

# **Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 9 February 2016.**

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## **APOLOGIES**

## **ACKNOWLEDGEMENT OF LAND**

## **DECLARATIONS OF INTEREST**

### **Pecuniary Interests**

### **Non Pecuniary – Significant Interests**

### **Non Pecuniary – Less than Significant Interests**

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**Minutes of the Planning and Environment Committee held on 9 February 2016**

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**Present**

Councillor G Greiss (Chairperson)  
Councillor R Kolkman  
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  
Manager Communications and Marketing - Mrs B Naylor  
Manager Waste and Recycling Services - Mr P Macdonald  
Acting Manager Development Services - Mr B Leo  
Manager Environmental Planning - Mr A Spooner  
Manager Governance and Risk - Mrs M Dunlop  
Senior Strategic Environmental Planner - Ms R Haddad  
Senior Strategic Planner - Mr G Pascoe  
Executive Assistant - Mrs K Peters

**Apology** (Kolkman/Rowell)

That the apology from Councillor Lound be received and accepted.

**CARRIED**

**Acknowledgement of Land**

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

**DECLARATIONS OF INTEREST**

There were no Declarations of Interest at this meeting.

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## **1. WASTE AND RECYCLING SERVICES**

### **1.1 Outcome of the 2016 Recyclables Drop Off Day**

#### **Reporting Officer**

Manager Waste and Recycling Services

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#### **Attachments**

Nil

#### **Purpose**

To update Council on the outcome of the Recyclables Drop Off Day held on 2 January 2016.

#### **History**

Council held its inaugural Recyclables Drop Off Day in January 2009, and due to the success of the event, Council at its meeting on 3 February 2009 resolved to provide Campbelltown residents with a Recyclables Drop Off Day each year following Christmas and New Year.

#### **Report**

The eighth annual Recyclables Drop Off Day was held on Saturday 2 January 2016 at Coronation Park, Redfern Road, Minto. Residents were provided with the opportunity to drop off recyclable materials that would normally be collected in their domestic yellow-lid recycling bin for free.

As in previous years, residents were also able to drop off polystyrene for recycling, which cannot be placed in domestic recycling bins, but is a common waste accumulated during the festive season.

Council's domestic waste contractor 'SUEZ' provided sponsorship for the 2016 event. SUEZ's Campbelltown Branch supplied two compactor vehicles free of charge to assist with the collection of recyclables at the event.

The 2016 Recyclables Drop Off Day saw the highest participation to date, with 764 residents utilising the service. This is an increase of 259 participants, or 51.3% on last year's event.

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Not surprisingly, the unanticipated increase in participation resulted in an increased tonnage of recyclables dropped off on the day. A total of 12.42 tonnes of material was collected on the day, which represents an increase of more than 2 tonnes over that collected on the previous event held in January 2015. The recyclables collected consisted primarily of cardboard, which is consistent with the material composition seen in previous years. Other recyclables collected at the event included glass bottles, aluminium cans, plastic bottles and paper.

The polystyrene drop off service proved to be popular again in 2016, with 53.3% of residents dropping off approximately 110 cubic metres of polystyrene for recycling. The polystyrene will now be recycled into new products such as timber-look blinds, decking and office items such as plastic trays and desk-tidies.

The increased number of participants was most likely due to a highly successful advertising and promotional campaign. The event was promoted in local newspapers, Council's libraries, leisure centres, child care centres and in the Summer edition of Compass. Information was also provided on Council's website and Facebook page, and flyers were included with kerbside clean-up acknowledgment letters. The event was also promoted in the Mayoral message on C91.3FM. Survey results showed that the most popular means by which residents became aware of the event (31.7% of participants) was local newspaper advertising.

In addition, Council's variable message signs (VMS) located on Narellan Road and Campbelltown Road were utilised in the week leading up to the event, along with an additional VMS on Pembroke Road for two weeks prior to the event. These signs were first used in the lead up to the event in 2012, and proved to be an effective promotional tool again in 2016.

Due to the unprecedented increase in participation and the higher volume of material collected, increased waiting periods occurred during the peak of the day with some residents waiting for up to one hour to dispose of their recycling. In response to this, alternative venues are currently being investigated for the 2017 event.

The budget for the 2016 event was \$15,700. The actual cost was \$11,540.

Despite lengthy waiting times, the vast majority of residents were patient and gave very positive feedback about the event. A large proportion of participants expressed their thanks to Council for providing the service, and nearly all participants indicated that they would use the service again in 2017.

### **Officer's Recommendation**

That the information be noted.

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

That the Officer's Recommendation be adopted.

**CARRIED**

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**Council Meeting 16 February 2016 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 9**

That the Officer's Recommendation be adopted.

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## **2. ENVIRONMENTAL PLANNING**

### **2.1 Campbelltown Noxious Weed Management Strategy**

#### **Reporting Officer**

Manager Environmental Planning

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#### **Attachments**

Draft Campbelltown Noxious Weed Strategy (contained within this report)

#### **Purpose**

To seek Council's endorsement of the draft Campbelltown Noxious Weed Management Strategy for public exhibition.

#### **History**

Council formally adopted its first Noxious Weed Strategy in June 1998 and in 2009 Council adopted the 2009-2014 Noxious Weed and Pest Animal Management Strategy. These strategies have provided a consolidated legislative and policy framework to guide Council's noxious weed management and compliance programs.

Since 2009 noxious weed management legislation, policy and governance structures have continued to evolve. Council staff have monitored these changes closely and have adapted Council's programs in response. In view of these changes a review has been undertaken of the 2009-2014 Noxious Weed and Pest Animal Management Strategy and a revised Campbelltown Noxious Weed Strategy (the Strategy) has been drafted (see attachment).

Moreover it is proposed to separate the pest animal and noxious weed management strategic frameworks into two distinct documents in view of their disparate legislative and policy basis, to provide clarity and reduce complexity. In this regard a pest animal strategy will be prepared in the coming months to guide Council's pest animal management program.

#### **Report**

Noxious weeds have been estimated to cost the Australian agriculture industry \$4b per year in lost production, control costs and other associated impacts. However, this figure does not include: the cost of local, state and federal Governments undertaking monitoring, management, research and control of weeds, the cost to private landowners of implementing weed control programs, the impact on the natural environment, impacts on human health, impacts on tourism and property values or the value of the 'volunteer army' active in weed control across Australia. The real cost of weeds to the environment is difficult to calculate however, in conjunction with pest animals, they are understood to be the second biggest cause of biodiversity decline in Australia after habitat loss.

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The national approach to weed management has evolved over the past decade to embrace a more strategic use of resources to protect environmental and community assets such as agriculture and amenity. In response Council and other local land management agencies have developed co-operative weed management programs across the landscape, focusing resource allocation on the most significant environmental assets and/or the most significant threats.

The Strategy has been prepared to prevent and effectively manage the introduction and spread of noxious weed species to protect local biodiversity, the community and primary production across the Campbelltown LGA.

### **Why develop a Noxious Weed Strategy?**

In NSW noxious weeds are regulated under the *Noxious Weeds Act 1993* (the Act) and they are required by law to be controlled by local control authorities (LCA's) (e.g Councils and State Government agencies such as Roads and Maritime Services and Sydney Trains) and private land owners in NSW. Restrictions also apply to their sale from businesses including nurseries and aquariums to prevent their further spread. Section 36 of the Act states that LCA's are required to develop, implement, co-ordinate and review noxious weed control policies and noxious weed control programs.

Whilst it is a legal requirement under the Act, the Strategy also seeks to provide clear principles and guidelines for Council and the community on how noxious weeds within the Campbelltown LGA are to be prioritised and managed. The Strategy will also assist with the numerous requests that Council receives from the public every year for noxious weed management whilst providing direction on how requests will be prioritised and actioned according to their significance, importance and alignment with the Strategy and its objectives.

### **Aim and structure of the strategy**

The Strategy aims to foster strategic noxious weed management practices to drive effectiveness, provide long term cost savings and create long term sustainability in programs to benefit the community and local environment. The Strategy is structured to prioritise high risk noxious weed species and sites in accordance with relevant state and federal legislation as well as regional and local plans and policies including:

- *Noxious Weed Act 1993*
  - *Threatened Species Conservation Act 1995 (TSCA Act 1995)*
  - *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999).*
  - NSW Invasive Species Plan 2008-2015 (NSW ISP)
  - Key Threatening Processes and Threat Abatement Plans
  - Sydney Metropolitan Catchment Action Plan
  - NSW New Weed Incursion Plan
  - NSW Weed Risk Assessment
  - Upper Georges River Strategic Environmental Management Plan
  - Council Community Strategic Plan, Operational Plan and Delivery Plan
  - Council Pesticide Use Notification Plan 2015
-

The Strategy sets six clear objectives for Council's noxious weed management program:

- improve Council's capacity to effectively manage noxious weeds
- increase landholder commitment to noxious weed management
- effectively manage the impact of new and existing invasive species incursions upon the Campbelltown environment
- undertake noxious weed management in a strategic, coordinated and cost effective manner
- improve biodiversity within key environmental areas such as the Georges River corridor
- actively participate in and promote an effective governance framework for noxious weed management in Campbelltown.

These six objectives are supported by 14 individual goals, to be achieved through the implementation of 65 action items. Key actions include:

- develop and deliver noxious weed awareness and management training for Council staff including: project managers, horticulturalists, landscapers and drainage maintenance teams
- provide advice and support to residents through the noxious weed inspection program
- promote and deliver Council's Bushcare program
- prepare and deliver an annual noxious weed management program in accordance with adopted operational plan, budget and annual schedule of works
- deliver Council's noxious weed inspection program prioritising high risk pathways and high value environmental assets
- Identify and report new noxious weed incursions to the NSW Department of Primary Industries
- undertake mapping and monitoring of noxious weed distribution across the Local Government Area (LGA)
- allocate prescribed budgets and monitor expenditure regularly through the financial year
- seek partnerships to support training and employment opportunities for community members in the management and control of weeds including the use of the Green Arm Program and the Work for the Dole Program
- seek grant funding opportunities
- review and develop relevant policies and procedures in accordance with priorities set out in the strategy
- advocate for support from key stakeholders and other levels of government for Council's noxious weed management programs and priorities.

### **Administration and funding of the Strategy**

Administration and delivery of the strategy will largely be the responsibility of Council's Environment Unit.

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The majority of actions identified in the strategy will be funded through existing budgets or existing staff hours. However it should be noted that there have been significant reductions in external funding for noxious weed management within Campbelltown over the last 12 months through changes to the NSW Department of Primary Industries (NSW DPI) Weed Action Program (WAP). As outlined in the Strategy the WAP is a state government noxious weed funding program initiative that is administered by the NSW DPI with funding available on an annual basis. Throughout the first five years of the WAP, Council received an average of \$48,329 annually to facilitate and implement its noxious weed management programs and to fulfil requirements under the Act. These included on ground works, capacity building activities and private property and high risk pathway inspections.

In 2015 a restructure of the WAP was undertaken by NSW DPI, including a change to the state-wide priorities and the addition of two Council areas (Gosford and Wyong) to the Sydney WAP project area to align with Local Land Services boundaries. As a result of this and the restructure of the program's priorities, Council's funding has been significantly reduced to a figure of \$17,500 for 2015-2016 (with future funding figures uncertain) leaving many of Council's local and regionally significant projects unfunded and at risk of not proceeding.

The impact that this reduction in funding may have on some of Council's programs is of great concern. For example the NSW DPI will no longer provide funding for Council's aquatic weed control program, which is a high priority for the maintenance and function of our local waterways and associated ecosystems. High risk aquatic weeds still exist within our LGA and without ongoing monitoring and control will quickly reinfest and choke our waterways negating Council's efforts over the last decade. Given Campbelltown's position at the headwaters of the Nepean and Georges Rivers it is considered funding for these programs should be a priority for the state government. The WAP has also funded many other high risk targeted noxious weed control programs such as Serrated Tussock (*Nassella trichotoma*) control in Menangle Park, Cats Claw Creeper (*Dolichandra unguis-cati*) eradication in the LGA and African Olive containment in the Georges River Corridor. These programs will also be at risk and without their continuation all previous environmental improvements will be quickly reversed.

Consequently the implementation of some actions prescribed under the Strategy will require funding through other sources. Council staff will continue to pursue grant funding opportunities and it should be noted that in the last three years Council has been successful in securing \$434,028 in funding and resources from a number of government agencies to enhance its noxious weed management program. Most notably bush regeneration programs through LLS and funding under the WAP, however these funding programs involve a highly competitive and time-consuming process where success is not guaranteed. Given that many Council's also will suffer funding cuts through the WAP, these grants will become increasingly competitive.

It is therefore recommended that Council write to the Minister for Primary Industries and Minister for the Environment requesting a review of the funding model for noxious weed management. In the interim Council staff will attempt to supplement the funding loss through quarterly budget reviews and annual budget allocations.

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### **Delivery and Reporting**

The implementation of this Strategy will be undertaken through an annual schedule of works. The effectiveness of the actions in achieving the goals will be measured against nine indicators including: the number of inspections undertaken; area of bush regeneration and weed treatment and the number of educational activities delivered. Council's performance against these indicators will be reported through its annual State of the Environment report. Where Council is determined not to be performing, that is, where indicators are consistently demonstrating a decrease in achievements or there are significant changes in related policy and/or legislation, a review of the strategy will be at high risk of being reversed.

### **Public Consultation**

The Noxious Weeds Management Strategy applies to private and public lands across the LGA in particular the focus of Council's noxious weed compliance program on local landholders. Therefore it is recommended that the draft Campbelltown Noxious Weed Management Strategy be placed on public exhibition for 28 days at Council's Civic Centre, all libraries, and on Council's website.

At the conclusion of the public exhibition of the draft Campbelltown Noxious Weed Management Strategy, a report on the outcome of the public exhibition will be provided to Council.

### **Officer's Recommendation**

1. That Council endorse the attached draft Campbelltown Noxious Weed Management Strategy for public exhibition.
2. That subject to no submissions of objection being received during the exhibition period, the draft Campbelltown Noxious Weed Management Strategy be adopted on the first day after the end of the exhibition period.
3. That Council write to the Minister for Primary Industries and Minister for the Environment requesting a review of the funding model for noxious weed management.

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

1. That Council endorse the attached draft Campbelltown Noxious Weed Management Strategy for public exhibition.
2. That the draft Campbelltown Noxious Weed Management Strategy be re-submitted to Council at the conclusion of the public exhibition for adoption. That following the conclusion of the public exhibition, the outcome of the exhibition be reported back to the full Council.
3. That Council write to the Minister for Primary Industries and Minister for the Environment requesting a review of the funding model for noxious weed management with additional emphasis on the eradication of African Olive.

### **CARRIED**

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**Council Meeting 16 February 2016 (Greiss/Kolkman)**

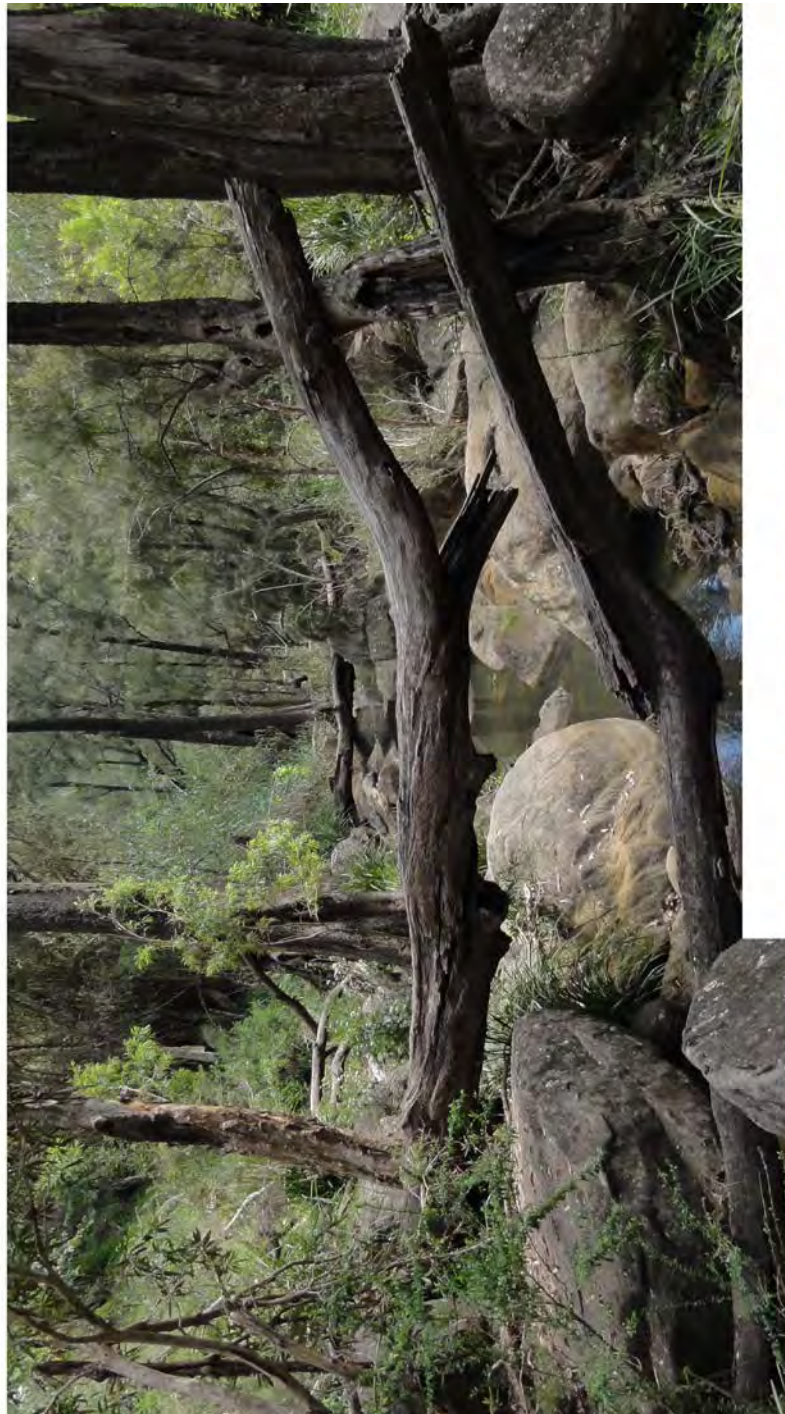
That the Committee's Recommendation be adopted.

**Council Resolution Minute Number 9**

That the Committee's Recommendation be adopted.

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## ATTACHMENT 1



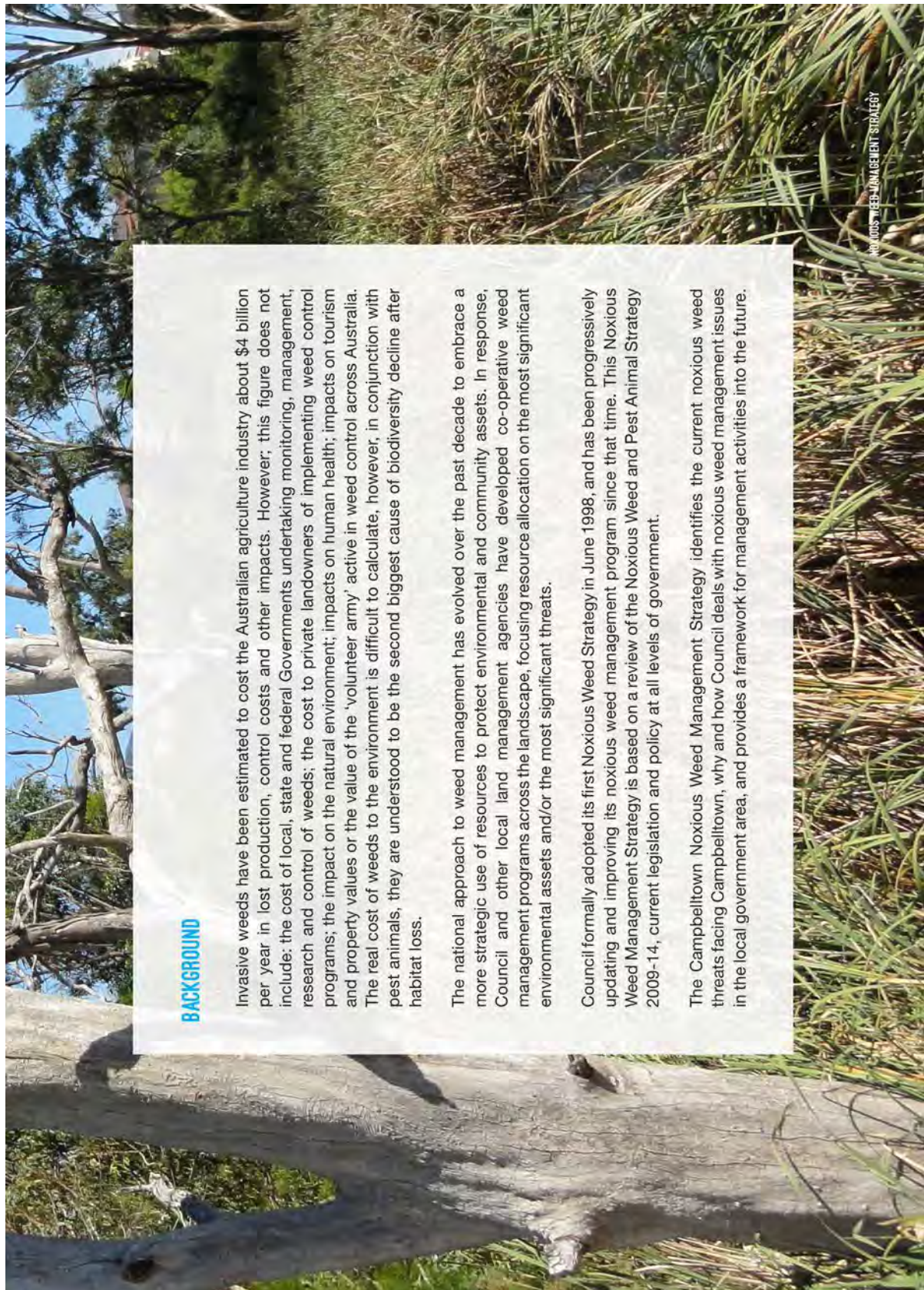
**NOXIOUS WEED MANAGEMENT STRATEGY**











## BACKGROUND

Invasive weeds have been estimated to cost the Australian agriculture industry about \$4 billion per year in lost production, control costs and other impacts. However, this figure does not include the cost of local, state and federal Governments undertaking monitoring, management, research and control of weeds; the cost to private landowners of implementing weed control programs; the impact on the natural environment; impacts on human health; impacts on tourism and property values or the value of the 'volunteer army' active in weed control across Australia. The real cost of weeds to the environment is difficult to calculate, however, in conjunction with pest animals, they are understood to be the second biggest cause of biodiversity decline after habitat loss.

The national approach to weed management has evolved over the past decade to embrace a more strategic use of resources to protect environmental and community assets. In response, Council and other local land management agencies have developed co-operative weed management programs across the landscape, focusing resource allocation on the most significant environmental assets and/or the most significant threats.

Council formally adopted its first Noxious Weed Strategy in June 1998, and has been progressively updating and improving its noxious weed management program since that time. This Noxious Weed Management Strategy is based on a review of the Noxious Weed and Pest Animal Strategy 2009-14, current legislation and policy at all levels of government.

The Campbelltown Noxious Weed Management Strategy identifies the current noxious weed threats facing Campbelltown, why and how Council deals with noxious weed management issues in the local government area, and provides a framework for management activities into the future.



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#### NOXIOUS WEED MANAGEMENT STRATEGY

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## 1.1 IMPACTS OF NOXIOUS WEEDS

Many noxious weeds are considered to be among the greatest threats to biodiversity and ecosystem function and pose a huge threat to waterways and bushland areas in the Campbelltown Local Government Area (LGA). Adverse impacts of noxious weeds on the environment and agriculture include:

- competition with local native plants for sunlight, moisture and nutrients
- inhibition of native plant germination
- alteration of Endangered Ecological Communities as well as habitat for threatened species
- encouraging more frequent and intense fires
- changes to soil characteristics such as nutrient cycles, pH, moisture and microbiology
- increased nutrient levels in water and lower levels of oxygen, which threaten or kill fish and other aquatic fauna
- degraded landscape values and impeded access impacting on urban amenity and tourism
- harbor for feral animals.

## 1.2 SOURCES OF NOXIOUS WEEDS

Major sources and causes of noxious weed spread in the environment are:

- disturbance in natural areas
- plants escaping from gardens
- dumping of waste, particularly garden and construction waste, in bushland
- wind and vehicle transport of seeds along highways and railway corridors
- use of weed contaminated soil or horticulture products
- transmission by fauna, eg through bird droppings
- planting of exotic species into public reserves by residents and government authorities
- spread of weed seed on clothing of bushwalkers
- nutrient-enriched runoff from sources such as stormwater, septic tanks, sewerage overflows, pet wastes, washing of cars, and fertiliser runoff
- poor vegetation management practices such as over clearing, slashing and trampling by public land management authorities, developers, recreationalists and the community.













## 2.0 PURPOSE OF STRATEGY

The Campbelltown Noxious Weed Management Strategy provides clear principles and guidelines for Council and the community on how noxious weeds within the Campbelltown LGA are to be managed and the mechanisms available to facilitate control or removal.

This strategy will assist with the numerous requests that Council receives from the public every year for noxious weed management. It provides direction for how requests will be prioritised and actioned according to their significance, importance and alignment with this strategy and its objectives. The strategy aims to foster strategic noxious weed management practices to drive effectiveness, provide long term cost savings and create long term sustainability in programs to benefit the community and local environment.

ON AVERAGE,  
MORE THAN 700  
NOXIOUS WEED  
INSPECTIONS ARE  
UNDERTAKEN  
EACH YEAR IN THE  
CAMPBELLTOWN  
LGA





### 3.0 CAMPBELLTOWN'S LOCAL ENVIRONMENT

The Campbelltown LGA is located on the south-western edge of the Sydney metropolitan area, approximately 53 kilometers from the Sydney CBD, and occupies an area of approximately 312 square kilometres. The LGA extends from Glenfield in the north to Menangle Park in the south. It comprises 38 suburbs and is surrounded by five other LGAs - Liverpool, Camden, Wollondilly, Sutherland and Wollongong. Campbelltown has a population of approximately 155,915 (Forecast ID 2015),<sup>2</sup> with urban development predominately situated within a linear urban corridor that follows the alignment of the M5 Motorway/Hume Highway and the Main Southern Railway line.

Topography within the LGA is generally flat, with the exception of the Scenic Hills in the west and the riparian areas particularly along the Upper Georges River; the majority of land within the LGA lies approximately 200 metres above sea level.

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

Cumberland Plain Woodland and Shale-Sandstone Transition Forest are the two main native vegetation communities within the LGA and are both listed as Critically Endangered Ecological Communities under the *Threatened Species Conservation Act 1995* and the *Environment Protection and Biodiversity Conservation Act 1999*. The Dharawal National Park is situated (in part) within the south east of the LGA and contains relatively pristine bushland. Campbelltown also supports many threatened flora and fauna species, along with potential habitat for these, including environmentally significant areas such as the Georges River Corridor.

<sup>2</sup> <http://forecast.id.com.au/campbelltown/population-summary>



## 3.1 NOXIOUS WEEDS IN CAMPBELLTOWN

Noxious weed declarations are made by the NSW Department of Primary Industries (NSW DPI) on a Local Government Area basis. Many weeds that are significant on a statewide basis are declared noxious for a range of areas, even if they are not identified in an area, such as Senegal tea plant (*Gynnoecoronis spilanthisoides*), which is not known to exist within the LGA. The declaration of species not known to exist in an area provides higher levels of surveillance as well as prompt action and funding for treatment through the NSW DPI.

In the Campbelltown LGA, 125 noxious weed species are declared, however, only 44 of these species are known to currently exist or have previously been recorded in the area (refer to NSW DPI website for a full list: <http://weeds.dpi.nsw.gov.au/WeedDeclarations>). Some of these species are well established and widespread, while others are relatively recent introductions in small isolated populations. A substantial proportion of weeds declared

noxious within NSW have their origins as garden plants. Many weed species within the Macarthur area were originally planted for a particular purpose, such as hedges, wind breaks, shade trees and for soil stabilisation. Other species were likely to have been inadvertently introduced through stormwater, vehicles, clothing, or soil from areas where an infestation exists.





Prickly pear - Opuntia spp

NOXIOUS WEED MANAGEMENT STRATEGY





## 4.1 STAKEHOLDERS

There are a number of key stakeholders associated with noxious weed management in the Campbelltown LGA, ranging from local residents managing noxious weeds on urban or rural properties, to larger businesses and organisations such as Sydney Trains, Roads and Maritime Services (RMS) and Sydney Water, with large land holdings. The activities that this strategy recommends directly or indirectly affect these stakeholders, and as such, will often require partnership to ensure the best outcomes for management of noxious weeds in the area. The stakeholders and their roles are outlined in Table 1.



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**TABLE 1: LIST OF STAKEHOLDERS AND THEIR ROLES IN NOXIOUS WEED MANAGEMENT**

STAKEHOLDER	ROLE					
	Funding	Governance	Enforcement	Partnerships	Landholder	Legislation and policy
Campbelltown City Council	●	●	●	●	●	
Local control authorities – Sydney Water, Roads and Maritime Services, Transport for NSW		●		●	●	
Local residents and landowners					●	
Georges River Combined Councils Committee		●		●		
Sydney Weeds Committee		●		●		
Sydney South-West Regional Weeds Committee		●		●		
Greater Sydney Local Land Services	●	●		●		●
Tharawal Local Aboriginal Land Council				●	●	
Adjoining councils – Wollondilly, Camden, Liverpool, Sutherland	●	●	●	●	●	
Department of Primary Industries	●	●	●	●		●
Department of Planning				●	●	
Office of Environment and Heritage	●	●		●	●	●
Department of Lands	●	●		●	●	
Crown Lands Department	●			●	●	
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## 4.2 LEGISLATION AND POLICY

### Legislation

Noxious weed management is informed and regulated by various state and commonwealth legislation relating to planning, protection and management of the environment. Key pieces of legislation are outlined below.

#### Noxious Weeds Act 1993

The objectives of the *Noxious Weeds Act 1993* are:

- a. to reduce the negative impact of weeds on the economy, community and environment of this State by establishing control mechanisms to:
  - i. prevent the establishment in this State of significant new weeds, and
  - ii. prevent, eliminate or restrict the spread in this State of particular significant weeds, and
  - iii. effectively manage widespread significant weeds in this State,
- b. to provide for the monitoring of and reporting on the effectiveness of the management of weeds in this State.

Under the Act, the Minister for Primary Industries has the power to make orders declaring plants as "noxious weeds". Weeds can be declared "noxious" if they pose a threat to agriculture, the environment or community health, and there is a public benefit from such declaration.

#### NOXIOUS WEED CLASSIFICATIONS

Under this Act, noxious weeds are classified into five categories based on their perceived threat (see Table 2). Each classification has different control requirements which specify levels of control or management required to be undertaken by the responsible landowner or authority. They range from Class 1 to Class 5, where Class 1 is seen as the highest control priority. Species are classified noxious in specific Local Government Areas. Some species may be declared noxious across the state, while others may only be noxious in one specific area. Classifications for species may also differ across local area boundaries. A list of species for each LGA can be found on the Department of Primary Industry's website at <http://weeds.dpi.nsw.gov.au>

**TABLE 2 : NOXIOUS WEED CLASSES WEED TYPES AND CONTROL REQUIREMENTS**

CONTROL CLASS	WEED TYPE	CONTROL REQUIREMENTS
CLASS 1	Plants that pose a potentially serious threat to primary production or the environment and are not present in the State or are present only to a limited extent.	The plant must be eradicated from the land and the land must be kept free of the plant. The weeds are also "notifiable" and a range of restrictions on their sale and movement exist.
CLASS 2	Plants that pose a potentially serious threat to primary production or the environment of a region to which the order applies and are not present in the region or are present only to a limited extent.	The plant must be eradicated from the land and the land must be kept free of the plant. The weeds are also "notifiable" and a range of restrictions on their sale and movement exist.
CLASS 3	Plants that pose a potentially serious threat to primary production or the environment of a region to which the order applies, are not widely distributed in the area and are likely to spread in the area or to another area.	The plant must be fully and continuously suppressed and destroyed.*
CLASS 4	Plants that pose a potentially serious threat to primary production, the environment or human health, are widely distributed in an area to which the order applies and are likely to spread in the area or to another area.	The growth of the plant must be managed in a manner that reduces its numbers, spread and incidence and continuously inhibits its reproduction.*
CLASS 5	Plants that are likely, by their sale or the sale of their seeds or movement within the State or an area of the State, to spread in the State or outside the State.	There are no requirements to control existing plants of Class 5 weeds. However, the weeds are "notifiable" and a range of restrictions on their sale and movement exists.

NOTE: All Class 1, 2 and 5 weeds are prohibited from sale in NSW.

\* In some cases the following wording has also been inserted "the plant may not be sold, propagated or knowingly distributed"

## Threatened Species Conservation Act 1995

The primary objective of the *Threatened Species Conservation Act* (TSC Act) is to conserve biological diversity. The Act provides for the listing of threatened species populations and ecological communities. The Act also provides for the preparation of recovery plans for rare or endangered species and vegetation communities and the designation of areas as habitat critical to the survival of those listed as endangered.

Under the Act, threats that can potentially impact on the survival or evolutionary development of a species, population or ecological community can be determined as key threatening processes. The proliferation of some species of weeds such as African olive and Bitou bush have been identified as key threatening processes, meaning that their management is of a high priority.

## Policy

There are various strategies, plans and documents that guide the management of noxious weeds within the Campbelltown LGA, these are outlined in Figure 1. While many of these documents are developed on a regional or state-wide basis, implementation at the local government level is essential for effective noxious weed management.

## Other relevant legislation relating to noxious weeds includes;

- Environment Protection and Biodiversity Conservation Act 1999
- Biological Control Act 1985
- Environmental Planning and Assessment Act 1979
- The Local Government Act 1993
- Pesticides Act 1999
- Local Land Services Act 2013
- National Parks and Wildlife Act 1974.





