

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 2 June 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	3
	No reports this round	3
2.	ENVIRONMENTAL PLANNING	3
2.1	Updated Pesticide Use Notification Plan	3
2.2	Proposed Amendments to the Macarthur Nature Photography Competition	19
2.3	Joint Regional Planning Panel Development Application - 634/2015/DA-C, Campbelltown Hospital Site, Parkside Crescent, Campbelltown	23
2.4	National Tree Day	32
3.	DEVELOPMENT SERVICES	35
3.1	Development Services Section Statistics April 2015	35
4.	COMPLIANCE SERVICES	37
4.1	Legal Status Report	37
5.	GENERAL BUSINESS	50
20.	CONFIDENTIAL ITEMS	50
	No reports this round	50

Minutes of the Planning and Environment Committee held on 2 June 2015

Present

- Councillor G Greiss (Chairperson)
- Councillor R Kolkman
- Councillor D Lound
- Councillor A Matheson
- Councillor M Oates
- Councillor T Rowell
- Councillor R Thompson
- Director Planning and Environment - Mr J Lawrence
- Manager Community Resources and Development - Mr B McCausland
- Manager Cultural Services - Mr M Dagostino
- Manager Waste and Recycling Services - Mr P Macdonald
- Acting Manager Development Services - Mr B Leo
- Acting Manager Sustainable City and Environment - Mrs R Winsor
- Events and Promotions Coordinator - Mrs A King
- Manager Governance and Risk - Mrs M Dunlop
- Executive Assistant - Mrs D Taylor

Apology Nil

Acknowledgement of Land

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

DECLARATIONS OF INTEREST

There were no Declarations of Interest at this meeting.

1. WASTE AND RECYCLING SERVICES

No reports this round

2. ENVIRONMENTAL PLANNING

2.1 Updated Pesticide Use Notification Plan

Reporting Officer

Manager Environmental Planning

Attachments

Pesticide Use Notification Plan 2015 (contained within this report)

Purpose

To seek Council's endorsement of the Pesticide Use Notification Plan 2015.

History

In 2006 Council adopted its inaugural Pesticide Notification Plan, following public exhibition. At its meeting on 8 May 2012 Council considered a report on a new policy for Pesticide Use Notification and revised Pesticide Notification Plan 2012 and endorsed both the plan and policy. In response to changes to relevant legislation and guidelines (as outlined below) the plan was reviewed and the need for minor amendments to the plan was identified.

Report

The Pesticide Use Notification Plan is a procedural document which specifies actions in regard to notifying the public about details of Council's planned pesticide application. The document is particularly relevant when the use of pesticides is scheduled on land adjacent to pre-defined 'sensitive places'. Council officers have continued to implement the requirements of the Pesticide Use Notification Plan in applying pesticides in public places in a safe and effective manner.

The Pesticide Notification Plan 2012 has been reviewed in accordance with Council's Record Management Policy and Policy Development and Review Procedure. The proposed amendments relate to:

- The National Drugs and Poisons Schedule Committee (NDPSC) which is being repealed under the *Therapeutic Goods Act 1989* and being replaced with the Advisory Committee on Medicines Scheduling (ACMS) and the Advisory Committee on Chemicals Scheduling (ACCS)
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- Reference to the pesticide licence issued by the NSW Office of Environment and Heritage for pesticide application within or adjacent to waterways (including drainage lines), which must be undertaken in accordance with either the product label or specific permits for off-label use of herbicides issued by the Australian Pesticides Veterinary Medicines Authority (APVMA)
- Updated reference to the *Pesticides Regulation 2009*, for information that must be provided when notifying the public of use of pesticides in public places.

The plan has been updated to reflect these amendments, as shown in highlight in the attached Pesticide Use Notification Plan 2015.

The Pesticide Use Notification Plan 2015 does not differ materially from the previous Notification Plan and as such a further public exhibition is not considered necessary. The Plan will be placed on Council's website for public access.

It is therefore recommended that the updated Pesticide Use Notification Plan 2015 be adopted.

Officer's Recommendation

1. That the updated Pesticide Use Notification Plan 2015, as attached to this report, be adopted.
2. That the Pesticide Use Notification Plan review date be set at 30 June 2017.

Committee's Recommendation: (Kolkman/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 9 June 2015 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 101

That the Officer's Recommendation be adopted.

ATTACHMENT 1



PESTICIDE USE NOTIFICATION PLAN 2015



**For pesticide use in prescribed public spaces within the Campbelltown
Local Government Area**

Contents

1 Introduction	
1.1 Purpose of the Plan	
1.2 Current notification of the use of pesticides within the Campbelltown LGA.....	
2 Categorisation of public spaces covered by this Plan	
3 Pesticides use notification	
3.1 Instances when notification is not required	
3.2 Notification for pesticide use in public spaces	
3.3 Notification procedures for the proposed usage of pesticide adjacent to sensitive places	
4 Arrangements covering pesticide use by contractors and lessees	
5 Information that will be provided when notifying the use of pesticides.....	
6 How the community will be informed of this Plan	
7 Future reviews of this Plan	
8 Contact details	

Definitions

Pesticide - any substance or mixture of substances used to destroy, suppress or alter the life cycle of any pest and includes bactericides, baits, fungicides, herbicides, insecticides, rodenticides and repellents.

Prescribed public place –

- (a) any of the following to which the public is entitled to have access (whether or not on payment of a fee):
 - (i) a public garden, picnic area, playground, park, sporting field or oval,
 - (ii) public land owned or controlled by a public authority (for example, a road verge, rail easement or an easement for electricity purposes or for the purposes of other utilities),
 - (iii) land reserved under the *National Parks and Wildlife Act 1974* or any State forest or Crown land, or
- (b) the grounds of any government school (within the meaning of the *Education Act 1990*) or any establishment maintained by the Technical and Further Education Commission,

but does not include the inside of any building or structure located at such a place.

Public space - land owned or controlled by public authorities (such as Council) that the public is entitled to access.

Sensitive place -

- (a) a school, pre-school, kindergarten or childcare centre,
 - (b) a hospital, community health centre or nursing home,
 - (c) any place declared to be a sensitive place by the Environment Protection Authority by order published in the Gazette.
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1 Introduction

1.1 Purpose of the Plan

This Notification Plan (The Plan) for the Use of Pesticide in Public Spaces within the Campbelltown Local Government Area (LGA) has been prepared in accordance with the requirements of the *Pesticides Regulation 2009* (the Regulation).

The aim of the Plan is to meet the community's general right to know about pesticide applications made to outdoor public places that are owned or controlled by public authorities. The Plan allows members of the community to take action to avoid contact with pesticides. Council ensures that pesticides are applied to public places in a safe, responsible manner, minimising harm to the community or the environment. The Plan sets out how Council will notify members of the community of pesticide applications made by Council to public places.

The aim of the Plan is to ensure the community is supplied with information about pesticide application within public spaces. The preparation of this Plan formalises Council's existing public notification procedures with regard to its use of pesticides.

In complying with the requirements of the Regulation, this Plan describes the following:

- The categorisation of public spaces where Council uses pesticide or allows other people such as Contractors to use pesticide.
- The sections of the community most likely to access each category of public space and estimated level of usage.
- The procedures Council will adopt to notify the community about proposed pesticide use in public space.
- How the community can become informed about the notification procedures contained in the Plan.

This Plan forms a component of Council's integrated Noxious Weed and Pest Animal Management Strategy and Pesticide Use Notification Policy.

1.2 Current notification of the use of pesticides within the Campbelltown LGA

Campbelltown City Council currently utilises pesticides to eliminate targeted weed species, to protect public property from pest damage, to protect the public from nuisance or dangerous plants and animals and for the improvement and maintenance of Parks and Reserves. Council primarily only utilises pesticides of a low hazard risk; herbicides, bait insecticides for termite and ant control to protect structures and public safety, rodenticides and rabbit baits. However this Plan allows for the future use of more wide ranging pesticides if this is considered appropriate and necessary.

