# Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 8 December 2015.

•		_	_	_	-	^
Λ	u	<i>r</i> 1	 7 N	<i>.</i>	ΙF	•
-	_	. ,	. ,	١,	-	. 7

#### **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 rep	orts this round	3
2.	ENVIRONMENTAL PLANNING	3
2.1	Proposed Road Names for use within the Claymore Urban Renewal Project	3
2.2	Proposed Road Names - Western Sydney University Campbelltown Residential Project Stages 2 and 3	9
2.3	2014-2015 State of the Environment Report	14
3.	DEVELOPMENT SERVICES	66
3.1	Development Services Section Statistics October 2015	66
3.2	The ability of Council to monitor and control Affordable Housing properties in terms of occupancy and rental pricing	68
3.3	Seniors Housing Site Compatibility Certificate Application Update - St Johns Church Site, George Street, Campbelltown	78
3.4	Alteration and use of an existing dwelling as a boarding house - No. 23 Turimetta Avenue, Leumeah	95
4.	COMPLIANCE SERVICES	124
4.1	Legal Status Report	124
4.2	North Area Alcohol Free Zones	138
5.	GENERAL BUSINESS	152
5.1	Hurlstone Agriculture High School	152
5.2	Pet Adoption Program	157
20.	CONFIDENTIAL ITEMS	158
No rep	orts this round	158

#### Minutes of the Planning and Environment Committee held on 8 December 2015

**Present** His Worship the Mayor, Councillor P Hawker

Councillor G Greiss
Councillor R Kolkman
Councillor D Lound
Councillor A Matheson
Councillor M Oates
Councillor T Rowell
Councillor R Thompson

General Manager - Mrs L Deitz Director Strategy - Mr J Lawrence

Acting Director Planning and Environment - Mr J Baldwin

Acting Manager Development Services - Mr B Leo Manager Environmental Planning - Mr A Spooner

Manager Information Management and Technology - Mrs S Peroumal

Policy and Governance Coordinator - Ms J Warner

Executive Assistant - Mrs D Taylor

#### Apology Nil

#### Chairperson

His Worship the Mayor, Councillor Hawker, chaired the meeting.

#### Also in Attendance

At the conclusion of the City Works Committee meeting the following Councillors attended the Planning and Environment Committee:

Councillor G Brticevic - from item 3.2 to the conclusion Councillor C Mead - from item 3.2 to the conclusion

Councillor P Lake - from general business to the conclusion

#### **Acknowledgement of Land**

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

#### **DECLARATIONS OF INTEREST**

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

#### **Pecuniary Interests - Nil**

#### Non Pecuniary - Significant Interests

Councillor Greiss - Item 3.4 - Alteration and use of an existing dwelling as a boarding house - No. 23 Turimetta Avenue, Leumeah - Councillor Greiss advised that one of the owners is possibly known to him and he will leave the chamber and not take part in debate nor vote on the matter.

#### Non Pecuniary - Less than Significant Interests - Nil

#### **Other Disclosures - Nil**

#### 1. WASTE AND RECYCLING SERVICES

#### No reports this round

#### 2. ENVIRONMENTAL PLANNING

# 2.1 Proposed Road Names for use within the Claymore Urban Renewal Project

#### **Reporting Officer**

Manager Environmental Planning

#### **Attachments**

Revised list of proposed road names (using surnames only) for use within the Claymore Urban Renewal project area (contained within this report)

## **Purpose**

To seek Council's endorsement to publicly exhibit a revised list of proposed road names (using surnames only) to be used within the Claymore Urban Renewal project area following the Secretariat of the Geographical Names Board of NSW (GNB) rejecting the road names (using both first and surname) previously proposed by Council for this area.

#### **History**

Council at its meeting of 17 November 2015, Planning and Environment Committee Item 2.2 - Proposed Road Names for use within the Claymore Urban Renewal Project, resolved:

- 1. That Council approve the proposed road names (including first and surname) listed in the attachment to this report for use within the Claymore Urban Renewal Project area.
- 2. That Council publicly exhibit its proposal to use these road names for a period of 28 days by placing advertisements in local newspapers and notifying the authorities prescribed by the *Roads Regulation 2008*.
- 3. That should no objections to the proposal to use the exhibited road names be received during the exhibition period, Council publish notice of the new road names in the NSW Government Gazette.

#### Report

In accordance with Council's resolution, the authorities prescribed by the *Roads Regulation* 2008 were notified of the proposal to use the road names (including first and surnames) listed in the attachment to the previous report by the lodgement of a proposal in the NSW Online Road Naming System (NORNS) on 25 November 2015.

On 27 November 2015, Council received notification through NORNS that the Secretariat of the GNB had objected to all of the road names in this proposal on the grounds that:

"The use of given or first names in conjunction with a surname is not acceptable for road naming, as prescribed by Principle 6.7.5 (Acceptable Road Names) of the NSW Addressing User Manual."

#### **Legislation and Authority**

Road naming is legislated under the *Roads Act 1993*. Section 162 of this Act empowers the roads authority in charge of a road with the rights to name it. Section 7 of this Act prescribes that the council of a local government area is the roads authority for all public roads within the respective local government area, other than for any freeway, Crown road, or any public road for which some other public authority is declared by the regulations to be the roads authority. Campbelltown Council therefore has the authority under this Act to name all of the local roads within the Claymore Urban Renewal Project.

The process Council must follow when naming roads is outlined in Division 2 of the *Roads Regulation 2008*. Clause 10 of this Regulation states that 'A roads authority may not proceed with a proposal to name or rename a road against an objection made by any of the following persons or bodies except with the approval of the Minister'. The Surveyor General of NSW is one of these prescribed persons or bodies. As the Chair of the GNB, the Surveyor General of NSW has delegated this responsibility to the Secretariat of the GNB to initially assess all road naming proposals for compliance with current policies and guidelines.

The NSW Address Policy and NSW Addressing User Manual were developed to outline principles, procedures and processes to standardise the production, aggregation, publication and usage of address data (including road names) in an open and timely manner. The principles relating to road naming conform to Australian Standard AS/NZS 4819:2011 and are designed to ensure that naming practices in NSW will be of the highest possible standard, resulting in intuitively clear road names for all which minimise confusion, errors and omissions.

The overriding principle for road naming is that road names shall not risk public and operational safety for emergency response or cause confusion for transport, communication and mail services. Both the NSW Address Policy and the NSW Addressing User Manual were endorsed by the GNB on 31 March 2015 and replace all previous GNB guidelines and policies relating to road naming.

#### **Options available to Council**

As Council has now received an objection from the Secretariat of the GNB on behalf of the Surveyor General of NSW, it cannot proceed with its current proposal to name the roads (using both first and last names) within the Claymore Urban Renewal Area. The following options are available to Council in relation to this road naming proposal:

1. Council may request that the current road naming proposal be submitted to the next full meeting of the GNB for consideration. The next meeting of the Board is scheduled for 15 March 2016. At this meeting the Board can overturn the objection raised by the Secretariat and approve the road naming proposal; uphold the Secretariat's objection to the proposal; or defer a decision and seek further information from Council. Having recently endorsed the principles contained in the NSW Addressing User Manual, it is believed that the Board would be unlikely to overturn the objection raised by the Secretariat on the grounds of non-compliance with one of these principles.

Should the Board uphold the Secretariat's objection to the current road naming proposal, Council may then appeal this decision and apply directly to the Minister for Roads, Maritime and Freight for approval.

2. Council can amend the current road naming proposal to comply with the principles of the NSW Addressing Manual by using surnames only. This revised proposal would then be advertised and notified to the authorities prescribed by the *Roads Regulation* 2008. As the proposal would then comply with the principles contained in the NSW Addressing Manual, it is expected that the road names (using surnames only) would be approved by the Secretariat of the GNB through its delegated authority.

Notwithstanding the above options, given the renewal of the Claymore area and the demolition of existing roads, although not the preferred option, the developer of the land could reuse existing approved street names without further approval as alternatives to that which it has recently requested endorsement for.

#### Conclusion

UrbanGrowth NSW have indicated to Council that delays in the approval of street names will have a significant adverse impact on the timing of the release of land within the Claymore renewal area (potentially six months), will have ongoing significant impacts on the release of finance to potential purchasers, impacts on house building timeframes and subsequent financial impacts on the purchasers with increased house building contract prices and extended rental periods whilst awaiting the completion of their future homes.

Given the lengthy timeframe and likely outcomes of the processes outlined in Option 1, it is therefore recommended that Council approve the revised list of proposed road names (using surnames only) listed in the attachment to this report for use within the Claymore Urban Renewal Project area to ensure the timely delivery of affordable housing land to the community.

Subject to Council's endorsement to publicly exhibit the proposed road names, should no objections be received from the public or authorities prescribed in the Regulation as a result of the exhibition of this proposal, it is recommended that Council complete the road naming process by publishing a notice of these new road names in the NSW Government Gazette. Should any objections be received during the exhibition period, a further report will be presented to the next available Council meeting.

#### Officer's Recommendation

- 1. That Council approve the revised list of proposed road names (using surnames only) listed in the attachment to this report for use within the Claymore Urban Renewal Project area.
- 2. That Council publicly exhibit its proposal to use these road names for a period of 28 days by placing advertisements in local newspapers and notifying the authorities prescribed by the *Roads Regulation 2008*.
- 3. That should no objections to the proposal to use the exhibited road names be received during the exhibition period, Council publish notice of the new road names in the NSW Government Gazette.

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

That the Officer's Recommendation be adopted.

#### **Amendment:** (Oates/Kolkman)

- 1. That Council approve the revised list of proposed road names (using surnames only) listed in the attachment to this report for use within the Claymore Urban Renewal Project area.
- 2. That Council publicly exhibit its proposal to use these road names for a period of 28 days by placing advertisements in local newspapers and notifying the authorities prescribed by the *Roads Regulation 2008*.
- 3. That should no objections to the proposal to use the exhibited road names be received during the exhibition period, Council publish notice of the new road names in the NSW Government Gazette.
- 4. That Council write to the Minister for Roads and Maritime Services requesting support for the use of both first and surnames as a sign of both respect and identification when individuals names are being used as street names in new subdivisions.

#### **LOST**

#### **Motion:** (Greiss/Thompson)

That the Officer's Recommendation be adopted.

#### **CARRIED**

#### Council Meeting 15 December 2015 (Hawker/Rowell)

That the Officer's Recommendation be adopted.

#### **Amendment** (Oates/Kolkman)

- 1. That Council approve the revised list of proposed road names (using surnames only) listed in the attachment to this report for use within the Claymore Urban Renewal Project area.
- 2. That Council publicly exhibit its proposal to use these road names for a period of 28 days by placing advertisements in local newspapers and notifying the authorities prescribed by the *Roads Regulation 2008*.
- That should no objections to the proposal to use the exhibited road names be received during the exhibition period, Council publish notice of the new road names in the NSW Government Gazette.
- 4. That Council write to the Minister for Roads Maritime and Freight requesting support for the use of both first and surnames as a sign of both respect and identification when individuals names are being used as street names in future subdivisions.

#### **Council Resolution Minute Number 227**

That the above amendment be adopted.

A **Division** was called in regard to the Resolution for Item 2.1 - Proposed Road Names for use within the Claymore Urban Renewal Project with those voting for the Motion being Councillors Borg, Brticevic, Chanthivong, Kolkman, Lake, Lound, Oates.

Voting against the Resolution were Councillors Greiss, Hawker, Matheson, Mead, Rowell, Thompson.

Note: Councillor Glynn had already retired from the meeting prior to Item 2.1.

# **ATTACHMENT 1**

# Revised list of proposed road names (using surnames only)

Road Name	Origin
Arkley	Howard Arkley (5 May 1951 – 22 July 1999) Australian artist born in Melbourne known for his airbrushed paintings of houses, architecture and suburbia.
Crowley	Grace Crowley (28 May 1890 – 21 April 1979) Born at Forrest Lodge, Barraba, in north-western New South Wales, she had an extraordinary career spanning over five decades. She was best known for her cubist paintings of the 1920s and 1930s.
Dowie	John Dowie (15 January 1915 – 19 March 2008) Australian painter, sculptor and teacher, he was born in the suburb of Prospect in Adelaide, South Australia, and studied architecture at the University of Adelaide.
Glover	John Glover (18 February 1767 – 9 December 1849) An English-born Australian artist during the early colonial period of Australian art. He has been dubbed "the father of Australian landscape painting".
Hart	Pro Hart (30 May 1928 – 28 March 2006) Australian artist, born in Broken Hill, New South Wales, who was considered the father of the Australian Outback painting movement and his works are widely admired for capturing the true spirit of the outback.
Hester	Joy Hester (21 August 1920 – 4 December 1960) Australian artist who played an important role in the development of Australian modernism.
Jackson	James R Jackson (1882-1975) Australian painter, best known for his paintings of views of Sydney harbour and the Great Depression.
Lawrence	George Lawrence (1901–1981) Regarded as one of the foremost painters in the impressionist style.
Minns	Benjamin Edwin Minns (17 November 1863 – 21 February 1937) Recognised as one of Australia's foremost water-colourists, he also drew for the Sydney Mail and regularly contributed to The Bulletin.
Molvig	Jon Molvig (27 May 1923 – 15 May 1970) An Australian expressionist artist, considered a major developer of 20th-century Australian expressionism.
Officer	Edward Officer (19 September 1871 – 7 July 1921) An Australian artist and inaugural president of the Australian Art Association.
Olley	Margaret Olley (24 June 1923 – 26 July 2011) One of Australia's most loved artists, she was the subject of more than 90 solo exhibitions. Her work concentrated on still life and in 1997 a major retrospective of her work was organised by the Art Gallery of New South Wales. She received the inaugural Mosman Art Prize in 1947.

2.2 Proposed Road Names - Western Sydney University Campbelltown Residential Project Stages 2 And 3

# 2.2 Proposed Road Names - Western Sydney University Campbelltown Residential Project Stages 2 and 3

#### **Reporting Officer**

Manager Environmental Planning

#### **Attachments**

List of proposed road names for use in Stages 2 and 3 of the Western Sydney University (WSU) Campbelltown Residential Project (contained within this report)

#### **Purpose**

To seek Council's endorsement to publicly exhibit proposed road names to be used within Stages 2 and 3 of the WSU Campbelltown Residential Project area.

## **History**

Council at its meeting of 8 April 2014, (Planning and Environment Committee Item 2.3 - Proposed Road Names - Western Sydney University (WSU) Campbelltown Residential Project Stage 1), approved a list of 12 road names for use in Stage 1 of the previously named UWS Campbelltown Residential Project drawn from an astronomy theme.

On 6 November 2014, Council issued development consent for the construction of bulk earthworks and a subdivision into 111 allotments and a residue lot comprising Stage 2 of this development.

On 18 June 2015, Council issued development consent for a subdivision into 57 residential allotments and one residue lot comprising Stage 3 of this development.

Council has now received a request from UrbanGrowth NSW seeking approval for the use of particular road names in the naming of new roads created by Stages 2 and 3 of this development.

On 30 August 2015, the University of Western Sydney (UWS) officially changed its name to Western Sydney University (WSU).

#### Report

It has been Council's protocol for some time to select specific themes in an effort to harmonise road names within suburbs and development areas.

UrbanGrowth NSW, in partnership with Western Sydney University (WSU) Campbelltown, commissioned CLOUSTON Associates with Susan Conroy Cultural Planning to develop an integrated landscape, public art and place making strategy for the WSU Campbelltown Residential Project. Research carried out as part of this place making strategy established that the site of this development has a long history that can be traced back to activities undertaken by the Dharawal people, through colonial and farming settlement, to the more recent use of the site as a university campus. From this research, the overarching theme proposed for the place making and public art program is "Bringing Knowledge to Life: Public Art, Environment and Science". Underpinning this theme are four sub-themes drawn from the history, character, profile and evolution of uses of the site. These are: University Influences, Dharawal Roots, Productive Keepers Past and Present, and Natural Corridors. As the various stages of this estate are separated into distinct residential precincts by areas of open space, it is proposed to apply these separate place making sub-themes to the individual stages of this development.

Stages 1, 2 and 3 of this residential development are located close to the existing university campus and are within the area covered by the "University Influences" place making subtheme. The proposed road names for Stages 2 and 3 have therefore been selected to acknowledge some of the international academics who historically have made significant contributions to the various disciplines offered by the university.

A list of proposed road names suggested by UrbanGrowth NSW for use in Stages 2 and 3 of the WSU Campbelltown Residential Project is included in the attachment to this report. These proposed road names comply with the requirements of the NSW Addressing Policy and the NSW Addressing User Manual which were adopted by the Geographical Names Board (GNB) of NSW on 31 March 2015.

Division 2 of Part 2 of the *Roads Regulation 2008* (the Regulation) outlines the procedure that Council must follow when naming public roads under its control. In accordance with these procedures, Council must publicly exhibit the proposed road names in local newspapers for a period of 28 days and notify Australia Post, the Registrar General, the Surveyor General and all emergency services specified by the Regulation of its intention to name new roads, including the GNB.

Having regard to the above, subject to Council's endorsement to publicly exhibit the proposed road names, should no objections be received from the public authorities prescribed in the regulation as a result of the exhibition of this proposal, it is recommended that Council complete the road naming process by publishing a notice of these new road names in the NSW Government Gazette.

Should any objections be received during the exhibition period, a further report will be presented to the next available Council meeting.

Notwithstanding the above request which seeks Council's endorsement to publicly exhibit the last name of the person being recognised, more recently Council has provided direction in that it would prefer that both the first and last names of the person being recognised, be exhibited as the preferred name for use on the respective street sign. Council staff continue to make enquires with the GNB in this regard, however given that the GNB have recently formulated a policy that specifically precludes (other than for feature roads) the use of more than one word on a street sign, no support for the use of more than one word on a street sign has been forthcoming from the GNB.

2.2 Proposed Road Names - Western Sydney University Campbelltown Residential Project Stages 2 And 3

In light of the above, and to assist the Council with its desire to ensure the public can easily distinguish the actual person the street name relates to, it is proposed that Council investigate the feasibility to include the full name of the person (first and last names) at the bottom of the street sign plate.

In addition to this, it is proposed that Council investigate the feasibility of a QR Code being placed on the sign plate providing people with direct access via their smart device, to a short but concise account of the significance of the person the street has been named after, and the theme of which they are a part of.

#### Officer's Recommendation

- 1. That Council approve the proposed road names in the attachment to this report for use within Stages 2 and 3 of the Western Sydney University Campbelltown Residential Project.
- 2. That Council publicly exhibit its proposal to use these road names for a period of 28 days by placing advertisements in local newspapers and notifying the authorities prescribed by the *Roads Regulation 2008*.
- 3. That should no objections to the proposal to use the exhibited road names be received during the exhibition period, Council publish notice of these new road names in the NSW Government Gazette.
- 4. That Council investigate the feasibility of including the full name (first and last) of the person being recognised at the bottom of the respective street sign plate.
- 5. That Council investigate the feasibility of including a QR Code link alongside the full name of the person, which provides the public with direct access via their smart device, to a short but concise account of the significance of the person the street has been named after, and the theme of which they are a part.
- 6. That a future report be presented to the Council discussing the feasibility of recommendations 4 and 5 above.

#### Committee's Recommendation: (Rowell/Kolkman)

That the Officer's Recommendation be adopted.

#### **Amendment:** (Oates/Kolkman)

- 1. That Council approve the proposed road names in the attachment to this report for use within Stages 2 and 3 of the Western Sydney University Campbelltown Residential Project.
- 2. That Council publicly exhibit its proposal to use these road names for a period of 28 days by placing advertisements in local newspapers and notifying the authorities prescribed by the Roads Regulation 2008.

- 2.2 Proposed Road Names Western Sydney University Campbelltown Residential Project Stages 2 And 3
- 3. That should no objections to the proposal to use the exhibited road names be received during the exhibition period, Council publish notice of these new road names in the NSW Government Gazette.
- 4. That Council investigate the feasibility of including the full name (first and last) of the person being recognised at the bottom of the respective street sign plate.
- 5. That Council investigate the feasibility of including a QR Code link alongside the full name of the person, which provides the public with direct access via their smart device, to a short but concise account of the significance of the person the street has been named after, and the theme of which they are a part.
- 6. That a future report be presented to the Council discussing the feasibility of recommendations 4 and 5 above.
- 7. That Council write to the Minister for Roads and Maritime Services requesting support for the use of both first and surnames as a sign of both respect and identification when individuals names are being used as street names in new subdivisions.

#### LOST

#### Motion: (Greiss/Rowell)

That the Officer's Recommendation be adopted.

#### **CARRIED**

#### Council Meeting 15 December 2015 (Hawker/Rowell)

That the Officer's Recommendation be adopted.

#### **Council Resolution Minute Number 227**

That the Officer's Recommendation be adopted.

# **ATTACHMENT 1**

# List of proposed road names

Road Name	Origin
Curie Road	Marie Sklodowska Curie (7 November 1867 – 4 July 1934) A Polish and naturalized-French physicist and chemist who conducted pioneering research on radioactivity. She was the first woman to win a Nobel Prize, the first person and only woman to win twice, the only person to win twice in multiple sciences, and was part of the Curie family legacy of five Nobel Prizes.
Mahoney Drive	Mary Eliza Mahoney (May 7, 1845 – January 4, 1926) The first African American to study and work as a professionally trained nurse in the United States, graduating in 1879. Mahoney was one of the first African Americans to graduate from a nursing school, and she prospered in a predominantly white society.
Eddington Road	Sir Arthur Stanley Eddington (28 December 1882 – 22 November 1944) An English astronomer, physicist, and mathematician of the early 20th century who did his greatest work in astrophysics.
Turing Street	Alan Mathison Turing (23 June 1912 – 7 June 1954) A British pioneering computer scientist, mathematician, logician, cryptanalyst and theoretical biologist. He was highly influential in the development of computer science, providing a formalisation of the concepts of algorithm and computation with the Turing machine, which can be considered a model of a general purpose computer. Turing is widely considered to be the father of theoretical computer science and artificial intelligence.
Fleming Drive	Sir Alexander Fleming (6 August 1881 – 11 March 1955) A Scottish biologist, pharmacologist and botanist. His best-known discoveries are the enzyme lysozyme in 1923 and the antibiotic substance benzylpenicillin (Penicillin G) from the mould Penicillium notatum in 1928, for which he shared the Nobel Prize in Physiology or Medicine in 1945 with Howard Florey and Ernst Boris Chain.
Younger Road	Irving Younger (November 30, 1932 – March 13, 1988) An American lawyer, law professor, judge, and writer. He is well known among lawyers and law students for his exciting talks on effective trial advocacy and legal history.
Knox Street	Robert Knox (4 September 1791 – 20 December 1862) A Scottish anatomist, zoologist, ethnologist and doctor. He was the most popular lecturer in anatomy in Britain, where he introduced the theory of transcendental anatomy.
Ehrlich Street	Paul Ehrlich (14 March 1854 – 20 August 1915) A German physician and scientist who worked in the fields of hematology, immunology, and antimicrobial chemotherapy. In 1908, he received the Nobel Prize in Physiology or Medicine for his contributions to immunology.

#### 2.3 2014-2015 State of the Environment Report

#### **Reporting Officer**

Manager Environmental Planning

#### **Attachments**

Campbelltown City Council 2014-2015 State of the Environment Report (contained within this report)

## **Purpose**

To present the State of the Environment Report for the 2014-2015 reporting period.

## **History**

Previously, under the provisions of the *Local Government Act 1993*, Council was required to prepare an annual 'State of the Environment Report' (SoE Report) for the Local Government Area (LGA) and submit the report to the NSW Department of Local Government.

The SoE Report was required to:

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

Accordingly, the SoE Report was designed to be utilised by Council to assess its progress towards sustainability and to assist Council in continuing to implement the principles of ecological sustainable development. The SoE Report has been a valuable technical and education tool used by staff and the community.

Under the Integrated Planning and Reporting framework, councils are encouraged to integrate their SoE reporting into the environmental objectives of their Community Strategic Plans and thereby address issues of concern to their local communities. As a result, a standalone SoE Report is only required to be prepared every four years.

However, it is still important to continue to collect the environmental indicator data and information regarding Council's achievements in the interim in order to prepare for the four year SoE Report and continue to monitor the health of our local environment. The review and analysis of this information helps guide the future strategic direction of Council's activities and identify actions to address the pressures on Campbelltown's environment. With this in mind the 2014-2015 SoE Report has been prepared (see attachment).

#### Report

The 2014-2015 SoE Report (see attachment) summarises the major environmental achievements made by Council during the 2014-2015 reporting period. It also provides an account of Council's progress against identified annual environmental indicators where the information is available. Key attributes from the 2014-2015 SoE Report are summarised below:

#### 1. Our Land

#### a. Future coal seam gas development cancelled

During the previous reporting period the NSW Government introduced coal seam gas exclusion zones within two kilometres of residential areas. Following this announcement, AGL have completed a comprehensive review of its upstream gas business and will now focus on core gas projects and divest non-core and underperforming gas assets and activities. As a result, AGL will surrender three of its Petroleum Exploration Licenses associated with stage 3 of the Camden Gas Project, including those that cover the Scenic Hills and most of Western Sydney.

#### b. Ingleburn Reserve Plan of Management

Council commenced a comprehensive review of the Plan of Management for Ingleburn Reserve with the aim of developing new ideas and directions for the reserve. In undertaking the review, local school students from Campbelltown Performing Arts High School were engaged to better understand how young people perceive and interact with the natural environment, and how they think the reserve could be improved.

Our partnership with the high school will continue throughout the review of the Plan of Management, with student observations and feedback becoming an integral component to the reserve's future. It is anticipated that the revised Plan of Management will be completed by the end of 2015.

#### c. Draft Campbelltown Local Environmental Plan 2015

During the reporting period, Council considered more than 163 submissions (133 community and 30 government authorities and agencies) from the public exhibition period of the Draft Campbelltown Local Environmental Plan 2015. The draft plan seeks to guide the development of the LGA over the next decade, meeting the challenges that lie ahead while facilitating quality lifestyle opportunities. The draft plan details what development is permitted within the LGA and where certain development can take place. Controls are established to guide the revitalisation, redevelopment and expansion of the business centres and suburbs as part of a growing vibrant city.

The draft plan has been forwarded to the Department of Planning and Environment for adoption, which is anticipated to take place by the end of December 2015. Following the adoption of the plan, a number of revisions are likely to be undertaken including the:

- incorporation of the outcomes of a number of current planning proposals
- incorporation of outcomes of the Glenfield to Macarthur Urban Renewal Corridor Strategy and the Greater Macarthur Land Release Investigation.

#### 2. Our Biodiversity

#### a. Biobanking opportunities for Council reserves

Biobanking feasibility study assessments were undertaken on several reserves across Campbelltown City to identify opportunities and source funds to preserve and enhance conservation values. Credits generated from the protection and management of these sites will be used to offset development impacts at other locations.

The site with the foremost potential was identified as Noorumba Reserve, Rosemeadow. Noorumba Reserve has also been identified by the NSW Office of Environment and Heritage (OEH) and the Commonwealth Department of the Environment (DotE) as one of three candidate lands for inclusion within the Priority Conservation Lands across the Cumberland Plain. These Priority Conservation Lands represent the best remaining opportunities to secure long-term biodiversity benefits in the region at the lowest possible cost, including the least likelihood of restricting land supply. Council is currently in the process of undertaking a formal Biobanking credit assessment at the reserve.

#### b. Green and Golden Bell Frog sightings confirmed in Blair Athol

Targeted frog surveys undertaken within the suburb of Blair Athol, confirmed that Green and Golden Bell Frogs (*Litoria aurea*) are inhabiting the area. A frog was found in a drainage line on Council lands in the same general area as a previous sighting in 2013, indicating that there may be a breeding population of these rare frogs in the area.

The Green and Golden Bell Frog is a threatened species, listed as 'endangered' under the *Threatened Species Conservation Act 1995*, and as 'vulnerable' under the *Environment Protection and Biodiversity Conservation Act 1999*. Prior to 2013, the closest sightings had been in the suburbs of Hammondville, Holsworthy and Liverpool, where the Green and Golden Bell Frog is currently classified as presumably extinct by the Commonwealth Department of the Environment.

Council is currently preparing a site-specific management plan for the Green and Golden Bell Frog in Blair Athol, in order to appropriately manage this threatened species and its habitat in the Campbelltown area.

#### c. Indian Myna Bird Action Program

In August 2014, Council launched its Indian Myna Bird Action Program to reduce the impacts of this pest species across Campbelltown City. The program incorporates educational workshops for interested community members focusing on promoting simple ways residents can reduce Myna bird breeding and feeding opportunities, and demonstrating effective trapping and humane euthanasia methods. Through the program Council works closely with local Men's Sheds, who produce and sell traps. During the reporting period, 13 workshops were held with 308 participants. The local Men's Sheds have sold 214 traps generating income to purchase equipment and materials for the sheds.

#### 3. Our Waste

#### a. Community Recycling Centre

Council was awarded \$276,000 from the NSW Government to build a new community recycling centre for the safe disposal of problem household waste. The centre, which will be located at Council's Junction Road depot, will provide a free drop off service for residents across the region. There will also be a trial of recycling cluster stations across the LGA for the deposit of batteries, mobile phones and compact fluorescent lights for recycling.

#### b. Illegal dumping crackdown

In an effort to combat illegal dumping, Council installed fencing at illegal dumping hotspots across the LGA. The fencing was installed in key isolated and/or bushland fringe spots where the disposal of anything from burnt cars to industrial waste materials is common. These areas include Menangle Reserve, Menangle; Richmond Crescent, Campbelltown; Karrabul Reserve, St Helens Park and Rose Street, Campbelltown. The fencing is designed to deter would-be dumpers and prevent illegal waste ending up in local bushland and waterways.

#### c. Clean Up Australia

Local residents participated in Clean Up Australia Day on Sunday March 1 at Milton Park, Ingleburn. The event attracted more than 20 people who used their man-power to clean up Milton Park and Redfern Creek.

