

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 10 February 2015.

APOLOGIES

ACKNOWLEDGEMENT OF LAND

DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

| ITEM | TITLE | PAGE |
|-------------|--|-------------|
| 1. | WASTE AND RECYCLING SERVICES | 4 |
| | No reports this round | 4 |
| 2. | SUSTAINABLE CITY AND ENVIRONMENT | 4 |
| 2.1 | Mt Gilead Urban Release Area - Request Public Exhibition | 4 |
| 2.2 | Camden Gas Project - Annual Environmental Performance Report 2013-2014 | 13 |
| 2.3 | Camden Gas Community Consultative Committee Minutes | 17 |
| 2.4 | Minutes of the Heritage Protection Sub Committee Meeting held 20 November 2014 | 20 |
| 2.5 | Naming of a Future Suburb or Development after Former Prime Minister, Gough Whitlam | 24 |
| 2.6 | Water Quality Monitoring Program - Half Yearly Report | 27 |
| 2.7 | Georges River Combined Councils Committee - Riverkeeper Program Report Card 2013-2014 | 32 |
| 2.8 | Sydney Metropolitan Strategy - "A Plan for Growing Sydney" | 36 |
| 3. | DEVELOPMENT SERVICES | 51 |
| 3.1 | Development Services Section Statistics November and December 2014 | 51 |
| 3.2 | Modification to the hours of operation for after hours deliveries for Blair Athol Aldi - No. 171 The Kraal Drive Blair Athol | 52 |
| 3.3 | Proposed demolition of an existing single storey commercial building and the construction of a five-storey commercial building, comprising a retail tenancy - No. 1 Cordeaux Street, Campbelltown | 60 |
| 3.4 | Use of existing sheds for raising poultry, use of existing silo, construction of a dam and acoustic screen and landscaping - No. 315 - 317 Bensley Road, Ingleburn | 74 |
| 3.5 | Final Endorsement of Planning Agreement for University of Western Sydney Residential Project | 95 |

| ITEM | TITLE | PAGE |
|-------------|---|-------------|
| 3.6 | 2015 Urban Development Industry of Australia Congress - Sydney | 108 |
| 4. | COMPLIANCE SERVICES | 113 |
| 4.1 | Legal Status Report | 113 |
| 4.2 | Compliance Services Quarterly Statistics October to December 2014 | 129 |
| 4.3 | Parking Enforcement Technology | 138 |
| 5. | GENERAL BUSINESS | 143 |
| 20. | CONFIDENTIAL ITEMS | 143 |
| 20.1 | Confidential Report Directors of Companies | 143 |

Minutes of the Planning and Environment Committee held on 10 February 2015

Present

Councillor G Greiss (Chairperson)
Councillor R Kolkman
Councillor D Lound
Councillor A Matheson
Councillor M Oates
Councillor T Rowell
Councillor R Thompson
Acting General Manager - Mrs L Deitz
Director Planning and Environment - Mr J Lawrence
Acting Director Planning and Environment - Mr J Baldwin
Manager Community Resources and Development - Mr B McCausland
Manager Waste and Recycling Services - Mr P Macdonald
Acting Manager Development Services - Mr B Leo
Manager Sustainable City and Environment - Mr A Spooner
Policy and Governance Coordinator - Ms J Warner
Executive Assistant - Mrs D Taylor

Apology Nil

Also in Attendance

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

Councillor Borg - items 2.1 and 3.4
Councillor Hawker - items 2.1, 2.3, 2.4, 3.2, 3.3 and 3.4
Councillor Mead - item 2.1 for the remainder of the meeting.

Councillor Dobson - from the commencement of the Planning and Environment Committee meeting to the conclusion of item 2.1.

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

Councillor Matheson - Item 3.5 - Final Endorsement of Planning Agreement for University of Western Sydney Residential Project - Councillor Matheson advised that someone is known to her that may have a possible investment interest in this development and that she will leave the chamber and not take part in debate nor vote on the matter.

Other Disclosures - Nil

1. WASTE AND RECYCLING SERVICES

No reports this round

2. SUSTAINABLE CITY AND ENVIRONMENT

2.1 Mt Gilead Urban Release Area - Request Public Exhibition

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Mt Gilead Locality Map (contained within this report)
2. Draft Mt Gilead Planning Proposal including only Appendices B & C (contained within this report)
3. Draft Mt Gilead Development Control Plan which is identified as Appendix D in the Draft Mt Gilead Planning Proposal (contained within this report)

Purpose

To request Council's endorsement to publicly exhibit the draft Mt Gilead Planning Proposal, associated documentation and the draft Mt Gilead Development Control Plan.

History

Council at its Ordinary Meeting held on 3 July 2012 resolved to endorse a planning proposal for the rezoning of rural land at Appin Road, Mount Gilead (as shown in Attachment 1) to permit the development of the site for urban residential purposes, and forward to NSW Department of Planning and Infrastructure (now known as NSW Planning and Environment) for determination by the Gateway Panel.

Property Description: Part Lot 1 and Part Lot 2 DP 807555 and Lot 59 DP 752042

Owner: Mount Gilead Pty Ltd

Property Description: Lot 61 DP 752042

Owner: S and A Dzwonnik

Applicants: Old Mill Properties Pty Limited and Design + Planning

A briefing to the Councillors on the status of the proposed rezoning of land at Mt Gilead for residential purposes was undertaken on Tuesday 26 August 2014.

Report

A copy of the Mount Gilead Planning Proposal and associated planning documentation was forwarded to the NSW Department of Planning and Infrastructure (now known as NSW Planning and Environment) in July 2012 for determination by the Gateway Panel. As a result Council received a positive response from the Panel in September 2012. The Gateway Determination advised that the proposed rezoning of the subject land could proceed under certain conditions. These conditions included the preparation of a number of technical studies to support the planning proposal. The technical studies have now all been completed and form the basis of the final draft Mt Gilead Planning Proposal. A copy of the final draft Mt Gilead Planning Proposal is marked Attachment 2. Please note that the technical studies which are appendices to the draft planning proposal are not part of Attachment 2.

The Site

The subject site includes part Lot 1 and part Lot 2 DP 807555, Lot 59 DP 752042 and Lot 61 DP 752042 Appin Road, Gilead. It is located directly south of Noorumba Reserve, north of the historic Beulah property, and east of the Mount Gilead homestead site which includes the house, outbuildings, dam and old mill.

The total area of the subject site is 210 hectares, approximately half of which is considered to be able to be developed for urban residential purposes. Historically the site has been predominantly used for agricultural purposes, and contains a number of drainage lines and farm dams, with pockets of remnant native vegetation. Whilst a hill with steep slopes is located within the north western corner of the subject site, the rest of the land is generally gently sloping.

The Objectives and Intended Outcomes of the Final Draft Planning Proposal

The primary outcome of the final draft Planning Proposal is to provide for the urban residential development of the 210ha Mt Gilead site that respects the heritage and ecological significance of the adjoining properties and is in close proximity to the social and community assets within the Campbelltown Local Government Area (LGA).

The objectives of the final draft Planning Proposal are to:

- Permit low density residential development as well as public active and passive open space and associated community amenities and facilities.
 - Provide an opportunity for a small area of retail development.
 - Protect the heritage significance of the Mt Gilead homestead site.
 - Protect the environmental significance of the Beulah biobanking site.
 - Protect environmentally sensitive land and provide an ecological corridor linking Noorumba Reserve with the Beulah biobanking site and the Nepean River corridor.
 - Reserve land on Appin Road for acquisition by Roads and Maritime Services for future road infrastructure.
 - Increase the supply of housing within the Campbelltown LGA with the addition of up to 1700 new dwellings.
-

Zoning

The current zoning of the subject site is Non Urban under the provisions of *Interim Development Order No 15*, with a minimum subdivision standard of 100 hectares. The Final Draft Mt Gilead Planning Proposal aims to rezone the subject land predominantly to Zone R2 Low Density Residential under *Draft Campbelltown Local Environmental Plan 2014* (CLEP) to provide for subdivision into approximately 1500 - 1700 residential allotments with a range of allotment sizes from 375m² to 1000m² resulting in an average allotment size of 600m².

The draft zoning map included in the final draft Planning Proposal indicates the proposed zone boundaries for the various land uses. These include, in addition to the proposed R2 Residential zoning, the following:

- Zone RE1 Public Recreation. This zone would include provision for both active (a sports field) and passive open space (bushland), and would also provide for the development of stormwater drainage infrastructure.
- Zone RU2 Rural Landscape. Land within this zone is proposed to be retained within the ownership of Mount Gilead Pty Ltd, and would also retain the current minimum subdivision standard of 100ha.
- Zone B1 Neighbourhood Centre. This zone would provide for the development of community amenities and facilities and also include opportunities for a small retail outlet.
- Zone SP2 Infrastructure. Land within this zone is proposed to be acquired by the Roads and Maritime Services for provision of future widening of Appin Road.

In addition to the above zones it is proposed to include further provisions in the draft CLEP as follows:

- To permit within a specific area (known as Area 13) the subdivision of a maximum of 65 residential lots with a minimum area of 375m² provided that there are no more than three lots in a row, they are within 200 metres of a bus route, open space land or neighbourhood centre and are not located on a bus route.
- The inclusion of a Terrestrial Biodiversity clause and map which aims to protect and encourage the recovery of significant flora and fauna and their habitats, and to retain and enhance native biodiversity within certain ecologically sensitive land.

Technical Studies

In accordance with the Gateway Determination a number of technical studies have been prepared to inform the final draft Mt Gilead Planning Proposal. The technical studies covered the following matters:

- Flooding and Stormwater Drainage
 - Flora and Fauna Assessments
 - Bushfire
 - Air Quality
 - Noise
 - Extractive Industries
 - Aboriginal Heritage
 - Non indigenous Heritage
 - Visual Landscape
-

- Transport and Access
- Social Sustainability
- Infrastructure Servicing
- Agricultural Investigation.

In preparing the above technical studies initial consultation has been undertaken by Council and the proponents with a number of agencies and service authorities including:

- Aboriginal Cultural Groups
- Roads and Maritime Services
- Transport for NSW
- NSW Office of Environment and Heritage
- NSW Office of Water
- NSW Rural Fire Service
- Sydney Water
- Endeavour Energy
- Jemena
- Telstra.

Notwithstanding, all relevant government agencies and service authorities would be consulted as part of any public exhibition/consultation process.

Key Planning Issues

Metropolitan Development Program

The NSW State Government's Metropolitan Development Program (MDP) provides for the management of land and housing supply, and assists in infrastructure coordination throughout the State. The subject site is noted in the MDP as having potential for the development of approximately 1500 residential allotments. However, as a result of the information provided within the technical studies it is considered that a maximum of 1700 residential allotments could be considered for development on the subject land.

Fauna Corridor

Council's resolution to endorse this planning proposal also required investigation into the provision of a fauna corridor between the Georges and Nepean Rivers. As such it is proposed to create significant bushland parks and biodiversity corridors that protect natural assets and scenic values, and promote fauna movement through the site from Noorumba Reserve in the north to Beulah Forest in the south and beyond to the Nepean River corridor. Investigations are continuing with regard to providing fauna crossing links over Appin Road from Noorumba Reserve to extend the biodiversity corridor to the Georges River.

Views and Vistas

The heritage listed Mt Gilead homestead, old mill and dam are located west of the land proposed to be rezoned for residential purposes. It is therefore important to ensure that the integrity of these items is respected in any future development. As such it is proposed to provide tree plantings that screen future housing development from the homestead site. It is also proposed to maintain the views from Appin Road along the route of the original driveway to the homestead and to One Tree Hill in the north western corner of the site.

Beulah Biobanking Site

The southern boundary of the site adjoins land at Beulah which has been established as a biobanking site. In recognition of the environmental significance of this biobanking site, an area of 3.5 hectares of public recreation land has been included on the draft zoning map in order to provide a buffer between the Beulah site and proposed future residential development.

Traffic Access

The Mount Gilead Rezoning – Traffic, Transport and Access Study, prepared by specialist engineering consultants Parsons Brinckerhoff, identifies the transport impacts likely to result from the development of approximately 1700 residential allotments at Mt Gilead, and provides measures that will assist in mitigating these impacts.

It is proposed to provide three traffic access roads into the subject site from Appin Road. To accommodate the additional traffic that would result from future development of the subject land, it is proposed to widen Appin Road from two to four lanes from the central access road to the northern boundary of the subject land. In addition two south bound lanes are proposed from the central access road to the southern boundary of the subject site.

It has also been recognised that due to the increase in traffic as a result of this planning proposal, that some of the existing intersections on Appin Road will require upgrading. These include the following:

- Copperfield Drive/Kellerman Drive and Appin Road
- Fitzgibbon Lane/Kellerman Drive and Appin Road
- St Johns Road and Appin Road.

Council has received joint correspondence from Transport for NSW and Roads and Maritime Services advising that they have no objection to the Mt Gilead Planning Proposal being publicly exhibited on the following conditions:

- Development is set back 20 metres from the existing Appin Road western boundary providing for a future road corridor of 40 metres.
- The land required for road widening (of Appin Road) is dedicated at no cost to Government through an appropriate agreement.
- The land required for road widening is shown as SP2 Infrastructure 'Classified Road' on the Mount Gilead Planning Proposal Land Zoning and Land Reservation Acquisition Maps.

As such the planning proposal maps reflect the above conditions, and as Appin Road is classified as a State Road, the proponents are negotiating a voluntary planning agreement with the traffic authorities, which is proposed to include provisions with regard to dedication of land and funding obligations.

However, Council and the community's best interests would be served by the receipt of an assurance that the State Government will provide the necessary resources needed for the widening of Appin Road. The proposed voluntary planning agreement between the traffic authorities and the proponents would ordinarily include an apportionment of funds payable by the proponents for the road works considered attributable to the need that will be generated by the Mt Gilead URA. This is anticipated to be approximately 50% of a total cost of approximately \$20M. However, Council has not received any advice from the State authorities confirming that they would fund the remaining 50%. Without this contribution from the State Government it is understood from discussions with the development's proponents that there is no capacity for the development to remain economically feasible, should the development itself be made responsible for funding what is essentially the regional co-contribution to facilitate the required road and traffic infrastructure.

Council has repeatedly advised the State Government Agencies of its concerns with regard to the funding, timing and staging of the required upgrade works to Appin Road, and has also emphasised the fact that the subject site at Mt Gilead has been listed on the State Government's *Metropolitan Development Program* for many, many years, thus indicating that this site has been known to have development potential which was always likely to be realised at some time. To date Council has not received any reassurance that a shortfall in regional funding will be provided, or that any road work planning for Appin Road has been, or will be, undertaken by TfNSW or RMS to accommodate the development of the Mt Gilead URA in a safe, efficient and acceptable manner. No information has been received which details how the required infrastructure can be delivered, or alternatively how the development could be implemented (eg staging) so that safe and efficient road access along Appin Road could be achieved.

Community Hub

It is recognised that the development of up to 1700 new dwellings with a likely population of 5000 people would create the need for a number of social and recreational facilities and amenities. As such it is proposed to provide not only significant areas of passive open space, but also an integrated community hub that is proposed to include:

- Sporting facilities in the form of a cricket oval, AFL field and separate exercise and play areas
- Amenities building including home and away change rooms
- Community building and provision for a small retail outlet
- Car parking
- Connected biodiversity corridor which is part of the wider network.

Servicing

Water and Wastewater

The proponents' consultants have been working with Sydney Water to determine a strategy for providing water and wastewater services to the subject site. It is proposed that potable water would be provided via the existing Rosemeadow elevated system with additional infrastructure provided within the subject site. Wastewater (sewage) is proposed to be discharged through a connection to the existing Glenfield wastewater transportation system at Rosemeadow.

Electricity

Endeavour Energy has advised that initial electricity supply can be sourced from the Ambarvale zone substation. However, to service approximately 1700 residential allotments it is likely that a new substation would be required within the subject site.

Gas

There is currently no existing gas service in the vicinity of the subject site. However, Jemena has advised that there is sufficient capacity within the existing infrastructure at Rosemeadow to service the development of the site.

Telecommunications

Existing Telstra infrastructure would need to be extended from the north of the subject land via Appin Road. Also initial discussions with the National Broadband Network Co, indicates that the subject site may be eligible for connection to this network.

Draft Mt Gilead Development Control Plan

A draft Mt Gilead Development Control Plan (DCP) has been prepared to identify the planning, design and environmental objectives and controls against which Council would assess future development applications within the Mt Gilead Urban Release Area (URA). It is proposed that the draft Mt Gilead DCP be included within volume 2 of the Campbelltown (Sustainable City) Development Control Plan 2014. The draft DCP has been prepared in consultation with Council officers and is considered worthy of Council's support for the purposes of public exhibition.

Vision and Key Objectives

The draft DCP aims to ensure a high quality residential community set within a rural landscape setting that respects the heritage significance of the Mt Gilead homestead, old mill and dam, Noorumba Reserve and Beulah Forest. The key development objectives are as follows:

- To create an environmentally and socially sustainable residential development that provides housing diversity and choice.
- To respect the non-indigenous and Aboriginal heritage significance of the landscape.
- To ensure all development achieves a high standard of urban and architectural design.
- To maximise opportunities for future residents to access passive and active open space.
- To create walkable neighbourhoods with good access to public transport.
- To ensure high quality landscaping particularly within streetscapes.
- To protect and enhance riparian corridors and significant vegetation including a biodiversity linkage between the Noorumba Reserve and Beulah Forest thus improving connectivity between the Georges and Nepean Rivers.

A copy of the draft Mt Gilead DCP is marked Attachment 3.

Draft Voluntary Planning Agreement

The proponents are currently preparing a draft voluntary planning agreement (VPA) for negotiation with Council to ensure that appropriate local infrastructure, to support the development of up to 1700 residential allotments at Mt Gilead, is provided in a timely manner.

The draft VPA is proposed to address the provision of active and passive open space, recreation facilities, community facility, stormwater drainage, certain roadworks and traffic management facilities.

On completion of the draft VPA a report will be prepared for a future Council meeting advising Council of the contents of the draft VPA and associated infrastructure delivery strategy, and requesting approval for its public exhibition.

Conclusion

As outlined in this report, the preparation of all the planning documentation for the rezoning and development of the Mt Gilead URA has been completed. This documentation includes the final draft Mt Gilead Planning Proposal and associated technical studies, and the draft Mt Gilead Development Control Plan.

However, without some indication from TfNSW, RMS or NSW Planning and Environment as to how the delivery of the Appin Road upgrade works (that are not attributable to the developer, and for which Council has no responsibility given the status of Appin Road as a State road) are to be accommodated, community expectations arising from the exhibition of this planning proposal may not be as fully informed as they need to be.

Whilst it is recognised that this issue is of major concern to Council, it is considered that the public exhibition of the planning proposal should be allowed to proceed in the anticipation that the relevant government agencies will respond satisfactorily to Council's concerns prior to a further report being presented to Council as a result of the outcome of the public exhibition period. Council would then be in a position to decide whether to forward a final planning proposal to the Minister for Planning with a request to approve the rezoning of the Mt Gilead URA for residential purposes.

It is therefore recommended that Council endorse the planning documentation for the rezoning of the Mt Gilead URA for public exhibition purposes in accordance with the determination of the Gateway Panel.

Please note that the draft Mt Gilead VPA will be presented to Council for endorsement of its public exhibition at a later meeting once the document has undergone an extensive review. It is anticipated that the progression of the draft Planning Proposal for the Mt Gilead URA can continue in tandem with further work to be undertaken by Council concerning the draft Mt Gilead VPA and infrastructure delivery strategy.

Officer's Recommendation

1. That Council endorse the draft Mt Gilead Planning Proposal and associated documentation for public exhibition in accordance with the determination of the Gateway Panel.
 2. That Council approve the draft Mt Gilead Development Control Plan as an amendment to the Campbelltown (Sustainable City) Development Control Plan 2014 for public exhibition in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2002*.
-

Committee Note: Ms Hobhouse and Mr Wolf addressed the Committee in opposition to the development.

Mr Kite and Mr McAndrew addressed the Committee on behalf of the owners.

Committee's Recommendation: (Lound/Rowell)

1. That Council place the draft Mt Gilead Planning Proposal and associated documentation on public exhibition.
2. That upon receipt of community feedback that Council consider adopting the draft Mt Gilead Development Control Plan as an amendment to the Campbelltown (Sustainable City) Development Control Plan 2014 for public exhibition in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2002*.

CARRIED

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

Voting against the Committee's Recommendation was Councillor Oates.

Council Meeting 17 February 2015 (Greiss/Thompson)

That the Committee's Recommendation be adopted.

Amendment: (Dobson/Thompson)

1. That this matter be deferred until Councillors have received all reports in relation to this matter.
2. That Council be provided with a briefing highlighting the holistic approach that is required for this development and further developments in Campbelltown South to proceed.

Council Resolution Minute Number 10

That the above amendment be adopted.

A **Division** was called in regard to the Resolution for Item 2.1 - Mt Gilead Urban Release Area - Request Public Exhibition with those voting for the Motion being Councillors Brticevic, Dobson, Greiss, Glynn, Matheson, Mead, Oates, Rowell and Thompson.

Voting against the Resolution were Councillors Borg, Chanthivong, Kolkman, Lake and Lound.

2.2 Camden Gas Project - Annual Environmental Performance Report 2013-2014

Reporting Officer

Manager Sustainable City and Environment

Attachments

Nil

Purpose

To provide Council with a summary of the key aspects of the Camden Gas Project's Annual Environmental Performance Report for the 2013-2014 financial year.

History

AGL is required to prepare an Annual Environmental Performance Report (AEPR) to meet the reporting requirements of the NSW Department of Planning and Environment (DoPE) and Department of Trade and Investment, Regional Infrastructure and Services (NSW Trade and Investment) Office of Coal Seam Gas (OCSG) for the AGL Camden Gas Project (CGP) for the period of July 2013 to June 2014.

The purpose of the AEPR is to report in accordance with the CGP's Development Application Approvals and Project Approvals on the following matters:

- The standards, performance measures and statutory requirements the development is required to comply with
 - An assessment of the environmental performance of the development to determine whether it is complying with these standards, performance measures, and statutory requirements
 - Reporting against the implementation of the Project Commitments Register
 - Responding to the Complaints Register for the preceding twelve month period by indicating what actions were (or are being) taken to address these complaints
 - Indication of what actions were taken to address any issue and/or recommendation raised by the Community Consultative Committee
 - Provision of the detailed results of all the monitoring required by each consent
 - Review of the results of this monitoring against:
 - Impact assessment criteria;
 - Monitoring results from previous years;
 - Predictions in relevant environmental assessment documents.
 - Identify any non-compliance during the year
 - Identify any significant trends in the data
 - If any non-compliance is detected, describe what actions and measures would be carried out to ensure compliance, clearly indicating who would carry out these actions and measures, when they would be carried out, and how the effectiveness of these measures would be monitored over time.
-

Report

The following provides a summary of the key aspects of the Camden Gas Project - Annual Environmental Performance Report 2013-2014. Full details of AGL's environmental performance over the reporting period can be obtained by viewing the Annual Environmental Performance Report at: <http://www.agl.com.au>.

Field Development

Field development during this reporting period was limited with no construction works being undertaken. No new wells were drilled and no new gas gathering lines were constructed. Two wells outside the LGA were plugged and abandoned during the reporting period.

Air Pollution

Quarterly stack emissions monitoring results from the Rosalind Park Gas Plant (RPGP) were compliant with the licence concentration limits of Environmental Protection Licence (EPL) No. 12003 for this period.

There were no exceedances of licence limits contained within EPL No. 12003 for any of the annual pollutant loads for the RPGP.

There was a non-compliance identified in relation to an exceedance of air concentration levels for nitrogen oxides on the Continuous Emissions Monitoring System on two occasions during the reporting period which were previously been reported to Council at its meeting on 11 November 2014. (Minutes of the Camden Gas Community Consultative Committee meeting held on 30 July 2014).

Groundwater

The total volume of produced water generated from gas extraction decreased from 4,586 KL in the previous reporting period to 3,464.34 KL for this period, representing a reduction of 24.5%. This is a dramatic decrease from last year which experienced only a 3% decrease from the previous year.

The total volume of produced water reused during this period for well workovers and drilling decreased by 37.5% in comparison with the last reporting period. The total volume of produced water that was reused this reporting period was 1,190.7 KL as compared to 1,905.6 KL for the previous reporting period.

A combined total of 5,236.8KL of produced water from well sites and the RPGP was recycled during the reporting period.

Non-compliances with EPL No. 12003 relating to transfer and analysis of produced water were previously reported to Council at its meeting on 11 November 2014. (Minutes of the Camden Gas Community Consultative Committee meeting held on 30 July 2014).

Noise (Operational and Construction)

There were no exceedances of noise criteria contained within EPL NO. 12003 and no noise complaints relating to operational noise from the RGP were received during the reporting period. This trend is consistent with previous years.

One complaint was received on 24 October 2013 from a Glen Alpine resident with regard to noise coming from the Menangle Park No. 3 gas well (MP03). AGL engaged a third party specialist noise consultant to conduct noise monitoring. The noise monitoring was undertaken on Friday, 25 October 2013, with the findings that work being conducted at MP03 exceeded noise criteria by 2-3dB, largely due to the AGL air compressor being only partially screened by the onsite noise attenuation walls. Mitigation measures were implemented and further noise monitoring on Monday 28 October 2013 confirmed compliance with noise criteria.

No other complaints were received relating to construction noise from any other operations during the reporting period.

Visual Amenity

One full field flare event occurred during this reporting period for a duration of 125 minutes. This is a decrease from the previous AEPR reporting period where two full field flare events occurred at the RGP which lasted a combined 627 minutes.

Public Safety

During this reporting period there were no public safety related reportable incidents recorded.

Rehabilitation

Two wells outside the LGA were plugged and abandoned by AGL in March 2014 in accordance with the 'NSW Code of Practice for Coal Seam Gas Well Integrity'. Final rehabilitation works were completed in consultation with the NSW Office of Coal Seam Gas. AGL will continue to monitor site rehabilitation until the land is returned to the landowner.

Environmental Complaints

As detailed above, one community complaint regarding operational noise at MP03 was received during this reporting period.

The number of complaints received in 2013-2014 has remained consistent with the previous reporting period where one environmental complaint was also received.

Environmental Non Compliance Issues and Incidents

Non-compliances with EPL No. 12003 were reported in the Annual Return to the EPA. There were 14 non-conformances with the EPL which resulted in AGL receiving two Penalty Notices from the EPA which have previously been reported to Council at its meeting on 11 November 2014. (Minutes of the Camden Gas Community Consultative Committee meeting held on 30 July 2014).

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 17 February 2015 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 10

That the Officer's Recommendation be adopted.

2.3 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 24 September 2014 (contained within this report)

Purpose

To inform Council on the outcomes of the Camden Gas Community Consultative Committee meeting held on 24 September 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 24 September 2014. The minutes of this meeting, which were formally endorsed at the CGCCC meeting held on 4 December 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 24 September 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. Well workovers were undertaken in the Glenlee and Menangle Park Fields, as part of ongoing maintenance of wells to remove sand and coal debris from the path used by gas flowing out of the well.

Quarterly monitoring of air emissions and noise levels at the Rosalind Park Gas Processing Plant was undertaken in August 2014, with all data collected complying with the permitted levels specified with the EPA licence for the facility.

AGL are continuing to complete corrective actions arising from the EPA's 2013 Compliance Audit Report and the 2010-2012 Independent Environmental Audit Report. The 2012-2014 Independent Environmental Audit and the 2013-2014 Annual Environmental Performance Report are both under preparation.

(ii) Presentation on Spring Farm Incident

AGL's Group Manager Upstream Gas, Mr Mike Moraza provided a presentation on an incident that occurred at approximately 7.30pm on Sunday 31 August 2014 in Spring Farm where gas escaped from a coal seam gas well. A safety release valve had been activated whilst bringing Spring Farm No. 5 well back online, causing a loud gushing sound and resulting in a small amount of natural gas to escape. The safety release valve acted as it was designed to do in this circumstance.