Council develops a schedule approximately two weeks in advance for the broad-scale application of pesticides in some of its public space (predominantly sporting facilities) based on the level of usage and the potential harm to public health. Council also conducts responsive and/or emergency use of pesticides, when required. An example of this is the control of problematic wasp's nests in public spaces. In addition, Council periodically applies pesticide within watercourses in accordance with the product label or under permits for off label use of pesticides issued by the Australian Pesticides Veterinary Medicines Authority (APVMA).

2 Categorisation of public spaces covered by this Plan

This Plan permits the use of pesticides in public space located on land within the boundaries of the Campbelltown LGA.

This Plan will also provide information on how notice will be provided to the community of pesticide use in the interiors of the following council buildings: council chambers, libraries, community halls/centres and childcare facilities.

The categories of public space within the Campbelltown LGA identified for the purposes of the Plan are presented in Table 1 along with an estimate of the level of community use, and regular user groups for each of these public place categories. A summary of the type of pesticide use in each category of public place is also provided.

Table 1: Public space categories within the Campbelltown LGA

Public space	Regular user groups	Level of use	Type of pesticide use
Public parks, playgrounds and picnic areas	<ul style="list-style-type: none"> • general recreation users (eg joggers, dog-walkers) • schools • bushwalkers • children • families • social groups • local residents 	Very high (frequent use by multiple users, with short to medium length stays)	<ul style="list-style-type: none"> • spot herbicide • spot insecticide • bait rodenticide • broad scale selective/non- selective herbicide. • fungicide (usually garden beds) • spray termiticides • spray ant control • bait termiticides • bait ant and wasp control • bait rabbit control
Sporting fields, ovals and related sporting facilities	<ul style="list-style-type: none"> • sporting clubs and associations • school sports groups • general recreational users (eg joggers, dog-walkers) 	High	<ul style="list-style-type: none"> • spot herbicides • spot insecticides • bait rodenticides • broadscale selective/non-selective herbicides • broadscale insecticides • spray or bait termiticides on facilities • rodenticides near facilities • bait rabbit control • bait fox/bird control
Council owned public land without facilities	<ul style="list-style-type: none"> • general recreation users (eg joggers, dog-walkers) • local residents • bushwalkers 	Low to high depending on proximity to residential development	<ul style="list-style-type: none"> • spot herbicides • spot insecticides • bait rodenticides • broad scale selective/ non- selective herbicides • broad scale insecticides • spray termiticides, wasps and ant control • bait termiticides, ant control • bait rabbit control • bait fox/bird control
Public space	Regular user groups	Level of use	Type of pesticide use

Crown Reserves and sections of the Georges River Regional Open Space where Council has care and control responsibilities	<ul style="list-style-type: none"> • general recreation users (eg joggers, dog-walkers) • schools • bushwalkers • families • local residents 	Low to high depending on proximity to residential development	<ul style="list-style-type: none"> • spot herbicides • spot insecticides • bait rodenticides • broad scale selective/non- selective herbicides • fungicide (usually garden beds) • spray termiticides • spray ant control • bait termiticides • bait ant & wasp control. • bait rabbit control
Road reserves, laneways and pathways	<ul style="list-style-type: none"> • local residents or visitors walking or driving on roads 	Low to high depending on location	<ul style="list-style-type: none"> • spot herbicides • broad scale selective/non selective herbicides • insecticides • bait rabbit control • bait fox/bird control
Public authority owned corridors (e.g. road, rail, water, sewer and electricity)	<ul style="list-style-type: none"> • local residents and people working within the corridor (eg authority staff and contractors) 	Low to medium	<ul style="list-style-type: none"> • spot herbicides • broad scale selective/non- selective herbicides • broad scale insecticides • bait rabbit control • bait termiticides • bait termiticides
Drains (eg Bow Bowing Canal)	<ul style="list-style-type: none"> • local residents and people working within the corridor (eg council staff and contractors) 	Low	<ul style="list-style-type: none"> • spot herbicide • broad scale selective/non- selective herbicides
Golf courses	<ul style="list-style-type: none"> • course employees • golfers • local residents (dog walking) 	Low/Med winter to high in summer	<ul style="list-style-type: none"> • spot spraying • nuisance pest control • vertebrate pest control • spot herbicides • spot insecticides • bait rodenticides • broad scale selective/non- selective herbicides • fungicide (usually garden beds) • spray termiticides • spray ant control • bait termiticides • bait ant & wasp control • bait rabbit control

Public space	Regular user groups	Level of use	Type of pesticide use
Swimming pool buildings and grounds	<ul style="list-style-type: none"> • general public • visitors to the area • schools • swimming clubs 	High in summer/low in winter	<ul style="list-style-type: none"> • spot spraying • nuisance pest control • vertebrate pest control • spot herbicides • spot insecticides • bait rodenticides • broad scale selective/non- selective herbicides • fungicide (usually garden beds) • spray termiticides • spray ant control • bait termiticides • bait ant & wasp control
Cemeteries	<ul style="list-style-type: none"> • general public • visitors to the area 	Low	<ul style="list-style-type: none"> • spot spraying • bait rabbit control • wasp control • spot herbicides • spot insecticides • bait rodenticides • broad scale selective/non- selective herbicides • fungicide (usually garden beds) • spray termiticides • spray ant control • bait termiticides
Council depot, Council Chambers, libraries, community halls/centres and childcare facilities	<ul style="list-style-type: none"> • council employees • visitors 	Low to medium	<ul style="list-style-type: none"> • wasp & ant control • vertebrate pest control • broad scale selective/non- selective herbicides • spray termiticides • spot herbicides • spot insecticides • bait rodenticides • fungicide (usually garden beds) • spray ant control • bait termiticides • bait ant & wasp control

3 Pesticides use notification

This Section of the Plan describes how and when Council will provide notice of pesticide use in public places, including special measures for sensitive places that are located adjacent to public places, arrangements for emergency pesticide applications and circumstances where notice will not be given.

The notification procedures outlined in this Section of the Plan will be based on Council's assessment of:

- The level of usage of public places where pesticides may be used
- The extent to which activities generally undertaken in these areas could lead to some direct contact with pesticides
- The type of pesticide used and associated hazard to the community.

Depending on the outcomes of this assessment, pesticide use notification will be provided by a combination of signage, advertisements in local newspapers and Council's web site and direct notification to potentially affected groups. Council's website will be utilised primarily to notify broad scale and/or forward planned pesticide applications. Signs will be utilised to notify the users of specific public spaces, as well as the general public about the intended use of pesticides. Correspondence and site visits will be utilised to notify specific stakeholders related to a particular public space, for example individual sporting groups.

The pesticide use notification will occur wherever possible in accordance with the requirements and timeframes described in this Plan. However where there is an inconsistency with the requirements of the Plan and those specified on a product label, the requirements of the product label will prevail.

The following provides a description of the procedures related to the pesticide use notification on prescribed public land within the Campbelltown LGA.

3.1 Instances when notification is not required

All pesticides are classified in accordance with a schedule that has been developed by the Advisory Committee on Chemicals Scheduling (ACCS). Scheduling is a method of classification based on a chemical's potential to impact on the health of the community. In NSW the ACCS Schedule operates under the *Therapeutic Goods Act 1989*.

Under the Schedule, pesticides are classified as:

1. Unscheduled- not considered poisonous.
2. Schedule 5 Poisons (S5) - low potential to cause harm.
3. Schedule 6 Poisons (S6) - moderate potential for causing harm.
4. Schedule 7 Poisons (S7) - high potential to cause harm.

In many cases, Council uses pesticides that are widely available in retail outlets and ordinarily used for domestic purposes (including home gardening). Under the **ACCS Schedule**, such substances are likely to be classified as Schedule 5 and present minimal risk to the community. Council does not intend to provide notification for the use of such pesticides, other than in specific circumstances where the use will be

adjacent to an identified sensitive place (Section 3.3).