In addition to rubbish of a larger scale including vacuum cleaners, tyres, suitcase bags and a fire extinguisher, 40 bags of rubbish were collected as a result of the day.

#### 4. Our Water

#### a. Water Quality Monitoring Program

Water quality testing took place at a number of strategically selected sites within the Campbelltown LGA. Monitoring was carried out across 13 locations in accordance with Councils Water Quality Monitoring Strategy 2012.

The results of the sampling were compared to the National Guidelines for Fresh and Marine Water Quality, developed by the Australian and New Zealand Environment and Conservation Council (ANZECC). The most popular recreational swimming sites at Menangle Bridge and Simmo's Beach were also compared to the National Health and Medical Research Council Guidelines, Managing Risks in Recreational Areas (NHMRC 2008). The NHMRC guidelines are considered the most industry relevant for assessing human health risks within recreational water bodies.

The results demonstrated poor water quality for aquatic health and secondary contact within some areas of the highly urbanised Bow Bowing Bunbury Curran Creek catchment. Analysis of water quality against the NHMRC guidelines at Simmo's Beach and Menangle Bridge showed the water quality to be poor for recreational purposes.

#### Classification of Recreational Water Environments (NHMRC 2008)

Site	Category
Simmo's Beach, Georges River	Poor
Menangle Bridge, Nepean River	Poor
Woolwash, O'Hares Creek	Good

#### b. Sustainable Catchments Working Party projects

Our Sustainable Catchments Working Party launched two projects focused on improving the health of our local catchments - 'Let's get Quirky' and 'Catchments Connecting Communities'. The 'Let's get Quirky' project aims to revitalise Quirk Reserve in Bradbury through modifications to the water course, increased planting of endemic species, and the introduction of no-mow zones. 'Catchments Connecting Communities' was delivered in partnership with the Western Sydney University's 'Love Your Lagoons' program. Students from Campbelltown Performing Arts High School investigated environmental and social issues surrounding the Park Central wetland and developed a suite of management actions aimed to improve the local environment, increase awareness about the wetland and engage local residents with the space. Council is currently bringing two of these student projects to life; publishing a children's storybook and development of an interactive wildlife tile game.

#### c. A treatment train approach to cleaning our waterways

The construction of a wetland in Cleopatra Reserve, which forms the headwaters of the Spring Creek catchment was completed during the reporting period. Undertaken in partnership with the Greater Sydney Local Land Services, the project aims to improve water quality by filtering stormwater runoff from nearby Lake Mandurama and the surrounding residential area. The wetland covers an area of almost 4,000 square metres and has been planted with more than 15,500 aquatic and terrestrial plants.

It is anticipated that the wetland will also improve biodiversity in the area by providing habitat for birds and aquatic animals such as frogs. Council will continue to monitor and maintain the area to improve the environmental health of the broader Georges River catchment.

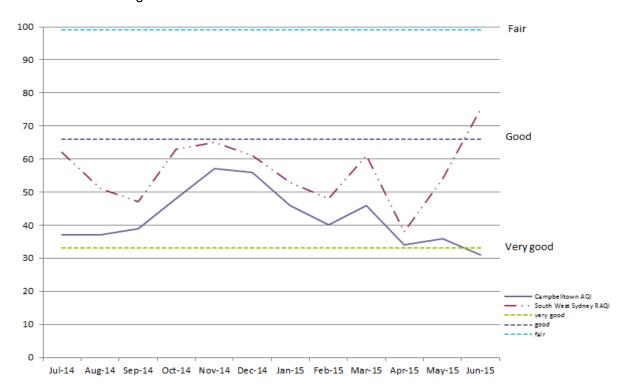
#### 5. Our Air

#### a. Regional and Local Air Quality Index

The NSW Government measures and records ambient levels of air pollutants across Sydney, Illawarra, the Lower Hunter and selected rural sites around NSW twice daily. Monitoring stations located in Sydney's South West Region include Bargo, Bringelly, Camden, Campbelltown West and Oakdale. The information provided by these stations is summarised into a Regional Air Quality Index (RAQI) score and a site specific Air Quality Index (AQI) score. Both index scores assist to identify the nature and severity of air pollution within the LGA.

The RAQI and site specific AQI are based on the five criteria pollutants (as per national standards) plus visibility (as per a standard set by NSW). These values are categorised as very good, good, fair, poor, very poor or hazardous. Very good has a value of 0-33, good has a value of 34-66, fair has a value of 67-99, poor has a value of 100-149, very poor has a value of 150-199 and hazardous air quality has a value of greater than 200.

The following graph illustrates the monthly averages of the RAQI for Sydney's South West and the site specific AQI for Campbelltown West. During the reporting period, the RAQI average was found to be good with a score of 56 and the AQI average was found to be 'good' with a score of 42.



#### 6. Our Sustainability

#### a. Paper reduction

In accordance with Council's commitment to purchase recycled paper for general office use, Council endorsed a Sustainable Paper Authorised Statement. The authorised statement is guided by three main objectives including:

- 1. to reduce our paper consumption by 40 per cent by 2015-2016
- 2. to ensure that all white A4 paper purchased contain a minimum of 80 per cent recycled content, and are sourced from sustainable forests/plantations
- 3. to provide guidance and encourage our employees to adopt sustainable purchasing and printing practices.

#### b. Electricity savings

In striving to further reduce Council's electricity consumption, Council continued to support the installation of solar panels on key large energy consuming facilities. During the reporting period, consultants were engaged to design and install an 85 kilo-watt (kW) system at Greg Percival Library and Community Centre. The system will be installed by December 2015 and is anticipated to save around 113,000 kWh per year.

During the reporting period, previously installed energy saving projects continued to provide significant reductions in cost and electricity, they included:

- an energy efficient air conditioning system and building management system installed at the HJ Daley Library, is achieving an average annual saving of just over \$52,000 and approximately 494,000 kWh
- solar pool heating systems on all of Council's leisure centres are achieving a collective average annual saving of over \$69,000 and approximately 580,000 kWh
- installation of 770 solar panels on the Civic Centre and Campbelltown Arts Centre are achieving a collective average annual saving of approximately \$35,000 and 282,000 kWh.

#### c. Urban heat island effect

Council participated in a national research project aimed at understanding and mitigating the effects of the urban heat island effect. The urban heat island effect is a phenomenon which describes the temperature variation between cities and their rural surrounds. Previous studies have found that temperatures in urban areas are typically higher and energy demands associated with cooling are consequently increased. Findings from the project will provide localised urban design recommendations to assist with strategic planning to mitigate the urban heat island effect, as well as form key elements for the development of climate-sensitive urban design guidelines and an Australian standard for urban heat resilience. It is anticipated that preliminary findings will be available within the following year.

#### 7. Our Heritage

#### a. Heritage Festival activities

The National Trust Heritage Festival was held between 11 April and 26 May 2015 and explored the theme of 'Conflict and Compassion' in the spirit of the Anzac Centenary. In recognition of the theme, we focussed on how past events have shaped Campbelltown City's local identity.

A range of events were held as part of the festival, paying particular respect to our Indigenous heritage and local artistic communities, as well as highlighting the supreme sacrifice made by men and women during World War I, they included:

- an exhibition featuring the history of nurses and medical organisations from Campbelltown that aided the war effort
- a special display of new World War I memorabilia accompanied by a 3D model of a Gallipoli battleground

- a free author talk by renowned Australian writer, Peter Rees, providing a unique insight into his highly-acclaimed and profoundly moving book, The Other ANZACS: The Extraordinary Story of Our World War I Nurses
- a Heritage Forum at the Campbelltown Arts Centre, titled 'Art and Wedderburn', with the panel discussion exploring the suitability of artist communities in relation to studio practices.

The community was also able to explore the Macarthur region's unique natural heritage, joining a walking tour of the Dharawal National Park to learn about the Indigenous heritage of the park, providing a fresh look at the landscape from a Koori perspective.

#### b. NAIDOC Week

NAIDOC Week is held each year to celebrate the history, culture and achievements of Aboriginals and Torres Strait Islanders.

Council recognised NAIDOC Week from 5 to 12 July, with a host of events aimed at sharing the richness of the Australian Indigenous people's culture and heritage. This year's NAIDOC theme was 'We all Stand on Sacred Ground: Learn, Respect and Celebrate', highlighting Aboriginal and Torres Strait Islander peoples' strong spiritual and cultural connection to land and sea.

As part of local celebrations, Council hosted a flag raising ceremony, followed by a street march and Community Fun Day at Bradbury Oval. A NAIDOC touch football competition was also held at Minto, including a lunch and activities for children.

#### 8. Our Community

#### a. Environmental education in schools

During the reporting period, Council continued to grow its relationship with local schools through the engagement of a number of environmental education programs, which included the following:

- The Waterwise Waterways program saw Macquarie Fields, Blairmount and Robert Townson primary school students learn about the Georges River catchment and the importance of keeping stormwater clean. Students worked in teams to develop bright and colourful educational artworks that were transformed into drain stencils and placed on stormwater drains around the school and in high traffic areas throughout Campbelltown City
- Council continued to partner with Keep Australia Beautiful NSW to deliver environmental education workshops to five primary schools (Sherwood Hills Christian, St Andrews Primary, Kentlyn Primary, Eschol Park Primary, St Helens Park Primary) across Campbelltown City. The curriculum-based workshops explored concepts of waste avoidance and the effects of excessive food packaging
- Council continued to work with Campbelltown Performing Arts High School on a number of community-based initiatives to promote the voice of young adults within the community. Catchments connecting communities, Macarthur Nature Photography Competition, and consultation for Ingleburn Plan of Management.

#### b. Making good of a noxious species

Council hosted the third annual Catch a Carp competition at Eagle Vale Pond, Eagle Vale in March of 2015. The competition engaged community members within their local environment, highlighting responsible fishing practices and helping to educate participants on the threats impacting local waterways.

In addition to the hundreds of spectators, 501 people registered to participate on the day, almost 100 more than the previous year. A total of 45 carp were caught, less than half the amount caught the previous year. This, along with the fact there were almost 100 more people fishing this year, demonstrates that the competition is having the desired effect of reducing the numbers of carp in Eagle Vale pond.

Carp are a noxious species that have detrimental impacts on waterways and the health of our rivers. All carp caught were placed on ice and delivered to the Sydney Fish Markets where they were made into an organic fertiliser.

#### c. Nature through a lense

The Macarthur Nature Photography competition celebrated its ninth year, and continued to be a great success. The competition is held in partnership with neighbouring councils across the Macarthur region and aims to engage the community with their local environment through enhancing appreciation and fostering stewardship of natural assets.

A record number of 441 entries were received compared to the previous year's total of 240. Images reflected the diverse natural and environmental heritage of the Macarthur region, showcasing a range of subject matter including misty waterfalls, picturesque woodland expanses and detailed macro shots of spiders and other insects.

For the first time in the competition's history, the awards night was hosted by a local high school, Campbelltown Performing Arts High School. Students provided catering, sound and technical assistance, musical entertainment and public speaking duties. In doing so, a number of curriculum-based learning outcomes were achieved, enabling students to receive genuine real-life professional experiences that can be acknowledged in their curriculum vitae as they seek work and other opportunities.

#### Conclusion

The 2014-2015 SoE Report provides an overview of the major achievements of Council in respect to the following eight identified areas of the Environment: Our Land, Our Biodiversity, Our Waste, Our Water, Our Air, Our Sustainability, Our Heritage and Our Community. Within each of these areas, key threats have been identified, new environmental impacts and trends have been recognised, and Council's major achievements outlined.

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

#### Officer's Recommendation

That the information be noted.

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

That the Officer's Recommendation be adopted.

#### **CARRIED**

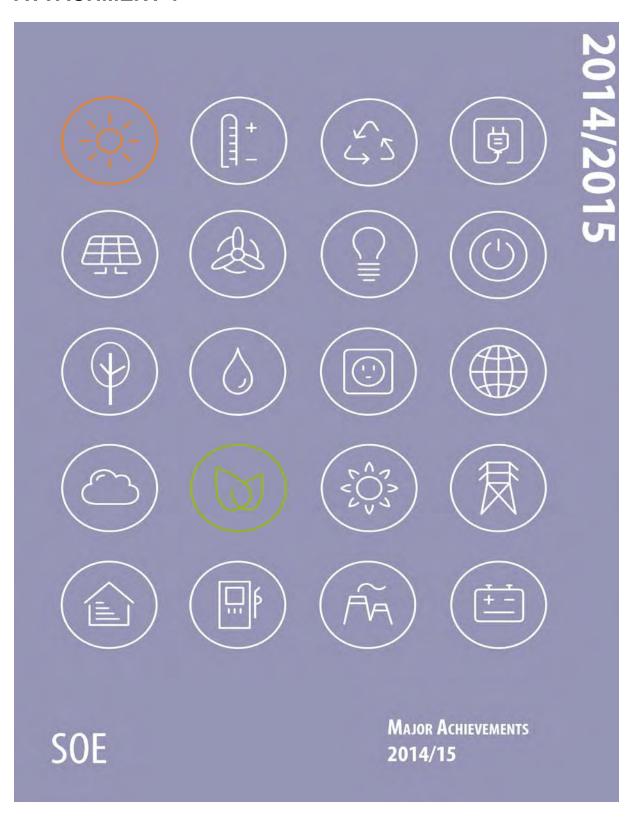
# **Council Meeting 15 December 2015 (Hawker/Rowell)**

That the Officer's Recommendation be adopted.

#### **Council Resolution Minute Number 227**

That the Officer's Recommendation be adopted.

# **ATTACHMENT 1**



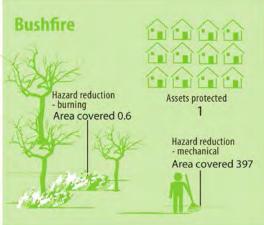
# CONTENTS

OUR LAND	2-7
<b>OUR BIODIVERSITY</b>	8 - 13
OUR WASTE	14-17
OUR WATER	18 - 23
<b>OUR SUSTAINABILITY</b>	24 - 27
<b>OUR COMMUNITY</b>	28 - 33
OUR HERITAGE	34 - 37
OUR AIR	38 - 41













# **OUR LAND**

#### Foture coal seam gas development cancelled

A huge win for the area was announced during the previous reporting period with the introduction of coal seam gas exclusion zones within two kilometres of residential areas. Following this announcement, AGL have completed a comprehensive review of its upstream gas business and will now focus on core gas projects and divest non-core and under-performing gas assets and activities. As a result, AGL will surrender three of its Petroleum Exploration Licenses associated with stage 3 of the Camden Gas Project, including those that cover the Scenic Hills and most of Western Sydney.

#### Inglobum Reserve Plan of Management

Council commenced a comprehensive review of the Plan of Management for Ingleburn Reserve with the aim of developing new ideas and directions for the reserve. In undertaking the review, we engaged local school students from Campbelltown Performing Arts High School to better understand how young people perceive and interact with the natural environment and how they think the reserve could be improved.

Our partnership with the high school will continue throughout the review of the Plan of Management, with student observations and feedback becoming an integral component to the reserve's future. It is anticipated that the revised Plan of Management will be completed by the end of 2015.

#### Bustifile management

Bushfire management on public lands within the LGA is undertaken in partnership with a range of fire and government agencies under the auspice of the Macarthur Bush Fire Management Committee.

As an active member of the Committee, and a significant landholder/manager, each year we routinely plan and undertake strategic bushfire hazard reduction works across key sites to reduce the risk of bush fire to the community and the environment. This includes the management of asset protection zones, fire trails, roadside vegetation, hazard reduction burning and arson prevention.

Achievements for the reporting period included:

- approximately 4760m<sup>2</sup> of fire trail surface improvement works
- approximately 7.486km of fire trail vegetation maintenance
- a Draft Fire Management Plan was prepared for Smith's Creek Reserve
- hazard reduction preparation works for proposed burns at Kentlyn and Varroville. This work included vegetation treatments to achieve optimum ecological benefits and reduction in exotic woody weeds.

#### Rondside Vergecation Management Plan-

The Campbelltown LGA contains approximately 400 hectares of roadside reserves and adjacent vegetation that are home to a large number of plants, animals and vegetation communities many of which are protected species.

Council is responsible for the management of road reserves invested to local government. This responsibility extends to providing safe passage for vehicles, as well as minimising bushfire risk and environmental damage. To ensure these areas are appropriately managed, we engaged a consultant to develop a Roadside Vegetation Management Plan for road reserves along the rural and semi-rural roads. The Plan, which is now under review, assesses the nature conservation value of roadside vegetation and outlines actions for effective, safe and environmentally senstive roadside vegetation management.

#### Light Compbelltown Local Environment Flan 2015

During the reporting period, Council considered more than 163 submissions (133 community and 30 government authorities and agencies) from the public exhibition period of the Draft Campbelltown Local Environmental Plan 2015. The draft plan seeks to guide the development of the LGA over the next decade, meeting the challenges that lie ahead while facilitating quality lifestyle opportunities. The draft plan details what development is permitted within the LGA and where certain development can take place. Controls are established to guide the revitalisation, redevelopment and expansion of the business centres and suburbs as part of a growing vibrant city.

The draft plan has been forwarded to the Department of Planning and Environment for adoption, which is anticipated to take place by December 2015. Following the adoption of the plan, a number of revisions are likely to be undertaken including the:

- · incorporation of new Council biodiversity directions
- incorporation of outcomes of the Glenfield to Macarthur Urban Renewal Corridor Strategy and the Greater Macarthur Land Release Investigation.

#### Write a Regional City Contra

During the reporting period, the NSW Government released its updated Metropolitan Strategy, 'A Plan for a Growing Sydney', and in doing so formally identified the Campbelltown-Macarthur CBD as a Regional City Centre. As one of only three Regional City Centres located outside of the Sydney and Parramatta Central Business Districts, Campbelltown City will be in a position to attract a range of new business, government, health, cultural, retail and recreational opportunities to support our growing population.

Since the release of the plan, the following new planning projects have commenced:

- the development of the Glenfield to Macarthur Urban Renewal Corridor Strategy, focussed on the rail line and transit orientated development
- Greater Macarthur Land Release Investigations, focussed on urban development prospects for land south of St Helens Park and Rosemeadow.

It is important to note that supplementary information and commentary identifies the strategic importance of the Scenic Hills, as well as the environmental values of the Georges and Hawkesbury Rivers and the Dharawal National Park.

#### Draft Sustainable City Development Control Plan 2015

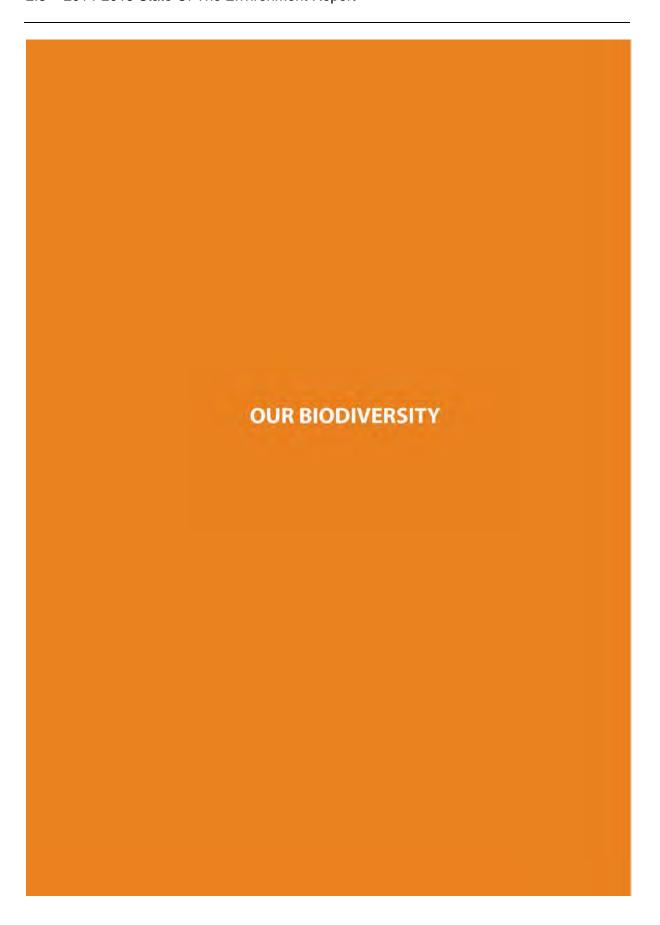
During the reporting period Council adopted revisions to the Draft Campbelltown (Sustainable City) Development Control Plan 2014 Volume 1, which addressed inconsistencies with state environmental planning policies and presented a number of revised development controls.

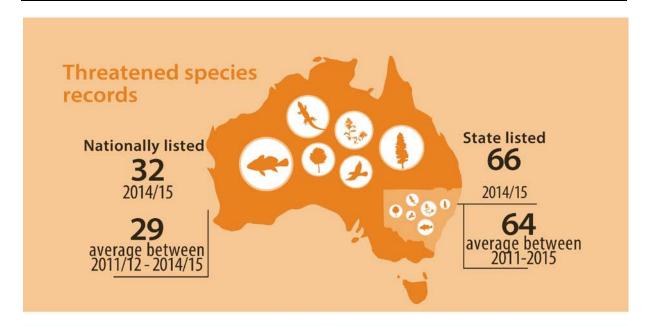
A further revised Development Control Plan, ensuring consistency with the Draft Campbelltown Local Environmental Plan and issues such as truck parking in sensitive settings and advertising signage, is likely to be publicly exhibited in late 2015 or early 2016.

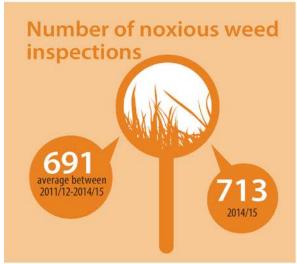


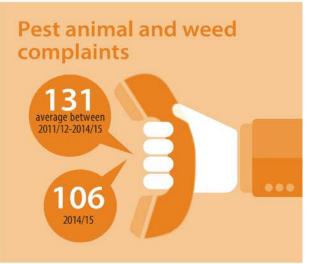
			Re	Reporting year			
Category	Indicator	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	4 year trend
	Hazard reduction - mechanical						
	Number of sites	83	82	82	88	29	<b>→</b>
	Number of treatments	294	347	328	370	449	*
	Area covered (ha)	263	341	293	296	397	<b>←</b>
Bushfire	Number of assets protected	2034	1867	1918	2052	2899	<b>←</b>
	Hazard reduction - burning						
	Number of sites	8	2	1	-	-	\$
	Area covered (ha)	28	16	2.3	35	9.0	$\rightarrow$
	Number of assets protected	108	45	10	œ	_	$\rightarrow$
	Number of approvals for new residential dwellings	437	489	494	1366	1640	
and use	Number of new commercial premises approvals	18	26	15	80	80	
200	Number of new industrial premises approvals	25	22	41	14	14	
	Length of new road construction (km)	2.0	1.0	10.8	0.3	0.5	<b>→</b>
	Number of premises licensed by the EPA to release emissions	missions 17	18	18	18	N/A	-
	Number of illegal construction and development complaints		244	319	323	329	· <del>(-</del>
	Number of environmental complaints		281	289	254	291	- ←-
	Number of trail bike complaints	77	71	45	19	90	-
Compliance	Number of Council actions for illegal trail bike activity		55	10	2	N/A	
	Number of tree removal applications	40	33	37	881	919	<b>←</b>
	Number of premises inspected for public health	212	229	196	144	190	<b>←</b>
	Number of specialist litter patrols	m	4	2	4	N/A	
	Number of litter penalty notices issued	99	27	=	∞	N/A	
Public amenity	Length of new cycle ways constructed (m)	630	970	1880	1150	1851	<b>←</b>
	Length of new walking tracks/footpaths constructed (m)		100	0	2570	2658	←
Contaminated	Number of EPA record of notices	-	1	0	8	8	1
land sites	Number of sites on the EPA's list of contaminated sites	es 10	12	10	10	10	<b>←</b>
Plans of Management	Number of performance indicators in Plans of Management achieved	70	75	85	80	80	\$













## OUR BIODIVERSITY

#### Nuorumba Reserve: Menangle Creek Riyarian Restoration project

Council received \$30,000 in grant funding from the Greater Sydney Local Land Services, for a biodiversity conservation project at Noorumba Reserve. The 'Rehabilitation of Menangle Creek Corridor' aims to improve the integrity and resilience of a key riparian corridor within Noorumba Reserve which includes Cumberland Plain Woodland, a state and federally listed Critically Endangered Ecological Community.

The project addresses the invasion of noxious weeds, stream bank erosion and the severe impacts of Bell Miner Associated Dieback (BMAD) through revegetation, bank stabilisation and ecological burns.

The project also incorporates the development of an environmental awareness and engagement campaign through the production of a recyclable coffee cup art series. The coffee cups incorporate an illustrative Aboriginal art design to communicate the biodiversity and Indigenous heritage values associated with the reserve's Cumberland Plain Woodland vegetation community. The cups will be made available to local coffee retailers.

#### Improving Urban Koala Habitat Linkages and Community Stewardship project

Council secured \$35,000 in grant funding from Greater Sydney Local Land Services for the Improving Urban Koala Habitat Linkages and Community Stewardship project centred around Smiths Creek, Ruse. The project will focus on bush regeneration works to improve koala corridors and habitat including Critically Endangered Shale Sandstone Transition Forest Vegetation found within the reserve. The project also aims to educate school students about the importance of clean storm water through the Waterwise Waterways drain stenciling program and is due for completion in early 2016.

#### Fallen trees for habitat

The removal of dead wood and dead trees is listed as a key threatening process under both state and federal threatened species legislation. The presence of standing dead trees and woody debris is an important component of the structure of forests and woodlands, and helps determine the habitat value for a wide range of fauna. In the Campbelltown LGA, the presence of abundant logs and fallen timber are important components of the foraging and breeding habitats of threatened forest bird species such as the Scarlet Robin, and mammals such as the Antechinus.

Council has been proactively salvaging habitat logs form locally felled trees, to be installed back into local reserves to maintain fauna habitat values.

#### Biobanking opportunities for Council reserves

Biobanking Feasibility Study assessments were undertaken on several reserves across Campbelltown City

to identify opportunities and source funds to preserve and enhance conservation values. Credits generated from the protection and management of these sites will be used to offset development impacts at other locations.

The site with the foremost potential was identified as Noorumba Reserve, Rosemeadow. Noorumba Reserve has also been identified by the NSW Office of Environment and Heritage (OEH) and the Commonwealth Department of Environment (DotE) as one of three candidate lands for inclusion within the Priority Conservation Lands across the Cumberland Plain. These Priority Conservation Lands represent the best remaining opportunities to secure long-term biodiversity benefits in the region at the lowest possible cost, including the least likelihood of restricting land supply. Council is currently in the process of undertaking a formal Biobanking credit assessment at the reserve.

#### Green and Golden Bell Freg sightings confirmed in Blair Athol.

Targeted frog surveys undertaken within the suburb of Blair Athol, confirmed that Green and Golden Bell Frogs (Litoria aurea) are inhabiting the area. A frog was found in a drainage line on Council lands in the same general area as the previous sighting in 2013, indicating that there may be a breeding population of these rare frogs in the area.

The Green and Golden Bell Frog is a threatened species, listed as 'Endangered' under NSW legislation, and as 'Vulnerable' under Commonwealth legislation. Prior to 2013, the closest sightings had been in Hammondville, Holsworthy and Liverpool, where the Green and Golden Bell Frog is currently classified as 'Presumably Extinct' by the Commonwealth Department of the Environment.

Council is currently preparing a site-specific Management Plan for the Green and Golden Bell Frog in Blair Athol, in order to appropriately manage this threatened species and its habitat in the Campbelltown area.

#### Indian Myna Bird Action Program

In August 2014, Council launched its Indian Myna Bird Action Program to reduce the impacts of this pest species across Campbelltown City. The program incorporates educational workshops for interested community members focusing on promoting simple ways residents can reduce Myna bird breeding and feeding opportunities, and demonstrating effective trapping and humane euthanasia methods. Through the program we work closely with local Men's Sheds, who produce and sell traps. During the reporting period, 13 workshops were held with 308 participants. The local Men's Sheds have sold 214 traps generating income to purchase equipment and materials for the sheds.

#### Weed Action Program

Council successfully obtained funding during the reporting period through the NSW Government's Weed Action Program. Works funded through the program focused on priority biodiversity assets such as endangered ecological communities and aim to complement and

extend on previous works while ensuring past work sites are maintained. The program also aimed to prevent new incursions of high risk noxious weeds through inspections of private properties and high risk pathways for weed distribution such as nurseries, aquariums, main roads, railway lines and previously identified sites. We completed a range of works including aquatic weed control, bush regeneration and management of high risk weed species such as Boneseed, Serrated Tussock and African Olive.

#### Agustic weed control

Throughout the reporting period, a range of programs were implemented targeting eradication or containment of aquatic noxious weeds to improve local waterways. Under the program, 51 linear kilometres of waterway within the upper Georges River catchment was mapped and treated for invasive Class 3 noxious weeds such as Alligator Weed, Ludwigia, Salvinia and Water Hyacinth. We also worked in partnership with Camden and Wollondilly Councils to treat Alligator Weed along an 11.8km stretch of the Upper Nepean River and invasive woody weeds such as A.negundo, G.tricanthos and C.camphora along 23km of the Nepean River.