Figure 1: Policy framework across the three levels of government

FEDERAL			
The Australian Weed Strategy			
Goal 1	Prevent new weed problems		
Goal 2	Reduce the impact of existing priority weed problems		
Goal 3	Enhance Australia's capacity and commitment to solve weed problems		
STATE			
NSW Invasive Species Plan 2008-2015	Key Threatening Processes and Threat Abatement Plans	NSW New Weed Incursion Plan	
Goal 1 Exclude (prevent the establishment of new invasive species) Goal 2 Eradicate or contain (eliminate or prevent the spread of new invasive species) Goal 3 Effectively manage (reduce the impacts of widespread invasive species) Goal 4 Capacity (ensure NSW has the ability and commitment to manage invasive species).	The proliferation of some weed species are listed as key threatening processes, for example, the invasion, establishment and spread of Lantana camara, and invasion of native plant communities by African olive ( <i>Olea europaea Cuspidate</i> ), meaning that they must be considered during a development assessment process. Threat Abatement Plans may also be developed to prescribe actions to address the threat.	Aims to guide the achievement of goals 1 and 2 of the NSW Invasive Species Plan, coordinating the surveillance and identification of weeds and weed pathways, risk assessment of species and implementation of effective barriers to prevent their establishment.	<b>Sydney Metropolitan Catchment Action Plan</b>  Target B5 - By 2016, the impact of invasive species on biodiversity is reduced by decreasing the number, distribution and impact of terrestrial and aquatic invasive weeds and pest animals; and by promoting a better understanding of invasive pathogens.
LOCAL			
Upper Georges River Strategic Environmental Management Plan	Pesticide Use Notification Plan 2015	Community Strategic Plan, Operational Plan and Delivery Plan	
A guiding framework that focuses on the past, present and future health of the Upper Georges River catchment, through the analysis of four key themes: management, land use, community engagement and on-ground projects including weed management.	The plan guides Council's staff and contractors in how they notify members of the community of pesticide use in public places throughout the Campbelltown LGA particularly in regards to works in close proximity to sites listed as "sensitive areas" in the plan.	A 10 year plan that outlines the aspirations and objectives of the community and sets out the strategies to achieve them.  Strategy 1.2: Protection of the natural environment The Operational and Delivery Plans detail specific actions to achieve the strategies of the Community Strategic Plan including the review and implementation of the Noxious Weed Management Strategy.	

## 4.3 WEEDS OF NATIONAL SIGNIFICANCE

Weeds of National Significance (WoNS) are the priority species for sustained nationally coordinated action under the Australian Weeds Strategy. Species declared as WoNS will be targeted for coordinated national management involving various stakeholders, including local government, for the purpose of preventing further impacts, reducing or restraining their spread and/or eradicating them from parts of Australia.

A total of 32 WoNS have been identified by Australian governments, based on their invasiveness, potential for spread, and environmental, social and economic impacts. Each WoNS has a strategic plan that outlines strategies and actions required to prevent spread and reduce impact of the weed, as well as identifying responsibilities for each action.

Individual landowners and managers are ultimately responsible for managing WoNS. Federal government grant funding for weed control programs is often targeted to achieving WoNS strategic goals. Of the 32 WoNS species, 18 occur in the Campbelltown LGA. These include: Alligator weed, Boneseed, Blackberry, Prickly pear, Bridal creeper, Lantana, Serrated tussock and Willows.

Unlike declared noxious weeds, there is no legal obligation to control WoNS with exception for those that are also declared noxious.





## 4.4 GOVERNANCE

Weeds don't recognise borders - what is a problem in one Council area is quite often also a problem in the next. The state government has helped to establish a governance framework to assist Local Control Authorities (LCAs)<sup>3</sup> in working together, obtaining funding and efficiently and effectively using resources.

### Weed Action Program

The NSW Weeds Action Program 2015-2020 (WAP) is a NSW Government initiative to reduce the impact of weeds, guided by the NSW Biosecurity Strategy 2013-2021 and the NSW Invasive Species Plan 2015-2020.

The WAP aims to ensure consistent and coordinated regional planning and local delivery of weed management approaches through 11 statutory regional weed committees comprising LCAs, public and private landholders, and community members as sub committees to Local Land Services (LLS)<sup>4</sup>. The committees are aligned with LLS borders and are legislatively obligated to develop regional plans and priorities for weeds and surveillance.

Funding is provided under the WAP by the NSW Government for weed control projects (see section 10 – Funding).

<sup>3</sup> Local Control Authorities – are the body responsible for noxious weed control functions under the Noxious Weed Act 1993 for an area. For a local government area these are generally councils.

<sup>4</sup> An amalgamation of previous Catchment Management Authorities, Livestock Health and Protection Authorities and certain aspects of the NSW Department of Primary Industries

### Sydney Weeds Committees

Weeds Advisory Committees are formed by groups of stakeholders across LLS regions of NSW (see figure 2). The Sydney Weeds Committee provides a platform for discussion regarding weed management issues across the different land holdings and to facilitate potential partnerships across land tenures.

The Sydney Weeds Committee was established in 2010 with the aim of improving weed management across all land tenures in the Sydney Region and Blue Mountains Region. The committee is comprised of four regional weeds committees with representatives from government and non-government agencies and practitioners across the broader Sydney region.

### South-West Regional Weeds Committee

The South-West Regional Weeds Committee is a sub-committee of the Sydney Weeds Committee. It is comprised of technical officers from Campbelltown, Wollondilly, Sutherland, Fairfield, Bankstown and Liverpool Council's as well as representatives from other government organisations such as NSW National Parks and Wildlife Service and Sydney Trains. The Regional Weeds Committee acts to address more localised issues, provide local support and identify partnership opportunities.

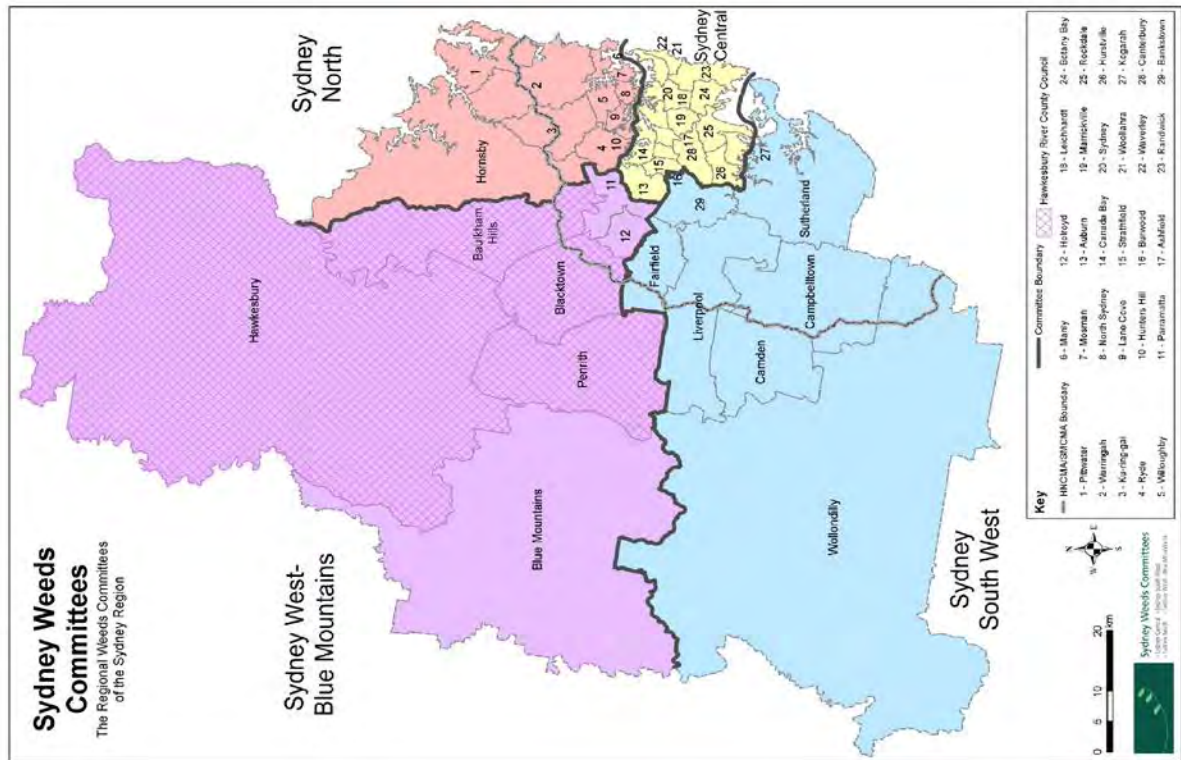


Figure 2: Regional Weeds Committees of the Sydney Region





## 5.1

### COUNCIL AND NOXIOUS WEED MANAGEMENT

Under the *Noxious Weeds Act 1993*, there are many different obligations and requirements for different land owners and managers across NSW. In NSW, local government agencies (councils) are responsible for the implementation of the *Noxious Weeds Act 1993* and are referred to as Local Control Authorities (LCAs). The role of a LCA also includes enforcement of the *Noxious Weeds Act 1993* to ensure that noxious weeds are controlled and prevented from spreading across their own land holdings and private land holdings. Council also undertakes noxious weed control and management on its own lands based on strategic priorities as outlined below.

NSW government organisations (such as Roads and Maritime Services, Sydney Water and Sydney Trains) are also recognised as LCAs and are obligated to control noxious weeds on their lands.

## 5.2

### PRIORITISING NOXIOUS WEED MANAGEMENT

Noxious weed management requires strategic direction and a coordinated approach to ensure that management activities are targeted to produce long term sustainable and cost-effective outcomes for both the community and the environment.

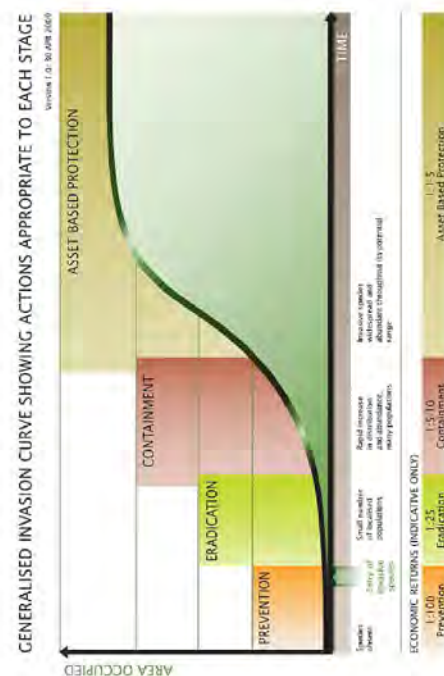
Noxious weeds and the way in which they are managed can be very different, depending on infestation size and density, the type of weed, its location and by the impacts it is having on land use, the community or the environment. Noxious weed management can be targeted to eradicate an individual plant, contain an infestation to stop its further spread, or can be a part of a larger bush regeneration program which is implemented over many years.

Control of noxious weeds can be achieved by hand removal, using machinery, spraying with herbicide or by changing conditions and promoting growth of a more desirable species. These different methods are implemented to control various species of noxious weeds in many different situations with protection of our high value environmental areas at the forefront of Council's actions.

Council undertakes weed management on lands under its care and control, these lands are managed for a variety of uses including conservation, tourism and recreation uses. Each of these land uses has its own particular and unique suite of weed problems and priorities. No single weed management approach can be applied equally to all areas.

Council's management programs and corresponding works will conform to Council's responsibilities under the relevant legislation and are often bound by strict guidelines for associated grant funding such as those prescribed within the Weed Action Program. These depict priority areas and significant noxious weed species for treatment. Council's strategic direction for weed control is broadly based on the NSW DPI weed invasion curve (as shown in Figure 3).

Figure 3: NSW Department of Primary Industries weed invasion curve



Based on the actions recommended through the weed invasion curve, Council as a LCA prioritises and focuses its works to:

- conduct routine private property and high risk pathway inspections to prevent weeds from becoming established in the environment
- assess sources of weed infestation
- eradicate high risk weeds from the environment
- contain high risk weeds within their current locations
- protect assets such as endangered ecological communities, waterways, parks and reserves
- integrate pest control (harbor removal, weed dispersal) where practical
- ensure all works undertaken are cost effective.

In developing programs, Council will determine the level of action required through the NSW Weed Risk Management system (see appendix 1) and the priority rankings for specific noxious weed species (see appendix 2). Noxious weed infestations that are determined to be a low priority may be considered for removal, however, budget allocations will be directed to higher priority issues. In undertaking noxious weed removal, Council will also assess existing habitat requirements for native fauna to ensure that impacts upon wildlife at the site are appropriately managed.



## 5.3 COUNCIL'S NOXIOUS WEED MANAGEMENT PROGRAMS

### Weed Action Program

The NSW Weed Action Program (WAP) aims to reduce the impact of noxious weeds on the environment, agriculture and the community based on the four goals listed within the NSW Invasive Species Plan 2008-2015. Under the auspice of the WAP, the NSW Government (via the various weeds committees) provides key funding to LCAs for noxious weed management.

Council receives significant funding each year through the WAP to undertake specific projects, inspections of private properties and of high risk pathways (such as main artillery roads, railway corridors, nurseries and aquariums) for weed distribution.

Council is obligated to monitor and report on its actions under the WAP.

### Aquatic weed control

During the 1990s, it was evident that aquatic weed growth was affecting many waterways within NSW, in particular the Sydney Basin. Aquatic weed growth was impacting on local business, agriculture, recreational activities and the environment. In 2006, a significant salvinia outbreak choked sections of the Georges River, highlighting the issue and prompting swift action. Aquatic weeds continue to be a problem in the Campbelltown LGA, with many waterways still affected. Aquatic noxious weeds are considered to be a high priority for treatment and control as they have the potential to devastate local ecosystems and spread quickly if left untreated.

In 2008, the Sydney Weeds Committee held discussions with various stakeholders to investigate the most cost efficient, strategic and sustainable control of aquatic weeds. As a result, regional weed management plans have been developed for *Ludwigia* spp (*L. peruviana*, *L. longifolia* and *L. repens*) and Alligator weed.

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Since 2003, Council has undertaken annual mapping of aquatic weeds within key waterways across the LGA (see Figure 4). In 2011, commensurate treatment of aquatic noxious weeds was incorporated into the mapping project to ensure a more cost efficient and effective mapping and treatment program. Mapping of all infestations is undertaken on an annual basis with treatments of identified aquatic noxious weeds undertaken on a bi-annual basis. Treatment methods for aquatic noxious weed include hand removal and disposal offsite to prevent further spread and herbicide application in accordance with Australian Pesticide Veterinary Medicines Authority (APVMA) permits for off label use of herbicide.



Water primrose flower - *Ludwigia peruviana*

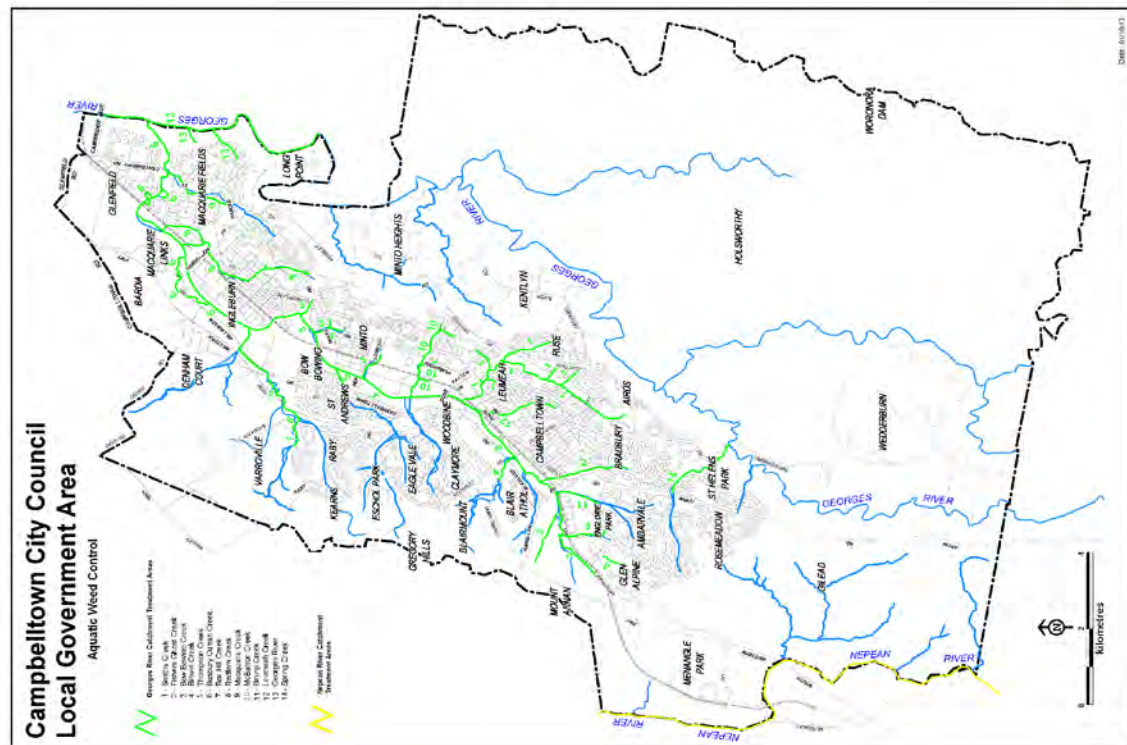
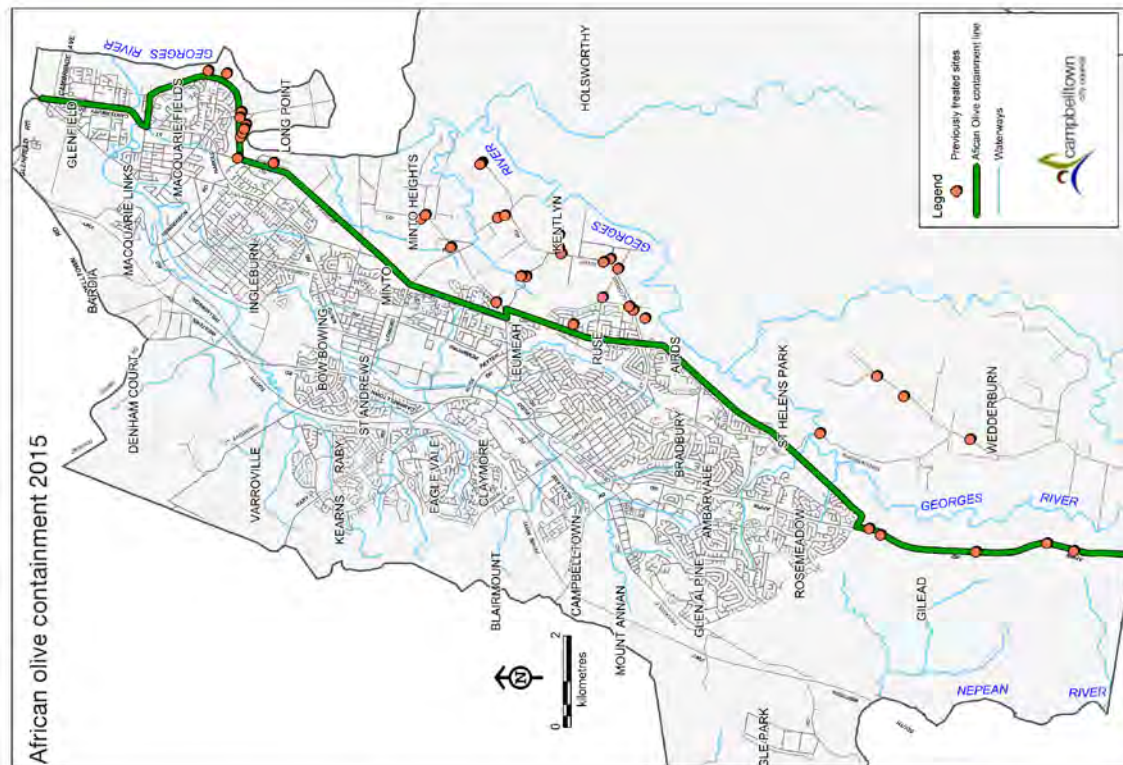


Figure 4: Waterways covered under Council's Aquatic Weed Control and Mapping Project





## African olive control and containment

African olive was first noted as a potential problem weed in the Sydney Basin in the mid-1970s, by which time it had formed shrubby thickets on the steeper slopes and hills in the Camden–Cobbitty area, particularly on the Razorback Range. By the 1980s it was described as a major invading weed of grazing and park lands in the Macarthur area.

African olive predominantly exists in the western part of Campbelltown, on undulating clay soils found within Cumberland Plain Woodland. Infestations have rapidly spread east through urban areas, affecting many high value environmental assets while slowly encroaching on the sandstone soils of the Georges River Corridor. Invasion of native plant communities by African olive is listed as a key threatening process under the *Threatened Species Conservation Act 1995*.

In recognition of the fact that the species has become overwhelmingly established in some areas, the Sydney Weeds Committee has recommended prioritising the protection of highest value environmental assets and establishing containment lines within the Macarthur region to contain the species where possible. Consequently, Council has established an African olive containment line in an attempt to prevent the further spread of African olive into the Georges River Corridor and neighbouring council areas (see Figure 5).

African olive infestations found on the eastern side of the containment line are strategically managed by targeting scattered occurrences along roadsides and in public reserves. On private land, enforcement actions under the *Noxious Weed Act 1993* are implemented.

Figure 5: African Olive containment line and Council work sites

### Terrestrial weed control program

In accordance with priorities set out in section 8.2, Council's terrestrial weed program is focused on Threatened Ecological Communities (TEC) sensitive environmental areas such as waterways, high risk weed species and expanding on further opportunities to promote natural regeneration. These works often form part of externally funded grant programs that focus on using bush regeneration techniques to remove weeds and promote regeneration of native species to ensure long term, sustainable environmental outcomes. Grant funding comes with strict guidelines focused on the eradication or containment of specific noxious weed species or improvement of certain areas such as; regional wildlife corridors, TECs or conservation of threatened species. These programs are often focused on primary or initial weed control with minimal funding available for follow up or maintenance weed control, hence the need for a strategic approach to treat areas that can be maintained and where long-term sustainable benefits can be realised.<sup>5</sup>

Past programs have targeted high risk noxious weeds such as Kei apple (*Dovyalis caffra*) or key strategic sites such as Fishers Ghost Creek in Bradbury, Smiths Creek Reserve in Ruse/Leumeah, Noorumba Reserve in Rosemeadow and many areas throughout the Georges River Corridor.

### Regional weed management

Regional weed management programs continue to be developed and implemented by various government and non-government land managers to address weed issues that are not confined to local government or catchment boundaries. Many of the programs have involved the development of regional weed management plans to guide strategic onground works, often targeting prevention, eradication and containment of specific species or protection of vegetation communities.

Over the years, regional weed management plans have been produced for species including Ludwigia, Alligator weed, Boneseed and African olive. A regional approach to weed management ensures the best outcomes by providing commitment to a consistent system, method and increased cost-effectiveness through consolidation of resources. Council continues to work in partnership with the other MACROC councils (Camden and Wollondilly) on common weed management issues such as the alligator weed management program along the Nepean River and the Acer control program (targeting removal of Acer Negundo along the foreshores of the Nepean River).

<sup>5</sup> While many urban streams are impacted by noxious weed infestations such as balloon vine, works in these areas may be viewed as not cost-effective due to the significant ongoing financial investment required to maintain them.



### Council inspection and compliance program

Under the Noxious Weed Act 1993 private land holders or managers of private land are required to control noxious weeds according to the species control class for their area. It is their responsibility to be aware of the weeds declared noxious in the area and take the appropriate action to notify, control and prevent their spread.

As a Local Control Authority for noxious weeds, Council has powers under the Noxious Weeds Act 1993 to enter private property, inspect, collect any plant material, and enforce control of noxious weeds. Council undertakes a pro-active strategic inspection program each year based on identifying high risk weeds to prevent further spread and reduce impacts on the community, agriculture and our local environment. Inspections are generally targeted at specific weed species in areas where weeds have been identified, high biodiversity assets such as TECs, significant waterways or high risk pathways such as main roads, nurseries and aquariums where weeds could be imported into the area. Inspections are guided by requirements under the WAP, which specify state-determined priorities and numbers of inspections.

Council also responds to customer requests for weed inspections, such as neighbourhood concerns over allergy-causing species and weed spread. Where properties are found to contain noxious weeds, Council will act in accordance with the procedure for enforcement of the Noxious Weeds Act 1993, as set out in Appendix 3.



<sup>6</sup> See Table 2 for list of classifications and control requirements and <http://weeds.dpi.nsw.gov.au> for list of noxious weeds and their classes for the LGA.  
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## 6.1 COUNCIL FUNDS

Council employs a full time Environmental Project Officer (Ecological Protection) to coordinate its noxious weed management program, including weed control works on Council land, inspections and enforcement, monitoring and reporting. Council also coordinates a bushcare volunteer program. Activities under the program include bush regeneration and weed control at sites determined by community interest and environmental value. Council provides funds to assist in the delivery of these programs, which is supplemented by grant funding.



## 6.2 GRANT FUNDING

Grants are funds generally provided by other levels of government, which are obtained through a competitive application process. Grant funding may be for specific programs or projects and is generally associated with strict conditions regarding works, outcomes and expenditure. A summary of recognised potential grant opportunities is provided below;

### Weed Action Program (WAP)

The WAP is delivered through the NSW DPI, with funding distributed among councils and agencies within the Sydney Weeds Committee Inc. These funds come with strict guidelines and follow specific procedures to achieve prescribed weed control objectives, which are often targeted across a broad regional basis. The WAP is a five year program, with applications for funding required on an annual basis prior to the next round of funding. The program is based around the goals of the NSW Invasive Species Plan and the actions recommended under the weed invasion curve (see Figure 3).

### Local Land Services

NSW Local Land Services is a NSW Government department which offers various avenues of grant funding for environmental restoration projects, education programs, feral animal management and weed control. These projects are available on an annual basis and are often targeted at local councils, landcare groups or trust groups.

### NSW Environmental Trust

The NSW Environmental Trust is an independent statutory body established by the NSW Government to fund a broad range of organisations to undertake projects that enhance the environment of NSW. The Trust's main responsibility is to facilitate and supervise the expenditure of grant funding for a wide range of environmental based programs including community education, restoration and rehabilitation, land acquisition, research and waste management. The Trust is administered by the Office of Environment and Heritage (OEH).

### Fisheries Habitat Grants

The NSW Department of Primary Industries – Fishing and Aquaculture provides grant funding for local councils, environmental and community groups and private landholders to enhance and rehabilitate degraded recreational fish habitat. This is undertaken through a range of on-ground works including removal or modification of structures that effect fish passage, rehabilitation of riparian lands and removal of exotic vegetation from waterways.

### Australian Biodiversity Fund

The Australian Biodiversity Fund is an ongoing program under the Australian Government's Land Sector Package of the Clean Energy Future plan. The overall objectives of the Biodiversity Fund are to help land managers establish, manage and enhance native vegetation on their land, increase stores of carbon in the landscape and, in so doing, maintain ecosystem function and improve the resilience of ecosystems to the impacts of climate change. Funding is available on a yearly basis and requires the project to be implemented over a 10 year period, with only the first six years funded under the program.

### Crown Land Public Reserve Management Funding Program

The NSW Department of Primary Industries – Crown Lands is responsible for the sustainable and commercial management of Crown land throughout NSW. Crown Land is comprised of public facilities such as parks, heritage sites, community halls and bushland reserves. Each year the Crown Lands Department provides funding for works on crown lands (some of which may be under Council's care and control) through the Public Reserve Management Funding Program, for weed and pest animal management, reserve improvement and infrastructure projects that will benefit the community or the local environment.

### Federal Government Green Army Program

In 2014, the Federal Government commenced its Green Army Program, whereby paid work teams undertake environmental improvement programs across Australia. The teams are made up of up to ten 18-25 year old participants, with each being employed by service providers for a period of six months. During this time, participants develop skills in bush regeneration while obtaining qualifications in WHS, First Aid and Conservation and Land Management. Land holders requesting works can apply to have teams work on their lands. The works must meet certain criteria such as achieving quantifiable environmental outcomes and long term benefits.

### Federal Government Work for the Dole Program

The Work for the Dole program provides work experience for job seekers in activities where they can gain skills, experience and confidence to move from welfare to work, while giving back to their community. Each project is six months in duration, and programs can be implemented for individual participants or groups, with funding provided for project consumables such as supervision and personal protective equipment. The works can be implemented for a wide range of tasks, including bush regeneration, and must set out clear aims and objectives with the focus on providing the job seeker with a real life work experience.









# 7.0

## OBJECTIVES

### 1. IMPROVE COUNCIL'S CAPACITY TO EFFECTIVELY MANAGE NOXIOUS WEEDS

- 1.1 Establish and maintain cross-divisional partnerships within Council to better manage noxious weeds
- 1.2 Increase knowledge of Council staff to identify noxious weed management issues, understand impacts and implement management practices to control

### 2. INCREASE LANDHOLDER COMMITMENT TO NOXIOUS WEED MANAGEMENT

- 2.1 Educate the community on the effects of noxious weeds on the environment and effective management practices
- 2.2 Increase voluntary noxious weed control and community stewardship of bushland assets
- 2.3 Improve the natural appearance and visual amenity of land within the Campbelltown LGA

### 3. EFFECTIVELY MANAGE THE IMPACT OF NEW AND EXISTING INVASIVE SPECIES INCURSIONS UPON THE CAMPBELLTOWN ENVIRONMENT

- 3.1 Prevent new incursions of noxious weed species from becoming established in the environment
- 3.2 Understand and address noxious weed threats and associated impacts.

### 4. UNDERTAKE NOXIOUS WEED MANAGEMENT IN A STRATEGIC, COORDINATED AND COST EFFECTIVE MANNER

- 4.1 Deliver cost-effective noxious weed management works within prescribed budgets
- 4.2 Collaborate resources across Council and work in partnership with key stakeholders
- 4.3 Identify and secure additional funding to address noxious weed issues within Campbelltown
- 4.4 Effectively monitor and report on noxious weed distribution and Council's management programs

### 5. IMPROVE BIODIVERSITY WITHIN KEY ENVIRONMENTAL AREAS SUCH AS THE GEORGES RIVER CORRIDOR

- 5.1 Ensure all works are undertaken in a strategic manner to increase long term environmental benefits

### 6. ACTIVELY PARTICIPATE IN AND PROMOTE AN EFFECTIVE GOVERNANCE FRAMEWORK FOR NOXIOUS WEED MANAGEMENT IN CAMPBELLTOWN

- 6.1 Ensure consistent and effective policies and procedures are in place
- 6.2 Achieve strategic, equitable and feasible outcomes through governance platforms





## 8.0 STRATEGIC ACTION PLAN

IN ORDER TO ACHIEVE THE OBJECTIVES SET OUT IN THIS STRATEGY COUNCIL HAS DEVELOPED A SUITE OF ACTIONS TO GUIDE PROGRAMS AND WORKS. THESE ACTIONS ARE OUTLINED BELOW. IN ADDITION, COUNCIL WILL PREPARE AN ANNUAL SCHEDULE OF WORKS AND ACTIVITIES TO BE IMPLEMENTED TO ACHIEVE THESE ACTIONS

### Goal 1.1

Establish and maintain cross-divisional partnerships within Council to better manage noxious weeds

- Endorse and communicate the Noxious Weed Management Strategy as a corporate document
- Continue to ensure that all relevant development applications, planning proposals, design plans and Reviews of Environmental Factors are referred to Council's Environment Unit for review
- Develop and deliver training to Development Officers to identify noxious weed issues and opportunities for their management in development applications
- Address noxious weed issues through internal working groups, eg Sustainable Land Working Party
- Develop and deliver noxious weed awareness and management training for Council staff including: project managers, horticulturalists, landscapers and drainage maintenance teams

### Goal 1.2

Increase knowledge of Council staff to identify noxious weed management issues, understand impacts and implement management practices to control noxious weeds

- Council Officers attend external training regarding noxious weed management
- Develop and deliver noxious weed awareness and management training for Council staff including: project managers, horticulturalists, landscapers and drainage maintenance teams
- Provide resources and support to assist Council field staff in identifying and managing noxious weed issues

### Goal 2.1

Educate the community on the effects of noxious weeds on the environment and effective management practices

- Provide information to residents on noxious weed issues through Council's established communication forums, educational programs and events
- Develop and distribute information to rural/semi-rural properties addressing noxious weed identification and management issues
- Provide advice and support to residents through noxious weed inspection program
- Provide information and training to Bushcare volunteers on noxious weed issues
- Respond to noxious weed enquiries
- Assist in the preparation of weed management plans for private land holders where required

### Goal 2.2

Increase voluntary noxious weed control and community stewardship of bushland assets

- Promote and deliver Council's Bushcare program
- Provide information to residents on noxious weed management through Council's established communication forums, educational programs and events
- Provide information and training to Bushcare volunteers on noxious weed management
- Provide advice and support to residents through noxious weed inspection program established communication forums, educational programs and events
- Provide information and training to Bushcare volunteers on noxious weed management
- Provide advice and support to residents through noxious weed inspection program

ON AVERAGE,  
BUSHCARE  
VOLUNTEERS WORK  
MORE THAN  
1,000 HOURS EACH  
YEAR IN THE  
CAMPBELLTOWN LGA

### Goal 2.3

Improve the natural appearance and visual amenity of land within the Campbelltown LGA

- Promote and deliver Council's Bushcare program
- Prepare and deliver an annual noxious weed management program in accordance with adopted operational plan, budget and annual schedule of works
- Provide advice and support to residents through noxious weed inspection program
- Develop Vegetation Management Plan guidelines to ensure a consistent and best practice approach to noxious weed and vegetation management
- Monitor and enforce conditions of consent relating to noxious weed management eg. Vegetation Management Plans
- Investigate biobanking opportunities for Council lands
- Incorporate noxious weed control into environmental asset management plans

### Goal 3.1

Prevent new incursions of noxious weed species from becoming established in the environment

- Deliver Council's noxious weed inspection program, prioritising high risk pathways and high value environmental assets
- Identify and report new noxious weed incursions to the NSW DPI
- Prioritise management of new incursions

### Goal 3.2

Understand and address noxious weed threats and associated impacts

- Prepare and deliver an annual noxious weed management program in accordance with adopted operational plan, budget and annual schedule of works
- Develop and/or review regional action plans for high risk species
- Develop and/or review regional action plans for high priority environmental and social assets
- Undertake mapping and monitoring of noxious weed distribution across the LGA
- Develop Vegetation Management Plan guidelines to ensure a consistent and best practice approach to noxious weed and vegetation management
- Monitor and enforce conditions of consent relating to noxious weed management, eg. Vegetation Management Plans
- Assist in the preparation of weed management plans for private land holders where required



### Goal 4.1

Deliver cost-effective noxious weed management works within prescribed budgets

- Allocate prescribed budgets and monitor expenditure regularly through the financial year
- Prepare and deliver an annual noxious weed management program in accordance with adopted operational plan, budget and annual schedule of works
- Seek partnerships to support training and employment opportunities for community members in the management and control of weeds including the use of the Green Army Program and the Work for the Dole Program

### Goal 4.2

Collaborate resources across Council and work in partnership with key stakeholders

- Develop and/or review regional action plans for high risk species
- Develop and/or review regional action plans for high priority environmental and social assets
- Investigate and pursue regional cost effective and environmentally beneficial noxious weed control projects

### Goal 4.3

Identify and secure additional funding to address noxious weed issues within Campbelltown

- Seek grant funding opportunities
- Investigate biobanking opportunities for Council lands
- Establish an offsetting fund to assist with maintenance and management of noxious weeds at offsetting sites

### Goal 4.4

Effectively monitor and report on noxious weed distribution and Council's management programs

- Undertake ongoing monitoring of Council's bush regeneration works to evaluate effectiveness and guide future works
- Investigate opportunities for improved monitoring and recording of information on noxious weed distribution and management
- Report on Council's activities through the annual State of the Environment Reporting
- Review Council's Noxious Weed Management Strategy based on performance measures and in response to changes in policy and legislation frameworks

**Goal 5.1**

Ensure all works are undertaken in a strategic manner to increase long term environmental benefit

- Incorporate noxious weed control into environmental asset management plans
- Develop and/or review regional action plans for high priority environmental and social assets
- Prepare and deliver an annual noxious weed management program in accordance with adopted operational plan, budget and annual schedule of works
- Investigate biobanking opportunities for Council lands
- Deliver Council's noxious weed inspection program, prioritising high risk pathways and high value environmental assets
- Review Council's noxious weed management program to ensure consistency with Council's policy and procedure framework, eg Biodiversity Strategy
- Prepare Site Management Plans under Council's Bushcare program to address site issues strategically

**Goal 6.1**

Ensure consistent and effective policies and procedures are in place

- Review and develop relevant policies and procedures in accordance with priorities set out in this strategy
- Review Council's Noxious Weed Management Strategy based on performance measures and in response to changes in policy and legislation frameworks

**Goal 6.2**

Achieve strategic, equitable and feasible outcomes

- Actively participate in the Sydney Weeds Committee and Sydney South West Weeds Committee
- Advocate for support from key stakeholders and other levels of government for Council's noxious weed management programs and priorities

**BUSH REGENERATION IS UNDERTAKEN ON MORE THAN 38 HECTARES OF LAND IN THE LGA**

NOXIOUS WEED MANAGEMENT STRATEGY 38









## 9.0 REVIEW, EVALUATION AND REPORTING

THE IMPLEMENTATION OF THIS STRATEGY WILL BE UNDERTAKEN THROUGH AN ANNUAL SCHEDULE OF WORKS, AS OUTLINED IN THE PREVIOUS SECTION. THE EFFECTIVENESS OF THESE WORKS IN ACHIEVING THE GOALS AND ACTIONS PRESCRIBED IN THIS STRATEGY WILL BE MEASURED AGAINST THE FOLLOWING INDICATORS:

- Number of inspections undertaken
- Number of high risk sites inspected
- Area of bush regeneration and weed treatment
- Number of alligator weed and Ludwigia infestations reported
- Number of new weed incursions reported to NSW DPI
- Number of noxious weed enquiries from the community
- Number of educational activities including reference to noxious weed issues and management
- Number of weed advice letters issued
- Number of weed control notices issued.