For the purposes of this Plan, notification will not be required in the following situations:

- The application of any pesticide by Cut-stump, Stem Scrape, Stem Injection or Basal Bark techniques by Council officers or Council approved Contractors.
- The application of any pesticide by Cut-stump, Stem Scrape, Stem Injection or Basal Bark techniques by inducted members of Bushcare groups supervised by an appropriately qualified Council officer or representative approved by Council.
- Minor control by spot application of chemicals for nuisance pests such as wasps and ants.
- Where a pesticide is classified as either Unscheduled or Schedule 5.
- In cases where emergency pesticide applications are required to deal with a dangerous pest infestation such as wasp nests, Council will not be required to provide notification. However, Council will endeavour to provide information on the pesticide application upon request at Council offices or to the person applying the pesticide.

3.2 Notification for pesticide use in public spaces

This Plan only requires notification when:

1. The criteria described in Section 3.1 (Instances when notification is not required) do not apply, or
2. Pesticides will be used in public spaces adjacent to sensitive places.

Specific procedures for the notification of pesticide use in places located adjacent to 'sensitive places' are described in Section 3.3. For all other situations where the criteria described in Section 3.1 do not apply, the following notification procedures will apply for each of the categories of public space identified.

3.2.1 Outdoor Recreational Areas

The notification arrangements described apply to the following public space categories owned or controlled by Council within the Campbelltown Local Government Area:

- Public parks, playgrounds and picnic areas
- Sporting fields, ovals and related sporting facilities
- Crown Reserves and sections of the Georges River Regional Open Space where Council has care and control responsibilities
- Council owned public land without facilities.

For the application of Schedule 6 and Schedule 7 pesticides in these public spaces signs providing information on the activity will be installed at highly visible locations within the subject public space on the day of the application. Signs will be installed at prominent locations near the application area and/or main entrance. In situations where the application area is adjacent to tracks within bush land, signs will also be installed at the track head on the day of application.

Additional notification procedures are also applied to the following individual categories of outdoor recreational areas.

Playgrounds and picnic areas - For the application of Schedule 6 and Schedule 7 pesticides within this category of public space that are undertaken as part of Council's forward schedule of works, notification signs will be installed at least 7 days prior to the application date in addition to notification on Council's website. For these areas only, notification signs will also be installed at least 48 hours after pesticide application or the placement of ant control baits.

For non-emergency re-active application of Schedule 6 and Schedule 7 pesticides in these spaces, signs will be installed at least 24 hours prior to the activity.

Sporting fields, ovals and related sporting facilities - Prior to works being undertaken within this category of public space, groups who have booked sporting fields and ovals will be sent an information letter detailing the proposed pesticide to be used, and timetable for its use at least 14 days prior to the application.

For non-emergency reactive application of Schedule 6 and Schedule 7 pesticides, a representative of any known sporting group potentially affected by pesticide use will be contacted by telephone directly by Council officers at least 24 hours prior to the activity.

3.2.2 Outdoor public thoroughfares and public authority owned corridors

The notification arrangements described below will apply to the use of Schedule 6 and Schedule 7 pesticides within the following categories of public spaces:

- Roads, road reserves, laneways, pathways and footpaths
- Road, railway, sewer and electricity easements owned by public authorities accessible to the public
- Drains.

In these public spaces, information regarding forward scheduled works for broad scale herbicide application will be posted on Council's website. At least 24 hours notice will be provided on Council's website for non-emergency re-active application of herbicide in these public spaces. During the application of the pesticide, Council will ensure that notification signs are installed on the day of the application or the day prior.

The following provides a description of additional procedures specifically applying to individual categories of public thoroughfares and public authority owned corridors.

Roads, road reserves, laneways, pathways and footpaths - For the use of Schedule 6 and Schedule 7 pesticides in these public spaces, information signs will be installed at appropriate locations either on the day of the application or the day prior.

In the event of Schedule 6 and Schedule 7 pesticides being used within these public spaces that require notification in accordance with this Plan, any directly adjoining residents will be contacted through mail box drops or similar means considered appropriate by Council at least 24 hours prior to the date of the application.

Public authority owned corridors - Council periodically applies Schedule 6 and Schedule 7 pesticides in corridors owned by public authorities such as the Roads and Maritime Service (RMS) in accordance with contractual arrangements between

the two parties. The Office of Environment and Heritage (OEH) has advised that in these situations the Notification Plan prepared by the land owner such as the RMS prevails in the event of inconsistencies between the two Plans. Therefore, notification by the public authority will occur in accordance with the Notification Plan of the public authority, and/or contractual arrangements, depending on the details of the individual contracts.

Council owned drains - When applying pesticides within or adjacent to watercourses (including drainage lines) Council will adhere to the product label or specific permits for off label use of pesticides issued by the Australian Pesticides Veterinary Medicines Authority (APVMA). In this instance, the notification procedures required by the permit take precedence over the notification procedures outlined in this Plan. APVMA permit requirements include the placement of advertisements in the local newspaper, on Council's website prior to pesticide application and at the site during the time of application.

3.2.3 Council Owned or managed facilities

As part of the management of its facilities, Council uses Schedule 6 and Schedule 7 pesticides to prevent adverse impacts on the environment, health and safety of visitors and employees, and improve the visual aesthetics of the facility. Following the adoption of this Plan, the operators of these facilities will be required to adhere to the notification procedures outlined in this document.

For these public spaces, information regarding forward scheduled works for broad scale pesticide application will be posted on Council's website. At least 24 hours notice will be provided on Council's website for re-active application of Schedule 6 and Schedule 7 pesticides in these public spaces. Information will also be produced for display in highly visible locations at the facility and will be distributed to members of the community who use the facilities.

The following provides a description of additional procedures specifically applying to individual categories of Council owned or managed facilities.

Golf courses - Information regarding forward scheduled works at any Council owned golf course, as well as general information on the following types of pesticides will be provided at the Pro-shop for continuous display and distributed to members of the public.

Information signs will be installed near the application area, or at the tee of the relevant fairway and on the noticeboard at the Pro Shop at least 48 hours prior and after the application date when Schedule 6 and Schedule 7 pesticides are used.

Council owned/Managed Swimming pools and associated buildings - Signs regarding the use of Schedule 6 and Schedule 7 pesticides within Council's forward schedule of works will be installed at prominent locations on the grounds of the swimming centres at least 7 days prior to the date of application. Information will also be provided to the subject premises for display and for distribution to visitors at the pool entrance at least 7 days prior to the date of application.

Notification of non-emergency re-active use of herbicides will be provided to the subject premises at least 24 hours prior to application.

Cemeteries - Information will be sent to the subject premises at least 7 days prior to the date of application for display at the entrance and distribution to visitors. Appropriate signs will also be installed at prominent locations at least 48 hours prior to the date of application if considered warranted by Council.

Council Depot, Council Chambers, Libraries, Community Halls/Centres and Child Care facilities - The use of pesticide at the main Council Depot, Sark Road Minto, is restricted to Unscheduled or S5 scheduled poisons and therefore notification for pesticide use at this facility is not required by this Plan.

However, Council also has other facilities throughout the LGA used for storage of plant and equipment. If notification for the use of pesticides at these sites is required, this will be conducted in accordance with the requirements of the Plan and signs will be installed at the entrance to the subject facility at least 48 hours prior to the date of application.

3.3 Notification procedures for the proposed usage of pesticide adjacent to sensitive places

This Plan is required to separately state the notification procedures that will provide special protection where pesticides are used in public places that are located adjacent to 'sensitive places'.