#### Nextous weed control

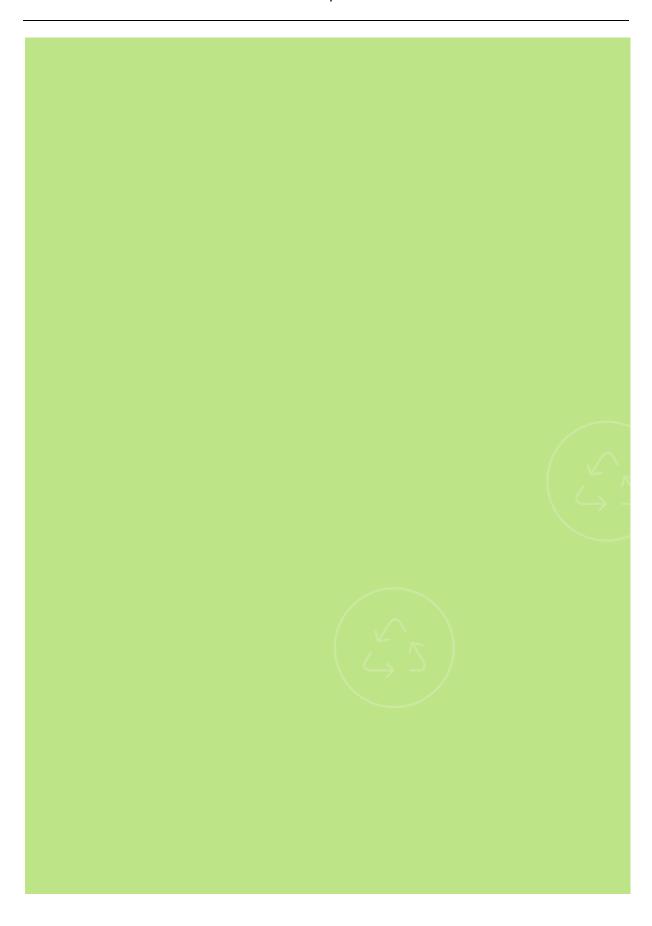
High risk noxious weeds such as Boneseed and Cats Claw Creeper found in scattered infestations across Campbelltown City were targeted through a range of programs. A targeted Maidera Vine project was delivered to contain and prevent the further spread of infestations in key environmental areas. Serrated Tussock control was undertaken on an infestation on agricultural land within the Menangle Park area and an African Olive containment line project continued within the Georges River Corridor. These projects form part of a regional approach to weed management facilitated through the Sydney Weeds Committee and Sydney South West Sydney Regional Weeds Committee.

#### Auch regeneration

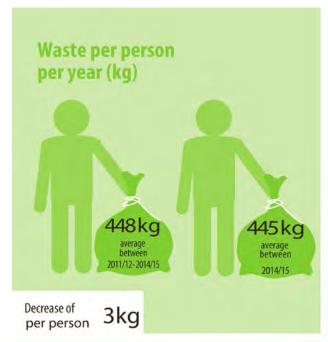
Bush regeneration works continued in sensitive natural areas, including Macquarie Rd Reserve – Macquarie Fields, Milton Park – Ingleburn, John Kidd Reserve – Blair Athol, Smiths Creek Reserve – Ruse and Cook Park – Ruse. The works targeted invasive noxious weeds, Weeds of National Significance and environmental weeds to protect and improve the condition of threatened species habitat and/or Critically Endangered Ecological Communities across the Campbelltown LGA.

# OUR BIODIVERSITY

			Keporting	ng year			
Category	Indicator	2010-2011	2010-2011 2011-2012	2012-2013	2013-2014 2014-2015	2014-2015	4 year trend
	Number of state listed threatened species recorded Number of state listed threatened ecological	09	62	64	65	99	+
	communities recorded	6	10	11	11	11	1
Biodiversity	Number of Nationally listed threatened species recorded Number of Nationally listed threatened ecological	27	28	28	29	32	<b>←</b>
protection	communities recorded	3	4	4	4	4	1
	Number of Illegal clearing events reported	-	2	7	9	12	+
	Area of native vegetation protected by zoning or				200 20	2000	
	conservation agreements (Ha)	15,383	15,383	15,383	15,383	15,383	1
	Number of biobanking sites	0	1	-	1	-	\$
	Number of pest animal and weed complaints	48	96	160	162	106	<b>→</b>
Noxious Pest	Number of noxious weed inspections	101	536	779	734	713	-
and Weed Management	Number of Weed Advice Program letters issued Number of Weed Control notices issued under the	15	25	20	43	15	$\rightarrow$
	Noxious Weeds Act 1993	12	0	0	0	0	1
Bush	Area of bush regeneration works (Ha)	38.6	93.2	2.06	34.4	38.4	<b>→</b>
Regeneration	Number of trees/plants planted by Council	11,000	40,000	25,000	12,000	30,450	<b>←</b>















## **OUR WASTE**

## Community recycling centre

Council was awarded \$276,000 from the NSW Government to build a new community recycling centre for the safe disposal of problem household waste. The centre, which will be located at our Junction Road Depot, will provide a free drop off service for residents across the region. There will also be a trial of recycling cluster stations across Campbelltown City for deposit of batteries, mobile phones and compact fluorescent lights for recycling.

## Hegal dumping crackdown

In an effort to combatillegal dumping, we installed fencing at illegal dumping hot-spots across Campbelltown City. The fencing was installed in key isolated and/or bushland fringe spots where the disposal of anything from burnt out cars to industrial waste materials is common including Menangle Reserve, Menangle; Richmond Crescent, Campbelltown; Karrabul Reserve, St Helens Park and Rose Street, Campbelltown. The fencing is designed to deter would-be dumpers and prevent illegal waste ending up in our bushland and waterways.

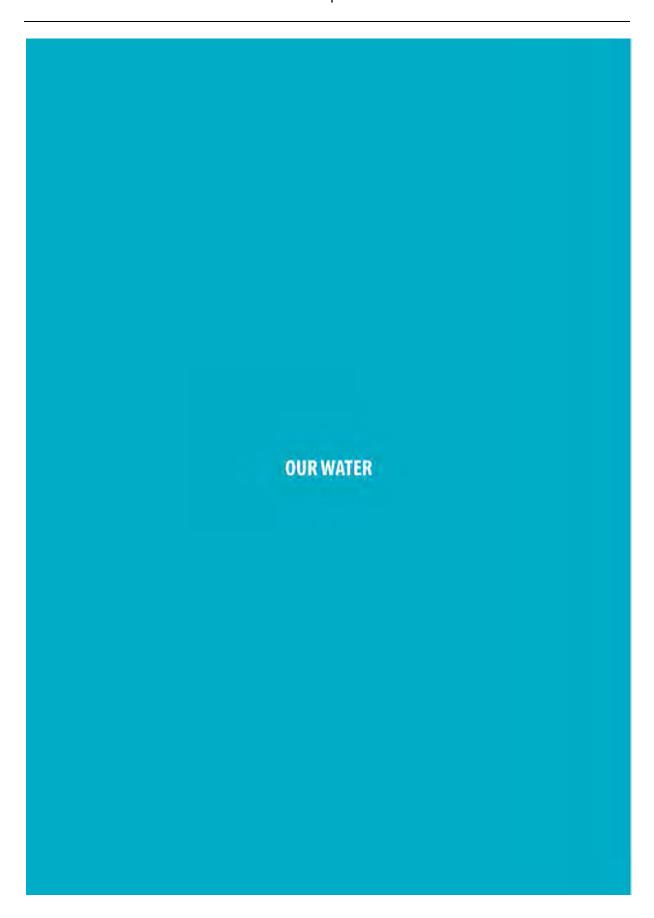
## Clean up Australia

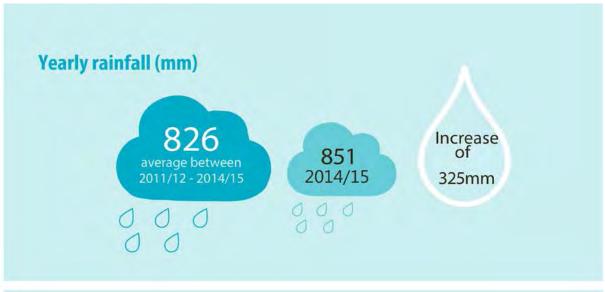
Local residents participated with us in Clean Up Australia Day on Sunday March 1 at Milton Park, Ingleburn. The event attracted more than 20 people who used their manpower to remove clean up Milton Park and Redfern Creek.

Overall, 40 bags of rubbish were collected as well as larger dumped rubbish, including vacuum cleaners, tyres, suitcase bags and a fire extinguisher.

			Rep	Reporting year			
Category	Indicator	2010-2017	2011-2012	2012-2013	2013-2014	2014-2015	4 year t
	Amount of waste generated per person per year (kg)	409	426	410	411	445	→ •
	Number of illegal dumping reports 4,531 Weight of Illegally dumped rubbish collected² (tonnes) 748	748	7007	96/7	708.74	389	
Marto	Weight of waste sent to landfill <sup>3</sup> (tonnes)	25,831	23,515	21,861	18,741	22,834	-
Waste	Weight of waste recovered (tonnes)	41,436	47,163	45,449	48,754	47,912	+
	Weight of resources recovered from general						
	waste stream (tonnes)	10,113	13,635	15,193	18,723	17,143	+
	Number of Council clean-ups	33,752	37,730	39,402	42,420	45,519	+

I. Includes clean-up waste, general waste, recycling and organics bin only
 Includes waste from parks
 Includes clean-up waste









## OUR WATER

#### A treatment train approach to cleaning our waterways

The construction of a wetland in Cleopatra Reserve, which forms the headwaters of the Spring Creek catchment was completed during the reporting period. Undertaken in partnership with the Greater Sydney Local Land Services, the project aims to improve water quality by filtering stormwater runoff from nearby Lake Mandurama and the surrounding residential area. The wetland covers an area of almost 4,000 square metres and has been planted with more than 15,500 aquatic and terrestrial plants.

It is anticipated that the wetland will also improve biodiversity in the area by providing habitat for birds and aquatic animals such as frogs. We will continue to monitor and maintain the area to improve the environmental health of the broader Georges River catchment.

#### Water Quality Monitoring Program

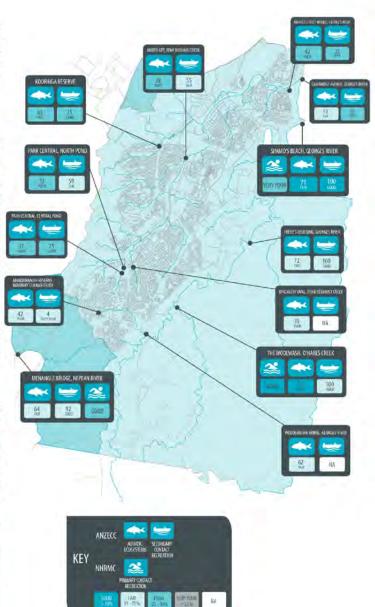
Water quality testing took place at a number of strategically selected sites within Campbelltown City. Monitoring was carried out in accordance with our Water Quality Monitoring Strategy 2012 across 13 locations.

The results of the sampling were compared to the National Guidelines for Fresh and Marine Water Quality, developed by the Australian and New Zealand Environment and Conservation Council (ANZECC). The most popular recreational swimming sites at Menangle Bridge and Simmo's Beach were also compared to the National Health and Medical Research Council Guidelines, Managing Risks in Recreational Areas (NHMRC 2008). The NHMRC guidelines are considered the most industry relevant for assessing human health risks within recreational water bodies.

The results demonstrated poor water quality for aquatic health and secondary contact within some areas of the highly urbanised Bow Bowing Bunbury Curran Creek catchment. Analysis of water quality against the NHMRC guidelines at Simmo's Beach and Menangle Bridge showed the water quality to be very poor and good for recreational purposes, respectively.

## Classification of Recreational Water Environments (NHMRC 2008)

Site	Category
Simmo's Beach, Georges River	Very poor
Menangle Bridge, Nepean River	Good
Woolwash, O'Hares Creek	Good



Our Sustainable Catchments Working Party launched two projects focused on improving the health of our local catchments - 'Let's get Quirky' and 'Catchments Connecting Communities. The 'Let's get Quirky' project aims to revitalise Quirk Reserve in Bradbury through modifications to the water course, increased planting of endemic species, and the introduction of no-mow zones. 'Catchments Connecting Communities was delivered in partnership with the Western Sydney University's Love Your Lagoons program. Students from Campbelltown Performing Arts High School investigated environmental and social issues surrounding the Park Central wetland and developed a suite of management actions aimed to improve the local environment, increase awareness about the wetland and engage local residents with the space. We are currently bringing two of these student projects to life.

Site	Report Card Grade
Stakes Crook	Att
Woolwash, D'Hares Ereek	
Inglaburn Weir, Georges River	Att
Simmos Brack, Grange Hiver	Au
Cambridge Ant, Grouges Tiver	N .
Woolwash, Georges River	A+
Bunbury Curran Creek	B-

#### Georges River Combined Councils Committee

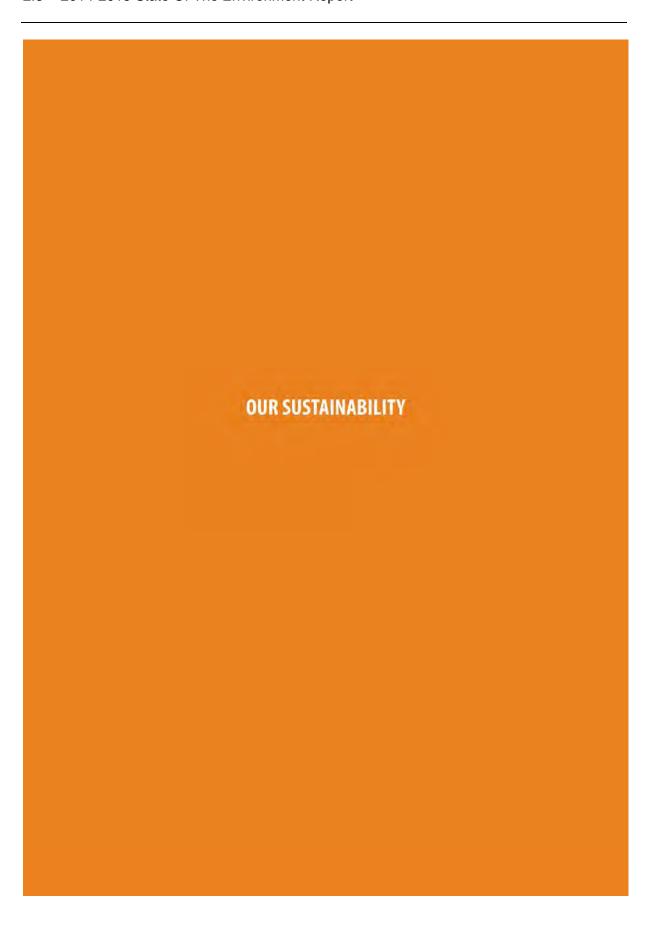
The Georges River Combined Councils Committee (GRCCC) is an incorporated association of local councils working in partnership with State and Federal Government agencies and community representatives within the Georges River catchment. Council is an active member of the GRCCC and works in association with the committee on a range of projects and programs. These include the Riverkeeper Program, which involves rubbish removal, bushland regeneration, terrestrial and aquatic weed control, and monitoring river health along the Georges River.

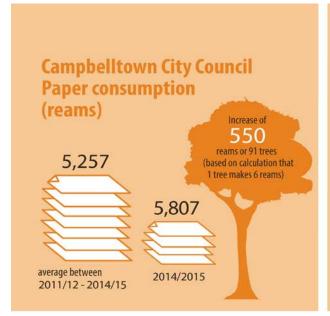
Some of the GRCCC's major achievements include:

- The GRCCC Riverkeeper teams spent 2451.5 working hours across 14 project sites throughout Campbelltown City, collecting a total of 12.67 tonnes of waste from the Georges River catchment.
- The GRCCC successfully obtained a \$1.6 million grant under the Federal Government's NSW Biodiversity Fund for an Aboriginal Bush Regeneration Team to work within the Georges River Catchment. The team will work at promoting resilience within high priority biodiversity areas and will also complete tertiary qualifications in conservation and land management. Two sites, Mansfield Creek and Spring Creek at St Helens Park, were chosen for works under the program. During the reporting period, the Aboriginal Riverkeeper Team completed a total of 760 hours.
- The GRCCC has been managing Green Army teams in partnership with Conservation Volunteers Australia to undertake bush regeneration across member council areas. Sites selected complement our Bushcare program; Campbelltown Golf Course – Glen Alpine, Quirk Reserve – Bradbury and Redfern Creek – Ingleburn/Macquarie Fields. The GRCCC Green Army Team completed a total of 1653 hours.

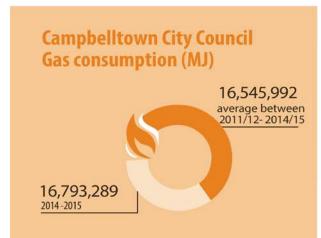
			Rep	Reporting year			
Category	Indicator	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	4 year trend
Climate and stream flows	Variation to monthly mean maximum and minimum temperatures (°C) Yearly rainfall (mm)	-0.5	-0.65	-3 1011	-0.98	0.04	$\leftarrow \rightarrow$
Water quality	Compliance with ANZECC water quality objectives in the catchment GRCCC River Health Monitoring Report Card rating for Upper Georges catchment	B air	Fair B+	Fair A	Fair A+	Fair A	<b>‡</b> →
Aquatic weeds	Number of Alligator Weed infestations Number of Ludwigia infestations	88	3 E	19	15	11	$\rightarrow$ $\rightarrow$
Point sources of water pollution	Number of licensed discharge points to waterways Number of septic systems Number of septic systems inspections Septic system compliance (%)	5 >900 110 63	5 1232 190 82	5 1016 171 96	5 1011 202 96	5 1014 152 91	↑ →← ↑
Water quality improvement devices	Number of water quality improvement devices installed Amount of pollutants collected from GPTs $(m^3)$	2 473	2 510	4 1759	3574	2 4731	→ ←
Compliance	Number of compliance actions for water issues Number of water quality complaints received by the OEH	40	4 33	35	NA 01	NA 8	$\rightarrow$
Water extraction	Number of surface water licences Number of licensed groundwater bores	30	36	36	25	35	<b>←</b> ←

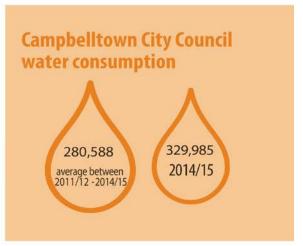














## OUR SUSTAINABILTY

#### Sustainability Committee and its working parties

Council's Sustainability Committee, responsible for supporting organisational sustainability, continued to regularly meet to discuss and facilitate a diverse range of initiatives. These initiatives involved the development of policies, the design and implementation of on-ground works, the expenditure of funds and project accounting.

The committee is supported by five working parties, each charged with a specific sustainability focus. During the reporting period, each group worked on a number of significant projects including development of a sustainable council intranet site to share, inform, educate and consult with staff on organisational sustainability through the Sustainable Council Working Party.

#### Speak for the trees

Following Council's commitment to purchase recycled paper for general office use, we endorsed a Sustainable Paper Authorised Statement. The Authorised Statement is guided by three main objectives including:

- To reduce our paper consumption by 40% by 2015/2016
- To ensure that all white A4 paper purchased contain a minimum of 80% recycled content, and are sourced from sustainable forests/plantations
- To provide guidance and encourage our employees to adopt sustainable purchasing and printing practices.

#### Droft Sustainability Strategy

In recognising the important role that we all play in creating a sustainable future, as well as Council's legislative obligations, a Draft Sustainability Strategy was finalised during the reporting period. The strategy aims to embed the concept of sustainability into the culture, spirit and operation of Council by engaging staff, management and elected representatives in a united movement guided by a broader vision.

The strategy consists of three core sections, including sustainable leadership, sustainable environment and sustainable community which explore topics including administrative governance, environmental protection and management and community wellbeing, each prescribing goals and actions to progress towards a sustainable organisation. The strategy is due to be endorsed by December 2015.

### Sustainability Accounting Tool (SAT)

We continued to utilise our Sustainability Accounting Tool (SAT) to monitor and report on our sustainability performance across six key areas – electricity, gas, water, waste, fuel and paper. The SAT captures accurate environmental data and holds it in a single system of

record. Staff are able to easily view resource consumption down to an individual facility level, identify trends and anomalies in usage, and develop initiatives to improve sustainability performance. This is instrumental in informing sound and sustainable decisions.

#### Electricity sawings

In striving to further reduce Council's electricity consumption, we continued to support the installation of solar systems on key large energy consuming facilities. During the reporting period, we engaged a consultant to design and install an 85 kilo-watt (kW) system at Greg Percival Library and Community Centre. The system will be installed by December 2015 and is an anticipated to save around 113,000 kWh per year.

During the reporting period, our previously installed energy saving projects continued to provide significant reductions in cost and electricity. They included:

- an energy efficient air conditioning system and building management system installed at the HJ Daley Library, is achieving an average annual saving of approximately 494,000 kWh
- solar pool heating systems on all of Council's leisure centres are achieving a collective average annual saving of approximately 580,000 kWh
- Installation of 770 solar panels on the Civic Centre and Campbelltown Arts Centre are achieving a collective average annual saving of approximately 282,000 kWh.

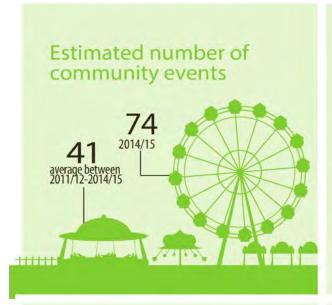
#### Urban heat island effect

Council participated in a national research project aimed at understanding and mitigating the effects of the urban heat island effect. The urban heat island effect is a phenomenon which describes the temperature variation between cities and their rural surrounds. Previous studies have found that temperatures in urban areas are typically higher and energy demands associated with cooling are consequently increased. Findings from the project will provide localised urban design recommendations to assist with strategic planning to mitigate the urban heat island effect, as well as form key elements for the development of climate-sensitive urban design guidelines and an Australian standard for urban heat resilience. It is anticipated that preliminary findings will be available within the following year.

ı		3	F	i	7
Į	i				3
				ï	i
		į	ī	į	1
I	4				Į
ľ		ĺ		•	1
	Z	4	=		d
		=		_	4
	-			ī	4
F					
I					
	i k				
I					

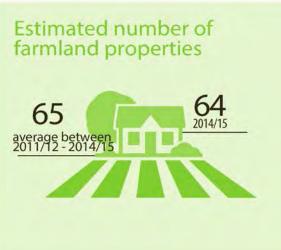
Category	Indicator	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	4 year trend
	Amount of paper purchased (reams)	2907	6174	4723	4322	2807	<b>←</b>
	Amount of electricity consumed from large						
	contract sites (kWh)	5,429,863	5,280,806	4,874,178	4,647,380	4,796,364	$\rightarrow$
Council	Amount of gas consumed (MJ)	20,396,422	16,562,012	17,591,935	16,545,992	16,793,289	<b>.</b>
Sustainability	Amount of petrol consumed by Council's passenger						
	fleet (L)	128,671	245,951	232,324	210,338	241,041	<b>←</b>
	Amount of diesel consumed by Council's passenger						
	fleet (L)	63,268	81,845	85,825	89,239	106,528	-
	Amount of water consumed (kL)	204,995	189,283	271,644	352,479	329,985	*



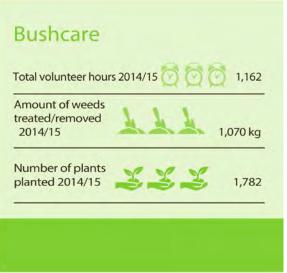












## OUR COMMUNITY

#### Invironmental education in scionals

During the reporting period, Council continued to grow its relationship with local schools through the engagement of a number of environmental education programs. They included:

- Our 'Waterwise Waterways' program saw Macquarie Fields, Blairmount and Robert Townson primary school students learn about the Georges River catchment and the importance of keeping stormwater clean. Students worked in teams to develop bright and colourful educational artworks that were transformed into drain stencils and placed on stormwater drains around the school and in high traffic areas throughout Campbelltown City
- We continued to partner with Keep Australia Beautiful NSW to deliver environmental education workshops to five primary schools (Sherwood Hills Christian, St Andrews Primary, Kentlyn Primary, Eschol Park Primary, St Helens Park Primary) across Campbelltown City. The curriculum-based workshops explored concepts of waste avoidance and the effects of excessive food packaging
- We continued to work with Campbelltown Performing Arts High School on a number of community-based initiatives to promote the voice of young adults within the community.

#### Making good of a norrous species

Our third annual Catch a Carp competition was held at Eagle Vale Pond, Eagle Vale in March 2015. The competition engaged community members within their local environment, highlighting responsible fishing practices and helping to educate participants on the threats impacting local waterways.

In addition to the hundreds of spectators, 501 people registered to participate on the day, almost 100 more than the previous year. A total of 45 carp were caught, less than half the amount caught the previous year. This, along with the fact there were almost 100 more people fishing this year, demonstrates the competition is having the desired effect of reducing the numbers of carp in Eagle Vale pond.

Carp are a noxious species that have detrimental impacts on waterways and the health of our rivers. All carp caught were placed on ice and delivered to the Sydney Fish Markets where they were made into an organic fertiliser.

#### A month of celebration in recognition of our most voluerable species

September is Biodiversity Month – a month to celebrate some of our most vulnerable native species and educate the community on the threats impacting their survival. Threatened Species Day also falls on 7 September, marking a time to reflect on the impacts we have had in the past and how we can protect these species into the future. We once again held the annual Threatened Species

Art Competition in recognition of these significant dates. Children across the Macarthur region were asked to prepare an art piece depicting a local threatened species and explain why they chose that species. A total of 661 entries were received, a massive increase on the previous year's total of 332 entries. Entries featured a variety of local threatened species including the Powerful Owl, Eastern Quoll, Cumberland Plain Land Snail and the Spiked Rice Flower.

#### STY TIMES

The Macarthur Nature Photography Competition celebrated its ninth year, and continued to be a great success. The competition is held in partnership with neighbouring councils across the Macarthur region and aims to engage the community with their local environment through enhancing appreciation and fostering stewardship of natural assets.

A record number of 441 entries were received compared to the previous year's total of 240. Images reflected the diverse natural and environmental heritage of the Macarthur region, showcasing a range of subject matter including misty waterfalls, picturesque woodland expanses and detailed macro shots of spiders and other insects.

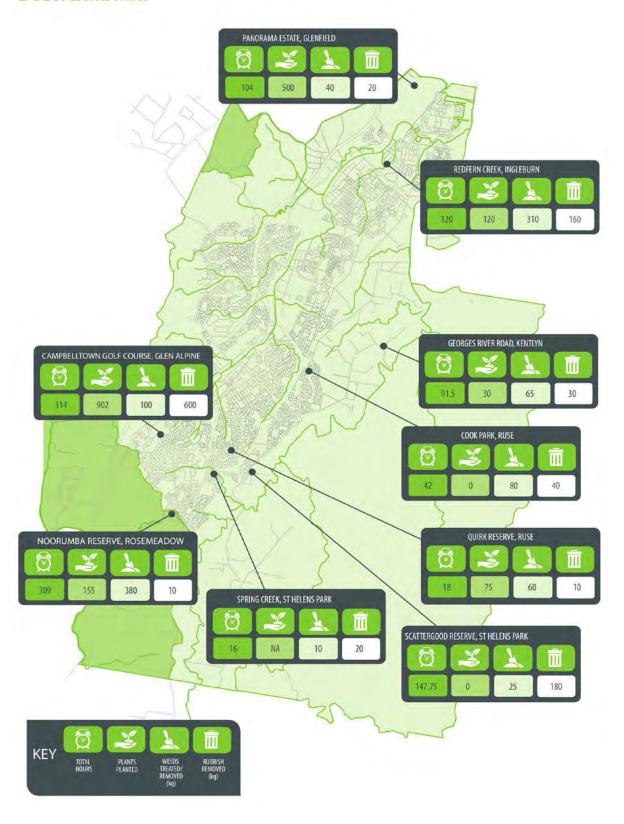
For the first time in the competition's history, the awards night was hosted by a local high school, Campbelltown Performing Arts High School. Students provided catering, sound and technical assistance, musical entertainment and public speaking duties. In doing so, a number of curriculum-based learning outcomes were achieved, enabling students to receive genuine real-life professional experiences that can be acknowledged in their curriculum vitae as they seek work and other opportunities.

#### Environmental education in child care rentres

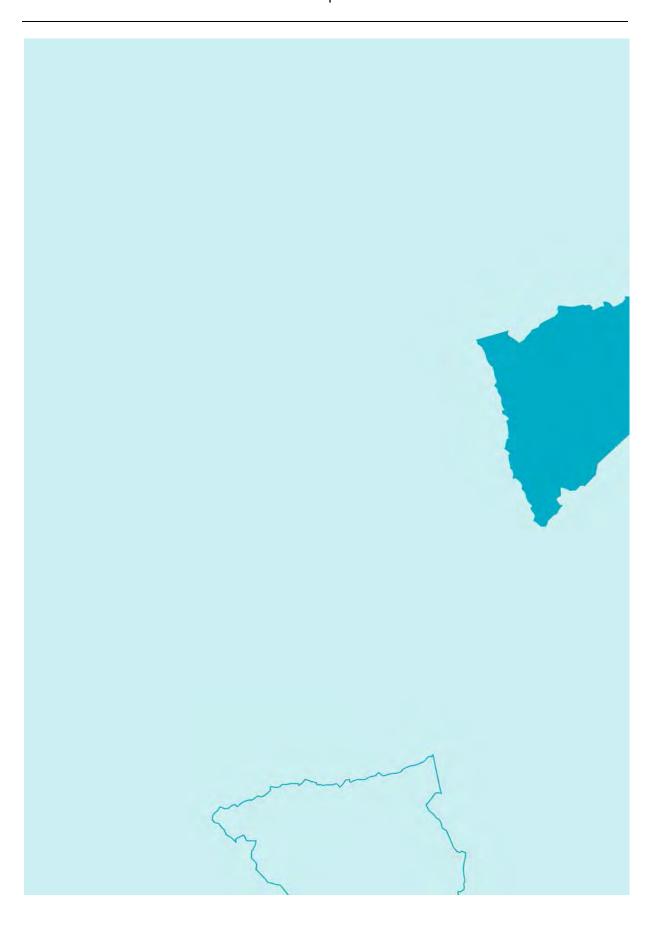
We continued to engage with Council child care centres through a number of sustainable and environmental educational activities. During the reporting period, 10 child care centres received either a compost or worm farm workshop to demonstrate simple and effective ways of reducing food waste.