The safety release valve was activated intermittently over a period of 53 minutes until the pressure within the well stabilised. It is estimated that a maximum total of 283m³ of gas was released into the atmosphere with on-site testing by Fire and Rescue NSW, Jemena and AGL unable to detect methane gas at ground level.

The incident is being investigated by the NSW EPA to determine if any licence conditions were breached.

Further details on the incident can be found in the 'Camden Gas Project, Spring Farm 05 Pressure Safety Valve Incident Report, September 2014' which is available on the AGL website.

Next meeting

The next meeting of the CGCCC will be held on 11 March 2015, where the minutes of the meeting held on 4 December 2014 are scheduled to be endorsed. A report providing a summary of the minutes of the 4 December 2014 meeting will be presented to the next available Council meeting following their endorsement.

Officer's Recommendation

That the information be noted.

Committee Note: Ms Kirkby addressed the Committee in opposition to the minutes.

Committee's Recommendation: (Kolkman/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 17 February 2015 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 10

That the Officer's Recommendation be adopted.

2.4 Minutes of the Heritage Protection Sub Committee Meeting held 20 November 2014

Reporting Officer

Manager Sustainable City and Environment

Attachments

Minutes of the Heritage Protection Sub Committee meeting held 20 November 2014 (contained within this report)

Purpose

To seek Council's endorsement of the Minutes of the Heritage Protection Sub Committee meeting held 20 November 2014.

Report

Contained within the report are the recommendations of the Heritage Protection Sub Committee. Council officers have reviewed the recommendations and they are now presented for the consideration of Council. The reports requiring an individual recommendation of Council are detailed in the Officer's Recommendation.

Recommendations of the Heritage Protection Sub Committee

Reports listed for consideration

7.1 Masterplan for Heritage Park Glen Alpine

That the information contained in the Masterplan for Heritage Park Glen Alpine report regarding the preparation of a Masterplan by Council to guide future public works and ongoing management of Heritage Park, Glen Alpine be noted by the Heritage Protection Sub Committee.

7.2 Restoration of the Heritage Listed Hurley Park Reservoir, Cattle Tank and Silt Traps

1. That Council be asked to pursue additional funding opportunities from suitable Government grant programs to assist with the cost of restoration works planned for the heritage listed Hurley Park reservoir, cattle tank and silt traps.
 2. That Council be asked to consider replacing the plaque currently missing from the Cattle Tank stone monument with a replica plaque that reads "This stone was unveiled on 24 March 1981 to commemorate the commencement of restoration of this historic site".
-

3. That Council be asked to consider installing an information/educational board regarding the historical significance of the Cattle Tank site for the information of visitors.

7.3 Local Heritage Fund Application - 'Morning Glory' House, Wedderburn Christian Camp

The Heritage Protection Sub Committee request that Council approve the Local Heritage Fund (2014-2015) application for \$2000 from 'Pro Campo Ltd' for replacement guttering on the heritage listed Morning Glory House, with payment being subject to works being completed in accordance with the Heritage Fund Guidelines.

8.1 Conservation Plan of Management - Glenalvon

That Council's Manager Cultural Services be invited to attend the next Heritage Protection Sub Committee meeting to liaise with the Campbelltown and Airds Historical Society in relation to their review of the Conservation Management Plan prepared for Glenalvon.

8.2 Horse Trough at Rosemeadow

That the information be noted.

8.3 Former Fisher's Ghost Restaurant

That Council be requested to write to the State Member for Campbelltown requesting that representations be made to appropriate authorities on Council's behalf to facilitate required restoration works for the former Fisher's Ghost Restaurant building, and if possible assistance with listing the item on the State Heritage Register.

8.4 Silo's located on Appin Road

That the information be noted.

8.5 Proposed Meeting Dates 2015

That the information be noted.

Officer's Recommendation

1. That the minutes be noted.
2. That Council be asked to pursue additional funding opportunities from suitable Government grant programs to assist with the cost of restoration works planned for the heritage listed Hurley Park reservoir, cattle tank and silt traps.
3. That Council be asked to consider replacing the plaque currently missing from the Cattle Tank stone monument with a replica plaque that reads "This stone was unveiled on 24 March 1981 to commemorate the commencement of restoration of this historic site".
4. That Council be asked to consider installing an information/educational board regarding the historical significance of the Cattle Tank site for the information of visitors.
5. The Heritage Protection Sub Committee request that Council approve the Local Heritage Fund (2014-2015) application for \$2000 from 'Pro Campo Ltd' for replacement guttering on the heritage listed Morning Glory House, with payment being subject to works being completed in accordance with the Heritage Fund Guidelines.
6. That Council be requested to write to the State Member for Campbelltown requesting that representations be made to appropriate authorities on Council's behalf to facilitate required restoration works for the former Fisher's Ghost Restaurant building, and if possible assistance with listing the item on the State Heritage Register.

Committee Note: Mr Bellman addressed the Committee in support of the minutes.

Committee's Recommendation: (Kolkman/Lound)

1. That the minutes be noted.
2. That Council pursue additional funding opportunities from suitable Government grant programs to assist with the cost of restoration works planned for the heritage listed Hurley Park reservoir, cattle tank and silt traps.
3. That Council replace the plaque currently missing from the Cattle Tank stone monument with a replica plaque that reads "This stone was unveiled on 24 March 1981 to commemorate the commencement of restoration of this historic site".
4. That Council install an information/educational board regarding the historical significance of the Cattle Tank site for the information of visitors.
5. That Council approve the Local Heritage Fund (2014-2015) application for \$2000 from 'Pro Campo Ltd' for replacement guttering on the heritage listed Morning Glory House, with payment being subject to works being completed in accordance with the Heritage Fund Guidelines.
6. That a report be presented to Council outlining options for the protection and preservation of the former Fisher's Ghost Restaurant building.

CARRIED

Council Meeting 17 February 2015 (Greiss/Thompson)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 10

That the Committee's Recommendation be adopted.

2.5 Naming Of A Future Suburb Or Development After Former Prime Minister, Gough Whitlam

2.5 Naming of a Future Suburb or Development after Former Prime Minister, Gough Whitlam

Reporting Officer

Manager Sustainable City and Environment

Attachments

Nil

Purpose

To provide Council with information about naming a future Campbelltown suburb or development after former Prime Minister, Gough Whitlam.

History

Council at its meeting on 11 November 2014, City Works Committee Item 5.1 – Renaming of Suburb in Campbelltown, resolved that an urgent report be presented to Council outlining the efficacy of naming a future Campbelltown suburb or development after former Prime Minister, Gough Whitlam.

Report

The Honourable Edward Gough Whitlam AC, QC passed away on the morning of 21 October 2014, aged 98. Mr Whitlam was the Labor member for the federal electorate of Werriwa between 1952 and 1978 and was the 21st Prime Minister of Australia, serving from 1972 to 1975.

During Mr Whitlam's time as the federal member for Werriwa, the boundaries of this electorate were amended as the result of four redistributions. Maps kindly provided by the Australian Electoral Commission show that between 1952 and 1968 only a very few properties located in the very north of the suburb of Glenfield, within the present day Campbelltown Local Government Area (LGA), were included in this electorate. A redistribution of the electoral boundaries in 1968 resulted in the suburbs of Glenfield, Macquarie Fields and Long Point being included in this electorate, along with the northern most parts of the suburb of Ingleburn. A further redistribution in 1977 adjusted the federal electoral boundaries to include the whole of the current Campbelltown LGA within the seat of Werriwa. Currently this electorate includes within the Campbelltown LGA the suburbs of Bardia, Bow Bowing, Claymore, Denham Court, Eagle Vale, Eschol Park, Glenfield, Ingleburn, Kearns, Long Point, Macquarie Fields, Macquarie Links, Minto, Minto Heights, Raby, St Andrews and Varroville, and also parts of the suburbs of Leumeah and Kentlyn.

2.5 Naming Of A Future Suburb Or Development After Former Prime Minister, Gough Whitlam

Mr Whitlam was a constant advocate for Sydney's expanding western suburbs, and during his term as Prime Minister his government brought about a range of reforms which have had lasting effects both locally and across the whole of Australian society. Possibly the most visible evidence today of these reforms within the Campbelltown LGA are the Campbelltown Campus of the University of Western Sydney (whose founding in 1984 as the Macarthur Institute of Higher Education was a direct result of the Whitlam Government's reforms to higher education) and Campbelltown Hospital (which was constructed with significant Commonwealth loan assistance through the Whitlam Government's Hospital Development Program). Less obvious, but no less important, was the Whitlam Government's National Sewerage Program which is understood to have accelerated the installation of sewerage systems in many parts of the Campbelltown LGA.

Under the provisions of the *Geographical Names Act 1966*, the authority responsible for the naming and defining of suburbs and localities is the Geographical Names Board of NSW (GNB). The GNB has recently released its NSW Address Policy and NSW Addressing User Manual which outline the principles and procedures which must be followed when allocating addresses to properties, including those for the creation and naming of new localities or suburbs. Principle 6.8.1 (Uniqueness, Duplication) of the NSW Addressing User Manual states that no new suburb name shall be duplicated within NSW or any other state or territory within Australia.

It is an established policy within the Australian Capital Territory (ACT) that the names of deceased Australian prime ministers are recognised in Canberra's suburb names, with sixteen former prime ministers being so honoured. In 2010, Mr Whitlam gave his personal approval for a suburb in the ACT to be named in his honour, stating that he was "delighted with the proposal to give my surname to one of Canberra's new suburbs". In 2012, the ACT Government reserved the name 'Whitlam' for a future suburb name in the ACT through the Committee for Geographical Names in Australasia and the ACT Chief Minister recently announced that the ACT Place Names Committee will look for a suitable suburb location to commemorate Mr Whitlam's legacy. The co-chair of the ACT Place Names Committee and Surveyor-General of the ACT, Mr Bill Hirst, also informed Council staff that he had discussed the intention to commemorate Mr Whitlam's name in the ACT with Mr Des Mooney, Surveyor-General NSW and chairman of the GNB.

As a result of this, GNB staff have indicated that the Board would be extremely unlikely to approve any application by Council to name a suburb within the Campbelltown LGA after Mr Whitlam.

With regard to the possibility of naming a future development after Mr Whitlam, estate names for developments are generally selected by developers without consultation with Council. Formal endorsement of these names by addressing authorities tends to be discouraged by the GNB as these estate names can be incorrectly used by residents in their addresses instead of their official suburb, causing potential problems for emergency services. Should Council wish to formalise a name allocated to a development as an urban place, such as recently happened with Park Central, then it would be required by the GNB to comply with the same principles of uniqueness and duplication which apply to suburb names to avoid any potential confusion with property addresses. For this reason, it is considered unlikely that the GNB would approve any application by Council to formally name a future development or urban place after Mr Whitlam.

2.5 Naming Of A Future Suburb Or Development After Former Prime Minister, Gough Whitlam

This does not, however, prevent Council from considering the naming of a street, park, reserve or other Council facility in honour of Mr Whitlam, should it deem it appropriate to do so. As the suburbs of Glenfield, Macquarie Fields, Long Point and Ingleburn were included within the electorate of Werriwa for a large proportion of Mr Whitlam's term as a Federal Member of Parliament and also during his term as Prime Minister, it is considered that it may be appropriate to select a feature or facility in these suburbs should Council wish to pursue such a naming proposal. However, it should be noted that a number of such features and facilities have already been named after Mr Whitlam in adjoining and nearby LGAs, such as Whitlam Avenue in Edensor Park, Whitlam Park in Busby and the Whitlam Leisure Centre in Liverpool. Any future naming proposal by Council would therefore need to avoid possible confusion with or duplication of these existing names if it was to be endorsed or approved by the GNB. In addition, any such naming proposal would also require the consent of the Whitlam family before it could proceed.

Officer's Recommendation

That the information be noted

Committee's Recommendation: (Kolkman/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 17 February 2015 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 10

That the Officer's Recommendation be adopted.

2.6 Water Quality Monitoring Program - Half Yearly Report

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Compliance with ANZECC guidelines for water quality at Council's water quality monitoring sites (contained within this report)
2. Classification of Recreational Water Environments (contained within this report)

Purpose

To inform Council of the results of Council's Water Quality Monitoring Program (WQMP) for the six month period from July 2014 to January 2015.

History

The Campbelltown Local Government Area (LGA) is located within the catchments of two principal Sydney waterways; the Georges and Nepean River systems. These waterways support a diverse variety of plants and animals, as well as provide for community amenity and recreation opportunities.

The majority of Campbelltown's urban waterways flow into the Upper Georges River, either directly to the Georges River itself or via the Bow Bowling/Bunbury Curran Creek system. Approximately 86% of the Campbelltown LGA lies within the Georges River catchment whilst the remaining 14% of the LGA lies within the Hawkesbury-Nepean River catchment.

Water quality within the catchments has been influenced by rapid urbanisation over time. Currently, 99% of Campbelltown's population resides within the Georges River Catchment. In addition, 100% of the LGA's commercial, industrial areas and business centres are also located within this catchment and principally within the Bow Bowling/Bunbury Curran sub-catchment.

Key pressures with the potential to negatively impact on the quality of Campbelltown's water resources include:

- urbanisation
 - stormwater runoff
 - pollution spills
 - illegal dumping
 - litter accumulation
 - aquatic noxious weeds
 - degraded riparian vegetation
 - altered flood regimes.
-

Report

Council's current WQMP involves the sampling and monitoring of 13 strategically selected sites within the Georges River and the Nepean River Catchments against National Guidelines for Fresh and Marine Water Quality, developed by the Australian and New Zealand Environment and Conservation Council (ANZECC 2000). Two sites are also assessed against the National Health and Medical Research Council Guidelines, Managing Risks in Recreational Areas (NHMRC 2008) as they are used for recreational swimming.

The water quality testing sites have been strategically selected to ensure data is collected across a broad section of the catchment including sensitive and high profile locations such as environmental protection areas, recreational swimming spots and stormwater discharge points from urban areas.

ANZECC Guidelines and Monitoring Results

The water quality data collected from each site was compared to a set of compliance range standards for each parameter as determined by the ANZECC guidelines for ecosystem health, and primary and secondary contact recreation. Primary recreational contact uses include sports in which the user comes into frequent direct contact with water, either as part of the activity or accidentally; for example, swimming or surfing. Secondary recreational contact uses relate to sports that generally have less-frequent body contact with the water; for example, boating or fishing.

The following sites were sampled on a monthly basis between July 2014 and January 2015:

- Menangle Bridge (Menangle)
- Wedderburn Gorge (Wedderburn)
- The Woolwash (Airds)
- Frere's Crossing (Kentlyn)
- Fisher's Ghost Creek (Bradbury)
- Simmo's Beach (Macquarie Fields)
- Kooronga Reserve (Varroville)
- Bow Bowing Creek gross pollutant trap (Minto)
- Park Central, north pond (Campbelltown)
- Park Central, central pond (Campbelltown)
- Mandurama Reserve (Rosemeadow)
- Harold Street Bridge (Macquarie Fields)
- Cambridge Avenue (Glenfield).

Attachment 1 provides a diagrammatic representation of the percentage compliance and rating of Councils water quality monitoring sites with ANZECC guidelines for aquatic ecosystem health and secondary contact recreation.

The water quality monitoring data for this period indicates that predominately, water quality throughout the LGA remained consistent with previous reporting cycles. Some reductions in water quality were experienced, particularly in some parameters and/or some locations. This variation is most likely attributable to high velocity rainfall events followed by extended periods of dry weather experienced during the reporting period. Key observations are as follows:

- Percentage compliance for dissolved oxygen (DO) has decreased significantly across almost all sites. However, although the number of samples falling within the range prescribed under the guidelines has decreased, a close examination of the raw data reveals that the readings are largely only just below the minimum accepted level, particularly for those sites adjacent to rural and bushland areas.
- Water quality at Koorunga Reserve and the Minto GPT monitoring site remained 'poor' for aquatic ecosystem health. Both sites demonstrated a decrease in water quality and recorded the lowest rate of compliance with the ANZECC guidelines within the Campbelltown LGA.
- Results at the Cambridge Avenue, Glenfield showed a marked improvement compared to previous monitoring periods. This suggests that there is some natural water quality treatment occurring along the catchment.
- Turbidity levels in the Georges River continue to show 'very poor' compliance with the ANZECC guidelines. However, the non-compliance is due to the readings being positively below the prescribed range, meaning the water column is clearer than expected.
- Heavy rainfall in early to mid-December caused two significant spikes in bacterial levels at Simmos Beach which have negatively impacted on the results for secondary contact recreation. Notwithstanding this overall reduction in water quality, bacterial levels at this location have shown a consistent decrease during extended dry periods compared to past monitoring periods.
- Frere's Crossing recorded the highest level of compliance with the ANZECC guidelines and was rated as 'good' for both aquatic ecosystem health and secondary contact recreation. The majority of non-compliances were minor and within close range of the acceptable levels.
- Lake Mandurama, Ambarvale was rated as 'very poor' for secondary contact recreation due to faecal coliform and enterococci levels consistently being recorded outside the guidelines, due to recent high velocity rainfall events.

NHMRC Guidelines and Monitoring Results

The NHMRC guidelines are considered the most industry relevant for assessing risks to human health from recreational water bodies and specifically analyse microbial levels within the waterbody over a five year period.

Weekly sampling is conducted throughout December to April each year at sites that attract high levels of recreational use along the rivers:

- Simmo's Beach (Macquarie Fields)
- Menangle Bridge (Menangle).

Attachment 2 shows the classification of the recreational water environment at Simmo's Beach and Menangle Bridge against the NHMRC guidelines. (Note: These results are based on calculations of the 95th percentile over the past five years).

The classification of both sites has remained 'poor' and this is largely due to the fact that the NHMRC guidelines require analysis of bacterial levels over a five year period, meaning any overall positive improvement as a result of management measures and pollution control could take several years before becoming evident in reporting results as evidence of Simmos beach as described above.

Management Actions

Council continues to investigate and undertake actions aimed at improving water quality within the Campbelltown LGA, including:

- implementation of water sensitive urban design systems within the Spring Creek catchment. Council is currently working in partnership with Greater Sydney Local Land Services to design and construct a wetland at Cleopatra Reserve, Ambarvale
- the septic system monitoring and inspection program
- installation of Gross Pollutant Traps (GPTs) at locations identified as having a high risk of pollution throughout the LGA.

Conclusion

During the reporting period water quality in the LGA on average remains fair. Poor results continue to be recorded within the Bow Bowing/Bunbury Curran catchment; the cause of these results is most likely due to the extent and nature urban and industrial stormwater influences within this catchment.

Results within Campbelltown's rural and bushland land use areas, including prominent recreational areas, have slightly improved or remained consistent. High velocity rainfall events have resulted in spikes in bacterial levels at some locations contributing to poor results for recreational contact.

The results of Council's WQMP will continue to be analysed and guide future works to ensure Council is fulfilling its commitment to improving the sustainability of its water resources and water quality within the local area.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Rowell/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 17 February 2015 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 10

That the Officer's Recommendation be adopted.

2.7 Georges River Combined Councils Committee - Riverkeeper Program Report Card 2013-2014

Reporting Officer

Manager Sustainable City and Environment

Attachments

Riverkeeper Program Report Card 2013-2014 (contained within this report)

Purpose

To provide Council with an update on the Georges River Combined Councils Committee (GRCCC) Riverkeeper Program Report Card 2013-2014.

History

The Riverkeeper Program was established by the GRCCC in 1999 with the aim of improving the health and amenity of the Georges River. Activities undertaken under the Program include a range of works such as rubbish removal, bushland regeneration, control and management of terrestrial and aquatic weeds and monitoring of the Georges River for illegal activities and river health. The Program also assists in raising community awareness and appreciation of the natural environment along the Georges River.

The GRCCC primarily partners with Corrective Services NSW using work teams comprised of individuals subject to Intensive Correction Orders, for assistance in delivering the Riverkeeper Program. The Program also operates with teams of volunteers sourced from organisations such as Scouts NSW, State Emergency Services, school groups and other interested community groups.

The Riverkeeper Program is focused on undertaking on-ground restoration works for member councils along the River. The projects that are undertaken in each Local Government Area (LGA) are agreed upon in collaboration with member councils and are subject to compliance with Work Health and Safety procedures and access conditions for Corrective Services NSW.

The Riverkeeper Program has developed a catchment-level approach for the delivery of the works program. For this purpose, the River is divided into three sub-catchments:

- Upper Georges River sub-catchment
- Mid Georges River sub-catchment
- Lower Georges River sub-catchment.

Campbelltown is located in the Upper Georges River catchment.

Report

In an effort to inform stakeholders about the Program and its outcomes, the GRCCC periodically produces an annual Riverkeeper Program Report Card. The Riverkeeper Program Report Card 2013-14 (see Attachment) was released on 8 December 2014 and presents the statistics on the rubbish removed and bush regeneration works undertaken across the catchment by the Riverkeeper Program for the 2013-14 financial year.

Rubbish Collection

Riverkeeper Program rubbish collection teams undertake large-scale removal of rubbish from the River's foreshores, creeks and tributaries. Member councils identify rubbish 'hotspots' on the River for inclusion in the Riverkeeper work plan.

Types of rubbish removed include:

- plastics (including plastic bags, drink bottles and packaging)
- building and construction materials
- green waste
- rubber tyres
- furniture and household items
- trolleys
- auto parts.

A large amount of time is spent by the Riverkeeper teams removing micro-rubbish. Micro-rubbish includes items such as: small pieces of polystyrene, plastic bits, bottle tops and cigarette butts which can be harmful to aquatic ecosystems and the animals that live within them.

During the reporting period over 70 tonnes of rubbish was removed from 155 worksites across the catchment through 17,316 volunteer hours. The amount of rubbish removed at sites across Campbelltown is shown in Table 1. The total amount of rubbish removed and volunteer hours for each of the three sub-catchments is shown in Table 2.

Table 1. Rubbish removal results for Campbelltown sites for 2013-2014

| Site | Rubbish removed (kg) |
|---------------------------------------|----------------------|
| Bow Bowing Creek, Leumeah | 2880 |
| Bow Bowing Creek GPT, Minto | 2480 |
| Cleopatra Reserve, Ambarvale | 355 |
| Fisher's Ghost Creek, Bradbury | 350 |
| Kyngmount Reserve, Minto | 105 |
| Lower Mansfield Creek, St Helens Park | 670 |
| Mansfield Creek GPT, St Helens Park | 885 |
| Mount Erin Road, Blair Athol | 535 |
| Park Central, Campbelltown | 2055 |
| Pembroke Park, Minto | 310 |
| Rose Park, Minto | 752 |
| St Andrews Park, St Andrews | 490 |
| Spring Creek GPT, St Helens Park | 2980 |
| Tree Gully Reserve, Blair Athol | 605 |
| Total | 15,452 |

Table 2. Total amount of rubbish removed and volunteer hours for Georges River sub-catchments for 2013-2014

| Sub-catchment | Rubbish removed (kg) | Volunteer hours |
|---------------------------|----------------------|-----------------|
| Upper Georges River Total | 15,452 | 2829 |
| Mid Georges River Total | 42,122 | 9581 |
| Lower Georges River Total | 12,702 | 4906 |
| Total | 70,276 | 17,316 |

Bush Regeneration

The bush regeneration component of the Program aims to increase the biodiversity and quality of remnant bushland and riparian vegetation along foreshores, creeks and tributaries, through the targeted removal of weeds, revegetation works and natural regeneration of native vegetation.

During the reporting period the Program conducted bush regeneration across 2785m² using 496 volunteer hours. These works took place in Kogarah and Sutherland to complement grant funded projects. Elsewhere bush regeneration works were put on hold due to staffing issues within Corrective Services NSW which have impacted on the availability of supervisors for bush regeneration works.

Grant Programs and Recognition

The GRCCC was awarded \$1.8 million of funding for the Riverkeeper Program from the Commonwealth Government to help restore high priority bushland and establish ecological connectivity across 150 hectares of the catchment over three years. The 'Building Indigenous Knowledge and Skills to Restore Urban Waterways' project involves restoration work to improve biodiversity at key sites, selected by the member councils for their importance.

Some of the works are being performed by an Aboriginal Bush Regeneration Team, who are working towards the attainment of qualifications in Conservation Land Management. The team commenced work in June 2014. The team is currently working on 13 sites across the catchment including two sites within Campbelltown (Spring Creek and Mansfield Creek – St Helens Park). The sites are primarily located in urban areas and represent a full range of high value and critical estuarine and riparian areas across the catchment.

In August 2014 the GRCCC was successful in securing a project under the Commonwealth Government's Green Army Program. Three Green Army teams have since commenced works at 12 project sites in the upper, middle and lower Georges River catchments under the direction of the Riverkeeper Program, this includes three sites within Campbelltown (Redfern Creek – Ingleburn, Quirk Reserve – Bradbury, Campbelltown Golf Course – Glen Alpine). The teams' primary focus is to rehabilitate public land and waterway riparian zones through activities such as bush regeneration, weed treatment and revegetation as well as cleaning up the waterways through rubbish removal.

2.7 Georges River Combined Councils Committee - Riverkeeper Program Report Card 2013-2014

In recognition of the on-ground outcomes of the Riverkeeper Program and its ongoing partnership with Corrective Services NSW, the GRCCC was awarded a regional Environmental Protection Award and highly commended in the regional Community Partnerships Award in the Keep Australia Beautiful, Clean Beaches Awards 2013.

Conclusion

The Riverkeeper Program Report Card 2013-14 was released on 8 December 2014. The card provides a snapshot of the outcomes of activities undertaken by the Program during 2013-2014, including rubbish removal and bush regeneration. The Riverkeeper Program contributed a total of 2829 volunteer hours towards environmental protection and restoration works within the Campbelltown LGA for the 2013-2014 reporting year and removed a total of 15,452kg of rubbish.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Lound/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 17 February 2015 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 10

That the Officer's Recommendation be adopted.

2.8 Sydney Metropolitan Strategy - "A Plan for Growing Sydney"

Reporting Officer

Director Planning and Environment

Attachments

Nil

Purpose

NSW Planning and Environment released the long awaited Sydney Metropolitan Planning Strategy in December 2014. This new Plan is entitled "A Plan for Growing Sydney" and can be viewed via the link below:

<http://www.strategy.planning.nsw.gov.au/sydney/wp-content/uploads/sites/2/2014/12/A-Plan-For-Growing-Sydney-WEB.pdf>

Council has previously made submissions to the Government on the draft version of this plan, and a number of others concerning other land use, infrastructure and job creation issues relevant to the Campbelltown Local Government Area.

The purpose of this report is to provide Council with a summary (synopsis) of the Plan and identify the more significant policy implications for Council, especially in light of Council's current strategic work involving land use and transport planning, as well as economic and employment development. This includes implications for Council's current draft Campbelltown Local Environmental Plan 2014 (CLEP).

Councillors have been provided with a printed version of the document "A Plan for Growing Sydney" which may be of assistance in Council's consideration of this report.

Introduction and summary

On 14 December 2014, the Minister for Planning, the Hon. Pru Goward announced the release of the NSW Government's long awaited Sydney Metropolitan Strategy.

The Plan promotes Sydney as Australia's leading city with global economic status and as a city that delivers high quality lifestyle opportunities for its residents.

The Plan is an integrated strategy and pays particular attention to the creation of economic development opportunities driven by urban growth and balanced by appropriate environmental considerations. Connectivity and accessibility figure prominently throughout the Plan.

For the purposes of structure and implementation, the Plan divides Metropolitan Sydney into six sub-regions:

- Central
- West Central
- West
- North
- South West
- South.

The City of Campbelltown falls within the "South West" Sub-Region, along with the Local Government Areas of Fairfield, Liverpool, Camden and Wollondilly.