In addition to the notification procedures outlined in Section 3.2 of this Plan, the following additional procedures will apply if the application of any Scheduled substance, by any method, is proposed in a prescribed public space located adjacent to a sensitive place:

- Notification letters will be sent to subject landowners responsible for the management of sensitive places that are located within 50 metres of the boundary of the proposed application area at least 14 days prior to the date of the application.
 - Council will provide concurrent notice shortly before use to the occupier by phone, door-knock or letterbox drop, depending upon what is practicable.
 - If a pesticide must be used to deal with an emergency in an outdoor public place that is adjacent to a sensitive place, Council will organise a door-knock in that sensitive place, preferably at least 30 minutes before, so people are aware that a pesticide is about to be used to deal with a dangerous pest infestation.
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4 Arrangements covering pesticide use by contractors and lessees

Where Council utilises Contractors to apply pesticides on its behalf, Council will provide notification in accordance with the notification requirements of this Plan. Council will also ensure that the notification procedures as defined in the Plan are incorporated into its contract and procurement documentation to be provided to all prospective Contractors.

Within the Campbelltown LGA, there is public land that is leased to persons or organisations. In the event of the lessee applying pesticide on this land, Council requires notification in accordance with the requirements of this Plan. Information that will be provided when notifying the use of pesticides

In accordance with clause 20 (1)(h) of the *Pesticides Regulation 2009*, notice of Pesticides uses will include the following information:

- The full product name of the pesticide to be used
- The purpose of the use, clearly setting out what pest or pests are being treated
- The proposed date/s or date range of the pesticide use
- The name and location of the public place(s) where the pesticide is to be used
- Contact telephone number and email address of the Council officer who people can contact to discuss the notice
- Any warnings regarding re-entry to or use of the place, if specified on the pesticide product label or within the permit issued by the Australian Pesticides Veterinary Medicines Authority (APVMA).

5 How the community will be informed of this Plan

The draft Pesticide Use Notification Plan 2006 was placed on public display for 28 days from 25 October 2006 to 21 November 2006 on the Ground Floor of the Civic Centre (Queen Street, Campbelltown), the HJ Daley Library and all Local Libraries. Advertisements providing advice of the public exhibition of the Plan were placed in local newspapers. The draft Plan was also able to be viewed on Council's website.

The purpose of the public exhibition was to allow Council to consult with the community and other relevant stakeholders, such as public utilities, on the features of the Plan including the types of public places identified and the proposed methods of notification.

The Pesticide Use Notification Plan 2012 does not differ materially from the previous Notification Plan and as such a further public exhibition is not considered warranted.

Council will advise residents of the contents of the Notification Plan by:

- Making a copy of the Plan available for public viewing at all Council's libraries and at the Ground Floor of the Civic Centre (Queen Street Campbelltown).]
 - Placing a copy of the Plan on Council's website at www.campbelltown.nsw.gov.au
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6 Future reviews of this Plan

This Notification Plan will be reviewed every two years to monitor its implementation, incorporate any changes to public land ownership/care and control arrangements etc or legislation that may have occurred.

7 Contact details

Anyone wishing to contact Campbelltown City Council to discuss the Notification Plan or to obtain details of pesticide applications in public places should contact:

Manager Environmental Planning
PO Box 57
CAMPBELLTOWN NSW 2560

Phone: 4645 4601

Email: council@campbelltown.nsw.gov.au

2.2 Proposed Amendments to the Macarthur Nature Photography Competition

Reporting Officer

Director Planning and Environment

Attachments

Nil

Purpose

To advise Council on the potential to amend the Macarthur Nature Photography Competition to include a new 'urban photography' category and renaming the competition to reflect the addition of this new category and to suggest an alternative option of a Macarthur Built Environment Photography Competition.

History

At its meeting on 21 April 2015 Council resolved:

"That a report be presented to Council that addresses the potential for the inclusion of a new urban photography category into Council's Macarthur Nature Photography Competition from 2015 onwards and also consider renaming the competition to allow for the addition of this new category".

Following the Our Earth, Our Stories: Nature Photography Competition and Exhibition held by the Nature Conservation Council of NSW in 2006, Council resolved to stage a similar photography competition in 2007, to be managed by the three Macarthur Councils. The competition became known as the Macarthur Nature Photography Competition and has been held annually since this time. The competition aims to engage residents with their local environment, raise awareness and enhance appreciation of Macarthur's unique natural surrounds, and in turn foster residents' increased stewardship of their natural heritage.

Report

Now in its ninth year, the competition continues to be highly successful. In 2014 officers focused on engaging with local schools in an effort to promote the competition to young people. Council staff demonstrated to both primary and high schools that the competition has strong links to the new cross curricula priority of 'sustainability'. The approach proved to be successful with 156 entries received in the 'young people' section in 2014, the majority of these were facilitated by local schools. This was an increase of over 400 per cent for this demographic group compared to the 2013 competition. In total the 2014 competition attracted over 400 entries throughout the Macarthur region. The increasing level of participation in the competition confirms that the competition is successful in engaging the community as a high profile regional environmental education initiative.

Council officers have continued to explore new opportunities to attract more participants to the competition and consequently engage the community with its local environment including accepting 'online' entries and the inclusion of the 'Nature Snap' category for submission of smart phone images. The entries continue to be of an extremely high photographic and artistic standard, effectively capturing the unique beauty of the region. Council regularly uses the images from the competition for promotional and media opportunities.

The name 'The Macarthur Nature Photography Competition' has built a strong reputation and identity within the community. It is an annual event that the local newspapers, community groups, local organisations that support the competition and schools have come to know and expect. Many residents anticipate the competition each year and seek images throughout the year in preparation.

The competition awards night has always been a popular community event and has attracted inspiring guest speakers, such as Greg Grainger (an Australian film-maker, TV presenter, political correspondent and documentary maker) who have showcased nature photography and entertained audiences with stories of the adventurous opportunities that nature photography presents.

An exciting opportunity has also arisen for the 2015 competition, ABC's Gardening Australia host, Costa Georgiadis, has recently agreed (subject to availability) in becoming involved in the 2015 competition, likening the Macarthur Nature Photography Competition to other events he promotes. Mr Georgiadis is a nationally-recognised celebrity who attracts a copious amount of followers through his television appearances and on social media; he has over 30,000 facebook followers and close to 7000 twitter followers. Mr Georgiadis is a landscape architect who believes bringing plants and people together by "embracing and celebrating mother nature's cycles and seasons, nurturing her balance, beauty and bounty" (ABC Gardening Australia). Costa had an immediate interest in the competition due to the correlation between his personal beliefs and the themes of the Macarthur Nature Photography Competition.

Mr Georgiadis has agreed to host the Awards Night that will culminate the 2015 competition. This high profile celebrity involvement has the amazing potential to promote the competition, the beauty of the Macarthur area and Council's environmental programs on a national level.

It is important to note that the Macarthur Nature Photography Competition has evolved into a well recognised and 'identifiable' environmental event, with strengthening community support, both in the Campbelltown Local Government Area and across the whole of the Macarthur Region.

This branding is uniquely based with an "engrained" emphasis on the natural environment.

It is considered that there may be some risk, in a broader marketing sense, by embracing a new and additional area of focus (being in this instance the 'urban environment' meaning man-made elements such as buildings and other structures, heritage, engineering infrastructure and the like) for the competition, that its core and now well-established natural environmental purpose could be diluted, thereby threatening its popularity amongst the local and regional 'environmental community following'.

However, this is certainly not to say that an urban photography competition should not have an equal place in encouraging the community to have a greater awareness of built environmental issues and bringing to the fore community recognition of examples of high quality urban outcomes.

It is important that Council encourages a greater awareness amongst the community of elements of the urban environment, recognising (and capturing on film) positive examples of good design and equally, other elements that challenge community thinking about the urban environment.

Councillors will be aware that the City of Campbelltown is on the precipice of extensive urban growth and change. Community interest in urban planning and design issues is only likely to heighten in the future.

Accordingly, it is suggested that Council consider supporting a separate Campbelltown Urban Photography Competition, culminating (similar to the Nature Photography Competition) in an awards night with an architectural/engineering/urban sustainability theme. There could be merit in approaching the Australian Institute of Architects, the Urban Development Institute of Australia and Engineers Australia to seek their support in terms of:

- sponsorship for the event
- provision of guest speakers for the awards night
- availability of local architects, urban designers, engineers and the like to conduct tours of local examples of architecture and engineering structures, public buildings and places and the like.

