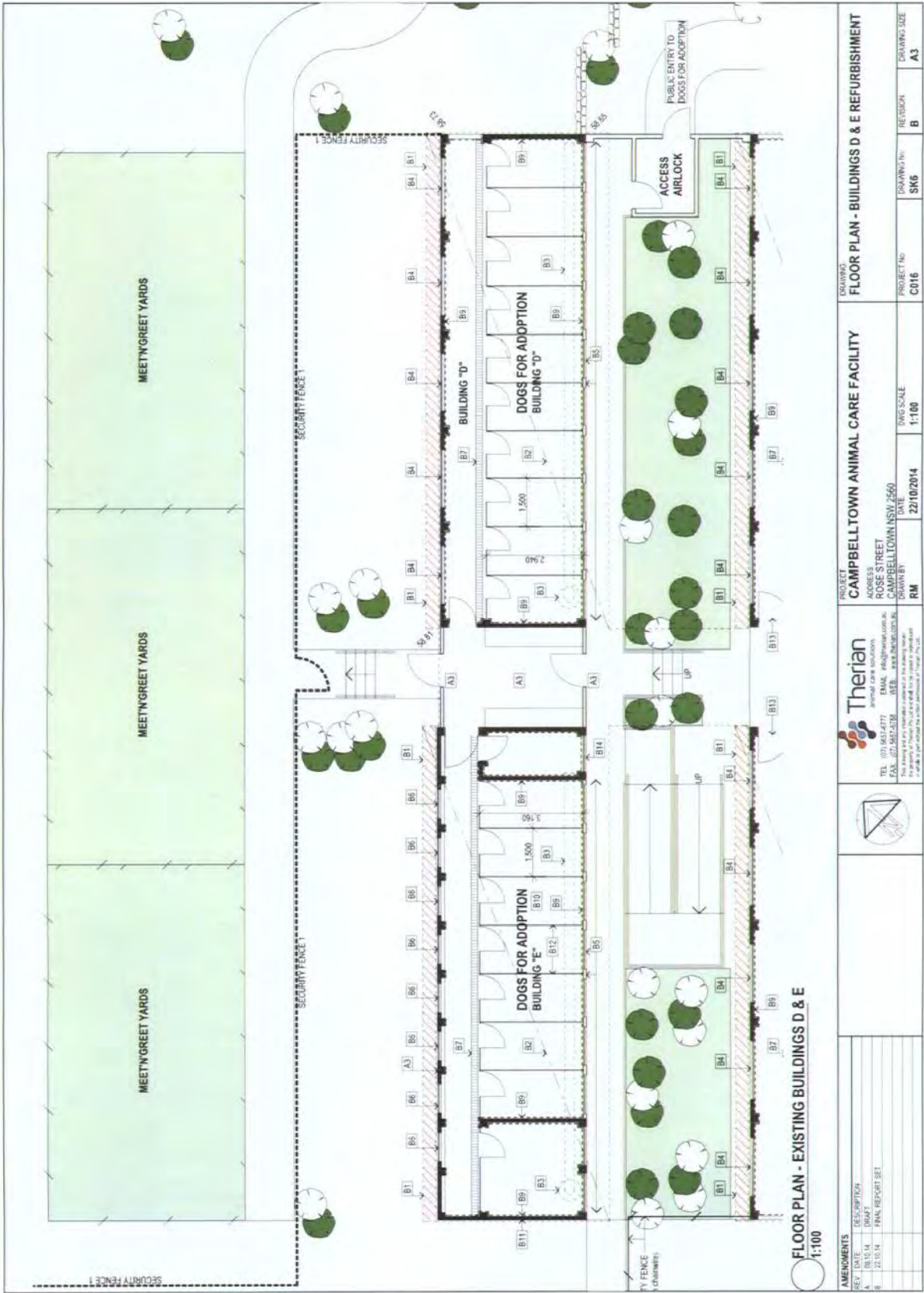






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The floor plan illustrates the layout of the Campbelltown Animal Care Facility. It features three main animal care buildings: Building A (top), Building B (middle), and Building C (bottom). Building A is labeled 'HEALTHY HOLD BUILDING - A' and contains kennels (B1-B11) and a 'SEIZED & SURRENDERED DOGS' area. Building B is labeled 'HEALTHY HOLD BUILDING - B' and contains kennels (B1-B11). Building C is labeled 'HEALTHY HOLD BUILDING - C' and contains kennels (B1-B11). The plan also includes a 'PUBLIC ENTRY TO LOST DOGS' area, a 'Drying Court', 'Access Airlock', 'Laundry', 'WC', 'Grooming', 'Vet', 'Seized/Surrender/Quarantine Prep', 'Healthy Hold/Adoption Prep', and 'Trolley Store'. Outdoor areas include a 'Security Fence Gate (1800mm high all around)', 'Existing Covered Outdoor Area', and 'Lanes'. The plan is oriented with North at the top. Dimensions and room numbers are provided throughout the drawing.