Council's performance against these indicators will be reported through its annual State of the Environment report. Where Council is determined not to be performing, that is, where indicators are consistently demonstrating a decrease in achievements or there are significant changes in related policy or legislation from any level of government, a review of the strategy will be undertaken.









# APPENDIX 1

## WEED RISK ASSESSMENT (NSW DPI)

The NSW Weed Risk Management (WRM) system is a tool developed by the NSW DPI to evaluate noxious weed declarations in NSW and to assist weed managers in NSW to determine priorities for weed management at state, regional and local levels.

The system uses a series of questions to arrive at a score for weed risk based on invasiveness, impacts, potential distribution and a score for feasibility of coordinated control, including control costs, persistence and current distribution (see Table 3). The scores are cross-referenced using the matrix to determine what level of action is appropriate. This assists land managers in determining management priorities and the associated level of resources required.

TABLE 3: WEED RISK ASSESSMENT MATRIX

WEED RISK	FEASIBILITY OF COORDINATED CONTROL				
	Negligible (113+)	Low (56-113)	Medium (31-55)	High (14-30)	Very high (<14)
Negligible (<13)	LIMITED ACTION	LIMITED ACTION	LIMITED ACTION	LIMITED ACTION	MONITOR
Low (13-38)	LIMITED ACTION	LIMITED ACTION	LIMITED ACTION	MONITOR	MONITOR PROTECT PRIORITY SITES
Medium (39-100)	MANAGE SITES	MANAGE SITES	MANAGE SITES	PROTECT PRIORITY SITES	CONTAIN SPREAD
High (101-192)	MANAGE WEED	MANAGE WEED	PROTECT PRIORITY SITES	CONTAIN SPREAD	DESTROY INFESTATIONS
Very high (192+)	MANAGE WEED	MANAGE WEED PROTECT PRIORITY SITES	CONTAIN SPREAD	DESTROY INFESTATIONS	ERADICATION

ALERT

## APPENDIX 2 PRIORITY RANKINGS FOR NOXIOUS WEED SPECIES WITHIN THE CAMPBELLTOWN LGA

Priority Ranking	Actions	Species
Prevention	<p>Aim to prevent new incursions of weed species into the Campbelltown LGA, actions include:</p> <ul style="list-style-type: none"> <li>ongoing inspections of all high risk pathways eg road and rail corridors</li> <li>ongoing inspections of all high risk sites eg markets, aquariums and nurseries</li> </ul>	Any species not known to exist in the Campbelltown LGA
Eradication of Weed	<p>Aim to eradicate the weed species from the Campbelltown LGA, actions include:</p> <ul style="list-style-type: none"> <li>detailed surveillance and mapping to locate all infestations</li> <li>destruction of all infestations including seed banks</li> <li>prevention of entry to geographic area, and movement and sale within</li> <li>must not grow and all cultivated plants to be removed</li> <li>monitor progress towards eradication</li> </ul>	<p>Boneseed - <i>Chrysanthemoides monilifera</i> ssp. <i>monilifera</i>  Blitou bush - <i>Chrysanthemoides monilifera</i> ssp. <i>Rotundata</i>  Cat's claw creeper - <i>Dolichandra unguis-cati</i> (syn. <i>Macfadyena unguis-cati</i>)  Water hyacinth - <i>Eichhornia crassipes</i>  Salvinia - <i>Salvinia molesta</i></p>
Containment of Weed	<p>Aim to contain and reduce the extent of the weed species in the Campbelltown LGA, actions include:</p> <ul style="list-style-type: none"> <li>detailed surveillance and mapping to locate all infestations</li> <li>control of all infestations, aiming for a significant reduction in weed density</li> <li>prevention of entry to geographic area, and movement and sale within</li> <li>must not allow to spread from cultivated plants</li> <li>monitor change in current distribution</li> </ul>	<p>Alligator weed - <i>Alternanthera philoxeroides</i>  Coolatai grass - <i>Hyparrhenia hirta</i>  Green cestrum - <i>Cestrum parqui</i>  Madeira vine - <i>Anredera cordifolia</i>  Serrated tussock - <i>Nassella trichotoma</i>  Water primrose - <i>Ludwigia peruviana</i>  Yellow bells - <i>Tecoma stans</i></p>



Priority Ranking	Actions	Species
<p>Manage Assets and/or Priority Sites (EEOs)</p>	<p>Aim to manage assets reduce the overall economic, environmental and/or social impacts of the species and to maintain the overall economic, environmental and/or social value of key sites/assets through targeted management, actions include:</p> <ul style="list-style-type: none"> <li>• research and develop weed management plans for the species, including herbicides and biologic control where feasible</li> <li>• promote weed management plans to private landholders</li> <li>• monitor decrease in species impacts with improved management</li> <li>• identify key sites/assets in the geographic area and ensure adequate resourcing to manage the species</li> </ul>	<p>African boxthorn - <i>Lycium ferocissimum</i>  African olive - <i>Olea europaea ssp. cuspidata</i>  African lovegrass - <i>Eragrostis curvula</i>  Bathurst/Noogoora/Hunter/South American/Californian/cockle burrs - <i>Xanthium spp</i>  Balloon vine - <i>Cardiospermum grandiflorum</i>  Blackberry - <i>Rubus fruticosus aggregate</i>  Bridal creeper - <i>Asparagus asparagoides</i>  Castor oil plant - <i>Ricinus communis</i>  Chilean needle grass - <i>Nasella neesiana</i>  Chinese celtsis - <i>Celtis sinensis</i>  Fireweed - <i>Senecio madagascariensis</i>  Giant reed / Elephant grass - <i>Arundo donax</i>  Ground asparagus - <i>Asparagus aethiopicus (syn. Protasparagus aethiopicus)</i>  Honey locust - <i>Gleditsia triacanthos</i>  Harrisia cactus - <i>Harrisia species</i>  Lantana - <i>Lantana camara</i>  Mother of millions - <i>Bryophyllum delagoense</i>  Morning glory (Purple) - <i>Ipomoea indica</i>  Morning glory (Coastal) - <i>Ipomoea cairica</i>  Patterson curse - <i>Echium plantagineum</i>  Prickly pear - <i>Opuntia and Cyndropuntia spp</i>  Privet (Broad and Small-Leaved) - <i>Ligustrum lucidum and Ligustrum sinense</i>  Scotch broom / English broom - <i>Cytisus scoparius subspecies scoparius</i>  Sagittaria - <i>Sagittaria platyphylla (syn. Sagittaria graminea variety platyphylla)</i>  St Johns wort - <i>Hypericum perforatum</i></p>

Priority Ranking	Actions	Species
Limited Action	The weed/pest species would only be targeted for coordinated control in the LGA if its presence makes it likely to spread to land uses where it ranks as a higher priority.	<p>Includes but not limited to:</p> <ul style="list-style-type: none"> <li>• Crofton weed - <i>Ageratina adenophora</i></li> <li>• Bamboo - <i>Phyllostachys</i> spp</li> <li>• Giant reed - <i>Arundo donax</i></li> <li>• Wandering jew - <i>Tradescantia fluminensis</i></li> <li>• Firethorn - <i>Pyracantha</i> spp</li> <li>• Moth vine - <i>Araujia sericifera</i></li> <li>• Coral tree - <i>Erythrina</i> spp</li> <li>• Cobblers peg/Farmers friend - <i>Bidens pilosa</i></li> <li>• Mist flower - <i>Ageratina riparia</i></li> <li>• Fishbone fern - <i>Nephrolepis cordifolia</i></li> <li>• Arum lilly - <i>Zantedeschia aethiopica</i></li> <li>• Spider plant - <i>Chlorophytum comosum</i></li> <li>• Whiskey grass - <i>Andropogon virginicus</i></li> <li>• Rhodes grass - <i>Chloris gayana</i></li> <li>• Paspalum - <i>Paspalum dilatatum</i></li> <li>• Kikuyu - <i>Pennisetum clandestinum</i></li> <li>• Clover - <i>Trifolium</i> spp</li> <li>• Plumbago - <i>Plumbago auriculata</i></li> <li>• Asthma weed - <i>Parietaria judaica</i></li> </ul>

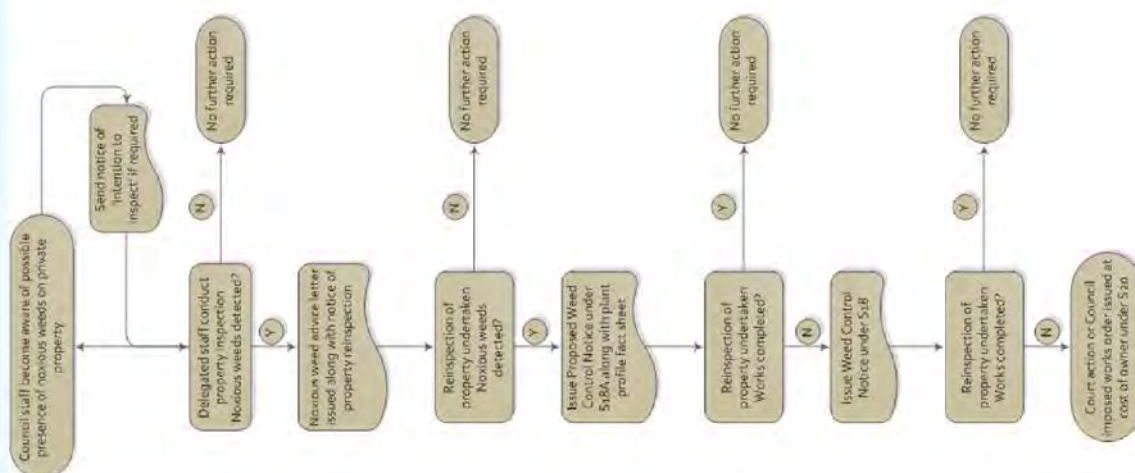




Water lettuce - Pistia spp

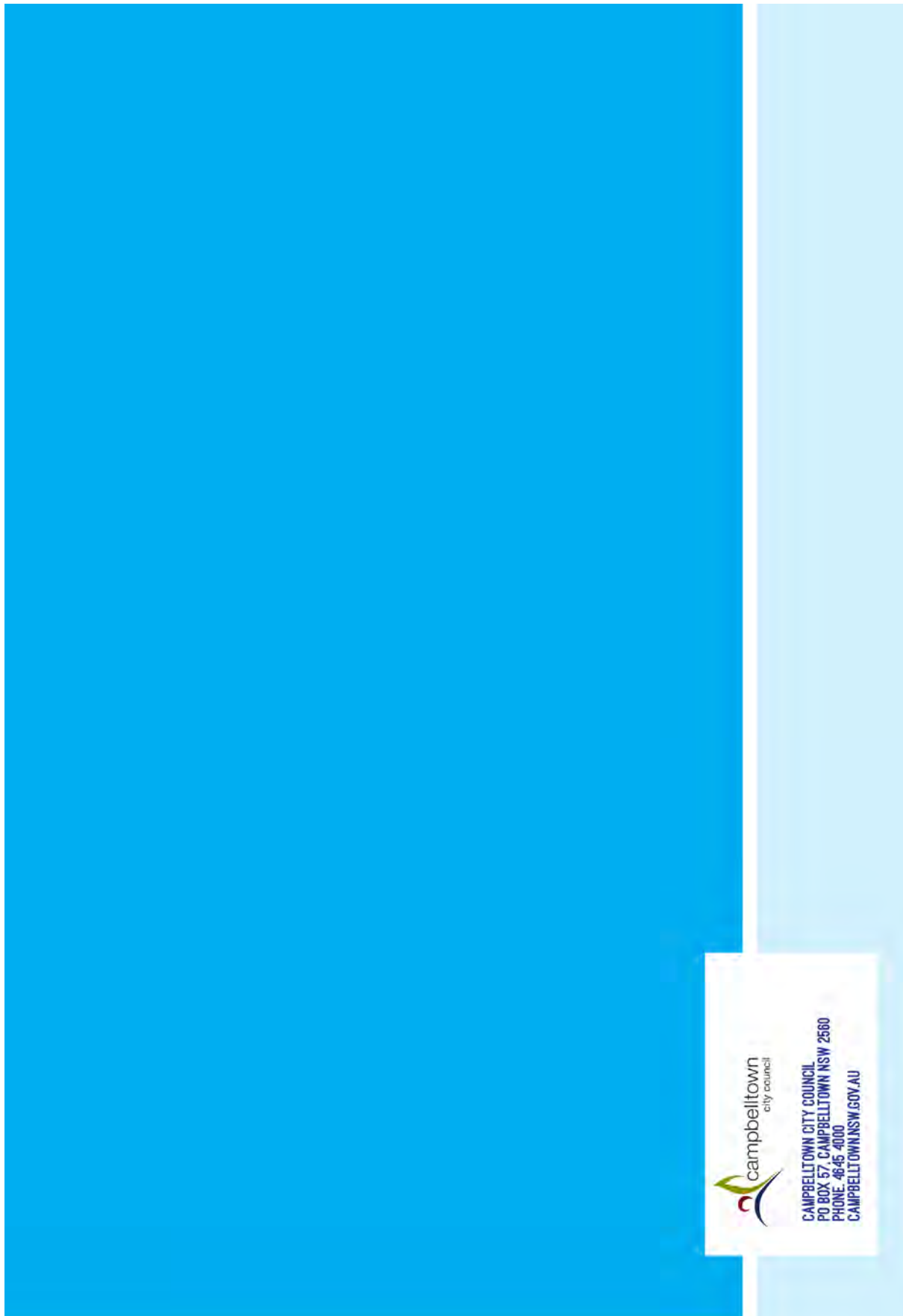


# **APPENDIX 3** **PROCEDURE FOR ENFORCEMENT OF THE NOXIOUS** **WEEDS ACT 1993**











## **2.2 Outcome of the Public Exhibition of Draft Campbelltown (Sustainable City) Development Control Plan 2015 - Stage 5**

### **Reporting Officer**

Manager Environmental Planning

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### **Attachments**

1. A copy of the external submissions received (contained within this report)
2. A review of the SMEC Australia submission with officer's comments and recommended approach/actions (contained within this report)
3. A review of the main internal submissions with officer's comments and recommended approach/actions (contained within this report)
4. Draft Campbelltown (Sustainable City) Development Control Plan 2015 (distributed under separate cover due to its size of 350 pages for Volume 1 and 280 pages for Volume 2)

### **Purpose**

1. To inform Council of the outcomes of the public exhibition of the draft Campbelltown (Sustainable City) Development Control Plan 2015 (Volume 1 and Volume 2) (draft SCDCP 2015)
2. To advise Council of the recommended changes to the draft SCDCP 2015 in light of issues raised during the public exhibition period
3. To seek Council's endorsement to adopt the draft SCDCP
4. To seek Council's endorsement to proceed with the final notice of repeal to revoke a number of outdated and/or any superseded Development Control Plan (DCP) as specified by this report.

### **History**

On 27 October 2015, Council considered a report on the draft SCDCP and resolved as follows:

1. That Council endorse draft Campbelltown (Sustainable City) Development Control Plan Volume 1 and Site Specific Development Controls Volume 2 for public exhibition in accordance with the *Environmental Planning and Assessment Act 1979* and associated regulation.
  2. That at the conclusion of the public exhibition, a separate report be provided to Council on the outcome of the public exhibition of the draft Campbelltown (Sustainable City) Development Control Plan.
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## 2.2 Outcome Of The Public Exhibition Of Draft Campbelltown (Sustainable City) Development Control Plan 2015 - Stage 5

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3. That Council give notice of its intention to repeal the following Development Control Plans in accordance with the manner prescribed by the *Environmental Planning and Assessment Regulation 2000*:

- DCP No 1 which applies to certain lands on Campbelltown Road
- DCP No 4 Retail Plant Propagation Nurseries
- DCP No 32 Retail Plant Propagation Nurseries
- DCP No 63 Macquarie Fields House
- DCP No 80 Blair Athol
- DCP No 83 Heritage Policy
- DCP No 91 Two Lot Integrated Housing in St Helens Park
- DCP No 108 Landscaping Setback – Blaxland Road

This report provides details on the outcome of the public exhibition of the Draft SCDCP.

### Report

#### 1. Public Exhibition of Draft SCDCP 2015

In accordance with Council's resolution of 27 October 2015 the draft SCDCP was publicly exhibited for a period of one month from Wednesday 4 November until Friday 4 December 2015.

Copies of the draft SCDCP 2015 were made available at Council's Customer Service Centre, on Council's website and at all Council's public libraries.

Letters were sent to four organisations representing heavy vehicle operators/drivers advising of the public exhibition of the draft SCDCP and advising of the newly proposed draft Part 14 (Parking of Heavy Vehicles on Residential, Rural and Environmental Protection Land). Those organisations were:

- The Golden Bucket Allied Earth Movers Association
- The Civil Contractors Federation
- Road Freight NSW
- Transport Workers Union.

Individual letters were also sent to the owners of the heritage items that may be affected by the review of the site specific heritage development control plans.

#### External Submissions

Council received a total of three written submissions/correspondence regarding the draft SCDCP, from the following:

- An email from a resident;
  - A letter from SMEC Australia; and
  - An email from Road Freight NSW.
-

A copy of those submissions are presented under attachment 1 of this report.

The main matters raised by each external submission are summarised and discussed below:

#### **Email submission from a resident**

The submission provided detailed discussion on a number of strategic matters. In summary the resident:

- advocates for higher densities around public transport nodes as a mechanism to protect the long-term ecological sustainability of the natural areas that surrounds Campbelltown
- does not support the rezoning of greenfield development for low density housing;
- suggests that medium density residential development (i.e. terraces) be at least 3 to 4 storeys in height and not two storeys
- suggests incorporating medium rise development of 12-38 storeys development in Campbelltown LGA and at least one high-rise building of more than forty storeys on certain sites within Campbelltown Queen Street area
- suggests that Council resist the sale of Hurlstone Agricultural High School grounds until significant residential development of low and medium rise development occurs in the surrounding areas
- advocates for a cycle path network across the LGA
- suggests a future railway line from Campbelltown to Narellan.

While some of the above suggestions have sufficient merits for further consideration, they fall outside the scope of a DCP and therefore could not be addressed by the draft SCDCP.

A DCP is a guideline that provides development controls (such as boundary set setbacks, solar access and car parking requirements) for the various types of developments that are permitted under a Local Environmental Plan (LEP).

Residential densities and height of buildings are included under the Campbelltown Local Environmental Plan 2015 (the CLEP). As such, the matters raised in this submission that are relevant to the CLEP will be considered at a future review of the CLEP.

The suggestions in relation to the cycle pathway network and the railway line from Campbelltown to Narellan will be considered as part of a future review of Council's Community Strategic Plan.

#### **SMEC Australia Submission**

SMEC is a global infrastructure, engineering and planning consultancy that has an office located in Campbelltown. A copy of SMEC's submission is shown under attachment 1 of this report.

The suggestions raised by SMEC Australia have been considered and officer's comments and recommended approach are presented under attachment 2 of this report.

The majority of the points raised by SMEC's submission are formatting issues and as such the draft SCDCP has been amended accordingly.

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The main suggestions raised by SMEC's submission are discussed in detail below:

- a) Rear loaded garages to be built directly on building lines rather than the proposed one metre setback from the rear lane under the draft SCDCP 2015**

**Comments/recommendations**

Rear loaded garages are usually accessed via rear lanes which are narrow and normally range in width from 6 to 7 metres. Therefore the one metre setback for the garage is required to ensure appropriate turning path width and easy entry and exit from the garage.

Given the above, no changes are recommended to the rear setback of garages from rear lanes.

- b) Reduction in architectural design requirements in industrial areas to reduce construction cost**

**Comments/recommendations**

The suggestion is not supported. It is considered appropriate and necessary that the designers/architects consider the appearance of the streetscape and the presentation of buildings and ancillary structures to the primary street within industrial areas. Providing good design would not necessarily result in additional cost.

Therefore no changes are recommended in this regard.

- c) Landscape plans for all industrial developments is too onerous for small scale development and 'change of use'. This requirement may severely deter industrial businesses from relocating to Campbelltown.**

**Comments/recommendations**

The suggestion is noted, however not supported. The majority of small scale industrial development and minor industrial development including 'change of use' may be undertaken under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Code SEPP) as exempt or complying development, where a landscape plan would not be required.

Therefore it is not considered unreasonable to require a landscape plan for all other industrial developments that require a development application. This proposed requirement would ensure that the proposed development would complement the streetscape and contribute positively to its surroundings.

Given the above, no changes are recommended in this regard.

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- d) Acoustic report only be required where a place of public worship is proposed within 150 metres of existing residential development e.g. proposals within industrial areas are very unlikely to exceed typical industrial noise levels.**

**Comments/recommendations**

Suggestion noted and generally supported. As such, it is recommended that an acoustic report for places of public worship within industrial areas only be required when they are proposed to be located within 150 metres of any residential premises or land on which residential development is a permissible land use.

- e) Landscape plans only be required for places of public worship in new and purposely built buildings**

**Comments/recommendations**

The suggestion is not supported as a change of use from a house to a place of worship would usually require additional work to accommodate the required car parking spaces. As such, it is important that landscaping be provided to soften the hard surfaces and contribute positively to the overall visual amenity of the residential locality.

Given the above, no changes are recommended in this regard.

- f) Ground floor neighbourhood shop development be provided with disabled access.**

**Comments/recommendations**

The suggestion is supported and therefore it is recommended that an additional clause be added to this effect.

**Road Freight NSW Submission**

Council received an email from Road Freight NSW which advised that the proposed changes do not highlight any significant risk of restricting truck drivers' business operations. The email also advised Council that the information will be passed on to all members and where members identify any issues or risks for their businesses Council will be further advised. Notably, Council to date, has not received any further correspondence from Road Freight NSW or its members.

A copy of the email received from Road Freight is shown under attachment 1 of this report.

**Comments/recommendations**

Council consulted with four organisations in relation to draft Part 14 Parking of Heavy Vehicles on Residential, Rural and Environmental Protection Land, and no objections were received from any of the consulted organisations or any other party.

The comments received from the Road Freight NSW advising that the proposed changes do not highlight any significant risk of restricting truck drivers' business operations is considered a positive remark.

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Given the above, no changes are proposed to the draft Part 14 Parking of Heavy Vehicles on Residential, Rural and Environmental Protection Land.

### **Internal Submissions**

A number of internal comments were received from Council's Development Services Section that mainly sought clarification of the intended outcomes of some clauses, suggested a number of minor amendments to the draft SCDCP and identified a typographical error in the setback requirements for attached dwellings in the R2 Residential Low Density Zone. (R2 Zone).

A review of the internal comments received on the draft SCDCP, officer's comments and recommended approach/actions are shown under attachment 3 of this report.

In addition, the SCDCP was subject to an internal review. The main proposed amendments as a result of the internal submissions and review of the draft SCDCP are:

#### **a) 3.6.5.2 Setbacks - Zone R2**

Internal comments were received regarding the proposed 3 metre rear boundary setback for the ground floor level and the proposed 8 metre rear setbacks for the first floor level for attached dwellings within the R2 Zone. The internal comments suggested a 5 metre rear boundary setback for the ground floor level and a 10 metre rear boundary setback for the first floor level, which is consistent with multi dwelling housing rear setback development controls within the draft SCDCP for the R2 Zone.

### **Comments/recommendations**

The report provided at Council's meeting on 27 October 2015, proposed a 5 metre rear setback for the ground floor component and a 10 metre rear setback for any first floor component of an attached dwelling within the R2 Zone. The report proposed the same rear setbacks for multi dwelling housing within the R2 Zone, as these types of development are considered very similar in terms of scale and density.

However, the exhibited version of the draft SCDCP contained a typographical error, where the rear setbacks for attached dwellings was exhibited as 3 metres for the ground floor component of the building (instead of 5 metres) and 8 metres for the first floor component of the building (instead of 10 metres).

Notwithstanding this, the proposed rear setbacks for multi dwelling housing within the R2 Zone (being not dissimilar to an attached dwelling development type) were publicly exhibited as per the report to Council (5 metres for the ground floor and 10 metres for the first floor). No external submissions were received from the public objecting to the proposed rear setbacks for multi dwellings within the R2 Zone, which could also suggest general acceptance of the same setbacks for attached dwellings within the R2 Zone.

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Having regard to the Council's power to amend such an error, it is important to note that under Division 3 Clause 21 (1) (b) of the Environmental Planning Assessment Regulation 2000, Council may legally approve alterations to a draft DCP after considering any submissions and amend the plan, as Council thinks fit. An extract of clause 21 is provided below:

21 Approval of development control plans

- (1) After considering any submissions about the draft development control plan that have been duly made, the council:
  - (a) may approve the plan in the form in which it was publicly exhibited, or
  - (b) may approve the plan with such alterations as the council thinks fit, or
  - (c) may decide not to proceed with the plan.

In this regard it is recommended that the rear setbacks for attached dwellings be amended to be consistent with the rear setbacks of multi dwelling housing within the R2 Zone as follows:

3.6.5.2 Setbacks - Zone R2

- a) Attached dwellings shall be setback a minimum of:
  - vii) 5 metres from the rear boundary for any part of the building that is up to 4.5 metres in height from ground level (existing); and
  - viii) 10 metres from the rear boundary for any part of the building that is higher than 4.5 metres from ground level (existing)

**b) 5.4.8.4 Waste Collection - residential apartment buildings and mixed use development**

As a result of an internal review (with input for Councils Waste and Recycling Services Section of Council) of Section 5.4.8.4 Waste collection, a number of minor amendments/suggestions are proposed as follows:

- Amend the minimum clearance height for a basement waste collection area from 4.5 to 5.2 metres to allow sufficient clearance for waste collection vehicles to empty waste bins.
  - Revise the maximum grade for the path of travel for waste collection vehicles to ensure consistency with the relevant Australian Standards.
  - Include additional information to clarify that waste collection vehicles shall leave the property in a forward direction and specify the loaded mass of the waste collection vehicle.
-

In light of the above suggestions it is recommended that Clause 5.4.8.4 be reworded to read:

#### 5.4.8.4 Waste Collection

- a) Any development containing 20 or more dwellings and/or the number of bins proposed cannot be accommodated within 50% of the development's frontage on collection day (the calculation shall allow for 300mm separation distance on either side of each bin) shall be designed to accommodate a forward-in forward-out drive-on collection for on-site servicing. The designated waste collection area must meet the following requirements:
- i) there shall be a minimum height clearance of 5.2 metres
  - ii) there shall be provision for a waste collection vehicle to empty bins on the vehicle's left side, allowing for a width of 3.8 metres from the right side of the vehicle to the collection point
  - iii) where the waste collection vehicle is required to turn around on site, there must be provision for a vehicle of 10.4 metres in length to negotiate a maximum three-point turn, allowing the waste collection vehicle to enter and leave the property in a forward direction
  - iv) the maximum grade of any path of travel for a collection vehicle shall be 1V:20H for the first 6 metres from the street, and 1V:12H thereafter
  - v) the minimum path width for a collection vehicle shall be 3.6 metres wide
  - vi) constructed to withstand the loaded mass of the waste collection vehicle of 24 tonnes.

#### **3.7.1.9 and 3.6.5.8 Landscaping Requirement for and deep soil planting for Attached Dwellings - Zones R2 and R3; and 3.6.6.8 Multi Dwelling Housing – Zone R2**

It is recommended that the requirement for deep soil planting that states that 'no more than 30% of the area forward of any building line shall be surfaced with impervious materials' not be required for attached dwellings where garages/carparking spaces are proposed to be located and accessed from the primary street frontage.

Attached Dwellings are normally located on allotments with widths of 7.5 metres or less, and therefore this requirement would not be feasible unless garages/car parking spaces are proposed to be accessed from the rear of the property.

It is also recommended that this requirement be reinstated for multi dwelling housing within the R2 Zone, regardless of the access arrangements, as multi dwelling type development requires larger allotment widths. Notably, this requirement is currently proposed for multi dwellings on R3 Zone and as such no adjustments are needed for multi dwellings within the R3 Zone.

#### **Comments/recommendations**

Given the above, it is recommended that the requirement that states that 'no more than 30% of the area forward of any building line shall be surfaced with impervious materials' be only required for attached dwellings where garages are proposed to be located and accessed from the rear of the property.

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It is also recommended that this requirement be reinstated for multi dwellings within the R2 Zone.

### **Draft Volume 2 Site Specific DCPs**

Draft Volume 2 of the Draft SCDCP comprises a number of 'site specific DCPs' as follows:

Part 1 Minto Renewal DCP (Part 1)  
Part 2 Glenfield Road Urban Area DCP (Part 2)  
Part 3 Campbelltown Link Site (Part 3)  
Part 4 Site Specific Heritage DCPs (Part 4)  
Part 5 University of Western Sydney DCP (Part 5).

Parts 1, 2, 3 and 5 have been previously adopted by Council and no changes are proposed to any of these parts at this stage.

Draft Part 4, is a newly proposed part that came as a result of revising and consolidating a number of existing site specific heritage DCPs. The revised site specific DCPs comprises:

DCP No 27 Queen Street Historic Precinct;  
DCP No 109 Raith; and  
DCP No 121 Woodcrest Heritage Items and Residential DCP.

During the public exhibition period, Council received a number of verbal enquires in relation to draft Part 4 from some of the owners of the heritage items, however, no formal comments/objections were submitted to Council in this regard. Notably, the verbal enquires did not raise any objections to draft Part 4 of Volume 2, as they mainly sought clarifications on the status of the existing heritage DCP that relates to their property.

A copy of Draft Part 4 of Volume 2 is shown as part of attachment 4 to this report.

### **Adoption of the draft SCDCP 2015**

The draft SCDCP has been amended in light of the external and internal submissions received during the public exhibition period. The proposed amendments are not considered major and as such will not trigger the need to publicly re-exhibit the draft SCDCP.

A copy of the revised draft SCDCP is shown under attachment 4 of this report. For Council to legally adopt the draft SCDCP, an advertisement would need to be placed in the two circulating local papers advising of Council's decision to adopt the plan and the effective date of the draft SCDCP. In this regard, it is recommended that the draft SCDCP comes into effect on 11 March 2016 which is the same commencement date as the CLEP.

## **2. Repeal of a number of Development Control Plans**

Council on 27 October 2015 resolved in part that Council give notice of its intention to repeal the following Development Control Plans in accordance with the manner prescribed by the Environmental Planning and Assessment Regulation 2000:

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## 2.2 Outcome Of The Public Exhibition Of Draft Campbelltown (Sustainable City) Development Control Plan 2015 - Stage 5

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- DCP No 1 which applies to certain lands on Campbelltown Road
- DCP No 4 Retail Plant Propagation Nurseries
- DCP No 32 Retail Plant Propagation Nurseries
- DCP No 63 Macquarie Fields House
- DCP No 80 Blair Athol
- DCP No 83 Heritage Policy
- DCP No 91 Two Lot Integrated Housing in St Helens Park
- DCP No 108 Landscaping Setback – Blaxland Road

A notice of intention to repeal the DCPs specified under the above resolution was placed in the two locally circulating newspapers (The Macarthur Advertiser and the Chronicle) consecutively on 3 and 4 November 2015. Council did not receive any submissions in this regard.