Such an event could possibly be co-ordinated to take place with the Sydney Architecture Festival that is scheduled to take place in October this year.

It could be anticipated that initially, a Campbelltown Urban Photography Competition would be undertaken at a limited scale, to ascertain the level of community interest in the project. This would be a similar approach to that originally undertaken for the Nature Photography Competition. It is estimated that subject to potential sponsorship, a small scale Campbelltown Urban Photography Competition could be undertaken with a budget in the vicinity of \$5,000.

Conclusion

It is considered that there is significant value in encouraging greater community awareness over urban environmental issues, especially given the emergence of Campbelltown/Macarthur as a Regional City Centre and the likely future growth and revitalisation of the business centres located along the Southern Railway Line.

Community interest in urban development and fostering a well-informed understanding of quality architectural, urban design and built engineering outcomes would complement Council's endeavours in promoting and securing built design excellence in a contemporary city environment.

The proposed Campbelltown Urban Photography Competition would build on the success that Council has achieved with the Nature Photography Competition, and with the support of professional organisations involved with urban development, could facilitate a range of positive outcomes for the City of Campbelltown.

Officer's Recommendation

1. That Council conduct a Campbelltown Urban Photography Competition in 2015 consistent with the terms outlined in the above report.
2. That the funding of the Campbelltown Urban Photography Competition (up to a maximum of \$5,000) be considered as part of Council's September 2015 Quarterly Review.

Committee's Recommendation: (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 9 June 2015 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 101

That the Officer's Recommendation be adopted.

2.3 Joint Regional Planning Panel Development Application - 634/2015/DA-C, Campbelltown Hospital Site, Parkside Crescent, Campbelltown

Reporting Officer

Manager Environmental Planning

Attachments

1. Location Plan (contained within this report)
2. Site Plan (contained within this report)
3. Photomontage 1 (contained within this report)
4. Photomontage 2 (contained within this report)

Purpose

To advise Council of the lodgement of Development Application 634/2015/DA-C for a new medical school building and associated works at the Campbelltown Hospital site, and provide Council the opportunity of making a submission to the Sydney West Joint Regional Planning Panel (JRPP) prior to its determination of the application, should it deem appropriate to do so.

Property Description	Lot 6 DP1058047
Application No	634/2015/DA-C
Applicant	University of Western Sydney
Owner	NSW Health Administration Corporation
Provisions	State Environmental Planning Policy (State and Regional Development) 2011 Campbelltown (Urban Area) Local Environmental Plan 2002 Draft Campbelltown Local Environmental Plan 2014 Campbelltown (Sustainable City) Development Control Plan 2014
Date Received	25 March 2015

Report

Introduction

Council has received a development application for the construction and use of a new medical school building at the Campbelltown Hospital site. The project is a joint venture between NSW Health and the University of Western Sydney (UWS) and is valued at \$15.97m.

Due to the development application being submitted by the Crown, with a value in excess of \$5m, the Sydney Joint West Regional Planning Panel will be the consent authority in this instance.

The building is proposed to be used by UWS (under lease) for its expanding medical faculty to undertake lectures and other educational activities. At present, the education of medical students and staff is undertaken in various rooms throughout the hospital site and at the University campus. The proposed building would combine the various teaching spaces into one location and provide a single access point for medical students and hospital staff for training purposes.

Subject Site

The subject land is legally described as Part Lot 6 DP 1058047, and located within the south-western corner of the Campbelltown Hospital site. The land is located on the northern side of Parkside Avenue, and is currently occupied by a single storey education building, hardstand parking and associated structures.

The following land uses and facilities surround the proposed development:

- to the north is a Helicopter Landing Site (HLS)
- to the south is Campbelltown Ambulance Station
- to the west is Marsden Parklands
- to the east is hospital at grade car parking.

Proposal

The proposal involves the demolition and replacement of an existing single storey building with a purpose built four storey building containing various teaching spaces, including a lecture theatre and practical rooms, as well as a library, study space and offices for medical faculty staff. The architectural styling of the building complements other recently completed buildings within the locality and has a distinctive architectural form and character.

The application includes the removal of 24 existing car parking spaces and replacement with 24 new car parking spaces. Car parking proposed with the development would be used by UWS and NSW Health staff only. Students would be able to access the site by foot, public transport or by using the University's shuttle bus service.

The proposed works also include associated landscaping, earthworks and a covered pedestrian walkway to be constructed within the existing car park area to connect the existing hospital complex with the new building.

JRPP Assessment

A detailed assessment addressing all prescribed considerations under the *Environmental Planning and Assessment Act 1979* is being separately administered by JRPP appointed staff and will be separately reported to the JRPP in their assumed role as consent authority for the subject application.

In this respect, there is a clear expectation that the JRPP will properly address all statutory considerations that are relevant for a proposal of this scale, including all appropriate environmental and technical issues. As such, the following review does not replicate the full assessment being separately undertaken by JRPP appointed staff, but rather focuses on the main potential issues that are likely to be of particular interest to Council.

Issues for Council's Consideration

The proposal represents a high quality and modern teaching facility that will consolidate and improve medical and teaching services at the hospital site. The proposed operation of the facility by the UWS will also enhance the relationship with Campbelltown Hospital and improve the quality of tertiary education in clinical services for the Campbelltown-Macarthur area and strengthen the role of Campbelltown Hospital as a regional medical facility.

The site is zoned 10(a) Regional Comprehensive Centre zone under Campbelltown (Urban Area) Local Environmental Plan 2002, and 'SP2 Infrastructure' under Draft Campbelltown Local Environmental Plan 2014. The proposal is defined as an 'educational establishment' under both planning instruments, and is permissible with consent.

Given the tangible economic and social benefits that are likely to be generated for the Campbelltown area, it is considered that the proposal would have sufficient merit to be supported in principle by Council. Notwithstanding, a general review of the proposal has been undertaken and the main item of concern relates to potential impacts resulting from traffic and parking generation.

In this respect, the application proposes the reconfiguration of 24 existing car parking spaces to service the proposed development that will only be accessible for staff and persons with disabilities. Overall however, there will not be any net change to the total number of car spaces on site, although it is noted that the development does propose 36 bicycle parking spaces and three new parking spaces for motorbikes.

The application is supported by a traffic and parking study which states that the level of activities and number of staff and students for the proposed facility will be similar to the existing teaching activities undertaken on the hospital site. It is also acknowledged that car parking generation will be alleviated by the accessible location of the building to medical staff who work within the hospital, and the provision of a regular shuttle bus service with the UWS campus that will transport most students to the proposed facility. Accordingly, the applicant presumes that there will be no net increase in traffic generation resulting from the proposed development.

It is considered that whilst it is plausible that the proposed teaching facility could operate without any adverse traffic impacts occurring, the JRPP is requested to undertake an examination of this matter. In this respect, some concerns are raised that there may be potential for a cumulative increase in car parking generation on the hospital site given that existing teaching facilities displaced by the subject proposal may become available for alternative uses. This may lead to an indirect parking demand increase on the hospital site not accounted for in the subject application. Furthermore, the consolidated and improved teaching amenities that would be offered by the purpose built facility may also possibly lead to increased user rates over time.

Accordingly, it is considered that the JRPP would need to carefully assess the technical calculations of the applicant's traffic generation analysis to ensure that no significant adverse parking or traffic impacts arise from the proposal.

Conclusion

Development Application 634/2015/DA-C is for a new medical school building and associated works at the Campbelltown Hospital site, and has been referred for determination by the JRPP given the capital value of the project. The proposal represents a joint initiative by NSW Health and UWS to promote and strengthen medical services for the region.

The subject land is strategically located to service Campbelltown Hospital and the nearby University and there appear to be no environmental constraints that would hinder the development proceeding. The proposal is permissible with consent under Council's LEP 2002 and DLEP 2014.

Provided that the usual suite of technical, environmental, and parking considerations are appropriately investigated and addressed by the JRPP, it is considered that the proposal demonstrates sufficient merit for Council to indicate its in principle support to the proposed development.