We also participated for the first time in International Composting Awareness Week (ICAW). Gardening personality, Costa Georgiadis from ABC's Gardening Australia, also attended a child care centre to take part in a compost workshop.

## **BUSHCARE MAP**



			Rep	Reporting year			
Category	Indicator	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	4 year trend
	Number of community events	13	19	92	51	74	<b>←</b>
Community	Number of Bushcare locations	3	4	1	6	~	<b>←</b>
	Amount of Bushcare volunteer hours completed	615	692	984	751	1028	<b>←</b>
	Estimated population	150,318	151,173	152,612	154,538	156,572	<b>←</b>
	Estimated number of residential properties	50,466	50,805	51,333	51,920	52,269	<b>←</b>
Population	Estimated number of business properties	2768	3776	2787	2805	2819	<b>←</b>
	Estimated number of farmland properties	19	19	64	99	64	<b>→</b>
	Estimated number of mining properties	~	~	~	~	7	











## **OUR HERITAGE**

## Heritage Festival

The National Trust Heritage Festival was held between 11 April and 26 May 2015 and explored the theme of Conflict and Compassion' in the spirit of the Anzac Centenary. In recognition of the theme, we focussed on how past events have shaped Campbelltown City's local identity.

A range of events were held as part of the festival, paying particular respect to our Indigenous heritage and local artistic communities, as well as highlighting the supreme sacrifice made by men and women during World War I. They included:

- an exhibition featuring the history of nurses and medical organisations from Campbelltown that aided the war effort
- a special display of new World War I memorabilia accompanied by a 3D model of a Gallipoli battleground
- a free author talk by renowned Australian writer, Peter Rees, providing a unique insight into his highlyacclaimed and profoundly moving book, The Other ANZACS: The Extraordinary Story of Our World War I Nurses
- a Heritage Forum at the Campbelltown Arts Centre, titled 'Art and Wedderburn', with the panel discussion exploring the suitability of artist communities in relation to studio practices.

The community was also able to explore the Macarthur region's unique natural heritage, joining a walking tour of the Dharawal National Park to learn about the Indigenous heritage of the park, providing a fresh look at the landscape from a Koori perspective.

### NAIDOC Week

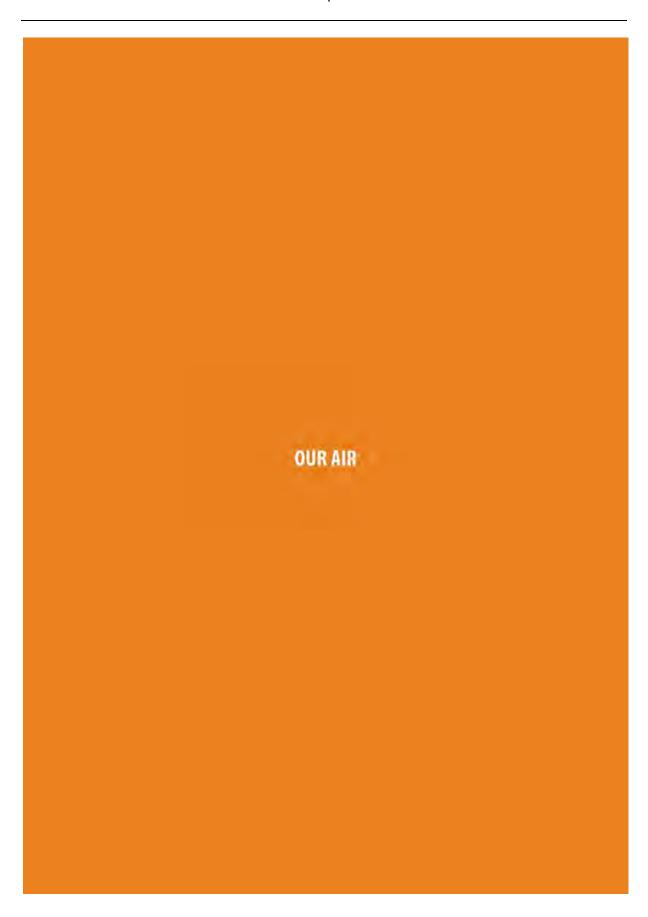
NAIDOC Week is held each year to celebrate the history, culture and achievements of Aboriginals and Torres Strait Islanders.

We recognised NAIDOC Week from 5 to 12 July, with a host of events aimed at sharing the richness of the Australian Indigenous people's culture and heritage. This year's NAIDOC theme was 'We all Stand on Sacred Ground: Learn, Respect and Celebrate', highlighting Aboriginal and Torres Strait Islander peoples' strong spiritual and cultural connection to land and sea.

As part of local celebrations, we hosted a flag raising ceremony, followed by a street march and Community Fun Day at Bradbury Oval. A NAIDOC touch football competition was also held at Minto, including a lunch and activities for children.

	Reporti
	Ē
;;;	
UR HER	
8	

Catamory							
( infant	Indicator	2010-2011	2010-2011 2011-2012		2012-2013 2013-2014	2014-2015	4 year trend
	Number of heritage items listed on the NSW State						
Heritage	Heritage Register	71	71	71	22	77	1
	Number of heritage items listed on the Local						
	Heritage Register	105	105	105	105	105	1
	Amount of funding for conservation projects from						
	Council's Local Heritage Fund (\$)	2000	2000	2,000	2,000	000'9	<b>←</b>
	Number of development applications considered by	. 2					
	the Heritage Protection	4	~	0	7	0	$\rightarrow$
	Number of major heritage events	~	9	9	9	7	<b>←</b>









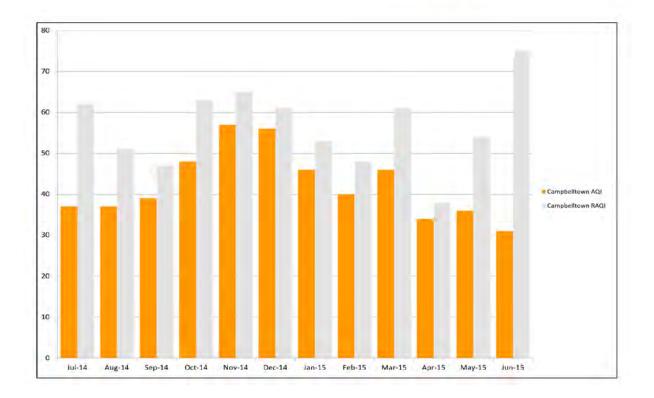
## **OUR AIR**

#### REGIONAL AND LOCAL AIR QUALITY INDEX

The State Government measures and records ambient levels of air pollutants across Sydney, Illawarra, the Lower Hunter and selected rural sites around NSW twice daily. Monitoring stations located in the Sydney South West Region include Bargo, Bringelly, Camden, Campbelltown West and Oakdale. The information provided by these stations is summarised into a Regional Air Quality Index (RAQI) score and a site specific Air Quality Index (AQI) score. Both index scores assist to identify the nature and severity of air pollution within the LGA.

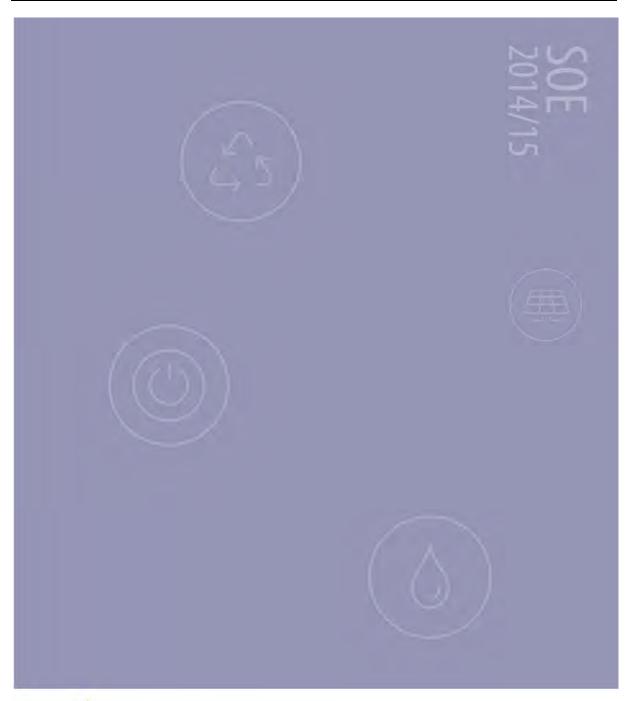
The RAQI and site specific AQI are based on the five criteria pollutants (as per national standards) plus visibility (as per a standard set by NSW). These values are categorised as very good, fair, poor, very poor or hazardous. Very good has a value of 0-33; good has a value of 34-66; fair has a value of 67-99; poor has a value of 100-149; very poor has a value of 150-199 and hazardous air quality has a value of greater than 200.

The following graph illustrates the monthly averages of the RAQI for South West Sydney and the site specific AQI for Campbelltown West. During the reporting period, the RAQI average was found to be 'good' with a score of 56 and the AQI average was found to be 'good' with a score of 42.



r		
b		
r	_	-
7		=
H		
E		=
7	=	=
h		_

Category	Indicator	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	4 year trend
	Macarthur Air Quality Index rating	p009	p009	p009	900 <u>9</u>	p005)	\$
	ty Index rating	p005	Fair	p009	p005	000g	\$
All Quality	Air quality complaints received by Council	74	54	%	83	107	<b>←</b>
	Air quality complaints received by the OEH	70	18	H	2	2	$\rightarrow$
		33	23	23	73	N/A	





PO Box 57, Campbelltown NSW 2560 Phone: 02 4645 4000 Facsimile: 02 4645 4111 Visit our website at campbelltown.nsw.gov.au

## 3. DEVELOPMENT SERVICES

## 3.1 Development Services Section Statistics October 2015

## **Reporting Officer**

Acting Manager Development Services

#### **Attachments**

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

## Officer's Recommendation

That the information be noted.

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

That the Officer's Recommendation be adopted.

### **CARRIED**

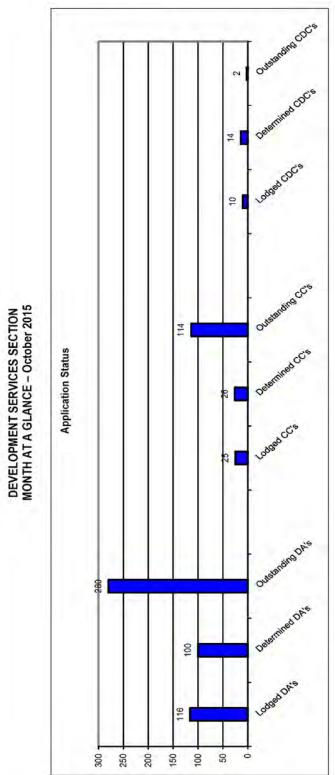
## Council Meeting 15 December 2015 (Hawker/Rowell)

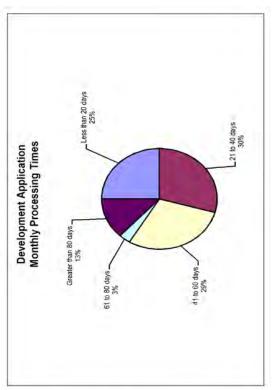
That the Officer's Recommendation be adopted.

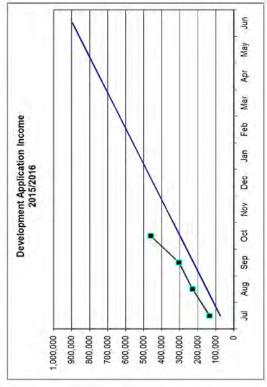
## **Council Resolution Minute Number 227**

That the Officer's Recommendation be adopted.

## **ATTACHMENT 1**







# 3.2 The ability of Council to monitor and control Affordable Housing properties in terms of occupancy and rental pricing

## **Reporting Officer**

Acting Manager Development Services

## **Attachments**

Nil

## **Purpose**

Council at its meeting held 27 July 2015, raised a Question without Notice concerning Council's ability to regulate Affordable Housing Properties. This report provides information on Council's role in the regulation of Affordable Rental Housing.

## **History**

The State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) was gazetted on 31 July 2009 following two years of global recession which was triggered by the subprime mortgage crisis in the United States. The globally connected nature of financial markets meant that the shock in international markets was felt in Australia. Financial asset prices declined sharply and accessing international capital became increasingly difficult. More broadly, business and consumer confidence fell, as did external demand, and domestic spending weakened. Investment in the NSW property market was very low and residential property developers found it difficult to obtain finance at that time. This lead to fewer dwellings being constructed than was required to meet demand and housing affordability grew as a key issue at this time within the Sydney Metropolitan Area and remains so today.

Given the circumstance surrounding the inception of ARHSEPP it can be seen in many ways as an attempt by the NSW State Government to offer an incentive to community housing providers, property developers and families to invest in the residential housing market to address housing affordability, and provide for the rising demand for affordable accommodation especially amongst key workers. These affordability issues have since increased following periods of stronger economic growth, low interest rates and changes to the rules for Self-Managed Superannuation Funds which encouraged property investment and speculation which all contributed to rising housing costs during a period of low wage growth.

Over the years since the commencement of ARHSEPP Council has received a number of development applications for multi dwelling medium density residential developments such as town houses and villas as infill development within established areas. Council has also received a number of development applications for boarding house developments. Each of these development applications utilise the more generous development provisions of the ARHSEPP instead of Council's Sustainable City Development Control Plan (SCDCP) and many have been the subject of significant community objection.

The requirements of ARHSEPP are not only more lenient for developers in many areas such as private open space, minimum dwelling floor area, car parking and setbacks but they also allow for increased dwelling densities by virtue of floor space ratio bonuses. The ARHSEPP is also silent on many development standards and requirements contained within the SCDCP.

Many members of the local community as well as objectors to this type of development are confused about the use of these more generous State mandated development standards in lieu of Council's Local Environmental Plan and Sustainable City Development Control Plan. Furthermore they feel a degree of suspicion concerning the future occupants of affordable rental housing often confusing affordable rental housing with public housing. Questions have also been raised concerning the legitimacy of reduced rental arrangements in affordable rental housing.

## Report

### What is the ARHSEPP?

The ARHSEPP is a State Government planning policy that applies to the whole of the State. The way it was drafted specifically provided that if there is any inconsistency between this policy and any other environmental planning instrument, the ARHSEPP prevails over the other policy to the extent of the inconsistency and therefore, effectively overrides all relevant Council planning policy. Furthermore many of the few standards contained within the ARHSEPP to control the delivery of affordable housing development are written as "Standards that cannot be used to refuse consent". This has the effect of creating generous minimum standards which if satisfied, the consent authority has no power to refuse the consent or enforce a higher development standard.

The ARHSEPP's aims are as follows:

- (a) to provide a consistent planning regime for the provision of affordable rental housing
- (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards
- (c) to facilitate the retention and mitigate the loss of existing affordable rental housing

- (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing
- (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing
- (f) to support local business centres by providing affordable rental housing for workers close to places of work
- (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.

To achieve these aims the ARHSEPP introduced a variety of affordable housing types to be provided in residential areas throughout the State including; infill affordable housing, secondary dwellings (granny flats), boarding houses, supportive accommodation, group homes and residential flat buildings by or on behalf of a public authority or community housing providers. The ARHSEPP went further to reduce costs and stream line the approval process for secondary dwellings (granny flats) and group homes by making them Complying Development subject to certain criteria. This means proponents of these forms of affordable housing development can avoid the need to obtain Council's Development Consent and a Construction Certificate by instead getting a Private Certifier to issue a Complying Development Certificate.

#### What controls apply to Infill Affordable Housing?

"Infill affordable housing" means development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings. Infill affordable housing is generally proposed in existing residential areas and often generates significant objection from the established local community.

Infill affordable housing can achieve floor space ratio bonuses over and above floor space ratio controls specified in Council Policy if they include at least 20 per cent of floor space as affordable housing. The remainder of the dwellings can be sold off to private individuals or companies or retained and rented by the developer. The floor space ratio bonus increases as the percentage of affordable housing increases above 20 per cent.

Standards then cannot be used to refuse consent include minimum site area, landscaped area, solar access to living rooms and private open space, parking and dwelling size despite the proposal not complying with Council's standards. The design of infill affordable housing must also take into consideration the provision of the Seniors Living policy: Urban Design Guidelines for Infill Development and should consider the compatibility of the design of the development with the character of the local area.

Where dwellings are proposed to be used for the purpose of affordable housing a consent authority must impose conditions requiring that those dwellings are used for affordable housing for 10 years from the date of the occupation certificate and this restriction must be registered against the title of the property under Section 88E of the *Conveyancing Act 1919*. The restriction on the title must also include an obligation for all dwellings used for affordable housing to be managed by a registered community housing provider.

## What controls apply to Boarding Houses?

"Boarding house" means a building that:

- (a) is wholly or partly let in lodgings
- (b) provides lodgers with a principal place of residence for three months or more
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Boarding houses are a type of residential accommodation and are only permissible in residential, some commercial and mix use zones. Boarding houses can be constructed with floor space ratios up to the maximum applying to any form of permissible development on the land.

Standards that cannot be used to refuse consent include building height up to the maximum permissible in the zone, solar access to communal living areas, private open space, parking and room size.

Minimum standards include one communal living room per five bedrooms, bedrooms cannot exceed 25sqm, no more than two adult lodgers per room, 20 or more lodgers requires a manager and boarding houses must be deemed to be compatible with character of the local area.

## What is Affordable Housing?

"Affordable housing" is defined under the ARHSEPP as housing for very low income households, low income households or moderate income households, being such households as prescribed by the regulations or as provided for in an environmental planning instrument. Under the ARHSEPP, a household is taken to be a very low income household, low income household or moderate income household if the household:

- (a) has a gross income that is less than 120 per cent of the median household income for the time being for the Sydney Statistical Division (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent
- (b) is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.

The following table shows approximate maximum gross annual income that can be received by prospective and current tenants in order to meet the eligibility criteria under the National Rental Affordability Scheme for Affordable Rental Housing in 2015 to 2016:

Household Size	Maximum Gross Annual Income
1 Adult	\$48,707
2 Adults	\$67,340
1 Adult, 1 child	\$64,862
1 Adult, 2 children	\$81,017
2 Adults, 1 child	\$83,495
2 Adults, 2 children	\$99,650
2 Adults, 3 children	\$115,805
Each additional child	\$16,155

Affordable rental housing is housing offered at a price that very low, low and moderate income households can reasonably afford to pay whilst meeting costs of living.

Ideally households would only be required to pay up to 30 per cent of gross annual income as rent as paying more than this leads to Housing Stress. Housing Stress is defined as a situation where the cost of housing (either as rental or mortgage payments) is high relative to the household income. The maximum percentage of gross annual income payable in rent to Registered Community Housing providers is capped at 40 per cent.

Rents are set for affordable rental housing properties at 74 per cent of fair market rent for the local area and standard of accommodation and are established by an independent valuer. Rents can only increase by the published consumer price index or as prescribed by the National Rental Affordability Scheme for the first four years. Following this, the rent can be reviewed again by independent valuation.

#### What is the National Rental Affordability Scheme?

The National Rental Affordability Scheme (NRAS) is a Federal and State Government backed incentive scheme for property investors creating a new investment asset class designed to:

- encourage investors to develop additional new affordable houses for the rental market
- provide an affordable rent program for average Australian wage earners as individuals, couples and families
- yield higher than usual returns for investors in the residential property market
- increase the number of rental dwellings built through the stimulation of demand and investment, while supporting the building industry and related jobs and the Australian economy.

The government aims to achieve this by providing a tax incentive for investors for 10 years for NRAS properties in return for the properties being rented at a discounted rate to eligible tenants through registered community housing providers. This has the effect of significantly improving the rental affordability in high growth areas for very low, low and middle income families by stimulating the building of rental homes.

The NRAS scheme is not housing commission, public or social housing. NRAS properties are rented to private individuals and families with incomes not exceeding the established thresholds. It is estimated that approximately 1.5m Australians are eligible to be NRAS tenants. There are strict guidelines for properties to qualify under the NRAS scheme. NRAS properties must be close to transport, schools, shops etc. making NRAS properties desirable for tenants and property investors. There are also specified guidelines for the management of NRAS properties. The manager is responsible for ensuring that tenants meet the income criteria and that they are reviewed against the criteria at least every two years.

For our society to operate efficiently and effectively, people need affordable forms of accommodation and need to live in close proximity to the areas they work. This generally means that they should not have to spend more than 30 per cent of their household income on rent. Similar with key workers such as nurses, teachers, police officers, fire fighters, ambulance operators and other contributing members essential to our society, all people need to be able to access housing which is affordable.

The NRAS incentive is available to nearly all dwelling types such as houses, apartments, villas, flats and town houses.

The design and quality of NRAS dwellings are no different to what was already going to be delivered into the market by the developer. In fact, the Government in its criteria of assessment spends considerable focus on insuring this is the case. So a great quality build with the added advantage of a NRAS endorsement, provides a better return guaranteed to investors.

#### Who operates Affordable Rental Housing?

Registered Community Housing Providers are defined under the *Housing Act 2001* as an organisation that provides housing (other than public housing) for people on very low, low or moderate income or people with additional needs. These include not-for profit, religious or community based organisations. Types of community housing providers include:

- housing providers
- religious or church owned providers
- co-operate housing providers.

Housing providers are professional not-for-profit organisations that mainly manage rental housing but often provide other support services as well such as health, mental health, disability, financial, housing support and other support services to the needy. The largest providers are significant businesses with large asset bases with some working nationally. There are over 50 registered Community Housing Providers operating in NSW.

Council has no involvement, nor does it have any regulatory powers in relation to the selection and moving of tenants.

3.2 The Ability Of Council To Monitor And Control Affordable Housing Properties In Terms
Of Occupancy And Rental Pricing

# **Who regulates Community Housing Providers?**

Community Housing Providers are required to be registered by the NSW Government, Registrar of Community Housing. This Government body is responsible for registering and regulating all Community Housing Providers operating in NSW under the *Housing Act 2001* (NSW) and the National Regulatory System for Community Housing (NRSCH) established by the Community Housing Providers National Law which is contained in an appendix to the *Community Housing Providers (Adoption of National Law) Act 2012 (NSW)*. The Registrar is an independent statutory officer reporting directly to the NSW Minister for Family and Community Service. The Registrar is supported by two specialist teams of staff including analysts, financial analysts, sector liaison staff and administrators.

# **How are Community Housing Providers regulated?**

The ongoing regulation of the registered community housing sector is actively managed through risk based compliance promotion and assessment to ensure that all registered Community Housing Providers maintain performance in accordance with the National Regulatory Code, which is contained in the Community Housing Providers National Law.

The proactive monitoring of registered providers involves a combination of periodic formal compliance assessments which occur annually for large providers and every two years for smaller providers along with ad-hoc compliance assessments.

Ad-hoc compliance assessments may be triggered by investigation and notified complaints, other intelligence received by the Registrar, or by anomalies in audit materials picked up by the Registrar's team of analysts.

Complaints and notification can be made by anybody with concerns that registered housing providers are failing to meet any of their obligations. Complaints and notification can be made confidentially, anonymously, by tenants, tenant advocates, staff of providers, ex-staff of providers, neighbours or members of the public. Any complaint or notification received is treated seriously as the Registrar considers this an important source of information and intelligence for the Registrar.

Notifications and complaints can be made to the Registrar on any issue and the Registrar has the powers to intervene to resolve disputes in most any circumstance between individual tenants and the registered providers.

Disputes on complaints relating to:

- termination of tenancy agreements
- rent and rent increases
- repairs and maintenance
- shared facilities charges
- breach of rental tenancy agreement.

are however, resolved by the Consumer and Commercial Division of the NSW Civil and Administrative Tribunal.

3.2 The Ability Of Council To Monitor And Control Affordable Housing Properties In Terms
Of Occupancy And Rental Pricing

Complaints relating to disputes over eligibility to affordable housing programs, priority, entitlement to different types of housing, emergency housing and forced relocations, succession of tenancy, disability modification to dwellings and calculation of the extent of rental subsidy is handled by another body the Housing Appeals Committee.

#### How do prospective tenants find Affordable Rental Housing properties?

Advice from the NSW Federation of Housing Associations suggests that there are three main ways that people in need of affordable housing are able to search for and secure an affordable housing dwelling:

- (a) referral of prospective social housing tenants by Housing NSW to community housing providers
- (b) direct application to a community housing provider by people with prior knowledge of their existence
- (c) advertisements for rental properties by Community Housing Providers on websites such as realestate.com.au and Domain.

The federation advised that the waiting lists of Community Housing Providers are generally long, but there have been some instances of Community Housing Providers not having any applicants to occupy affordable housing properties. There appears to be a low level of awareness of the target market about the existence of affordable housing and Community Housing Providers.

#### How do Community Housing Providers check tenant's incomes?

Registered Community Housing Providers asses the eligibility of prospective tenants to occupy affordable rental housing by reviewing past group certificate income/tax returns to establish average annual income and request the last 12 weeks of payslips at the point of application. Once tenants commence a residential tenancy agreement they are required to provide their group certificates to the registered Community Housing Provider at the end of each financial year and this is cross referenced with bank statements and income tax returns as part of the residential tenancy obligation.

# How can Council control Infill Affordable Housing development approved under the ARHSEPP?

Clause 17 of the ARHSEPP provides that infill affordable housing development must be used for affordable housing for 10 years. In this regard a consent authority has an obligation to impose conditions on the consent to the effect that:

- (a) for 10 years from the date of the issue of the occupation certificate:
  - (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing
  - (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and
- (b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, that will ensure that the requirements of paragraph (a) are met.

3.2 The Ability Of Council To Monitor And Control Affordable Housing Properties In Terms Of Occupancy And Rental Pricing

Whilst it is not certain, Council may be able to justify including a further condition on infill affordable housing development that requires the restriction referred to above, to include a term to the following effect:

"The owner of the land must for 10 years from the date of the registration of this instrument provide Campbelltown City Council with an annual statutory declaration by 30 June/31 December each year that includes:

- (a) details of the gross income of each household that has occupied the dwelling on the land during the preceding 12 months
- (b) details of the gross rent paid by each household that has occupied the dwelling on the land during the preceding 12 months
- (c) the name of each registered community housing provider who has managed the dwelling on the land in the preceding 12 months."

#### Conclusion

The infill affordable rental housing occupancy and rental pricing appears to be heavily regulated by the State and Federal Governments and the associated approved registered Community Housing Providers. Imposition of the additional condition detailed above, could be applied to future development consents to further reinforce owners obligations but it may be superfluous given the requirements of tenancy agreement with Community Housing Providers.

Council has no power in the management of affordable housing however, Council (as the Consent Authority) retains its powers with respect to ensuring ongoing consent compliance and can/will act in the cases where the operation of the housing type is found to be in breach of their consent.

#### Officer's Recommendation

- 1. That the information be noted.
- 2. That any future development consents issued by Council for Infill Affordable Rental Housing under the ARHSEPP include a condition as described above requiring the owners of the development to furnish Council with an annual statutory declaration detailing the taxable income of occupants and the details of the registered community housing provider who has managed the dwelling(s).

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

That the Officer's Recommendation be adopted.

#### **Amendment:** (Greiss/Thompson)

That the information be noted.

#### **CARRIED**

# Council Meeting 15 December 2015 (Hawker/Rowell)

That the information be noted.

# **Council Resolution Minute Number 227**

That the information be noted.

# 3.3 Seniors Housing Site Compatibility Certificate Application Update - St Johns Church Site, George Street, Campbelltown

# **Reporting Officer**

Acting Manager Development Services

# **Attachments**

- 1. Letter to Campbelltown City Council advising determination of Site Compatibility Certificate Application and Certificate of Site Compatibility issued by the Department of Planning and Environment (contained within this report)
- 2. Site Compatibility Certificate Determination Assessment Report (contained within this report)

# **Purpose**

To update Council of the outcome of an application for a Site Compatibility Certificate for a Seniors Housing Development at the St John's Church site, George Street Campbelltown.

# Report

At the Council meeting of 14 October 2014 Council resolved to write to NSW Planning and Environment raising concerns and issues that needed due consideration as part of the assessment of a Site Compatibility Certificate (SCC) application for Seniors Housing at the St John's Church site in George Street. The project was described at the time as being for a Seniors Housing development which included a residential care facility, self-care housing and ancillary community facilities, services and a café.

The submission Council made to NSW Planning and Environment requested that should a SSC be issued then it should be conditional upon the following issues detailed in the submission being satisfactorily addressed and responded to:

a. Heritage Impacts – The SCC needs to ensure that any future development of the site has careful regard to the important and significant heritage value of the site. The site is home to the St Johns Church group which is the subject of a Permanent Conservation Order No. 193 and is a State Significant Heritage Item. St Johns Catholic Church is understood to be the oldest catholic church still standing in Australia and is therefore of premium conservations value both in terms of its build fabric and the surrounding curtilage. Council considers the retention and enhancement of the significant heritage value of the site as of critical importance to any development that may be considered for the site. Although it is welcomed that such a development could ensure the retention and protection of the heritage items for the longer term, this aspect will be given significant consideration and importance during the assessment of any development application lodged with the Council.