Notably, some of the above DCPs will become redundant as a result of the CLEP's commencement. Therefore, it is recommended that Council finalise the repeal the above DCPs by placing 'a final notice of repeal' in the two locally circulating newspapers.

The Environmental Planning and Assessment Regulation 2000 specifies that the repeal of a DCP in this manner takes place on the date of the public notice. To ensure that the CLEP commences before the repeal of the above DCPs, it is recommended that the "final notice of repeal be advertised the week immediately after the commencement of the CLEP, i.e on the 15 and 16 of March 2016.

### **Conclusion**

The draft SDCDP was publicly exhibited for a period of one month. During this time, three external written submissions were received and a number of matters were raised by staff.

The proposed amendments to the draft SDCDP, as a result of the public exhibition, are considered justifiable and as such would not trigger the need to re-exhibit the draft plan.

It is therefore recommended that Council endorse and adopt the draft SDCDP with a commencement date of 11 March 2015, to be consistent with to the commencement date of the CLEP.

It is also recommended that Council proceed with a "final notice of repeal" to revoke a number of DCPs as discussed in this report.

### **Officer's Recommendation**

1. That Council adopt Draft Campbelltown (Sustainable City) Development Control Plan Volumes 1 and 2 as contained under attachment 1 of this report with a commencement date of 11 March 2016.
  2. That Council give public notice of its decision in the two local newspapers in the prescribed manner in accordance with the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.
-

2.2 Outcome Of The Public Exhibition Of Draft Campbelltown (Sustainable City)  
Development Control Plan 2015 - Stage 5

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3. That Council write to all persons who made a submission on the Draft Campbelltown Draft Campbelltown (Sustainable City) Development Control Plan Volumes 1 and 2 advising of Council's decision.
4. That Council give final notice to repeal the following development control plans in accordance with the manner prescribed by the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.
  - DCP No 1 which applies to certain lands on Campbelltown Road
  - DCP No 4 Retail Plant Propagation Nurseries
  - DCP No 32 Retail Plant Propagation Nurseries
  - DCP No 63 Macquarie Fields House
  - DCP No 80 Blair Athol
  - DCP No 83 Heritage Policy
  - DCP No 91 Two Lot Integrated Housing in St Helens Park
  - DCP No 108 Landscaping Setback – Blaxland Road

**Committee's Recommendation: (Kolkman/Thompson)**

That the Officer's Recommendation be adopted.

**CARRIED**

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

Voting against the Committee's Recommendation: nil

**Council Meeting 16 February 2016 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 10**

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution was Councillor: Mead.

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## ATTACHMENT 1

23rd November 2015

Dear Campbelltown Council,

Re: Draft Campbelltown (Sustainable City) Development Control Plan 2015

Having viewed the documents on display, I would like to offer the following to be brought under consideration in the development of CCC LGA. The suggestions are grouped as follows:

0. Overview (Abstract): General Development Philosophy

1. Current and existing greenfield sites in the CCC LGA.
2. Bow Bowling Creek.
3. General Points on apartment DCPs for the CCC LGA
4. Hurlstone Agricultural High School grounds and Glenfield town centre
5. Glenfield-Macarthur Renewal project.
6. Glenfield Road proposal.
7. Campbelltown Link Site DCP.
8. University of Western Sydney.
9. Minto DCP.
10. Terrace style integrated housing.
11. Cycle path network.
12. Cultural and Entertainment areas.
13. Future rail.
14. Terminology of the DCP amended.

0. Overview (Abstract): General Development Philosophy

The general philosophy guiding this feedback is the protection and natural enhancement of existing greenfield sites, the increased densification of the LGA at transport hubs of the railway stations through a mix of well-designed, spacious and acoustically private low, medium and high rise buildings, the integration of all urban areas through physically separated cycle paths, the preservation and enhancement of ecosystem infrastructure including the development of Bow Bowling Creek into shallow flat bodies of water retained by weirs, the creation of more public spaces for cultural, social and entertainment events of a non-religious nature, and the preservation of corridors for future rail lines to Camden, Narellan, and a high speed rail stop at Campbelltown.

Above all, I want to stress that low density housing is the most ecologically destructive form of housing that can possibly be used, given its sprawling and invasive footprint. The move towards medium and high rise apartments impacts only on the air space above our heads, and preserves parks, waterways and green infrastructure, while reducing dependence on the motor car as the primary mode of transport. If every piece of advice in this document but one is ignored, I would urge CCC to focus on considered densification of the CCC LGA close to transport points, and to understand that *it is the use of*

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## 2.2 Outcome Of The Public Exhibition Of Draft Campbelltown (Sustainable City) Development Control Plan 2015 - Stage 5

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*higher density zoning that is the key to protecting the long –term ecological sustainability of the natural areas that surround this beautiful part of Sydney.*

### 1. Current and existing greenfield sites in the CCC LGA.

The protection of all greenfield space, their enhancement through arboreal (tree) planting, and the banning of all low density housing sprawl onto any greenfield site within the LGA, other than that used for primary producing purposes (farming), should in 2015 be a priority for all development.

### 2. Bow Bowing Creek.

The imaginative development of Bow Bowing Creek from a Los Angeles style storm-water drain into a living creek, with leaky weirs and shallow dams. The inclusion of flat bodies of slowly moving water is in line with the ecological sustainability of Peter Andrews' model, which has brought back farming land from dust-bowls to productive land, and the same effect on the ecological infrastructure of the LGA should be utilised in this instance. In the trend of warming global temperatures, bodies of water can serve to cool local air and can significantly lower the air temperature by up to 5C. Bodies of flat water also increase the amenity of the area, add to the ecological robustness and resilience of the area, and nurture tree and tree canopy growth which further supports ecological habitats within the urban area. Such a design for shallow, flat bodies of water would act as a natural air conditioner, while the breadth of the weir would in fact *improve* rapid flow of storm water in the event of torrential downpours in coming decades owing to climate change.

### 3. General Points on apartment DCPs for the CCC LGA

The proliferation of what are incorrectly termed 'high rise' buildings, but which are in fact low rise apartments (defined as 12 storeys or less)

<https://en.wikipedia.org/wiki/Low-rise>

in the Campbelltown LGA is to be welcomed, however there is I believe a place for medium rise (12-38 storeys) and I believe on Farrow Road adjacent to the station at least one high rise building of >40 storeys, with direct access to the train station, and of an iconic design that can make a statement about the Campbelltown area. Such an iconic building, which would be clearly visible upon approach to Campbelltown from the Hume Hwy and from all points of the compass, would give a focus and sense of identity and pride to the local area, as its own centre point. The design of such an iconic building should not be box-tower, but should have in the design brief the incorporation of curves that reflect the natural landscape of Campbelltown. I draw attention to the work of Chicago architect Jeanne Gang, and the principles of sustainable high rise and incorporation of natural features into her Aqua and Vista buildings, as well as the use of curvilinear forms in many new high rise works across the world's cities.

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Land that is close in to the station and to Queen street should not be wasted on low rise apartments of 10 storeys, but should also allow for some buildings of between 20-30 storeys. These heights already exist and are acceptable in other urban centres such as Strathfield, Hurstville, Parramatta and Liverpool, and there are significant beneficial impacts to be found on the local area from increased populations that derive from medium rise of 20 storeys or more, not least the fact that they allow for more apartments to be built, and for a more spacious design to be incorporated. The aforementioned suburbs all have thriving cultural centres, and this is to be seen in the activity that is to be seen on the local streets adjacent to the train station and local shopping strips, providing an economic and cultural boost to the area. I again stress that the aesthetics of apartment design is crucial to their success, both in their internal spatial forms, and in terms of the visual statement that they make on the local area. Any aspect of Brutalist box tower high rise in the design is to be comprehensively rejected.

#### 4. Hurlstone Agricultural High School grounds and Glenfield town centre.

In line with point 1., I would like Council to resist the government's sale of Hurlstone Agricultural High School land until there is significant development of low rise and medium rise apartments along the rail corridor to justify the loss of this precious green space. Increased density of housing should be on the Eastern side of the railway at Glenfield, in Glenfield town centre. This would reinvigorate a tired area, and allow for significant cost benefits to flow from building low and medium rise apartments (eg. 12 - 16 storeys) with direct physical access to Glenfield train station without the need to descend to street level, thereby also improving traffic flow.

I would like to see this green space handed over for public use, more access to this area be created across the rail line from Glenfield town centre via a footbridge as well as the western side of the train station, and its transformation into a public park, incorporating a place for cultural activities.

The preservation of this parkland area, and its protection from the cancerous sprawl of McMansions, is a key to the future amenity of the area.

#### 5. Glenfield-Macarthur Renewal project.

In line with point 1, I would like to see land that is currently targeted to be rezoned along the Glenfield-Macarthur train line be targeted in a way that land which is degraded or industrial is prioritised for low and medium rise (4 – 30 storeys), before the over development of sites that are close to pristine or ecologically sensitive areas. I do not support the rezoning to low rise apartments along the banks of Smiths creek, as this kind of development needs to be targeted at currently degraded industrial areas that can be remediated, rather than the reliance upon natural features such as Smith's Creek to provide natural amenity for free.

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#### 6. Glenfield Road proposal.

I oppose the low density McMansion style zoning of the Glenfield Road proposal. Low density housing has caused transport issues for Sydney over the past 3 decades, and its continuing use as a default design for urban environments is no longer tenable. I would prefer low rise apartments (4-12 storeys) and 4 storey terraced style housing, with a greater preservation of green space as public parkland and a better use of the air space above the proposed site, which has a significantly lower carbon footprint (3x lower for a 4 storey terrace for instance) than McMansions.

I would also encourage thought be put into connection of the Glenfield Road area to the Station by a specifically designed cycle path with negotiation with the TfNSW for significant bicycle storage facilities. I notice the reliance upon the motor car to ferry locals to and from the station at Glenfield, which has now resulted in Glenfield car park being full within a few weeks of its construction – an evident planning failure.

I would like to see medium density, low rise apartments and 4 storey terraces with direct access to a cycle path that can lead directly to the station and a similar quality of storage facilities as is already afforded for users of the car park.

#### 7. Campbelltown Link Site DCP.

Similarly, given the proximity of the Link site to train and major road infrastructure, to Campbelltown hospital and Macarthur Square, I believe that the focus on low density housing in this area is inappropriate. Buildings in this area should be predominantly low rise buildings of 12 storeys in height, reducing to 6 storeys further to the East, and with 4 storeys rows of terraces along selected roads further to the East. Building stand-alone McMansion style buildings and duplexes on this site is wholly inappropriate, as well as ecologically unsustainable, given the paltry amount of dwellings that would be created by the urban sprawl of McMansions. Given this site's prime location, the zoning of low density in this area, and resulting destruction of the natural habitat of the site, such an urban design would be wasteful of prime real estate space, and is not economically tenable to support growth in the area, given its prime location. Low rise apartments as the main character would allow views across to Mount Annan botanic garden, as well as create a cultural area for this site, while preserving green spaces and the area's water features.

#### 8. University of Western Sydney.

UNSW have just completed work on medium rise apartments at UNSW allowing many students to remain on campus for the duration of their studies. The same is being given consideration at the University of Sydney. It is my firm belief that road congestion would be alleviated, as well as a more lively cultural and student-centred life on what is for the most part a vacant campus site, were low and medium rise apartment buildings for students to be permitted at some selected areas on this site, with

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## 2.2 Outcome Of The Public Exhibition Of Draft Campbelltown (Sustainable City) Development Control Plan 2015 - Stage 5

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the least loss of greenfield areas. This will prevent the proliferation of sprawl across pristine greenfield sites, and allow for a concentration of student populations that adds to the experience of student life. As with all other proposals, apartments in low and medium rise buildings should be at least 50% above the minimum set for NSW building codes for apartment buildings. This would mean a 2 bedroom apartment should allow for at least 100m<sup>2</sup> of internal space, not including balcony areas.

### 9. Minto DCP.

Minto is an ideal place for medium rise and low rise apartment dwellings from 6 – 24 storeys to be constructed adjacent to the station. The height of apartment buildings on the Western side should top out the suburb's height limit, with a gradual reduction in height until Pembroke Road. Apartments would correspond to minimum internal space requirements of 50% above State government minimums, a policy pursued with success by Rockdale council.

### 10. Terrace style integrated housing.

Many of the photographs in the proposals illustrate 2 storey integrated housing. This is a poor use of resource. Integrated housing should be of at least 3 storeys, with a preference for 4 storeys. Slightly longer garden areas and consideration of roof design and orientation can prevent gardens being shadowed for more than a few hours per day.

### 11. Cycle path network.

The development of a holistic plan for an integrated network of physically separated cycle paths throughout the entire LGA, in consultation with stakeholders, connecting major employment and residential densities. It is depressing when cycle paths are built in the LGA that are piecemeal and do not serve any significant numbers of the community. I would cite the Airds Road cycle path as one such rarely used and disjointed path. Consultation with users and stakeholders should develop a draft unified cycle path that uses the natural and urban design features of the area in imaginative and creative ways. For instance, a long while ago I proposed a cycle path along the Eastern side of the railway to connect the area around the Library, the Catholic Club with the station, with a continuation under Narellan Road bridge connecting the area with Macarthur Square. This remains a viable and scenic proposal to allow cyclists to connect with significant areas in the LGA by bicycle. That means the connection of each suburb with each other with an integrated and mapped combination of off road, physical barrier and allocated green lane on road cycle paths, to achieve this result cost-effectively. Were this in place, we would see a lot more people making short trips by bike around the LGA, and the resulting improvement in traffic flow.

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#### 12. Cultural and Entertainment areas.

Consideration of cultural areas to be considered, close to rail hubs. While Campbelltown can boast its proximity to beautiful natural areas, the provision of cultural and entertainment venues is limited. Thought should be put into the location and creation of such venues that have multifunctional uses for entertainment, extra-curricular education and other cultural pursuits for a variety of clubs and societies.

#### 13. Future rail.

Planning for future light rail, heavy rail and high speed rail links. Campbelltown would benefit enormously from the following links:

- Campbelltown – Narellan – Camden **light rail line**
- Campbelltown – St. Helens park - Appin - Thirroul – Wollongong **heavy rail line**
- High Speed Rail stop at Campbelltown on the Melbourne – Albury-Wodonga - Canberra – Goulburn – Campbelltown – Badgery's Creek International Airport – Newcastle route for **high speed rail (bullet train)**

The corridors for these rail lines need to be accordingly preserved. The very preservation of the spaces in which future rail lines would be built will in addition act to improve the likelihood of building them in the future.

#### 14. Terminology of the DCP amended.

The documents refer to low rise apartment buildings as 'high rise'. The documents refer to medium density housing (eg "Figure 3.3.1 - Examples of a medium density development" on p69 of the PDF "DraftPart3LowandMediumDensityResidentialDevelopmentand AncillaryResidentialStructuresLow rise, when the photos show stand alone 2-storey housing, which is clearly low density.)

I offer the above 14 areas for consideration in the development of the Draft DCP for the Campbelltown LGA.

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4 December 2015

The General Manager  
Campbelltown City Council  
PO Box 57  
Campbelltown NSW 2560  
Attn: Rana Haddad

Dear Rana,

**RE: Draft Campbelltown (Sustainable City) Development Control Plan 2015**

Thank you for the opportunity to comment on the Draft Campbelltown (Sustainable City) Development Control Plan 2015 (the DCP). As an active consultant with an ongoing interest in the DCP SMEC welcomes the opportunity to provide comment at this stage. We hope our comments are able to positively guide the direction of the DCP in the best interests of Campbelltown City Council, our clients and the citizens of Campbelltown.

Our comments are included as Attachment 1 to this letter. Should you have any questions or require any clarification of our comments please don't hesitate to contact me on the number below.

Yours sincerely,

**Jamie McMahon**  
Town Planner  
SMEC Australia  
(02) 9900 7082



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## 2.2 Outcome Of The Public Exhibition Of Draft Campbelltown (Sustainable City) Development Control Plan 2015 - Stage 5

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### Attachment 1: Comments on Draft Campbelltown (Sustainable City) Development Control Plan 2015

- Layout of document is difficult to read/navigate with narrow columns. Suggest full page width columns with indented text and call out boxes where appropriate
  - Include specific definitions sections at start of all relevant parts
  - The flowchart at the start of part three is confusing. If anything it should be turned upside down, so that one may reference all relevant controls pertaining to a particular zone.
  - 'Secondary dwelling' should be better defined, or reference made to a definition in the LEP or elsewhere.
  - Suggest articulation or other façade treatment should be present forward of the line of all garages so as to reduce the visual bulk of garages, which can otherwise dominate streetscapes. This approach has been adopted by several other Councils including Liverpool.
  - Note box at bottom of Page 71 needs redrafting
  - 2.5 - Recommend clarifying what types of development require a Landscape Concept Plan e.g. only new construction as opposed to change of use etc
  - 2.7 - Suggest that the content of the ESCP and CFMP is indicated e.g. may be prepared and submitted on the site plan only rather than requiring a detailed written report.
  - Relevant sections should have electronic hyperlinks in call out boxes for relevant definitions such as that included at 3.6.1 e.g. 3.5.2 to define an outbuilding.
  - Call out box page 85 has two colons.
  - 3.6.6.6 brackets around (5x5).
  - 3.6.6.7 clauses d) and e) double up on provisions about the form of retained dwellings.
  - 3.7.1.1c) other Council's DCPs explicitly require a 0.9 easement on adjacent properties in such cases.
  - Figure 3.7.1.2 - suggest removing dimensions on sides of example plans to avoid confusion.
  - 3.7.2.2c)iv) - consider allowing garages to be built directly on building lines for rear loaded (laneway) access rather than existing 1 m setback.
  - 3.7.2.2d) additional spaces throughout paragraph after 'above' and before comma. These are present throughout other clauses as well. Suggest global search and replace for double spaces.
  - 3.7.2.3 brackets around all dimensions
  - 3.7.2.7 brackets in clause a)iv)
  - 3.8.2a) suggest a figure illustrating these dimensions
  - 3.8.2.b) 3.8.3b) suggest allowing reciprocal shared use of access handles for up to two adjacent battle-axe blocks
  - 4.6.1.1b) unclear whether the access handle counts towards the required frontage to depth ratio (presume not). We also note the removal of the provision 'excluding access handle'. Should this be interpreted as the access handle now counting towards the 0.2 ha area? Same comment on 4.6.1.2b)
  - 5.4.1a) no space after comma on third line
  - General comment on numbering - the numbering of items throughout the DCP varies between volumes. Some are "4 or more self-contained dwellings", whereas others state "three (3) or more dwellings". Suggest standardisation of numbering convention throughout.
  - 5.4.8.1 All buildings shall be designed with provision for recyclables bins at a ratio of one 240 litre bin per 2.5 dwellings per fortnight
  - 5.4.8.4 space after opening bracket
-

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- 5.7.4 Suggest reducing the minimum number of provided car spaces for each residential dwelling e.g. ratio of 0.5 or so. This could encourage public transport use and allow for more affordable development in town centres e.g. young people or families that do not require the use of a car
  - 6.1 Note box (lower left): Clarify that an outdoor dining permit is in addition to an existing approved DA for the operation of the business
  - 6.2 Suggest replacing top picture as this does not necessarily fit with the desired character objectives (no uniform awning), arguably not harmoniously designed to complement each other
  - 6.5 suggest that all ground floor neighbourhood shop development be disabled accessible i.e. step-free or with appropriate lift
  - 6.5 suggest the restriction of advertising materials displayed in windows of shops in order to reduce visual clutter and aid passive surveillance.
  - 7.2.1a) suggest a reduction in architectural design requirements in industrial areas. Whilst we agree with general attempts to improve the visual aesthetics of such areas and reduce visual bulk it should be remembered that these are primarily functional places of business and operational land with a focus on work. The design requirements for such areas should reflect this and should not be as onerous. In our opinion (and that of many of our clients) the sub-provisions within this section are not appropriate for industrial developments that are otherwise fully compliant with the LEP and DCP. In particular the requirement for masonry façades and architectural design articulations are suggested to be too onerous for many industrial buildings. It is suggested that these requirements are significantly reduced or at least provision made for greater flexibility in their application on the part of developers and/or Council.
  - 7.2.2 a) iii) Sentence seems unintentionally broken into two parts.
  - Page 210 - worked example box does not appear to be in correct location. Presume it should be adjacent to the provisions in 7.2.1
  - Figure 7.3.1 does not seem to accord with the caption
  - 7.4 Deletions here suggest that a landscape plan would be required for all industrial development, not just construction. We would suggest that this would be too onerous for small scale development and change of use. If this was a requirement it may severely deter industrial businesses from relocating to Campbelltown. Suggest the original wording is retained here.
  - 7.9b) plural use 'unit/s'
  - 7.10.1 suggest integrating clauses a) and b) to be relevant to both IN1 and IN2 as they have an identical sub-provision
  - 10.2.1b) Suggest including a call out box or other additional guidance to outline how an applicant should seek to find out if their proposed development is within 150 m of a sex service premises.
  - 10.2.3a) Suggest that an acoustic report is only required where a place of public worship is proposed within 150 m of existing residential development e.g. proposals within industrial areas are very unlikely to exceed typical industrial noise levels.
  - 10.2.8 heading remains but text deleted. Does this mean that the previous prohibition of new places of public worship in industrial areas is now deleted? i.e. new places of public worship are permissible in this zone?
  - 10.4 Suggest that a landscape plan is only required for places of public worship in new and purpose built buildings.
  - 11.1 There are four callout boxes all relating to different elements of defining native vegetation or related terms. Suggest that this is rationalised to make it less confusing and avoid overlaps in interpretation. For example, 'Tree' has its own specific definition under this DCP, though this conflicts with the definition of 'tree' under the Native Vegetation Act 2003 - the DCP includes trees above 500 mm whereas the act include 'any sapling or shrub...'
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- 11.1 Call out box about 'other vegetation' - unclear what the final line about 'forms part of native vegetation' relates to. Also, this call out box uses 'and' between the clauses indicating that all three of the criteria must be satisfied for something to be 'other vegetation'. Is this correct?
  - 11.2.1 b) "...where one or more of the following criteria is are met"
  - 11.2.1 b) i) 'the site contains native vegetation' This is a very broad threshold that would likely capture nearly every development application in some way. Suggest this is reconsidered based upon a better defining of the term 'native vegetation' as per previous comments. Also, this line has 'and or' at the end and none of the others below do. Suggest deletion of this as it is implied above where it says 'one or more of the following criteria is met'.
  - 11.2.2 c) Suggest more detail on compensatory nest boxes e.g. openings and sizes should be specific to species likely to be affected by the loss of the original hollow. Also suggest that multiple sizes/types be included as compensation where it is unknown which species is affected or where a tree contains several hollows of varying sizes e.g. bats, birds, arboreal mammals etc.
  - Call out box bottom of page 271 - 'with native 'fauna' doesn't seem to fit properly in this sentence.
  - Call out box page 273 - change 'Office of Environment' to 'Office of Environment and Heritage'. Also be more specific as to whether the items below are 'and' or 'or' (it is the latter).
  - 11.3.1(xii) Recommend better defining 'Land use approval' i.e. is this referring to a DA or some other approval (Part 4, Part 5 etc)?
  - 11.3.1(xii) change 'horticulturalists' to 'horticulturalist'.
  - 11.3.5.2a) iii) suggest 'have impacts on' be changed to 'have a significant impact upon' as this is more in line with the conduct of an Assessment of Significance
-



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**From:** Jodie Broadbent <[jodieb@rfnsw.com.au](mailto:jodieb@rfnsw.com.au)>

**Date:** Wednesday, 4 November 2015 at 10:10 AM

**To:** Rana Haddad <[Rana.Haddad@campbelltown.nsw.gov.au](mailto:Rana.Haddad@campbelltown.nsw.gov.au)>

**Subject:** Re: Public consultation -Draft Part 14 Parking of Heavy Vehicles on a Land Zoned Residential, Rural or Environmental Protection

Good morning Rana,

Thank you for your correspondence. We will circulate this with our members, but my initial reading of the proposed changes does not highlight any significant risk of restricting business operations compared to the current wording. It is good to see that Council have considered other legislation (such as the Australian Road Rules) in its deliberations. May I point Council to the Heavy Vehicle National Law, which may provide more guidance in this area? The link for this legislation can be found [here](#)

Thank you again for liaising with our organisation, we very much appreciate your consultation, and will advise if our membership identifies any issues or risks to their businesses.

Kind regards,

**Jodie Broadbent**

General Manager

Road Freight NSW



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## 2.2 Outcome Of The Public Exhibition Of Draft Campbelltown (Sustainable City) Development Control Plan 2015 - Stage 5

### ATTACHMENT 2

Suggestion	Comments	Recommended Action
1. Layout of document is difficult to read/navigate with narrow columns. Suggest full page width columns with indented text and call out boxes where appropriate	The SCDCP has been in place with this layout since 2005. The layout of the DCP has had positive feedback over the years.	No change
2. Include specific definitions at start of all relevant parts	It is considered more appropriate to have all the definitions at the beginning of the document	No change
3. The flowchart at the start of part three is confusing. If anything it should be turned upside down, so that one may reference all relevant controls pertaining to a particular zone	The flowchart at the beginning of certain parts provides upfront information on the structure of each part.	No change
4. 'Secondary dwelling' should be better defined, or reference made to a definition in the LEP or elsewhere.	Secondary dwelling is defined under the CLEP and a reference to the CLEP is already included.	No change
5. Suggest articulation or other façade treatment should be present forward of the line of all garages so as to reduce the visual bulk of garages, which can otherwise dominate streetscapes. This approach has been adopted by several other Councils including Liverpool.	Section 3.4.1.1 a) and b) requires that building design include façade treatment, massing, roof design and entrance features. The provisions under the draft SCDCP 2015 also require garages to be set back by 6.0 meters from the primary boundary. The above measures are considered sufficient.	No change
6. Note box at bottom of Page 71 needs redrafting	Noted	Reword the note to state: For additional requirements of setbacks for the various types of residential development, refer to sections 3.5, 3.6 and 3.7 of the Plan.
7. Section 2.5 – Landscaping  Recommend clarifying what types of development require a Landscape Concept Plan e.g. only new construction as opposed to change of use etc.	In certain circumstances, change of use may also trigger the requirement for the preparation of a landscape plan. An example would be converting a dwelling house into a childcare centre.	No change
8. 2.7 - Suggest that the content of the Erosion and Sediment Control Plan and Cut and Fill Management Plan is indicated on a plan e.g. may be prepared and submitted on the site plan only rather than requiring a detailed written report.	The amount of information required for an Erosion and Sediment Control Plan and Cut and Fill Management Plan depends on the scale of development in relation to land disturbance. There is nothing in the SCDCP 2015 that precludes the information from being one	No Change



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Suggestion	Comments	Recommended Action
	plan rather than a report.	
9. Relevant sections should have electronic hyperlinks in call out boxes for relevant definitions such as that included at 3.6.1 e.g. 3.5.2 to define an outbuilding.	The document should be read as a whole. Hyperlinks can be confusing for users as they navigate between sections. .	No Change
10. Call out box page 85 has two colons.	Noted	Remove one of the two colons.
11. 3.6.6.6 brackets around (5x5).	The brackets are intentionally included.	No change
12. 3.6.6.7 clauses d) and e) double up on provisions about the form of retained dwellings.	Noted	Remove the double up under clause 3.6.6.7.e).
13. 3.7.1.1c) other Council's DCPs explicitly require a 0.9 easement on adjacent properties in such cases.	<p>Clause 3.7.1.1 c) states:</p> <p>With any development application involving the construction of a building wall on a boundary, the creation of an easement for access and maintenance on the adjoining land may be required.</p> <p>Notably, the Code SEPP does not require an easement where walls are proposed to be built on a boundary. As such, the above clause does not explicitly require a 0.9metres easement in all cases.</p>	No Change
14. Figure 3.7.1.2 - suggest removing dimensions on sides of example plans to avoid confusion.	Noted	Remove dimension from the plan
15. 3.7.2.2c)iv) - consider allowing garages to be built directly on building lines for rear loaded (laneway) access rather than existing 1 m setback.	Refer to Council's report	Refer to Council's report
16. 3.7.2.2d) additional spaces throughout paragraph after 'above' and before comma. These are present throughout other clauses as well. Suggest global search and replace for double spaces.	Noted	Remove double spaces across the document
17. 3.7.2.3 brackets around all dimensions and 3.7.2.7 brackets in clause a)iv)	The brackets are intentionally included.	No Change
18. 3.8.2a) Residential Torres Title Subdivision for the purpose of dwelling houses –Zones R2 and R3 suggest a figure illustrating the	Noted	Provide a figure to illustrate the numerical requirements



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Suggestion	Comments	Recommended Action
required numerical requirements		
19. 3.8.2.b) 3.8.3b) suggest allowing reciprocal shared use of access handles for up to two adjacent battle-axe blocks	Allowing reciprocal shared use of access handles for up to two adjacent battle-axe blocks is not supported in a Torrens Title arrangement.	No change
20. 4.6.1.1b) unclear whether the access handle counts towards the required frontage to depth ratio (presume not). We also note the removal of the provision 'excluding access handle'. Should this be interpreted as the access handle now counting towards the 0.2 ha area? Same comment on 4.6.1.2b)	The requirement for the access handle is required under the CLEP, as such there is no need to repeat it here.	Include a note referring users to Clause 4.1 of the CLEP which specifies that the access handle shall not be included in the minimum calculations of a required site area.
21. 5.4.1a) no space after comma on third line	Noted	Provide space
22. General comment on numbering - the numbering of items throughout the DCP varies between volumes. Some are "4 or more self-contained dwellings", whereas others state "three (3) or more dwellings". Suggest standardisation of numbering convention throughout.	Noted	Standardise the numbering format across the document
23. 5.4.8.1 All buildings shall be designed with provision for recyclables bins at a ratio of one 240 litre bin per 2.5 dwellings per fortnight. Reinstate this clause	Suggestion noted	Reinstate clause 5.4.8.1
24. 5.4.8.4 space after opening bracket	Noted	Remove space
25. 5.7.4 Suggest reducing the minimum number of provided car spaces for each residential dwelling e.g. ratio of 0.5 or so. This could encourage public transport use and allow for more affordable development in town centres e.g. young people or families that do not require the use of a car	This section applies to local and neighbourhood centres as well, and the requirement of 1 car parking space per dwelling is considered appropriate, given that most of those areas are not within a walking distance from a railway station.	No change

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Suggestion	Comments	Recommended Action
26. Note box (lower left): Clarify that an outdoor dining permit is in addition to an existing approved DA for the operation of the business (page 184)	Noted	Revise the note to state: <i>A current outdoor dining permit issued by the Council under its Street Trading Policy (adopted by Council on 9 December 2014) is required for any outdoor dining activities. An outdoor dining permit can only be issued where existing and active development consent is in place for the lawful use of the principal tenancy.</i>
27. 6.2 Suggest replacing top picture as this does not necessarily fit with the desired character objectives (no uniform awning), arguably not harmoniously designed to complement each other	Noted	Adjust caption and replace bottom picture to show a good example of active street frontage within a neighbourhood centre.
28. 6.5 suggest that all ground floor neighbourhood shop development be disabled accessible i.e. step-free or with appropriate lift	Refer to Council's report	Refer to Council's report
29. 6.5 suggest the restriction of advertising materials displayed in windows of shops in order to reduce visual clutter and aid passive surveillance.	It is not possible to prohibit window signs as they are exempt under the Exempt and Complying Code SEPP.	No change
30. 7.2.1a) suggest a reduction in architectural design requirements in industrial areas. Whilst we agree with general attempts to improve the visual aesthetics of such areas and reduce visual bulk it should be remembered that these are primarily functional places of business and operational land with a focus on work. The design requirements for such areas should reflect this and should not be as onerous. In our opinion (and that of many of our clients) the sub-provisions within this section are not appropriate for industrial developments that are otherwise fully compliant with the LEP and DCP. In particular the requirement for masonry façades	Refer to Council's report	Refer to Council's report



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Suggestion	Comments	Recommended Action
and architectural design articulations are suggested to be too onerous for many industrial buildings. It is suggested that these requirements are significantly reduced or at least provision made for greater flexibility in their application on the part of developers and/or Council.		
31. 7.2.2 a) iii) Sentence seems unintentionally broken into two parts.	Noted	Fix format of point 7.2.2.a) iii)
32. Page 210 - worked example box does not appear to be in correct location. Presume it should be adjacent to the provisions in 7.2.1	Noted	Move Note to accord with Clause 7.21.
33. Figure 7.3.1 does not seem to accord with the caption	Noted	Adjust caption on Figure 7.3.1 on page 211 and include additional figures
34. 7.4 Deletions here suggest that a landscape plan would be required for all industrial development, not just construction. We would suggest that this would be too onerous for small scale development and change of use. If this was a requirement it may severely deter industrial businesses from relocating to Campbelltown. Suggest the original wording is retained here.	Refer to Council's report	Refer to Council's report
35. 7.9b) plural use 'unit/s'	Noted	Change the heading from Industrial Units to Industrial Unit/s to reflect both plural and singular
36. 7.10.1 suggest integrating clauses a) and b) to be relevant to both IN1 and IN2 as they have an identical sub-provision	Noted	Combine Clause 7.10.1a) and b).
37. 10.2.1b) Suggest including a call out box or other additional guidance to outline how an applicant should seek to find out if their proposed development is within 150m of a sex service premises.	Noted	Include a note that suggest contacting Council to find out if their proposed worship place development is within 150m of a sex service premises.
38. 10.2.3a) Suggest that an acoustic report is only required where a place of public worship is proposed within 150 m of existing residential development e.g. proposals within industrial areas	Refer to Council's report	Refer to Council's report



## 2.2 Outcome Of The Public Exhibition Of Draft Campbelltown (Sustainable City) Development Control Plan 2015 - Stage 5

Suggestion	Comments	Recommended Action
are very unlikely to exceed typical industrial noise levels.		
39. 10.2.8 Heading remains but text deleted. Does this mean that the previous prohibition of new places of public worship in industrial areas is now deleted? i.e. new places of public worship are permissible in this zone?	Noted	Include an additional clause that reads: a) Places of public worship located on land within an industrial zone shall comply with the setbacks and buildings envelop requirements specified in Part 7 Industrial development.
40. 10.4 Suggest that a landscape plan is only required for places of public worship in new and purpose built buildings.	Refer to Council's report	No change. Refer to Council's report
41. 11.1 There are four callout boxes all relating to different elements of defining native vegetation or related terms. Suggest that this is rationalised to make it less confusing and avoid overlaps in interpretation. For example, 'Tree' has its own specific definition under this DCP, though this conflicts with the definition of 'tree' under the Native Vegetation Act 2003 - the DCP includes trees above 500 mm whereas the act include 'any sapling or shrub...'	The definitions are provided here for clarification on the meaning of the various terms used under this part.  The definition under the SCDGP for the term 'tree' has been specifically worded for this Plan. As such shrubs are purposely excluded.	No change.
42. 11.1 Call out box about 'other vegetation' - unclear what the final line about 'forms part of native vegetation' relates to. Also, this call out box uses 'and' between the clauses indicating that all three of the criteria must be satisfied for something to be 'other vegetation'. Is this correct?	This is a formatting issue.	Correct the formatting of the last point.
43. 11.2.1 b) "...where one or more of the following criteria are met"	See response to 44.	No change
44. 11.2.1 b) i) 'the site contains native vegetation' This is a very broad threshold that would likely capture nearly every development application in some way. Suggest this is reconsidered based upon a better defining of the term 'native vegetation' as per previous comments. Also, this line has 'and or' at the end and none of the others below do.	Noted. The definition of native vegetation in the DCP whilst broad has been extracted from the Native Vegetation Act.  However, under Section 11.2.1 of the DCP Council may vary survey and reporting requirements to reflect the level of impact provided that sufficient justification is	Delete the and/or after 'native vegetation'.