Overall, the Plan delivers on a range of important planning aspirations for Campbelltown including:

- The declaration of the Campbelltown/Macarthur CBD as a regional city centre (one of only three centres located outside of the Sydney and Parramatta CBDs)
- The potential for economic development and job creation afforded by the clustering of Campbelltown Hospital, the UWS and TAFE at Campbelltown/ Macarthur
- Recognition of the potential of the Macarthur South Urban Investigation Area as a possible third growth centre
- Recognition of the opportunities that exist within already established town centres/railway stations between Glenfield and Campbelltown/Macarthur for housing at higher densities, economic development and job creation
- Recognition of the Scenic Hills as a potential Parkland/Reserve.

Council can be pleased to the extent that this Plan represents a marked improvement over the extent and way Government addressed strategic challenges and opportunities relating to land use, infrastructure and economic development within the Campbelltown LGA and moreover the Macarthur Region Campbelltown, compared to the original draft Metropolitan Strategy that was exhibited in 2013.

Very importantly, Council's submission to the Department of Planning on the former draft Strategy advocated strongly for recognition of the Campbelltown/Macarthur CBD as a Regional City Centre, promoting historical public and private investment in Campbelltown, major institutions such as the UWS Campbelltown Campus, Campbelltown Public Hospital, Campbelltown TAFE, and Macarthur Square Regional Shopping Centre as having been and able to continue to drive development. Access to Campbelltown via the M31 and the presence of the Southern Rail Corridor which accommodates seven railway stations only adds to the level of attractiveness for a greater share of Sydney's metropolitan growth.

This advocacy built upon Council's continuing efforts for a number of years which now has been rewarded to a significant degree by the distinct attention paid in the Plan to the Campbelltown Local Government Area, in terms of Government policy for land use, development, accessibility and transport and economic/employment development.

A preliminary review of the Plan was circulated to all Councillors by email late in December 2014 and briefing session was conducted on 27 January, a copy of which has been circulated to Councillors.

The release of the Strategy is timely and significant, given that Council is embarking upon a major strategic planning phase to finalise its long term policy direction in terms of:

- managing future urban growth
- planning and delivering on longer term infrastructure needs
- planning for the creation of local investment and job creation opportunities that enhance the extent of economic and social self-containment in Campbelltown and more generally the Macarthur region
- planning for the Campbelltown/Macarthur CBD as a "destination", economic and transport hub
- making the most of the redevelopment opportunities afforded by the existing business centres located along the Southern Railway line
- enhancing the urban liveability of Campbelltown.

Report

Following below, is a summary and analysis of those sections of the Plan with a clear emphasis on matters having relevance for the City of Campbelltown.

The Plan sets out a comprehensive and integrated approach to land use, development and infrastructure policy for Sydney, which the NSW Government expects to be taken into account by local councils, the Federal Government, NSW Government agencies, the community and the private sector in understanding how the state will deal with planning for and managing the Sydney Metropolitan Area – and in particular its economy and employment, housing, transport, the environment and population growth.

The Plan also introduces a framework for the administration of the metropolitan plan - its implementation including monitoring of progress against key criteria, governance arrangements and key accountabilities.

Part A. Summary of the Plan

The Plan is formatted across a framework of key goals under which a comprehensive range of NSW Government Policy Directions and proposed actions are documented.

1. Overall Planning Goals

The NSW Government has articulated four major goals that underpin the whole of the Plan and its approach to integrated land use and infrastructure planning for the Sydney metropolitan area.

The Government's goals for Sydney are:

- a competitive economy and world class services and transport
 - a city of housing choice with homes that meet our needs and lifestyles
 - a great place to live with communities that are strong, healthy and well connected
 - a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and natural resources.
-

2. Strategic Policy Directions and actions

A series of major strategic policy directions and proposed actions have been adopted by the NSW Government and are set out in the Plan, which are significant and that Council needs to be aware of.

Goal 1: Competitive economy and world class services and transport

Direction: Transform the productivity of Western Sydney through growth and investment

- improve transport links and support the growth of Badgerys Creek airport and economic opportunities arising therefrom
- develop new strategic employment corridors along transport infrastructure that will service Badgerys Creek airport
- the Government will work with Federal and local governments to deliver a structure plan for Western Sydney that:
 - guides the delivery of infrastructure, jobs and housing for the growth and prosperity of the region
 - provides a framework for land use and transport decisions
 - focuses on providing better access to jobs, facilities and services
 - identifies improved transport connections between and within the major urban areas and destinations including the Campbelltown/Macarthur to Liverpool urban corridor

Direction: Enhance capacity at Sydney's gateways and freight networks

- the Government will work with councils to plan for heavy vehicle routes, improve 'last mile' access and establish buffers that allow freight activity to operate efficiently

Direction: Grow strategic centres (e.g. Campbelltown/Macarthur)

- strategic centres are areas of intense, mixed economic and social activity that are built around the transport network and feature major public investment in services such as hospitals, and education and sports facilities
 - invest in strategic centres (including Campbelltown/Macarthur) to grow jobs and housing and create vibrant hubs of activity
 - deliver transport improvements including public transport, traffic management and car parking to improve the business environment of strategic centres
 - the Government will prioritise strategic centres for targeted investment based on the potential of a centre to:
 - provide a large number of jobs to increase the jobs closer to housing
 - attract significant investment
 - provide a range of services and be an attractive place, and
 - continue to grow.
-

- work with the Greater Sydney Commission to develop jobs targets for strategic centres in consultation with councils and identify and remove barriers to jobs delivery at a local level in strategic centres
- continue to grow Penrith, Liverpool and Campbelltown/Macarthur as Regional City Centres supporting their surrounding communities
- Liverpool and Campbelltown/Macarthur to service communities in the South West Growth Centre and these centres to be a focus for employment, services and transport connections as part of a network of strategic centres
- the Government will engage with Campbelltown (as well as Liverpool and Penrith) councils to identify co-investment proposals for cultural infrastructure.

Direction: **Support priority economic sectors**

- through appropriate planning controls for priority industries and key industrial precincts.

Direction: **Plan for education and health services to meet Sydney's growing needs**

- by supporting the growth of complementary health and tertiary education activities in strategic centres (such as Campbelltown/Macarthur)
- the Government will plan for the land use and infrastructure requirements of significant metropolitan health and education precincts at Campbelltown/Macarthur and work with councils to put into place enabling planning controls which promote clusters of related activity such as higher education facilities, health infrastructure and research institutions
- the Government has committed to a Hospitals Growth program targeting Western Sydney, with investigation of specific options for Rouse Hill and Campbelltown along with new paediatric capacity in South Western Sydney.

Direction: **Deliver Infrastructure**

- utilise sub-regional planning and growth infrastructure plans to identify:
 - growth infrastructure priority needs
 - existing commitments to infrastructure
 - infrastructure required to meet each sub-region's growth priorities
 - identify infrastructure funding sources and staging priorities
 - priorities based on achieving economic growth and new housing.
 - preserve future transport and road corridors to support future growth
 - the Government will work with councils to identify and preserve a network of strategically important road and rail freight corridors
 - commence planning and the development of a business case for new sports facilities for western Sydney
 - the Government will facilitate market delivery of sufficient space for cemeteries to meet future to meet future local and regional demand by providing advice on appropriate locations for new cemeteries and ensuring appropriate land use controls and zoning to facilitate cemetery development.
-

Goal 2: A city of housing choice with homes that meet our needs and lifestyles

Direction: Accelerate housing supply across Sydney

- accelerate supply and housing choices – 664,000 new dwellings across Sydney by 2031
- accelerate new housing in designated infill areas (established urban areas)
- deliver more housing by developing surplus or underutilised government land, mainly through UrbanGrowth NSW

Direction: Accelerate urban renewal across Sydney –providing homes closer to jobs

- use the Greater Sydney Commission to support Council-led urban infill projects around centres, transport corridors and public transport access points
- undertake urban renewal in transport corridors which are being transformed by investment, and around strategic centres.

Direction: Improve housing choice to suit different needs and lifestyles

- require local housing strategies from councils to plan for a range of housing types
- deliver more opportunities for affordable housing including by means of a requirement of local councils to include affordable housing in their local housing strategies to respond to local demand.

Direction: Deliver timely and well planned greenfield precincts and housing

- the Government will identify potential locations for new greenfield development giving particular attention to investigating the potential for greenfield development south and south west of Campbelltown/Macarthur.

Goal 3: A great place to live with communities that are strong, healthy and well connected

Direction: Revitalise existing suburbs

- the Government will direct investment in infrastructure to support centres experiencing growth or capable of experiencing growth.

Direction: Create a network of interlinked, multi-purpose open and green spaces across Sydney

- investigate options for a bushland renewal program.

Direction: Promote Sydney's heritage, arts and culture

- target investment in local arts and culture in Priority Precincts
 - the Government will work with councils to improve public places to create opportunities for the arts and cultural life.
-

Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources

Direction: Protect our natural environment and biodiversity

- Utilising a strategic approach, protect and deliver a network of high conservation value land by investing in green corridors and protecting native vegetation and biodiversity
- prepare a strategic framework for the metropolitan rural area to enhance and protect its broad range of environmental, economic and social assets that will:
 - identify and protect mineral, energy and construction material needs and provide appropriate buffers
 - protect productive agricultural land
 - protect Sydney's drinking water catchment
 - manages risks from natural hazards.

Direction: Build Sydney's resilience to natural hazards

- provide local councils and communities with tools and information to shape local responses to natural hazards
- restrict development to areas that can be safely evacuated by requiring planning authorities to undertake an evacuation capacity assessment prior to rezoning.

3. Planning Principles

As well as a series of goals, strategic directions and actions the Plan also sets out three major planning principles to guide how Sydney will grow. These principles are:

i. Increasing housing choices around all centres through urban renewal in established areas

"Locating new housing in centres delivers a range of economic, environmental and social benefits to the community...productivity benefits arise from a more compact city"

ii. Stronger economic development in strategic centres and transport gateways

"Sydney's largest and most important hubs for business and employment are 'strategic centres' and Sydney's transport gateways.....which account for 43% of all jobs across Sydney"

"These locations will be an important focus for future growth because of their size, diversity of activities, their connections (mainly to the rail network), and the presence of major institutional activities such as health and education facilities...."

iii. Connecting centres with a networked transport system

"Efficient links within centres improves convenience for customers, and efficient links into centres and between centres helps people to get to jobs, schools, universities, shops and leisure activities.."

"Making it easy to get to centres and offering a range of services at centres makes them a focal point for the community and increases the prospects for economic growth and job creation"

4. Western Sydney Highlight

It is clear that this latest iteration of a metropolitan plan for Sydney pays much greater attention to Western and South Western Sydney with urban growth, economic development, job creation and lifestyle opportunities featuring prominently in the strategic planning scenario. Below is a copy of certain extracts from the Strategy that deal specifically with Western Sydney, that have relevance to Campbelltown:

"Opportunities for investment in a sports stadium in western Sydney, hospitals at Rouse Hill and Campbelltown and the creation of the Parramatta Education precinct which co-locates primary and secondary school students with the University of Western Sydney, will embed best practice facilities in the region.

Investment in transport infrastructure, such as the South West Rail Link North West Rail link, Western Sydney Rail Upgrade, Parramatta Light Rail and in the longer term, the Outer Sydney Orbital, will create new locations for housing growth that are connected to jobs, services and facilities..."

"Campbelltown/Macarthur, Liverpool and Penrith are also a major focus for jobs and services for outer suburban communities. The Plan seeks to allow these and other strategic centres to grow to their full potential.

"Western Sydney's knowledge economy is growing. Delivering new office markets within strategic centres in Western Sydney will require flexible and timely planning approvals, accompanied by ongoing improvements to public transport."

"The development of the Western Sydney Employment Area will provide continued support for manufacturing and industrial activity, particularly in the freight and logistics sector".

"Improving transport connections between centres will improve access to jobs and support the location of economic activity in centres, unlocking Western Sydney's full economic potential" Integrating land use decisions with transport improvements will lift the overall economic productivity of western Sydney and create new opportunities for new investment in housing and jobs".

5. Delivering the Strategy

The Government is calling on a collaborative approach to the implementation of the Plan by all stakeholders - the Government, councils, the community and the private sector. Recognition is also paid to the need of a more effective and integrated approach between government agencies which is welcomed.

The Strategy articulates a new delivery/implementation framework which consists of the following pillars:

- a new Greater Sydney Commission
- an action plan
- a hierarchy of plans
- a clear direction on the role of the Strategy
- a role for Urban Growth NSDW
- e-planning systems.

i. Greater Sydney Commission

The Government will establish a dedicated new body which will have the responsibility of 'driving' the implementation of the Strategy. The Commission will be an independent body and

"... work with Councils and state agencies to ensure that growth is aligned with infrastructure and delivered in the right places at the right time."

ii. Action Plans

The Greater Sydney Commission will co-ordinate the delivery of all actions included in the Plan.

iii. Hierarchy of Plans

The Strategy is to be read in conjunction with the Government's Long Term Transport Masterplan and the State Infrastructure Strategy 2014.

The Strategy sets the priorities and directions for metropolitan planning with a focus on housing and employment, targeting growth in strategic centres and transport gateways. The Strategy sets the context and direction for sub-regional planning.

Sub-regional planning will be undertaken in partnership between the NSW Government, councils, and the community.

Sub-regional plans will be **delivery** plans and:

- include a vision for housing and employment for each sub-region consistent with the Metropolitan Strategy
- distribute housing and employment at the LGA level
- address the goals, directions and actions in the Metropolitan Strategy
- address the infrastructure required to support housing and employment growth in each sub-region.

Councils' local environmental plans (leps) will be the principal legal instrument to deliver the sub-regional plan at a local government level. The Greater Sydney Commission will monitor leps and the delivery of housing and jobs.

Councils' Community Strategic Plans will need to reflect each Council's resources and operational requirements necessary to deliver the growth of housing and jobs consistent with the expectations set out in the sub-regional plans and leps.

iv. The Role of the Strategy

A new local planning direction is proposed to be issued to Councils in metropolitan Sydney which will require new planning proposals or amendments to be consistent with the Strategy.

"The Government will also use sub-regional planning to help translate the vision and the guiding principles of this Plan into more detailed priorities for growth and change that can be applied at the local level."

v. UrbanGrowth NSW

Urban Growth is tasked with delivering transformational change on government owned 'surplus' sites, and is responsible for delivering major urban renewal projects, at strategically important locations.

vi. E-planning

The NSW Government will work with councils to develop on-line tools and standards to deliver a range of e-planning services

6. Monitoring and Reporting

The Greater Sydney Commission is charged with the responsibility of monitoring progress with implementation of the Strategy through:

- annual reporting to the NSW Government
- outcomes reporting every 3 years
- review of the Strategy every 5 years.

Specific benchmark reporting will be undertaken across a range of criteria including:

- new jobs created
- office space capacity in major office markets
- Sydney's domestic share of global business headquarters
- % of jobs in strategic centres
- ratio of jobs to dwellings in centres
- share of local housing targets that are market feasible
- mix of housing
- share of new housing close to centres
- measures of water and air quality
- number of open spaces and recreational trails in the metropolitan area.

7. South West Sub-Region

For its own purposes, the Plan divides the Sydney metropolitan area into six sub-regions.

The Campbelltown Local Government Area falls within the South-West Sub-region together with Liverpool, Camden Wollondilly and the Fairfield Council areas. The make-up of the sub-regions do not reflect those dealt with as part of the NSW Government's "Fit for the Future" model.

A range of sub-region specific acknowledgements, policies, directions and actions relevant to Campbelltown and the Macarthur area are set out in the Strategy. These are presented below.

- acknowledged as the fastest growing sub-region in Sydney
- Badgerys Creek Airport, Liverpool, Campbelltown/Macarthur and Leppington will contribute significantly to the growth of the Sub-Regional economy
- Sub-region to benefit from improved access including potential extension of the SW Rail link
- Sub-Regional planning will need to consider -

A competitive economy

- a long term enterprise corridor along Bringelly Road between Leppington and Bringelly, linked to an extension to the SW Rail Link
- protection of metropolitan level infrastructure including freight corridors, intermodal terminals, drinking water catchment and facilities, the upper canal
- further develop the sub-regions productive agricultural land and mineral resources
- recognise and strengthen the sub-regions role in manufacturing, construction and wholesale/logistics industries by maximising existing employment lands
- investigate pinch point connections between north-south and east-west road links
- Identify and protect strategically important industrial land.

Accelerate housing supply, choice and affordability and build great places to live

- identify suitable locations for housing, employment and urban renewal – particularly around **established and new centres and along key public transport corridors** including the Cumberland line, **the South line**, the Bankstown line, the SW Rail Link and the Liverpool-Parramatta T-Way
- continue the delivery of the SW Growth Centre
- capitalise on the sub-regions vibrant cultural diversity and global connections
- Implement the Western Sydney Parklands Plan of Management.

Protect the natural environment and promote its sustainability and resilience

- provide environmental, recreation and tourism opportunities in the Nattai National park, Dharawal National park as well as the Georges River and Western Sydney Parklands
- work with Councils to protect and maintain the social, economic and environmental values of the Hawkesbury Nepean River and Georges River and their aquatic habitats
- work with the councils to implement the Greater Sydney Local Land Services State Strategic Plan to guide natural resource management.

Priorities for strategic centres

Campbelltown/Macarthur

- work with council to retain a commercial core in Campbelltown/Macarthur, as required for long term employment growth
 - work with council to provide capacity for additional mixed use development in Campbelltown/Macarthur including offices, retail services and housing
-

- support health related land uses and infrastructure around Campbelltown Hospital
- support education related land uses and infrastructure around the University of Western Sydney
- work with council to investigate potential business spark opportunities on the western side of the railway line
- work with council to improve walking and cycling connections to Campbelltown and Macarthur train stations from the western side of the railway line
- work with council to improve walking and cycling connections between Campbelltown Hospital and Queen Street.

The Strategy's South West Sub-Region Map articulates a number of the above initiatives, although a number of additional matters are raised including the following items:

- the Scenic Hills have been marked as "Parks and Reserves"
- the Macarthur South Investigation Area shows the inclusion of a significantly large area of Campbelltown including Menangle Park Mt. Gilead and Campbelltown South
- the Macarthur Intermodal Shipping Terminal and the Proposed Moorebank Intermodal are both shown on the sub-region map
- the proposed SW Rail Link Extension Route (Investigation) is shown on the Map terminating at Narellan, although it is noted that an "arrow" pointing towards Campbelltown/Macarthur Centre at Narellan is also shown.

Part B. Review of the Plan

"A Plan for Growing Sydney" has been reviewed with a focus on potential opportunities and challenges that will present themselves to Council as the Plan is implemented, and new governance arrangements are put into place that are likely to affect Council's statutory planning responsibilities.

As stated at the beginning of this report, Council is currently embarking on a more comprehensive phase of strategic planning with a range of implications for:

- the longer term functionality and sustainability of the Council organisation
- planning for and delivering infrastructure to service existing and future communities
- strengthening economic and community capacity to better sustain high quality lifestyles for the City's residents.

Central to this strategic planning will be the enhancement of collaborations between Council and regional partners and with Government.

A Plan for Growing Sydney offers Council a 'remarkable' and better informed planning, administrative and policy context within which, its strategic planning can take place.

No longer can it be suggested that metropolitan planning has ignored the South West or the City of Campbelltown in particular.

A range of key planning outcomes, clearly expressed as Government Policy, will hopefully have the effect of equipping Council with greater certainty and leverage in its dealings with Government, and in particular when it comes to policy and funding support to help Council deliver the priorities in the Plan in the best interest of the community.

Below is a summary of major outcomes arising for the Plan which are important for Council to aware of in undertaking its future strategic planning:

The Metropolitan Strategy:

- Recognises the significance of the urban growth potential that exists within the Macarthur and Campbelltown to accommodate a major proportion of Sydney's predicted population growth for the next 20 or so years
 - Supports the existing and future primacy of the Campbelltown/Macarthur Regional City Centre as the "Capital of Macarthur" recognising the natural and developing drivers for growth and investment
 - Recognises Campbelltown/Macarthur as one of only three Regional City Centres outside of the Sydney and Parramatta CBDs
 - Strategically positions and helps secure Campbelltown's social and economic future by positively dealing with:
 - the potential opportunities for urban redevelopment at higher densities and for employment creation in at urban centres along the Glenfield – Campbelltown/Macarthur rail corridor
 - a commitment by the Government to assist in the realisation of that urban growth and economic/employment development potential by supporting critical infrastructure provision at those centres including the upgrade of Campbelltown Hospital, the enhancement of accessibility and the creation of liveable neighbourhoods offering quality lifestyle opportunities
 - the potential, in the longer term for a sustainable third Metropolitan Growth Centre at Macarthur South
 - the significance of manufacturing in the Macarthur and the need to support this priority economic sector.
 - Has strengthened Council's administrative positioning in the Macarthur Region
 - Has set a context in which the NSW Department of Planning has invited Council to partner with it on two major strategic planning investigations:
 - Macarthur Urban Investigation Area
 - Glenfield-Campbelltown/Macarthur Corridor Strategy.
 - Added to the Council's organisational capability to sustain itself as a stand-alone council under "Fit for the Future" – strength and capacity has been reinforced by the extent of population growth earmarked for the City; the challenge to plan and manage the Campbelltown/Macarthur Regional City Centre; the additional opportunity to again "partner" with the Department; and reflects on the Council's strong advocacy skills and strategic planning capacity
 - Provides some evidence of a policy commitment to assist Council with traffic, parking and other key infrastructure challenges in and around the Campbelltown/Macarthur Regional City Centre
 - Presents Council with an opportunity to reconsider some of its key strategic development policies as they affect the Draft Comprehensive LEP e.g. CBD Planning Controls – the availability of strategic economic viability modelling capability, infrastructure capacity modelling and the like (particularly relevant to Campbelltown/Macarthur CBD)
-

- Provides renewed opportunity to investigate the business park potential available to Council on the western side of the rail line at Campbelltown
- Will generate higher expectations of Council in dealing with strategic issues and assisting the Government with the delivery of housing, economic and employment development outcomes identified by the Plan, which in turn is likely to have implications for resourcing, technology, project priorities and the like
- Is likely to create an ongoing series of further opportunities for Council to work in partnership with both the NSW and possibly the Federal Governments on strategic items such as the Campbelltown Sports Stadium Precinct; the Campbelltown Arts Centre; the SW Rail Link extension to Campbelltown/Macarthur from Narellan; a potential business park on Council owned land at Campbelltown; Planning for the Scenic Hills Parkland/Reserve proposal; further expansion of Campus facilities at TAFE and UWS that are potentially linked to health and allied health related research and development enterprises.

There is a question however over the rollout of new governance arrangements as far as Council's statutory planning function is concerned and specifically as they might affect:

- The preparation of Council's LEP
- Council's input into sub-regional planning
- Consideration and determination of planning proposals.

More detail is required to be able to more fully inform Council of arrangements concerning in particular:

- The Greater Sydney Commission - its makeup, its funding authority and its statutory powers
- Council's input into sub-regional planning
- The role of NSW Planning and Environment.

Finally, the response by Council to the implementation of the Plan - what resources, processes, policies and programs, needs further investigation and consideration, and will be the subject of a future briefing to Councillors.

Conclusion

"A Plan for Growing Sydney" delivers significant and positive recognition by the NSW Government of the strengths and opportunities for growth and development balanced with environmental outcomes that the Campbelltown local government area presents.

The declaration of the Campbelltown/Macarthur CBD as a Regional City Centre complemented by proposed policies and actions that will bolster its regional focus as an economic, service and employment hub drawing on public investment in key infrastructure, will help to sustain Campbelltown's future.

The capacity for measured and sustainable growth reflected in the opportunities available for urban renewal and revitalisation of the centres along the southern railway line from Glenfield to Campbelltown/Macarthur can potentially yield vibrant places of community and economic activity. Council needs to work collaboratively and closely with its State agency partners in the Glenfield-Campbelltown/Macarthur Corridor Strategy project to ensure appropriate attention is given to infrastructure capacities and urban/built form outcomes that deliver high quality lifestyle opportunities for existing and future communities, and which enhance the image of the City.

The significance of a potential new green-field urban growth area located south and south west of the Campbelltown/Macarthur Regional City Centre will drive the longer term future consolidation of the CBD. Council must take a pro-active and supportive role in the urban investigation process to ensure that planning outcomes deliver housing, economic, social and environmental outcomes that are sustainable and add value to the whole of the City of Campbelltown.

These initiatives as well as a range of others put forward in the new metropolitan planning strategy are worthy of Council's support and need to be responded to positively and pro-actively if Council is to enhance its prospects of leveraging further Government confidence and investment within the City of Campbelltown.

It is that investment in infrastructure such as health and education facilities as well roads, transport and traffic management facilities that will assist Council to enhance Campbelltown's connectivity and its acknowledgement by the wider community as a "destination" and thereby helping to secure its capacity to become self – sustaining.

"A Plan for Growing Sydney" has emerged as perhaps a key platform from which much of Council's future strategic organisational planning will stem, it will drive growth and change that Council will be responsible for managing.

The implications of the Plan for Council's positioning as part of "Fit for the Future" is significant as will be the need for Council to place increased emphasis on its own strategic planning and management that responds confidently to the opportunities and challenges presented in the new metropolitan strategy.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Rowell/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 17 February 2015 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 10

That the Officer's Recommendation be adopted.

3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics November and December 2014

Reporting Officer

Acting Manager Development Services

Attachments

Development Services application statistics for November and December 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 November and December 2014 as they affect the Development Services section.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 17 February 2015 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 10

That the Officer's Recommendation be adopted.

3.2 Modification To The Hours Of Operation For After Hours Deliveries For Blair Athol Aldi
- No. 171 The Kraal Drive Blair Athol

3.2 Modification to the hours of operation for after hours deliveries for Blair Athol Aldi - No. 171 The Kraal Drive Blair Athol

Reporting Officer

Acting Manager Development Services

Attachments

1. Recommended Conditions of Consent (contained within this report)
2. Sensitive Receiver Locations (contained within this report)

Purpose

The purpose of this report is to assist Council in its determination of the subject modification application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

| | |
|-----------------------------|--|
| Property Description | Lot 356 DP 870579 171 The Kraal Drive, BLAIR ATHOL |
| Application No | 2222/1999/DA-C/A |
| Applicant | Milestone Australia Pty Ltd |
| Owner | Aldi Foods Pty Ltd |
| Provisions | Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan Campbelltown 2025 – Looking Forward |
| Date Received | 25 June 2014 |

History

On 12 January 2000, Development Application F2222/1999 was approved on the subject site for the construction of an Aldi supermarket and associated car park.

On 31 January 2001, Development Application F2222/1999 was modified to include the addition of a garbage enclosure, minor building alterations and an external refrigeration unit. The modification included the conditions (No. 75 and No. 76) which relate to noise level restrictions and the submission of a noise validation report to Council.

3.2 Modification To The Hours Of Operation For After Hours Deliveries For Blair Athol Aldi - No. 171 The Kraal Drive Blair Athol

In the past Council has received several noise complaints arising from delivery trucks entering the site between 10pm and 6am to unload. A Noise Assessment Report, prepared by Wilkinson Murray Pty Limited, dated January 2003, was submitted which assessed the plant noise, car park noise and delivery noise. The report concluded that at night time, particularly between 12 midnight and 6.00am, noise causing sleep arousal could be expected. A supplementary report was submitted to Council which proposed restricting delivery times to the site to:

- Monday to Saturday 6.00am – 10.00pm
- Sunday 7.00am – 10.00pm

This was subsequently approved by Council and the supermarket has been operating on this basis.

Report

Introduction

Council is in receipt of a modification application to modify development consent for the construction of a supermarket and associated car park at 171 The Kraal Drive, Blair Athol. The modification seeks approval to allow for 24 hour, 7 day truck deliveries, with up to one (1) delivery to occur daily between 10.00pm and 6.00am Monday to Saturday and one (1) between 10.00pm Saturday and 7.00am Sunday.