- b. Visual Prominence and Landscaping/Skyline Impacts The SCC needs to ensure that notwithstanding its possible residential compatibility, an SCC must not be issued in a way that infers an approval to adversely impact on the visual importance of the site. Any future development of the site has to have careful regard to the significant and prominent position within the Campbelltown City that the site enjoys. The site sits high on the hill directly to the east of Campbelltown's CBD and is highly visible within the local and wider areas. The site is visible from some distance including from the Scenic Hills and the Mt Annan Botanic Gardens to the west. Council considers the protection and retention of this visually prominent and important landscape and skyline of critical importance to the City, its identity and its future. The Council has consistently demonstrated this strong stance against non-sympathetic development of its important visual landscapes. As with the matters of heritage significance, this aspect will be given significant consideration and importance during the assessment of any development application lodged with the Council.
- c. Traffic and Transport Impacts The SCC needs to have regard to the ability for the surrounding road networks to suitably accommodate traffic generated by such a development as that proposed. Many streets in the surrounding locality are also steep which makes any increase in traffic and on street car parking problematic. George St in particular is narrow with double lines down the centre of the carriage way. Given the narrowness of the road it is not possible to park motor vehicles and maintain 3 metres of clearance to the double lines. Such an increase in residential densities in the locality may necessitate road upgrades to the local road networks in order to maintain an adequate level of vehicular and pedestrian safety and appropriate service levels for people living in surrounding streets. Furthermore whilst a public bus service operates in the locality, the steepness of the area and the lack of foot path is not conducive to ready access to bus stops by mobility challenged senior residents.
- d. Stormwater Capture, Reuse and Disposal The SCC needs to have regard to the fact that the site is currently largely undeveloped and when having regard to the change from a predominantly pervious environment to an impervious environment, it is of high concern that the receiving downstream draining infrastructure is insufficient to cope with the large scale redevelopment of the site. As a consequence the SCC must give regard to the capacity for the development to sensitively manage the post development stormwater leaving the site to ensure it does not exceed the capacity of the downstream drainage network and create localised flooding issues.
- e Amenity Impacts for Surrounding Land Users The SCC needs to have regard to the fact the increase in residential density will lead to a significant erosion of residential amenity in the locality. The increased pressure on the local road network to accommodate traffic and car parking on weekends generally, and especially around special days likely to trigger peak visitation numbers i.e. Christmas, Easter, Mother's Day, Father's Day. The height of any proposed structure over two stories is likely to lead to privacy impacts due to overlooking of surrounding residential properties and will need to be sensitively managed to ameliorate negative amenity impacts on the existing users of surrounding sites.

- f. Built Scale and Density Relationships with the Local Neighbourhood The SCC needs to have regard to the fact that the surrounding neighbourhood is predominately low density single and two storey detached dwellings and the introduction of a multi storey high density form of development is likely to overwhelm the existing built scale and result in a significant departure from the current and expected built form of the surrounding neighbourhood. As with others, this aspect will be given significant consideration and importance during the assessment of any development application lodged with the Council.
- g. Emergency Services Access The SCC needs to have regard to the fact that a high density Seniors Housing project is going to increase the demand for emergency services, and as such it needs to be considered whether safe, fast and convenient vehicular access to and within the site is/can be provided or designed to ensure access for all types of emergency vehicles.

In late May 2015, Council received advice that the Department of Planning had issued a Certificate of SCC for the subject site shown in attachment 1.

On review, it was noted that despite the matters raised by the Council, the SSC contained just one requirement imposed upon the determination being the need for the applicant to consult with the Heritage Division of the Office of Environment and Heritage during the preparation of concept plans prior to lodgement of the development application with Council. It appears that the other issues raised by Council in its submission were not considered relevant to the SCC assessment process and as such, did not warrant inclusion in the SCC determination.

Following receipt of this advice Council contacted the responsible officer in the Department of Planning to seek further clarification as to why the other requirements raised by Council were apparently not considered. The officer advised that the Council's submission was considered as part of the assessment of the application and following the assessment it was deemed appropriate to issue the SCC with only the requirements to consult with the Heritage Office prior to lodging the development application with Council.

Subsequently, on 25 August 2015, Council officers made an application under the *Government Information (Public Access) Act 2009 (GIPA Act 2009* to obtain a copy of the SCC application assessment report. On 22 September 2015 a decision was made by the government's Public Access to Information Unit to release in full the assessment report to the Council (see attachment 2).

A review of the assessment report reveals that although the issues raised by Council were considered as part of the assessment, they were also considered on the most part to be matters outside the scope of the SCC assessment process and could be better dealt with as part of the development application process. Specifically the assessment report states:

"Council has raised a number of concerns regarding the potential impact of the proposal on the surrounding area. These concerns are primarily related to the built form, visual and traffic impacts and density of development, which are detailed design matters that are appropriately addressed at the development application stage. Clause 24(3) states that the consent authority may refuse or reduce the size and scale of a development application submitted in relation to a site compatibility certificate.

A site compatibility certificate can only assess the site's suitability for the more intensive use of seniors housing particularly in relation to the site's location relative to support services and infrastructure. Such assessment will take into account the matters discussed below to determine whether the intrinsic built form of the proposed use is appropriate in the location. As such, this assessment need only ensure the use proposed could be accommodated in a compatible built form and design layout."

Notwithstanding the above, what is of concern is the statement made by the assessing officer within their report "that the consent authority may refuse or reduce the size and scale of a development application submitted in relation to a site compatibility certificate". This statement appears to have been made in order to provide the Council with some level of comfort that although an SCC may be approved by the government, the power still lies with the Council to either refuse or allow a future development on its terms.

Although this statement is technically correct, in that the consent authority would have the last say through the development assessment process, it fails to give regard to the fact that the proposal for a Seniors Living Development on the subject site to a scale as proposed, would in all likelihood be of a value in excess of \$20 million for which the consent authority would be by default, the Sydney West Joint Regional Planning Panel. In these circumstances, the Council appears to have little recourse other than to make a submission on any development application lodged with the Council for the subject development.

#### Officer's Recommendation

- 1. That the information be noted.
- 2. That in the circumstances where a development application is lodged with the Council for a Seniors Living Development on the subject site, that a report be provided to the Council in order for it to make a submission to the Sydney West Joint Regional Planning Panel where warranted.

#### Committee's Recommendation: (Greiss/Lound)

That the Officer's Recommendation be adopted.

#### **CARRIED**

# Council Meeting 15 December 2015 (Hawker/Rowell)

That the Officer's Recommendation be adopted.

#### **Council Resolution Minute Number 227**

That the Officer's Recommendation be adopted.

# **ATTACHMENT 1**



MAY26/15 01014150

Our ref: 14/20425

Ms Lindy Deitz A/General Manager Campbelltown City Council PO Box 57 Campbelltown 2560

Dear Ms Deitz

Determination of application for a site compatibility certificate for 34 Sturt St, Campbelltown - State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

I refer to the above application for a Site Compatibility Certificate for the above site in Campbelltown. I have considered your comments in my assessment of this application.

I have determined the application under clause 25(4)(a) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 by issuing a site compatibility certificate subject to satisfaction of certain requirements specified in the certificate (clause 25(7)). I have attached the Certificate of Site Compatibility.

If you have any questions in relation to this matter, please contact Ms Rachel Cumming, Director, Metropolitan (Parramatta), at the Department on (02) 9860 1174.

Yours sincerely

Carolyn McNally Secretary 2

Encl: Site Compatibility Certificate

IM MW-

# State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 Certificate of Site Compatibility

I, Secretary of the Department of Planning and Environment, determine the application made by Southern Cross Care by issuing this certificate under clause 25(4)(a) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

I certify that in my opinion:

- the site described in Schedule 1 is suitable for more intensive development; and
- the development described in Schedule 1 is compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b); and
- that development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding land uses only if it satisfies certain requirements specified in Schedule 2 of this certificate.

Carolyn McNally Secretary

Date certificate issued: 25 -5-15

mmy

Please note: This certificate will remain current for 24 months from the date of this certificate (clause 25(9)).

#### SCHEDULE 1

Site description: 34 Sturt St, Campbelltown, identified as Lot 1 DP 1037742; Lot 2 DP 758217 and Lot 1 DP 246268.

**Project description** - Seniors housing including a residential care facility, self-care housing and ancillary community facilities, services and a café.

#### SCHEDULE 2

Application made by: Mr Mark Garden of Southern Cross Care (NSW and ACT)

#### Requirements imposed on determination:

The applicant is to consult with the Heritage Division of the Office of Environment and Heritage during the preparation of concept plans, prior to lodgement of the Development Application with Council.

# **ATTACHMENT 2**



14/20425 Department Generated Correspondence (Y)

#### DEPARTMENT OF PLANNING AND ENVIRONMENT

Planning Services

SITE COMPATIBILITY CERTIFICATE DETERMINATION- STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY)

2004 FOR SITE COMPATIBILITY CERTIFICATE FOR ST JOHNS CHURCH,

CAMPBELLTOWN AT 34 STURT ST, CAMPBELLTOWN

#### **PURPOSE**

 To recommend that the Secretary issues a site compatibility certificate under clause 25(4)(a) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the SEPP) for seniors housing at 34 Sturt Street, Campbelltown.

#### RECOMMENDATIONS

- It is recommended that the Secretary:
  - o notes the attached planning officer's assessment report (Tag A);
  - considers Campbelltown City Council's comments regarding the consistency of the proposed development with the criteria in clause 25(5)(b) of the SEPP (Tag A – Attachment 3);
  - forms the opinion that the proposed development site is suitable for more intensive development;
  - forms the opinion that development for the purposes of seniors housing of the kind proposed in the site compatibility certificate application is compatible with the surrounding environment having regard to the criteria specified in clause 25(5)(b) of the SEPP;
  - forms the opinion that development for the purposes of seniors housing of the kind proposed in the site compatibility certificate application is compatible with the surrounding land uses only if it satisfies requirements specified in the certificate;
  - determines the application by signing the site compatibility certificate (<u>Tag B</u>), subject to the proposed development satisfying certain requirements specified in the certificate; and
  - signs the letters to the applicant (<u>Tag C</u>) and Council (<u>Tag D</u>) advising of this decision.

#### **CURRENT POSITION**

- Southern Cross Care (NSW and ACT) has submitted an application for a site compatibility certificate under the SEPP.
- The proposal is to develop a residential care facility, containing 107 beds and 73 self-care housing dwellings together with ancillary community facilities, services and a café, at 34 Sturt St, Campbelltown (Tag A – Attachment 2).
- The site contains the heritage listed St John's Church and Cemetery. It is proposed that St John's Church will be incorporated as part of the community centre.
- The SEPP permits seniors housing on land where it is prohibited under current zoning through a site compatibility certificate issued by the Secretary.

- A site compatibility certificate can only be issued where the proposal adjoins land zoned for urban purposes (e.g. residential or business) and where the land is suitable for more intensive development.
- Under the SEPP, the assessment for a site compatibility certificate involves only assessing the site's suitability for the more intensive use of seniors housing. In particular this assessment gauges whether the site is located in proximity to essential support services and infrastructure. The planning officer's assessment report (Tag A) takes into account the site's location and the likely impact on surrounding uses to determine whether the intrinsic built form of the proposed use is appropriate in the location. As such, this assessment need only ensure the use proposed could be accommodated in a compatible built form and design layout.
- Subsequent to the issue of a site compatibility certificate, a development application must be submitted to Council. The majority of detailed design concerns raised by Council will be assessed at the development application stage, including site layout, density and built form.
- As the site is listed on the State Heritage Register, the Heritage Division of the Office of Environment and Heritage will be involved in the assessment of the application under two mechanisms. Firstly, under the Environmental Planning and Assessment Act 1979 (the Act), the Heritage Division will be consulted as part of the integrated development application process. Under Section 60 of the Heritage Act 1977, a separate application must also be made to carry out any development in relation to land or alter a building which is listed on the State Heritage Register.
- While the Heritage Division will be consulted, it is recommended that a condition also be applied to the certificate which ensures this consultation occurs early in the project conception stage.
- The subject site is currently zoned 5 (a) Special Uses Church/Cemetery under the Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP). Seniors housing is a prohibited use in this zone, but adjoining lands within the LEP are zoned for urban purposes (being zoned 2(b) Residential).
- The proposal will not result in significant environmental impact and is considered to be suitable for more intensive purposes.
- Approval of a site compatibility certificate is recommended in this instance as the proposal represents a logical use for the site, is compatible with development in the adjoining residential zone and will facilitate the re-use and restoration of an item of State Heritage significance.

Tim Hurst Islalia **Executive Director** Regions

Carolyn McNall Secretary

**Deputy Secretary** 

Marcus Ray

**Planning Services** 

Approved / Not Approved / Noted

Rachel Cumming (MDellagiacoma) Director, Metropolitan (Parramatta)

Phone: (02) 9860 1556

Report to the Secretary on an application for a Site
Compatibility Certificate under State Environmental Planning
Policy (Housing for Seniors or People with a Disability) 2004

File No: 14/20425

SITE: 34 Sturt St, Campbelltown, identified as Lot 1 DP 1037742; Lot 2 DP 758217 and Lot 1 DP 246268 (The site location is at Attachment 1).

APPLICANT: Southern Cross Care

**PROPOSAL:** Seniors housing including a residential care facility, self-care housing and ancillary community facilities, services and a café.

The proposal is for the redevelopment of a site at 34 Sturt St, Campbelltown, which contains the heritage listed St John's Church and Cemetery. The proposal includes a residential care facility containing 107 beds and 73 self-care housing dwellings together with ancillary community facilities, services and a café. The proposal would incorporate St John's Church as part of a community centre. The applicant's original submission, compiled by Planning Ingenuity, was considered to be inadequate and incomplete. Following several discussions and requests to the consultant, final information was provided in February 2015. (The planning proposal is at Attachment 2).

LGA: Campbelltown

#### PERMISSIBILITY STATEMENT

The site is zoned 5(a) Special Uses Church/Cemetery under the *Campbelltown (Urban Area) Local Environmental Plan 2002*. Seniors housing is a prohibited use in this zone. The objectives of this zone are to provide land for special uses which would otherwise be prohibited by the zoning of the surrounding area. This zone permits only churches or cemeteries.

Land adjoining the site is zoned 2(b) Residential B, the objective of this zone is to permit the development of a range of housing types, and to encourage a variety of forms of housing that are higher in density than traditional dwelling houses, including accommodation for older people and people with disabilities.

Although the proposed seniors housing development is not permissible within the 5(a) Special Uses Church/Cemetery zone, it adjoins land that is zoned for urban purposes, thus fulfilling clause 4(1) which requires adjoining land to be zoned for urban purposes.

# **CLAUSES 24(2) AND 25(5)**

The Secretary must not issue a certificate unless the Secretary:

- (a) has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the General Manager of the council within 21 days after the application for the certificate was made; and
- (b) is of the opinion that:
  - the site of the proposed development is suitable for more intensive development; and

(ii) the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).

#### COMMENTS FROM COUNCIL

Council's submission on the proposal is at <a href="Attachment 3">Attachment 3</a>. Council does not object to a site compatibility certificate being issued, however it lists a range of matters for consideration which are summarised below:

- Heritage Impacts the proposal should have adequate regard for the significant heritage value of the site which contains St John's Church which is the subject of a Permanent Conservation Order as a State Significant Heritage Item.
- Visual, landscape and skyline impacts the site is situated in a prominent location and is highly visible. Council regards the site as being located within a visually important landscape and skyline which is critically essential to the City.
- Traffic and Transport the proposal will generate additional traffic, which should be assessed. Council anticipates that upgrades to surrounding roads may be required, noting that George St which adjoins the proposal, is particularly narrow.
- Council notes that the steep grade of surrounding streets would impede ready access of frail senior residents to bus stops.
- Stormwater the proposal must deal with the increased overland flow.
- Local residential amenity will be adversely affected.
- Incompatible built form that the proposal's multi-storey built form will be noticeably different from the adjoining single and two storey development.
- Emergency service access needs to be assessed.

#### COMMENT

Council has raised a number of concerns regarding the potential impact of the proposal on the surrounding area. These concerns are primarily related to the built form, visual and traffic impacts and density of development, which are detailed design matters that are appropriately addressed at the development application stage. Clause 24(3) states that the consent authority may refuse or reduce the size and scale of a development application submitted in relation to a site compatibility certificate.

A site compatibility certificate can only assess the site's suitability for the more intensive use of seniors housing particularly in relation to the site's location relative to support services and infrastructure. Such assessment will take into account the matters discussed below to determine whether the intrinsic built form of the proposed use is appropriate in the location. As such, this assessment need only ensure the use proposed could be accommodated in a compatible built form and design layout.

#### SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The Secretary must not issue a certificate unless of the opinion that the site of the proposed development is suitable for more intensive development (clause 24(2)(a)):

The site of the proposed development is suitable for more intensive development (clause 24(2)(a)) as:

 The site is located within an established urban area, has good road access and is well served by public transport and located close to public open spaces, local shops and major retail and service facilities of Campbelltown City Centre.

- The proposed development form is consistent with that on adjoining sites also surrounding the cemetery - aerial photograph of the site (<u>Attachment 4</u>).
- The site would contribute to a need for seniors housing in the south west of Sydney.
- There are no environmental constraints that would preclude the development of the site for senior's housing.
- The applicant has indicated that permissible uses of the land as a church and cemetery are no longer viable. The applicant has indicated that both the church and cemetery are subject to vandalism and require ongoing restoration works. Subject to the proposal seeking and incorporating comments from the Heritage Division, as recommended, it is anticipated that the redevelopment of the site will integrate and restore the existing historic church for community use by residents and visitors.

# COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND SURROUNDING LAND USES

The Secretary must not issue a certificate unless of the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the following criteria (clause 25(5)(b) and clause 24(2)(b)):

- The natural environment (including known significant environmental values, resources or hazards) and the existing and approved uses of land in the vicinity of the proposed development (clause 25(5)(b)(i))
- The site does not contain, nor is it the vicinity of any known significant environmental values, resources or hazards.
- The impact that the proposed development is likely to have on the uses that, in the opinion of the Secretary, are likely to be the future uses of that land (clause 25(5)(b)(ii))
- The existing church is not used and is dilapidated. St John's church and cemetery are both listed on the State Heritage Register. The applicant, Southern Cross Care, has indicated that both the church and cemetery are subject to vandalism and require restoration works. Further heritage advice was requested from the applicant, and in a letter dated 9 December 2014 (<u>Attachment 5</u>) the applicant's heritage consultant, Mr Paul Davies, stated that the proposed use for senior's housing would both enable the restoration and ensure the survival of the church and cemetery.
- It is proposed that St John's Church also be restored, altered and extended to function as a community facility for the site. Given the substantive changes proposed, it is important to involve the Heritage Division at an early stage of planning. The Heritage Division will be involved in the assessment of the application under two mechanisms. Under the Environmental Planning and Assessment Act 1979, the Heritage Division will be consulted as part of the integrated development application process. Under section 60 of the Heritage Act 1977, a separate application must also be made to carry out any development in relation to land or alter a building which is listed on the State Heritage Register.
- The Heritage Division indicated that they would prefer to be consulted as early as
  possible. Accordingly it is recommended that a condition be applied to the certificate
  which ensures this consultation occurs early in the project conception stage prior to
  lodgement of the development application.

- The redevelopment of the site will integrate and restore the existing historic church for community use by residents and visitors. It will also, by establishing site activity, ensure an active presence.
- Given that the surrounding area is developed for residential development, the
  proposed use will be compatible with the surrounding area and represents a logical
  use of the land.
- The Council submission raised concern about traffic impacts, and states that an
  increase in residential densities may necessitate road upgrades to local road
  networks. It is considered that a detailed assessment of traffic impact could be
  considered as part of the development application process, which would provide the
  opportunity for requiring road upgrades as conditions of consent.
- Council raised concerns about amenity impacts for surrounding land users, particularly the impact on the road network during peak visitation times (i.e. Christmas, Mother's Day and Easter), and privacy impacts due to overlooking. It is considered that the proposed use of the site for seniors housing does not preclude effective traffic management or building design to minimise overlooking. Again these matters are more appropriately dealt with as part of the development assessment process.
- The services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision (clause 25(5)(b)(iii))
- The site is located approximately one kilometre from Campbelltown City Centre and 1.4 kilometres from Campbelltown shopping centre. Campbelltown medical centre is 1.2 kilometres away, while Campbelltown public and private hospitals are located two kilometres from the site. Local neighbourhood shops are located approximately 400 metres away and provide for day to day grocery and meal options.
- The site is well served by public transport. A bus stop is within 90 metres of the site
  and provides regular services to Campbelltown City Centre, which is well served by
  rail services to the metropolitan area.
- The initial proposal did not contain adequate information to demonstrate that the
  site complies with gradient requirements for pathways to appropriate services and
  public transport. On 19 February 2015, the applicant submitted additional
  information which demonstrates that the proposal could comply with the required
  length and gradient limits (<u>Attachment 6</u>). This information addresses Council's
  concern regarding the gradient of pathways to public transport. In particular, the
  new information showed that:
  - the length from the site to the bus stop is 86.3 metres;
  - the steepest section of the survey, which is the George Street crossing, is shown as 6.29% (as a ratio 1:16) which is less than the maximum permitted gradient of 1:14; and
  - no part of the pathway between the site and the bus stop is steeper than the maximum disability ramp AS1428.1 disability requirements.

- 4. In the case of applications in relation to land that is zoned open space or special uses - the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development (clause 25(5)(b)(iv))
- The site is zoned Special Uses Church/Cemetery under the Campbelltown (Urban Area) Local Environmental Plan 2002. The zone primarily permits use of the land with consent for churches and cemeteries, and a limited range of other land uses. Seniors housing is a prohibited use in this zone. The historic cemetery will be maintained and the historic unused church will be restored and used as a community based facility.
- The proposal will not likely generate any significant need for additional open space, as it is for the purposes of an aged care facility and open space and communal areas form part of the concept design. Hurley Park and Centenary Park are existing major open public space areas in close proximity to the site. The proposal is unlikely to result in a need for additional open space any greater than that currently provided within this locality.
- Without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development (clause 25(5)(b)(v))
- The proposed seniors housing includes a residential care facility, self-care housing and ancillary community facilities, services and a café. It is considered possible that such uses could be designed to be compatible with the immediate adjoining residential areas which include one, two and three storey housing, including villas and townhouses. The draft Campbelltown Principal Local Environmental Plan permits a similar housing form as the prevailing Plan; both include multi-dwelling housing and residential care facilities as permissible uses.
- Adjoining sites also surrounding the cemetery comprise townhouse/villa style of housing.
- The predominant scale is 1-2 storey consistent with the surrounding area and adjoining sites, some of the buildings contain 3 storey elements. The concept architectural plans provided with the application are indicative only. The Department is not endorsing a final design. It is expected that a development application could be prepared with detailed designs compatible with surrounding uses and assessed at the development application stage. This detailed design would need to be considerate of the relationship with surrounding development and the impact on heritage.
- If the development may involve the clearing of native vegetation that is subject
  to the requirements of section 12 of the Native Vegetation Act 2003—the
  impact that the proposed development is likely to have on the conservation
  and management of native vegetation (clause 25(5)(b)(vi))
- The site is cleared; the proposal does not involve the clearing of native vegetation.

#### RECOMMENDATION

It is recommended that the Secretary:

- considers Campbelltown City Council's written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) (Attachment 3);
- forms the opinion that the site of the proposed development is suitable for more intensive development;
- forms the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b);
- forms the opinion that development for the purposes of seniors housing of the kind proposed in the site compatibility certificate application is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate; and
- determines to issue a site compatibility certificate for seniors housing at 34 Sturt Street Campbelltown, subject to satisfying certain requirements specified in the certificate.

Tim Hurst 5/5/15 **Executive Director** 

Regions

Marcus Ray

**Deputy Secretary Planning Services** 

Carolyn McNally

Secretary

Approved / Not Approved / Noted

Rachel Cumming (MDellagiacoma) Director, Metropolitan (Parramatta) Phone: (02) 9860 1174

# State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 Certificate of Site Compatibility

I, Secretary of the Department of Planning and Environment, determine the application made by Southern Cross Care by issuing this certificate under clause 25(4)(a) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

I certify that in my opinion:

- the site described in Schedule 1 is suitable for more intensive development; and
- the development described in Schedule 1 is compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b); and
- that development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding land uses only if it satisfies certain requirements specified in Schedule 2 of this certificate.

Carolyn McNally Secretary

Date certificate issued: 25 -5-15

MMWN

Please note: This certificate will remain current for 24 months from the date of this certificate (clause 25(9)).

#### **SCHEDULE 1**

Site description: 34 Sturt St, Campbelltown, identified as Lot 1 DP 1037742; Lot 2 DP 758217 and Lot 1 DP 246268.

**Project description** - Seniors housing including a residential care facility, self-care housing and ancillary community facilities, services and a café.

#### **SCHEDULE 2**

Application made by: Mr Mark Garden of Southern Cross Care (NSW and ACT)

# Requirements imposed on determination:

The applicant is to consult with the Heritage Division of the Office of Environment and Heritage during the preparation of concept plans, prior to lodgement of the Development Application with Council.

Our ref: 14/20425



Southern Cross Care (NSW & ACT) c/o Mark Garden Cardinal Gilroy Village 45 Barcom Street Merrylands NSW 2160

Dear Mr Garden

Determination of application for a site compatibility certificate for 34 Sturt St, Campbelltown - State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

I refer to your application for a site compatibility certificate under clause 25(1) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the SEPP) in relation to 34 Sturt St, Campbelltown.

I have determined the application under clause 25(4)(a) of the SEPP by issuing a site compatibility certificate subject to satisfying certain requirements specified in the certificate (clause 25(7)). I have attached the Certificate of Site Compatibility.

If you have any questions in relation to this matter, please contact Ms Rachel Cumming, Director, Metropolitan (Parramatta), at the Department on (02) 9860 1174.

Yours sincerely

Carolyn McNally Secretary

Encl: Site Compatibility Certificate

m m sva

Our ref: 14/20425



Ms Lindy Deitz A/General Manager Campbelltown City Council PO Box 57 Campbelltown 2560

Dear Ms Deitz

Determination of application for a site compatibility certificate for 34 Sturt St, Campbelltown - State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

I refer to the above application for a Site Compatibility Certificate for the above site in Campbelltown. I have considered your comments in my assessment of this application.

I have determined the application under clause 25(4)(a) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 by issuing a site compatibility certificate subject to satisfaction of certain requirements specified in the certificate (clause 25(7)). I have attached the Certificate of Site Compatibility.

If you have any questions in relation to this matter, please contact Ms Rachel Cumming, Director, Metropolitan (Parramatta), at the Department on (02) 9860 1174.

Yours sincerely

Carolyn McNally Secretary 2

Encl: Site Compatibility Certificate

# 3.4 Alteration and use of an existing dwelling as a boarding house - No. 23 Turimetta Avenue, Leumeah

# **Reporting Officer**

**Acting Manager Development Services** 

#### **Attachments**

- 1. Recommended conditions of development consent (contained within this report)
- 2. Locality plan (contained within this report)
- 3. Boarding house plan of management (contained within this report)
- 4. Site plan (distributed under separate cover confidential for privacy reasons this plan is not available to the public)
- 5. Floor plans (distributed under separate cover confidential for privacy reasons this plan is not available to the public)
- 6. Landscaping plan (distributed under separate cover confidential for privacy reasons this plan is not available to the public)
- 7. Notification plan (distributed under separate cover confidential for privacy reasons this plan is not available to the public)

### **Purpose**

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

**Property Description** Lot 33 DP 31182, No. 23 Turimetta Avenue, Leumeah

**Application No** 1322/2013/DA-MAH

**Applicant** J S Dhillon

Owner J S and M K Dhillon

**Provisions** Campbelltown 2025 – 'Looking Forward'

State Environmental Planning Policy (Affordable Rental Housing)

2009

Campbelltown (Urban Area) Local Environmental Plan 2002

Draft Campbelltown Local Environmental Plan 2014

Campbelltown (Sustainable City) Development Control Plan

**Date Received** June 2013 (additional information received June 2014)

# Report

A development application has been received which proposes to undertake modifications to an existing dwelling and use it as a boarding house at the subject site in Leumeah. The application has been made pursuant to the objectives and controls listed in State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP), which to the extent of any inconsistencies, supersedes Council's relevant planning controls.

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

Officers are of the opinion that use of the site as a boarding house has already been commenced.

#### The Site

The site is located on the northern side of Turimetta Avenue in Leumeah. It has an area of approximately 645sqm and contains a two storey residential building and associated outbuildings including a shed and car port.

The site is located within an existing residential area, which predominantly features a range of detached one storey dwellings on their own allotments.

Attachment 4 to this report provides a site plan, which illustrates the current position of buildings on the site and their proximity to adjoining dwellings.

# The Proposal

The development application seeks Council's consent for the undertaking of some minor internal modifications to the building and its use as a boarding house.

The proposal includes the following features:

- eight boarding rooms
- two indoor communal rooms
- shared amenities such as bathrooms, laundry and kitchen
- communal outdoor veranda, storage lockers and vegetable/herb gardens
- two nominated car parking spaces
- a dedicated motorcycle and bicycle parking area
- upgrades to the building's existing fire safety measures
- associated landscaping and site works.

The building, being an existing dwelling would not be modified from the exterior. The upper storey extension of what would have been a single storey dwelling was approved by Council in 1986 and was constructed during 1987.

The proposed internal works include removal and replacement of one internal wall on the ground floor and removal and replacement of one wall on the upper floor. The floor plans in attachment 5 to this report illustrate the proposed minor internal works and identify the proposed use of each room throughout the existing dwelling.

Council's records indicate that the shed and car port in the rear yard were also both issued with appropriate approvals, during 1989 and 1993 respectively.

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

A comprehensive 'Boarding House Plan of Management' has been submitted with the application, which has been prepared in accordance with the requirements of the *Boarding Houses Act 2012* and its accompanying Regulation. The Plan of Management addresses details such as (but is not limited to):

- appointment of head tenant/manager
- register of tenants to be maintained
- requirements that tenants of the boarding house do not impact on the amenity of neighbours
- hours that activities may be undertaken outside of the building
- the house manager's mobile telephone number must be visible from a public place and must be provided to immediate neighbours. The house manager is available 24 hours a day
- restricting the number of residents to a maximum of 10 and no visitors are permitted to stay overnight
- waste management requirements
- complaints management procedure.