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Suggestion	Comments	Recommended Action
Suggest deletion of this as it is implied above where it says 'one or more of the following criteria is met'.	provided.	
45. 11.2.2 c) Suggest more detail on compensatory nest boxes e.g. openings and sizes should be specific to species likely to be affected by the loss of the original hollow. Also suggest that multiple sizes/types be included as compensation where it is unknown which species is affected or where a tree contains several hollows of varying sizes e.g. bats, birds, arboreal mammals etc.	By requiring the size of the nest box to reflect the size and dimensions of the hollow removed the nest box will be suitable for the species affected by the loss of the hollow and hence no changes are required in light of this comment	No Change
46. Call out box bottom of page 271 - 'with native 'fauna' doesn't seem to fit properly in this sentence. (now it is on page 277)	Noted	Change note to:  'Hollow Bearing trees are elements of forest structure that are essential for the conservation of hollow dependent fauna.'
47. Call out box page 273 - change 'Office of Environment' to 'Office of Environment and Heritage'. Also be more specific as to whether the items below are 'and' or 'or' (it is the latter). ( now on page 279)	Noted	Change to Office of Environment and Heritage
48. 11.3.1(xii) Recommend better defining 'Land use approval' i.e. is this referring to a DA or some other approval (Part 4, Part 5 etc)?	Reword the Clause for clarifications	Reword Clause 11.3.1 xii) to refer to "A tree which is approved for removal as part of a DA approval or Part 5 approval".
49. 11.3.1(xvii) change 'horticulturalists' to 'horticulturalist'.	Noted	Correct typo
50. 11.3.5.2a) iii) suggest 'have impacts on' be changed to 'have a significant impact upon' as this is more in line with the conduct of an Assessment of Significance	Noted – general impacts on biodiversity also picked up by other dot points.	Change to 'significant impact upon'



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### ATTACHMENT 3

The relevant Part/Section of the draft SCDCP	Summary of Main Issues Raised	Comments	Recommended Actions
2.1 Application- Table 2.1 Thresholds	The reference to <i>Section 2.12 Retaining Walls</i> is missing from the Threshold Table	Noted	Update table 2.1 Thresholds to include a reference to Section 2.12 Retaining Walls.
2.4 Sustainable Building Design – Section 2.4.5 BASIX	Include a note stating that a BASIX Certificate is not required for transportable homes	Noted and supported	Add the following note:  ‘A BASIX Certificate is not required for relocatable homes. However, a BASIX Certificate would be required as part of a development application (or complying development certificate application) to install a flat-pack kit. For more information on this matter, refer to the Department of Planning and Environment website at: <a href="http://www.planning.nsw.gov.au">www.planning.nsw.gov.au</a>
2.20 Development on Land Adjacent to, or Affected by a Gas Easement	Clause 2.20 a) states:  a) Development and use of land within the easement is restricted by the conditions of the easement and applicants shall demonstrate compliance with any restrictions imposed by the easement when submitting applications for development.	Noted and supported as it would clarify the required information that needs to be submitted to Council.	Reword Clause 2.20 a) to read:  a) Development and use of land within the easement is restricted by the conditions of the easement and applicants shall demonstrate compliance with any restrictions imposed by the easement when submitting applications for development. In order to demonstrate compliance with the above requirement, the applicant shall

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	Add the following text to clause 2.20a). <i>In order to demonstrate compliance, the applicant shall supply documentation that details discussions undertaken with the utility providers/leaseholders during the design phase of the development</i>		supply documentation that details discussions undertaken with the utility providers/leaseholders during the design phase of the development.
3.4.1.1 b) Streetscape	Add a sentence at the end of this clause that reads: 'Landscaping shall be used to reduce the impact of any privacy fencing.'	Noted and supported as landscaping would enhance the streetscape and illuminate opportunities for graffiti.	Add the following sentence at the end of clause 3.4.1.1 b) Streetscape that reads: 'Landscaping shall be used to reduce the impact of any privacy fencing.'
3.4.2 Car Parking and Access	Figure 3.2.1 Requirements for the maximum garage floor levels – This figure is not consistent with the driveway standards contained under Council's Engineering Design Guide for Development.	Noted and supported, as it is important that the draft SDCP 2015 is consistent with the requirements under Council's Engineering Design Guide for Development.	Delete this Figure and include a note referring readers to Council's Design Guide for Development.
3.4.2 Car Parking and Access	Clause 3.4.2 j ) reads: Plain concrete driveways shall not be	It is considered appropriate that the driveway continues with the same colour and	Reword Clause 3.4.2 j) to read <i>Plain concrete driveways including cross over and</i>

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	<p>permitted. Details of driveway colours and patterns shall be submitted with the development application.</p> <p>Need to specify whether cross overs and laybacks should be coloured or plain.</p>	<p>pattern until it reaches the kerb. However, Council shall not be responsible to reinstate the colour or pattern of a driveway after maintenance works.</p>	<p>layback shall not be permitted. Details of driveway colours and patterns shall be submitted with the development application.</p> <p>Add a note that states:</p> <p>Council will not be liable to replace any driveway colour or pattern within public land in cases where damage to private driveways as a result of maintenance work undertaken by Council has occurred.</p>
3.4.3.1 c) Acoustic Privacy	<p>The Clause reads:</p> <p>c) On-site noise generating sources including, but not limited to, plant rooms and equipment, air conditioning units, pool pumps, and recreation areas shall be designed and located to ensure that the noise levels generated by such facilities do not exceed 5 dBA above background levels at the property boundary.</p> <p>Comments:</p>	<p>The E&amp;CDC SEPP refers to "peak time" and "off peak" time in relation to noise requirements for air-conditioning units. In addition to this clause, it is recommended that a note be added to this section advising that under the E&amp;CDC SEPP the installation of air conditioning units may be undertaken as exempt</p>	<p>Add a note that reads:</p> <p>The installation of air-conditioning units may be undertaken as exempt development under the E&amp;CDC SEPP, providing that certain criteria are met.</p>

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The relevant Part/Section of the draft SCDCP	Summary of Main Issues Raised	Comments	Recommended Actions
	Check exempt provisions in the E&CDC SEPP to make sure that this Clause is consistent.	development providing that certain criteria are met.	
3.6.1.1 Site Requirements for Dwelling Houses (Zones R2 & R3)	Include a section on Site Services Requirements for all types of residential development similar to Section 3.7.1.11	Noted and supported	Include additional sections relating to onsite services requirements similar to Section 3.7.1.11 as Section 3.6.1.7, 3.6.3.8, 3.6.4.8 and 3.6.5.10.  Move Section 3.7.2.10 Site Service for Multi Dwelling Housing to the end of this section for consistency in terms of the location of this section.
3.6.2 Secondary Dwellings	Clause 3.6.2.1d) states in part that:  d) An attached secondary dwelling shall be located under the same roof as the main part of the principal dwelling house.  This clause was proposed to be removed under the publicly exhibited version of the draft SCDCP 2015.  It is suggested to reinstate this clause.	It is recommended that this clause be reinstated, in order to improve the architectural merit of the development.	Reinstate this clause
3.6.4 Semi-detached	Include a note regarding the required	Noted and supported	Include a note that reads:

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The relevant Part/Section of the draft SDCP	Summary of Main Issues Raised	Comments	Recommended Actions
Dwellings	qualifying site area as specified under the CLEP		Refer to Section 4.1C of the CLEP for the minimum qualifying site area and lot sizes for semi-detached dwellings  Include additional similar notes in various locations of Part 3, referring to Section 4.1 of the CLEP.
3.6.5 Attached Dwellings – R2 Zone	Include a note regarding qualifying site area as specified under the CLEP	Noted and supported	Include a note that reads:  Refer to Section 4.1C of the CLEP for the minimum qualifying site area and lot sizes for attached dwellings.
3.6.5.2 Attached Dwellings – R2 Zone	Amend the rear setbacks so that they are 5m for ground floor and 10m for first floor	Refer to discussions in the body of the report	Refer to discussions in the body of the report
3.6.5.4 Rear Access- R2 Zone	Suggestion to specify the reason for the requirement of the rear access	Noted	Include a note that states:  The requirement for the rear-to front access is to enable occupants of an attached dwelling to move waste bins, lawnmowers and the like from the backyard to the front of the building without the need to pass through the main living areas.  Include a similar note in relevant locations

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The relevant Part/Section of the draft SCDCP	Summary of Main Issues Raised	Comments	Recommended Actions
			throughout Part 3.
Part 3.7 Medium Density Residential Development	<p>Include a note advising that Clause 7.13 Design Excellence of the CLEP applies to R3 Zone.</p> <p>Notably, the objective of this clause is to ensure that development exhibits the highest standard of architectural and urban design as part of the built environment.</p>	Noted	Include a note in various locations advising that Clause 7.13 Design Excellence of the CLEP applies to R3 Zone.
<p>3.7.1.6 Requirements for the Use of Roof Space for Habitable Areas for Attached Dwellings - Zone R3</p> <p>3.7.2.6 Requirements for the Use of Roof Space for Habitable Areas for Multi Dwelling Housing - Zone R3</p>	<p>Clause 3.7.2.6 Requirements for the Use of Roof Space for Habitable Areas for Multi Dwellings - Zone R3 reads</p> <p>a) Council may consider the use of the roof space for a habitable room, but only if:</p> <p>i) it is appropriately designed;</p> <p>ii) it is part of the overall design of the building; and</p> <p>iii) it does not negatively impact on the design quality of the streetscape.</p> <p>Suggestion to add an additional point that</p>	Noted and supported	<p>Amend Clause 3.7.1.6 to read:</p> <p>3.7.2.6 Requirements for the Use of Roof Space for Habitable Areas for Attached Dwellings - Zone R3</p> <p>a) Council may consider the use of the roof space for a habitable room, but only if:</p> <p>i) it is appropriately designed;</p> <p>ii) it is part of the overall design of the building;</p> <p>iii) appropriate light and ventilation is supplied</p>

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The relevant Part/Section of the draft SCDCP	Summary of Main Issues Raised	Comments	Recommended Actions
	reads: Appropriate light and ventilation is supplied to rooms		iv) it does not negatively impact on the design quality of the streetscape.  Also amend Clause 3.7.2.6 Requirements for the Use of Roof Space for Habitable Areas for Multi Dwelling Housing - Zone R3 in the same manner as above.
3.7.2.8 c) Presentation to public streets for Multi Dwelling Housing - Zone R3	3.7.2.8.c) Unless Council can be satisfied that an existing dwelling located on the site makes a positive contribution to the character of the streetscape, that dwelling shall be demolished. In the case where an existing dwelling house is to be retained, the design of the new development shall complement the siting, bulk, scale, form, materials, colours and finishes of the existing dwelling, or the existing dwelling be renovated to complement the new development.  Question: Suggest stronger clause requiring the old house to be renovated to match the new	Noted and supported.	Add a new clause that requires the existing development to be renovated to match the new development as follows:  d) Where a development involves the construction of additional dwellings to create multi dwelling housing, the existing dwelling (where it is proposed to be retained) shall be renovated to match the colour, material, texture and architectural style of the proposed buildings so as to create a harmonious development.

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	dwelling, not just complement them?		
3.8.2 Residential Torrens Title Subdivision	Include a new figure illustrating the minimum requirements of allotment for Torrens title subdivision	Noted and supported	Under Section 3.8.2 Residential Torrens Title Subdivision, include an additional figure to illustrate the minimum numerical requirements for Torrens title subdivision.
3.8.2 Residential Torrens Title Subdivision	Add a clause that reads: a) Any residential conventional allotment created by Torrens Title subdivision for the purpose of a dwelling house development in areas zoned R2 and R3 shall satisfy the following standards: i) a minimum width of 15 metres measured along the side boundaries at a distance of 5.5 metres from the front property boundary; ii) a minimum width of 7 metres measured between the extended property side boundaries where they intersect with the kerb line; and iii) a minimum depth of 25 metres.	Noted, however it is recommended that a note referring to the requirements under the CLEP be added.	Insert a note that reads::  Refer to the CLEP for the minimum subdivision standard for Torrens Title subdivision (Clause 4.1 of the CLEP).

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The relevant Part/Section of the draft SCDCP	Summary of Main Issues Raised	Comments	Recommended Actions
	Suggestion to add a point that reads: 'must meet the requirement of the minimum area under the CLEP'.		
Note under Section 3.8.4 Subdivision of Land for the Purpose of Dual Occupancies - Zones R2 and R3	The Note under Section 3.8.4 states: Council may release a subdivision certificate for semi-detached dwellings prior to the issuing of the occupation certificate, where the construction of the building <u>has</u> <u>substantiality commenced</u> and Council is satisfied that the building will be constructed as per the approved plans.	Noted and supported	Change the note under Section 3.8.4 to read: Council may release a subdivision certificate for semi-detached dwellings prior to the issuing of the occupation certificate, where the construction of the building has passed the frame stage by the relevant PCA and Council is satisfied that the building will be constructed as per the approved plans.
3.8.5 Subdivision for the Purpose of Semi-detached Dwellings - Zones R2 and R3	A similar note is also included under Section 3.8.5		The same changes are recommended for all similar notes under Sections 3.5 and 3.8.6.
3.8.6 Subdivision for the purpose of Attached Dwellings - Zones R2 and R3	The underlined term is vague. Suggest to refer to 'frame stage' instead. Suggestion to remove this note from Section 3.8.7 Subdivision of Multi dwelling Housing - Zone R2 and R3 and reinstate the original		However, for Section 3.8.7 Subdivision of Multi dwelling Housing - Zone R2 and R3 it is recommended that the note be deleted and the original note be reinstated.

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DA=Development Application  
 Draft SCDCP=Draft Campbelltown (Sustainable City) Development Control Plan 2015  
 SEPP 65 = SEPP No. 65 Design Quality of Residential Flat Development  
 E&CDC SEPP= SEPP (Exempt and Complying Development Codes) 2008.  
 LEP=Local Environmental Plan  
 CELP : Draft Campbelltown Local Environmental Plan 2015  
 CSPD=Council Strategic Planning Document (LEPs, DCPs and Sec 94 Plans)

## 2.2 Outcome Of The Public Exhibition Of Draft Campbelltown (Sustainable City) Development Control Plan 2015 - Stage 5

The relevant Part/Section of the draft SCDCP	Summary of Main Issues Raised	Comments	Recommended Actions
	<p>note that reads:</p> <p>Council shall not release a subdivision certificate for multi dwelling housing until an occupation certificate (under the EP&amp;A Act 1979) has been issued for all dwellings on the land.</p>		<p>The original note reads:</p> <p>Council shall not release a subdivision certificate for multi dwelling housing until an occupation certificate (under the EP&amp;A Act 1979) has been issued for all dwellings on the land.</p>
4.6.3 Construction of Farm Dams	<p>Include an additional point that requires the applicant to undertake an assessment by a suitably qualified person of the changes to local hydrology that the dam may create.</p>	Noted and supported	<p>Include an additional point that requires the applicant to undertake an assessment by a suitably qualified person of the changes to local hydrology that the dam may create</p>
5.4.8 Waste Management	<p>Reinstate Clause a) that reads:</p> <p>a) All buildings shall be provided with household garbage bins at the following rates:</p> <p>i) a 240 litre bin per 2.5 /3 dwellings/week for household garbage; or</p> <p>ii) 1000 1,100 litre bulk bin per 10 /12 dwellings or part thereof.</p>	Noted and supported.	<p>Reinstate Clause a) that reads:</p> <p>a) All buildings shall be provided with household garbage bins at the following rates:</p> <p>i) a 240 litre bin per 2.5 dwellings/week for household garbage; or</p> <p>ii) 100 litre bulk bin per 10 /12 dwellings or part thereof.</p>

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## 2.2 Outcome Of The Public Exhibition Of Draft Campbelltown (Sustainable City) Development Control Plan 2015 - Stage 5

The relevant Part/Section of the draft SCDCP	Summary of Main Issues Raised	Comments	Recommended Actions
5.4.8.2 Waste Service Rooms, Garbage Chutes and Provision for Recyclables Bins	<p>Clause c) reads: Chutes shall not be located adjacent to habitable rooms in each flat.</p> <p>Reword this clause, as it is justifiable to have chutes adjacent to kitchens.</p>	Noted and supported	<p>Reword Clause C) to read:</p> <p>Garbage chutes shall not be located adjacent to bedrooms or living rooms unless they are outside the sound transmission barrier surrounding each unit.</p>
5.4.8.4 Waste Collection	<p>Any development containing 20 or more dwellings and/or the number of bins proposed cannot be accommodated within 50% of the development's frontage on collection day ( the calculation shall allow for 300mm separation distance on either side of each bin) shall be designed to accommodate a forward-in forward-out drive-on collection for on-site servicing. The designated area must meet the following requirements:</p> <ul style="list-style-type: none"> <li>i) there shall be a minimum height clearance of 4.5 metres;</li> <li>ii) there shall be provision for a waste collection vehicle to empty bins on the vehicle's left side, allowing for a width of 3.8 metres from the right side of the vehicle to the collection</li> </ul>	Noted and supported	Refer to the report for discussions on this matter

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## 2.2 Outcome Of The Public Exhibition Of Draft Campbelltown (Sustainable City) Development Control Plan 2015 - Stage 5

The relevant Part/Section of the draft SCDP	Summary of Main Issues Raised	Comments	Recommended Actions
	<p>point;</p> <p>iii) where the waste collection vehicle is required to turn around on site, there must be provision for a vehicle of 10.4 metres length to negotiate a maximum three-point turn;</p> <p>iv) the maximum grade of any path of travel for collection vehicle shall be 1V:20H for the first 6 metres from the street, and 1V:12H thereafter;</p> <p>v) the minimum path width for a collection vehicle shall be 3.6 metres wide; and</p> <p>vi) constructed to withstand the loaded mass of the waste collection vehicle.</p> <p>Suggestion:</p> <p>Reword the above clause so that the minimum height clearance is 5.2m at the collection area instead of 4.5 metres.</p>		

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## 2.2 Outcome Of The Public Exhibition Of Draft Campbelltown (Sustainable City) Development Control Plan 2015 - Stage 5

The relevant Part/Section of the draft SCDCP	Summary of Main Issues Raised	Comments	Recommended Actions
	Revise the maximum grade width to ensure it is consistent with the AS.  Include an additional sentence to clarify that the waste collection truck shall leave the property in a forward direction and specify the loaded mass of the waste collection truck.		
5.4.9 Access for People with Disabilities  5.7.7 Access for People with Disabilities	Add new sections 5.4.9 and 5.7.7 to address access for people with disabilities	Noted and supported	Add a new Section 5.4.9 Access for People with Disabilities that reads:  <i>Design Requirements</i>  a) Residential flat buildings and mixed use development shall comply with the minimum access requirements contained within the BCA, the Disability (Access to Premises — Buildings) Standards 2010 and Australian Standard 1428 – Design for Access and Mobility (as amended).  Add a similar Section 5.7.7 that reads:  <i>5.7.7 Access for People with Disabilities</i>  <i>Design Requirements</i>

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## 2.2 Outcome Of The Public Exhibition Of Draft Campbelltown (Sustainable City) Development Control Plan 2015 - Stage 5

The relevant Part/Section of the draft SCDCP	Summary of Main Issues Raised	Comments	Recommended Actions
			a) <i>Mixed use development shall comply with the minimum access requirements contained within the BCA, the Disability (Access to Premises – Buildings) Standards 2010 and Australian Standard 1428 – Design for Access and Mobility (as amended).</i>
5.5.1 Site Requirements for Residential Flat Buildings	Reference to site area under the CLEP needs to be included	Include a reference to the minimum site area for residential flats buildings under the CLEP	Include a note in relation to Clause 4.1C Minimum Qualifying Site Area and Lot Size for Certain Residential and Child Care Centre Development in Residential Zones under the CLEP.
5.6 Mixed Use Development	Include a note advising that Clause 7.13 Design excellence of the CLEP applies to R3 Zone.  The objective of this clause is to ensure that development exhibits the highest standard of architectural and urban design as part of the built environment.	Noted and supported	Include a note at various locations advising that Clause 7.13 Design excellence of the CLEP applies to R3 Zone.

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## 2.2 Outcome Of The Public Exhibition Of Draft Campbelltown (Sustainable City) Development Control Plan 2015 - Stage 5

The relevant Part/Section of the draft SCDCP	Summary of Main Issues Raised	Comments	Recommended Actions
Table 6.4.2.1 Car Parking Rates	The car parking rate requirement for a vehicle body repair workshop or vehicle repair station of 5 spaces per work bay (for vehicle servicing facilities) seems excessive compared to the required 3 spaces under Part 7 - industrial Development.	Noted and supported	Change the car parking rate requirement for a vehicle body repair workshop or vehicle repair station from 5 spaces per work bay to 3 spaces, similar to the requirement under Part 7 Industrial Development

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## **2.3 Minutes of the Heritage Protection Sub Committee meeting held 26 November 2015**

### **Reporting Officer**

Manager Environmental Planning

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### **Attachments**

Minutes of the Heritage Protection Sub Committee meeting held 26 November 2015 (contained within this report)

### **Purpose**

To seek Council's endorsement of the minutes of the Heritage Protection Sub Committee meeting held 26 November 2015.

### **Report**

Detailed below are the recommendations of the Heritage Protection Sub Committee. Council officers have reviewed the recommendations and they are now presented for Council's consideration.

### **Recommendations of the Heritage Protection Sub Committee**

#### **Reports listed for consideration**

#### **4. Minutes of the Previous Meeting**

That the information be noted.

#### **5. Business Arising from the Previous Minutes**

That the information be noted.

#### **7.1 Redevelopment of the local listed heritage item Old Kendall's Millhouse Site - 316 Queen Street, Campbelltown**

That Council considers the following comments from the Heritage Protection Sub Committee when determining Development Application 2777/2015/DA-C relating to the redevelopment of the local heritage listed 'Old Kendall's Mill House' site at 316 Queen Street Campbelltown:

- That the proponent be requested to provide Council with a Conservation Management Plan and Heritage Impact Statement and that this information be referred to the Heritage Protection Sub Committee for consideration; and
-



- That the proposal is considered to be an overdevelopment and would adversely impact upon the heritage significance of the site.

## **7.2 Subdivision of the State listed Heritage Item 'Epping Forest' - Mississippi Crescent, Kearns**

That Council considers the following comment from the Heritage Protection Sub Committee when determining Development Application 2400/2015/DA-S relating to the subdivision of the State Listed Heritage Item 'Epping Forest' Mississippi Crescent, Kearns into five Torrens Title allotments:

- That Council's assessment of the proposal be deferred subject to a more detailed Conservation Management Plan and Heritage Impact Statement being lodged with Council for its consideration.

## **7.3 Conservation Management Plan - Glenalvon House**

That the information be noted.

## **8.1 Mount Gilead**

That the information be noted.

## **8.2 Campbellfield/Redfern's Cottage: Development Application 2952/2014 DA-C, 20 Lind Street, Minto**

That the information be noted.

## **8.3 Relocation of the John Oxley Anchor**

That the information be noted.

## **8.4 Heritage Protection Sub Committee Dates 2016**

That the information be noted.

## **8.5 Joe Quinn Baseballer Request**

That the information be noted.

## **8.6 Heritage Medallion 2016**

That the information be noted.

## **8.7 Hurley Park Heritage Sign**

That the information be noted.

## **8.8 2020 Campbelltown Bicentenary**

That the information be noted.

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**8.9 Raith, Fern Ave Bradbury**

That the information be noted.

**8.10 Glenfield to Macarthur Priority Urban Renewal Corridor**

That the information be noted.

**8.11 Heritage Protection Sub Committee Membership Update**

1. That Council accept the resignation of Mr Mario Majarich as an alternative voting member of the Heritage Protection Sub Committee and send a letter of appreciation to him.
2. That the National Parks Association identifies an alternative voting delegate on their behalf.

**8.12 Hurlstone Agricultural High School**

That the information be noted.

**Officer's Recommendation**

1. That the minutes be noted.
  2. That Council considers the following comments from the Heritage Protection Sub Committee when determining Development Application 2777/2015/DA-C relating to the redevelopment of the local heritage listed 'Old Kendall's Mill House' site at 316 Queen Street Campbelltown:
    - That the proponent be requested to provide Council with a Conservation Management Plan and Heritage Impact Statement and that this information be referred to the Heritage Protection Sub Committee for consideration; and
    - That the proposal is considered to be an overdevelopment and would adversely impact upon the heritage significance of the site.
  3. That Council considers the following comment from the Heritage Protection Sub Committee when determining Development Application 2400/2015/DA-S relating to the subdivision of the State Listed Heritage Item 'Epping Forest' Mississippi Crescent, Kearns into five Torrens Title allotments:
    - That Council's assessment of the proposal be deferred subject to a more detailed Conservation Management Plan and Heritage Impact Statement being lodged with Council for its consideration.
  4. That Council accept the resignation of Mr Mario Majarich as an alternative voting member of the Heritage Protection Sub Committee and send a letter of appreciation to him.
  5. That the National Parks Association identifies an alternative voting delegate on their behalf.
-

**Committee's Recommendation: (Rowell/Thompson)**

1. That the minutes be noted.
2. That Council considers the following comments from the Heritage Protection Sub Committee when determining Development Application 2777/2015/DA-C relating to the redevelopment of the local heritage listed 'Old Kendall's Mill House' site at 316 Queen Street Campbelltown:
  - That the proponent be requested to provide Council with a Conservation Management Plan and Heritage Impact Statement and that this information be referred to the Heritage Protection Sub Committee for consideration; and
  - That the proposal is considered to be an overdevelopment and would adversely impact upon the heritage significance of the site.
3. That Council considers the following comment from the Heritage Protection Sub Committee when determining Development Application 2400/2015/DA-S relating to the subdivision of the State Listed Heritage Item 'Epping Forest' Mississippi Crescent, Kearns into five Torrens Title allotments:
  - That Council's assessment of the proposal be deferred subject to a more detailed Conservation Management Plan and Heritage Impact Statement being lodged with Council for its consideration.
4. That Council accept the resignation of Mr Mario Majarich as an alternative voting member of the Heritage Protection Sub Committee and send a letter of appreciation to him.
5. That the National Parks Association identifies an alternative voting delegate on their behalf.

**Amendment: (Oates/Kolkman)**

1. That the minutes be noted.
  2. That Council considers the following comments from the Heritage Protection Sub Committee when determining Development Application 2777/2015/DA-C relating to the redevelopment of the local heritage listed 'Old Kendall's Mill House' site at 316 Queen Street Campbelltown:
    - That the proponent be requested to provide Council with a Conservation Management Plan and Heritage Impact Statement and that this information be referred to the Heritage Protection Sub Committee for consideration; and
    - That the proposal is considered to be an overdevelopment and would adversely impact upon the heritage significance of the site.
-



3. That Council considers the following comment from the Heritage Protection Sub Committee when determining Development Application 2400/2015/DA-S relating to the subdivision of the State Listed Heritage Item 'Epping Forest' Mississippi Crescent, Kearns into five Torrens Title allotments:
  - That Council's assessment of the proposal be deferred subject to a more detailed Conservation Management Plan and Heritage Impact Statement being lodged with Council for its consideration.
4. That Council accept the resignation of Mr Mario Majarich as an alternative voting member of the Heritage Protection Sub Committee and send a letter of appreciation to him.
5. That the National Parks Association identifies an alternative voting delegate on their behalf.
6. That when any application is received for Raith, it be referred to the Heritage Protection Sub Committee for comment.
7. That the issues relating to the sale of the Hurlstone Agricultural High School land be referred to the Heritage Protection Sub Committee for comment.
8. That the development application for Macquarie Fields House be referred to the Heritage Protection Sub Committee for comment.

**CARRIED****Council Meeting 16 February 2016 (Greiss/Kolkman)**

1. That the minutes be noted.
  2. That Council considers the following comments from the Heritage Protection Sub Committee when determining Development Application 2777/2015/DA-C relating to the redevelopment of the local heritage listed 'Old Kendall's Mill House' site at 316 Queen Street Campbelltown:
    - That the proponent be requested to provide Council with a Conservation Management Plan and Heritage Impact Statement and that this information be referred to the Heritage Protection Sub Committee for consideration; and
    - That the proposal is considered to be an overdevelopment and would adversely impact upon the heritage significance of the site.
  3. That Council considers the following comment from the Heritage Protection Sub Committee when determining Development Application 2400/2015/DA-S relating to the subdivision of the State Listed Heritage Item 'Epping Forest' Mississippi Crescent, Kearns into five Torrens Title allotments:
    - That Council's assessment of the proposal be deferred subject to a more detailed Conservation Management Plan and Heritage Impact Statement being lodged with Council for its consideration.
-

4. That Council accept the resignation of Mr Mario Majarich as an alternative voting member of the Heritage Protection Sub Committee and send a letter of appreciation to him.
5. That the National Parks Association identifies an alternative voting delegate on their behalf.
6. That when any application is received for Raith, it be referred to the Heritage Protection Sub Committee for comment.
7. That the issues relating to the sale of the Hurlstone Agricultural High School land be referred to the Heritage Protection Sub Committee for comment.
8. That the development application for Macquarie Fields House be referred to the Heritage Protection Sub Committee for comment.

### **Council Resolution Minute Number 9**

1. That the minutes be noted.
  2. That Council considers the following comments from the Heritage Protection Sub Committee when determining Development Application 2777/2015/DA-C relating to the redevelopment of the local heritage listed 'Old Kendall's Mill House' site at 316 Queen Street Campbelltown:
    - That the proponent be requested to provide Council with a Conservation Management Plan and Heritage Impact Statement and that this information be referred to the Heritage Protection Sub Committee for consideration; and
    - That the proposal is considered to be an overdevelopment and would adversely impact upon the heritage significance of the site.
-

3. That Council considers the following comment from the Heritage Protection Sub Committee when determining Development Application 2400/2015/DA-S relating to the subdivision of the State Listed Heritage Item 'Epping Forest' Mississippi Crescent, Kearns into five Torrens Title allotments:
    - That Council's assessment of the proposal be deferred subject to a more detailed Conservation Management Plan and Heritage Impact Statement being lodged with Council for its consideration.
  4. That Council accept the resignation of Mr Mario Majarich as an alternative voting member of the Heritage Protection Sub Committee and send a letter of appreciation to him.
  5. That the National Parks Association identifies an alternative voting delegate on their behalf.
  6. That when any application is received for Raith, it be referred to the Heritage Protection Sub Committee for comment.
  7. That the issues relating to the sale of the Hurlstone Agricultural High School land be referred to the Heritage Protection Sub Committee for comment.
  8. That the development application for Macquarie Fields House be referred to the Heritage Protection Sub Committee for comment.
-



## ATTACHMENT 1

### Minutes of the Heritage Protection Sub Committee Meeting

Held Thursday 26 November 2015 in Committee Room 3

Meeting Commenced: 6.05pm

#### 1. Acknowledgement of Land

An Acknowledgement of Land was presented by the Chairperson, Councillor Rowell.

#### 2. Attendance and Apologies:

Councillor Ted Rowell - Chairperson Campbelltown City Council  
Councillor Bob Thompson - Deputy Chair Campbelltown City Council  
Clarice Stretch - Campbelltown Airds Historical Society  
Robert Wheeler - National Parks Association  
Sue Kijurina - Campbelltown Airds Historical Society

**Also in Attendance:** Andrew Spooner - Manager Sustainable City & Environment  
Kali Reid - Cultural Services Business Coordinator  
Jeff Burton - Strategic Planner  
Melinda Willcocks - Marketing and Tourism Coordinator  
Jane Worden - Executive Support  
Emma Page - Development Planner  
Brendan Leo - Acting Manager Development Services

**Apologies:** Kay Hayes - Campbelltown Airds Historical Society  
James Gardner - Qualified Person  
Mario Majarich - National Parks Association

#### Sub Committee's Recommendation: (Kijurina/Wheeler)

That the above apologies be accepted.

**CARRIED**

#### 3. Declarations of Interest

There were no Declarations of Interest made at this meeting.

#### 4. Minutes of the Previous Meeting

##### Reporting Officer

Manager Sustainable City and Environment

##### Report

The Minutes of the Heritage Protection Sub Committee Meeting held on 12 February 2015, copies of which were circulated to each Sub Committee member, were presented to Council for adoption at its meeting on 21 April 2015.

Council resolved to adopt the Minutes in accordance with the Officer's recommendation.

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**Officer's Recommendation**

That the information be noted.

**Sub Committee's Recommendation: (Wheeler/Stretch)**

That the information be noted.

**CARRIED**

**5. Business Arising from the Previous Minutes**

**Reporting Officer**

Manager Sustainable City and Environment

**Purpose**

To report on business arising from the Minutes of the Heritage Protection Sub Committee Meeting held on 20 August 2015.