The land is zoned 3(c) – Neighbourhood Business Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. An assessment of the proposed development against CLEP 2002 is contained later within this report.

The Site

The subject property, legally described as Lot 356 DP 870579, has a site area of approximately 7536m². The site is located on the corner of Blaxland Road and The Kraal Drive, Blair Athol, and is rectangular in shape. The site has a frontage to Blaxland Road (96 metres) and The Kraal Drive (73 metres). The north-eastern boundary adjoins residential properties (approximately 87m).

The site is occupied by an ALDI store which includes 119 car parking spaces (including 4 car parking spaces for disabled access), landscaped planter areas, business identification signage and loading dock. The car park egress/ingress is accessed via The Kraal Drive.

The current truck deliveries to the site occur between the following times:

- Monday to Saturday 6.00am – 10.00pm
- Sunday 7.00am – 10.00pm

Deliveries occur daily, with a maximum of two articulated vehicle deliveries and two rigid truck deliveries. An additional articulated delivery to the store is occasionally required but is infrequent.

A maximum of one delivery vehicle attends the site at one time.

3.2 Modification To The Hours Of Operation For After Hours Deliveries For Blair Athol Aldi - No. 171 The Kraal Drive Blair Athol

The Proposal

That development application seeks to modify 2222/1999/DA-C/A to allow up to one (1) delivery between 10pm and 6am Monday to Saturday and up to one (1) delivery between 10pm on Saturday and 7am on Sunday (including public holidays).

The applicant has submitted that the revised delivery hours are an essential operational requirement to provide greater flexibility for continued efficient store trading. It is also submitted that the proposed delivery hours would provide greater flexibility to satisfy operational requirements and allow delivery trucks to operate more efficiently by avoiding high traffic volumes which occur during peak hours on the route from ALDI's warehouse located at Prestons.

The proposal does not include any physical works or changes to the operating hours of the store.

Assessment

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

1. Vision – Campbelltown 2025 – Looking Forward

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

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

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

The strategic direction relevant to this application are:

- Creating education, employment and entrepreneurial opportunities

Relevant desired outcomes of the strategic directions include:

- Urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable;
- Development and land use that matches environmental capacity and capability.

The proposed development is generally consistent with the strategic directions of Campbelltown 2025 – *Looking Forward* and is generally in support of its desired outcomes. As such, it is recommended that the application be approved subject to assessment under the heads of section 79C of the Environmental Planning and Assessment Act 1979.

3.2 Modification To The Hours Of Operation For After Hours Deliveries For Blair Athol Aldi - No. 171 The Kraal Drive Blair Athol

2. Planning Provisions

The development proposal has been submitted pursuant to Sections 96(2) and (3) of the Environmental Planning and Assessment Act 1979.

Section 96(2)(a) requires that Council be satisfied that the modification is substantially the same development as that previously approved. In this regard Council is satisfied that the modification is consistent with the approval issued under development consent 2222/1999/DA-C as the proposal does not alter the approved use of the site or propose any physical changes to the site.

Section 96(3) requires Council to consider the heads of consideration under section 79C(1) of the Environmental Planning and Assessment Act 1979. In this regard those matters considered relevant have been discussed below in detail.

2.1 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 3(c) – Neighbourhood Business Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development continues to use the site as a 'shop' and the proposed works are permissible with Council's development consent within the zone.

Except as otherwise provided by CLEP 2002, consent must not be granted for development on land within the 3(c) – Neighbourhood Business zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of the zone. The proposal is considered to be consistent with the following applicable objective of the 3(c) zone:

- a) to provide conveniently located land for a range of shops, commercial premises and professional services that are of a domestic scale, compatible with residential development, and which serve the needs of the local community.

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

A detailed discussion of the proposal's compatibility with the adjoining and nearby residential amenity is discussed below in the Planning Assessment section of this report.

Overall, the modification application encourages the continuation of commercial employment and maintains the approved use of the site as a 'shop' serving the needs of the local community and as such is considered to be consistent with the above objective of CLEP 2002.

2.2 Campbelltown (Sustainable City) Development Control Plan

Council's (Sustainable City) Development Control Plan 2012 (DCP 2012) applies to the subject land. Relevant parts of the DCP 2012 are discussed below:

3.2 Modification To The Hours Of Operation For After Hours Deliveries For Blair Athol Aldi - No. 171 The Kraal Drive Blair Athol

6.7 Residential Interface

The objectives of Part 6.7 Residential Interface are as follows:

- To ensure that commercial development does not have adverse impacts of the amenity of adjoining and nearby residential zones.
- To ensure that commercial buildings are appropriately setback from nearby residential zones.
- To ensure that heavy vehicles associated with commercial development do not adversely impact upon the residential amenity.

Part 6.7 e) states that an acoustic report may be required to be prepared as part of a development application where the proposed development is adjacent to residential uses. An acoustic report which assessed the potential noise impact from the proposed extended truck delivery times was submitted with the application and is discussed in detail in the Planning Assessment section of this report.

Overall, it is considered that the extended truck delivery times would not adversely impact the acoustic amenity of the adjoining and nearby residential properties, subject to noise control measures recommended within the acoustic report submitted with the application being included as conditions of development consent.

3. Planning and Environmental Impacts

Section 79C(1)(b) of the Act requires Council to consider the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

3.1 Acoustic Report

An acoustic report submitted with the application was undertaken by Wilkinson Murray (WM) dated June 2014. The report assessed the impact of truck deliveries occurring at any time during the night time period (24-hours, 7 days), with a maximum of only one truck delivery occurring per night.

The subject site is located in a predominantly residential area. Attachment 2 shows the residential properties that were used as sensitive receiver locations for the acoustic reports modelling

The report establishes that the night time goal sleep disturbance screening goal of $L_{A1,1min} = 53dBA$.

The report provides readings of short-term or transient noise events associated with truck deliveries which are likely to include bangs or crashes associated with the truck movements and associated unloading process. From the noise readings, the sleep disturbance screening goal is predicted to be exceeded at all residences which were used as received locations (Attachment 2).

3.2 Modification To The Hours Of Operation For After Hours Deliveries For Blair Athol Aldi - No. 171 The Kraal Drive Blair Athol

Given that an exceedance of the screening goal has been predicted, the EPA Guidelines trigger a more thorough examination of the expected noise using the Environmental Criteria for Road Traffic Noise guidelines. These Guidelines provide that an external noise event may be up to 65dBA before it is likely to cause sleep disturbance. Furthermore, two noise events in a night with an external noise level of up to 80dBA are unlikely to affect health and wellbeing significantly.

The WM report recommended that in order to avoid undue sleep disturbance likely to affect the health and wellbeing significantly the following recommendation should be applied:

- No reversing alarms to be used on-site, only rear view cameras;
- The truck refrigeration units are to be switched off before the truck enters the site;
- Ongoing training for drivers and store (dock) personnel to minimise noise generation

The WM report concluded that the acoustic assessment and analysis has determined that 24-hour delivery times will not adversely impact the acoustic amenity of the surrounding residences.

However, due to the sensitive nature of the proposal in terms of its potential sleep disturbance impact on residential amenity and in acknowledgement of the history of noise complaints, Council engaged an acoustic consultant to peer-review the acoustic report prepared by WM.

The peer review acknowledged that the night time acoustic environment in the vicinity of the ALDI store is known to involve very low background sound levels, making residents particularly vulnerable to potential noise impacts arising from the proposed introduction of night time truck deliveries to the store. The peer review also found that the WM report was technically sound, and that its recommendations and conclusions were considered generally reasonable in the circumstance.

The peer review also emphasised the importance of ensuring that the noise minimisation practices are consistently applied by drivers and loading dock staff to minimise such disturbance to residents. In this regard, the peer review required that a specific Environmental Management Plan for night time delivery operations at the ALDI Blair Athol store be prepared, including the provision for:

- Operating procedures for night time delivery operations, including requirements regarding the non-use of reversing alarms and refrigeration units;
- Training procedures for drivers and loading dock staff, including sub-contract staff;
- Appropriate provision for complaints management and effective complaints;
- General procedures for noise minimisation during night time delivery and unloading operations; and
- Specific noise performance criteria.

The peer review further states that, if approval is to be recommended, the proposed extension of truck deliveries would need to be linked to assurances regarding appropriate noise minimisation operating practises and a condition and the achievement of specific acoustic performance demonstrated by three (3) months of acoustic monitoring. Condition No. 79 has been recommended which states the noise minimisation controls detailed in the WM report must be implemented on the subject site.

3.2 Modification To The Hours Of Operation For After Hours Deliveries For Blair Athol Aldi - No. 171 The Kraal Drive Blair Athol

A range of other acoustic conditions as well as conditions controlling truck deliveries have been included as recommended conditions of development consent. It is expected that if these conditions are adhered to at all times then no significant impact upon health and wellbeing of nearby residents is likely to occur.

4. Public Participation

Section 79C(1)(d) of the EP&A Act requires Council to consider submissions made with regard to the proposal.

In accordance with Council's Public Notification Policy, the application was notified to adjoining and nearby properties from 9 July 2014 to 23 July 2014.

Council did not receive any submissions as a result of the notification.

5. Conclusion

A development application has been lodged to modify development consent for the construction of a supermarket and associated car park at 171 The Kraal Drive, Blair Athol. The modification seeks approval to allow for 24 hours truck deliveries, with one (1) delivery to occur between 10.00pm and 6.00am Monday to Saturday and one (1) delivery between 10.00pm Saturday and 7.00am Sunday.

An acoustic assessment has been submitted with the application and concludes that the extended delivery times would not adversely impact the acoustic amenity of the surrounding neighbourhood.

The acoustic assessment was peer-reviewed and found that the acoustic report submitted with the application report was technically sound and that its findings and conclusions were considered generally reasonable subject to appropriate conditions of consent being applied in relation to the control of noise and deliveries.

With due reference to the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and the issues raised throughout the report, it is considered that the proposed development can be approved subject to the recommended conditions contained in Attachment 1.

Officer's Recommendation

That development application 2222/1999/DA-C/A for the modification of the hours of operation to allow one (1) delivery between 10pm and 6am Monday to Saturday and one (1) delivery between 10pm on Saturday and 7am on Sunday (including public holidays), be approved subject to the conditions detailed in Attachment 1 of the report.

3.2 Modification To The Hours Of Operation For After Hours Deliveries For Blair Athol Aldi
- No. 171 The Kraal Drive Blair Athol

Committee Note: Ms Bella-Efpofito addressed the Committee on behalf of the applicant.

Committee's Recommendation: (Oates/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: Nil.

Council Meeting 17 February 2015 (Oates/Kolkman)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 11

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Chanthivong, Greiss, Lake, Lound, Matheson, Mead, Oates, Rowell and Thompson.

Voting against the Council Resolution were Councillors: Brticevic, Dobson, Glynn and Kolkman.

3.3 Proposed Demolition Of An Existing Single Storey Commercial Building And The Construction Of A Five-Storey Commercial Building, Comprising A Retail Tenancy - No. 1 Cordeaux Street, Campbelltown

3.3 Proposed demolition of an existing single storey commercial building and the construction of a five-storey commercial building, comprising a retail tenancy - No. 1 Cordeaux Street, Campbelltown

Reporting Officer

Acting Manager Development Services

Attachments

1. Recommended Conditions of Consent (contained within this report)
2. Locality Plan (contained within this report)
3. Site Plan/Ground Floor Plan (contained within this report)
4. Mezzanine Floor Plan (contained within this report)
5. Typical Floor Plan (contained within this report)
6. Elevations (contained within this report)

Purpose

To assist Council in its determination of the subject Development Application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The application is also reported to Council as it seeks a significant variation to Council's car parking standards for commercial development under the Campbelltown Sustainable City Development Control Plan.

| | |
|-----------------------------|---|
| Property Description | Lot 1 DP 628344 1 Cordeaux Street, CAMPBELLTOWN |
| Application No | 2482/2013/DA-C |
| Applicant | A & N Skagias |
| Owner | Mr Christiaan Van Vuuren and Mrs Anne Cecile Van Vuuren |
| Statutory Provisions | Campbelltown (Urban Area) Local Environmental Plan 2002 |
| Other Provisions | Campbelltown (Sustainable City) Development Control Plan 2012 Contributions Plan for Public Car Parking Facilities in Campbelltown and Ingleburn Business Centres Campbelltown 2025 Looking Forward |
| Date Received | 13 November 2013 |

3.3 Proposed Demolition Of An Existing Single Storey Commercial Building And The Construction Of A Five-Storey Commercial Building, Comprising A Retail Tenancy - No. 1 Cordeaux Street, Campbelltown

History

In 1986, Council approved D86/389, which proposed additions to the existing single-storey commercial building on the site. The car parking demand of the enlarged building was assessed at the time as being seven car parking spaces, and seven car parking spaces were provided on the site.

Report

This application proposes the demolition of an existing single storey commercial building and the construction of a five-storey commercial building, comprising a retail tenancy on the ground floor of the building, and four upper levels of office space. The application proposes to construct 25 car parking spaces, 24 of which would be provided in the form of a three-level car-stacking device, and one of which would be a standalone accessible car parking space.

The subject site has an area of 588m² and a frontage of 16.06 metres. It contains a single storey commercial building with car parking at the rear of the site. It is adjoined to the north, west and south by commercial buildings, and to the east across Cordeaux Street by Mawson Park.

1. Vision

Campbelltown 2025 - Looking Forward

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

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

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

The strategic directions relevant to this application are:

- Growing the Regional City
- Creating employment and entrepreneurial opportunities.

The proposed development has been considered in accordance with these strategies and is considered generally consistent with these directions.

3.3 Proposed Demolition Of An Existing Single Storey Commercial Building And The Construction Of A Five-Storey Commercial Building, Comprising A Retail Tenancy - No. 1 Cordeaux Street, Campbelltown

Some of the relevant desired outcomes in Campbelltown 2025 Looking Forward include:

- Urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable
- Development and land use that matches environmental capacity and capability.

The proposal is considered to be generally consistent with the relevant desired outcomes within Campbelltown 2025 as the proposed development and land use matches the environmental capacity of the site. Accordingly, it is considered that the development would not have an adverse impact on the surrounding locality and is located on a site that is suitable for the proposed development.

2. Planning Provisions

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

1. Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 10(a) - Regional Comprehensive Centre Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development is defined as a commercial premises and shop, and both of these land uses are permissible with Council's development consent within the zone.

The proposal is consistent with several zone objectives, particularly:

- (a) to provide land for the City of Campbelltown and the Macarthur region's largest centre of commerce, and
- (b) to encourage employment and economic growth

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

2. Campbelltown (Sustainable City) Development Control Plan 2012

Part 2 - Requirements Applying to All Types of Development

The general provisions of Part 2 of the Plan apply to all types of development. Compliance with the relevant provisions of Part 2 of the Plan is discussed as follows:

Views and Vistas – The proposed development would not obscure any important views or vistas, and would improve views of the Campbelltown Regional City Centre.

Sustainable building design – A 5,000 litre rainwater tank is required to be provided, based on the roof area of the proposed development. The plans indicate that a 5,000 litre rainwater tank will be provided within the basement.

3.3 Proposed Demolition Of An Existing Single Storey Commercial Building And The Construction Of A Five-Storey Commercial Building, Comprising A Retail Tenancy - No. 1 Cordeaux Street, Campbelltown

Landscaping – There would be no opportunity for landscaping to be provided, as the proposed development would be built to all of the site's boundaries.

Stormwater – The application was referred to Council's Development Engineer for assessment, and was found to be satisfactory.

Security – The proposed development is generally satisfactory from a security perspective. However, in order to ensure safe access to the building for users of the car parking area, a recommended condition of consent requires the provision of direct pedestrian access from the access/egress corridor into the office foyer area. This will ensure that users of the car park do not have to leave the building and re-enter it in order to access the proposed office space.

Part 5 – Commercial Development

The application has been assessed against the relevant parts of Part 5 of Campbelltown Sustainable City DCP 2012 (SCDCP).

| Standard | Required | Proposed | Compliance |
|------------------------------------|--|---|----------------|
| Building Height | Maximum 10 Storeys | 5 Storeys | Yes |
| Building Form and Character | All Building facades, including rear and side elevations visible from a public place or adjacent to residential areas, shall be architecturally treated to enhance the quality of the streetscape | All proposed building facades have satisfactory architectural treatment and enhance the quality of the streetscape | Yes |
| | Large Buildings shall incorporate the following elements to assist in achieving a high quality architectural outcome: | | |
| | <ul style="list-style-type: none"> the provision of vertical and/or horizontal offsets in the wall surfaces at regular intervals including columns, projections, and recesses; variation to the height of the building so that the building appears to be divided into distinct massing elements; | Vertical and/or horizontal offsets in the wall surfaces at regular intervals provided No variation in height, however distinct massing elements derive from different color scheme/materials | Yes Yes |
| | <ul style="list-style-type: none"> articulation of the different parts of a building's façade by use of colour, arrangement of façade elements, or by varying the types of materials used; and | Satisfactory differentiation in colours, façade elements and types of materials Good interaction with public at domain at | Yes |

3.3 Proposed Demolition Of An Existing Single Storey Commercial Building And The Construction Of A Five-Storey Commercial Building, Comprising A Retail Tenancy - No. 1 Cordeaux Street, Campbelltown

| | | | |
|--|--|--|-----|
| | <ul style="list-style-type: none"> maximising the interior and exterior interactions at the ground level. | street level | |
| | The main entry to the building shall be easily identifiable from the street and directly accessible through the front of the building. | All proposed building entries are easily identifiable and directly accessible | Yes |
| | Large expansive blank walls on ground floor levels or side and rear boundaries shall not be permitted unless abutting a building on an adjoining allotment. | No blank walls for front and rear facades proposed. Blank walls on side boundaries, however these adjoin buildings on adjoining allotments | Yes |
| | Roof mounted plant rooms, air conditioning units and other services and equipment shall be effectively screened from view using integrated roof structures and architectural elements. | Colours and material of roof mounted structures to be to the satisfaction of Council, condition requires details to be provided. | Yes |
| | Solid opaque roller door/shutters over windows and entry doors shall not be permitted on any building that has frontages to a street or a public place. | No roller doors/shutters over windows and entry doors | Yes |
| | Buildings shall not incorporate highly reflective glass | Glass wall on front façade to be "smoked grey" | |
| | Except in the case of an outdoor café, the design of the development shall not provide for outdoor display and/or storage. | No outdoor display or storage proposed | Yes |
| | Commercial development shall be designed to address both primary and secondary street setbacks. | Proposed development addresses primary street frontage, and has satisfactory appearance from rear | Yes |

3.3 Proposed Demolition Of An Existing Single Storey Commercial Building And The Construction Of A Five-Storey Commercial Building, Comprising A Retail Tenancy - No. 1 Cordeaux Street, Campbelltown

| | | | |
|-----------------------|--|---|--|
| Car Parking | <p>Commercial premises (Ground level) – 1 space per 25m² of GFA (3.12 based on 78m² of GFA)</p> <p>Commercial premises (Upper levels) – 1 space per 35m² of GFA (57.42 based on 2,010m²)²</p> <p>Total required = 60.54 (61)</p> <p>Off street parking and loading shall be designed in accordance with Australian Standards 2890.1 and 2</p> <p>No car parking spaces shall be designed in a stacked configuration.</p> <p>No required car parking spaces shall be created as a separate strata or Torrens title allotment</p> | <p>Total provided = 25</p> <p>All parking spaces comply with AS2890.1, 2 and 6 (except the courier space, which is not counted as a space for the purpose of satisfying the numerical parking requirements of the DCP).</p> <p>No car parking spaces would be stacked (i.e. blocked in by another car parking space). However car stackers are proposed, but these will allow all cars to be accessed at any time.</p> <p>No Car parking proposed to be created as a separate allotment</p> | <p>No- This matter is discussed later in this report</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| Access/Loading | <p>Commercial development shall be designed to accommodate all related vehicle movements on site such that:</p> <ul style="list-style-type: none"> all vehicles shall enter and exit the site in a forward direction. the area for maneuvering of delivery and service vehicles is separate from vehicle parking areas, and preferably accessed via a rear service lane; | <p>All vehicles can enter and exit the site in a forward direction</p> <p>No loading area proposed</p> | <p>Yes</p> <p>Yes</p> |

3.3 Proposed Demolition Of An Existing Single Storey Commercial Building And The Construction Of A Five-Storey Commercial Building, Comprising A Retail Tenancy - No. 1 Cordeaux Street, Campbelltown

| | | | |
|--|--|--|--|
| | <ul style="list-style-type: none"> cause minimal interference to the flow of traffic within the surrounding road network; and safe and convenient access is provided for pedestrians. <p>Each new commercial building/unit having a leasable floor area more than 1500 square metres shall provide a loading area to allow for a heavy rigid vehicle to maneuver on site.</p> <p>Each site shall have a:</p> <ul style="list-style-type: none"> Maximum of one ingress and one egress for heavy vehicles (combined or separated);and Each site may have an additional ingress/egress for cars (and other light vehicles). <p>Commercial development shall comply with the minimum access requirements contained within the BCA and <i>Australian Standard 1428 – Design for Access and Mobility</i> (as amended)</p> <p>The required percentage of disabled car parking spaces within retail / commercial development shall be:</p> <ul style="list-style-type: none"> one car space per development; plus one for every 20 car parking spaces | <p>Traffic assessment report concludes minimal impact on road network – 30 additional trips during AM peak. Stackers to present empty car space to drivers – condition of consent.</p> <p>Condition of consent to provide convenient access between car park and lift</p> <p>The proposed development would rely on the existing sign-posted on-street loading area, as the site area gives insufficient area for on-site loading area to be provided economically.</p> <p>One ingress/egress point for cars</p> <p>One ingress/egress point for cars</p> <p>A condition of consent requires compliance with the relevant access requirements.</p> <p>One disable car parking space is proposed, although two are required under the DCP. However the proposal complies with the building code of Australia in terms of disabled parking</p> | <p>Yes</p> <p>Yes</p> <p>No- however proposal considered satisfactory</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No- however proposal considered satisfactory</p> |
|--|--|--|--|

3.3 Proposed Demolition Of An Existing Single Storey Commercial Building And The Construction Of A Five-Storey Commercial Building, Comprising A Retail Tenancy - No. 1 Cordeaux Street, Campbelltown

| | | | |
|------------------------------------|--|--|----------------|
| | | provision, and there are two existing on-street accessible car parking spaces in front of the site. | |
| Public Domain | Awnings shall be provided on all newly constructed buildings that have road frontages, be it primary or secondary located within the Campbelltown, Macarthur, and Ingleburn Business Centres. | Awnings to be provided along Cordeaux Street for width of proposed new building | Yes |
| | Awnings shall: <ul style="list-style-type: none"> • be 2.5 metres wide; | 2.4 metres wide (to match adjacent awning to south of the site) | Yes |
| | <ul style="list-style-type: none"> • be setback from the kerb by a minimum of 1 metre; and • provide a minimum of 3 metres clearance to the underside of the fascia. | Setback greater than 1 metre from the kerb 3 metre clearance provided | Yes Yes |
| Landscaping | A detailed landscape plan and report shall be prepared by a suitably qualified person and submitted with all development applications for commercial development involving the construction of a new building. | There would be no opportunity for landscaping to be provided, as the proposed development would be built to all of the site's boundaries. | Yes |
| Commercial Waste Management | Commercial development shall make provision for an enclosed onsite waste and recycling facility that has adequate storage area to accommodate the waste generated from the development. | The building would generate approximately 1400 litres of waste per day (6 bins). The proposed waste storage area is sufficient to accommodate this level of waste storage. | Yes |
| | All commercial premises shall hold evidence of a contract with a licensed collector for garbage and recycling collection. | Condition requires this to be done. | Yes |

Car Parking

Under the SCDP 2012 and based on the Gross Floor Area (GFA) of the proposed building, the proposed development is required to provide 61 on-site car parking spaces. However, the application proposes only 25 car parking spaces, 24 of which are in the form of a three-level car stacking device, and one standalone accessible car parking space. The proposed development therefore fails to comply with Council's numerical car parking standards for commercial development.

3.3 Proposed Demolition Of An Existing Single Storey Commercial Building And The Construction Of A Five-Storey Commercial Building, Comprising A Retail Tenancy - No. 1 Cordeaux Street, Campbelltown

However, Council's Contributions Plan for Public Car Parking Facilities in Campbelltown and Ingleburn Business Centres allows Council to accept a monetary contribution in lieu of the provision of on-site car parking for development within these centres. In this regard, the developer contribution required to offset the shortfall in physical car parking spaces would be in the order of \$18,000 per parking space. In total, the developer contribution required would be in the order of \$645,000 covering a shortfall of 36 parking spaces.

Having regard to the above, the applicant has requested that Council consider supporting a variation to the applicable car parking rate, so that 25 car parking spaces can be provided on-site without the need to pay the applicable car parking contribution. Whilst it is considered that varying the applicable car parking rate has merit (as discussed in detail below), it is not considered appropriate for the car parking rate to be varied to the extent requested by the applicant.

The following provides a summary of the arguments put forward by the applicant in support of the proposed variation to Council's car parking controls, with a short response to each of the arguments raised:

2.1 The commercial car parking rate (1 space per 35sqm of Gross Floor Area) does not take into account the location of the site.

Council's car parking rate of 1 space per 35sqm of Gross Floor Area (GFA) for commercial development applies equally to all commercial development across the Campbelltown LGA, regardless of the location of the development site or its proximity to public transport. The commercial car parking rate is applied to commercial developments located in areas with high levels of access to various modes of public transport (e.g. Macarthur Square Shopping Centre, Campbelltown CBD), as it is equally applied to commercial developments located in areas that have low levels of access to public transport.

However, and notwithstanding the city wide application of the commercial car parking rate, it is generally accepted that the car parking demand generated by commercial/office uses can be strongly influenced by the site's accessibility and proximity to public transport. With respect to the subject site, it is well located within the Campbelltown CBD being approximately 375 metres from the Campbelltown Bus/Rail Interchange, approximately 300 metres from the major CBD taxi rank and approximately 400 metres walking distance to a major bus stop near the intersection of Queen Street and Dumaresq Street, which services the wider Campbelltown LGA area as well as areas outside of the LGA such as Camden and Wollongong.

Given the site's accessibility and proximity to a range of major public transport modes, it is not unreasonable to expect that a higher proportion of the users of the proposed development (being predominantly office based) compared to that of other less accessible precincts, would choose to access the site via public transport. In this regard, it is expected that the actual car parking demand generated by the proposed development is likely to be well less than the city wide numerical standard rate of one parking space per 35sqm of GFA and as such, it is considered reasonable for the parking rate to be reduced in the circumstances.

3.3 Proposed Demolition Of An Existing Single Storey Commercial Building And The Construction Of A Five-Storey Commercial Building, Comprising A Retail Tenancy - No. 1 Cordeaux Street, Campbelltown

Further to this, although the Council's standard is a blanket numerical standard applied across the whole of the LGA, in comparison, the RMS considers parking rates for commercial uses with differences between regions of NSW and proximity to town centres. It also acknowledges that generally, parking demand determines the supply requirements. In this regard, a restrained parking situation aims to reduce parking demand by lowering the parking supply in locations where there is good access to other transport modes (public transport, cycling and walking). Campbelltown's SCDCP does not consider restrained parking situations nor does it allow a reduction to the numerical parking standard where a development is in proximity to major public transport facilities.

As such it is agreed that the SCDCP does not take into consideration the location of the site.