A full reproduction of the plan of management forms attachment 3 to this report.

#### 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
- building a distinctive Campbelltown sense of place
- getting around the City
- retaining and creating jobs.

The proposed development is generally consistent with these directions.

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

- creating opportunities for ongoing private investment
- developing urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable
- increase local area self-containment to lessen dependence on private cars
- create an impression of architecture that engages its environmental context in a sustainable way
- encourage development and land use that matches environmental capacity and capability.

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

## 2. Planning Provisions

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

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

# 2.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

The application has been made pursuant to the requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009 (the 'ARHSEPP').

Relevant aims of the Policy are:

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

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

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

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

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

The subject proposal has a floor space ratio of 0.32:1 and therefore complies with the SEPP's requirement.

• Building height: the ARHSEPP states that the building height shall not exceed that which is stated within an environmental planning instrument.

In this case, there is no maximum height within an existing applicable environmental planning instrument. However, Council's draft Local Environmental Plan stipulates a maximum building height of 8.5 metres and Council's SCDCP does specify a two-storey height limit.

The subject proposal has a maximum height of two storeys and is lower than 8.5 metres and therefore, complies.

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

In this case, the existing setbacks of the building are considered to be compatible with adjoining and nearby residential buildings. The front setback contains existing, relatively substantial vegetation, which is used to screen the proposed car parking space.

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

The ground floor communal room receives at least three hours of direct sunlight. proposed building does contain a communal room on its Moore Street frontage. The room would receive direct sunlight access for more than three hours per day, due to its favourable north-easterly orientation and having regard to location and design of the existing adjoining dwelling at No. 21 Turimetta Avenue.

In addition, the communal rear veranda would receive almost uninterrupted sunlight throughout each day, so the proposal is considered to comply.

 Open Space: the ARHSEPP requires a minimum of 20sqm of private open space for the use of lodgers.

The existing rear yard would be available to residents for use as private open space. The rear yard (excluding area dedicated to car parking and the existing shed) has an area of approximately 180sqm, so the proposal is considered to easily comply with this requirement.

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

In this case, the development site is approximately 175 metres away from a bus stop served by Busabout services operating on Transport for New South Wales' routes 881 and 882. The services operates half-hourly or hourly during the specified times, therefore, the site meets the criteria for an 'accessible area'.

The proposed boarding house contains eight rooms and would therefore require just 1.6 car spaces pursuant to the ARHSEPP. The proposal provides for two formal car parking spaces (as well as motorcycle and bicycle parking), and therefore complies.

 Accommodation size: the ARHSEPP stipulates the minimum room sizes for boarder accommodation that cannot be used as a reason to refuse consent. For rooms available to one lodger, the room size is 12sqm and for rooms available to two lodgers, the room size is 16sqm, up to a maximum of 25sqm.

In this case, some of the rooms are smaller than the nominated room size for one boarder. The table below details the size of each room.

Boarding room number	Boarding room area
Room 1	18.4sqm
Room 2	10.4sqm
Room 3	17.7sqm
Room 4	11.1sqm
Room 5	10.5sqm
Room 6	9.9sqm
Room 7	10.7sqm
Room 8	14.9sqm
Average Room Size	13.0sqm

Five of the rooms are smaller than the minimum recommended size. In the submitted statement of environmental effects, the applicant makes the following comments regarding the room sizes in the proposed boarding house:

The heading of the Clause in which the control appears within the ARHSEPP is titled 'New Affordable Rental Housing'. In the applicant's opinion, this means that the controls are predominantly intended to apply to new buildings. The applicant also notes the requirement relating to room sizes is located in Clause 29 of the ARHSEPP, which provides flexibility for Council's and applicants, as opposed to the prescriptive controls in Clause 30 (discussed below).

#### Comment:

While the heading is acknowledged, in this case, the building is considered to be a 'new boarding house' as that that is what consent is being sought for under the ARHSEPP.

Notwithstanding, it is acknowledged that use of an existing residential building as a boarding house is considered likely to have a reduced impact on the surrounding neighbourhood with regard its compatibility with nearby development and loss of amenity. This is because the building is already in existence and has been in its present built form since 1987 and in this case particularly, there is no extension or other external changes being made to the building in order to allow it to be used as a boarding house.

 The proposal to adapt an existing building as a boarding house is cheaper than demolition and reconstruction of a new purpose-built development, meaning that the rooms can be provided at a cheaper rate to people requiring this type of housing.

#### Comment:

The applicant provides a detailed assessment of the need for boarding houses in the Campbelltown area, including references from local short term crisis housing providers such as Vinnies Youth Housing, Uniting Care Burnside and Department of Housing data, which illustrates that affordable accommodation for singles, primarily in the 18 to 25 year age bracket, is within very short supply locally.

A letter from Argyle Housing that accompanied the application confirms that it has long waiting times for accommodation suitable for singles. They are two to five years for studio dwellings and five to 10 years for one-bedroom units.

The applicant's statement of environmental effects continues:

"The median rent for one-bedroom units in Campbelltown LGA is \$275 per week and the first quartile rent (bottom 25 per cent of one-bedroom units) is \$210 per week (source, Housing NSW Rent and Sales Report No. 103, March 2013). Room tariffs in the proposed boarding house will range from \$105 to \$150 per week, depending on room size, including electricity, water, gas, bed, mattress, mattress cover, wardrobe, desk, chair and (if required) bed sheets, pillow, quilt and blankets. This will make it amongst the most affordable private accommodation available in the LGA.

The proposed development provides decent quality accommodation that will be affordable to people on lower incomes, and therefore directly addresses the chronic lack of housing for this group in the local private rental market.

It will also have the social benefit of enabling existing low income residents such as students, apprentices, key workers and pensioners to continue living in the area and to maintain their social, educational and business networks. This stability and continuity is not only of benefit to the residents themselves but also of wider benefit by maintaining the social fabric of the local community."

The purpose of the ARHSEPP is to provide affordable housing for people in accessible areas. The proposal appears to fit these criteria. With the additional reporting requirements for boarding houses required under the *Boarding Houses Act 2012* (discussed later in the report) and the applicant's proposed management of the boarding house (also discussed later), use of the building as proposed is not inconsistent with the ARHSEPP's requirements.

 The minimum area of the smallest room within the proposed boarding house exceeds the minimum area requirement for a single lodger pursuant to the requirements of the *Boarding Houses Regulation 2013*.

#### Comment:

This statement is correct. Schedule 1(7)(2) of the Regulation requires that a room must be at least 7.5sqm in area and the smallest room proposed in the subject boarding house would be 9.9sqm.

- The applicant also states that smaller rooms are more efficient and therefore, more economical to heat and cool.
- The Building Code of Australia does not nominate the minimum size for boarding rooms, however does set amenity criteria for bedrooms with regard to window sizes for access to sunlight and ventilation. The Code requires that each room shall have a window area not less than five per cent of the floor area of the room.

#### Comment:

In the subject proposal's case, the smallest window to floor area ratio is 20 per cent, which significantly exceeds the Code's minimum requirement for natural light and ventilation.

- Storage lockers would be provided within the existing shed, meaning that large and bulky items can be securely stored outside bedrooms, freeing up space inside each bedroom.
- The boarding house has two indoor and two outdoor communal areas, which exceeds the ARHSEPP minimum requirement and offers break out space for residents to get out of their rooms.

Having regard to the abovementioned comments and discussion of compliance, the boarding house proposal is considered to be complimentary to the requirements of the ARHSEPP, notwithstanding the fact some rooms are smaller than the recommended minimum size.

Clause 30 of the ARHSEPP contains further standards for boarding houses. The standards must be met in order for Council to grant its development consent. An assessment of the proposal against relevant standards is discussed below:

- If a boarding house has five or more rooms, a communal living room shall be provided

   the building contains a communal living room on the ground floor and on the upper
  floor, therefore complies with this requirement.
- No boarding room will have a gross floor area greater than 25sqm (excluding bathrooms and private kitchens) the development's largest room has a floor area of 18.4sqm, therefore complying with the requirement.
- No boarding room will be occupied by more than two adult lodgers given the size of
  existing rooms within the dwelling, the applicant has submitted information with the
  application to the effect that most rooms would be limited to one lodger at all times. A
  total of 10 residents in the eight rooms is proposed. Recommended condition of
  consent number 5 also stipulates this maximum occupancy rate and the proposal is
  considered to comply.
- Adequate kitchen and bathroom facilities will be available to each lodger the ARHSEPP does not specify the maximum number of people that might share facilities. In this case, up to 10 people sharing a kitchen, two bathrooms (each containing a shower and toilet) is not considered to be unreasonable. The floor plans submitted with the proposal illustrate that one washing machine would be available for residents. This is not considered appropriate and as such, recommended condition 10 requires the installation of additional laundry facilities at the site, either inside the existing dwelling at a site to be illustrated on amended plans or within the existing shed. Once the laundry facilities have been upgraded, it is considered that the proposal will comply with this requirement.
- At least one parking space shall be provided for a bicycle and one will be provided for a motorcycle for every five boarding rooms – adequate space has been provided for the two motorcycle and two bicycle spaces that are required under the ARHSEPP. The proposal therefore complies with this requirement.

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

The design of the development is considered to be compatible, having regard to its size, scale and appearance in comparison to nearby residential development, noting the fact that the building currently exists and has done for some time and is not proposed to be modified externally as a result of its conversion to a boarding house.

The provision of open space at the rear of the site is also consistent with surrounding properties, which adds to the development's compatibility with the area's character.

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

# 2.2 Campbelltown (Urban Area) Local Environmental Plan 2002

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

The development is complementary to several zone objectives, including:

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

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

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

#### 2.3 Draft Campbelltown Local Environmental Plan 2014

The draft Campbelltown Local Environmental Plan (draft CLEP) has been publicly exhibited and is therefore a matter for consideration pursuant to Section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.

Under the draft CLEP, the site would be zoned R2 – Residential Low Density zone. Pursuant to the 'Land Use Table' which forms part of the draft Plan, 'boarding houses' are permissible with development consent in the R2 zone.

The proposal is considered to be complementary to several objectives for the R2 zone, such as:

- to provide for the housing needs of the community within a low density residential environment
- to enable other land uses that provide facilities or services to meet the day to day needs of residents

- to enable development for purposes other than residential only if that development is compatible with the character of the living area and is of a domestic scale
- to minimise overshadowing and ensure a desired level of solar access to all properties
- to facilitate diverse and sustainable means of access and movement.

The proposal is therefore considered to be permissible development at the site pursuant to the draft environmental planning instrument.

#### 2.4 Campbelltown (Sustainable) City Development Control Plan

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

Relevant portions of the SCDCP are discussed below:

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

#### Part 2.5 – Landscaping

This section of the SCDCP sets out Council's requirements for the provision of landscaping for new development. The proposal includes the retention of several large trees and the establishment of new screen shrubbery throughout the site, as well as the establishment of vegetable and herb gardens for residents. It is considered to be compliant with the SCDCP.

#### Part 2.13 – Security

This section of the SCDCP details Council's requirements for ensuring that buildings are designed in a manner that minimises the potential for crime, both on the site and outside by providing a means of casual surveillance for public areas. The subject building currently contains a front balcony and windows to surrounding public areas. Entry to the building would be by secure key. Direct access to the building for the public would not be provided.

External lighting would be provided to light pedestrian access areas for safety and security. Lighting will be required to cause no disturbance to nearby residential properties. The proposal is considered to be compliant with Council's controls.

#### 2.15 – Waste Management

This section of the SCDCP sets out Council's requirements for the storage and disposal of waste. In this instance, the applicant intends using Council's existing waste collection service, with bins stored along the driveway and screened by vegetation. Perusal of Council's records does not indicate that additional bins have been provided to the site, despite its existing presumed use as a boarding house. Recommended condition 11 in attachment 1 to this report requires the provision of adequate garbage and recycling bins, which must be reviewed periodically by the boarding house management to ensure that appropriate volumes of garbage and recycling storage are provided to residents.

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

#### 3. Planning Assessment

#### 3.1 Impacts on the Natural and Built Environment

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

Having regard to the fact this application proposes use of an existing building, which would not be altered externally or made larger to enable its use as a boarding house, the development's impact on the natural and built environment are considered to be relatively low. The building has existed in its present form at the site since 1987, with the outbuildings proposed for use as part of the boarding house (a shed and car port) approved by Council in 1989 and 1993 respectively.

The proposal complies with the Affordable Rental Housing SEPP's minimum car parking and cycle parking requirements. Occasional surveillance of the boarding house, which as mentioned earlier is considered to have commenced use, has revealed that the off-street parking available on the site is generally used, including a second, informal space in the front setback. Notwithstanding the abovementioned comment, should on-street parking be used, Turimetta Avenue in the vicinity of the subject site is a straight road, with good visibility, meaning that drivers in cars passing parked vehicles would not unreasonably be hindered in safe and clear passage.

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

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

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

The Boarding Houses Act 2012 sets strict criteria for the letting of rooms and the behaviour of proprietors and residents. Registration and inspection of the boarding house by the Department of Family and Community Services will ensure that the site is properly run and cause minimal disturbance to surrounding existing residents.

Recommended conditions of development consent numbers 3, 4 and 13 stipulate that the house shall be run in accordance with the provisions of the *Boarding Houses Act 2012*. Council will also have an ongoing inspection role under the provisions of that Act.

#### 3.2 Site Suitability

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

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

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

#### 3.3 The Public Interest

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

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

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

The use of the existing dwelling as a boarding house is considered to encourage affordable housing, in a manner consistent with Section 5(a)(viii) of the *Environmental Planning and Assessment Act 1979* and if managed in accordance with the submitted plan of management, is not considered likely to have a significant detrimental impact on the neighbourhood.

#### 4. Public Participation

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

The application was notified to adjoining and nearby owners for a period of 14 days. Confidential attachment 7 to this report illustrates the properties that were notified and also highlights the location from which submissions were received.

During the notification period, five submissions were received in objection to the proposal. A discussion of the matters raised is detailed below.

#### Compatibility with surrounding development

Concerns were raised in submissions regarding the compatibility of the development with its surrounds. The concerns related to the potential impacts that future residents may have on the neighbourhood.

Also mentioned earlier in the report, the subject boarding house would be controlled by its registration under the *Boarding Houses Act 2012*. Reference is made to the report prepared by Council's then Acting Manager of Compliance (tabled at Council's Ordinary meeting held on 26 February 2013), which outlines the purposes of the Act and Council's role in inspecting and monitoring boarding houses to ensure compliance with relevant State and local requirements.

Whilst at this time it is not known 'who' exactly occupies the boarding house, the proposal exhibits a good level of compliance with relevant State and local planning controls and would be required to registered under the *Boarding Houses Act 2012*, meaning that it would be monitored and inspected for ongoing compliance issues.

As mentioned earlier in the report, the applicant has prepared a comprehensive 'Boarding House Plan of Management', which details the procedures to be followed for the orderly operation of the house and the arrangements made for its management as well as handling of any complaints received from neighbours. It includes a requirement that all nearby neighbours would be provided with the house manager's mobile telephone number, a requirement reflected in recommended condition 4 in attachment 1 to this report. A full reproduction of the plan of management forms attachment 3 to this report.

It should be noted that to date, Council has received one anonymous telephone call about the house, which as mentioned, is already in operation. The call was made during 2014 to report suspicious behaviour at the site, including the parking of cars on the driveway overnight. The report did not specifically complain about the house's operation and did not describe any unreasonable noise or other activity occurring at the site. One submission notes that the house is currently operating without impact on the neighbourhood.

#### Suitability of the existing dwelling to be converted

Submissions raised concern with the building's suitability for conversion and use as a boarding house, with comments made regarding the appropriateness of the following:

- the size of the kitchen
- provision of laundry facilities
- the size and location of communal areas
- management of the boarding house
- a new, purpose-built building would be more appropriate.

As stated above, the application has been accompanied by a detailed plan of management, which is required to be implemented at the site. This requirement would be a condition of consent as well as a mandatory requirement under the *Boarding Houses Act 2012*. As part of the plan of management, nearby owners would be provided with the boarding house manager's mobile telephone contact details so they can report any anti-social behaviour as it occurs, should it occur.

The space provided within the boarding house for resident amenity is considered to be acceptable, noting its relative compliance with the ARHSEPP and Building Code of Australia. It is noted that recommended condition 10 requires the provision of additional laundry facilities as those proposed in the application are not considered to be appropriate for use by up to 10 residents.

### Impacts on the value of nearby properties

Submissions raised the issue of the development's potential to decrease the value of nearby properties.

The submissions did not contain evidence from a qualified person or persons to qualify or quantify the statement. Notwithstanding, conditions are intended to be imposed relating to the operation of the boarding house, with the intention being that the house be operated with no impact on the local neighbourhood, above that which would be expected from a single dwelling.

### Operation of the boarding house

Submissions raised issue with the potential noise impacts of the development.

The plan of management required to be implemented for the house, pursuant to recommended condition 4 stipulates the following in relation to noise emanating from the property:

- residents shall not drink alcohol or play music in the outdoor areas of the property after
   8.00pm and before 10.00am each day
- residents shall not use the outdoor areas of the property between 10.00pm and 7.00am each day
- a maximum of nine persons only shall be accommodated in the outdoor area at any one time and between the abovementioned hours.

These hours are not considered to be inconsistent with what neighbours would ordinarily expect to occur at any dwelling within a residential area.

A full reproduction of the plan of management forms attachment 3 to this report.

#### 5. Conclusion

A development application has been received for use of an existing dwelling as a boarding house at No. 23 Turimetta Avenue, Leumeah. The application has been made pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

The boarding house has been operating without consent for some time, without specific complaint about its operation having been received by Council.

The boarding house contains eight separate accommodation rooms, with shared use of communal rooms, storage areas, bathrooms and kitchen. An outdoor recreation area and parking for motorcycles, cars and bicycles is also proposed.

The boarding house residents will generally be existing local people who for a range of circumstances or by personal choice seek accommodation that is more affordable than the usual offering in the private rental market.

A comprehensive plan of management has been submitted with the proposal, which has been incorporated into the recommended conditions of consent, meaning it must be adhered to by management and residents of the house should consent be granted.

Several submissions in objection to the proposal were received, regarding matters such as compatibility of the development with its surroundings, noise and the suitability of the existing dwelling for conversion to a boarding house.

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

### Officer's Recommendation

- 1. That development application 1322/2013/DA-MAH for the alteration and use of an existing dwelling as a boarding house at No. 23 Turimetta Avenue, Leumeah be approved, subject to the conditions detailed in attachment 1 of this report.
- 2. That objectors to this application be advised of Council's decision and be provided with a copy of the consent document and boarding house plan of management.

Having declared an interest in regard to Item 3.4, Councillor Greiss left the Chamber and did not take part in debate nor vote on this item.

# Committee's Recommendation: (Kolkman/Oates)

That the application be refused based on the inadequacy of the bedrooms to provide residents with a satisfactory quality of life in their living quarters.

#### **CARRIED**

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

Voting against the Committee's Recommendation was Councillor: Matheson.

At the conclusion of the discussion regarding Item 3.4, Councillor Greiss returned to the Chamber for the remainder of the meeting.

# Council Meeting 15 December 2015 (Hawker/Rowell)

That the Committee's Recommendation be adopted.

### Foreshadowed Motion (Greiss/Mead)

- 1. That development application 1322/2013/DA-MAH for the alteration and use of an existing dwelling as a boarding house at No. 23 Turimetta Avenue, Leumeah be approved, subject to the conditions detailed in attachment 1 of this report.
- 2. That objectors to this application be advised of Council's decision and be provided with a copy of the consent document and boarding house plan of management.

### **Council Resolution Minute Number 228**

That the Foreshadowed Motion be adopted.

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

Voting against the Council Resolution were Councillors: Borg, Brticevic, Chanthivong, Kolkman and Oates.

**Note:** Councillor Glynn retired from the meeting during discussion of Item 3.4.

# **ATTACHMENT 1**

#### **Recommended Conditions of Consent**

#### **GENERAL CONDITIONS**

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

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

### 1. Approved Development

The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.

# 2. Building Code of Australia

The boarding house must at all times be kept and maintained in accordance with the provisions of the Building Code of Australia. In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

The house shall also be maintained in accordance with the record of inspection undertaken by Australia Wide Consulting Services (ref. ACS 2014 004, dated 4 June 2014) and the Annual Fire Safety Statement by RADI Electrical (dated 26 June 2013).

#### 3. Boarding Houses Act 2012

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

### 4. Plan of Management

The 'Plan of Management' as submitted with the development application and found at Appendix 1 of the statement of environmental effects (ref. Mark Shanahan Planning Pty Ltd, dated 17 June 2013) shall form the 'House Plan of Management' which must be instituted at all times which the premises operates as a boarding house.

A copy of the plan along with the house manager's mobile telephone number shall be provided to all owners of properties within 20 metres of a boundary with the subject site within one month of the date of development consent being granted. Evidence that each affected land owner has received the plan shall be provided to Council.

Pursuant to the plan and the *Boarding Houses Act 2012*, a register of all tenants' names and any complaints must be kept on-site at all times, available for inspection by public authorities.

The manager shall be responsible for ensuring that the development's impact on the neighbourhood is minimised and that the boarding house is managed in accordance with the requirements of the conditions of consent, relevant legislation and so as to minimise its impact on the existing neighbourhood.

### 5. Occupancy Rates

The maximum occupancy rate of the boarding house shall not exceed 10 persons, with all rooms restricted to being occupied to one person except rooms 1 and 3 which may be occupied by a maximum of two people.

### 6. Lighting

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

#### 7. Unreasonable Noise

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

### 8. Landscaping

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

# 9. Parking Spaces

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

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

Parking of vehicles on turf and landscaped areas is not acceptable.

#### 10. Laundry Facilities

Within one month of development consent being granted, the applicant shall submit for the written approval of Council's Manager of Development Services, a plan which illustrates the installation of additional laundry facilities at the site.

The additional facility must be installed within one month of receiving the written approval of Council's Manager of Development Services.

### 11. Waste Management

The boarding house shall at all times be supplied with an appropriate number of garbage and recycling bins to ensure that waste is not stored on the site at any time, except within the approved waste receptacles supplied at a cost by Council.

The bins shall be stored out of view of the public and returned to the nominated storage area within a reasonable time after emptying by Council's waste collection contractor and in accordance with the 'House Plan of Management'.

#### **BOARDING HOUSE CONDITIONS**

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

### 12. Sleeping Accommodation

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

# 13. Acts and Regulations

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

Public Health Act 2010
Public Health Regulation 2012
Boarding Houses Act 2012
Local Government Act 1993
Local Government (General) Regulation 2005
Protection of the Environment (Noise Control) Regulation 2008

#### **ADVISORY NOTES**

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

#### Advice 1. Provision of Equitable Access

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

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

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

#### Advice 2. Smoke Alarms

All NSW residents must have at least one working smoke alarm installed on each level of their home. This includes owner occupier, rental properties, relocatable homes and any other residential building where people sleep.

The installation of smoke alarms is required to be carried out in accordance with AS 3786. The licensed electrical contractor is required to submit to Council a certificate certifying compliance with AS 3000 and AS 3786.

### Advice 3. Adjustment to Public Utilities

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

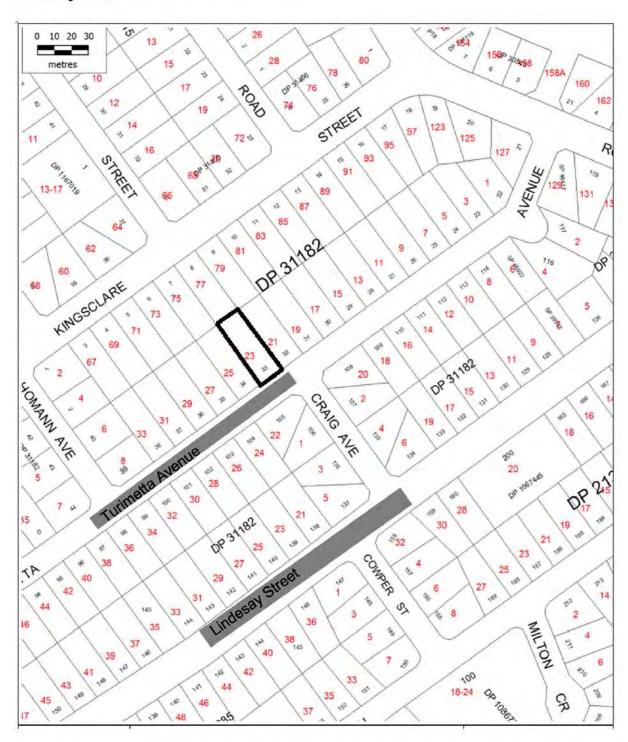
#### Advice 4. Smoke Free Environment Act 2000

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

# **END OF CONDITIONS**

# **ATTACHMENT 2**

# **Locality Plan**



Subject site - No. 23 Turimetta Avenue, Leumeah

# **ATTACHMENT 3**

#### BOARDING HOUSE PLAN OF MANAGEMENT AND HOUSE RULES FOR 23 TURIMETTA AVE, LEUMEAH

#### Preliminary

23 Turimetta Ave, Leumeah is a registrable boarding house under Section 5(1) of the Boarding Houses Act 2012, being operated as a general boarding house with 8 boarding rooms (6 single rooms and 2 double rooms). It is not an assisted boarding house.

This management plan implements those occupancy principles for boarding houses in force under Section 30(1) of the Boarding Houses Act 2012 that relate to the management and operation of the boarding house.

The occupancy principles in force at the time this management plan was authorised are set out in Schedule 1 of this plan.

#### 1. Object of this Plan

- 1.1 A primary purpose of this Management Plan is to ensure that neighbours' amenity is not reduced by the operation of the premises as a Boarding House. To achieve this, the Management Plan has been drafted with the following matters in mind:
- a) to minimise disturbance to neighbours;
- b) to discourage late night arrival and departure of occupants which may cause neighbour's amenity to be reduced;
- c) to provide a procedure to receive and resolve complaints;
- d) to maintain the internal and external appearance of the premises;
- e) to ensure a responsible person is readily contactable to assist in the ongoing implementation of this Management Plan;
- f) to ensure that this Management Plan is enforceable, and
- g) to make provision for this plan to be amended from time to time with the approval of Campbelltown City Council in order to facilitate timely and responsive operational changes to improve residential amenity within and external to the site.

#### 2. Primary Person Responsible

- 2.1 The owner of the premises is responsible for ensuring that this Management Plan is properly implemented at all times. The owner will exercise this personally or through an appointed Property Management Agent ('Manager'). References in this Management Plan to 'Manager' means the specialist boarding house manager appointed to that role or if none is appointed, means the owner (see cl. 3.1 below).
- 2.2 The Manager may appoint a lodger to act as Head Lodger/Caretaker to assist in undertaking the Manager's duties, including reporting to the Manager any emergencies or incidences of lodgers not complying with this Management Plan or the House Rules. The Head Lodger/Caretaker must be given appropriate training by the Manager to undertake these duties but compliance with this Management Plan always remains the responsibility of the Manager and cannot be sub-delegated to the Head Lodger/Caretaker.
- 2.3 This Management Plan shall be displayed in a common area of the boarding house at all times. The Manager shall give occupants copy of a

document called "Boarding House Rules" ("the Rules") before they move into the boarding house. The Rules include guidelines for the conduct of occupants to minimise inappropriate behaviour that might reduce the amenity of neighbours or other lodgers. The Rules may not be inconsistent with this Management Plan or the conditions of development consent.

- 2.4 All residents in the boarding house are to sign an Occupancy Agreement which includes a requirement to comply with the Rules. The length of occupancy shall not be less than 90 days, on the explicit understanding that accommodation is not to be provided on a temporary basis to persons on recreational pursuits.
- 2.5 The Manager is responsible for enforcing the Rules.
- 2.6 The Manager shall have discretion to remove any person from the Boarding House who fails to comply with any Rule after due warning. The owner must (if requested to do so) assist the Manager to the extent necessary to give effect to this provision.
- 2.7 The Manager shall maintain a register of occupants who have been evicted from the Boarding House and shall ensure that those people are prevented from entering the premises in the future.
- 2.8 The Manager shall take all reasonable steps necessary to ensure that occupants of the Boarding House do not affect the amenity of neighbours. The Manager may evict occupants who unreasonably affect the amenity of neighbours. The owner must (if requested to do so) assist the Manager to the extent necessary to give effect to this provision.
- 2.9 The Manager shall ensure that the Rules are displayed in the entrance, dining room, corridors and rooms of the Boarding House.
- 2.10 A sign shall be maintained at the entrance to the Boarding House advising occupants to be aware and mindful of the amenity of neighbours when entering or leaving the premises.
- 2.11 A mobile phone number for contacting the Manager shall be displayed on the outside wall at the entrance to the boarding house, so that it is visible from outside the boarding house.
- 2.12 The Manager shall provide mobile and home numbers to immediate neighbours and to lodgers on which the Manager can be contacted 24 hours a day.

#### 3. Manager

- 3.1 As the total number of residents will be no more than 10 people at any given time, there is no requirement for a Resident Manager. The owner will manage the property or may appoint a specialist boarding house manager to manage the property (see cl.2.1 above).
- 3.2 The Manager shall inspect the premises at a minimum fortnightly interval to ensure compliance with all relevant provisions of this Management Plan and the Boarding House Rules, and any applicable conditions of development consent.

#### 4. Residents Register

4.1 The Manager shall maintain a register which includes the lodger's name, previous address, drivers license details (if any), room number,

date of commencing occupancy and date of ceasing occupancy. The register may be kept in writing and/or on computer.

- 4.2 A maximum of two (2) lodgers can be registered at any one time to occupy each of Bedroom 1 or Bedroom 3. A maximum of one (1) lodger can occupy each of the other rooms. There are to be no more than 10 lodgers of the boarding house at any time. Inspections of the property and the Register may be undertaken by properly authorised officers of Campbelltown City Council from time to time to ensure that this requirement is being satisfied.
- 4.3 Any rooms that become vacant will be offered first to existing lodgers currently occupying any smaller rooms.