**Report**

The Minutes of the Heritage Protection Sub Committee meeting held on 20 August 2015 were considered by Council at its meeting of 27 October 2015.

The matters of business arising from the previous minutes relate to the following relevant items as detailed below:

**(Item 7.1) Local Heritage Fund Application - 'Riverview Cottage', No.121 Menangle Road, Menangle Park**

Council approved the subject Local Heritage Fund (2015-2016) application for \$2000 for roof maintenance works to the heritage listed Riverview Cottage.

Works have been completed in accordance with the approved application and grant funding for \$2000 has been forwarded to the applicant.

**(Item 8.4) Campbelltown Airds Historical Society Membership Update**

Council accepted the resignation of Ms Learna Coupe as a member of the Heritage Protection Sub Committee and has sent a letter of appreciation to her.

Council approved the appointment of Mrs Clarice Stretch as the Campbelltown Airds Historical Society representative on the Heritage Protection Sub Committee.

**Officer's Recommendation**

That the information be noted.

**Sub Committee's Recommendation: (Stretch/Wheeler)**

That the information be noted.

**CARRIED**

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**6. Correspondence - Nil****7. Reports****7.1 Redevelopment of the local listed heritage item Old Kendall's Millhouse Site - 316 Queen Street, Campbelltown****Reporting Officer**

Acting Manager Development Services

**Purpose**

To seek comments from the Heritage Protection Sub Committee with respect to Development Application 2777/2015/DA-RA relating to the redevelopment of the local heritage listed 'Old Kendall's Millhouse' site at 316 Queen Street, Campbelltown.

Property Description	Lot 33 DP 131201, Lot 34 DP 131201 316 and 316A Queen Street, Campbelltown
Application No	2777/2015/DA-RA
Applicant	First National Development & Construction Co P/L
Owner	First National Development & Construction Co P/L
Statutory Provisions	Campbelltown (Urban Area) Local Environmental Plan 2002 Draft Campbelltown Local Environmental Plan 2014
Other Provisions	Campbelltown (Sustainable City) Development Control Plan 2014
Date Received	8 October 2015

**Background**

At its meeting of 28 May 2015, the Heritage Protection Sub Committee considered an information report relating to the local heritage listed 'Old Kendall's Millhouse' site, colloquially known as the (former) Fisher's Ghost Restaurant. The Heritage Protection Sub Committee noted the declining condition of the subject building and the statutory limitations for Council to compel a private owner to appropriately maintain a local listed heritage item.

The abovementioned report also identified the intention of the property owner to submit a development application for the redevelopment of the site, which was to include an appropriate conservation outcome for the heritage listed building.

On 8 October 2015 the subject development application was lodged with Council for the redevelopment of the subject land, including restoration works for Old Kendall's Mill House. Details of the application are provided herein for the consideration of the Heritage Protection Sub Committee.

**The Site**

The subject property comprises the two adjoining allotments under the same ownership. The heritage listed building is located at the street front of Lot 33 DP 131201, 316 Queen Street Campbelltown and is listed as a heritage item of local significance pursuant to Schedule 1 of Campbelltown (Urban Area) Local Environmental Plan 2002. An unoccupied commercial building (formerly Domino's Pizza and Liquorland) is located at the rear of the site on Lot 34 DP 131201, No. 316A Queen St.

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Vehicular access to the land is from Milby Lane (public road) which runs along the south-western side of the property and connects with Queen Street. There are a number of mature Peppercorn trees generally located between the buildings within a sealed car parking area.

### **Proposal**

The proposed works are described by the applicant as "alterations and additions to an existing Heritage Building for commercial purposes and new attached multi storey mixed use commercial and residential building".

The main components of the proposal are summarised as follows:

- construction of a 10 storey mixed use residential apartment building at the rear of the site, comprising five commercial tenancies on the ground level and 72 residential units on the upper nine stories
- construction of basement car parking
- construction of a "new mill" extension to the existing building at the front of the site, in the same bulk and scale as the historic mill structure but in modern materials
- restoration of the existing Kendall's Mill House
- removal of existing Peppercorn trees
- partial demolition of the single storey components of the existing Kendall's Mill House.

### **Assessment**

The land is zoned 10(a) Regional Comprehensive Centre under the Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002). Under the provisions of LEP 2002, the proposal is permissible with Council's development consent. It is noted that the proposal is also permissible with consent under the corresponding provisions of the draft Campbelltown Local Environmental Plan 2014 (CLEP).

The LEP 2002 and CLEP have similar provisions which require Council to make an assessment of the significance of the heritage item on the land and the extent to which the proposed development would affect the significance of the item and its site.

In this respect, it is noted that the applicant has submitted a Heritage Impact Statement (HIS) prepared by Kayandel Archaeological Services, dated September 2015 (refer Attachment 1). The document is being reviewed by Council staff in conjunction with other information submitted by the applicant, however it is noted that the HIS provides the following key recommendations:

1. Archaeological investigation should be undertaken of the areas immediately surrounding Kendall's Mill House
2. A Conservation Management Plan should be prepared, detailing the following:
  - a. The construction fabrics used in Kendall's Mill House
  - b. The phases of construction present in Kendall's Mill House
  - c. The methods for restoration, and the materials to be used in the restoration
  - d. A plan for ongoing maintenance of Kendall's Mill House
3. Further investigation of the Peppercorn Trees that would be impacted by the proposal.

It is considered that the above recommendations of the HIS would need to be resolved as part of the assessment of the application in order to properly determine the impacts of the proposal on the heritage significance of the site. Given the close timing of the Heritage Protection Sub Committee report cycle following the lodgement of the application, a verbal update will be provided by Council staff to the Sub Committee on the progress of this matter.

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**Conclusion**

On 8 October 2015, Council received an application for the development of the local heritage listed 'Old Kendall's Millhouse' at 316 Queen Street, Campbelltown. The subject building is in private ownership and is in a deteriorating condition having been unoccupied for an extended period of time.

The proposed development includes restoration works and additions to the existing building, and a 10 storey mixed use residential apartment building at the rear of the site (316A Queen Street).

The application provides an opportunity to rectify the deteriorating condition of the building; however this outcome needs to be balanced against the potential impacts of the proposed redevelopment of the site on the heritage significance of the listed item. Council's preliminary assessment of the application has identified some key deficiencies in the heritage related documentation provided by the proponent to allow these matters to be properly considered.

Given the close timing of the Heritage Protection Sub Committee report cycle following the lodgement of the application, a verbal update will be provided by Council staff to the Sub Committee on the progress of the assessment of the application.

**Officer's Recommendation**

That the Heritage Protection Sub Committee consider Development Application 2777/2015/DA-C relating to the redevelopment of the local heritage listed 'Old Kendall's Mill House' site at 316 Queen Street Campbelltown and provide any comments to assist Council in its determination of the application.

**Sub Committee's Recommendation: (Wheeler/Kijurina)**

That Council considers the following comments from the Heritage Protection Sub Committee when determining Development Application 2777/2015/DA-C relating to the redevelopment of the local heritage listed 'Old Kendall's Mill House' site at 316 Queen Street Campbelltown:

- That the proponent be requested to provide Council with a Conservation Management Plan and Heritage Impact Statement and that this information be referred to the Heritage Protection Sub Committee for consideration; and
- That the proposal is considered to be an overdevelopment and would adversely impact upon the heritage significance of the site.

**CARRIED****7.2 Subdivision of the State listed Heritage Item 'Epping Forest' - Mississippi Crescent, Kearns****Reporting Officer**

Acting Manager Development Services

**Purpose**

To seek comments from the Heritage Protection Sub Committee with respect to Development Application 2400/2015/DA-S for the subdivision of the State Listed Heritage Item 'Epping Forest' at Lot 34 DP 262269 Mississippi Crescent, Kearns into five Torrens Title allotments.

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**Report**

Property Description	Lot 34 DP 262269 Mississippi Crescent, Kearns
Application No	2400/2014/DA-C
Applicant	Design + Planning
Owner	Frank Lopresti Investments Pty Ltd
Statutory Provisions	Interim Development Order No. 27 Draft Campbelltown Local Environmental Plan 2014
Other Provisions	Campbelltown (Sustainable City) Development Control Plan 2014
Date Received	1 September 2015

**Introduction**

A development application was lodged with Council on 1 September 2015 which involves the subdivision of Lot 34 DP 262269 Mississippi Crescent, Kearns into five Torrens Title allotments at the site known as Epping Forest. The subject site is a State Listed Heritage Item, and as such, the application has been referred to Council's Heritage Sub Committee for information and comment.

A preliminary assessment of the application has revealed that insufficient information has been submitted with the application in order to provide a comprehensive assessment of the application. In terms of heritage aspects of the application, the development application has not provided a Heritage Impact Statement (HIS) detailing the impacts of the proposal on the heritage item. The applicant has been informed of the requirement to provide a HIS and will be providing additional information to Council prior to further assessment of the development application taking place.

**The Site**

The subject site, known as Epping Forest, is a State Listed Heritage Item containing a main house and a range of sheds consistent with the use of the site as a farming complex.

The Statement of Significance provided by the New South Wales Heritage Office details the significance of the site as follows:

Epping Forest is significant as a surviving example of an early colonial farm complex on the Cumberland Plain that retains the layout and fabric of a main house and associated outbuildings sited upon a small hill dating from the 1820s. The integrity of the place has been maintained by the survival of the Old Colonial Georgian style brick house, the slab and log outbuildings, and the survival of a sufficient curtilage of open country around the complex to enable its strategic siting and historical rural uses to still be appreciated and understood. The main house and outbuildings demonstrate in their layers of additional fabric and changing technology the ongoing functioning of the place as both a farm and residence. The overall layout of the complex, including its curtilage, allow for the continuance of a colonial built form within an increasingly late 20th century urbanised location.

**Proposal**

The proposed works under the subject application are summarised as follows:

- subdivision of the existing allotment to create five Torrens Title allotments (Attachment 1)
  - realignment of the existing access to the homestead (specific details have not been submitted with the development application)
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- connection of services where required (specific details not been submitted with the development application).

Restoration works of the main house and associated outbuildings do not form part of the development application.

### **Assessment - The Heritage Act 1977**

In accordance with Section 91 of the *Environmental Planning and Assessment Act 1979*, the application requires approval under the *Heritage Act 1977*. Additional information, in relation to the heritage aspects of the proposal, including a Heritage Impact Statement, is required prior to Council referring the application to the NSW Heritage Office for comment.

### **Conclusion**

On 1 September 2015, Council received a development application for the subdivision of Lot 34 DP 262269 Mississippi Crescent, Kearns into five Torrens Title allotments. Given the lack of sufficient documentation to support the development application, Council has deferred the application prior to further assessment taking place. A verbal progress update will be given at the Heritage Protection Sub Committee meeting.

### **Officer's Recommendation**

That the Heritage Protection Sub Committee consider Development Application 2400/2015/DA-S for the subdivision of the State Listed Heritage Item 'Epping Forest' Mississippi Crescent, Kearns into five Torrens Title allotments and provide any comments to assist Council in its determination of the application.

### **Sub Committee's Recommendation: (Wheeler/Thompson)**

That Council considers the following comment from the Heritage Protection Sub Committee when determining Development Application 2400/2015/DA-S relating to the subdivision of the State Listed Heritage Item 'Epping Forest' Mississippi Crescent, Kearns into five Torrens Title allotments:

- That Council's assessment of the proposal be deferred subject to a more detailed Conservation Management Plan and Heritage Impact Statement being lodged with Council for its consideration.

### **CARRIED**

## **7.3 Conservation Management Plan - Glenalvon House**

### **Reporting Officer**

Manager Cultural Services

### **Purpose**

To advise the Heritage Protection Sub Committee that a new Conservation Management Plan has been completed for Glenalvon House.

### **Report**

Glenalvon House is situated at 6-8 Lithgow St Campbelltown and owned by Campbelltown City Council. A Conservation Management Plan was originally prepared by OCP Architects in 1999.

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The Conservation Management Plan has been updated by OCP Architects between 2013-15 to review changes to the building and usage, and to incorporate new historical information. The Plan has been developed in close consultation with the Campbelltown and Airds Historical Society, who have a license to occupy and manage the property.

The new Conservation Management Plan includes considerable new historical analysis, researched and compiled by Campbelltown Historian Carol Liston. Through the course of her research, Mrs Liston has revealed that Glenalvon House was, for a time, formerly known as Australian House and operated as a convalescent hospital in the 1890s.

The revised Conservation Management Plan will ensure that the heritage value of Glenalvon can be maintained into the future.

**Officer's Recommendation**

That the information be noted.

**Sub Committee's Recommendation: (Kijurina/Stretch)**

That the information be noted.

**CARRIED**

**8. General Business**

**8.1 Mount Gilead**

Campbelltown Airds Historical Society representatives made enquires with Council officers in relation to the Mount Gilead rezoning application and whether or not the application included any plans for the old Mill located at the Mount Gilead site. Council's Manager Sustainable City and Environment advised that old Mill did not form part of the application.

**Sub Committee's Recommendation: (Kijurina/Stretch)**

That the information be noted.

**CARRIED**

**8.2 Campbellfield/Redfern's Cottage: Development Application 2952/2014 DA-C,  
20 Lind Street, Minto**

Campbelltown Airds Historical Society representatives enquired with Council officers in relation to the progress of Campbellfield/Redfern's Cottage Development Application. It was noted by the Sub Committee that the matter has been deferred for the reasons outlined in the report considered by the Heritage Protection Sub Committee at its meeting of 20 August 2015, and that Council officers are currently liaising with applicant to resolve these issues.

**Sub Committee's Recommendation: (Kijurina/Stretch)**

That the information be noted.

**CARRIED**

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**8.3 Relocation of the John Oxley Anchor**

National Parks Association Representative Robert Wheeler advised the Sub Committee that Camden Council has relocated the John Oxley commemorative anchor from its previous location on private property to Curry Reserve in Elderslie to provide greater access for the community and visitors and to highlight the significance of John Oxley to the area.

**Sub Committee's Recommendation: (Wheeler/Thompson)**

That the information be noted.

**CARRIED**

**8.4 Heritage Protection Sub Committee Dates 2016**

Council's Strategic Planner advised the Sub Committee of the following Heritage Protection Sub Committee meeting dates for 2016. It was noted that these dates were adopted by Council at its meeting held on 17 November 2015:

**Thursday at 6.00pm**

25 February

26 May

18 August

**Sub Committee's Recommendation: (Kijurina/Stretch)**

That the information be noted.

**CARRIED**

**8.5 Joe Quinn Baseballer Request**

Council's Strategic Planner advised the Sub Committee that Council has responded to correspondence from Author Rochelle Llewelyn Nicholls who requested the naming of a Council baseball facility after Joe Quinn. It was noted that Council has committed to undertaking further investigations to examine the prospect of renaming a suitable sporting venue after Joe Quinn in the future should this be deemed appropriate.

**Sub Committee's Recommendation: (Stretch/Wheeler)**

That the information be noted.

**CARRIED**

**8.6 Heritage Medallion 2016**

Council's Strategic Planner advised the Sub Committee that Council is in the process of organising the 2016 Heritage Medallion. The exhibition period requesting nominations will extend from approximately mid-November 2015 to mid-February 2016. It was noted that the Heritage Sub Committee members will be included in the nomination process, and a report on the preferred finalists will be presented to the Heritage Protection Sub Committee meeting for its consideration in late February 2016.

**Sub Committee's Recommendation: (Kijurina/Wheeler)**

That the information be noted.

**CARRIED**

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**8.7 Hurley Park Heritage Sign**

Council's Strategic Planner provided the Sub Committee with an update in relation to the interpretative signage (cattle tank and silt traps) being erected in Hurley Park. It was noted that the signage is currently in the manufacturing stage with a view to be erected at the identified location in the near future.

**Sub Committee's Recommendation: (Kijurina/Stretch)**

That the information be noted.

**CARRIED**

**8.8 2020 Campbelltown Bicentenary**

A Campbelltown Airs Historical Society representative made enquires with Council officers regarding preparations for the Campbelltown Bicentenary which will take place in 2020. Council's Strategic Planner confirmed that Council will be approaching various groups to canvas ideas for the bicentennial celebrations closer to the event date.

**Sub Committee's Recommendation: (Stretch/Wheeler)**

That the information be noted.

**CARRIED**

**8.9 Raith, Fern Ave Bradbury**

Council's Strategic Planner provided the Sub Committee with an update in relation to the sale process and negotiations with the new owner of the site for the future use and development of the Raith site. It was noted that Council's records indicate that Raith currently remains under the ownership of the NSW Government meaning that there has been no exchange on the property to date.

Campbelltown Airs Historical Society representatives advised the Sub Committee that they had inspected the restoration works undertaken at the Raith site and commended the work done in the restoration of the building.

**Sub Committee's Recommendation: (Stretch/ Kijurina)**

That the information be noted.

**CARRIED**

**8.10 Glenfield to Macarthur Priority Urban Renewal Corridor**

It was noted that at the Heritage Protection Sub Committee meeting of 20 August 2015, Council's Manager Sustainable City and Environment gave an undertaking to investigate Glenfield to Macarthur Priority Urban Renewal Corridor plan specifically as it relates to heritage issues with a view to providing an update in relation to this matter at the next Heritage Protection Sub Committee meeting.

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Council's Strategic Planner confirmed that this review had been undertaken and that the overarching aim of the Corridor Strategy is to facilitate the transformation and revitalisation of areas in the vicinity of the seven railway stations between Glenfield and Macarthur, in order to provide a connected, accessible corridor with opportunities for living, working and recreation. The primary intent is to create a strategic vision for future development within the corridor, and put in place a broad framework to guide future land use policy changes.

Council considered a detailed report on the Corridor Strategy at its extraordinary meeting of 6 October 2015, and resolved to support the Strategy in principle subject to a number of matters being further investigated and resolved by the Department of Planning and Infrastructure. With respect to heritage issues, it is noted that all listed heritage items were identified and considered as part of the initial constraints assessment of the corridor land area. At this time there are no planning policy changes that would impact upon these heritage items, however it is noted that further studies will be undertaken which may include further assessment of heritage issues as part of site specific precinct planning within the corridor area.

**Sub Committee's Recommendation: (Wheeler/Thompson)**

That the information be noted.

**CARRIED**

**8.11 Heritage Protection Sub Committee Membership Update**

Council's Strategic Planner advised the Sub Committee that National Parks Association alternate voting delegate Mr Mario Majorich had regretfully advised Council in writing of his resignation from the Heritage Protection Sub Committee. Due to the resignation of Mr Majorich's position it was noted that the National Parks Association will need to identify an alternate voting delegate on their behalf.

**Sub Committee's Recommendation: (Stretch/Wheeler)**

1. That Council accept the resignation of Mr Mario Majorich as an alternative voting member of the Heritage Protection Sub Committee and send a letter of appreciation to him.
2. That the National Parks Association identifies an alternative voting delegate on their behalf.

**CARRIED**

**8.12 Hurlstone Agricultural High School**

The Sub Committee discussed the announcement by the Western Sydney University regarding the proposed sell-off by the State Government of the land at Hurlstone Agricultural High School, which will be relocated to a new state-of-the-art facility at its Hawkesbury campus by 2020 in a \$35 million plan. The boarding high school is expected to reap \$170 million and accommodate 11,000 new homes. A selective school will remain on the site and three schools for specific purposes will be refurbished and extended in the new Glenfield education precinct.

**Sub Committee's Recommendation: (Wheeler/Thompson)**

That the information be noted.

**CARRIED**

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Next meeting of the Heritage Protection Sub Committee will be held on Thursday 25 February 2016 at 6.00pm in Committee Room 3.

Councillor Rowell  
**Chairperson**

Meeting concluded: 7.05pm

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## **2.4 Planning Proposal for Residential Subdivision - No. 71 St Andrews Road, Varroville**

### **Reporting Officer**

Manager Environmental Planning

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### **Attachments**

1. Location Plan (contained within this report)
2. Indicative layout plan of adjoining development (contained within this report)
3. Planning Proposal Request (provided on USB due to size of document)
4. Concept Plan of Subdivision (contained within this report)

### **History**

In March 2013, the planning process for the South West Growth Centre precinct of East Leppington was finalised. It is understood that the owners of No. 71 St Andrews Road had previously made submissions to the Department of Planning during the process seeking to have their land included in the East Leppington precinct for residential purposes. However, the Department of Planning at the time, declined to amend the boundary of the precinct. The owners of No. 71 St Andrews Road were understood to have been advised to contact Council regarding their rezoning (residential development) aspirations, which they subsequently did in December 2012.

Concurrently, a rezoning submission was being prepared on behalf of the owners of No. 366 St Andrews Road for Council's consideration in respect of the rezoning of that property for residential purposes. A preliminary rezoning request was lodged with Council in March 2013. This proposal coincidentally included No. 71 St Andrews Road. The applicant was requested to confirm that the owners of No. 71 St Andrews Road were willing to proceed with the proposal as presented. Council received confirmation of this on 18 June 2013.

A report was subsequently presented to Council at its meeting on 10 September 2013. This report considered the proposal for No. 71 St Andrews Road and No. 366 St Andrews Road as a single report owing to the fact that both properties adjoined each other, and had been included in a submission as a single proposal. At this meeting Council resolved:-

‘That a decision in this matter be deferred pending receipt of further information.’

Council officers were requested to separate the proposal for No. 71 St Andrews Road from that of No. 366 St Andrews Road and present individual reports for each property.

A separate report which related specifically to the preliminary planning proposal for No. 71 St Andrews Road, Varroville (the subject site) was considered by Council at its meeting on 15 October 2013, where Council determined:

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1. That Council resolve to invite the proponents to submit a formal planning proposal request for No. 71 St Andrews Road, Varroville that would consider the potential development of a number of rural residential/environmental living allotments, noting that such a proposal would need to be supported by a range of technical investigations to address issues including:
  - visual impact
  - flora and fauna
  - traffic impacts and management
  - relationship to surrounding development (future and existing)
  - land use history and any site contamination potential
  - servicing capability
  - easements and utility constraints.
2. That Council notify the proponents in writing of its decision.
3. That interested Councillors attend an inspection of the property and surrounds.

Council notified the land owner of the above resolution via a letter dated 24 October 2013.

Council's decision to further consider a proposal for large lot rural residential/environmental living allotments on the subject site was based on its desire to protect the visual and environmental qualities of the subject site while acknowledging adjoining development pressure and Councils policy position. Further this approach was considered likely to provide an ordered transition between residential development surrounding the subject site to north and west and the heavily vegetated areas comprising remnant Cumberland Plain Woodland to the east and south.

However, contrary to Council's previous resolution, (and without any prior discussion), a planning proposal request to permit low density (15 dwellings per hectare) residential development on No. 71 St Andrews Road, Varroville was lodged by GAT and Associates, on behalf of the landowners on 11 November 2015.

Council wrote to the applicant on 11 January 2016 advising that the planning proposal request was inconsistent with Council's previous resolution and as such a report would be presented to Council recommending the proposal not be supported. As an alternative, the applicant was invited to withdraw the proposal and receive a full refund. Given no reply has been received the following report is presented for Council's consideration.

It is noted that Councillors received a briefing on the subject planning proposal request at Council's briefing night on 2 February 2016.

## **Report**

Property Description:	Lot 71, DP 706546, St Andrews Road, Varroville
Owner:	Mr Dario and Mrs Angelina Petrin
Applicant:	Gat and Associates Pty Ltd
Application Number:	3214/2015/E-LEPA

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## Introduction

Council is in receipt of a planning proposal request, on behalf of the property owners, to rezone land at No.71 St Andrews Road, Varroville, to permit the development of the subject site for low density residential purposes with an indicative yield of 173 lots. The proposal is contrary to Council's previous resolution of 15 October 2013, which invited submission of a Planning Proposal Request for consideration stylised on rural residential/environmental living allotments.

Additionally, the supporting documentation does not comprehensively address the matters previously highlighted by Council for consideration in the preparation of a planning proposal request and more broadly the relevant statutory requirements.

## The Proposal

The planning proposal request submitted to Council, forms attachment 3.

In brief it seeks to amend the relevant planning controls contained in Campbelltown local Environmental Plan 2015 (CLEP 2015) by:

- Rezoning the site to R2 Low Density Residential (or similar in LEP 8)
- Incorporating a 15 dwelling/hectare density
- Incorporating a 9 metre building height
- Incorporating a 450sqm minimum lot size

A concept plan of proposed subdivision is provided in attachment 4. It proposes the creation of 173 residential allotments, with a minimum lot size of 450sqm (and resultant dwelling density of 15 dwellings/hectare). Additionally, 1.493 hectares of land is proposed to be devoted to riparian corridor/open space/easements purposes. The layout is noted to have been designed to integrate with the adjoining proposed residential developments to the north and west. It would appear that the previously referenced 1.493 hectares or part thereof would be transferred to Council at a later stage should the proposal be supported. It would further appear from the concept plan of subdivision and accompanying ecological report that there is no plan to retain any of the existing vegetation.

The planning proposal request provides the following justification for the proposed concept:

"We believe that the rezoning is appropriate given the adjoining R2 Low density residential land to the east and north and its location on the fringe of the East Leppington land release precinct. The zoning would result in St Andrews Road forming the boundary between the residential zone to the east and the environmental zone to the west, which is considered to be more appropriate than the current arrangement.

In addition, as a result of residential subdivisions being carried out in the vicinity of the subject site, there will be a significant increase in the availability of infrastructure and services that can be used to the advantage of the subject site."

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### **The Site and Context**

The subject site is known as Lot 71, DP 706546, St Andrews Road, Varroville and is 14.01 hectares in area. It is directly bounded by St Andrews Rd (in a dog leg configuration) to the south, the Sydney Water Supply Upper Canal (which bisects St Andrews Rd) to the east and the South West Growth Centre to the north and west, as shown in attachment 1. The western boundary of the subject site aligns with the Local Government Area (LGA) boundary between Campbelltown and Camden.

The land directly adjoining the subject site to the north is located within the Campbelltown LGA and is zoned R2 Low Density residential and is being developed as low density residential housing by Stocklands, as part of its "Willowdale" development within the East Leppington Precinct. The land directly adjoining the subject site to the west is within the Camden LGA and is zoned R2 low density residential and is being developed for low density residential housing by the Cornish Group. The planning controls for both of these sites are contained within the Growth Centres SEPP and not Council's planning instruments.

Additionally the land to the south of the subject site on the opposite side of St Andrews Road is partly within the Camden Local Government Area (LGA) and partly within the Campbelltown LGA. The adjacent land within the Camden LGA forms part of the Emerald Hills development and is heavily vegetated with remnant Cumberland Plain Woodland dominating the landscape. Consequently it is zoned E2 Environmental Conservation. This land is to be used as a bio-banking site as a vegetative offset for the land clearing associated with the Emerald Hills development. An indicative layout of the recently approved developments adjoining the subject site is shown in attachment 2.

Additionally the land to the south of the subject site that is within the Campbelltown LGA is currently zoned 7(d1) Environmental Protection (Scenic) under Campbelltown Local Environmental Plan—District 8 (Central Hills Lands) and E3 Environmental Management under Campbelltown Local Environmental Plan 2015. The land situated between the LGA boundary and the Sydney Water Supply Upper Canal is also heavily vegetated with remnant Cumberland Plain Woodland dominating the landscape. This land is owned by the Serbian Orthodox Aged Care and Education Prop Fund. To the east of the Sydney Water Supply Upper Canal the land is used by the St Sava College.

The land to the east of the subject site on the opposite side of the Sydney Water Supply Upper canal is within the Campbelltown LGA and is currently zoned 7(d1) Environmental Protection (Scenic) under Campbelltown Local Environmental Plan—District 8 (Central Hills Lands) and E3 Environmental Management under Campbelltown Local Environmental Plan 2015. The land known as No.366 St Andrews Rd is currently vacant and heavily vegetated with remnant Cumberland Plain Woodland. The owners of this land as discussed earlier, have previously pursued rezoning of the land. However they have not provided the required additional information requested by Council to further consider their request. They continue to be advised of the limited development opportunities for their land given the dominant woodland character and Council's Scenic Hills policy position.

The subject site is bisected by a number of easements that align with the north to south "dogleg" section of St Andrews Road. There are two underground pipes, the DN 850 natural gas pipeline – Moomba to Wilton, the DN 200 phase ethane pipeline – Moomba to Botany and the high voltage electricity transmission line, within this service infrastructure corridor. The area of the site where the easements are located have been cleared of vegetation and can be seen in attachments 1, 2 and 3.

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The subject site (and much adjoining land) was mapped by the Office of Environment and Heritage (2013) Native Vegetation of the Sydney Metropolitan Area as containing Cumberland Plain Woodland a Critically Endangered Ecological Community under both State and Federal Government legislation. The subject site has habitat with the potential to support other locally occurring threatened species such as the Cumberland Plain Land Snail which was found opposite the site in St Andrews Road. Further, while the Eastern Bentwing-bat and the Little Eagle have been found within 500 metres on an adjoining site.

### **Planning Instrument Aims, Objectives and Zoning**

The site is subject to the provisions of Campbelltown Local Environmental Plan - District D8 (Central Hills) (LEP D8) until Campbelltown Local Environmental Plan 2015 (CLEP 2015) becomes operational on 11 March 2016.

The aims and objectives of LEP D8 are cited to be:

'to ensure the 'Central Hills Lands District of the City of Campbelltown retains the rural character that was envisaged for it during the planning that preceded the urbanisation of that City.'

The zone objectives of the 7(di) Environmental Protection (Scenic) zone under LEP D8 are noted to be:

- (a) to set aside certain land as a protected scenic environment
- (b) to ensure that that land will remain a rural environment providing visual contrast to the urban areas of Campbelltown, Camden and Liverpool
- (c) to ensure that the inhabitants of Campbelltown will continue to have views of, and access to, a rural environment
- (d) to maintain a stock of land that is capable of being developed for the purpose of providing recreation establishments of the kind that require large areas of open space
- (e) to preserve existing farming and agricultural research activities.

Further, CLEP 2015 includes the following generic aim reflect zone objectives.

Aims to conserve and enhance the environmental scenic and landscape values of Campbelltown.

### **Zone E3 - Environmental Management Objectives:**

- to protect and maintain the environmental, ecological and visual amenity of the Scenic Hills from inappropriate development.
  - to preserve the rural heritage landscape of the Scenic Hills
  - to protect and enhance areas of Scenic Value and the visual amenity of prominent ridgelines
  - to protect bushland, wildlife corridors and natural habitat, including waterways and riparian lands
  - to ensure the preservation and maintenance of environmentally significant and environmentally sensitive land.
-

The minimum subdivision size for land zoned 7(d1) Environmental Protection (Scenic) and E3 Environmental management is set at 100 hectares.

It should be noted that the subject site has an area which is lawfully less than the 100 hectares minimum and 'enjoys' a dwelling entitlement. This is because the allotment was created prior to the prescribed date in LEP D8. This entitlement has been acted upon and a dwelling house currently occupies the land. Under the current planning controls there is no further opportunity for subdivision of the property.

LEP D8 and CLEP 2015 both contain provisions in respect of escarpment preservation (doesn't apply to the subject site), development on steep land, tree preservation and heritage conservation, which expressly seek to minimise adverse development impacts on these inherently sensitive aspects of the Scenic Hills Landscape unit.

The proposal in broad terms is therefore considered to be inconsistent with the zone objectives and 'landscape preservation' provisions of the existing and proposed planning instruments that apply to the subject site.

### **Council's Policy Position on development within the Scenic Hills**

Council has long promoted the strategic importance of the Scenic Hills, and the role that this landscape unit plays in providing:

- i) a buffer to the urban development areas of the Campbelltown, Camden and Liverpool Local Government Areas
- ii) a rural landscape backdrop to urban areas of Campbelltown.

This role was reinforced in the 1973 Three City Structure Plan and has been rigidly enforced in the intervening years. More recently and particularly after 2007, Council has been subject to increasing pressure to facilitate development in the Scenic Hills. A number of proposals, as briefly documented below, have been presented to Council for its consideration. On each occasion Council has dismissed the proposals based on concerns with adverse scenic quality impacts and their potential precedent nature.

In considering a business park proposal, (on a somewhat more exposed and larger site than the subject site), at Varroville, Council at its meeting of 13 November 2007 resolved in part:

- That Council confirms in the strongest possible terms, its support for the high value that the Community of Campbelltown and South Western Sydney places on the Scenic Hills as an iconic landscape, with distinctive scenic, heritage and environmental qualities.
  - That Council unequivocally commits to continue to maintain and preserve the Scenic Hills for future generations to enjoy.
  - That Council declares it has no intention to amend current overall planning controls that would allow land uses and development with the Scenic Hills, not currently permitted by LEP District 8 (Central Hills Land).
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It is also noted that Council raised concerns with potential development encroachment in the Scenic Hills with the NSW Government Owner nominated housing development program of 2011.

Indeed it objected to the Emerald Hills proposed development (adjacent to the subject site) of 1200 lots and a neighbourhood centre (refer attachment 2). The objection was based on Council's concern with the creep of residential development into the Scenic Hills and potential adverse traffic impacts.

Notwithstanding Campbelltown Council's objection, this proposal was supported by Camden Council and subsequently approved by the Sydney West Joint Regional Planning Panel.

Further on 16 October 2012, Council resolved; when considering potential impacts on the Scenic Hills.

'That Council reaffirm its strong opposition to any urban/rural residential development in the Scenic Hills'.

Most recently, in support of Council's policy position on the Scenic Hills, Council at its meeting on 11 March 2014 considered a report on a planning proposal to which sought to facilitate the development of a cemetery on Lot B DP 370979, Lot 22 DP 564065 and Lot 1 DP 218016 St Andrews Road, Varroville and resolved:

"That Council not support the planning proposal request to permit the development of a cemetery on Lot B DP 370979, Lot 22 DP 564065, and Lot 1 DP 218016 St Andrews Road, Varroville."

due principally to concerns in respect of adverse impacts on the Scenic Hills.

Council's persistent and consistent resolutions in respect of proposed development in the Scenic Hills clearly reflects an unswerving commitment to the aims and objectives of LEP D8 and foreshadowed commitment to Campbelltown Local Environmental Plan, 2015 as reproduced below, together with the previously mentioned Scenic Hills landscape Unit preservation provisions.

It is noted that the relevant CLEP 2015 provisions have been informed by the comprehensive Visual Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection Lands (the visual study) prepared for Council by Paul Davies Pty Ltd in association with Geoffrey Britten, in accordance with Council's resolution of 18 October 2011.