Officer's Recommendation

That the South West Sydney Joint Regional Planning Panel be advised of Council's in principle support for Development Application 634/2015/DA-C, subject to all relevant technical, environmental and parking considerations being appropriately resolved.

Committee's Recommendation: (Rowell/Thompson)

1. That the South West Sydney Joint Regional Planning Panel be advised of Council's in principle support for Development Application 634/2015/DA-C, subject to all relevant technical, environmental and parking considerations being appropriately resolved.
2. That Council continue to investigate and negotiate the provision of adequate car parking spaces in close proximity to the hospital.

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 9 June 2015

Having declared an interest in regard to Item 2.3, Councillors Lake and Hawker left the Chamber and did not take part in debate nor vote on this item. In the absence of the Chairperson, His Worship the Mayor, Councillor Lake, Deputy Mayor, Councillor Rowell chaired the meeting for this item.

Council Meeting 9 June 2015 (Greiss/Thompson)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 102

That the Committee's Recommendation be adopted.

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

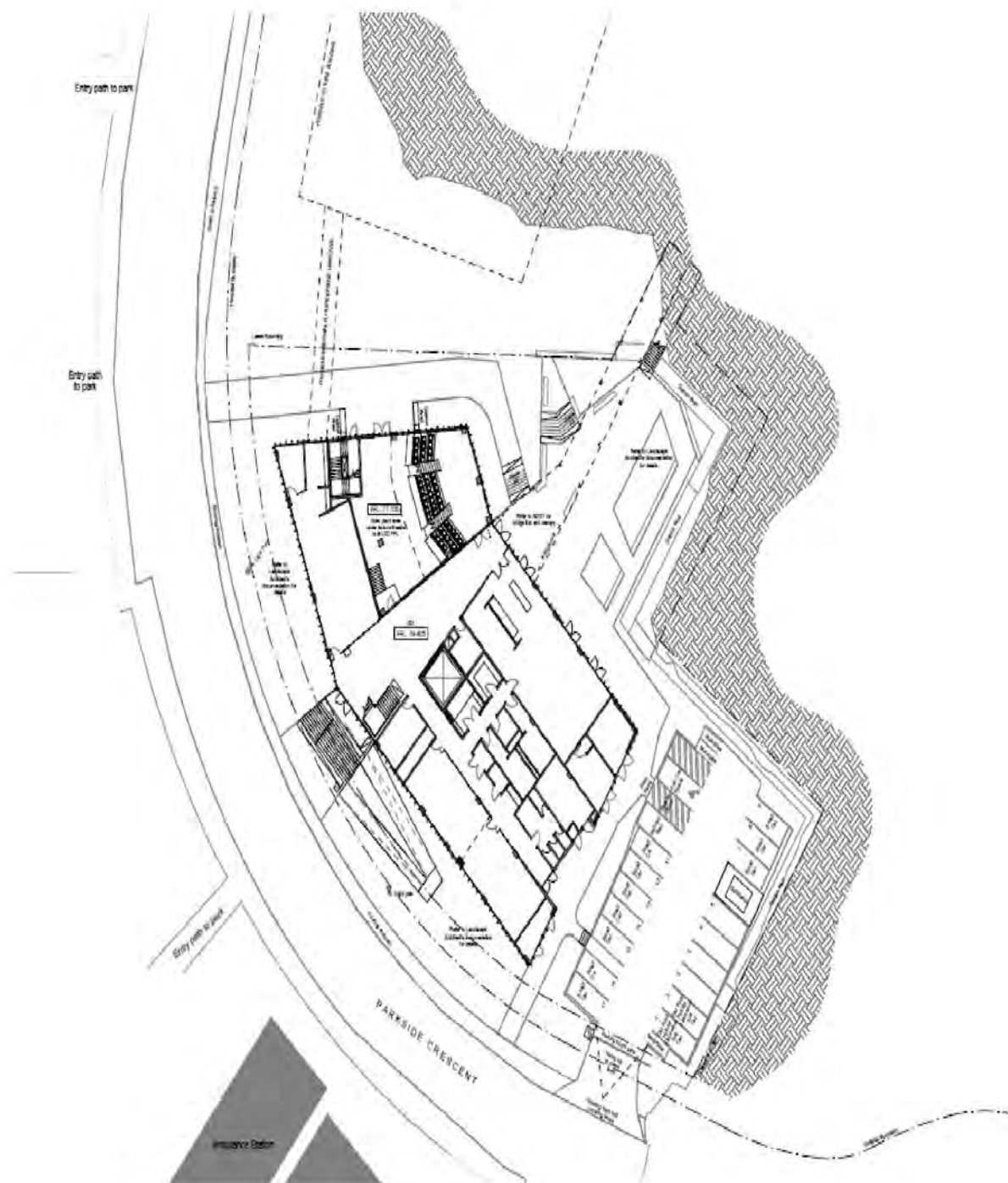
Voting against the Council Resolution: Nil.

At the conclusion of the discussion regarding Item 2.3, Councillors Lake and Hawker returned to the Chamber for the remainder of the meeting and Councillor Lake resumed the chair.

ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4



2.4 National Tree Day

Reporting Officer

Manager Environmental Planning

Attachments

Location map for community planting event (contained within this report)

Purpose

To advise Council of the program of activities for the Planet Ark National Tree Day planting events proposed for 2015, including a community planting event on Sunday 26 July and provision of native plants to local schools for School's Tree Day planting events.

History

Planet Ark Environmental Foundation is an Australian not-for-profit organisation established to help people; governments and business reduce their impact on the environment.

Each year Planet Ark conducts the National Tree Day and School's Tree Day campaign, which encourages local residents and students to do something positive for the environment and to reconnect with nature by planting trees in their local area. National Tree Day was initiated in 1996 and since then more than 3 million people have planted 21 million trees and plants and it's still growing.

In 2014, close to 300,000 people and over 3,000 schools took part in planting 1.4 million native trees, grasses, shrubs and edible plants, contributing an estimated \$5.6m in volunteer labour to vegetation enhancement and environmental stewardship.

Report

National Tree Day forms part of Council's ongoing commitment to promoting environmental awareness and sustainability within the community under the Integrated Planning and Reporting framework. This year marks Council's 16th year participating in the campaign, in this regard a community planting event is scheduled to be held on Sunday 26 July at Smiths Creek Reserve, Georges River Road, Ruse (refer to the location map attached).

The Smiths' Creek Reserve location for National Tree Day is an important Koala habitat corridor. Tree species for planting will be comprised of Koala food trees providing a valuable food source for the local Koala population as well as wildlife carers assisting sick and injured Koalas. The tree planting event forms an important community engagement component of the 'Improving Urban Koala Habitat Linkages and Community Stewardship' grant project currently being conducted in partnership with Greater Sydney Local Land Services (LLS).

Council will encourage local businesses, not for profit organisations and Council employees to get involved, as well as promoting the event through local media outlets including Council's website, intranet and local radio and newspaper with the support of the Communications and Marketing section.

The provision of native plants for the project will be at a cost of approximately \$1,000, which is afforded by funds from the LLS grant budget. Site preparation and mulching is estimated at a maximum of \$7,500, to be funded from the Environmental Planning budget. The Campbelltown Rotary Club will be approached to provide a BBQ for participants on the day.

In addition, in commemoration of School's Tree Day, Council will offer schools within the LGA up to 50 native plants and shrubs each, to plant on the school grounds (or at a nominated location). The provision of these plants is estimated to be at a cost of \$7,000 for plants plus administration costs.

National Tree Day and School's Tree Day combine to make Australia's largest community tree planting and nature care event. The event provides local residents, schools and businesses an opportunity to participate in improving the Macarthur region's natural environment. Cultivating local native vegetation provides food and shelter for wildlife, increases native biodiversity and improves the overall aesthetics of the region.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 9 June 2015 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 101

That the Officer's Recommendation be adopted.