14,220 APPROXIMATE - CONFIRM ON SITE

FLOOR PLAN - Existing
1:100

AMENDMENTS

REV	DATE	DESCRIPTION
A	08.10.14	DRAW 1
B	22.10.14	FINAL REPORT SET

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PROJECT
CAMPBELLTOWN ANIMAL CARE FACILITY
ADDRESS
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CAMPBELLTOWN NSW 2560
DRAWN BY
RM

DWG SCALE
1:100

DATE
22/10/2014

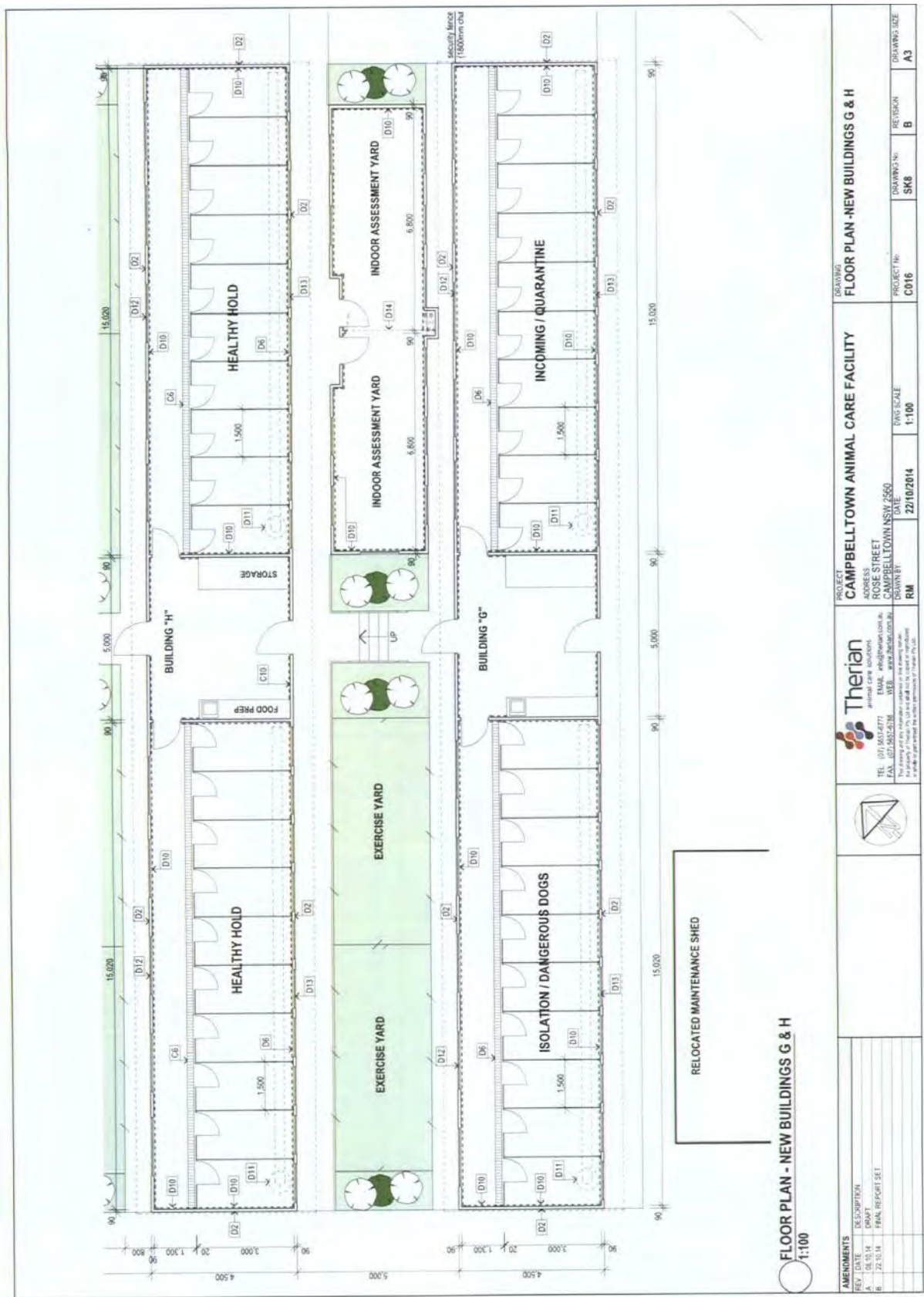
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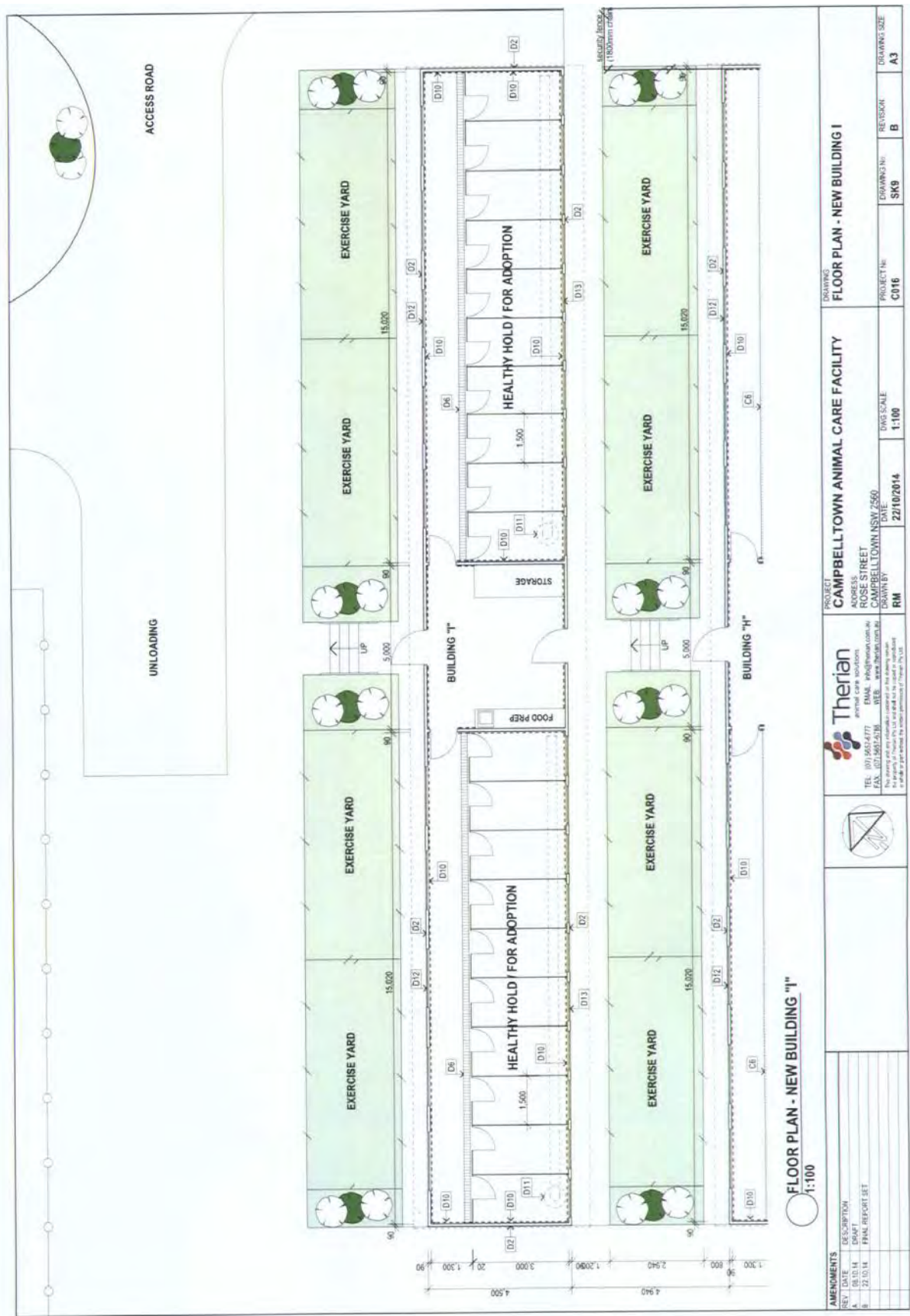
DRAWING NO.
SK7

REVISION
B

DRAWING SIZE
A3

DRAWING
FLOOR PLAN - BUILDINGS A, B, C, OLD ADMIN REFURBISHMENT





5. GENERAL BUSINESS

Nil.

Confidentiality Motion: (Kolkman/Rowell)

That the Committee in accordance with Section 10A 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

Motion: (Lound/Matheson)

That the Committee, in accordance with Section 10 of the *Local Government Act 1993*, move to re-open the meeting to the public.

CARRIED

There being no further business the meeting closed at 9.36pm.

G Greiss
CHAIRPERSON