### 5. Boarding House Rules

5.1 The Boarding House Rules shall include the following:

### Lodgers:

- a) Will not smoke or drink alcohol inside the Boarding House.
- b) Will not drink alcohol or play music in the outdoor areas of the property between 8.00pm and 10.00am.
- c) Will not use the outdoor areas of the Boarding House for recreation between the hours of 10.00pm and 7.00am. Not more than 9 persons (lodgers or visitors) may use the outdoor recreation areas at any time (other than on special occasions with the approval of the Manager).
- d) Will not play music or make noise inside or outside the boarding house at a level that disturbs neighbours or other lodgers.
- e) Will not operate musical instruments or sound equipment (radios, TVs, tape recorders, record, compact disc, MP3 players or computer games) from 12 midnight to 8am on any Friday, Saturday or day immediately before a public holiday, or 10pm to 8am on any other day, inside a bedroom or communal area unless windows are closed and noise levels do not cause offensive noise to neighbours or other lodgers.
- f) May use the kitchen areas at any time other than between the hours of 12 midnight and 5.00am.
- g) May use the indoor communal areas at any time other than between the hours of 12 midnight and 5.00am, unless with the agreement of the Manager.
- h) Will clean and put away any plates, pots and other utensils after using them and leave the kitchen in a clean and tidy condition.
- i) Will not give or lend their key to the premises to anyone who is not a current lodger of the premises.
- Will not bring visitors to stay overnight.
- k) Will not be rude to other lodgers or neighbours.
- Will not disrupt peace and quiet or create tension with other lodgers or neighbours.
- m) Will not jeopardize the safety of other lodgers or neighbours.
- n) Will not bring illegal drugs or substances onto the property.
- o) Will not bring pets onto the property.

- p) Will not use candles, incense, element heaters or other device or thing that is likely to cause a fire in their room or common areas.
- q) Will pay lodging fees by the due date.
- r) Will vacuum, clean and maintain their room.
- s) Will restore communal areas to a neat, clean and tidy condition after using them.
- t) Will turn the water, lights and power off when not in use.
- u) Will put garbage and recyclable materials into the appropriate bin.
- v) Will safely go in and out of the driveway and property without causing danger to other lodgers or neighbours.
- w) Will only park motor cars, motorcycles or bicycles in the appropriate allocated parking space and not on any other part of the property. Any vehicle parked in the driveway must be moved immediately if access to another vehicle is required or at any time requested by the Manager.
- x) Will let the owner or Manager inspect their room at least once a month.
- y) Will notify the Owner immediately when there is reason to believe that the behaviour or action of other lodgers may cause harm or endanger lives or may cause damage to the premises/property.

#### 6. Safety

- 6.1 The Manager shall ensure that all fire safety requirements of the Boarding House are met at all times, including ensuring the following:
- a) Fire exit signs are in working order.
- b) Emergency access routes are clear.
- c) Smoke detectors/alarms are in good working order.
- d) Any items that are a fire hazard are removed from the premises without delay.
- e) Generally maintain the premises in a fire-safe condition.
- 6.2 All occupants are to be provided with a pamphlet outlining the fire evacuation procedures for the Boarding House. This pamphlet shall contain details of any fire exits, fire blankets, fire hydrants and fire warning devices installed in the Boarding House.

#### 7. Cleaning & Waste Management

- 7.1 The premises are to be professionally cleaned on a weekly basis, and garbage bins placed at the kerbside for collection. Arrangements for this will at all times be the responsibility of the Manager.
- 7.2 An adequate number of bins, including recycling bins, shall be provided to accommodate waste generated by the boarding house.

#### 8. Pets

8.1 No pets of any kind are allowed on the boarding house premises.

#### 9. Public Complaints Resolution Procedure

9.1 The Manager shall maintain a Complaints Register of public (external) complaints.

- 9.2 This register shall comprise of forms to be completed by the Manager, lodgers and/or complainants. The form is to record the nature and date of any complaint and the name, address and phone number of the person making the complaint.
- 9.3 The Manager shall respond by telephone to a written or oral complaint within 24hrs (provided that the complainant has provided a phone number).
- 9.4 The Manager shall respond in writing within 7 days to a complaint (provided that the complainant has provided contact details).
- 9.5 The Manager shall use best endeavours to arrange a meeting with complainants every 3 months until the complaint is resolved. The owner must be present at such meetings. The Manager shall keep minutes of such meetings and keep these minutes in the Complaints Register. The register is to be made available for inspection at any time by a duly authorised officer of the Council.
- 9.6 If a complaint cannot be resolved and the complainant wishes to escalate the matter, the complaint may be referred for resolution to the Community Justice Centre.

### 10. Variations to Plan of Management and House Rules

- 10.1 This approved Plan of Management may be varied from time to time by an authorised officer of the Council, on the application of the owner, without the need for formal modification of the development consent, providing Council's written approval is recorded below. A copy of the approved Plan of Management shall be kept by the owner, the Manager and Council at all times.
- 10.2 The object of this clause is to facilitate timely and responsive alterations to the Plan of Management where Council agrees that such alterations are appropriate and beneficial in preserving and enhancing residential amenity for occupants and/or neighbours.

#### 11. Authorisation

This Plan of Management was approved by:

Name of authorised Council officer:
Position held by authorised officer:
Signature of officer:
Date signed:

#### Schedule 1 Occupancy principles

(in force under Section 30 of the Boarding Houses Act 2012)

#### 1 State of premises

A resident is entitled to live in premises that are:

- (a) reasonably clean, and
- (b) in a reasonable state of repair, and
- (c) reasonably secure.

#### 2 Rules of registrable boarding house

A resident is entitled to know the rules of the registrable boarding house before moving into the boarding house.

#### 3 Penalties for breaches of agreement or house rules prohibited

A resident may not be required to pay a penalty for a breach of the occupancy agreement or the rules of the registrable boarding house.

#### 4 Quiet enjoyment of premises

A resident is entitled to quiet enjoyment of the premises.

#### 5 Inspections and repairs

A proprietor is entitled to enter the premises at a reasonable time on reasonable grounds to carry out inspections or repairs and for other reasonable purposes.

#### 6 Notice of increase of occupancy fee

A resident is entitled to 4 weeks written notice before the proprietor increases the occupancy fee.

#### 7 Utility charges

- (1) The proprietor is entitled to charge a resident an additional amount for the use of a utility if:

   (a) the resident has been notified before or at the time of entering the occupancy agreement of the use of utilities in respect of which the resident will be charged, and
  - (b) the amount charged is based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.
- (2) A utility for the purposes of this clause is each of the following:
  - (a) the supply of electricity,
  - (b) the supply of gas,
  - (c) the supply of oil,
  - (d) the supply of water,
  - (e) the supply of any other service prescribed by the regulations.

#### 8 Payment of security deposits

- (1) The proprietor may require and receive a security deposit from the resident or the resident's authorised representative only if:
  - (a) the amount of the deposit does not exceed 2 weeks of occupancy fee under the occupancy agreement, and
  - (b) the amount is payable on or after the day on which the resident (or the resident's authorised representative) enters the agreement.
- (2) Within 14 days after the end of the occupancy agreement, the proprietor must repay to the resident (or the resident's authorised representative) the amount of the security deposit less the amount necessary to cover the following:
  - (a) the reasonable cost of repairs to, or the restoration of, the registrable boarding house or goods within the premises of the boarding house, as a result of damage (other than fair wear and tear) caused by the resident or an invitee of the resident,
  - (b) any occupation fees or other charges owing and payable under the occupancy agreement or this Act.
  - (c) the reasonable cost of cleaning any part of the premises occupied by the resident not left reasonably clean by the resident, having regard to the condition of that part of the premises at the commencement of the occupancy,
  - (d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor,
  - (e) any other amounts prescribed by the regulations.

(3) The proprietor may retain the whole of the security deposit after the end of the occupancy agreement if the costs, fees or charges referred to in subclause (2) (a)—(e) are equal to, or exceed, the amount of the security deposit.

#### (4) In this clause:

security deposit means an amount of money (however described) paid or payable by the resident of a registrable boarding house or another person as security against:

- (a) any failure by the resident to comply with the terms of an occupancy agreement, or
- (b) any damage to the boarding house caused by the resident or an invitee of the resident, or
- (c) any other matter or thing prescribed by the regulations.

#### 9 Information about occupancy termination

A resident is entitled to know why and how the occupancy may be terminated, including how much notice will be given before eviction.

#### 10 Notice of eviction

- (1) A resident must not be evicted without reasonable written notice.
- (2) In determining what is reasonable notice, the proprietor may take into account the safety of other residents, the proprietor and the manager of the registrable boarding house.
- (3) Subclause (2) does not limit the circumstances that are relevant to the determination of what is reasonable notice.

#### 11 Use of alternative dispute resolution

A proprietor and resident should try to resolve disputes using reasonable dispute resolution processes.

#### 12 Provision of written receipts

A resident must be given a written receipt for any money paid to the proprietor or a person on behalf of the proprietor.

# 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 2015-2016 period as they relate to:

- The Land and Environment Court
- The Supreme 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: (Kolkman/Lound)**

That the Officer's Recommendation be adopted.

#### **CARRIED**

# **Council Meeting 15 December 2015 (Hawker/Rowell)**

That the Officer's Recommendation be adopted.

# **Council Resolution Minute Number 227**

That the Officer's Recommendation be adopted.

# **ATTACHMENT 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 24/11/2015)
Total completed Class 1 DA appeal matters (as at 24/11/2015)
Costs from 1 July 2015 for Class 1 DA appeal matters:

2 2 \$78,672.70

1 (a) 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

Collis 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: \$21,183.65

Status: Appeal proceedings completed, cost recovery action ongoing.

Progress: 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 Collis Place, Minto. The matter was listed for first

directions hearing on 24 April 2015.

On 24 April 2015, the Registrar made certain procedural directions and adjourned the proceedings to 14 May 2015 for

section 34 conciliation conference.

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, and then further adjourned the proceedings to 2 June 2015 for call over hearing listing before the Registrar.

On 2 June 2015, the Registrar made certain procedural

directions and adjourned the proceedings to 4 and 5 August 2015 for directions hearing commencing on-site.

Matter was before the Court on 31 July for hearing the applicant's Notice of Motion seeking to amend the development application and vacate the hearing dates for 4 and 5 August 2015. The Commissioner ordered that the applicant's Notice of Motion is dismissed; and leave was granted for the Applicant to discontinue the proceedings on the basis that the Respondent is not precluded from making an application seeking that the Applicant pays the Respondents costs of the proceedings (Subsequently the applicant discontinued the proceedings). Since the discontinuance, Council's legal representative has taken action and is in the process of pursuing legal cost recovery. Cost recovery has since been delayed due to a request by the Applicant's solicitor to have the wording of the court orders and the judgement amended in accordance with the Civil Procedure Rules.

1 (b) 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: \$7,351.03

Status: Ongoing – listed for hearing on 3 and 4 February 2016.

Progress: 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.

On 17 June 2015, the Registrar made certain procedural directions and adjourned the proceedings to 7 August 2015 for

section 34 conciliation conference.

Conciliation conference is part-heard and was adjourned for mention on 8 October 2015 to allow the applicant to prepare amended plans addressing the issues discussed during the conference. Given the failure by the applicant to address issues raised during the conciliation conference it was terminated. The proceedings were listed for directions hearing on 29 October, 2015.

At the directions hearing the Registrar listed the proceedings for hearing on 3 and 4 February 2016.

1 (c) Multiplan Constructions Pty Ltd

Issue: An appeal against Council's refusal of development application

No. 2775/2014/DA-MAH that sought consent for construction of nine two-storey dwellings and associated strata subdivision.

Property: Lot 36 DP 13118, 17 Lyndia Street, Ingleburn.

Property Owner: Mr Ramy Maher Youssef and Mrs Nevine Magdy Youssef

Council File: Development Application No: 2775/2014/DA-MAH

Court Application: Filed on 22 September 2015 - File No. 10848 of 2015

Applicant: Multiplan Constructions Pty Ltd

Costs Estimate: \$25,000.00 (exclusive of Barristers, Court Appointed Experts

or disbursement fees)

Costs to date: \$9,940.17

Status: New matter – proceedings listed for a telephone callover on 16

December 2015.

Progress: The Applicant filed an appeal in the Land and Environment

Court of NSW against Council's refusal of development application No. 2775/2014/DA-MAH that sought consent for construction of nine two-storey dwellings and associated strata

subdivision.

On 22 October, the proceedings were adjourned to 23

November 2015 for a section 34 conciliation conference.

At the conclusion of the section 34 conciliation conference held on 23 November 2015, the applicant agreed to make some amendments to the application as discussed. The Commissioner made certain procedural direction and listed the

matter for telephone callover on 16 December 2015.

 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 24/11/2015) Total completed Class 1 and 2 appeal matters (as at 24/11/2015) Costs from 1 July 2015 for Class 1 & 2 appeal matters:

1 \$1,578.13

1

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: Ongoing – appeal adjourned until further direction pending

outcome of appeal in respect of Development Application

2014/2013/DA-C - see item 1(b) of this report.

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.

On 17 June 2015, the parties, by consent, notified the Court that agreement had been reached to seek adjournment of the proceedings pending the outcome of the appeal in respect of Development Application 2014/2013/DA-C. The Registrar

made those directions.

 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 24/11/2015)

Total completed Class 4 matters (as at 24/11/2015)

Costs from 1 July 2015 for Class 4 matters

\$0.00

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 24/11/2015)

Total completed Class 5 matters (as at 24/11/2015)

Costs from 1 July 2015 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 24/11/2015) 0
Total completed Class 6 matters (as at 24/11/2015) 0
Costs from 1 July 2015 for Class 6 matters \$0.00

6. Supreme Court of NSW – Contractual proceedings with WSN Environmental Solutions concerning South West Sydney Councils Resource Recovery Project

Total ongoing matters (as at 24/11/2015)
Total completed (as at 24/11/2015)
Costs contribution from 1 July 2015 for this matter

0 \$34,359.97

1

6 (a) CAMPBELLTOWN CITY COUNCIL AND OTHERS -v- WSN

ENVIRONMENTAL SOLUTIONS PTY LTD.

Issue: Civil commercial proceedings concerning the South West

Sydney Councils Resource Recovery Project Contract T05/17 for Processing Waste, Recyclables and Garden Organics with

WSN Environmental Solutions Pty Ltd (WSN).

Court Case Number: 371801 of 2014

Case name: Campbelltown City Council and Others (other related Councils

under the contract) -v- WSN Environmental Solutions Pty Ltd

Costs to date: \$82,035.72, being Campbelltown City Council's one-quarter

part contribution to the overall legal costs.

Status: Appeal proceedings completed, cost recovery action ongoing.

Progress: Appeal proceedings considered before the Supreme Court

NSW concerning contractual issues in respect of the South West Sydney Councils Resource Recovery Project Contract T05/17 between the joint party Councils of Campbelltown, Camden, Wollondilly and Wingecarribee for processing waste, recyclables and garden organics with the service contractor

WSN Environmental Solutions Pty Ltd.

Proceedings finalised before the Court of Appeal on 30 September 2015 with Councils' appeal allowed and orders made that WSN pay Councils' legal costs of the proceedings. Council's legal representative is in the process of commencing

action for cost recovery.

### 4.1 Legal Status Report

### 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 24/11/2015) 5
Total completed Local Court Matters (as at 24/11/2015) 31
Costs from 1 July 2015 for Local Court Matters \$5,955.66

File No: LP44/15 – Penalty Notice Court Election

Offence: Stand in disabled person parking space without

authority displayed.

Act: Local Government Act 1993

Final Costs: \$0.00 – Matter dealt with by Council's Legal and

Policy Officer in conjunction with the Police

Prosecutor.

Status: Completed - Proved/Dismissed without penalty

Progress: The matter was before the Court for first mention

on 13 October 2015 where the defendant entered a plea of guilty with explanation. After considering the evidence and submissions the Magistrate found the offence proved and determined the

matter without penalty.

File No: LP45/15 – Penalty Notice Court Election

Offence: Stand in disabled person parking space without

authority displayed.

Act: Local Government Act 1993

Final Costs: \$0.00 - Matter dealt with by Council's Legal and

Policy Officer in conjunction with the Police

Prosecutor.

Status: Completed – Withdrawn/Dismissed

Progress: Matter was before the Court for first mention on 6

October 2015 where the defendant entered a not guilty plea. The registrar adjourned the

proceeding to 6 November 2015 for hearing.

On 6 November 2015 the Court granted Council's application for the matter to be withdrawn and dismissed, as in prior representation to Council the defendant produced a mobility parking permit obtained from RMS replacing the illegible permit that was displayed on the vehicle at the time of

the alleged offence.

File No: LP46/15 – Penalty Notice Court Election

Offence: Disobey no-stopping sign.

Act: Road Rules 2014

Final Costs: \$0.00 – Matter dealt with by Council's Legal and

Policy Officer in conjunction with the Police

Prosecutor.

Status: Completed – Fine and Court costs imposed

Progress: The matter was before the Court for first mention

on 27 October 2015 where the defendant, Mandeep Singh, made no appearance. The Magistrate granted Council's application to hear the matter in the defendant's absence and after hearing the evidence found the matter proved and convicted the defendant imposing a \$450.00

fine and an order for \$85.00 court costs.

File No: LP47/15 – Penalty Notice Court Election

Offence: Stand in disabled person parking space without

authority displayed.

Act: Local Government Act 1993

Final Costs: \$0.00 - Matter dealt with by Council's Legal and

Policy Officer in conjunction with the Police

Prosecutor.

Status: Completed – Fine and Court costs imposed

Progress: The matter was before the Court for first mention

on 13 October 2015 where the defendant, Beejai Leigh Abrahams, entered a guilty plea. After hearing the evidence and submissions the Magistrate found the offence proved, imposing a \$250.00 fine and an order for \$85.00 court costs.

File No: LP48/15 – Penalty Notice Court Election Offence: Disobey no-stopping sign (school-zone)

Act: Road Rules 2014

Final Costs: \$0.00 - Matter dealt with by Council's Legal and

Policy Officer in conjunction with the Police

Prosecutor.

Status: Completed – Fine and Court costs imposed

**Progress:** The matter was before the Court for first mention

on 20 October 2015 where the defendant, Andrew Paul Sukkar, made no appearance. The Magistrate granted Council's application to hear the matter in the defendant's absence and after

	hearing the evidence found the matter proved and convicted the defendant imposing a \$400.00 fine and an order for \$85.00 court costs.		
File No: Offence: Act:	LP49/15 – Penalty Notice Court Election Disobey no-stopping sign (school-zone) Road Rules 2014		
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.		
Status:	Completed – Fine and Court costs imposed		
Progress:	The matter was before the Court for first mention on 10 November 2015 where the defendant, Glen Robert Campbell, entered a guilty plea. After hearing the evidence and submissions the Magistrate found the offence proved, imposing a \$100.00 fine and an order for \$85.00 court costs.		
File No: Offence: Act:	LP50/15 – Penalty Notice Court Election Not stand vehicle in marked parking space. Local Government Act 1993		
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.		
Status:	Completed - Proved/Dismissed without penalty		
Progress:	The matter was before the Court for first mention on 3 November 2015 where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and determined the matter without penalty.		
File No: Offence: Act:	LP51/15 – Charge matter Stop heavy/long vehicle longer than 1 hour Road Rules 2014		
Final Costs:	\$89.00 – Matter dealt with by Council's Legal and Policy Officer.		
Status:	Completed – Fine imposed		
Progress:	Matter was before the Court for first mention on 24 November 2015 where the defendant Anthony Bruce O'Brien, entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence		

	proved and imposed a \$400 fine.		
File No: Offence: Act:	LP52/15 – Penalty Notice Court Election Own dog that attacked animal. Companion Animals Act 1998		
Costs to date:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.		
Status:	Ongoing - Listed for mention on 15 December 2015		
Progress:	Listed for first mention on 17 November 2015. On 17 November 2015 the matter was adjourned by consent to 15 December 2015 for further mention.		
File No: Offence: Act:	LP53/15 – Penalty Notice Court Election Stop on path/strip in built-up area Road Rules 2014		
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 24 November 2015.		
File No: Offence: Act:	LP54/15 – Penalty Notice Court Election Own dog that attacked animal. Companion Animals Act 1998		
Costs to date:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.		
Status:	Ongoing - Listed for mention on 15 December 2015		
Progress:	Listed for first mention on 17 November 2015. On 17 November 2015 the matter was adjourned by consent to 15 December 2015 for furthe mention.		
File No: Offence: Act:	LP55/15 – Penalty Notice Court Election Stop on path/strip in built-up area Road Rules 2014		
Final Costs:	\$0.00 - Matter dealt with by Council's Legal and		

200	Policy Officer in conjunction with the Police Prosecutor.			
Status:	Completed – Fine and costs imposed			
Progress:	Matter was listed for first mention on 24 November 2015 where the defendant, Kemeti Faimanifo, made no appearance. The Magistrate granted Council's application for the matter to proceed in the defendant's absence and after considering the evidence and submissions found the offence proved and convicted the defendant imposing a \$100 fine and order for \$89 court costs.			
File No: Offence: Act:	LP56/15 – Penalty Notice Court Election Stand in disabled person parking space without authority displayed.  Local Government Act 1993			
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 8 December 2015.			
File No: Offence: Act:	LP57/15 – Penalty Notice Court Election Transport waste to unlawful waste facility Protection the Environment Operations Act 1997			
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.			
Status:	Completed – Fine and costs imposed			
Progress:	Matter was listed for first mention on 24 November 2015 where the defendant, Kemeti Faimanifo, made no appearance. The Magistrate granted Council's application for the matter to be heard in the defendant's absence and after considering the evidence and submissions found the offence proved and convicted the defendant imposing a \$4,000 fine and order for \$89 court costs.			
File No: Offence: Act:	LP58/15 – Penalty Notice Court Election Disobey no-stopping sign (school-zone) Road Rules 2014			

4.1 Legal Status Report

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 8 December 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 24/11/2015)
Costs from 1 July 2015 for advice matters

\$5,717.60

#### 9. Legal Costs Summary

The following summary lists the Planning and Environment Division's net legal costs for the 2015/2016 period.

Relevant attachments or tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$78,672.70	\$0.00
Class 1 and 2 Land and Environment Court - appeals against Orders or Notices issued by Council	\$1,578.13	\$0.00
Class 4 Land and Environment Court matters - non- compliance with Council Orders, Notices or prosecutions	\$0.00	\$0.00
Class 5 Land and Environment Court - pollution and planning prosecution matters	\$0.00	\$0.00
Class 6 Land and Environment Court - appeals from convictions relating to environmental matters	\$0.00	\$0.00
Supreme Court hearing and appeal matters	\$34,359.97	\$0.00
District Court appeal matters	\$0.00	\$0.00
Local Court prosecution matters	\$5,955.66	\$100.00
Matters referred to Council's solicitor for legal advice	\$5,717.60	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$126,284.07	\$100.00
Overall Net Costs Total (GST exclusive)	\$126,1	84.07

### 4.2 North Area Alcohol Free Zones

# **Reporting Officer**

Manager Compliance Services

#### **Attachments**

Maps of Alcohol Free Zones for Claymore (as amended), Glenfield, Ingleburn, Macquarie Fields, Minto, Minto (Zone 2) (as amended), Raby and St Andrews (contained within this report)

# **Purpose**

To submit to Council for endorsement a proposal to re-establish Alcohol Free Zones (AFZ's) at Claymore (as amended), Glenfield, Ingleburn, Macquarie Fields, Minto, Minto (Zone 2) (as amended), Raby and St Andrews.

The management and operation of an Alcohol Free Zone (AFZ) is a collaborative approach between Council and Police Local Area Commands. Council's role is to organise for the establishment and sign posting of the zones, while Police are responsible for enforcement.

### History

On 14 January 2015 an email was received from a member of a local community group requesting that the Claymore Alcohol Free Zone be extended to include the following locations:

- Claymore Community Centre and Gumnut building (Gould and Dobell Roads, Claymore, between Fullwood Place and Abrahams Way)
- Mission Australia (Lot 507 Dobell Road, behind Claymore Shopping Centre).

The email stated that the abovementioned buildings are targeted areas for vandalism as they are not in sight from the main roads, and that staff at the Claymore Community Centre are cleaning up broken bottles on a weekly basis.

In view of the above request it was proposed in a report to Council's Planning and Environment Committee on 11 August 2015 that the current zone be amended to extend the zone along Dobell Road to the intersection of Fullwood Place, Claymore (as shown in the AFZ map at attachment 1). In addition, it was considered the request to extend the zone marginally along Gould Road from the intersection of Boyd Street to Abrahams Way and along Boyd Street to Leigh Crescent will be of limited effect and that as a preferred alternative, consideration be given to including the adjoining public housing open space in lieu (as shown in the AFZ map at attachment 1). NSW Police and NSW Land and Housing have both indicated their support for the proposed alternative extension of the existing Claymore AFZ.

In addition, a general business item was raised in the City Works Committee Meeting of 12 May 2015, suggesting that consideration be given to making Redfern Park Minto an Alcohol Free Zone in light of anti-social behaviour and vandalism in the vicinity. The Crime Coordinator of the NSW Police Macquarie Fields Local Area Command reviewed reports held by Police regarding incidents in the vicinity of Redfern Park and confirmed their support for extending the Minto (Zone 2) AFZ to include Redfern Park. Accordingly, it was recommended in a report to Council's Planning and Environment Committee on 11 August, 2015 that the Minto (Zone 2) AFZ be extended to include Redfern Park, Minto.

The abovementioned zones are due to expire on 24 December 2015 and accordingly, in the interest of continuing to promote the safe use of the roads, footpaths, open space and car parks within the zones and reduce the potential for alcohol related incidents, it is proposed these zones be re-established and extended as proposed in the body of the report and as shown on the attached plans (attachment 1).

Council at its Ordinary Meeting on 18 August 2015 considered a recommendation from its Planning and Environment Committee regarding the proposal to re-establish the Alcohol Free Zones at Claymore (as amended), Glenfield, Ingleburn, Macquarie Fields, Minto, Minto (Zone 2) (as amended), Raby and St Andrews and resolved:

- 1. That a notice be placed in a local paper inviting submissions from any person or group, in response to Council's intention to re-establish and amend Alcohol Free Zones over the streets, car parks, public housing open areas and footpaths detailed in attachment 1 to this report for the proposed Alcohol Free Zones of:
  - (a) Claymore (as amended)
  - (b) Glenfield
  - (c) Ingleburn
  - (d) Macquarie Fields
  - (e) Minto
  - (f) Minto Zone 2 (as amended)
  - (g) Raby
  - (h) St Andrews.
- 2. That all submissions received during the exhibition period be reported to Council.
- 3. That the creation of a new zone in Macquarie Fields to include Saywell Road (adjoining the property at number 46) and in the vicinity of Atchison and Parliament Roads not be recommended as it relates to an isolated situation which is able to be regulated separately by the NSW Police; and the applicant be informed of the reasons for this accordingly.
- 4. That should no submissions be received during the exhibition period, advice be given and comment be sought on Council's intention to re-establish and or amend Alcohol Free Zones over the areas specified in Recommendation 1 above to:
  - (a) The Anti Discrimination Board
  - (b) The Officer in charge of the Police Station nearest to the zone
  - (c) The liquor licensees and secretaries of registered clubs whose premises border on or adjoin or are adjacent to the proposed zone
  - (d) Any known group or organisation that might be affected by the creation of the Alcohol Free Zone.

5. That a further report be provided to Council on the re-establishment and amendment of the Alcohol Free Zones specified in Recommendation 1 at the completion of the period for comment by the organisations/groups listed in Recommendation 4.

# Report

In accordance with Council's previous resolution of 18 August 2015, advertisements were placed in local papers on 1 and 2 September 2015 advising of Council's intention to reestablish the Alcohol Free Zones at Claymore (as amended), Glenfield, Ingleburn, Macquarie Fields, Minto, Minto (Zone 2) (as amended), Raby and St Andrews and inviting comments from the public.

In accordance with the Ministerial Guidelines and Council's previous resolution, Council wrote to the following organisations seeking written comment on the proposal:

- the Anti-Discrimination Board
- the Officer in charge of Macquarie Fields Police Station
- liquor licensees and registered clubs whose premises are adjacent to any of the affected zones
- any known group that might be affected by the re-establishment of the Alcohol Free Zones.

Council received a written reply from the Anti-Discrimination Board and the Macquarie Fields Police Local Area Command indicating no objection to Council's intention to amend and/or re-establish the abovementioned Alcohol Free Zones. No other related responses were received.

In view of the above, Council is now in a position to declare the re-establishment and/or amendment of Alcohol Free Zones over the following streets, footpaths, reserves, public housing open areas and car park areas:

### Claymore:

Dobell Road (between Fullwood Crescent and the western boundary of Claymore Public School) Gidley Crescent (between Dobell Road and the southern boundary of Davis Park) Gould Road (between Boyd Street and Dobell Road) and adjoining public housing open areas).