From the preceding it will become apparent in the planning proposal request review that the Request is inconsistent with Council's policy position in respect of residential development in the Scenic Hills.

### **Review of the Planning Proposal Request**

The planning proposal request has been assessed against the former Department of Planning and Infrastructure's "A Guide to Preparing Planning Proposals" (October 2012) (The Guide) and "Guidelines on Local Plan Making."

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The Guide contains directions in respect of the context and justification the proposal must address.

Following is a summary of Council's assessment of the subject Planning Proposal Request, in the context of the Guide. The summary focuses in particular upon consistency with:

- Metropolitan Planning
- Subregional Planning
- Section 117 Directions and State Environmental Planning Policies
- Local policies/strategies/plans
- Other matters

**Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

A plan for Growing Sydney (December, 2014) (the Plan) is the current principal strategic planning policy, guide Sydney's growth and development for a period of 20 years. (Metropolitan Plan).

It establishes housing and employment targets and provides directions and guiding principles when making planning decisions. The plan is also 'called up' as a Section 117 Planning Direction to be observed in the compilation of planning proposals.

The planning proposal request incorrectly addresses a former version of the Metropolitan Plan, known as the City of Cities - A Plan for Sydney's future published in 2005. It establishes that the request makes a positive contribution to the stated dwelling target of 640,000 additional dwellings and at a sub-regional level a positive contribution to the projected requirement of 155,000 dwellings.

The NSW Government is most recent contribution to sub-regional planning has taken place in the form of the Glenfield to Macarthur Urban Renewal Corridor (Strategy) and the Greater Macarthur Land Release Investigations which identify yields of 15,000 additional dwellings and 37,700 lots (to 2036) respectively.

Both proposals represent a strategic approach to housing supply which, unlike the request, does not compromise highly valued local community inspired strategies such as the preservation of the Scenic Hills.

The current Metropolitan Plan in addition to focusing on housing supply and affordability also promotes housing diversity (Action 2.1.1 Accelerate housing supply and local housing choices, Action 2.3.1 Require Housing Strategies to plan for a range of housing types).

In this regard the opportunity for low density rural residential/environmental living housing which is sensitive to its scattered woodland setting, as initially communicated by Council, would appear to offer the only potentially acceptable housing outcome to Council, not residential development at 15 dwellings per hectare as proposed. The Plan also importantly identifies the Scenic Hills (including the subject site) as potential parkland/reserve reinforcing its strategic open space function in the local/regional landscape.

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In particular the potential strategic link between the Western Sydney Parklands and the Australian Botanic Gardens - Mount Annan cannot be lost sight of.

**Is this planning proposal consistent with a council's local strategy or other local strategic plan?**

The planning proposal request fails to address any relevant local strategy and in particular Council's Local Planning Strategy and the Community Strategic Plan.

Rather the request makes a series of generalist statements that the immediate context is being urbanised and the scenic context is being dramatically altered. Further, it states that the strategies underpinning the evolving South West Growth Centre/Leppington East Precinct are the most relevant and the request is consistent with the Growth Centres philosophy.

The Campbelltown Local Planning Strategy (LPS) was compiled to provide a context setting for the preparation of Campbelltown Local Environmental Plan 2015 (formerly draft CLEP 2014).

It was adopted by Council as a supporting document (Council meeting 26 March 2013) and publicly exhibited with draft CLEP 2014.

The LPS makes a series of unequivocal statements clearly focused on the preservation of the Scenic Hills Landscape unit, including the following:

- Retain the existing footprint of the Scenic Hills.
- Protect the prevailing "undeveloped"/rural state.
- Urbanisation should be avoided, including in particular intensification of existing uses and the further introduction of institutional development.
- Propose and implement a development model for the Scenic Hills.
- Foster an understanding and respect for the complexity and richness of the Scenic Hills landscape.
- Foster community access to the Scenic Hills so as to facilitate broader appreciation of their visual/scenic significance, including Bunbury Curran Hill and Badgally Hill.
- Protect the highly significant colonial cultural landscape of Varroville.
- Minimise visual impact of 'hard/physical' Infrastructure.

Within such context the only possibly scope for residential development is, as expressed previously, that of a low density rural residential/environmental living housing module which is sensitive to the prevailing woodland setting.

**Is the planning proposal consistent with applicable Ministerial Directions (s.117 Directions)?**

Section 117 of the Act enables the Minister to issue directions regarding the content of LEPs to the extent that the content must achieve or give effect to particular principles, aims, objectives or policies set out in those directions. Each planning proposal must identify which, if any, Section 117 Directions are relevant to the proposal, and whether the proposal is consistent with the direction. Where the planning proposal is inconsistent with any of the relevant directions, those inconsistencies must be specifically explained and justified in the planning proposal.

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The planning proposal request is considered to be inconsistent with four significant section 117 Directions with such inconsistency not considered to be justified as is summarised below.

### **Direction 2.1 Environmental Protection Zones**

The objective of this direction is to protect and conserve environmentally sensitive areas and it specifies that:

- A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- A planning proposal that applies to land within an environmental protection zone or land otherwise identified for environmental protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

The planning proposal request is not considered to have provided 'provisions that facilitate the protection and conservation of environmentally sensitive areas' as the development of the subject site would change the visual and ecological character of the area through the significant removal of Cumberland Plain Woodland and the intensification of residential development. Further this direction indicates that a planning proposal may be inconsistent with the direction provided certain criteria are met, however the planning proposal request has not addressed the specified criteria contained within Direction 2.1.

Therefore the planning proposal request is not considered to have complied with Direction 2.1 Environmental Protection Zones.

### **Direction 2.3 Heritage Conservation**

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The planning proposal request has indicated that this direction is 'Not Applicable', however the development abuts the Sydney Water Supply Upper Canal which is listed as a heritage item of state significance in the CLEP 2015 (and was so listed in draft CLEP 2014).

The planning proposal request has not considered any impact from the proposal upon the (State Listed) Sydney Water Supply Upper Canal. Accordingly, it has not complied with Direction 2.3 Heritage Conservation.

### **Direction 3.1 Residential Zones**

The objectives of this direction are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
  - (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
-

- (c) to minimise the impact of residential development on the environment and resource lands.

A planning proposal must include provisions that encourage the provision of housing that will:

- (a) broaden the choice of building types and locations available in the housing market, and
- (b) make more efficient use of existing infrastructure and services, and
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
- (d) be of good design.

The intention of Council's original decision to request the owners lodge a formal planning proposal for rural residential/environmental living allotments was to protect the visual and environmental qualities of the subject site while providing a transition and living opportunities between "full scale" residential development and the adjoining environmental protection lands. This approach could be achieved potentially by future environmental living (E4) zone for the land with a reduction in lot size to approximately 1 hectare. A number of 1 hectare lots (appropriate area) would provide sufficient area to locate a dwelling and ancillary structures while respecting the constraints of the site i.e. Cumberland Plain Woodland, bushfire hazard management and the various utility easements. Relevant woodland management requirements could also be introduced as positive covenants on title.

This larger lot size and housing form would mirror the lot sizes and housing outcomes in St Davids and St James Roads Varroville which also abutt the Willowdale estate and provide a uniform approach to transitioning between different land use zones. See attachment 2. This configuration would also allow for any drainage easement/riparian corridor and land constrained by easements to be in private rather than public ownership.

In addition the provision of large lot residential development would also provide housing choice adding in a limited manner to a market that is undersupplied for new large lot rural residential/environmental living. Further it would better comply with this direction than the continuation of R2 Low Density Residential.

Therefore the planning proposal request is not considered to be sufficiently consistent with Direction 3.1 Residential Zones, particularly objective (a) and requirement (a).

## **7.1 Implementation of a Plan for Growing Sydney**

The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.

The planning proposal request is considered to be inconsistent with Direction 7.1 in respect of implementation of a Plan for Growing Sydney.

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**Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

Council officers do not agree with the conclusion of the Ecological Assessment report, that being, that the vegetation onsite no longer represents Cumberland Plain Woodland particularly given the site has been previously mapped by the Office of Environment and Heritage as containing Cumberland Plain Woodland. Should the vegetation on the subject site be confirmed as Cumberland Plain Woodland, the impact of the proposal (as shown by the indicative lot layout) on the vegetation would be significant.

Additionally, the opportunity for fauna habitat is too readily dismissed, as to are the "stepping stone" opportunities, particularly for arboreal mammals.

**Applicant's Technical Supporting Investigations**

Council's resolution on 15 October 2013 required that the planning proposal request be supported, as a minimum, by a range of technical investigations to address issues including:

- visual impact
- flora and fauna
- traffic impacts and management
- relationship to surrounding development (future and existing)
- land use history and any site contamination potential
- servicing capability
- easements and utility constraints.

The planning proposal request is accompanied by the following supporting technical studies:

- Preliminary Site Investigation (contamination assessment)
- Bushfire Assessment Report
- Ecological Assessment Report
- Traffic and Parking Assessment Report
- Concept Services and Drainage Plan

Unfortunately two critical technical studies requested by Council, i.e. visual impact and relationship to surrounding development have not been submitted with the planning proposal request.

The subject site was included in the report entitled "Visual Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection Lands" prepared in 2011 for Council by Paul Davies Pty Ltd in association with Geoffrey Britton (the Visual Study). It is part of Unit 1 (E-LU1) in the Visual Study and is included in an area within the report that was identified as 'retain hidden undeveloped quality'. The planning proposal request has not considered the Visual Study and subsequently not addressed how the proposal will impact upon the identified visual quality of the subject site.

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While it is acknowledged that the subject site sits behind the ridgeline of the Scenic Hills as viewed from Campbelltown, and as such could have minimal visual impact in itself, the precedent created could possibly give rise to future subdivision pressure on adjoining land. This site is typical of several within the Varroville locality that may be subject to future planning proposals. In each case, these sites are typified by their high value scenic nature, existing low scale of development, and higher environmental significance.

The technical studies that were submitted suggest that the matters investigated are not an impediment to further development on the subject site. Council officers have only conducted a preliminary assessment of these studies as it is considered to be premature to consider these issues in detail as the planning proposal is inconsistent with key policy issues including Council's Policy Position, Sydney Metropolitan Strategy and relevant Section 117 directions.

Of those studies that have been subject to preliminary review, Council officers do not agree with the outcome of the Ecological Assessment report. This report concludes that the vegetation onsite no longer represents Cumberland Plain Woodland. However, as mentioned previously the site has been previously mapped by the Office of Environment and Heritage (2013) Native Vegetation of the Sydney Metropolitan Area as containing Cumberland Plain Woodland. Should the vegetation on the subject site be confirmed as Cumberland Plain Woodland, the impact of the proposal (as shown by the indicative lot layout) on the vegetation would be significant.

Council officers are not convinced that the consultants interpretation of the definition of Cumberland Plain Woodland is completely accurate and would typically ask for this report to be peer reviewed. However, given the outlined failures of the planning proposal request to address key issues it would not be appropriate to allocate additional time and resources to this task at present. Confidence in the veracity of the Ecological Assessment Report is further diminished by the Koala commentary which reinforces the lack of a resident population of Koalas at Picton.

## **Conclusion**

Council, at its meeting on 15 October 2013, considered a report in respect of a preliminary planning proposal which sought Council's view on the future potential of the subject site for rezoning for residential purposes prior to the owner moving to the expense of a formal planning proposal request. In response, Council resolved that it would consider the potential development of a number of rural residential/environmental living allotments, subject to a number of technical studies being prepared in support of such a proposal.

On 11 November 2015, GAT and Associates, on behalf of the landowners, lodged a planning proposal request, contrary to Council's previous resolution (outlined above) promoting low density residential development on No. 71 St Andrews Road, with an indicative yield of 173 lots, reflecting a density of 15 dwelling per hectare and adopting consistent planning controls to those in the adjoining East Leppington Centre Precinct.

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The planning proposal request has been reviewed by Council officers having regard to:

- Council's previous resolution regarding this site on 15 October 2013
- Council's policy position on residential development within the Scenic Hills
- Sydney Metropolitan Strategy – “A Plan for Growing Sydney’ 2014 and related subregional planning implications
- Ministerial Directions (s.117 – *Environmental Planning and Assessment Act 1979*)
- Campbelltown Local Environmental Plan—District 8 (Central Hills Lands)
- Campbelltown Local Environmental Plan 2015
- Campbelltown Local Planning Strategy 2013
- Visual Analysis of Campbelltown’s Scenic Hills and East Edge Scenic Protection Lands 2011
- A Guide to Preparing Planning Proposals (October 2012)

The review has found that there is insufficient planning merit to justify the planning proposal request as the proposal is:

Inconsistent with:

- Council's previous resolution regarding this site on 15 October 2013
- Council's policy position on residential development within the Scenic Hills
- Sydney Metropolitan Strategy – “A Plan for Growing Sydney’ 2014 and related subregional planning implications
- Ministerial Directions (s.117 – *Environmental Planning and Assessment Act 1979*) Directions 2.1, 2.3, 3.1 and 7.1
- Campbelltown Local Environmental Plan—District 8 (Central Hills Lands)
- Campbelltown Local Environmental Plan 2015
- Campbelltown Local Planning Strategy 2013

Has not addressed/adequately addressed:

- Visual impacts
- Relationship to surrounding development (future and existing)
- Environmental impacts (Cumberland Plain Woodland)

As a result it is recommended that Council not support the planning proposal request to rezone land at Lot 71, DP 706546, St Andrews Road, Varroville from its existing scenic protection environmental management zones to low density residential, with related principal planning controls.

### **Officer's Recommendation**

1. That Council not support the planning proposal request (application number 3214/2015/E-LEPA) to rezone land at Lot 71, DP 706546, St Andrews Road, Varroville from its existing 7(d1) scenic protection zone and future E3 Environmental Management Zone to R2 low density residential (or similar) low density residential, with accompanying relevant principal development standards, for the following reasons:
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**a) Inconsistency with Council's previous preliminary resolution regarding this site on 15 October 2013**

It is considered that the planning proposal request is inconsistent with Council's previous resolution which indicated that Council would consider a planning proposal request for the potential development of a number of rural residential/environmental living allotments on the subject site, subject to relevant supporting documentation.

**b) Inconsistency with Council's policy position on residential development within the Scenic Hills**

It is considered that the planning proposal request is inconsistent with Council's previous resolutions 13 November 2007 and 16 October 2012 and Local Planning Strategy (2013) which have reaffirmed Council's strong opposition to any urban/rural residential development in the Scenic Hills.

**c) Inconsistent with Sydney Metropolitan Strategy – "A Plan for Growing Sydney" - 2014**

It is considered that the planning proposal request is inconsistent with the Sydney Metropolitan Strategy – "A Plan for Growing Sydney" 2014 as this plan recognises the Scenic Hills (including this property) as potential Parkland/Reserve and promotes generically housing diversity.

**d) Inconsistent with Ministerial Directions (s.117 – *Environmental Planning and Assessment Act 1979*) (Directions 2.1, 2.3, 3.1 and 7.1)**

It is considered that the planning proposal request is inconsistent/not justified the inconsistency with Ministerial Directions 2.1, 2.3, 3.1 and 7.1 as the proposal has not adequately addressed impacts upon Environmental Protection Zones, Heritage Conservation, Housing diversity within Residential Zones and implementation of the Sydney Metropolitan Strategy.

**e) Inconsistent with the objectives of Campbelltown Local Environmental Plan—District 8 (Central Hills Lands)**

It is considered that the planning proposal request is inconsistent with the aims and objectives of Campbelltown Local Environmental Plan—District 8 (Central Hills Lands) as the proposal would not provide a visual contrast to the urban areas of Campbelltown, Camden and Liverpool. Further, it is considered inconsistent with the 7(d1) zone objectives.

**f) Inconsistent with the aims and relevant zone objectives of Campbelltown Local Environmental Plan 2015**

It is considered that the planning proposal request is inconsistent with the aims and relevant zone objectives of Campbelltown Local Environmental Plan 2015 as the proposal would not protect, and maintain the environmental, ecological and visual amenity of the Scenic Hills.

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**g) Inconsistent with the objectives of Campbelltown Local Planning Strategy 2013**

It is considered that the planning proposal request is inconsistent with the relevant objectives of the Campbelltown Local Planning Strategy 2013 as the proposal in particular would not protect the prevailing “undeveloped”/rural state of the Scenic Hills.

**h) Adverse Environmental Impact**

It is considered that the planning proposal request would have an adverse impact upon the environment with respect to the loss of a Critically Endangered Ecological Community – Cumberland Plain Woodland and related habitat qualities.

**i) Proposal Fails to Demonstrate**

The planning proposal request fails to demonstrate how visual impacts and the site's relationship to surrounding development (future and existing) will be managed to minimise impacts upon the Scenic Hills.

2. That Council advise the applicant of Council's decision.

**Committee's Recommendation: (Kolkman/Thompson)**

That the Officer's Recommendation be adopted.

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

Voting against the Committee's Recommendation: nil

**Council Meeting 16 February 2016**

Having declared an interest in regard to Item 2.4, Councillor Lake left the Chamber and did not take part in debate nor vote on this item.

**Council Meeting 16 February 2016 (Oates/Brticevic)**

That the Officer's Recommendation be adopted.

**Amendment: (Brticevic/Oates)**

1. That Council not support the planning proposal request (application number 3214/2015/E-LEPA) to rezone land at Lot 71, DP 706546, St Andrews Road, Varroville from its existing 7(d1) scenic protection zone and future E3 Environmental Management Zone to R2 low density residential (or similar) low density residential, with accompanying relevant principal development standards, for the following reasons:
-

**a) Inconsistency with Council's previous preliminary resolution regarding this site on 15 October 2013**

It is considered that the planning proposal request is inconsistent with Council's previous resolution which indicated that Council would consider a planning proposal request for the potential development of a number of rural residential/environmental living allotments on the subject site, subject to relevant supporting documentation.

**b) Inconsistency with Council's policy position on residential development within the Scenic Hills**

It is considered that the planning proposal request is inconsistent with Council's previous resolutions 13 November 2007 and 16 October 2012 and Local Planning Strategy (2013) which have reaffirmed Council's strong opposition to any urban/rural residential development in the Scenic Hills.

**c) Inconsistent with Sydney Metropolitan Strategy – "A Plan for Growing Sydney" - 2014**

It is considered that the planning proposal request is inconsistent with the Sydney Metropolitan Strategy – "A Plan for Growing Sydney" 2014 as this plan recognises the Scenic Hills (including this property) as potential Parkland/Reserve and promotes generically housing diversity.

**d) Inconsistent with Ministerial Directions (s.117 – *Environmental Planning and Assessment Act 1979*) (Directions 2.1, 2.3, 3.1 and 7.1)**

It is considered that the planning proposal request is inconsistent/not justified the inconsistency with Ministerial Directions 2.1, 2.3, 3.1 and 7.1 as the proposal has not adequately addressed impacts upon Environmental Protection Zones, Heritage Conservation, Housing diversity within Residential Zones and implementation of the Sydney Metropolitan Strategy.

**e) Inconsistent with the objectives of Campbelltown Local Environmental Plan—District 8 (Central Hills Lands)**

It is considered that the planning proposal request is inconsistent with the aims and objectives of Campbelltown Local Environmental Plan—District 8 (Central Hills Lands) as the proposal would not provide a visual contrast to the urban areas of Campbelltown, Camden and Liverpool. Further, it is considered inconsistent with the 7(d1) zone objectives.

**f) Inconsistent with the aims and relevant zone objectives of Campbelltown Local Environmental Plan 2015**

It is considered that the planning proposal request is inconsistent with the aims and relevant zone objectives of Campbelltown Local Environmental Plan 2015 as the proposal would not protect, and maintain the environmental, ecological and visual amenity of the Scenic Hills.

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**g) Inconsistent with the objectives of Campbelltown Local Planning Strategy 2013**

It is considered that the planning proposal request is inconsistent with the relevant objectives of the Campbelltown Local Planning Strategy 2013 as the proposal in particular would not protect the prevailing “undeveloped”/rural state of the Scenic Hills.

**h) Adverse Environmental Impact**

It is considered that the planning proposal request would have an adverse impact upon the environment with respect to the loss of a Critically Endangered Ecological Community – Cumberland Plain Woodland and related habitat qualities.

**i) Proposal Fails to Demonstrate**

The planning proposal request fails to demonstrate how visual impacts and the site's relationship to surrounding development (future and existing) will be managed to minimise impacts upon the Scenic Hills.

2. That Council advise the applicant of Council's decision.
3. That Council oppose any urban, rural-residential or commercial development of the Scenic Hills that is not in line with the current zoning.
4. That Council continues to oppose the planning proposal to permit a cemetery in the Scenic Hills.
5. That Council continues to protect and preserve the Scenic Hills from Glenfield to Campbelltown.

**Council Resolution Minute Number 11**

That the above amendment be adopted.

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

Voting against the Council Resolution was Councillor: Mead.

At the conclusion of the discussion regarding Item 2.4, Councillor Lake returned to the Chamber for the remainder of the meeting.

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## ATTACHMENT 1





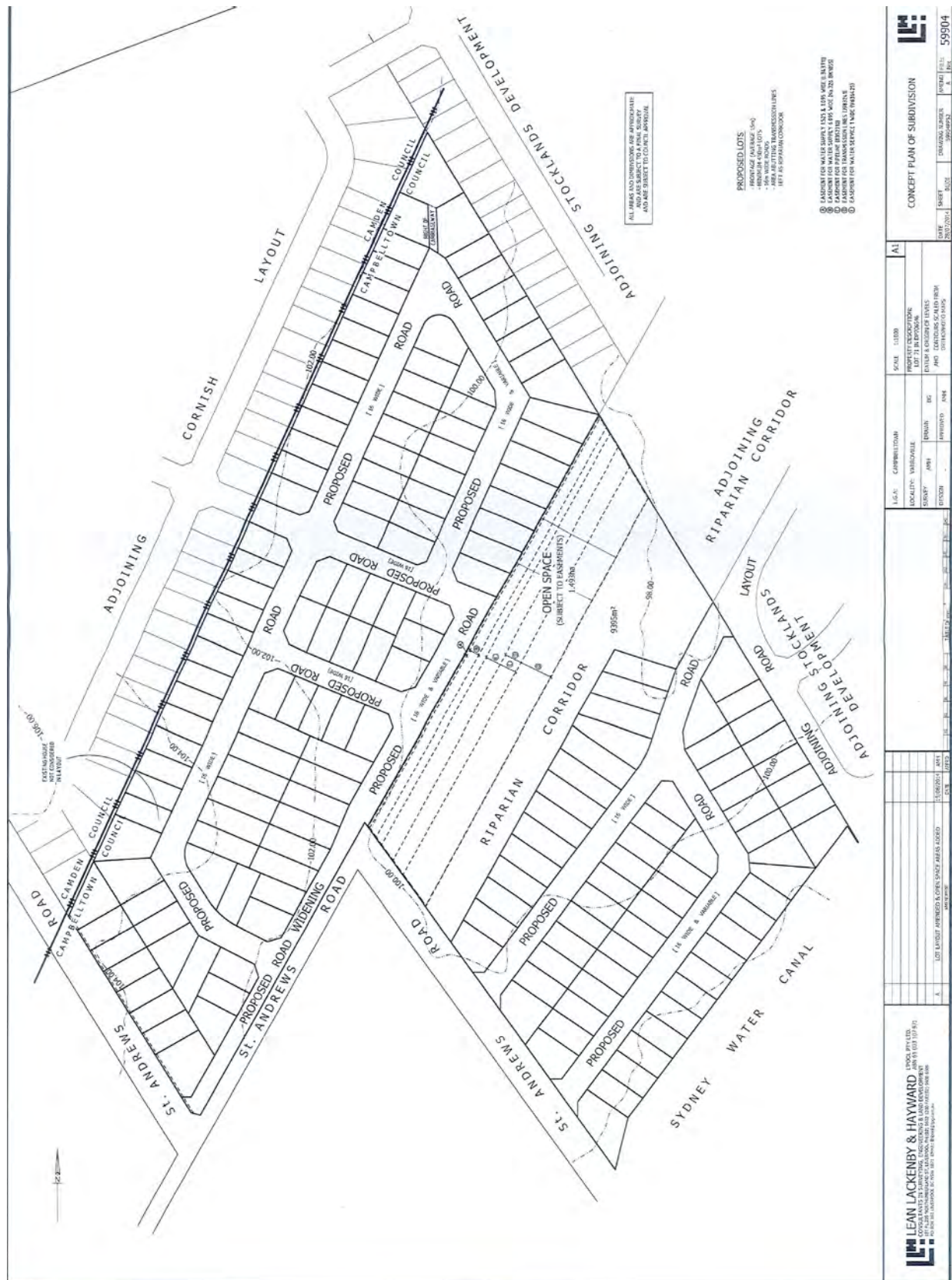
## ATTACHMENT 2



Attachment 2. Indicative Layout Plan of adjoining development



## ATTACHMENT 4



## **2.5 Planning Proposal for Residential Subdivision - Macarthur Grange Golf Course, Raby Road, Varroville**

### **Reporting Officer**

Manager Environmental Planning

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### **Attachments**

1. Location Plan (contained within this report)
2. Indicative layout plan of adjoining development (contained within this report)
3. Planning Proposal Request (provided on USB due to size of document)
4. Indicative Structure Plan (contained within this report)

### **History**

The subject site was originally used as open grazing land. A previous rezoning application was refused by Council in October 1995 to permit the use of the subject site as a cemetery and crematorium. A development application was approved by Council on 3 February 1998 for a more sympathetic land use being the construction of an 18 hole golf course, Clubhouse and maintenance sheds. The subject site continues to be used as a golf course and reception centre.

In November 2011, the then Minister for Planning and Infrastructure, the Hon Brad Hazzard MP, invited owners of large appropriately sited landholdings to make a submission to have their land considered by the NSW Government for housing development.

At the conclusion of the submission deadline the then Director General of the Department of Planning and Infrastructure wrote to Council in December 2011 to advise that a proposal had been received for the subject site.

Council received further correspondence dated 12 March 2012 from the then Director General advising that a preliminary review of the landowner nominated sites had been conducted and that only submissions relating to sites in the Sydney Region over 100 hectares with sufficient information for evaluation purposes would progress to the next stage of the review. The subject site was included in the next stage of the review.

On 16 March 2013, the Minister for Planning and Infrastructure released the Government's response into the review of the potential home sites over 100 hectares in size and announced seven sites for immediate action including one within the Campbelltown LGA - Blairmount and Eagle Vale Drive.

The subject site (Macarthur Grange) was considered to have predominantly low suitability for housing delivery, low suitability for competing land uses, low suitability for services ability, low suitability for Scenic Hills and low suitability for Strategic fit.

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## 2.5 Planning Proposal For Residential Subdivision - Macarthur Grange Golf Course, Raby Road, Varroville

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At that time the Minister also announced that the NSW Government would investigate the longer term potential of 13 other sites for 60,000 new homes in consultation with the public. Of these 13 sites, four sites were to be addressed under the draft Metropolitan Strategy for Sydney while the remaining nine sites were in Wollondilly Shire and these were partly considered as part of the Greater Macarthur Investigation Area in 2015.

Council officers met at the request of representatives for the applicant (Cardno) in August and October 2015, providing advice on the key constraints associated with the subject site and Council's policy position on residential development within the Scenic Hills.

A planning proposal request to rezone the land for a variety of land use types including principally residential/urban purposes, was lodged by Cardno on 21 December 2015.

Councillors received a briefing on the planning proposal request at Council's briefing night on 2 February 2016.

### Report

Property Description:	Lot 3900 DP 1170905, Raby Road, Varroville (127.4 hectares)
Owner:	Toscuz Investments Pty Ltd
Property Description:	Lot 3901 DP 1170905, Raby Road, Varroville (2 hectares)
Owner:	Mrs Angela Tacca and Mr Francesco Tacca
Applicant:	Cardno (NSW/ACT) Pty Ltd
Application Number:	3639/2015/E-LEPA
Date Lodged:	21 December 2015

### Introduction

Council is in receipt of a planning proposal request, on behalf of the property owners, to rezone 129.4 hectares of land at Lot 3900 and 3901 Raby Road, Varroville, to permit the development of the subject site for a range of land use zones consistent with the following zones: R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, B4 Mixed Use, E2 Environmental Conservation, E4 Environmental Living, RE1 Public Recreation and W1 Natural Waterways.

### The Proposal

The planning proposal request submitted to Council, forms attachment 3. In brief it seeks to amend the current relevant planning controls by:

- Rezoning the site into a range of zones with corresponding minimum lot sizes and densities (dwelling/hectare) as shown in the table below
-

## 2.5 Planning Proposal For Residential Subdivision - Macarthur Grange Golf Course, Raby Road, Varroville

- Maintaining the maximum height of buildings in accordance with the corresponding zoning in the CLEP 2015 except for Escarpment Protection areas where a maximum building height of 6.7 metres would apply (8.5 metres under CLEP 2015).

Development Type	Proposed Zone	Developable Area	Dwellings per Hectare	Lot Yield
Environmental Cluster Housing	E4	3.45Ha	11.6	Approx. 40
Residential - Minimum 450sqm	R3	5.13Ha	18.1	93
Residential - Minimum 650sqm	R2	19.99Ha	13.3	265
Residential - Minimum 800sqm	R5	2.38Ha	10.5	25
Residential - Minimum 1000sqm	R5	6.33Ha	9.5	60
Residential - Minimum 1500sqm	R5	2.02Ha	4	8
Residential - Minimum 2000sqm	R5	14.35Ha	2.6	38
Mixed Use	B4	8.75Ha	-	-
Open Space - Cumberland Plain Woodland	E2	26.5Ha	-	-
Open Space	RE1	19.1Ha	-	-

An Indicative Structure Plan is provided in attachment 4 which proposes the:

- Provision of 529-569 additional new dwellings with a range of lot sizes and densities (as referenced above)
- Preservation of the ridgeline by ensuring no development will be undertaken where the site is visible from Campbelltown or surrounding areas
- Protection of views of the Scenic Hills through the retention of vegetation, by not developing visible areas identified by a view analysis and providing a 40metres wide vegetation buffer to the north and 20metres wide wildlife corridors linking the Cumberland Plain Woodland to the south
- Retention of 26.5 hectares of Cumberland Plain Woodland through two bio-banking sites (currently listed as an expression of interest on the Office of Environment and Heritages' Bio-Banking Website)
- Retention of all existing pockets of *Pimelea Spicata*
- Provision of 45.6 hectares or 35 per cent of the site for public open space designed to encourage walking and cycling
- Public ownership of the BioBanking sites so that part of the 'Scenic Hills escarpment lands' are retained to overcome any use of the project as a potential for precedent in the Scenic Hills
- Retention of the existing Macarthur Grange Function Centre to provide cultural/social/recreational community focal points

## 2.5 Planning Proposal For Residential Subdivision - Macarthur Grange Golf Course, Raby Road, Varroville

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The Indicative Structure Plan reflects the natural topography of the site, with the road predominantly working with the contours to reduce any cut/fill requirements. Proposed housing densities in the northern section reflect the natural topography with 450sqm-800sqm allotments being proposed in the flatter areas of the site and 801sqm- 1500sqm allotments proposed on the steeper terrain. Mixed use zones are proposed along Raby Road and in the centre of the site, providing some employment opportunities for future residents. The southern section is proposed to maintain the rural character of the site and surrounding areas, with allotments having a minimum area of 1000sqm.

Several areas of the site are to be retained for environmental management and are to be made available for the community use. Additional areas of the site have been identified for recreational purposes and will comprise waterways, pathways and cycleways which will connect the site from Raby Road to the north through to the extension of Badgally Road to the south. Recreation areas comprise of 26.5 hectares of Cumberland Plain woodland (and waterways), and an additional 19.1 of open space comprising of waterways, landscaping and path/cycleways.

The southern section of the site reflects a rural development with larger allotments and additional controls within the escarpment protection areas, producing a smaller yield per hectare.

### **The Site and Context**

The subject site is known as Lot 3900 and Lot 3901, DP 1170905, Raby Road, Varroville. It has an area of approximately 129.5 hectares and a frontage to Raby Road of approximately 630 metres. The site is irregular in shape and currently contains the Macarthur Grange Golf Course and Function Centre within its northern portion and grazing land and remnant vegetation within its southern portion. Crossing the site is a number of power and gas easements.

The site is elevated and dissected by hills and valleys. The eastern boundary of the site presents a prominent ridgeline that adds to the scenic quality of the site. The ridge creates a significant visual barrier between the site and urban areas to the east, maintaining the objectives of the Scenic Hills precinct. The site is affected by escarpment preservation controls at its southern portion and small areas along its eastern and northern boundary lines.

The subject site was mapped by the Office of Environment and Heritage (2013) Native Vegetation of the Sydney Metropolitan Area as containing Cumberland Plain Woodland a Critically Endangered Ecological Community under both State and Federal Government legislation. *Pimelea Spicata* a State and Federal Government listed endangered species is also present on the site.

The land to the north of the site (on the opposite side of Raby Road) forms the extension of the Scenic Hills towards St Andrews Road. This land contains remnant vegetation, hills and valleys and large properties used predominantly for grazing.

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## 2.5 Planning Proposal For Residential Subdivision - Macarthur Grange Golf Course, Raby Road, Varroville

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The land to the east of the subject site contains remnant vegetation and a steep ridge that disconnects the site from eastern residential developments including Kearns and Eschol Park. The land to the south of the subject site forms the extension of the Scenic Hills towards Badgally Road. This land contains remnant vegetation, hills and valleys and is predominantly used for grazing. St Gregory's College is located to the south west, connecting Badgally Road.

The western boundary of the subject site aligns with the Local Government Area (LGA) boundary between Campbelltown and Camden. The land to the west of the subject site consists of rural residential development which is identified for redevelopment as the El Caballo Blanco/Gledswood Hills Urban Release Area. Camden Council rezoned this land in 2014 for the purpose of urban development.

### **Planning Instrument Aims, Objectives and Zoning**

The site is subject to the provisions of Campbelltown Local Environmental Plan - District D8 (Central Hills) (LEP D8) until Campbelltown Local Environmental Plan 2015 (CLEP 2015) becomes operational on 11 March 2016.

The aims and objectives of LEP D8 are cited to be:

'to ensure the 'Central Hills Lands District of the City of Campbelltown retains the rural character that was envisaged for it during the planning that preceded the urbanisation of that City.'