2.2 Comparable regional city centres within Sydney have lower car parking requirements than the Campbelltown CBD.

A review of the car parking rates applicable to commercial/office space within upper levels of commercial buildings located in other city centres of a comparable size to that of the Campbelltown CBD, has found that Campbelltown's car parking rates are generally higher than those centres. The table below provides a comparison of Campbelltown's commercial car parking rates against that of the applicable CBD parking rates for the city centres listed. In this regard, it is important to note that each of the centres listed within the table below have recently been classified, under the recently adopted Sydney Metropolitan Strategy, with the status of Regional City Centre or above. Although there may be other centres that have similar attributes to the Campbelltown CBD, given the recent release of the Sydney Metropolitan Strategy and the classification of Campbelltown as a Regional City Centre, it is considered more appropriate to compare the parking rates of Campbelltown against that of other regional city centres or above. In this regard the table outlines the commercial car parking rates that would be applicable where the subject development was to be developed within the other centres listed.

| Location | Metro Classification | Commercial Parking Rate |
|---------------|----------------------|--|
| Parramatta | CBD | Maximum of 1 space per 100sqm of GFA |
| Liverpool CBD | Regional City Centre | 1 space per 100sqm & 150sqm of GFA |
| Liverpool LGA | - | 1 space per 35sqm of GFA (LGA wide) |
| Penrith CBD | Regional City Centre | 1 space per 60sqm of GFA (investigating one space per 100sqm of GFA) |
| Penrith LGA | - | 1 space per 45sqm of GFA (LGA wide) |
| Campbelltown | Regional City Centre | 1 space per 35sqm of GFA (LGA wide) |

As can be seen from the table, Campbelltown's current commercial car parking rate for the CBD area is significantly higher than the other city centres. Whilst this alone is not a reason to support the proposed variation, it does show that for comparable regional city centres, there is a general acceptance that lower car parking rates within a major commercial centre that is well serviced by a range of public transport modes, is appropriate. It is also noted that by way of the differential parking rates shown between the CBD area and the rest of the LGA, both Penrith and Liverpool acknowledge that parking demand within a major commercial centre that is in proximity to major public transport facilities is significantly different to the parking demand generated in areas of the LGA that are not a part of the commercial centre and do not enjoy close proximity to major public transport facilities.

3.3 Proposed Demolition Of An Existing Single Storey Commercial Building And The Construction Of A Five-Storey Commercial Building, Comprising A Retail Tenancy - No. 1 Cordeaux Street, Campbelltown

However, of the city centres listed above, Penrith is considered to be most comparable centre to that of Campbelltown given its Regional City Centre status, its outer-suburban location and access to similar public transport modes and transport availability. When considering the listed priorities of the Metropolitan Strategy, and in particular the head priority of working with the Council to retain a commercial core in Campbelltown-Macarthur, as required for long-term employment growth and retail activity, it is considered appropriate to review Council's current policies that broadly apply to the whole of the Campbelltown LGA with a mind to differentiate between the commercial core of Campbelltown and that of the rest of the LGA to ensure that those very policies that have served the Council well in the past, do not hinder or otherwise impede the development of the Campbelltown CBD into an economically viable, commercially attractive and thriving Strategic Centre.

Accordingly, it is considered reasonable in the circumstances of the present case, to allow a reduced car parking rate similar to that of Penrith's commercial car parking rate of 1 parking space per 60sqm of GFA and require that for any shortfall in the required parking spaces beyond the rate of 1 space per 60sqm, the applicant provided a monetary contribution to the Council in accordance with the Campbelltown Contributions Plan for Public Car Parking Facilities.

2.3 The cost of providing a compliant number of car parking spaces would make the proposed development unviable.

Due to the narrow width of the site, the provision of the required 61 car parking spaces would only be achievable with the construction of a three to four level basement car park. Alternatively, where the applicant was to provide a compliant building design based on the maximum allowable GFA generated by 25 parking spaces (ie approximately 790sqm GFA), the proposal could only sustain a building, having a size of in the order of 1.3 levels.

Whilst a comprehensive case has not been made that compliance with the applicable numerical car parking rate would make the proposed development unviable, despite the obvious inefficiencies in undertaking such a project, it is considered highly unlikely that a substantial renewal or redevelopment of the site could be financially sustained and as such, and without any significant change in policy, the building would most likely remain in its current form for many years to come.

Interestingly, with a reduction in the commercial parking rate within the Campbelltown CBD, comes the resulting benefit of the potential for additional commercial floor space. Although this is not the case for the development subject of this report, as an example, where the required parking can be reduced by two spaces (including the aisle), the GFA potentially returned to the site for the purposes of office space could amount to between 40sqm and 45sqm. Equally where four spaces are removed, there could be in the order of 90sqm returned as additional office space. Based on an average 6mx6m four-pack office cubicle layout containing four office workers, the removal of four parking spaces and the adjacent aisle could deliver office space that could house up to 10 additional office workers. This in itself would help with the ongoing viability of the site through the receipt of additional rental income from the additional floor space, but equally important is the additional spending potential that a reduction in the commercial parking rates within the CBD brings with it for Queen Street retailers.

3.3 Proposed Demolition Of An Existing Single Storey Commercial Building And The Construction Of A Five-Storey Commercial Building, Comprising A Retail Tenancy - No. 1 Cordeaux Street, Campbelltown

Finally, and in the circumstances of this application, the parking contributions required to be paid in accordance with Council's Contributions Plan for Public Car Parking Facilities, amount to approximately \$645,000 for a shortfall of 36 spaces. However, where the Council was of a mind to allow a variation to the commercial parking rates for this application to 1 space per 60sqm, the required number of parking spaces would be reduced from 61 spaces, to 37 spaces. Given there will still be an overall shortfall of 12 parking spaces, the revised parking contribution amount payable by the applicant to the Council would reduce to approximately \$216,000.

In this regard, accepting a revised monetary contribution for the construction of public car parking in lieu of the provision of on-site car parking is considered appropriate in the present case.

Discussion

From the above analysis and commentary, the three main points to be made are:

1. The applicable numerical car parking rate under the SCDCP for the Campbelltown CBD overestimates the likely car parking demand for the proposed development and does not give due regard to the influence of the nearby major public transportation facilities.
2. In comparison to the CBD commercial parking rates for Sydney's other Regional City Centres, Campbelltown's car parking rate for commercial development within the Campbelltown CBD is significantly higher.
3. Whichever car parking rate is applied to the proposed development, any shortfall in on-site car parking provision should be provided as a monetary contribution to the Council for the construction of future public car parking.

Having regard to the above, it is recommended that a car parking rate of 1 car space per 60sqm of Gross Floor Area be applied to the office component (upper floors) of the proposed development, consistent with that of the Penrith CBD. This would require the provision of 37 car parking spaces. The provision of any additional car parking spaces beyond the 25 spaces would require the construction of an inefficient basement car parking layout, and it is recommended that Council accept a monetary contribution for 12 car parking spaces in lieu of the on-site provision of the total number of spaces required under Council's SCDCP.

Further to the above, it is recommended that a future report be presented to the Council, which investigates options and identifies practical limits for a core Campbelltown CBD precinct, for the purposes of permanently varying the commercial parking rates within that precinct. This should be undertaken in full consideration of Campbelltown's status as a Regional City Centre and the priorities identified for Strategic Centres documented within the recently released Sydney Metropolitan Strategy.

3.3 Proposed Demolition Of An Existing Single Storey Commercial Building And The Construction Of A Five-Storey Commercial Building, Comprising A Retail Tenancy - No. 1 Cordeaux Street, Campbelltown

3. Planning Assessment

- The proposal does not constitute “Traffic Generating Development” under the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP2007). There is a category of development under ISEPP2007 called “shops and commercial premises”, for which a referral to the RMS is required for premises greater than 4,000sqm. The subject development proposes approximately 2,000sqm of gross floor area, which is less than the referral threshold.
- The application proposes the relocation of on-street accessible car parking spaces and traffic signs, as a result of the proposed relocation of the site’s vehicular access from the southern end of the site to the northern end of the site. These proposed changes will be required to be approved by the Local Traffic Committee, prior to the issue of a Construction Certificate for the development.

4. Public Participation

The application was placed on public exhibition, and was notified to nearby and adjoining landowners. No submissions were received during or after the exhibition/notification period.

5. Conclusion

Having regard to the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act* 1979 and the issues raised above, it is considered that the application can be approved subject to conditions.

The application is fully compliant with the provisions of the Campbelltown (Urban Area) Local Environmental Plan 2002. In addition, with the exception of car parking, the application is generally compliant with the relevant standards of the Campbelltown (Sustainable City) Development Control Plan 2012.

With respect to the issue of the shortfall in car parking, the requested variation to Council’s car parking standard by the applicant is not considered appropriate, however a revised parking rate of 1 parking space per 60sqm GFA is considered reasonable and appropriate due to the location of the development site and its close proximity to the three major modes of public transport being rail, bus and taxi.

Where the Council is of a mind to allow the variation of the commercial parking standard to 1 space per 60sqm, and approve the application, it is also recommended that any approval be given on the basis that the applicant pay to the Council a car parking contribution in accordance with Council’s Contributions Plan for Public Car Parking Facilities in Campbelltown.

In consideration of the relatively small size of the subject site in relation to the area of the Campbelltown CBD, it is considered that in the circumstances of the application, the implications of varying the applicable car parking standard to 1 space per 60sqm would be minimal.

3.3 Proposed Demolition Of An Existing Single Storey Commercial Building And The Construction Of A Five-Storey Commercial Building, Comprising A Retail Tenancy - No. 1 Cordeaux Street, Campbelltown

Notwithstanding any variation the Council may approve, any future proposed variation to Council's commercial car parking standards within the Campbelltown CBD would still need to be considered on the merits of the case. As such, any precedent that might be argued following a favourable determination of this application, would be limited to the Council's decision to allow a variation to the subject standard, and not the extent of the variation sought. As stated before, any future development application requesting a variation to the commercial car parking standards for the Campbelltown CBD would be considered on its merits.

Officer's Recommendation

1. That Council allow a variation to its current commercial parking standard of 1 space per 35sqm of Gross Floor Area to a rate of 1 space per 60sqm of Gross Floor Area for the development application subject of this report.
2. That subject to recommendation No.1, development application 2482/2013/DA-C for the demolition of existing structures and construction of a five storey commercial building with car parking at No. 1 Cordeaux Street Campbelltown be approved, subject to the conditions detailed in Attachment 1 of this report.
3. That a future report be presented to the Council which investigates options and identifies practical limits for a core Campbelltown CBD precinct, for the purposes of permanently varying the commercial parking rates within that precinct.

Committee's Recommendation: (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: Nil.

Council Meeting 17 February 2015 (Thompson/Rowell)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 12

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution: Nil.

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

3.4 Use of existing sheds for raising poultry, use of existing silo, construction of a dam and acoustic screen and landscaping - No. 315 - 317 Bensley Road, Ingleburn

Reporting Officer

Acting Manager Development Services

Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality plan (contained within this report)
3. Site plan (contained within this report)
4. Floor plan (contained within this report)
5. Plan of production area (contained within this report)
6. Elevations (contained within this report)
7. Landscape plans (contained within this report)

Purpose

To assist Council in its determination of the subject Development Application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This development application is required to be reported to Council due to the number of submissions received in response to the public exhibition and notification of the application to residents adjacent to and nearby the subject site.

| | |
|-----------------------------|--|
| Property Description | Lots 5-6 DP 221768 Nos. 315-317 Bensley Road, Ingleburn |
| Application No | 2805/2013/DA-U |
| Applicant | Ron Lewis Planning |
| Owner | Mr Andy Charles Grima and Ms Kirsty Maree Camilleri |
| Statutory Provisions | Existing Use Rights Provisions of the Environmental Planning and Assessment Act 1979 and Regulation 2000 Designated development provisions of the Environmental Planning and Assessment Regulation 2000 Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment Campbelltown (Urban Area) Local Environmental Plan 2002 |
| Other Provisions | Campbelltown (Sustainable City) Development Control Plan 2012 Campbelltown 2025 - <i>Looking Forward</i> |
| Date Received | 3 December 2013 |

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

History

An existing poultry farm is located at the site known as Nos. 315 - 317 Bensley Road Ingleburn, which produces meat chickens. The two properties that the farm occupies (Nos. 315 and 317 Bensley Road) originally commenced their operations separately, however the two properties are now under the same ownership, and the farm operates as a single business.

The farm receives day-old chicks, where they are kept and fed within sheds for 54 days. At the end of this 54-day period, the birds are removed from the farm for off-site processing. The sheds are then cleaned and made ready for the next batch of chicks. In between batches, the sheds are empty for two weeks. The farm accommodates approximately 5½ batches per year.

A review of Council's records shows that poultry farms appear to have been operating with approval at both No. 315 and No. 317 Bensley Road since 1966. Aerial photography from 1972 shows that at this time, No. 315 Bensley Road contained two poultry sheds (each approximately 938m² in size), and No. 317 Bensley Road contained one poultry shed.

In 1973, Council approved a development application for the erection of a second poultry shed at No. 317 Bensley Road. Also in 1973, a development application was approved for No. 315 Bensley Road for the enlargement of the two poultry sheds to twice their size. However, it appears that the development consent was never activated and has since lapsed. Aerial photography from 1977 through to 2010 shows that both Nos. 315 and 317 Bensley Road each contained two poultry sheds.

In 2010 or 2011, the north eastern poultry shed was partially demolished. The current proprietors purchased the site in April 2012. In December 2012, Council received a complaint regarding unauthorised construction at No. 315 Bensley Road Ingleburn. In late 2012 to early 2013, the remainder of the north eastern poultry shed was demolished, and a new poultry shed was constructed. Development consent was not obtained for these works. The shed that has been constructed is 1,224m² in size, which is approximately 286m² larger than the shed that it replaced.

In early 2013, Council instructed the owner of the property to cease all construction works and cease all use of the shed in question. Over the course of 2013, the owner of the property engaged consultants to liaise with Council regarding obtaining approval for the unauthorised works.

The subject application was lodged in December 2013, and included a Dust and Odour Impact Assessment Report. The application initially sought approval to use the entire enlarged shed for the purpose of raising poultry. However, an independent environmental consultant appointed by Council to review the application identified several issues with regard to the applicant's Dust and Odour Impact Assessment Report, such that the applicant was advised that based on the information provided, the proposal to use all of the enlarged shed for raising poultry would not be supported.

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

In November 2014, the applicant formally amended the development application so that the size of the area within the shed proposed to be used for raising poultry would be an area equivalent to the size of the shed that was demolished (938m²). The remainder of the shed would be separated from the poultry-raising area by a physical barrier. As the current application no longer proposes an increase in the area to be used for the raising of poultry above that already approved, it is unlikely that the use of the new shed would result in any additional impact on the local area and no addition dust or odour impacts above that already considered during the assessment of the applications to construct the poultry sheds on the site in the 1960s and 1970s. Accordingly, the applicant's Dust and Odour Impact Assessment Report (and Council's independent review of it) no longer reflects the proposal.

Notwithstanding this, the poultry farm has been the subject of numerous complaints over several years, most of which relate to odour produced by the farm.

In addition to obtaining development consent from Council the poultry farm requires a license from the NSW Food Authority to raise poultry.

Report

This application proposes the use of an existing shed within an existing poultry farm for the raising of poultry. The shed was constructed without development consent, and it replaced an existing approval shed that was smaller in size, and was demolished without development consent. An associated silo has also been constructed without approval, and consent is sought for its use. The application also proposes to upgrade/formalise stormwater drainage for the farm by constructing surface 'V' drains and directing stormwater into a proposed dam.

The subject site is located at the southern corner of the intersection of Bensley and Mercedes Roads, and has an area of 40,600m². It contains two dwellings and four naturally-ventilated poultry sheds behind the dwellings. The site consists of two separate allotments, however these have been in common ownership for several years. The site contains some native vegetation in the eastern part of the site, however it would be unaffected by the proposal. Adjacent to the north-eastern boundary of the site (facing Mercedes Road) is a row of small trees that has been planted by the current owner. The site is adjoined to the east, north and south by rural-residential development on large allotments. A property 160 metres to the north-east of the subject site, No. 309 Bensley Road, has approval to operate a poultry processing plant. The site is adjoined to the south by densely vegetated regional open space land owned by the NSW State Government. Approximately 150 metres to the north-west of the site and beyond is residential dwellings.

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

The shed that has been constructed without approval is located in the north-eastern section of the site (adjacent to Mercedes Road) and has a size of 1,224m². The shed that it replaced had an area of 938m² in size. The size of the area within the shed that is proposed to be used for raising poultry would be an area equivalent to the size of the shed that was demolished (938m²). The remainder of the shed would be separated from the poultry-raising area by a physical barrier. This configuration has been proposed to avoid increasing the size of the poultry-raising area, as this would require the applicant to demonstrate that the expanded farm would not have detrimental impacts upon surrounding properties in terms of odour and dust. The applicant attempted to demonstrate this, however an independent environmental consultant appointed by Council to review the application identified several issues with regard to the applicant's Dust and Odour Impact Assessment Report, such that the applicant was advised that the proposal to use all of the enlarged shed for raising poultry would not be supported.

Prior to the unauthorised demolition of the shed (which the subject shed has replaced), the farm had a capacity of 67,850 birds, at a stocking rate of 16 birds per square metre of shed space. Due to changes in the RSPCA's animal welfare requirements, the farm would have a capacity of 62,500 birds at a stocking rate of 15 birds per square metre of shed space (if the use of the shed is approved under this application). Therefore, although the use of the subject shed would result in an overall increase in shed space at the farm, the number of birds kept at the farm would still be less than that previously kept at the farm prior to the unauthorised demolition and construction works taking place.

Assessment

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

1. Campbelltown 2025 - Looking Forward

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

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

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

The strategic directions relevant to this application are:

- Protecting and enhancing the City's key environmental assets
 - Creating education, employment and entrepreneurial opportunities.
-

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

The application is not inconsistent with the above strategic directions as the proposal would improve the quality of stormwater runoff into the Georges River catchment, and would allow the continuation of employment and entrepreneurial opportunities associated with the poultry farm that has operated on the site for 48 years.

2. Designated development

Under Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*, a poultry farm is designated development (requiring an Environmental Impact Statement) if it:

- (a) accommodates more than 250,000 birds, or
- (b) is located:
 - (i) within 100 metres of a natural waterbody or wetland, or
 - (ii) within a drinking water catchment, or
 - (iii) within 500 metres of another poultry farm, or
 - (iv) within 500 metres of a residential zone or 150 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste.

The farm does not accommodate more than 250,000 birds, is not within 100 metres of a natural waterbody or wetland, is not within a drinking water catchment. However, the farm is within 500 metres of No. 309 Bensley Road, which has approval to operate a poultry processing plant. In addition, the farm is within 500 metres of a residential zone and is within 150 metres of dwellings not associated with the development. Therefore, as the farm is captured by the above criteria, it would ordinarily need to be considered as designated development.

However, the Regulation states that development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development.

In forming its opinion as to whether or not development is designated development, a consent authority is to consider:

- (a) The impact of the existing development having regard to factors including:
 - (i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice
 - (ii) rehabilitation or restoration of any disturbed land
 - (iii) the number and nature of all past changes and their cumulative effects.
-

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

- (b) The likely impact of the proposed alterations or additions having regard to factors including:
- (i) the scale, character or nature of the proposal in relation to the development
 - (ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality
 - (iii) the degree to which the potential environmental impacts can be predicted with adequate certainty
 - (iv) the capacity of the receiving environment to accommodate changes in environmental impacts.
- (c) Any proposals:
- (i) to mitigate the environmental impacts and manage any residual risk
 - (ii) to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.

In early 2013, the applicant made representations to Council outlining, with respect to the above criteria, why the proposal should be treated as local development. In July 2013, Council advised the applicant that Council would treat the proposal as local development and not designated development. This was decided on the basis of a reduction in bird numbers, the expected improved environmental performance of the new shed and stormwater dam leading to an anticipated reduction or no net increase in environmental impacts locally.

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

GMREP 2 – Georges River Catchment contains the following specific requirements for poultry farms:

- The REP states that poultry farms are prohibited on land that is within 40 metres of the Georges River and its tributaries or within a floodway. The subject site is not located within 40 metres of the Georges River and its tributaries or within a floodway, and is therefore not prohibited by the REP.
 - Under the REP, applications relating to poultry farms are required to be advertised. The application was publicly exhibited, and submissions received in response are discussed later in this report.
 - The REP outlines the following specific matters for consideration in relation to poultry farms:
 - Whether farm management including the use of appropriate best management practices is proposed so as to mitigate the impact of the development on the water quality of the Georges River or its tributaries
 - Whether adequate provision has been made in relation to soil erosion control
-

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

- The likely additional impact of the development on the Georges River during a flood event where development is proposed on flood prone land
- Whether adequate provision has been made for a vegetated buffer area adjacent to watercourses
- Whether adequate provision has been made to protect groundwater and the Georges River and its tributaries from nutrient enrichment.

At present the site contains no formal stormwater drainage infrastructure. The application proposes to improve the drainage of stormwater from the poultry sheds by constructing surface 'V' drains adjacent to the sheds, and directing stormwater into a proposed dam. Dust and sediment that escapes from the naturally ventilated poultry sheds would settle on the ground outside the sheds, and would be collected by stormwater and flow into the dam. This is an improvement on the current situation, where dust and sediment that leaves the sheds may end up within the river system. Macrophytes would be planted within the dam to treat sediment. The application was referred to Council's Development Engineer, who advised that the proposed stormwater drainage configuration is satisfactory, and provided recommended conditions of consent.

4. Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 7(d4) - Environmental Protection 2 hectare minimum and 5(b) - Special Uses Arterial Roads Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The part of the site that contains the poultry sheds is zoned 7(d4). The proposed development is defined as "intensive livestock keeping" and is prohibited within the 7(d4) zone. Therefore, the proposal relies on existing use rights for its permissibility, as the land use was in operation prior to the adoption of the Campbelltown (Urban Area) Local Environmental Plan 2002, which had the effect of prohibiting intensive livestock keeping within the 7(d4) zone. The relevant existing use rights legislation is discussed below.

Existing use rights - *EP&A Act 1979*

Definition of "existing use"

Existing use means:

- (a) The use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4 of this Part, have the effect of prohibiting that use.
 - (b) The use of a building, work or land:
 - (i) For which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use
 - (ii) That has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.
-

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

Comment: Intensive livestock keeping is prohibited within the 7(d4) zone under the Campbelltown (Urban Area) LEP 2002. The existing poultry farm was commenced lawfully, as development consents have been issued for erection of poultry sheds at the property. There is no information to suggest that use of the subject land as a poultry farm ceased for more than 12 months since the development consent was granted, and therefore the subject poultry farm is considered to be an existing use for the purposes of the definition.

Continuance of and limitations on existing use

- (1) Except where expressly provided in this Act, nothing in this Act or an environmental planning instrument prevents the continuance of an existing use.
- (2) Nothing in subsection (1) authorises:
 - (a) any alteration or extension to or rebuilding of a building or work, or
 - (b) any increase in the area of the use made of a building, work or land from the area actually physically and lawfully used immediately before the coming into operation of the instrument therein mentioned, or
 - (c) without affecting paragraph (a) or (b), any enlargement or expansion or intensification of an existing use, or
 - (d) the continuance of the use therein mentioned in breach of any consent in force under this Act in relation to that use or any condition imposed or applicable to that consent or in breach of any condition referred to in section 80A (1) (b), or
 - (e) the continuance of the use therein mentioned where that use is abandoned.
- (3) Without limiting the generality of subsection (2) (e), a use is to be presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months.

Comment: There is no evidence that the operation of a poultry farm on the subject site has discontinued for a period of more than 12 months since the adoption of Environmental Planning Instruments having the effect of prohibiting intensive livestock keeping on the site. In this instance it can be reasonably expected that the existing use has not been abandoned.

Existing Use Rights - EP&A Regulation 2000

Certain development allowed

- (1) An existing use may, subject to this Division:
 - (a) be enlarged, expanded or intensified, or
 - (b) be altered or extended, or
 - (c) be rebuilt, or
 - (d) be changed to another use, but only if that other use is a use that may be carried out with or without development consent under the Act, or
 - (e) if it is a commercial use be changed to another commercial use (including a commercial use that would otherwise be prohibited under the Act), or
 - (f) if it is a light industrial use be changed to another light industrial use or a commercial use (including a light industrial use or commercial use that would otherwise be prohibited under the Act).
-

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

Comment: Predominantly this application seeks development consent for the use of an existing shed that was constructed without approval and the construction of stormwater works. The proposal is considered to constitute an enlargement of the existing shed but not considered to be an intensification of the poultry farming operation.

Development consent required for enlargement, expansion and intensification of existing uses

- (1) Development consent is required for any enlargement, expansion or intensification of an existing use.
- (2) The enlargement, expansion or intensification:
 - (a) must be for the existing use and for no other use
 - (b) must be carried out only on the land on which the existing use was carried out immediately before the relevant date.

Comment: Development consent has been sought for the use of a shed that was constructed without approval. The proposal is considered to constitute an enlargement of the existing poultry farm but it is not considered to be an intensification.

Development consent required for rebuilding of buildings and works

- (1) Development consent is required for any rebuilding of a building or work used for an existing use.
- (2) The rebuilding:
 - (a) must be for the existing use of the building or work and for no other use
 - (b) must be carried out only on the land on which the building or work was erected or carried out immediately before the relevant date.

Comment: Whilst the rebuilding of the shed was carried out without approval, the subject application (and the associated Building Certificate that will be required to be obtained) would regularise the rebuilding of the shed that occupied part of the existing poultry farm. The new shed is located generally on the same land on which the old shed was located, although it obviously occupies a larger area of land. Were an expansion of the former shed proposed, the proposal would not have been prohibited by existing use rights legislation.

Zone Objectives

The objectives of the 7(d4) - Environmental Protection 2 hectare minimum zone are:

- (a) To identify and protect land and watercourses forming part of the Georges River catchment area
 - (b) To conserve the rural character of the area by maintaining a minimum area of 2 hectares for lots used for rural living
 - (c) To protect environmentally important land and watercourses possessing scenic, aesthetic, ecological or conservation value
 - (d) To allow some diversity of development, but only where it is unlikely to have a detrimental effect on the quality and character of the locality or the amenity of any existing or proposed development in the locality.
-

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

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

The proposed development is considered to satisfy the objectives of the 7(d4) Environmental Protection zone. In this regard, the following points should be noted:

- The proposed development would not result in any additional impact upon surrounding properties, over and above that which is apparent as a result of the operation of the farm in accordance with approvals granted for the farm in the 1960s and 1970s, as the total floor space to be used for the raising of poultry is not proposed to be increased under this application, and the reduction in stocking rates as a result of the RSPCA's animal welfare requirements would result in a lower amount of birds being kept at the farm than has previously been the case
- The proposed development application affords Council the opportunity to impose conditions of consent that will have the effect of reducing the impact of the poultry farm upon surrounding properties compared to that which is currently approved, including hours of operation, management practices, landscaping, etc
- The proposed landscaping would improve the aesthetic appearance of the poultry farm
- The proposed development would result in an improved stormwater drainage outcome in terms of its impact upon the Georges River by way of the construction of a dam to filter runoff.

Clause 36 - Agriculture, animal boarding or training establishments, intensive horticulture and intensive livestock keeping

Clause 36 of the CLEP states:

The consent authority, when determining an application for consent to develop land for agriculture, intensive horticulture, intensive livestock keeping or animal boarding or training establishments must take into consideration the following matters:

- (a) the need to protect the quality of downstream watercourses
- (b) the need to conserve native vegetation
- (c) the need to protect environmentally sensitive land, such as riparian land, land containing an endangered species, population or ecological community or a vulnerable species within the meaning of the *Threatened Species Conservation Act 1995*
- (d) the need to protect the amenity of the area from noise, spray drift, odour or any other potentially offensive consequences
- (e) the need to limit the impact of development on flood liable land
- (f) the cumulative impact of the use applied for and the use of the land for the keeping of livestock or the growing of produce intended solely for personal consumption or enjoyment by the owner or occupier of a dwelling on the land.