ATTACHMENT 1



3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics April 2015

Reporting Officer

Acting Manager Development Services

Attachments

Development Services application statistics for April 2015 (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 April 2015 as they affect the Development Services section.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 9 June 2015 (Greiss/Thompson)

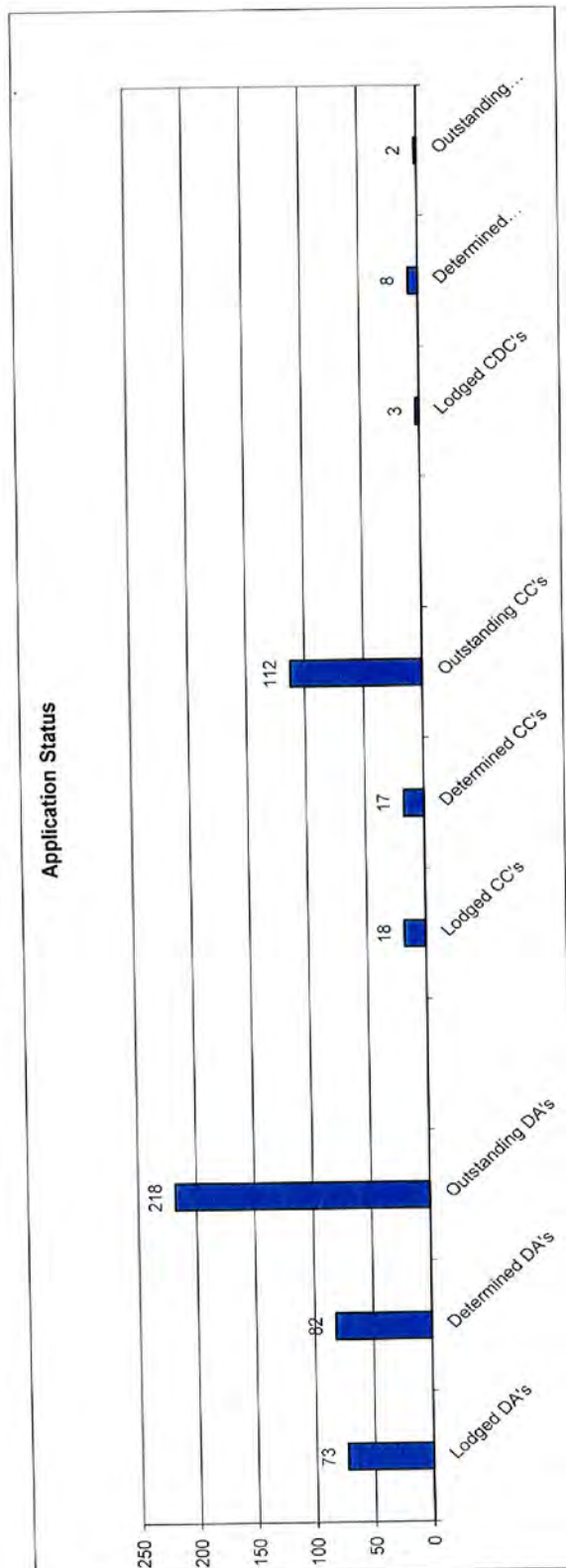
That the Officer's Recommendation be adopted.

Council Resolution Minute Number 101

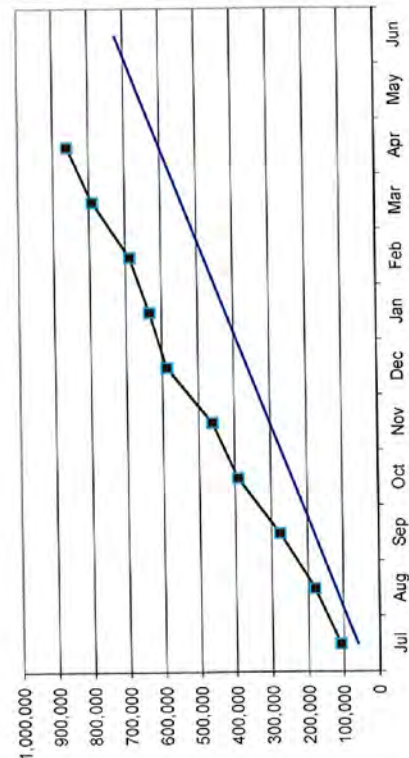
That the Officer's Recommendation be adopted.

ATTACHMENT 1

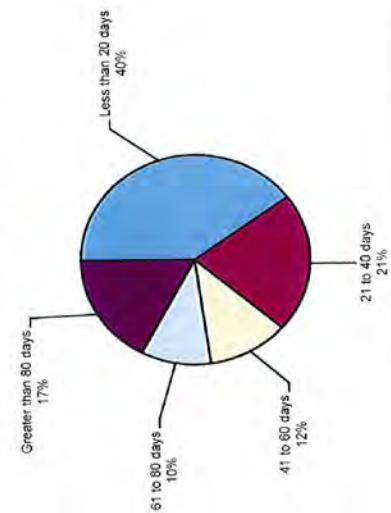
DEVELOPMENT SERVICES SECTION MONTH AT A GLANCE – April 2015



Development Application Income



Development Application Monthly Processing Times



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: (Thompson/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 9 June 2015 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 101

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
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Total ongoing Class 1 DA appeal matters (as at 21/05/2015)	3
Total completed Class 1 DA appeal matters (as at 21/05/2015)	3
Costs from 1 July 2014 for Class 1 DA appeal matters:	\$75,045.15

1 (a)	John Cephas GALLUZZO
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Issue:	An appeal against Council's deemed refusal of development application No. 1416/2014/DA-C that sought consent for construction of a new building, new driveway, new car parking area and other works at 1 Blomfield Road, Denham Court, an increase to the enrolment numbers to 130; and, an upgrade to the intersection of Campbelltown and Blomfield Roads to allow for a specific 'right turn lane' on Campbelltown Road and other necessary changes such as movement of telegraph poles, line marking and construction of a median island.
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Property:	Pt Lot 101 DP 602622, 1 Blomfield Road, Denham Court.
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Property Owner:	Mr. John Frank Galluzzo
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Council File:	Development Application No: 1416/2014/DA-C
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Court Application:	Filed on 25 September 2014 - File No. 10799 of 2014
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Applicant:	John Cephas Galluzzo
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Costs Estimate:	\$20,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
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Costs to date:	\$22,564.66
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Status:	Ongoing – listed for hearing on 9 and 10 June 2015.
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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.
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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.

On 22 January 2015 the Registrar made certain procedural directions and adjourned the proceedings to 11 February for further directions hearing.

On 11 February 2015 the Registrar made certain procedural directions and adjourned the proceedings to 11 March for further directions hearing.

On 11 March 2015 the Registrar made certain procedural directions and adjourned the proceedings to 9 and 10 June 2015 for hearing commencing on site at 9.30am on 9 June.