#### Glenfield:

Belmont Road (between Railway Parade and Hosking Crescent)
Hosking Crescent
Magee Lane
Railway Parade (between Chesham Parade and Belmont Road)
Trafalgar Street (between Railway Parade and Baldwin Avenue)
Waterloo Place

### Ingleburn:

**Boots Lane** 

Cambridge Street

Carlisle Street (between Cambridge Street and Suffolk Street)

Cumberland Road (between Cambridge Street and Suffolk Street)

Ingleburn Road (between Macquarie Rd and Suffolk Street)

Macquarie Road (between Ingleburn Road and Oxford Road)

Nardoo Street (between Oxford Road and Suffolk Street)

Norfolk Street

Oxford Road (between Ingleburn Road and Lionel Street)

Palmer Street (between Norfolk Street and Suffolk Street)

Salford Street

Suffolk Street

### **Macquarie Fields:**

Berrigan Crescent

Brooks Road (between Victoria Road and Parliament Road)

Clematis Place

Eucalyptus Drive (between Hibiscus Crescent and Rosewood Drive and between Rosewood

Drive and Maple Place)

Harold Street (between Parliament Road and Victoria Road)

Maple Place

Mulga Place

Risdoni Wav

Rosewood Drive (between Harold Street and Eucalyptus Drive)

Rubida Way

Saligna Way

Victoria Road (between Brooks Road and Mary Street)

#### Minto:

**Burrows Lane** 

Erica Lane

Kent Street (between Stafford Street and Redfern Road)

Minto Road (between Stafford Street and Redfern Road)

Pembroke Road (between Stafford Street and Redfern Road)

Redfern Road

Ruth Place

Stafford Street

Surrey Street (between Stafford Street and Redfern Road)

Susan Place

Unnamed lane 6.1w (between Erica Lane and Surrey Street)

Unnamed lane 6.1w (between Ruth Place and Redfern Road)

Somerset (from Wiltshire Street north 200m)

Ben Lomond Road (from Pembroke Road to Selwyn Avenue)

Selwyn Avenue

Perisher Circuit

Snowy Avenue

Longhurst Road (from Selwyn Avenue to Ben Lomond Road)

Curruthers Street
Trickett Street
Gawler Avenue
Glass House Street (from Trickett Street to Ellery Street)
Gardiner Street
Patching Close
Smart Close
Tate Place
Edward Edgar Street
Blane Street
Norman Dunlop Crescent
Jenner Street
Lind Street
Redfern Park

### Minto (Zone 2) continued:

Lemon Tree Crescent
Harrison Place
Ellery Street
Woodroffe Street
Guernsey Avenue (from Longhurst Road to Durham Street)
Durham Street (from Guernsey Avenue to Pembroke Road)
Pembroke Road (from Durham Street to Ben Lomond Road)
Monaghan Street
Brookfield Road
Car Parks of Minto Marketplace
Redfern Park, Minto

#### Raby:

Hurricane Drive (between Thunderbolt Drive and Sunderland Drive)
Shuttleworth Avenue
Spitfire Drive
Sunderland Drive
Thunderbolt Drive (between Hurricane Drive and Shuttleworth Avenue)

### St Andrews:

Ballantrae Drive (between Arisaig Place and St Andrews Road) Stranraer Drive (between Ballantrae Drive and Aberfeldy Crescent) Cupar Place Deveron Place

Having regard to the above, it is recommended that Council proceed to publicly notify its intention to re-establish the Alcohol Free Zones at Claymore (as amended), Glenfield, Ingleburn, Macquarie Fields, Minto, Minto (Zone 2) (as amended), Raby and St Andrews, to expire on 24 December 2019, and re-establish the zones as indicated in the recommendations of this report.

### Officer's Recommendation

- 1. That Council re-establish Alcohol Free Zones over the streets, footpaths, reserves and public housing open areas and car park areas detailed in attachment 1 to this report for the Alcohol Free Zones at:
  - a. Claymore (as amended)
  - b. Glenfield
  - c. Ingleburn
  - d. Macquarie Fields
  - e. Minto
  - f. Minto (Zone 2) (as amended)
  - g. Raby
  - h. St Andrews.
- 2. That the Alcohol Free Zones referred to in Recommendation 1 commence on 25 December 2015 and that a public notice advising of Council's decision be placed in a local paper at least seven days in advance of re-establishing the zones.
- 3. That the Alcohol Free Zones referred to in Recommendation 1 be sign posted in accordance with Council's standard Alcohol Free Zone sign template including a contact phone number of the appropriate Police Local Area Command.
- 4. That the Alcohol Free Zones referred to in Recommendation 1 be reviewed prior to the expiration of the re-establishment period, being 24 December 2019.

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

That the Officer's Recommendation be adopted.

#### **CARRIED**

# Council Meeting 15 December 2015 (Hawker/Rowell)

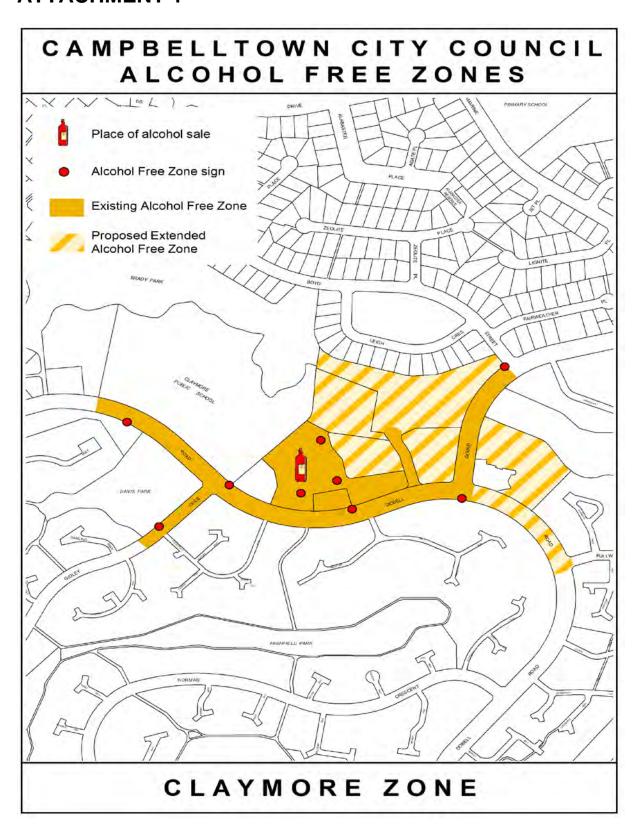
That the Officer's Recommendation be adopted.

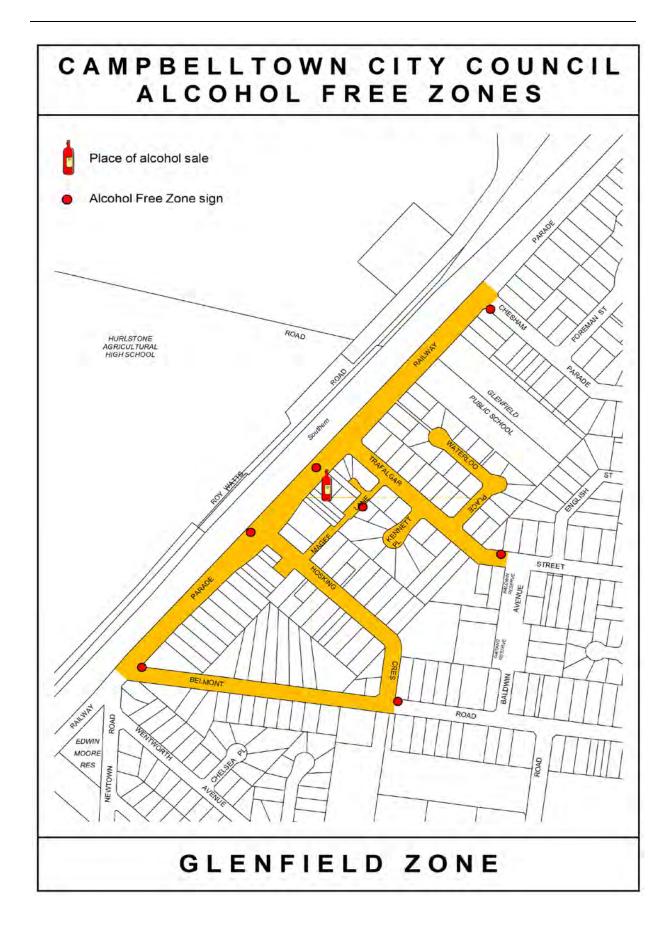
#### **Council Resolution Minute Number 227**

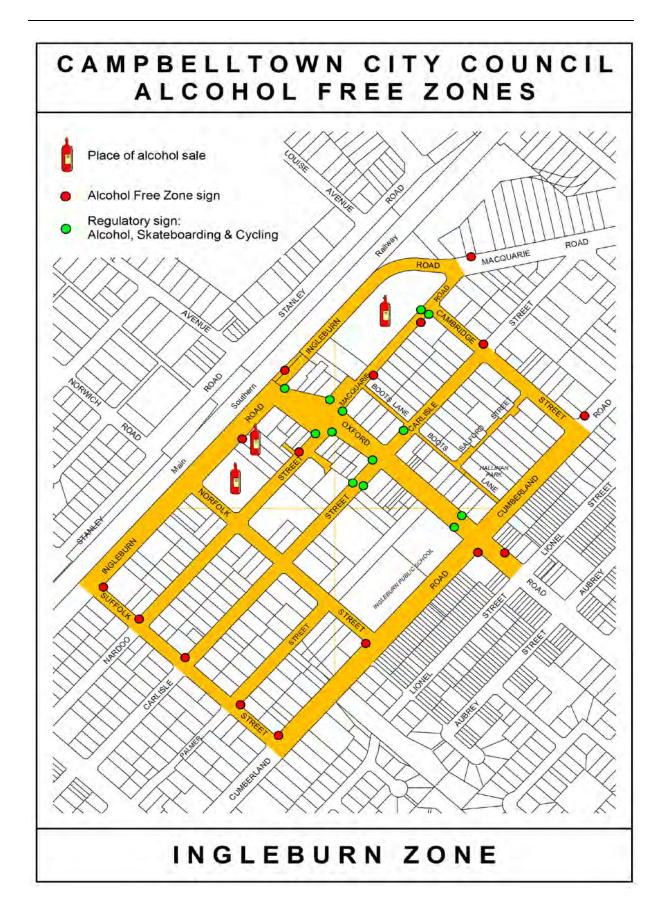
That the Officer's Recommendation be adopted.

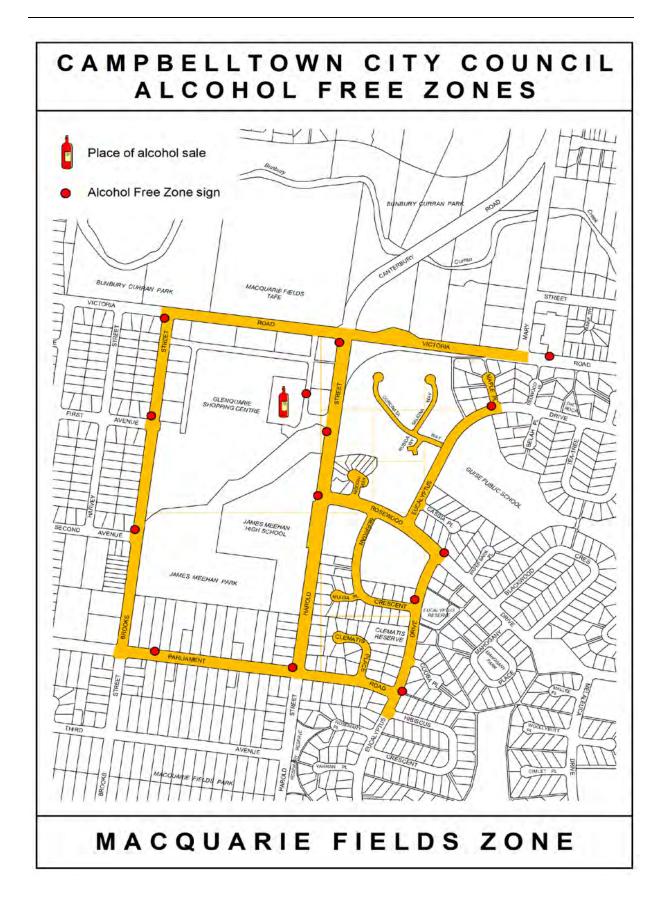
Councillor Mead asked for his name to be recorded in opposition to the resolution for Item 4.2 – North Area Alcohol Free Zones.

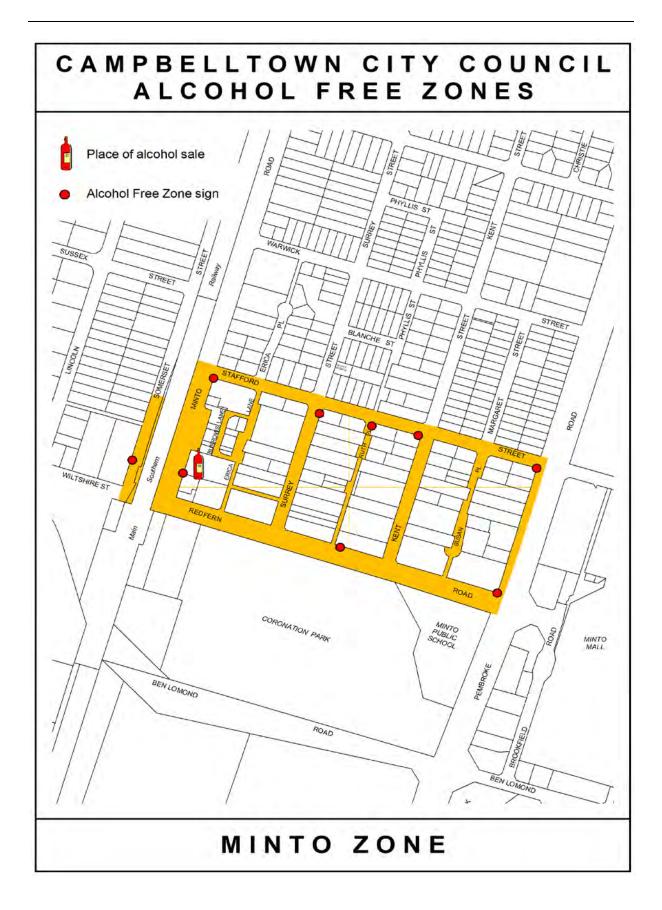
# **ATTACHMENT 1**

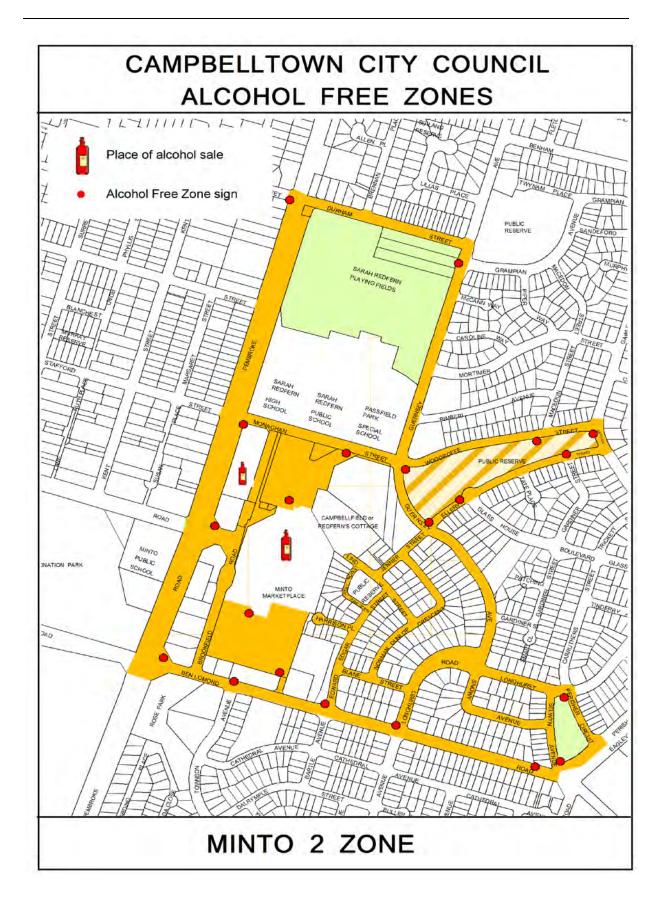


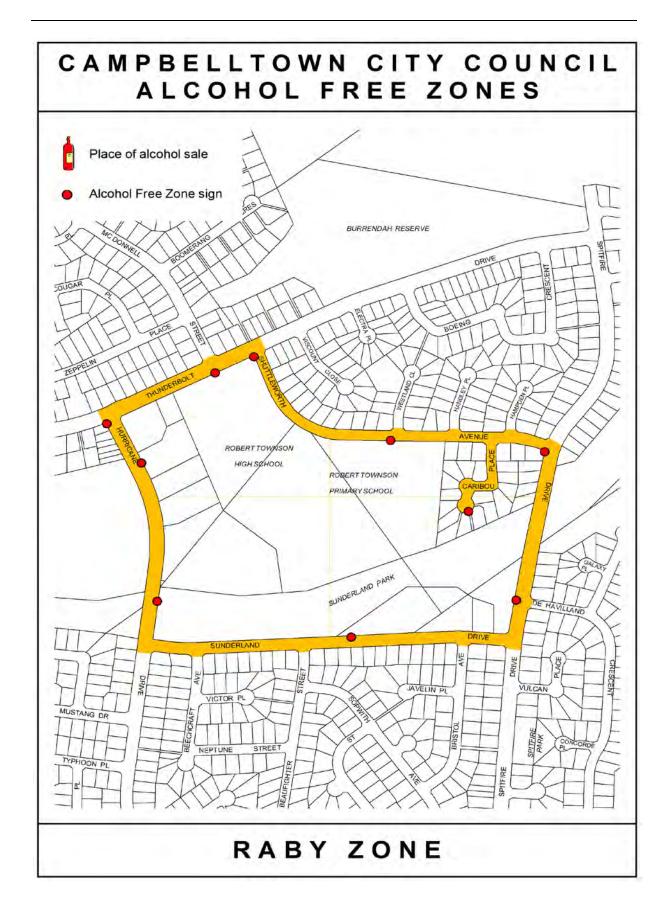


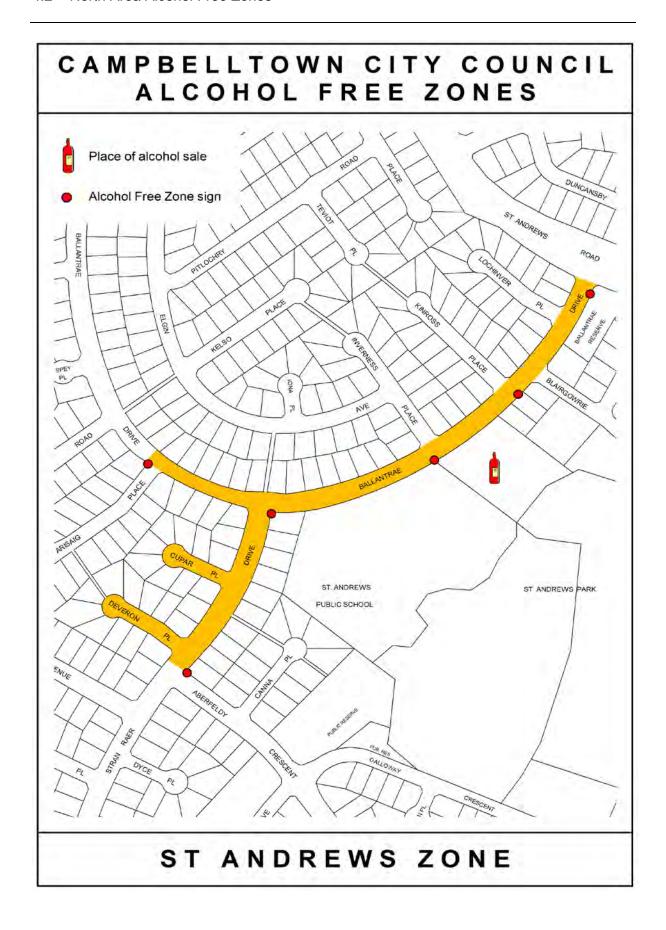












### 5. GENERAL BUSINESS

# 5.1 Hurlstone Agriculture High School

# Committee's Recommendation: (Hawker/Thompson)

1. That Council writes to the Premier, Minister for Education and the Department of Education requesting that they reconsider moving Hurlstone Agricultural High School from Glenfield to Hawkesbury.

The correspondence is to articulate the following:

- expresses Council's disappointment to the Minister for Education and his Department for the lack of consultation with Campbelltown City Council and school community regarding the relocation of an iconic School
- the Historical and heritage value of the school's name to Campbelltown and the Macarthur region
- the social significance and military heritage connection to the Memorial Forest within the local area
- the current Macarthur agricultural student enrolment and the future skills knowledge demands for agricultural studies and Science, Technology, Engineering and Mathematics (STEM) within the Macarthur and South West Sydney region
- the need for the preservation of appropriate environmental buffers on the Glenfield site as part of any redevelopment of the land
- any redevelopment of the land must incorporate new and significant employment development initiatives to balance the extent of urban development on the land and elsewhere in the Glenfield to Macarthur Corridor.
- 2. That Council request the NSW Government to review the Glenfield Precinct Land use and Infrastructure Plan (Glenfield to Macarthur Urban Corridor Strategy) as a matter of urgency, and in collaboration with Council, to take account of the potential future development of surplus land at the Hurlstone Agricultural High School.

Such review must articulate an appropriate vision for the whole Glenfield precinct and involve the engagement of the community to reconsider:

- housing supply and density
- services, facilities and community amenity
- job creation

- the movement network including traffic and transport
- built and environmental outcomes
- infrastructure capacity.
- 3. That Council advise the NSW Government that the revised Land use and Infrastructure Plan for the Glenfield Precinct as agreed to by Council shall:
  - form the basis of detailed site planning for the surplus land at Hurlstone
  - complement the planning outcomes set out in the Glenfield Precinct Land use and Infrastructure Plan.

#### **CARRIED**

## **Council Meeting 15 December 2015 (Chanthivong/Kolkman)**

That Corporate Governance Item 7.1 - Hurlstone Agriculture High School be brought forward and dealt with in conjunction with Item 5.1 - Hurlstone Agriculture High School.

## Council Meeting 15 December 2015 (Hawker/Rowell)

That the Committee's Recommendation be adopted.

### **Amendment** (Chanthivong/Kolkman)

That this Council:

- (i) Recognise the value of green open space at Hurlstone Agricultural High School (AHS) and its farm to the people of Campbelltown and South West Sydney.
- (ii) Recognises and reaffirms the value and prestige of Hurlstone AHS at Glenfield as one of NSW's finest schools and its educational value to South West Sydney.
- (iii) Remind the Baird Liberal Government and Minister Piccoli in particular of their previous opposition to any sale of Hurlstone AHS and its farm.
- (iv) Condemns the Baird Liberal Government and Minister Piccoli for their hypocrisy in the proposed total sell off of Hurlstone AHS and its farm to property developers.
- (v) Calls on the Baird Liberal Government to abandon the proposed sell off of Hurlstone AHS and its farm.
- (vi) Re-endorse the Councils original motion as moved by Hawker/Rule in December 2008 calling for Hurlstone AHS and its farm to be heritage listed and Councils subsequent submission to the independent Peters inquiry.

- (vii) Calls on the Baird Liberal Government to implement the recommendations in the 2009 Peters Inquiry and make further investment in education into Hurlstone AHS and its farm at Glenfield from the proceeds of its recent \$10.3b sale publicly owned electricity asset.
- (viii) Reaffirm its support for Councils motion as moved by Oates/Rowell in December 2009 opposing the sale of Hurlstone AHS and its farm.
- (ix) Requests that the Mayor and General Manager seek an urgent meeting with the Premier and Minister for Education outlining Council's total opposition to the sale of Hurlstone AHS and its farm and the relocation of Hurlstone AHS to Hawkesbury.
- (x) Organise a community rally and information forum in early 2016 to voice our community's opposition to the proposed sell off of Hurlstone AHS and its farm to developers.

#### LOST

A **Division** was called in regard to the Amendment for Item 5.1 - Hurlstone Agriculture High School with those voting for the Amendment being Councillors Borg, Brticevic, Chanthivong, Glynn, Kolkman, Lound and Oates.

Voting against the Amendment were Councillors Greiss, Hawker, Lake, Matheson, Mead, Rowell and Thompson.

The Amendment was **LOST** on the casting vote of His Worship the Mayor.

### Motion (Hawker/Rowell)

1. That Council writes to the Premier, Minister for Education and the Department of Education requesting the NSW Government abandon its decision to move Hurlstone Agricultural High School from Glenfield to Hawkesbury.

The correspondence is to articulate the following:

- expresses Council's disappointment to the Minister for Education and his Department for the lack of consultation with Campbelltown City Council and school community regarding the relocation of an iconic School
- the Historical and heritage value of the school's name to Campbelltown and the Macarthur region
- the social significance and military heritage connection to the Memorial Forest within the local area
- the current Macarthur agricultural student enrolment and the future skills knowledge demands for agricultural studies and Science, Technology, Engineering and Mathematics (STEM) within the Macarthur and South West Sydney region
- the need for the preservation of appropriate environmental buffers on the Glenfield site as part of any redevelopment of the land

- any redevelopment of the land must incorporate new and significant employment development initiatives to balance the extent of urban development on the land and elsewhere in the Glenfield to Macarthur Corridor.
- 2. That, in the event that surplus land is sold then; Council requests the NSW Government to review the Glenfield Precinct Land use and Infrastructure Plan (Glenfield to Macarthur Urban Corridor Strategy) as a matter of urgency, and in collaboration with Council, to take account of the potential future development of surplus land at the Hurlstone Agricultural High School.
- 3. That such review must articulate an appropriate vision for the whole Glenfield Precinct and involve the engagement of the community to reconsider:
  - housing supply and density
  - services, facilities and community amenity
  - job creation
  - the movement network including traffic and transport
  - built and environmental outcomes
  - infrastructure capacity.
- 4. That Council advise the NSW Government that the revised Land use and Infrastructure Plan for the Glenfield Precinct as agreed to by Council shall:
  - form the basis of detailed site planning for the surplus land at Hurlstone
  - complement the planning outcomes set out in the Glenfield Precinct Land use and Infrastructure Plan.

### **Council Resolution Minute Number 230**

1. That Council writes to the Premier, Minister for Education and the Department of Education requesting the NSW Government abandon its decision to move Hurlstone Agricultural High School from Glenfield to Hawkesbury.

The correspondence is to articulate the following:

- expresses Council's disappointment to the Minister for Education and his Department for the lack of consultation with Campbelltown City Council and school community regarding the relocation of an iconic School
- the Historical and heritage value of the school's name to Campbelltown and the Macarthur region
- the social significance and military heritage connection to the Memorial Forest within the local area
- the current Macarthur agricultural student enrolment and the future skills knowledge demands for agricultural studies and Science, Technology, Engineering and Mathematics (STEM) within the Macarthur and South West Sydney region
- the need for the preservation of appropriate environmental buffers on the Glenfield site as part of any redevelopment of the land

- any redevelopment of the land must incorporate new and significant employment development initiatives to balance the extent of urban development on the land and elsewhere in the Glenfield to Macarthur Corridor.
- 2. That, in the event that surplus land is sold then; Council requests the NSW Government to review the Glenfield Precinct Land use and Infrastructure Plan (Glenfield to Macarthur Urban Corridor Strategy) as a matter of urgency, and in collaboration with Council, to take account of the potential future development of surplus land at the Hurlstone Agricultural High School.
- 3. That such review must articulate an appropriate vision for the whole Glenfield Precinct and involve the engagement of the community to reconsider:
  - housing supply and density
  - services, facilities and community amenity
  - job creation
  - the movement network including traffic and transport
  - built and environmental outcomes
  - infrastructure capacity.
- 4. That Council advise the NSW Government that the revised Land use and Infrastructure Plan for the Glenfield Precinct as agreed to by Council shall:
  - form the basis of detailed site planning for the surplus land at Hurlstone
  - complement the planning outcomes set out in the Glenfield Precinct Land use and Infrastructure Plan.

A **Division** was called in regard to the Resolution for Item 5.1 - Hurlstone Agriculture High School with those voting for the Motion being Councillors Greiss Thompson, Rowell, Mead, Matheson, Lake and Hawker.

Voting against the Resolution were Councillors Borg, Brticevic, Chanthivong, Glynn, Kolkman, Lound and Oates.

The Council Resolution was **CARRIED** on the casting vote of His Worship the Mayor.

# 5.2 Pet Adoption Program

## Committee's Recommendation: (Greiss/Rowell)

- 1. That Council trial a free pet adoption program for all pets adopted from Campbelltown City Council pound in February 2016 to encourage the adoption of animals resulting from unwanted Christmas presents.
- 2. That the offer is to be advertised to Campbelltown City Council residents and a report to be presented about the outcome of the trial.

#### **CARRIED**

# Council Meeting 15 December 2015 (Kolkman/Oates)

That the report of the Acting Director Planning and Environment - Item 12.2 - Further information for consideration in dealing with the Planning and Environment Committee Item 5.2 - Pet Adoption Program - be brought forward and dealt with in conjunction with Item 5.2 - Pet Adoption Program.

# **Council Meeting 15 December 2015 (Hawker/Rowell)**

That the Committee's Recommendation be adopted.

## **Amendment** (Kolkman/Oates)

- 1. That a full report be presented to Council outlining the cost of a pet giveaway and the likely implications for sales from the Animal Care Facility in the balance of the year.
- 2. That the report include information about the potential for pets freely given from the Animal Care Facility to be abandoned by virtue of the fact that they were acquired at no cost.
- 3. That a decision on proceeding with a pet give away be deferred until the information sought in part 1 and 2 is available.

A **Division** was called in regard to the Amendment for Item 5.2 - Pet Adoption Program with those voting for the Amendment being Councillors Borg, Brticevic, Chanthivong, Kolkman, Lake, Lound and Oates.

Voting against the Amendment were Councillors Greiss, Hawker, Matheson, Mead, Rowell and Thompson.

#### **Council Resolution Minute Number 232**

That the above amendment be adopted.

A **Division** was called in regard to the Resolution for Item 5.2 - Pet Adoption Program with those voting for the Motion being Councillors Borg, Brticevic, Chanthivong, Kolkman, Lake, Lound and Oates.

Voting against the Resolution were Councillors Greiss, Hawker, Matheson, Mead, Rowell and Thompson.

# 20. CONFIDENTIAL ITEMS

No reports this round

There being no further business the meeting closed at 8.42pm.

P Hawker CHAIRPERSON