The matters relevant to the subject development application are matters (a), (b), (c) and (d). These are discussed in detail below.

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

Protection of watercourses:

At present the site contains no formal stormwater drainage infrastructure. The application proposes to improve the drainage of stormwater from the poultry sheds by constructing surface 'V' drains adjacent to the sheds, and directing stormwater into a proposed dam. Dust and sediment that escapes from the naturally ventilated poultry sheds would settle on the ground outside the sheds, and would be collected by stormwater and flow into the dam. This is an improvement on the current situation, where dust and sediment that leaves the sheds may end up within the river system. Macrophytes would be planted within the dam to treat sediment. The application was referred to Council's Development Engineer, who advised that the proposed stormwater drainage configuration is satisfactory, and provided recommended conditions of consent.

Conservation of native vegetation

The site contains some native vegetation in the eastern part of the site, however it would be unaffected by the proposal. The application proposes to complement this vegetation by adding landscaping around the perimeter of the property which would include native plants as well as Leyland cypress pines for screening, particularly along Mercedes Road.

Noise:

A noise impact assessment report was submitted with the application. It should be noted that the report was prepared on the basis that the farm would contain 85,000 birds, however the number of birds now proposed is 62,500. Therefore, the report may slightly overestimate the amount of noise that the farm would produce.

The main noise sources associated with the farm are:

- The delivery of chicken feed in a truck
- The feed silo auger (blower)
- The loading of chickens to transport them from the site
- Removal of spent litter from the sheds with a front end loader and transportation from the site in a truck.

The noise assessment that was carried out made the following assumptions:

- Delivery of chicken feed and removal of litter will be carried out during the day time
- Collection of chickens would be carried out during the night time (for animal welfare reasons)
- One feed delivery truck would access the site per week
- The feed blower would operate for less than 2.5 hours per day
- No more than seven bird pickup trucks are expected to attend the site during a 3-day period at the end of the 54-day growing cycle, and only one truck would access the site during any given 15-minute period
- Reversing beepers on forklifts would not be used during night time bird pickup operations.

Where relevant, the above practices form recommended conditions of consent.

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

The noise modelling undertaken by the applicant's acoustic consultant found that the noise associated with the farm would fail to comply with the project specific noise criteria (which was determined based on the NSW Industrial Noise Policy) unless a four metre high noise barrier were to be constructed in the north-eastern part of the site, surrounding the silo and bird pickup location. The report recommends that the noise barrier be constructed of colorbond panels, however this is not considered to be ideal from an aesthetic perspective. A recommended condition of consent requires the incorporation of the recommended noise barrier into the plans, and the material of the screen to be to the satisfaction of Council, with landscaping in front of it.

Noise modelling undertaken assuming the construction of the noise barrier shows that the only aspect of the farm operation that would exceed the relevant noise criteria would be trucks entering or leaving the site, which would take place for less than one minute. As trucks associated with the farm have been entering and exiting the site for several decades, it would not be reasonable to refuse the subject application on the basis of truck noise. However, it is considered necessary to impose conditions that would have the effect of limiting truck noise on the site and requiring all equipment to be well-maintained, to avoid any unnecessary noise being produced. Conditions to this effect requiring a Noise Management Plan have been recommended and are outlined in Attachment 1.

Odour/Dust:

As outlined above, the application initially sought approval to use the entire enlarged shed for the purpose of raising poultry. The application includes a Dust and Odour Impact Assessment Report, which assesses the odour and dust impact of the farm, assuming the farm will contain 85,000 birds. However, the number of birds proposed to be contained at the farm at any one time is now 62,500. The Dust and Odour Impact Assessment Report found that the farm with 85,000 birds (including the use of the entire area of the shed that is the subject of this application) would comply with the relevant odour impact guidelines.

Council engaged an independent environmental consultant to conduct a peer review of the applicant's Dust and Odour Impact Assessment Report. The peer review raised several issues with regard to the applicant's report, which the applicant's environmental consultant has not addressed to the satisfaction of Council. Accordingly, the applicant was advised that the proposal to use all of the enlarged shed for raising poultry would not be supported.

The applicant subsequently amended the development application so that the size of the area within the shed proposed to be used for raising poultry would be an area equivalent to the size of the shed that was demolished (938m²). The remainder of the shed would be separated from the poultry-raising area by a physical barrier. As the application no longer proposes an increase in the area to be used for the raising of poultry, there would be no additional dust or odour impacts above that already considered during the assessment of the applications to construct the poultry sheds on the site in the 1960s and 1970s, and refusal of the application on the basis of odour would not be reasonable.

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

However, the subject proposal gives Council the opportunity to require the proponent to implement measures that would improve the environmental performance of the farm and minimise the odour impact upon surrounding properties. In this regard, the applicant will be required to provide vegetative buffers along all of the boundaries of the site that adjoin other private properties. It is noted that the proprietor has commenced the planting of these vegetative buffers. Whilst this would not eliminate all odour emanating from the farm, over time as the trees grow, the trees are likely to provide some mitigation of dust and odour emissions. Studies have shown that vegetative buffers can reduce dust emissions by 22-76% and reduce ammonia concentrations by 15-77%. The applicant's Dust and Odour Impact Assessment Report also recommends the use of windbreak walls made of either wood, tarpaulin or shade cloth while the vegetative tree buffers grow, however these would have a significant visual impact upon surrounding properties and the streetscape and be highly unsightly, as their required position would be quite prominent and easily visible from the street and surrounding properties. It is considered that as the proposal would not increase the shed area to be used for the raising of poultry and does not propose to expand the scale of the farm beyond that allowed under existing approvals, the construction of windbreak walls would be unwarranted, particularly considering their likely significant visual impact. It is therefore considered that the planting of vegetative buffers is an appropriate odour mitigation measure that is commensurate with the scale of the proposal. It is therefore considered that the approval of the application subject to modern conditions of development consent will lead to an improvement in odour and dust impact in the locality.

Visual impact:

The additional visual impact of the shed that has been constructed compared to the shed that was demolished would be minor. The shed is 3.7 metres longer than the shed it replaced, and 3 metres wider. It is 3.3 metres closer to the site's north-eastern property boundary (facing Mercedes Road) than the shed that it has replaced (16.8 metres as opposed to 20.1 metres). Although it is larger and closer to Mercedes Road than the shed it replaced, its modern construction makes it less unsightly than the shed which it replaced, and the landscaping that has been planted softens its visual appearance. Over time as the landscaping matures, the shed will become far less visible from the street and surrounding properties. It should also be noted that the structures that have been constructed without development consent (the shed and silo) are typical of a poultry farm, and the farm has been operating at the site since 1966.

Clause 49 – Development in the vicinity of a heritage item

- (1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item and of any heritage conservation area within which it is situated.
 - (2) This clause extends to development:
 - (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or
 - (b) that may undermine or otherwise cause physical damage to a heritage item, or
 - (c) that will otherwise have any adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.
-

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

- (3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

The subject site is located opposite a heritage item known as 'Stone Cottage', to the north of the site across the intersection of Bensley and Mercedes Roads. The subject site and shed are visible from the Stone Cottage site, however are partially obscured by trees and landscaping.

It is considered that the impact of the shed upon the heritage item would be negligible, considering that the shed has replaced a previous shed that was demolished, which also would have been visible from the heritage item but was far more unsightly than the shed that has been constructed. In this regard, a heritage impact statement is not considered to be necessary.

5. Campbelltown (Sustainable City) Development Control Plan 2012

Part 2 - Requirements Applying to All Types of Development

The general provisions of Part 2 of the Plan apply to all types of development. Compliance with the relevant provisions of Part 2 of the Plan is discussed as follows:

Views and vistas – The shed in question (which was constructed without development consent) does not have a large impact in terms of views of the site and locality. The shed is only slightly larger than the shed that it replaced, which was in existence for many years.

Landscaping – The dust and odour impact assessment report submitted with the application notes that the owner of the property has planted a row of Leyland Cypress trees along the north-eastern boundary of the site (adjacent to Mercedes Road), which over time will form a vegetative screen to assist with mitigation of dust and odour impacts. The application proposes to replicate this configuration along the south-western boundary of the site. Maximum effectiveness of vegetative screening would be achieved if landscaping were also provided along the north-western boundary of the site (adjacent to Bensley Road). Accordingly, the applicant's landscaping configuration has been amended by Council to achieve maximum effectiveness in terms of odour and dust mitigation to include landscaping along the site's Bensley Road frontage. It should be noted that the proprietor has completed planting of the vegetative barrier along both of the site's street frontages.

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

The application was referred to Council's Environmental Planning section, for assessment of the proposed landscaping. The Environmental Planning section advised that Leyland Cypress is a species that can be subject to overgrowing issues. This is not expected to cause concern in relation to the trees that have already been planted, as these are not adjacent to private properties. The site contains Shale Sandstone Transition Forest, so any additional landscaping should consist of species that are within this ecological community, and this has been reflected within the proposed landscaping design.

Water cycle management – At present the site contains no formal stormwater drainage infrastructure. The application proposes to improve the drainage of stormwater from the poultry sheds by constructing surface 'V' drains adjacent to the sheds, and directing stormwater into a proposed dam. Dust and sediment that escapes from the naturally ventilated poultry sheds would settle on the ground outside the sheds, and would be collected by stormwater and flow into the dam. This is an improvement on the current situation, where dust and sediment that leaves the sheds may end up within the river system. Macrophytes would be planted within the dam to treat sediment. The application was referred to Council's Development Engineer, who advised that the proposed stormwater drainage configuration is satisfactory, and provided recommended conditions of consent.

Waste management – A Waste Management Plan has been submitted with the application. It outlines that dead birds are collected from the shed daily and frozen for weekly collection, and that manure is removed from the poultry sheds at the end of each batch of chickens and then removed from the site immediately. Council's Environmental Health Officer has reviewed the application and recommended conditions of consent be imposed to ensure that adequate waste management procedures are implemented. These recommended conditions are outlined in Attachment 1.

6. Public Participation

From 2005 to 2013, a total of 9 complaints have been received regarding odour generated from activities at the poultry farm.

The application was publicly exhibited and notified to surrounding residents. During the exhibition/notification period, Council received 22 submissions. Of these submissions, 21 object to the application, and one supports the application. Following the conclusion of the exhibition/notification period, the applicant submitted to Council a petition in support of the proposal containing the signatures of 13 residents. Also, an additional objection to the proposal was received. The objections received raise the following issues:

Issue

The farm produces offensive odour and the proposed development would make it worse. The odour requires residents to remain inside with doors and windows shut, which reduces enjoyment of residents' homes.

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

Comment

As the application does not propose an increase in the area to be used for the raising of poultry, there would be no additional dust or odour impacts above that already considered during the assessment of the applications to construct the poultry sheds on the site in the 1960s and 1970s, and refusal of the application on the basis of odour would not be reasonable.

However, the subject development application gives Council the opportunity to require the proponent to implement measures that would improve the environmental performance of the farm and minimise the odour impact upon surrounding properties. In this regard, the applicant will be required to provide vegetative buffers along all of the boundaries of the site that adjoin other private properties. It is noted that the proprietor has commenced the planting of these vegetative buffers. Whilst this would not eliminate all odour emanating from the farm, over time as the trees grow, the trees are likely to provide some mitigation of dust and odour emissions.

Issue

The proposed development is prohibited in the zone, and it requires an Environmental Impact Assessment (EIA) as it is designated development.

Comment

The proposed development is defined as "intensive livestock keeping" and is prohibited within the 7(d4) zone. However, the poultry farm has been located at the site since 1966, and benefits from existing use rights, since it was lawfully commenced prior to intensive livestock keeping becoming a prohibited land use in the zone. The Environmental Planning and Assessment Act 1979 allows existing uses to be expanded and rebuilt.

Development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development. As the proposed development would not increase the poultry-raising area at the farm, the environmental impact of the farm would not be significantly increased. The proposal can be assessed as a local development application without an Environmental Impact Assessment being prepared. However, it should be noted that comprehensive odour, dust, noise, and environmental management reports were submitted with the application.

Issue

The proposed development would devalue homes within the area. There are difficulties retaining tenants because of the poultry farm.

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

Comment

No evidence has been submitted to substantiate these claims. It should also be noted that the poultry farm pre-dates the vast majority of dwellings in the locality surrounding the farm.

Issue

A poultry farm should not be allowed to operate so close to a residential area.

Comment

The poultry farm has been located at the site since 1966, prior to the vast majority of urban development in Ingleburn. The farm benefits from existing use rights, and can not be made to cease its operations because of subsequent urban development in the vicinity of the farm.

Issue

Approval of the application would set a precedent for other businesses of this type to locate in the area.

Comment

The farm in question is unique in that it benefits from existing use rights, having been located at the subject site since 1966. Intensive livestock keeping is prohibited within the 7(d4) Environmental Protection zone, which would prevent any new commercial farms from commencing operations within the area.

Issue

The proposed development would attract vermin.

Comment

A recommended condition of consent requires the farm to incorporate an appropriate and effective Pest Control Management Program. Documentation of the farm's Pest Control Management Program must be kept on site at all times and available at the request of Council Officers.

Issue

Excessive noise is produced by truck deliveries and chicken feed being pumped into silos.

Comment

The noise modelling undertaken by the applicant's acoustic consultant found that the noise associated with the farm would fail to comply with the project specific noise criteria (which was determined based on the NSW Industrial Noise Policy) unless a four metre high noise barrier were to be constructed in the north-eastern part of the site, surrounding the silo and bird pickup location. The report recommends that the noise barrier be constructed of colorbond panels, however this is not considered to be ideal from an aesthetic perspective. A recommended condition of consent requires the incorporation of the recommended noise barrier into the plans, and the material of the screen to be to the satisfaction of Council, with landscaping in front of it.

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

Noise modelling undertaken assuming the construction of the noise barrier shows that the only aspect of the farm operation that would exceed the relevant noise criteria would be trucks entering or leaving the site, which would take place for less than one minute. As trucks associated with the farm have been entering and exiting the site for several decades, it would not be reasonable to refuse the subject application on the basis of truck noise. However, it is considered necessary to impose conditions that have the effect of limiting truck noise on the site and requiring all equipment to be well-maintained, to avoid any unnecessary noise being produced. Conditions to this effect requiring a Noise Management Plan have been recommended.

Issue

Trucks tracking dirt onto the road.

Comment

The subject farm has been operating from the site since 1966, and is not proposing to expand. Accordingly, requiring the proprietor to seal driveways and manoeuvring areas with concrete to avoid any dirt being tracked onto the road would be unreasonable. It is also noted that the occasions where truck movements to and from the site would coincide with wet weather would be reasonably infrequent.

Issue

Stormwater runoff containing nutrients may end up in the Georges River.

Comment

At present the site contains no formal stormwater drainage infrastructure. The application proposes to improve the drainage of stormwater from the poultry sheds by constructing surface 'V' drains adjacent to the sheds, and directing stormwater into a proposed dam. Dust and sediment that escapes from the naturally ventilated poultry sheds would settle on the ground outside the sheds, and would be collected by stormwater and flow into the dam. This is an improvement on the current situation, where dust and sediment that leaves the sheds may end up within the river system. Macrophytes would be planted within the dam to treat sediment.

Issue

The proposed dam would attract vermin, cause danger for small children if not fenced, and could overflow into other properties or environmentally sensitive areas.

Comment

A recommended condition of consent requires the farm to incorporate an appropriate and effective Pest Control Management Program. Documentation of the farm's Pest Control Management Program must be kept on site at all times and be made available at the request of Council Officers.

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

There is no legislative requirement to provide fencing around a farm dam. It is noted however that the perimeter of the property is fully fenced.

Council's Development Engineer has reviewed the proposed dam, and has found it satisfactory with regard to flooding.

Issue

Air pollution from the poultry farm may cause health problems.

Comment

As the application does not propose an increase in the area to be used for the raising of poultry, there would be no additional impact with regard to air pollution above that already considered during the assessment of the applications to construct the poultry sheds on the site in the 1960s and 1970s, and refusal of the application on the basis of air pollution would not be reasonable. Further to this, and hypothetically, the applicant could demolish the new shed and rebuild the old/approved shed and continue to operate in accordance with the existing consent without further involvement from Council.

Issue

Animal cruelty takes place at the poultry farm.

Comment

No evidence has been submitted to substantiate this claim. Notwithstanding, this is not a matter that is relevant to the assessment of the application. Animal welfare is a matter for state and federal authorities.

7. Other issues

Should Council resolve to approve the application, it is recommended that the application be approved on a deferred commencement basis affording the owners 3 months to resolve the three important issues, which are discussed below before the consent would become operational.

Surrender of Existing Development Consents for Poultry Farming

As the existing development consents controlling the operation of the poultry farms are very old and contain few, if any, conditions of consent relating to environmental amenity, therefore prior to issuing of an operational development consent, all exiting development consents for poultry farming are required to be surrendered by the owner.

Building Certificate

As the shed and silo in question were constructed without development consent, a Building Certificate would need to be obtained prior to the issuing of an operational development consent. A Building Certificate can be issued in lieu of a Construction Certificate in situations where development consent for building works is not obtained. Structural certification of the building will be required to be obtained as part of the Building Certificate process.

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

Allotment consolidation

The two properties that the farm occupies (315 and 317 Bensley Road) originally commenced their operations separately, however the two properties have been under the same ownership for several years, and the farm operates as a single business. Consolidating the two allotments into a single allotment would ensure that 'pieces' of the farm could not be sold separately, as if this were to occur, it could potentially lead to adverse amenity outcomes associated with two separate farms operating concurrently, and cause compliance issues for Council.

Conclusion

Having regard to the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* and the issues raised above, it is considered that the application is consistent with the relevant statutory planning requirements.

The application is fully compliant with the provisions of the Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment, Campbelltown (Urban Area) Local Environmental Plan 2002 and Campbelltown (Sustainable City) Development Control Plan 2012.

It is acknowledged that a number of objections were received in response to the public exhibition and notification of the application, however it is important to note that these objections were received in response to the expansion of the poultry-raising area at the farm, which is no longer proposed. The proposed development would not result in any additional impact upon surrounding properties, over and above that which is apparent as a result of the operation of the farm in accordance with approvals granted for the farm in the 1960s and 1970s, as the total floor space to be used for the raising of poultry is not proposed to be increased under this application, and the number of birds to be kept at the farm would be less than the number that was kept at the farm prior to the unauthorised demolition and construction taking place. It should also be acknowledged that several surrounding property owners have signalled their support for the farm by signing a petition in support of the application.

Whilst the poultry farm has been the subject of many odour complaints over several years, it is important to acknowledge that the farm was established in 1966. The farm was approved under a now superseded planning scheme that was in place when the locality was predominantly rural. Given these factors, it would be unreasonable to refuse the application on the basis of odour from the other existing sheds provided the development consent requires the applicant to improve odour management, and importantly given that it does not propose an expansion of the farm's operations. In fact the odour assessment was based on 85,000 poultry and the new development consent limits bird numbers to 62,500.

Notwithstanding the above, approval of the subject application gives Council the opportunity to impose modern conditions of consent that would have the effect of improving the environmental performance of the farm and mitigating to some extent its impact upon surrounding properties. These conditions relate to odour mitigation, noise control, hours of operation and the like, and are outlined in Attachment 1.

3.4 Use Of Existing Sheds For Raising Poultry, Use Of Existing Silo, Construction Of A Dam And Acoustic Screen And Landscaping - No. 315 - 317 Bensley Road, Ingleburn

Officer's Recommendation

That development application 2805/2013/DA-U for the use of an existing shed for raising poultry, use of an existing silo, and the construction of a dam at Nos. 315-317 Bensley Road Ingleburn be approved on a deferred commencement basis, subject to the conditions detailed in Attachment 1 of this report.

Committee Note: Ms Bennett and Mr Howarth addressed the Committee in opposition to the development.

Mr Lewis and Mr Benbow addressed the Committee on behalf of the applicant.

Committee's Recommendation: (Kolkman/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: Nil.

Council Meeting 17 February 2015 (Borg/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 13

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution was Councillor: Brticevic.

3.5 Final Endorsement Of Planning Agreement For University Of Western Sydney Residential Project

3.5 Final Endorsement of Planning Agreement for University of Western Sydney Residential Project

Reporting Officer

Acting Manager Development Services

Attachments

1. Letter of Offer dated 14 November 2012 from Landcom (Urbangrowth NSW) to Campbelltown City Council, to enter into a Voluntary Planning Agreement (contained within this report)
2. Draft University of Western Sydney Campbelltown Campus Project Planning Agreement (contained within this report)
3. Draft Infrastructure Services Delivery Plan UWS Project (contained within this report)

Purpose

The purpose of this report is to seek final endorsement of the University of Western Sydney Campbelltown Campus Project Planning Agreement following the required public notification of Council's intention to enter into the Agreement.

History

A Planning Agreement, supported by an Infrastructure Services Delivery Plan, is an appropriate mechanism to deal with reasonable and relevant development contributions from the UWS Residential project. At its meeting on 14 October 2014, Council endorsed for public notification a draft University of Western Sydney Campbelltown Campus Project Planning Agreement for public notification. This Agreement, together with the accompanying Infrastructure Services Delivery Plan, was exhibited for public comment during the period of 29 October to 12 December 2014.

The Council meeting of 14 October 2014 also passed the following Resolution:

‘2. That the matter be reported back to Council following public notification/exhibition.’

There is a long history of negotiation, dating back to 2008, between Council and the proponent on the details of an Agreement, with the headline elements of such an Agreement remaining reasonably consistent as follows:

- Sports Precinct
 - Public recreation areas (Dam precinct, Bow Bowling Creek, Main Ridge Park, Knoll Park and Green Corridors)
 - Macarthur Regional Recreation Trail
 - Flood Detention Basins
-

3.5 Final Endorsement Of Planning Agreement For University Of Western Sydney Residential Project

- Narellan Road Intersection upgrade
- Gilchrist Drive Intersection upgrade
- Local and Collector Roads construction.

When UrbanGrowth NSW commenced the development process for the project with the lodgement of the Stage 1 subdivision, it recommitted to the Planning Agreement process with a formal Letter of Offer to Council dated 14 November 2012. Subsequently, the development approval for Stage 1 of the UWS residential project included conditions of consent relating to the execution of a Planning Agreement, with interim works agreements put in place to cover the period before the Planning Agreement was executed. Works associated with the major intersection upgrades and the construction of Main Ridge Park, were carried out under these interim agreements.

Then, on 6 November 2014, the Stage 2 subdivision application was approved by the Joint Regional Planning Panel. This consent contained the following condition:

‘11. Planning Agreement

A Planning Agreement consistent with Landcom’s letter of offer to Council dated 14 November 2012 and as may be amended following the required public notification, is to be executed prior to release of the Subdivision Certificate for any residential allotment within Stage 2.’

This condition has the effect of providing a timeline to have the Agreement executed.

Throughout the process, input from relevant staff across the Council has been sought to ensure the Agreement delivers the appropriate range and balance of infrastructure and improvements. This includes the Sections of Healthy Lifestyles, Sustainable City and Environment, Technical Services, Community Services and Development and Property Services. It is considered that the Planning Agreement properly represents these inputs and will deliver outcomes consistent with the needs of the community.

Report

Results of the public exhibition of the draft Agreement

Section 93L of the *Environmental Planning and Assessment Act 1979* and Clause 25D of the *Environmental Planning and Assessment Regulations 2000* set out the requirements of public notification of Planning Agreements. Council is required to advise the public of its intention to enter into an Agreement and make relevant information available. Should Council receive submissions, it should consider those prior to entering into any Agreement.

The draft Planning Agreement was placed on public notification for the period of 29 October to 12 December 2014. It was available on Council’s website, at the Council Administration Building and at the HJ Daley Library. Public notices were placed in the local press on three occasions inviting comment.

No submissions were received. This outcome is considered to be a reflection of the fact that there is no established local community with a connection to or an interest in the UWS residential locality. As development proceeds and residents move in, this situation will of course change.

Major components of the Agreement

The Planning Agreement provides the legal framework that will deliver the necessary infrastructure and public benefits. From a legal perspective, the UWS Agreement is no different to the other Agreements either entered into or being negotiated between Council and UrbanGrowth NSW for their projects at Airds, Minto and Edmondson Park. It is supported by an Infrastructure Services Delivery Plan that describes the Items of Works listed in Schedule 3 of the Planning Agreement.

The following section of this report details the Items of Works set out in the Infrastructure Delivery Services Plan, including proposed timing of delivery and estimated value of the contribution.

Gilchrist Drive Intersection**Public Purpose: Roads and intersection upgrade.****Description of works**

The development will provide for the redesign of the Gilchrist Road/Goldsmith Avenue intersection to a point north of its current location and will include the introduction of traffic signals to provide four way movements into and from the UWS site, including a separate right hand turn lane from Gilchrist Drive into the site and a short left turn slip lane from Gilchrist Drive into Goldsmith Avenue. UrbanGrowth NSW/UWS will also provide for the provision of a shared cycle/pedestrian path to connect the development to the existing path on Gilchrist Drive and offset works being the extension of the left hand turn lane to feed into the existing dual left turn lanes into Narellan Road.

Timing

Works associated with Gilchrist Drive Intersection are part of the interim works agreement resulting from the Stage 1 approval and are scheduled to be completed by June/July 2015.

Estimated works value

\$1.8 million

Goldsmith Avenue**Public Purpose: Roads****Description of works**

Goldsmith Avenue will have a varied treatment depending on the road section through the entry, campus or sports precinct, with the intention of slowing traffic and crossing pedestrians in front of the school of medicine/campus precinct. The concept design of Goldsmith Avenue was included in the first development application. This will be a signature entry road for both the subdivision and the University and will comprise a landscaped boulevard with tree lined footpath areas and centre planted median capable of achieving connecting canopies over the carriageway. The carriageway will be one trafficable lane in each direction with no provision for parking. On road cycle ways will be located within the carriageway. A new temporary access will be provided from Goldsmith Avenue for access to Gilchrist Oval.

3.5 Final Endorsement Of Planning Agreement For University Of Western Sydney Residential Project

Timing

Works associated with the delivery of Goldsmith Avenue are part of the interim works agreement resulting from the Stage 1 approval and are scheduled to be completed by May/June 2015.

Estimated works value

\$3.7 million

Main Ridge Park

Public Purpose: Open space

Description of works

The development of Main Ridge Park comprises a series of terraces for informal and passive recreation with open lawns and tree planting for shade, together with barbecue facilities and a sculptural play area. It transitions from formal areas adjacent to Road No 1 at the eastern end of the park to natural areas of planting in the west and the terraces follow the underlying topography of the ridge. The terraces are retained by sandstone rock walls. The sculptural play area doubles as a public art piece. A shelter and BBQ area is also provided in the eastern part of the park. The western part of the park will include a table and seating. The works also include construction of an adjoining pedestrian access through the Stage 1 subdivision to the park. This work includes concrete stairs 2.5m wide with centre rail and edge landscaping together with feature lighting.

Timing

Works associated with Main Ridge Park are part of the interim works agreement resulting from the Stage 1 approval and have been completed.

Estimated works value

\$1.3 million

Narellan Road Intersection

Public Purpose: Roads and intersection upgrade

Description of works

The traffic report prepared by AECOM that supported the Stage 1 application includes a package of intersection works to ensure the proposed development minimises any potential impact on the adjoining road network. The package provides for the upgrade of the existing signalised intersection at the Narellan Road and UWS Campus Access Road including the widening of Narellan Road to three lanes 200m on each side of the intersection in the westbound direction, duplication of the eastbound right turn lane (150m), UWS Campus Access Road upgrade including new two lane roundabout and an additional left turn lane at Narellan Road.

3.5 Final Endorsement Of Planning Agreement For University Of Western Sydney Residential Project

Timing

Works associated with the Narellan Road intersection upgrade are part of the interim works agreement resulting from the Stage 1 approval and are currently being constructed by RMS with a monetary contribution from the UWS project.