1 (b)

RAMM INVESTMENTS PTY LIMITED

Issue:	An appeal against Council's refusal of development application No. 1473/2012/DA-MAH that sought consent for construction of 26 two-storey dwellings and construction of a cul-de-sac in Collins Place, Minto.
Property:	Lot 101 DP 1044069, 124 Minto Road, Minto.
Property Owner:	Ramm Investments Pty Limited
Council File:	Development Application No: 1473/2012/DA-MAH
Court Application:	Filed on 27 March 2015 - File No. 10275 of 2015
Applicant:	Ramm Investments Pty Limited
Costs Estimate:	\$25,000 (exclusive of Barristers, Court Appointed Experts or

	disbursement fees)
Costs to date:	\$4,208. 23
Status:	Ongoing – listed for callover on 21 May 2015.
Progress:	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 1473/2012/DA-MAH that sought consent for construction of 26 two-storey dwellings and construction of a cul-de-sac in Collins Place, Minto. The matter was listed for first directions hearing on 24 April 2015.</p> <p>On 24 April 2015, the Registrar made certain procedural directions and adjourned the proceedings to 14 May 2015 for section 34 conciliation conference.</p> <p>On 14 May 2015, no agreement was reached at the conciliation conference; accordingly, the Commissioner made certain procedural directions and adjourned the proceedings to 21 May 2015 for callover hearing listing before the Registrar.</p>

1 (c)	FLIP OUT (CASTLE HILL) PTY LTD
Issue:	An appeal against Council's refusal of development application No. 2014/2013/DA-C that sought consent for construction of fitout and use of premises for recreation facility.
Property:	Lot 17 DP 1113810, 31 Mount Erin Road, Campbelltown.
Property Owner:	Mr Vijay Sood and Mrs. Nutan Sood
Council File:	Development Application No: 2014/2013/DA-C
Court Application:	Filed on 19 May 2015 - File No. 10429 of 2015
Applicant:	Flip Out (Castle Hill) Pty Ltd
Costs Estimate:	\$20,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$0.00
Status:	New Matter – listed for first callover on 17 June 2015.
Progress:	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 2014/2013/DA-C that sought consent for construction of fitout and use of premises for recreation facility. The matter was listed for first directions hearing on 17 June 2015.</p>

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

Total ongoing Class 1 and 2 appeal matters (as at 21/05/2015)	1
Total completed Class 1 and 2 appeal matters (as at 21/05/2015)	1
Costs from 1 July 2014 for Class 1 and 2 appeal matters:	\$2,970.40

2 (a) FLIP OUT (CASTLE HILL) PTY LTD

Issue: An appeal against Council's order 1 & 12 in the table to section 121B of the Environmental Planning and Assessment Act 1979 requiring the occupier Flip Out (Castle Hill) Pty Ltd to cease use of the property at 31 Mount Erin Road, Campbelltown, as a recreation facility and to restore the property to the condition it was prior to the unauthorised occupation.

Property: Lot 17 DP 1113810, 31 Mount Erin Road, Campbelltown.

Property Owner: Mr Vijay Sood and Mrs. Nutan Sood

Council File: Council Order 503/2015/N-EPA

Court Application: Filed on 19 May 2015 - File No. 10427 of 2015

Applicant: Flip Out (Castle Hill) Pty Ltd

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

Costs to date: \$0.00

Status: New Matter – listed for first callover on 17 June 2015.

Progress: The Applicant filed an appeal in the Land and Environment Court of NSW against Council's order 1 & 12 in the table to section 121B of the Environmental Planning and Assessment Act 1979 requiring the occupier Flip Out (Castle Hill) Pty Ltd to cease use of the property at 31 Mount Erin Road, Campbelltown, as a recreation facility and to restore the property to the condition it was prior to the unauthorised occupation. The matter was listed for first directions hearing on 17 June 2015.

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 21/05/2015)	0
Total completed Class 4 matters (as at 21/05/2015)	2
Costs from 1 July 2014 for Class 4 matters	\$82,527.70

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

Completed: Completed - Judgement handed down by Court awarding costs against Council – awaiting final costs summary from Council's solicitor.

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.

On 20 May 2015, the Court handed down its judgement awarding relevant costs against Council.

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

Total ongoing Class 5 matters before the Court (as at 21/05/2015)	0
Total completed Class 5 matters (as at 21/05/2015)	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 21/05/2015)	0
Total completed Class 6 matters (as at 21/05/2015)	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 21/05/2015)	0
Total completed Appeal matters (as at 21/05/2015)	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 21/05/2015)	5
Total completed Local Court Matters (as at 21/05/2015)	63
Costs from 1 July 2014 for Local Court Matters	\$11,342.55

File No:	LP07/15 – Penalty Notice Court Election
Offence:	Deposit advertising material (bill-poster) on public place.
Act:	<i>Protection of the Environment Operations Act</i>

	1997
Final Costs:	\$2,150.00 – Brief prepared by Council's Legal and Policy Officer who instructed external solicitor to appear for Council.
Status:	Completed
Progress:	<p>Matter was before the Court for defended hearing on 10 March 2015. The matter remained part-heard and was further listed on 28 April 2015.</p> <p>On 28 April 2015, Council made application to the Court for the proceedings to be withdrawn, the Magistrate granted the application dismissing the matter.</p> <p>At the initial hearing the defendant presented evidence of the second reading speech by the then Minister for the Environment to an amendment of the Protection of the Environment Operations Act concerning the depositing of advertising material, in which the Minister advised that the amendments were not intended to apply to bill-posting, as this method of advertising was more appropriately considered to fall within the relevant planning controls that were the subject of a review by the then Planning Minister. The Court adjourned the proceedings to allow Council to consider its position in light of the defendant's submissions. Advice from Council's solicitor was that Council was unlikely to succeed with the current proceedings and that it should be withdrawn. Subsequent inquiry reveals that the act of bill-posting is now regulated under the Graffiti Control Act and is enforceable by Police. Under the statute of limitations applicable to the Act Council is out of time to seek the commencement of fresh proceedings for the original offence.</p>

File No:	LP16/15 – Penalty Notice Court Election
Offence:	Deposit litter (cigarette butt) from vehicle.
Act:	<i>Protection of the Environment Operations Act</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 hearing on 28 May 2015.
Progress:	Matter was before the Court for first mention on 7 April 2015 where the defendant entered a not guilty plea. The Registrar adjourned the

proceedings for hearing on 4 May 2015.

Subsequently, Council made application to vacate the hearing date due to the unavailability of its principal witness. The Magistrate relisted the hearing to 28 May 2015.

File No:	LP20/15 – Penalty Notice Court Election
Offence:	Own dog not under effective control in a public place.
Act:	<i>Companion Animals Act 1998</i>
Final Costs:	\$2,150.00 – Brief prepared by Council's Legal and Policy Officer who instructed external solicitor to appear for Council.
Status:	Completed.
Progress:	<p>The matter was before the Court for first mention on 31 March 2015, where the defendant entered a not guilty plea. The proceedings were adjourned to 30 April 2015 for hearing.</p> <p>On 30 April 2015, Council made application to the Court for the proceedings to be withdrawn, the Magistrate granted the application dismissing the matter.</p> <p>Because of the non-attendance of Council's principal civilian witness in the proceedings, and that the defendant was challenging whether their dog was in fact the dog in question, Council's solicitor advised that the matter should be withdrawn, as without the presence of the witness to give oral evidence of the identity of the dog, Council was unable to prove this primary element of the offence.</p>

File No:	LP22/15 – Penalty Notice Court Election
Offence:	Disobey no-stopping sign – school zone.
Act:	<i>Road Rules 2014</i>
Costs to date:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	New matter
Progress:	Listed for first mention on 26 May 2015.

File No:	LP23/15 – Penalty Notice Court Election
Offence:	Stop on/near pedestrian crossing.
Act:	<i>Road Rules 2014</i>
Costs to date:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	New matter
Progress:	Listed for first mention on 16 June 2015.

File No:	LP24/15 – Penalty Notice Court Election
Offence:	Stand vehicle in area longer than allowed.
Act:	<i>Local Government Act 1993</i>
Costs to date:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	New matter
Progress:	Listed for first mention on 16 June 2015.

File No:	LP25/15 – Penalty Notice Court Election
Offence:	Own dog not under effective control in a public place.
Act:	<i>Companion Animals Act 1998</i>
Costs to date:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	New matter
Progress:	Listed for first mention on 16 June 2015.

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 21/05/2015)
Costs from 1 July 2014 for advice matters

11
\$55,372.22

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	\$75,045.15	\$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	\$82,527.70	\$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	\$11,342.55	\$0.00
Matters referred to Council's solicitor for legal advice	\$55,372.22	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$227,258.02	\$0.00
Overall Net Costs Total (GST exclusive)	\$227,258.02	

5. GENERAL BUSINESS

Nil.

20. CONFIDENTIAL ITEMS

No reports this round

There being no further business the meeting closed at 7.45pm.

G Greiss
CHAIRPERSON