Estimated works value (UWS project contribution towards overall upgrade)

\$2.4 million

Green Corridors

Public Purpose: Open space and drainage

Description of works

The development of the various green corridors will include bushland management and revegetation, construction of cycle ways, pedestrian bridges, seating, signage and rain gardens. Works may also include creek line stabilisation works and construction of weirs, pools and riffles as required.

Timing

Works associated with the Bush Link Parks will be complete for the release of the Subdivision Certificate for the final sub-stage or Stage as follows:

- R2 & R3 – (Located between Stages 1 and 4) - Subdivision Certificate for final sub-stage in Stage 4
- R4 & R5 - Subdivision Certificate for Stage 3
- R1 - (Located between Stages 4 and 5) - Subdivision Certificate for final sub-stage in Stage 5

UrbanGrowth NSW have now lodged a Development Application for works within four of the green corridors which is under assessment by Council staff. A draft Vegetation Management Plan (VMP) has been submitted to Council and is currently being assessed with oversight from Sustainable City and Environment Section. This VMP, which is also a requirement of the Stage 1 and Stage 2 approvals, will ensure the efficient expenditure of funds in these areas and ensure the appropriate ecological outcomes are achieved for these important green corridors.

Estimated works value

\$6.4 million

3.5 Final Endorsement Of Planning Agreement For University Of Western Sydney Residential Project

Sports Precinct

Public Purpose: Open Space

Description of works

The development of the sports precinct is intended to provide the structured active recreation and community uses for the residential and campus components of the development. The core elements include:

- conversion of the existing oval as a training ground with retention of the existing flood lighting to field and conversion of the golf driving range area to competition standard ovals including field lighting to Council's standards, irrigation, drainage and turfing. The playing surface may be raised above low intensity flood events subject to the achievement of required stormwater detention/storage in the basins
- a new access driveway and adjacent 90 degree sealed car park with 80 spaces defined by a kerb line will be provided for use by visitors to the sport fields, community meeting space and gymnasium (including any other commercial use of the building or adjoining area)
- seating, benches, table/seats, bollards, bins and drinking fountains
- playground (suitable for under five year olds) including slides, swings, incidental seating and soft fall
- a new amenities building incorporating team change rooms, canteen, toilets and storage
- two courts (either netball, tennis or similar)
- the gym building, amenities building and car park area are to be linked by pedestrian paths with bollard or other appropriate security lighting.

A small area adjacent to the playing fields will not be dedicated and remain in the UWS ownership to meet existing commercial arrangements to erect a telecommunications tower required to meet cellular coverage requirements in the area. The telecommunications tower will double as a flood light pole for the sport fields, and licences will be granted in Council's favour for access and maintenance of the lighting.

Further comments are provided later in this report in relation to the existing Unifit Gym building.

Timing

Works to the sports precinct will be delivered by the registration of the 581st lot. In the interim, the existing sports field and facilities will be adequate for the initial land releases. UWS will separately hold discussions with Council in regards to reasonable use of the sports precinct by the University during core semester periods, prior to dedication to Council.

Estimated works value

\$5.5 million

3.5 Final Endorsement Of Planning Agreement For University Of Western Sydney Residential Project

Bow Bowling Creek**Public Purpose: Drainage****Description of works**

Bow Bowling Creek realignment and naturalisation will occur in conjunction with works to the sports precinct and the dam precinct. Bow Bowling Creek is generally contained within a concrete channel through the site. The works to Bow Bowling Creek will include the realignment of the creek where it traverses across the former golf driving range to run adjacent to the railway line. Works will be carried out to return the channel to a more natural creek line and may include installation of rock to create pools and riffles, weed eradication and planting either side of the creek within the sports precinct and the dam precinct. The works will generally cease adjacent to the existing Macarthur Gardens north site, after it ties back into the more natural Bow Bowling Creek line.

Timing

Works associated with Bow Bowling Creek will be complete by the registration of the 741st lot.

Estimated works value

\$2.1 million

Dam Recreation Park**Public Purpose: Park and open space****Description of works**

The development of the dam recreation park is intended to provide a significant focal point for passive recreation pursuits centred around the existing farm dam. The core elements include:

- picnic shelters (with roof structure) and facilities including BBQs
- bench seating, bins, bubbler and bike racks
- children's playground (5 to 12 years) including slides, swings, incidental seating, soft fall and shade structure
- lakeside edge walk adjacent to section of northern bank and separate boardwalk area to west of dam
- pedestrian paths and bridge linking facilities with signage
- construction of retaining walls and rain gardens as required
- regeneration, revegetation and planting of retained remnant Cumberland Plain Woodland.

Timing

Works to the Dam Precinct will be delivered by the registration of the 741st lot.

Estimated works value

\$3.9 million

3.5 Final Endorsement Of Planning Agreement For University Of Western Sydney Residential Project

Macarthur Regional Recreation Trail

Public Purpose: Cycleway

Description of works

The development of the Macarthur Regional Recreation Trail (cycleway) through the site will deliver an important link in the planned shared pedestrian and cycleway trail connecting Camden and the Macarthur Railway Station. Works to be delivered include construction of a 3.5m wide concrete cycleway from the Hume Highway adjacent to the Australian Botanic Gardens, through the Dam Recreation Precinct and sports precinct and as an off road construction up to the boundary of the existing Macarthur Gardens North land. From this point, and as an interim solution, the Macarthur Regional Recreation Trail will connect to an "on road" cycle way provided within the Goldsmith Avenue reservation through to Gilchrist Drive. In the longer term, the Macarthur Regional Trail will be extended "off road" through the Macarthur Gardens North site adjacent to Bow Bowing Creek to link with Macarthur Railway Station as part of the development of Macarthur Gardens North land. This cost includes construction a 3.5m wide path and pedestrian/cycle bridges as required through the sports precinct and dam precinct.

Timing

Works for key sections of the Macarthur Regional Recreation Trail will occur in conjunction with works to the sports precinct and Dam Park Precinct. All sections of the trail are to be complete for the release of the subdivision certificate for the final sub stage in Stage 5b.

Estimated works value

\$2 million (In addition to previous grant funding for sections through botanic gardens)

Knoll Park

Public Purpose: Open Space

Description of works

The development of Knoll Park will include earthworks to produce recreation and lawn areas defined by paths and retaining walls. The park will include seats, a shelter, bubbler and signage. The Knoll Park is a structured lawn area and lawn terraces areas for passive recreation. The park will incorporate edge landscaping and pathways. A focal feature will be provided comprising pavement art, treatment or similar.

Timing

Works associated with Knoll Park will be complete for the release of the subdivision certificate for the final sub-stage in Stage 4a.

Estimated works value

\$700,000

Flood Detention Basins**Public Purpose: Drainage****Description of works**

The existing detention structures including the dam wall and basin walls (located at the north eastern end of both the playing field and golf driving range) will be upgraded as required to cope with a potential dam break scenario. The works will focus on strengthening, modifying outlets and slightly increasing the height of the detention structures (i.e. bund walls) as identified in the flood mitigation report.

Timing

Works associated with flood detention basins will be complete for the release of the subdivision certificate as per the recommendations in the flood report prepared for each stage.

Estimated works value

\$2.2 million

Roads**Public Purpose: Roads****Description of works**

The development will include the creation of new roads, of both local and collector status, to be dedicated to Council. The roads within each of the stages will be designed in accordance with UrbanGrowth NSW's Street Design Guidelines as varied to meet local environmental factors (such as wider roads for bushfire access if required) and will be constructed to Council standards within each Stage. The cost of local roads is not included in the works value of the Planning Agreement. Parts of the two collector roads linking with the surrounding road network and the residential stages (i.e. the William Downes Drive part of the Stage 3 Access Road) will be constructed to different standards from UrbanGrowth NSW's Street Design Guidelines as follows:-

William Downes Drive and Stages 2 and 3 Collector Road – This existing William Downes Drive connects the intersection at Narellan Road with the campus development and is one trafficable lane in each direction. The road has no kerb or kerbside parking. Drainage is by grass swale adjacent to the road pavement. It is proposed to maintain the existing road profile of William Downes Drive generally between the intersection of the Collector Road which will access Stage 3 and the roundabout located toward the Narellan Road frontage and subject to any widening proposed as part of the Narellan Road entry works discussed in Section 9. The Collector Road from its intersection with William Downes Drive to Stage 3 will be as per the UrbanGrowth NSW Street Design Guidelines.

Timing

Works associated with the delivery of roads within each stage will generally be complete for the release of the subdivision certificate for the final sub stage in each Stage. Works associated with the construction of the Stage 3 access road linking Stage 3 with William Downes Drive has been modelled by AECOM and is not required until the 700th lot; however a Development Application for this link has been lodged and is currently under assessment.

Estimated works value for collector roads

\$4.9 million

Macarthur Station Access**Public Purpose: pedestrian access****Description of works**

There is currently pedestrian access for students, academics and visitors between Macarthur Railway Station and the TAFE and UWS campuses which will be impacted at the time that the Macarthur Gardens north project is delivered. Development consent (F549/2033 and G111/2003) for the Macarthur Regional Centre Master Plan condition No. 9, outlines that an agreement shall be developed for the pedestrian bridge linking to the railway station. It should be noted that Council will not be responsible for the pedestrian bridge. It is intended that construction of the pedestrian upgrades to the railway station be undertaken by the developer of the Macarthur Gardens north site.

Timing

Payment of the contribution will be made to coincide with the construction of the pedestrian upgrades on the Macarthur Gardens north site, or by the final release of the subdivision for Stage 5, whichever occurs first.

Estimated value

\$100,000

Total estimated value of works and contributions = \$37m excluding land value

The strength of the proposed Agreement can be judged both in terms of the scope of works involved as well as the dollar value of those works. Based on the estimated 840 lots being produced as part of the UWS residential precinct, the total Agreement value of \$37M equates to a contribution of approximately \$44K per lot. This relates favourably with the State government's contribution cap of \$30K per lot that is generally applicable to new release areas.

Work already completed, commenced or otherwise committed

In accordance with Condition 11 of the Stage 1 approval and the required Interim Works Agreement allowed for by that Condition, certain works have already been completed or are commenced. These works are:

Upgrade of University intersection with Narellan Road – the RMS have incorporated this work into their broader upgrade of Narellan Road which is now underway. UrbanGrowth NSW have negotiated with RMS and contributed \$2.8M to this project which is \$400K more than estimated in the original draft VPA and ISDP.

3.5 Final Endorsement Of Planning Agreement For University Of Western Sydney Residential Project

Gilchrist Drive intersection upgrade – the intersection design has been approved by RMS and work has commenced. Work has been slowed from the original timetable due to discovery of unmapped infrastructure and services needing relocation as well as the existence of unsuitable base material. Completion is now due in February 2015. It should be noted that work at this intersection was deferred in December 2014 having regard to the difficulties in managing the additional traffic generated by the busy Christmas period.

Goldsmith Drive upgrade – this work is progressing and is scheduled to be completed by February 2015

Main Ridge Park – approved under DA2049/2014 and now complete

All of these works/contributions should still be referenced in the Planning Agreement and Infrastructure Services Delivery Plan to ensure that the full scope and value of works and contributions associated with the UWS residential project are appropriately documented in the one place.

Unifit Gym Building

Council staff have long held the view that the existing Unifit Gym building, owned by the University, was a key component in maximising the community value of the proposed sports precinct. Through ongoing negotiation, an in-principle agreement has been reached that the ownership of the building will be transferred from the University to the Council for the value \$450K. The University has indicated its willingness to be flexible with any payment plan, including the amount of an initial deposit as a show of goodwill and commitment and then a subsequent timetable for payment of the balance. Council and UWS have reached an in principle agreement for Council to purchase the Unifit Gym building for \$450K. The timetable for the transfer and payment of the purchase price are currently being finalised.

The ownership of the building together with the adjacent playing fields will enable Council to utilize this precinct for the maximum benefit of the broader community and for the community use of the facility which is currently predominantly used by university students.

Accordingly it is recommended that Council approve the purchase of the Unifit Gym building/property for an amount of \$450k subject to a suitable legal agreement it is also recommended that the General Manager be delegated authority to finalise negotiations with UWS regarding the transfer and payment timetable.'

Furthermore should Council approve the purchase of the Unifit Gym building it is recommended that Council classify the Unifit Gym building and associated playing fields as Operational land to allow future flexible use of the building. This currently forms part of Lot 1099 DP 1182558. This will require Council to advertise its proposal to classify the relevant parts of part Lot 1099 DP 1182558 as Operational land. In this respect an advertisement will be placed in local newspapers allowing 28 days for any interested party to respond to Council in relation to the classification of the subject land.

If no adverse responses are received as a result of this advertisement process, it is recommended that Council adopt an Operational classification for the Unifit Gym and associated playing fields.

3.5 Final Endorsement Of Planning Agreement For University Of Western Sydney Residential Project

MOU Landscaping

As part of the Stage 1 Consent Conditions UWS were required to satisfy a number of conditions regarding landscaping. As part of this it was proposed that UWS would assist in undertaking the mowing and maintenance of certain public areas to create a high level urban environment. These areas are the university entry at the intersection of Gilchrist Drive and Goldsmith Avenue and along Goldsmith Avenue to the University residential development precinct. To formalise the arrangement a Memorandum of Understanding was proposed for a term of 20 years where either party may terminate upon 12 months' notice but only after consultation with the other party and by mutually agreed terms.

It is recommended that Council approve the proposed landscaping MOU with UWS for the proposed period of 20 years which will ensure that the public spaces are at all times well presented and maintained.

Conclusion

The draft University of Western Sydney Campbelltown Campus Project Planning Agreement and supporting Infrastructure Services Delivery Plan have been publicly notified as required.

No submissions were received.

Subject to Council being satisfied with the draft Planning Agreement and the supporting Infrastructure Services Delivery Plan, it can now proceed to enter into the Agreement with the University of Western Sydney and UrbanGrowth NSW.

Following execution of the Agreement, the public benefit contributions arising from the UWS residential project will be secured.

Officer's Recommendation

1. That Council acknowledge that the public notification process for the draft University of Western Sydney Campbelltown Campus Project Planning Agreement has resulted in no public submissions.
 2. That Council approve the purchase of the existing Unifit Gym building from the University of Western Sydney at the agreed price of \$450,000, with the General Manager having delegated authority to finalise an appropriate transfer and payment timetable.
 3. That Council classify the Unifit Gym building and associated land which currently forms part of Lot 1099 DP1182558 as Operational land.
 4. That Council approve a Memorandum of Understanding with the University of Western Sydney relating to the landscape management and maintenance as outlined in this report.
 5. That all documentation associated with the Planning Agreement, purchase of land and Memorandum of Understanding be executed under the Common Seal of Council, if required.
 6. That the General Manager be delegated authority to execute the University of Western Sydney Campbelltown Campus Project Planning Agreement with the University of Western Sydney and UrbanGrowth NSW subject to any variations arising from final negotiations with the University of Western Sydney and UrbanGrowth NSW deemed appropriate by the General Manager.
-

3.5 Final Endorsement Of Planning Agreement For University Of Western Sydney
Residential Project

Having declared an interest in regard to Item 3.5, Councillor Matheson left the Chamber and did not take part in debate nor vote on this item.

Committee's Recommendation: (Rowell/Lound)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: Nil.

At the conclusion of the discussion regarding Item 3.5, Councillor Matheson returned to the Chamber for the remainder of the meeting.

Council Meeting 17 February 2015

Having declared an interest in regard to Item 3.5, Councillor Matheson left the Chamber and did not take part in debate nor vote on this item.

Council Meeting 17 February 2015 (Greiss/Rowell)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 14

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution were Councillors: Bricevic and Dobson.

At the conclusion of the discussion regarding Item 3.5, Councillor Matheson returned to the Chamber for the remainder of the meeting.

3.6 2015 Urban Development Industry of Australia Congress - Sydney

Reporting Officer

Acting Director Planning and Environment

Attachments

UDIA Congress Program (contained within this report)

Report

The Urban Development Industry of Australia Congress (the UDIA Congress) for 2015 will be held in Sydney on the 17-19 March 2015. The theme for the three day program is 'The Next Factor; Australia's Urban Future'. The Program includes a number of informative speakers who will discuss the future of development in Australia. The Program will include a number of tours of award winning urban developments in and around Sydney.

The UDIA Congress will bring together State and local politicians, developers, academics, practitioners and professionals from around Australia to hear and discuss demographic and infrastructure issues and how these will influence the future of urban development in Australia. Participants at the UDIA Congress will also gain benefit from hearing speakers such as Rosario Marin, former Treasurer of the United States; Vivek Wadhwa, Vice President Academics and Innovation Singularity University, Silicon Valley; Robert Hammond, Co-Founder and Former Executive Director of Friends of the High Line, New York; Professor Edward Blakely, Chair of the Future Cities Collaborative and Honorary Professor of Urban Policy at the United States Studies Centre at the University of Sydney; Mark Steinert, Managing Director and CEO of Stockland; Kerrie Mather, Managing Director and Chief Executive Officer Sydney Airport; Turen Gupta, Chief Executive Officer - Property, Australia Lend Lease; Craig James, Chief Economist CommSec; and Lucy Turnbull AO, Chair The Committee for Sydney.

Development and industry trends are indicating that the nation's housing sector will continue to see strong growth which is evidenced by the extremely high demand for new residential product experienced by Stockland and UrbanGrowth within the Campbelltown and wider Macarthur areas.

With the recent announcement of Campbelltown as a Regional City Centre being a centre critical to the future of sustainable growth for the whole of Sydney as a Global City, population growth and increased employment opportunities within the Campbelltown area is expected to increase with the additional responsibilities and opportunities that will develop under a Regional City framework. This is in addition to the impact that population growth and the creation of new towns outside of the LGA will have on existing public infrastructure located within the LGA (roads, hospitals, railway and parking in particular), and the funding of improvements and upgrades to the same.

Having regard to the issues and topics to be discussed at the UDIA Congress, the calibre of attending speakers (government and private), and the fact that the UDIA Congress is widely viewed as the nation's peak urban development forum, it is considered important that the Council representatives attend the UDIA Congress as it will provide important first hand insight into how Government and the private sector are planning for this future growth in housing and population, which directly relate to the future planning outcomes for the Local Government Sector.

As such, it is considered appropriate and recommended that the Acting General Manager or their nominee, the Acting Director Planning and Environment, the Manager Executive Services and any interested Councillors be authorised to attend the 2015 UDIA Congress in Sydney.

Officer's Recommendation

1. That the Acting General Manager or their nominee, the Acting Director Planning and Environment, the Manager Executive Services and any interested Councillors attend the 2015 UDIA Congress in Sydney.
2. That all associated expenses be paid in accordance with Council's Policy.

Committee's Recommendation: (Thompson/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 17 February 2015 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 10

That the Officer's Recommendation be adopted.

ATTACHMENT 1

[HOME](#) [SPEAKERS](#) [PROGRAM](#) [NETWORKING](#) [NATIONAL AWARDS](#) [PARTNERS](#) [VENUE](#) [REGISTRATION](#) [CONTACT US](#)

CONGRESS PROGRAM

Tuesday, 17 March 2015

| Time | Details |
|--------------------|--|
| 9:00 AM - 9:30 AM | Registration |
| 9:30 AM - 4:30 PM | <p>Study Tours</p> <p>See Sydney's leading developments and learn from the experts onsite.</p> <p>There will be four Study Tour options for you to choose from. Study Tour destinations will be announced in January 2015 and all registered delegates will be emailed the options and have the opportunity to select the tour they would like to attend.</p> |
| 6:00 PM - 9:00 PM | <p>Opening Night Event</p> <p>Museum of Contemporary Art Rooftop, The Rocks</p> |
| 8:30 PM - 10:30 PM | <p>VIP Dinner with International Keynote Speaker Vivek Wadhwa</p> <p>This is a once-in-a-lifetime opportunity to dine with an industry leader and is limited to 20 guests.</p> <p>If you are registered for The VIP Experience you may choose to attend this dinner as part of your registration, subject to availability.</p> |

Wednesday, 18 March 2015

| Time | Details |
|---------------------|---|
| 8:15 AM - 9:00 AM | Registration and Breakfast Refreshments |
| 9:00 AM - 9:30 AM | National Congress Welcome Address |
| 9:30 AM - 10:30 AM | <p>Keynote Speech: Why This is the Most Innovative Period in Human History</p> <p>Vivek Wadhwa, Vice President of Academics and Innovation at Singularity University</p> <p>This insightful presentation will shine a torch on a world of possibilities in the use of technology in property and will highlight what lies ahead for those that are prepared to innovate and make a change.</p> |
| 10:30 AM - 11:15 AM | Morning Tea Break |
| 11:15 AM - 12:00 PM | <p>Panel Session: The Next Factor in Property</p> <p>This panel will discuss major innovations that will hit the property sector in Australia and globally. The innovations may cover technology, finance, building technologies and infrastructure.</p> |
| 12:00 PM - 12:45 PM | <p>Panel Session: Planning Australian Cities of the Future</p> <p>This panel session will discuss the future of Australian Cities. It will consider whether we can realistically expect the majority of Australian's to live in apartments or whether there needs to be</p> |

| | |
|--------------------|---|
| | a balance. If so, what impact will that have on city planning across Australia? |
| 12:45 PM - 2:15 PM | Networking Lunch |
| 2:15 PM - 3:00 PM | Panel Session: Think Big, Act Bold This panel session will look at major projects internationally and reflect on what that means for major projects in Australia such as Sydney's incoming second airport at Badgerys Creek. We will discuss development issues, public-private-partnerships, infrastructure, employment lands and international best-practice. |
| 3:00 PM - 3:45 PM | Panel Session: Masterplanning Cities of the Future This panel will consider the future of masterplanned communities in Australia. There are successful examples, but with land values on the fringe being so high are masterplanned communities being forced out of major urban corridors? This session will explore discuss how these masterplanned communities fit into cities and the role they will play in the future. |
| 3:45 PM - 4:10 PM | Afternoon Tea Break |
| 4:10 PM - 4:50 PM | Closing Keynote Speech |
| 4:50 PM - 5:00 PM | Closing Remarks |
| 5:00 PM - 7:00 PM | Networking Evening GPO Sydney, 1 Martin Place, Sydney |
| 7:00 PM - 10:00 PM | Dinner at leisure At 7pm Congress formalities for the day will conclude and you will have the night at leisure. |
| 7:30 PM - 9:30 PM | VIP Dinner with International Keynote Speaker Robert Hammond This is a once-in-a-lifetime opportunity to dine with an industry leader and is limited to 20 guests. If you are registered for The VIP Experience you may choose to attend this dinner as part of your registration, subject to availability. |

Thursday, 19 March 2015

| Time | Details |
|---------------------|---|
| 8:15 AM - 9:00 AM | Registration and Breakfast Refreshments |
| 9:00 AM - 9:10 AM | Welcome |
| 9:10 AM - 9:45 AM | International Keynote Speech: Building a Park in the Sky - The New York Highline Robert Hammond , Co-Founder and Executive Director, Friends of the High Line, New York Robert Hammond will talk about the conception of the New York Highline Parkland – the role of the community as proponents of the project and the benefits that transformational infrastructure and open space has had on the world's most famous city – New York. |
| 9:45 AM - 10:45 AM | Panel Session: Repositioning Cities There will be different demands on cities of the future. How do we manage the growth of our cities and position them to be the beneficiaries of improved infrastructure, amenity and commerce? |
| 10:45 AM - 11:15 AM | Morning Tea Break |
| 11:15 AM - 12:30 PM | Keynote Speech and Question Session: World Class Development Rosario Marin , Former Treasurer of the United States |

| | |
|--------------------|---|
| 12:30 PM - 2:00 PM | Networking Lunch |
| 2:15 PM - 3:00 PM | Panel Session: Delivering World-Class Development Australia is a world leader in development quality. How do we maintain our position as a leader and what are the global trends influencing building design and development? |
| 3:00 PM - 3:45 PM | Panel Session: How Will Technology Impact on Housing of the Future? Tri-generation, solar power, off-grid housing, private water provision and improved connectivity... What the obstacles to adopting these technologies and can we improve the take up in Australia? |
| 3:45 PM - 4:15 PM | Afternoon Tea Break |
| 4:15 PM - 4:45 PM | Closing Keynote Speech |
| 4:45 PM - 4:50 PM | Closing Remarks |
| 4:50 PM - 5:00 PM | Introduction of SA Congress 2016 |
| 6:30 PM - 7:00 PM | Buses Depart for The Star |
| 7:00 PM - 11:00 PM | UDIA Calibre Consulting National Awards for Excellence The Star, Pyrmont |

Contents contained in the Congress website are correct and current. The 2015 UDIA National Congress Organising Committee reserves the right to make changes to the program here in as may be required. © 2014-15 UDIA

4. COMPLIANCE SERVICES

4.1 Legal Status Report

Reporting Officer

Manager Compliance Services

Attachments

Planning and Environment Division Monthly Legal Matters Status and Costs Summary
(contained within this report)

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.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Matheson/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 17 February 2015 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 10

That the Officer's Recommendation be adopted.

ATTACHMENT 1

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

| | |
|--|-------------|
| Total ongoing Class 1 DA appeal matters (as at 16/01/2015) | 3 |
| Total completed Class 1 DA appeal matters (as at 16/01/2015) | 1 |
| Costs from 1 July 2014 for Class 1 DA appeal matters: | \$21,015.36 |

1 (a) 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 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: \$11,879.93

Status: Ongoing – listed for directions hearing on 22 January 2015.

Progress: 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.

The appeal was listed before the Court for first mention on 3 October 2014.

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.

On 25 November 2014, the conciliation conference was abandoned as it was clear that the parties were not going to reach a conciliated agreement. Counsel for the applicant indicated that a notice of motion would be filed seeking to make relevant amendments to the development application. The Commissioner made certain procedural directions and adjourned the proceedings to 16 December 2014 for further directions hearing. Subsequently, a further adjournment which was granted to 23 December 2014 due to delays experienced by the applicant in filing the notice of motion.

Counsel for the applicant appeared by consent before the Court on 23 December 2014 and sought a further adjournment to allow sufficient time for him to finalise the notice of motion, which had only been received by him the previous day from the applicant's instructing solicitor. By consent, the proceedings were adjourned to 22 January 2015 for further directions hearing.

1 (b)

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: | \$9,135.44 |
| Status: | Ongoing – listed for hearing on 12 and 13 March 2015. |
| Progress: | 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.

The appeal was before the Court for first mention on 7 November 2014 where the Registrar gave certain procedural directions and adjourned the proceedings to 29 and 30 January 2015 for on-site hearing.

On 21 November 2014, the applicant filed a notice of motion with the Court seeking to vacate the hearing dates and allocate a new timetable. By consent the Registrar gave revised procedural directions and adjourned the proceedings to 12 and 13 March 2015 for hearing commencing on-site at 9.00am on 12 March.

1 (c)

MOHAMMED RAHMAN

| | |
|---------------------------|---|
| Issue: | An appeal against Council's refusal of development application No. 1080/2011/DA-RA/A that sought consent for modification of the original development consent for the inclusion of an additional storey comprising 8 units on top of a 3 level (22 unit) residential flat building and associated increase in basement level parking by 10 car parking spaces from 31 to 41 spaces. |
| Property: | Lot 100 DP 562008, 3 Carlisle Street, Ingleburn. |
| Property Owner: | Mohammed Emdadur Rahman |
| Council File: | Development Application No: 1080/2011/DA-RA/A |
| Court Application: | Filed on 26 November 2014 - File No. 10975 of 2014 |
| Applicant: | Mohammed Rahman |
| Costs Estimate: | \$20,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees) |
| Costs to date: | \$0.00 |
| Status: | Ongoing – listed for directions hearing on 11 February 2015. |
| Progress: | <p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 1080/2011/DA-RA/A that sought consent for modification of the original development consent for the inclusion of an additional storey comprising 8 units on top of a 3 level (22 unit) residential flat building and associated increase in basement level parking by 10 car parking spaces from 31 to 41 spaces.</p> <p>The appeal was before the Court for first mention on 19 December 2014 where the applicant sought to have the proceedings listed for early section 34 conciliation conference. The Registrar was of the view that such conference was premature, particularly given that the modification application</p> |

had not been publicly advertised, and gave certain procedural directions, including that Council advertise and notify the modification application for a period of two-weeks commencing on the 20 January 2015. The Registrar adjourned the proceedings to 11 February 2015 for directions hearing.

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 16/01/2015) | 0 |
| Total completed Class 1 and 2 appeal matters (as at 16/01/2015) | 1 |
| Costs from 1 July 2014 for Class 1 and 2 appeal matters: | \$2,970.40 |

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 16/01/2015) | 1 |
| Total completed Class 4 matters (as at 16/01/2015) | 0 |
| Costs from 1 July 2014 for Class 4 matters | \$79,041.79 |

3 (a) Abdulhalim ELBAF & Amne ELBAF

| | |
|---------------------------|---|
| 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: | \$55,313.57 |
| Status: | Ongoing – costs hearing completed, judgement reserved to a date to be notified by the Court. |

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.

The costs hearing was completed on 15 October 2014, with judgement reserved to a date to be notified by the Court.

3 (b)

John Frank GALLUZZO and G8 Education Limited

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:

\$47,875.45

Status:

Completed – Court orders made dismissing the proceedings and requiring childcare centre operator (G8 Education Ltd) to reduce the enrolment numbers at the centre to 50 children by 31 January 2015 in compliance with development consent 610/2004/DA-C, and that each party pay its own costs.

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 were 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.

The matter was before the Court for directions hearing on 14 November 2014 where the second respondent sought a two-week adjournment to allow their legal representative time to consider Council's determination to refuse DA 610/2004 DA-C modification application. The proceedings were adjourned to 28 November 2014 for further directions hearing.

Subsequently the second respondent made an offer to Council to settle the proceedings in terms that: the second respondent reduce the enrolment numbers at the childcare centre to 50 children by 31 January 2015 in order to comply with development consent 610/2004/DA-C and that each party pay its own costs. Council accepted the offer with the proceedings further adjourned to 12 December 2014 for hearing of the proposed orders to discontinue the proceedings.

On 12 December the Court made the orders sought by the Council and the first and second respondent parties and dismissed the proceedings.

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 16/01/2015) | 0 |
| Total completed Class 5 matters (as at 16/01/2015) | 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 16/01/2015) | 0 |
| Total completed Class 6 matters (as at 16/01/2015) | 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 16/01/2015) | 0 |
| Total completed Appeal matters (as at 16/01/2015) | 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 16/01/2015) | 6 |
| Total completed Local Court Matters (as at 16/01/2015) | 23 |
| Costs from 1 July 2014 for Local Court Matters | \$2,075.00 |

| | |
|-----------------------|---|
| File No: | LP20/14, LP21/14, LP22/14 & LP25/14 – Penalty Notice Court Elections |
| 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 – Brief prepared by Council's Legal and Policy Officer and referred to an external solicitor with instruction to appear for Council. |

Status: Ongoing – listed for further hearing 5 March 2015.

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 for further mention in order to allow the defendant sufficient time to make representations to Council about the matters before the Court.

On 3 December 2014, the defendant entered a not guilty plea to all matters and the proceedings were adjourned to 5 March 2015 for hearing.

File No: LP23/14 (Sequences 1 to 5) – Charge Matters
Offence: Restricted dog attack animal in circumstances of recklessness by owner x 1; restricted dog escape premises x 1; and, owner not comply with restricted dog requirements x 3.

Act: *Companion Animals Act 1998*

Costs to date: \$1,250.00 – External solicitor appeared for Council in these proceedings instructed by Council's Legal and Policy Officer.

Status: Completed – Offences proved and convictions recorded.

Progress: The matters were before the Court on 2 December 2014 where the defendant, Fiona Ann-Lesley Blake, made no appearance. The Magistrate accepted Council's application to have the matters heard in the defendant's absence and after considering the facts and submissions found the offences proved and convicted the defendant. Given the serious nature of the offences the Magistrate directed that the proceedings be adjourned to 16 December 2014 for sentence and that the Court notify the defendant requiring her attendance on that day.

On 16 December 2014 the defendant made no appearance, consequently sentencing proceeded in her absence. The Magistrate confirmed the convictions made on 2 December 2014 and imposed penalties for the offences in this matter in the sum of \$3,000.00; and, ordered (in respect of both LP23/14 and LP24/14) the defendant: pay compensation for veterinary expenses to the owner of the injured animal (cat) in the sum of \$17,424.00, pay professional costs to Council in sum of \$2,500.00, and pay Council's cost for filing fees in the sum of \$870.00.

Conviction for the offence of '*restricted dog attack animal in circumstances of recklessness by owner*' carries an automatic lifetime disqualification from owning or being in charge of a dog. As such, Council wrote to the defendant on 23 December 2014 notifying her of the penalties and orders imposed by the Local Court and, in particular, her right of appeal to the District Court NSW against the disqualification. Such appeal was to be lodged with the Court by 13 January 2015.

Inquiries with the Local Court Office on 14 January revealed that the defendant had not lodged an appeal against her conviction or the automatic disqualification. Council will write to the defendant notifying her of the need to voluntarily surrender the restricted dogs owned by her within 28 days. Failing which, proceedings will need to be initiated to enforce compliance.

| | |
|-----------------------|---|
| File No: | LP24/14 (Sequences 1 to 5) – Charge Matters |
| Offence: | Restricted dog attack animal in circumstances of recklessness by owner x 1; restricted dog escape premises x 1; and, owner not comply with restricted dog requirements x 3. |
| Act: | <i>Companion Animals Act 1998</i> |
| Costs to date: | \$1,250.00 – External solicitor appeared for Council in these proceedings instructed by Council's Legal and Policy Officer. |
| Status: | Completed – Offences proved and convictions recorded. |
| Progress: | Refer to progress section in LP23/14 above. |
| | Penalties imposed against the defendant Fiona Ann-Lesley Blake in the sum of \$3,000.00; costs ordered in LP23/14 are divisive between both matters. |
| | Automatic lifetime suspension also applicable to the dog attack conviction under this matter. |

| | |
|-----------------------|---|
| File No: | LP27/14 – Penalty Notice Court Election |
| Offence: | In charge of dog that attacked animal. |
| Act: | <i>Companion Animals Act 1998</i> |
| Costs to date: | \$0.00 – Brief prepared by Council's Legal and Policy Officer and referred to an external solicitor with instruction to appear for Council. |

| | |
|------------------|---|
| Status: | Ongoing - Adjourned to 3 February 2015 for hearing. |
| Progress: | <p>The matter was before the Court for first mention on 18 November 2014, where the Magistrate directed that the proceedings be adjourned to 2 December 2014 for further mention and that the Court write to the defendant requiring their attendance on that date.</p> <p>On 2 December 2015, the defendant entered a 'not guilty' plea. The proceedings were adjourned to 3 February 2015 for defended hearing.</p> |

| | |
|-----------------------|--|
| File No: | LP29/14 – Penalty Notice Court Election |
| Offence: | Not comply with order (overgrown premises and refuse). |
| Act: | <i>Local Government Act 1993</i> |
| Costs to date: | \$0.00 – Brief prepared by Council's Legal and Policy Officer and referred to an external solicitor with instruction to appear for Council. |
| Status: | Ongoing – Adjourned to 2 February 2015 for hearing. |
| Progress: | <p>The matter was before the Court for first mention on 18 November 2014, where the defendant entered a not guilty plea by written notice. Proceedings were adjourned to 2 February 2015 for defended hearing.</p> |

| | |
|-----------------------|---|
| File No: | LP30/14 – Penalty Notice Court Election |
| Offence: | Companion animal (dog) not registered. |
| Act: | <i>Companion Animals Act 1998</i> |
| Costs to date: | \$0.00 – dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor. |
| Status: | Completed. |
| Progress: | <p>Matter was before the Court for first mention on 25 November 2014 where the defendant entered a not guilty plea.</p> <p>Subsequent discussions with the defendant revealed that an attempt to register the dog was made but that the defendant was not financially able to make an upfront payment as required by the Companion Animals Registration system. Agreement was reached whereby the defendant</p> |

| | |
|-----------------------|---|
| | <p>could make installment payments through Council at the conclusion of which the dog would be registered.</p> <p>On 8 December 2014, the Court was notified of the relevant circumstances and Council's application to withdraw and dismiss the matter was granted. The defendant was advised that default in the payment arrangement would result in fresh proceedings being brought before the Court.</p> |
| File No: | LP31/14 – Penalty Notice Court Election |
| Offence: | Not park vehicle in direction of travel. |
| Act: | <i>Road Rules 2008</i> |
| Costs to date: | \$0.00 – dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor. |
| Status: | Completed |
| Progress: | <p>Matter was before the Court for first mention on 25 November 2014 and adjourned to 2 December for plea/mention.</p> <p>On 2 December 2014 the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and ordered that the matter be dismissed without conviction under section 10(1)(a) of the Crimes (Sentencing Procedure) Act 1999.</p> |

| | |
|-----------------------|---|
| File No: | LP32/14 – Penalty Notice Court Election |
| Offence: | Stop in bus zone. |
| Act: | <i>Road Rules 2008</i> |
| Costs to date: | \$0.00 – dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor. |
| Status: | Completed |
| Progress: | <p>Matter was before the Court for first mention on 6 January 2015 where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and ordered that the matter be dismissed without conviction under section 10(1)(a) of the Crimes (Sentencing Procedure) Act 1999.</p> |

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 16/01/2015)
Costs from 1 July 2014 for advice matters

9
\$28,403.41

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 | \$21,015.36 | \$0.00 |
| Class 1 and 2 Land and Environment Court - appeals against Orders or Notices issued by Council | \$2,970.40 | \$0.00 |
| Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or prosecutions | \$79,041.79 | \$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 | \$2,075.00 | \$0.00 |
| Matters referred to Council's solicitor for legal advice | \$28,403.41 | \$0.00 |
| Miscellaneous costs not shown elsewhere in this table | \$0.00 | \$0.00 |
| Costs Sub-Total | \$133,505.96 | \$0.00 |
| Overall Net Costs Total (GST exclusive) | \$133,505.96 | |

4.2 Compliance Services Quarterly Statistics October to December 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 October to December 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 791 regulated food premises separated into three categories requiring 1178 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 | 152 | when required |
| Medium Risk | 100 | 100 |
| High Risk | 539 | 1078 |
| TOTAL | 791 | 1178 |

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 196 food premise inspections were conducted for the reporting period, which is below the quarterly average inspection numbers (301) for 2013-2014. Of the 196 inspections undertaken, 41 (21%) 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 293 regulated premises separated into three risk categories requiring 313 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 | 150 | 150 |
| Category 2 - High | 43 | 86 |
| Category 3 - Low | 77 | 77 |
| Category 4 - Swimming Pools | 23 | via complaints only |
| TOTAL | 293 | 313 |

A total of 13 health premises inspections were conducted for the reporting period being lower than the quarterly averages (36) for 2013 - 2014.

Of the 13 regulated health premises inspections conducted during the reporting period, none 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, three new installations were approved and 37 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 11 *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 50, being generally consistent with the corresponding quarter (54) in 2013 - 2014.

The number of *Swimming Pools Act 1992* Directions issued (79) requiring the erection of pool fencing or fencing repairs was considerably higher than the corresponding quarter (23) in 2013 - 2014 due to the ongoing implementation of Council's 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 28 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 (6) is generally consistent with the quarterly averages (8) 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 834 customer service requests were received for the reporting period. Significant complaint categories were:

| Category | October to December 2014 |
|-----------------------------------|--------------------------|
| Parking (includes heavy vehicles) | 143 |
| Barking dogs | 109 |
| Abandoned motor vehicles | 78 |
| Illegal construction/development | 79 |
| Pollution | 83 |
| Health (non-regulated premises) | 77 |
| Dogs straying | 45 |
| Overgrown land | 45 |

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. Nine applications for approval to operate a wastewater management system were received during the reporting period. The number of applications is anticipated to increase significantly in the next quarter in response to scheduled bulk mail outs requiring approval renewals.

Five section 68 (*Local Government Act 1993*) event applications were received. These were for Festival of Fisher's Ghost, Nova Truly Gets Local at Koshigaya Park, Campbelltown, Kids Community Park Halloween at Koshigaya Park, Campbelltown, Touch Football Day at Kevin Wheatley Reserve, Airds and Carols in the Park at Koshigaya Park, Campbelltown.

5. Impounding

The number of dogs impounded during this reporting period was 314, which is lower than the 456 dogs impounded for the corresponding quarter in 2013 - 2014.

A total of 317 cats were impounded throughout the reporting period which is marginally lower than the number of cats impounded (332) in the corresponding quarter in 2013 - 2014.

The number of abandoned vehicles impounded for this quarter was four. No vehicles were released back to their owners, three were disposed of by Council, and Council is currently holding one abandoned vehicle.

No 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 (450) was lower than the number of penalty notices issued in the previous quarter (742). The number issued for on-street offences (1045) was higher than the previous quarter (984).

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, 53 school locations were patrolled, resulting in the issue of 143 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, ten penalty notices were 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 26 approved Rescue Groups
 - 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
- 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 series of Food Hygiene and Safety community awareness seminars were run in November, 2014 for local food handlers where 105 representatives from approximately 50 local food premises attended
- The Draft Street Trading Policy was re-exhibited.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 17 February 2015 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 10

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 | 196 | | | 313 |
| Public Health | 26 | 13 | | | 39 |
| Wastewater Management Systems | 39 | 39 | | | 78 |
| Total | 182 | 248 | | | 430 |
| Notices/Orders Issued | | | | | |
| <i>Food Act 2003</i> | 14 | 11 | | | 25 |
| <i>Local Government Act 1993</i> | 32 | 50 | | | 82 |
| <i>Swimming Pools Act 1992</i> | 127 | 79 | | | 206 |
| <i>Protection of Environment Operations Act 1979</i> | 5 | 6 | | | 11 |
| <i>Environmental Planning and Assessment Act</i> | 32 | 28 | | | 60 |
| <i>Companion Animals Act 1998</i> | 13 | 1 | | | 14 |
| Total | 223 | 175 | | | 398 |
| Customer Requests | | | | | |
| Abandoned Motor Vehicles | 65 | 78 | | | 143 |
| Animals (other) | 29 | 29 | | | 58 |
| Barking Dogs | 124 | 109 | | | 233 |
| Dog Attacks | 24 | 23 | | | 47 |
| Dog Straying | 48 | 45 | | | 93 |
| Food/Health (regulated) | 26 | 11 | | | 37 |
| Footpath Obstruction | 15 | 25 | | | 40 |
| Health (other) | 57 | 77 | | | 134 |
| Heavy Vehicle Parking | 32 | 31 | | | 63 |
| Illegal Constructions/Development | 66 | 79 | | | 145 |
| Misuse of Council Park | 5 | 4 | | | 9 |
| Overgrown Land | 22 | 45 | | | 67 |
| Parking (General) | 141 | 112 | | | 253 |
| Pollution | 75 | 83 | | | 158 |
| Rubbish Dumping/Litter | 24 | 31 | | | 55 |
| Shopping Trolley | 14 | 18 | | | 32 |
| Signs | 4 | 3 | | | 7 |
| Swimming Pool Fencing | 7 | 15 | | | 22 |
| Trail Bikes | 17 | 10 | | | 27 |
| Tree Removal/Dangerous | 17 | 6 | | | 23 |
| Total | 812 | 834 | | | 1646 |
| Applications | | | | | |
| Building Certificates | 6 | 6 | | | 12 |
| Approval to Operate Effluent Disposal System Section 68 (<i>Local Government Act 1993</i>) | 36 | 37 | | | 73 |
| Event Approvals Section 68 (<i>Local Government Act 1993</i>) | 2 | 5 | | | 7 |
| Total | 44 | 48 | | | 92 |

4.2 Compliance Services Quarterly Statistics October To December 2014

| Activity | 2014-2015 Quarter Results | | | | YTD |
|---|------------------------------|-------------|---|---|-------------|
| | 1 | 2 | 3 | 4 | |
| Impounding | | | | | |
| Abandoned Vehicles | 3 | 4 | | | 7 |
| Shopping Trolleys | 15 | 0 | | | 15 |
| | | | | | |
| Dogs (Incoming) | | | | | |
| Impounded | 327 | 314 | | | 712 |
| Surrendered | 72 | 91 | | | 163 |
| | | | | | |
| Dogs (Outgoing) | | | | | |
| Released to Owner | 193 | 234 | | | 427 |
| Sold | 77 | 85 | | | 162 |
| Released to rescue organisation | 60 | 58 | | | 118 |
| Euthanased – Surrendered by Owner | 24 | 35 | | | 59 |
| Euthanased – Restricted Dog | 0 | 0 | | | 0 |
| Euthanased – Health/temperament | 11 | 15 | | | 26 |
| Euthanased – Unable to re-home | 19 | 19 | | | 38 |
| Total | 384 | 427 | | | 811 |
| | | | | | |
| Cats (Incoming) | | | | | |
| Impounded | 155 | 317 | | | 562 |
| Surrendered | 33 | 51 | | | 81 |
| | | | | | |
| Cats (Outgoing) | | | | | |
| Released to Owner | 17 | 15 | | | 32 |
| Sold | 26 | 44 | | | 70 |
| Released to rescue organisation | 19 | 24 | | | 43 |
| Euthanased – Surrendered by Owner | 12 | 24 | | | 36 |
| Euthanased – Health/temperament | 37 | 128 | | | 165 |
| Euthanased – Unable to re-home | 59 | 76 | | | 135 |
| Total | 170 | 311 | | | 481 |
| | | | | | |
| Penalty Notices | | | | | |
| Companion Animals | 196 | 98 | | | 294 |
| Environmental - includes litter and waste dumping | 36 | 46 | | | 82 |
| General - Includes Public Health and Food Safety | 74 | 18 | | | 92 |
| Land Use | 6 | 5 | | | 11 |
| Parking (car parks) | 742 | 450 | | | 1192 |
| Parking (on street) | 984 | 1045 | | | 2029 |
| Total | 2038 | 1662 | | | 3700 |
| | | | | | |
| Compliance Programs | | | | | |
| Illegal Parking in School Zones | | | | | |
| Patrols | 33 | 53 | | | 86 |
| Warnings | 16 | 1 | | | 17 |
| | | | | | |
| Penalty Notices | 71 | 143 | | | 214 |
| | | | | | |

4.2 Compliance Services Quarterly Statistics October To December 2014

| Activity | 2014-2015 Quarter Results | | | | YTD |
|-------------------------------|------------------------------|-----|---|---|------|
| | 1 | 2 | 3 | 4 | |
| Illegal Signs | | | | | |
| Complaints – Council property | 4 | 1 | | | 4 |
| Complaints – Private property | 0 | 2 | | | 2 |
| Letters sent | 0 | 1 | | | 1 |
| Cautions issued | 0 | 1 | | | 1 |
| Fines issued | 0 | 2 | | | 2 |
| Removed (posters from poles) | 1066 | 100 | | | 1166 |
| | | | | | |
| Litter from Vehicles | | | | | |
| Patrols | 2 | 2 | | | 4 |
| Penalty Notices | 9 | 10 | | | 19 |
| | | | | | |
| Shopping Trolleys | | | | | |
| Patrols | 0 | 0 | | | 0 |
| Trolley's Tagged | 15 | 0 | | | 15 |
| Trolleys Impounded | 15 | 0 | | | 15 |
| Contractor Notified | 0 | 0 | | | 0 |
| | | | | | |
| Truck Parking | | | | | |
| Patrols | 5 | 0 | | | 5 |
| Penalty Notices | 65 | 0 | | | 65 |

4.3 Parking Enforcement Technology

Reporting Officer

Manager Compliance Services

Attachments

Nil

Purpose

To advise Council of the benefits and costs of utilising vehicle numberplate recognition technology to assist in monitoring and enforcing parking compliance.

History

Council at its Ordinary Meeting on 14 October 2014 adopted a recommendation that a report be presented outlining the benefits and costs associated with Council Rangers using automatic number plate recognition technology for parking infringements.

Report

Time limit parking is provided in CBD and other high parking demand areas to regulate turnover of parking spaces and to allow convenient access to parking for people to conduct their business. Presently Council regulates time limit parking throughout the Local Government Area by foot patrol and marking ("chalking") the tread of tyres. Vehicles that have overstayed the time limit are then issued a penalty notice.

This practice is relatively inefficient in terms of parking zone coverage in comparison to other more contemporary approaches that embrace new technology. In addition, the practice of chalking is susceptible to abuse by motorists. Local business operators and employees within CBD areas regularly check their car tyres to see if they have been chalked. If their vehicle tyres have not been chalked these vehicles then tend to remain in the restricted parking spaces. If they have identified that their vehicle tyres have been chalked, it has been observed on occasion that the chalk mark has sometimes either been wiped from the tyre tread or the vehicle is either rolled forwards or backward to conceal the chalk mark.

In addition, it is understood there have been occurrences where a local "bush telegraph" operates in some areas where individuals contact each other to warn that the Parking Rangers are in the vicinity. Although this does seem to have the effect of moving parked vehicles, this usually only occurs when patrols are taking place and does not alter ongoing parking behaviour.

This potential for abuse of the parking restrictions reduces parking availability and turnover and can lead to other motorists parking in restricted parking areas (eg: No Parking, No Stopping Double Parked) to undertake their business, therefore compounding the problem.

As a means to improve parking behaviour and the effectiveness of parking enforcement activities, there are a number of technologies that have been developed to more effectively identify "over-stay" vehicles and improve parking turnover and compliance. The following are examples of technologies that have been implemented by other councils to encourage better parking practices:

(i) Mobile Licence Plate Recognition

This system involves mounting two cameras on a vehicle. One camera automatically captures images of parked vehicle number plates and the second camera captures images of the wheels and tyre valve stems. The images are transferred to a central database within the vehicle that logs each photo with a GPS record. The system enables the operator to set the time period for multiple zones patrolled ie: 1 hour, 2 hour, 3 hour parking and will also allow for multiple passes in a zone eg: every ½ hour.

The driver can continue patrolling zones and when the designated time period (including a discretionary grace period of 10 - 15 minutes) has lapsed, the system is able to recognise those vehicles that have overstayed the allowable time period and provides a warning to the driver. The driver can either elect to stop and issue a penalty notice to the vehicle or if unable to stop in an area, the file can be downloaded for subsequent issue of a penalty notice to the registered vehicle owner by post.

The proof of evidence for exceeding the time limit is provided by imagery of the vehicle with two time zones with GPS recognition. In addition the imagery of the tyres will identify the alignment of the valve stem on the tyre at both time intervals as evidence to indicate the vehicle has not moved.

Estimated cost:

- The establishment cost of this system is estimated at approximately \$69,000
- Annual software licence fee of approximately \$10,000. This covers annual software upgrade and an annual warrant of fitness check of the equipment.
- Purchase of a vehicle and fit-out estimated at approximately \$25,000

The advantages and disadvantages of the system are as follows:

Advantages

- Completely mobile and able to recognise number plates at a speed of 40-45 kilometres per hour
 - Increased efficiency in monitoring parking restrictions with capacity to quickly and efficiently patrol parking areas. It is estimated 1000 - 1200 vehicles per hour can be monitored with this technology
 - Allows for greater enforcement coverage and multiple patrols of an area
 - Effective enforcement strategy that maximises availability of parking and in changing parking behaviour
 - 90-95% accuracy across all registration plates
 - Works well in all weather conditions, where "chalking" tyres is impeded in wet weather
-

- Suitable for use at school zones as well as No Parking and time limit zones
- Improved work health and safety for parking officers, relative to chalking on foot, avoiding regular bending to chalk tyres and working in close proximity to the roadway and less potential for verbal/physical abuse
- Is suited for parallel parking, but can be configured for off-street 'nose to kerb' parking
- Has the ability to be used to gather data for parking surveys.

Disadvantages

- Comparatively high ongoing maintenance/costs (i.e. \$10,000 per unit per annum, annual software licence fee)
- Requires a defined driver for every shift
- May not capture some cars – eg: balloon 4WD tyres, dirty or very old registration plates, sun glare

Although this technology is relatively new in Australia, a number of NSW Councils including North Sydney, Wagga Wagga and Orange have implemented this technology successfully.

Experience at North Sydney

North Sydney Council introduced this system as one of several parking strategies it has implemented for parking management since May 2013. Although the introduction of this technology gained significant media attention at the time, Council staff reported that there was relatively little opposition expressed by the community and that they were generally accepting of its introduction.

Over the past 18 months, the Council has operated the system and are satisfied with the results. To date, only one offender has challenged a penalty notice issued by the use of the technology in court. It was reported that the Magistrate was satisfied with the evidence of Council and the penalty was upheld.

(ii) Vehicle Sensor Detector Pods

This system involves installing sensor “pods” in the middle of parking bays. A small wireless housing unit is installed on a structure (eg: light pole, building etc), in the vicinity of the pods. When a vehicle stops in a parking space, the pod sends information to the housing unit.

If the vehicle does not move off the pod within the time limit, it sends a message to enable the Parking Officer to respond to the sensor. A significant issue with this system is that it is open to abuse with vehicles being moved out of the space marginally to trigger the pod sensor and re-parked.

The advantages and disadvantages of the system are as follows:

Advantages

- 98-99% accurate
 - Live data – can be seen and actioned immediately
 - Officers can monitor parking areas remotely and patrol those areas where the technology shows drivers are overstaying – directed enforcement
-

- More efficient and safer than chalking on foot
- Works well in all weather conditions
- Optimal performance in all parking configurations
- Vandal proof
- Comparatively low ongoing costs and maintenance
- Proven to be effective in changing driver parking behaviour.

Disadvantages

- Can be an expensive outlay for large sites (approximately \$420 per sensor, excluding GST) plus \$180 annual support fees per sensor
- Fixed technology
- System open to abuse by vehicle movement off and back onto the sensor.

Parking Meters

This system is the most recognised and preferred option of many agencies in high demand parking areas.

The modern parking meter is robust in design to resist potential vandalism, can accept different methods of payment (ie: coin, notes, credit cards) and can send information on overstay vehicles (for enforcement) and machine defects (for maintenance purposes).

Each Parking Meter unit costs approximately \$8000.00 (excluding GST) installed.

The advantages and disadvantages of the system are as follows:

Advantages

- Effective way of managing parking
- Convenient to enforce – ticket display
- Vandal-resistant
- Familiar to NSW motorists
- Can be configured to charge residents discounted rate if desired
- Can be configured to charge on a pro-rata basis depending on the amount of time required
- Can be integrated with pay by phone
- Suited to any parking configuration
- User pay payback on capital investment.

Disadvantages

- Initial installation and ongoing maintenance costs - cash collection, credit card fees, machine maintenance (i.e. tickets, batteries).
-

Conclusion

The report in responding to Council's resolution of 14 October, 2014 has presented information on a number of technologies, (including automatic number plate recognition technology, vehicle sensor pods and parking meters), available to assist Council to improve its capacity to regulate and control parking behaviour within restricted parking areas of the City. Establishment and monitoring costs would vary between technologies and should Council decide to investigate this matter further, more detailed financial modelling would be undertaken.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Rowell/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 17 February 2015 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Amendment: (Lake/Lound)

That Council investigate this matter further with the potential of a demonstration of this equipment (number plate recognition) to determine its effectiveness and feasibility.

Council Resolution Minute Number 10

That the above amendment be adopted.

5. GENERAL BUSINESS

Nil.

Confidentiality Motion: (Kolkman/Matheson)

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

20. CONFIDENTIAL ITEMS

20.1 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: (Matheson/Lound)

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 9.57pm.

G Greiss
CHAIRPERSON