The zone objectives of the 7(d1) Environmental Protection (Scenic) zone under LEP D8 are noted to be:

- (a) to set aside certain land as a protected scenic environment
- (b) to ensure that that land will remain a rural environment providing visual contrast to the urban areas of Campbelltown, Camden and Liverpool
- (c) to ensure that the inhabitants of Campbelltown will continue to have views of, and access to, a rural environment
- (d) to maintain a stock of land that is capable of being developed for the purpose of providing recreation establishments of the kind that require large areas of open space
- (e) to preserve existing farming and agricultural research activities.

Further, CLEP 2015 includes the following generic aim reflect zone objectives.

Aims to conserve and enhance the environmental scenic and landscape values of Campbelltown.

### **Zone E3 - Environmental Management Objectives:**

- to protect and maintain the environmental, ecological and visual amenity of the Scenic Hills from inappropriate development.
  - to preserve the rural heritage landscape of the Scenic Hills
  - to protect and enhance areas of Scenic Value and the visual amenity of prominent ridgelines
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## 2.5 Planning Proposal For Residential Subdivision - Macarthur Grange Golf Course, Raby Road, Varroville

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- to protect bushland, wildlife corridors and natural habitat, including waterways and riparian lands
- to ensure the preservation and maintenance of environmentally significant and environmentally sensitive land.

The minimum subdivision size for land zoned 7(d1) Environmental Protection (Scenic) and E3 Environmental management is set at 100 hectares.

LEP D8 and CLEP 2015 both contain provisions in respect of escarpment preservation, development on steep land, tree preservation and heritage conservation, which expressly seek to minimise adverse development impacts on these inherently sensitive aspects of the Scenic Hills Landscape unit.

The proposal is therefore considered to be largely inconsistent with the zone objectives and 'landscape preservation' provisions of the existing and proposed planning instruments that apply to the subject site.

### **Council's Policy Position on development within the Scenic Hills**

Council has long promoted the strategic importance of the Scenic Hills, and the role that this landscape unit plays in providing:

- i) a buffer to the urban development areas of the Campbelltown, Camden and Liverpool Local Government Areas
- ii) a rural landscape backdrop to urban areas of Campbelltown.

This role was reinforced in the 1973 Three City Structure Plan and has been rigidly enforced in the intervening years. More recently and particularly after 2007, Council has been subject to increasing pressure to facilitate development in the Scenic Hills. A number of proposals, as briefly documented below, have been presented to Council for its consideration. On each occasion Council has dismissed the proposals based on concerns with adverse scenic quality impacts and their potential precedent nature.

In considering a business park proposal, on a somewhat similarly located site, at Varroville, Council at its meeting on 13 November 2007 resolved in part:

- That Council confirms in the strongest possible terms, its support for the high value that the Community of Campbelltown and South Western Sydney places on the Scenic Hills as an iconic landscape, with distinctive scenic, heritage and environmental qualities.
  - That Council unequivocally commits to continue to maintain and preserve the Scenic Hills for future generations to enjoy.
  - That Council declares it has no intention to amend current overall planning controls that would allow land uses and development with the Scenic Hills, not currently permitted by LEP District 8 (Central Hills Land).
-

## 2.5 Planning Proposal For Residential Subdivision - Macarthur Grange Golf Course, Raby Road, Varroville

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Further on 16 October 2012, Council resolved; when considering potential impacts on the Scenic Hills

‘That Council reaffirm its strong opposition to any urban/rural residential development in the Scenic Hills’.

Most recently in support of Council's policy position on the Scenic Hills, Council at its meeting on 11 March 2014 considered a report on a planning proposal to allow the development of a cemetery on Lot B DP 370979, Lot 22 DP 564065 and Lot 1 DP 218016 St Andrews Road, Varroville and resolved:

“That Council not support the planning proposal request to permit the development of a cemetery on Lot B DP 370979, Lot 22 DP 564065, and Lot 1 DP 218016 St Andrews Road, Varroville.”

due principally to concerns in respect of adverse impacts on the Scenic Hills.

More specifically, a number of proposals have been prepared for the subject site and have not been supported by Council given their inconsistency with Council policy in respect of the Scenic Hills. As previously mentioned in October 1995, a rezoning request to permit the use of the subject site as a cemetery and crematorium and in December 2011, a nomination to the NSW Government's Owner nominated housing development program were opposed by Council.

Council objected to this site's nomination under the Owner nominated program on the grounds of:

- significant and adequate supply of zoned and planned greenfields land exists in SW Sydney
- exacerbation of existing regional road infrastructure network inadequacies without commitment to satisfy backlog of needs
- contrary to policy on scenic hills – weaken rural and scenic buffer between Campbelltown and Camden LGAs
- isolated from other centres within Campbelltown LGA
- constrained by slope and drainage
- additional traffic pressures on road network
- services availability
- likelihood houses will be built within three years taking into account landownership patterns, planning processes and demand
- willingness and capacity of the landowner to finance the planning and infrastructure associated with delivery of the housing
- availability of enabling infrastructure, capacity of regional transport networks and accessibility of human services

Ultimately the NSW Government agreed with Council's assessment of the proposal and the subject site was not included in the program as it was considered to have predominantly low suitability for housing delivery, low suitability for competing land uses, low suitability for services ability, low suitability for Scenic Hills and low suitability for Strategic fit.

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## 2.5 Planning Proposal For Residential Subdivision - Macarthur Grange Golf Course, Raby Road, Varroville

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While the applicant may argue that a number of these constraints have been overcome, such as servicing capability, the impact upon the Scenic Hills is an issue that remains central to the inappropriateness of the predominantly residential/urban development scheme.

Council's persistent and consistent resolutions in respect of proposed development in the Scenic Hills clearly reflect an unswerving commitment to the aims and objectives of LEP D8 and foreshadowed commitment to Campbelltown Local Environmental Plan, 2015 as reproduced below, together with the previously mentioned Scenic Hills landscape Unit preservation provisions.

It is noted that the relevant CLEP 2015 provisions have been informed by the comprehensive Visual Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection Lands (the visual study) prepared for Council by Paul Davies Pty Ltd in association with Geoffrey Britten, in accordance with Council's resolution of 18 October 2011.

From the preceding it will become apparent in the following planning proposal request review that the Request is inconsistent with Council's policy position in respect of residential development in the Scenic Hills.

### **Review of the Planning Proposal Request**

The planning proposal request has been assessed against the former Department of Planning and Infrastructure's "A Guide to Preparing Planning Proposals" (October 2012) (The Guide) and "Guidelines on Local Plan making".

The guide contains directions in respect of the context and justification the proposal must address. It would appear that the planning proposal request has been prepared using an earlier version of the guide as the issues addressed in the justification of the proposal do not correspond to those within the October 2012 guide.

Following is a summary of Council's assessment of the subject Planning Proposal Request, in the context of the guide. The summary will focus in particular upon consistency with:

- Metropolitan Planning
- Subregional Planning
- Section 117 Directions and State Environmental Planning Policies
- Local policies/strategies/plans
- Other matters

### **Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

A Plan for Growing Sydney (December, 2014) (the Plan) is the current principal strategic planning policy to guide Sydney's growth and development for a period of 20 years. (Metropolitan Plan).

It establishes housing and employment targets and provides directions and guiding principles when making planning decisions. The Plan is also called up as a Section 117 Planning Direction to be observed in the compilation of planning proposals.

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## 2.5 Planning Proposal For Residential Subdivision - Macarthur Grange Golf Course, Raby Road, Varroville

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The NSW Government most recent contribution to sub-regional planning has taken place in the form of the Glenfield to Macarthur Urban Renewal Corridor Strategy and the Greater Macarthur Land Release Investigations which identify yields of 15,000 additional dwellings and 37,700 lots (to 2036) respectively.

Both proposals represent a strategic approach to housing supply which, unlike the request, does not compromise highly valued local community inspired strategies such as the preservation of the Scenic Hills.

The Plan also importantly identifies the Scenic Hills (including the subject site) as potential parkland/reserve reinforcing its strategic open space function in the local/regional landscape. In particular the potential strategic link between the Western Sydney Parklands and the Australian Botanic Gardens - Mount Annan cannot be lost sight of. Therefore the planning proposal request is inconsistent with the Metropolitan Strategy.

### **Is this planning proposal consistent with a council's local strategy or other local strategic plan?**

While the planning proposal request addresses Council's Community Strategic Plan it fails to consider Council's Local planning Strategy.

The Campbelltown Local Planning Strategy (LPS) was compiled to provide a context for the preparation of Campbelltown Local Environmental Plan 2015 (formerly draft CLEP 2014).

It was adopted by Council as a supporting document (Council meeting 26 March 2013) and publicly exhibited with draft CLEP 2014.

The LPS makes a series of unequivocal statements clearly focused on the preservation of the Scenic Hills Landscape unit, including the following:

- retain the existing footprint of the Scenic Hills.
- protect the prevailing "undeveloped"/rural state.
- urbanisation should be avoided, including in particular intensification of existing uses and the further introduction of institutional development.
- propose and implement a development model for the Scenic Hills.
- foster an understanding and respect for the complexity and richness of the Scenic Hills landscape.
- foster community access to the Scenic Hills so as to facilitate broader appreciation of their visual/scenic significance, including Bunbury Curran Hill and Badgally Hill.
- protect the highly significant colonial cultural landscape of Varroville.
- minimise visual impact of "hard/physical" Infrastructure.

The planning proposal request has not considered the above preservation considerations for the Scenic Hills and is therefore inconsistent with the Local Planning Strategy.

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**Is the planning proposal consistent with applicable Ministerial Directions (s.117 Directions)?**

Section 117 of the Act enables the Minister to issue directions regarding the content of LEPs to the extent that the content must achieve or give effect to particular principles, aims, objectives or policies set out in those directions. Each planning proposal must identify which, if any, Section 117 Directions are relevant to the proposal, and whether the proposal is consistent with the direction. Where the planning proposal is inconsistent with any of the relevant directions, those inconsistencies must be specifically explained and justified in the planning proposal.

**Direction 2.1 Environmental Protection Zones**

The objective of this direction is to protect and conserve environmentally sensitive areas and it specifies that:

- A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

The planning proposal request is not considered to have provided 'provisions that facilitate the protection and conservation of environmentally sensitive areas' as the development of the subject site would change the visual character of the area through the intensification of residential development. Further this direction indicates that a planning proposal may be inconsistent with the direction provided certain criteria are met, or where the development is in accordance with the relevant regional strategy or sub-regional strategy prepared by the department. However, the planning proposal request has not addressed the specified criteria contained within Direction 2.1 and is not consistent with a regional or sub-regional strategy as detailed above.

Therefore the planning proposal request has not complied with Direction 2.1 Environmental Protection Zones.

**7.1 Implementation of a Plan for Growing Sydney**

The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.

The planning proposal request is considered to be inconsistent with Direction 7.1 in respect of implementation of a Plan for Growing Sydney.

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### **Applicant's Technical Supporting Investigations**

The planning proposal request provided the following supporting technical studies:

- Visual Impact Assessment
- Traffic Impact Assessment
- Bushfire Assessment
- Service Report
- Ecological Report

The technical studies that were submitted for Bushfire Assessment and Service Report suggest that these matters are not an impediment to further development on the subject site. The Traffic Impact Assessment indicates that the Raby Road/Camden Valley Way intersection would have sufficient capacity to cater for traffic volumes including Macarthur Grange development traffic up to and beyond 2030. However, the intersections at Raby Road/Hume Motorway and Raby Road/Campbelltown Road intersection would both need to be converted from a roundabout to a signalised Intersection with associated road pavement upgrades.

The Visual Impact Assessment submitted with the planning proposal request is essentially a view assessment from prominent viewpoints looking towards the site and is not supported by an analysis report to enable an understanding of the design conclusions drawn from the view assessment which are then used to formulate the Indicative Structure Plan.

The view assessment identifies four locations where the subject site is most visible from vantage points outside the site, and while there is no assessment of the view assessment the following is stated in the Executive Summary:

“A comprehensive view analysis determined two areas to the north are visible from surrounding residential areas and two areas to the south are visible from the greater Campbelltown area. None of the areas deemed visible are proposed for development, therefore no loss of views will result from this Planning Proposal;”

However, one area in the south is shown in the Indicative Structure Plan as large lot residential with a 2000sqm minimum lot area and R5 large lot residential zoning which suggests this area will be developed with housing, albeit at a reduced density. This is inconsistent with the above statement that ‘none of the areas deemed visible are proposed for development therefore no loss of views will result from this Planning Proposal’.

Further the view assessment has not considered that the subject site was included in the report entitled “Visual Analysis of Campbelltown’s Scenic Hills and East Edge Scenic Protection Lands” prepared in 2011 for Council by Paul Davies Pty Ltd in association with Geoffrey Britton (the Visual Study). It is part of Unit 2 (E-LU2) in the Visual Study which is described as playing ‘a critical role in defining many of the Campbelltown LGA’s most significant historic and contemporary views.’ The golf course part of the subject site is described as a ‘valley with high scenic quality’ while the remainder of the site is described as containing ‘high quality hidden valleys’. The planning proposal request has not considered the Visual Study and subsequently not addressed how the proposal will impact upon the identified visual quality of the subject site.

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## 2.5 Planning Proposal For Residential Subdivision - Macarthur Grange Golf Course, Raby Road, Varroville

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While it is acknowledged that the subject site sits primarily behind the ridgeline of the Scenic Hills as viewed from Campbelltown, the western side of the ridgeline and resultant valley however are visible from Raby Road. The precedent created could possibly give rise to future subdivision pressure on adjoining land. This site is typical of several within the Varroville locality that may be subject to future planning proposals. In each case, these sites are typified by their high value scenic nature, existing low scale of development, and higher environmental significance.

The planning proposal request suggests that public ownership of the Bio-Banking sites thereby ensuring that part of the 'Scenic Hills escarpment lands' are retained would overcome any use of the project as a potential for precedent in the Scenic Hills. While this may be a noble sentiment, it may not be supported from a practical legal context.

The Ecological Report is not a detailed assessment of flora and fauna on site but an assessment of the ecological constraints (flora only) and BioBanking potential. The report does not consider or survey fauna such as the Cumberland Land Snail which is associated with Cumberland Plain Woodland (which exists on site) and solely focuses on flora on site. With reference to the establishment of a bio-banking site to retain the Cumberland Plain Woodland on site the report did not specifically recommend this option, however canvassed all options for mitigating vegetation loss. Despite this lack of recommendation the planning proposal request confirms that two locations on site will be used as bio-bank sites.

Council officers have only conducted a preliminary assessment of these studies as it is considered to be premature to consider these issues in detail as the planning proposal is inconsistent with key policy issues including Council's Policy Position and the Sydney Metropolitan Strategy and relevant Section 117 directions.

### Conclusion

The subject site has been used as an 18 hole golf course with an associated club house/reception centre following a development consent being issued by Council in February 1998. The site was unsuccessfully nominated in December 2011 under the previous NSW Government's Owner nominated sites program for residential development.

A planning proposal request with supporting technical studies to rezone the land for a variety of land use types, including principally residential/urban purposes, was lodged by Cardno (NSW/ACT) Pty Ltd on 21 December 2015 with an indicative residential lot yield of 529 - 569 lots.

The planning proposal request has been reviewed by Council officers having regard to:

- Council's policy position on residential development within the Scenic Hills
  - Sydney Metropolitan Strategy – "A Plan for Growing Sydney" 2014
  - Ministerial Directions (s.117 – *Environmental Planning and Assessment Act 1979*)
  - Campbelltown Local Environmental Plan—District 8 (Central Hills Lands)
  - Campbelltown Local Environmental Plan 2015
  - Campbelltown Local Planning Strategy 2013
  - Visual Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection Lands 2011
  - A Guide to Preparing Planning Proposals (October 2012)
-

## 2.5 Planning Proposal For Residential Subdivision - Macarthur Grange Golf Course, Raby Road, Varroville

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The review has found that there is insufficient planning merit to justify the planning proposal request as the proposal is:

Inconsistent with:

- Council's policy position on residential development within the Scenic Hills
- Sydney Metropolitan Strategy – “A Plan for Growing Sydney’ 2014
- Ministerial Directions (s.117 – *Environmental Planning and Assessment Act 1979*) (Direction 2.1 and 7.1)
- Campbelltown Local Environmental Plan—District 8 (Central Hills Lands)
- Campbelltown Local Environmental Plan 2015
- Campbelltown Local Planning Strategy 2013

Has not adequately addressed:

- Visual impacts
- Ecological (fauna) impacts

As a result it is recommended that Council not support the planning proposal request to rezone land at Lot 3900 and 3901, DP 1170905, Raby Road, Varroville, from its existing scenic protection zone to a variety of land use types, including principally residential/urban purposes.

### Officer's Recommendation

1. That Council not support the planning proposal request (application number 3639/2015/E-LEPA) to rezone land at Lot 3900 and 3901, DP 1170905, Raby Road, Varroville from its existing 7(d1) scenic protection zone and future E3 Environmental Management Zone to R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, B4 Mixed Use, E2 Environmental Conservation, E4 Environmental Living, RE1 Public Recreation and W1 Natural Waterways (or similar), with accompanying relevant principle development standards, for the following reasons:

#### **a) Inconsistency with Council's policy position on residential development within the Scenic Hills**

It is considered that the planning proposal request is inconsistent with Council's previous resolutions 13 November 2007 and 16 October 2012 and Local Planning Strategy (2013) which have reaffirmed Council's strong opposition to any urban/rural residential development in the Scenic Hills.

#### **b) Inconsistent with Sydney Metropolitan Strategy – “A Plan for Growing Sydney’ 2014**

It is considered that the planning proposal request is inconsistent with the Sydney Metropolitan Strategy – “A Plan for Growing Sydney’ 2014 as this plan recognises the Scenic Hills (including this property) as potential Parkland/Reserve.

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2.5 Planning Proposal For Residential Subdivision - Macarthur Grange Golf Course, Raby Road, Varroville

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**c) Inconsistent with Ministerial Directions (s.117 – *Environmental Planning and Assessment Act 1979*) (Direction 2.1 and 7.1)**

It is considered that the planning proposal request is inconsistent/not justified the inconsistency with Ministerial Direction 2.1 and 7.1 as the proposal has not adequately addressed impacts upon Environmental Protection Zones and the implementation of the Sydney Metropolitan Strategy.

**d) Inconsistent with the objectives of Campbelltown Local Environmental Plan—District 8 (Central Hills Lands)**

It is considered that the planning proposal request is inconsistent with the aims and objectives of Campbelltown Local Environmental Plan—District 8 (Central Hills Lands) as the proposal would not provide a visual contrast to the urban areas of Campbelltown, Camden and Liverpool. Further it is considered inconsistent with the 7(d1) zone objectives.

**e) Inconsistent with the aims and relevant zone objectives of Campbelltown Local Environmental Plan 2015**

It is considered that the planning proposal request is inconsistent with the aims and relevant zone objectives of Campbelltown Local Environmental Plan 2015 as the proposal would not protect, and maintain the environmental, ecological and visual amenity of the Scenic Hills.

**f) Inconsistent with the objectives of Campbelltown Local Planning Strategy 2013**

It is considered that the planning proposal request is inconsistent with the relevant objectives of the Campbelltown Local Planning Strategy 2013 as the proposal in particular would not protect the prevailing “undeveloped”/rural state of the Scenic Hills.

**g) Proposal Fails to Demonstrate**

The planning proposal request fails to demonstrate how visual impacts will be managed to minimise impacts upon the Scenic Hills and has failed to demonstrate impacts on local fauna that may be present on site.

2. That Council advise the applicant of Council's decision.

**Committee Note:** Ms Wells and Mr Wilson addressed the Committee.

**Committee's Recommendation: (Kolkman/Thompson)**

That the Officer's Recommendation be adopted.

**CARRIED**

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

Voting against the Committee's Recommendation: nil

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**Council Meeting 16 February 2016 (Rowell/Thompson)**

That the Officer's Recommendation be adopted.

**Amendment: (Oates/Kolkman)**

1. That Council not support the planning proposal request (application number 3639/2015/E-LEPA) to rezone land at Lot 3900 and 3901, DP 1170905, Raby Road, Varroville from its existing 7(d1) scenic protection zone and future E3 Environmental Management Zone to R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, B4 Mixed Use, E2 Environmental Conservation, E4 Environmental Living, RE1 Public Recreation and W1 Natural Waterways (or similar), with accompanying relevant principle development standards, for the following reasons:

**a) Inconsistency with Council's policy position on residential development within the Scenic Hills**

It is considered that the planning proposal request is inconsistent with Council's previous resolutions 13 November 2007 and 16 October 2012 and Local Planning Strategy (2013) which have reaffirmed Council's strong opposition to any urban/rural residential development in the Scenic Hills.

**b) Inconsistent with Sydney Metropolitan Strategy – 'A Plan for Growing Sydney' 2014**

It is considered that the planning proposal request is inconsistent with the Sydney Metropolitan Strategy – 'A Plan for Growing Sydney' 2014 as this plan recognises the Scenic Hills (including this property) as potential Parkland/Reserve.

**c) Inconsistent with Ministerial Directions (s.117 – *Environmental Planning and Assessment Act 1979*) (Direction 2.1 and 7.1)**

It is considered that the planning proposal request is inconsistent/not justified the inconsistency with Ministerial Direction 2.1 and 7.1 as the proposal has not adequately addressed impacts upon Environmental Protection Zones and the implementation of the Sydney Metropolitan Strategy.

**d) Inconsistent with the objectives of Campbelltown Local Environmental Plan—District 8 (Central Hills Lands)**

It is considered that the planning proposal request is inconsistent with the aims and objectives of Campbelltown Local Environmental Plan—District 8 (Central Hills Lands) as the proposal would not provide a visual contrast to the urban areas of Campbelltown, Camden and Liverpool. Further it is considered inconsistent with the 7(d1) zone objectives.

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## 2.5 Planning Proposal For Residential Subdivision - Macarthur Grange Golf Course, Raby Road, Varroville

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### **e) Inconsistent with the aims and relevant zone objectives of Campbelltown Local Environmental Plan 2015**

It is considered that the planning proposal request is inconsistent with the aims and relevant zone objectives of Campbelltown Local Environmental Plan 2015 as the proposal would not protect, and maintain the environmental, ecological and visual amenity of the Scenic Hills.

### **f) Inconsistent with the objectives of Campbelltown Local Planning Strategy 2013**

It is considered that the planning proposal request is inconsistent with the relevant objectives of the Campbelltown Local Planning Strategy 2013 as the proposal in particular would not protect the prevailing “undeveloped”/rural state of the Scenic Hills.

### **g) Proposal Fails to Demonstrate**

The planning proposal request fails to demonstrate how visual impacts will be managed to minimise impacts upon the Scenic Hills and has failed to demonstrate impacts on local fauna that may be present on site.

2. That Council advise the applicant of Council's decision.
3. That Council write to the Minister for Planning requesting that in consultation with Campbelltown City Council a State Environmental Planning Policy be created to protect and preserve the environmental, historical, visual and rural landscape and character of the Scenic Hills consistent with the current Local Environment Plan.

## **Council Resolution Minute Number 12**

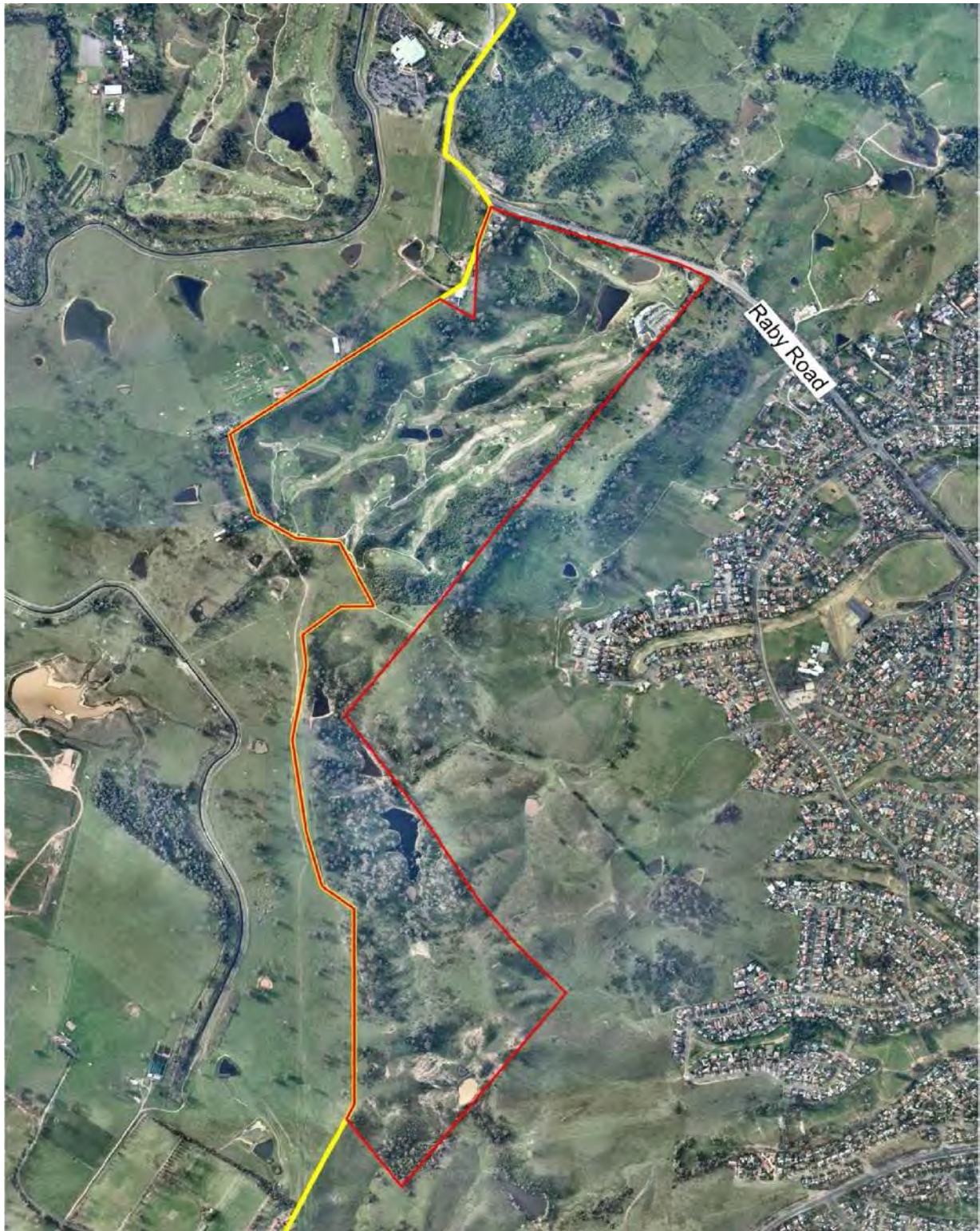
That the above amendment be adopted.

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

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

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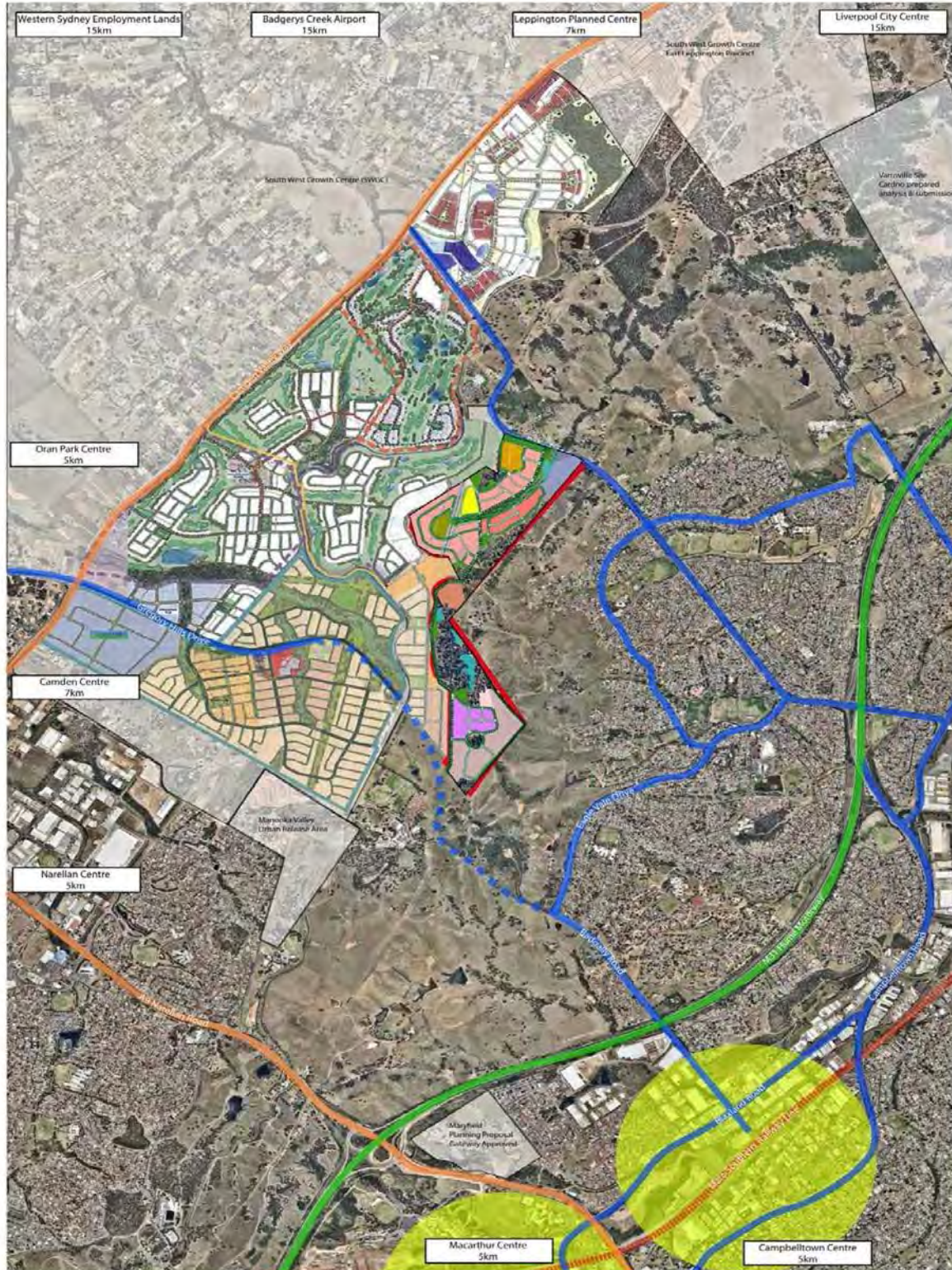
## ATTACHMENT 1





2.5 Planning Proposal For Residential Subdivision - Macarthur Grange Golf Course, Raby Road, Varroville

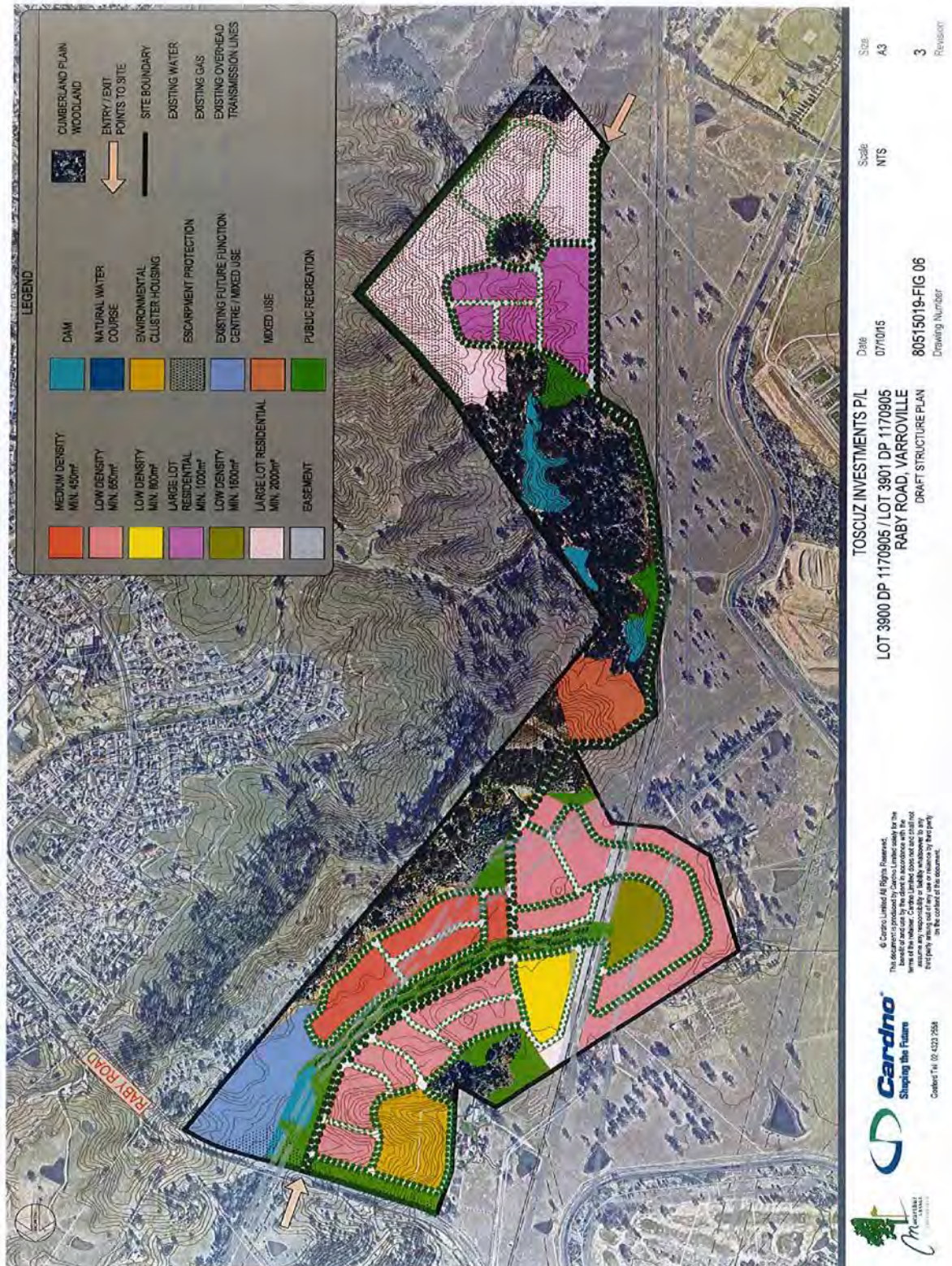
## ATTACHMENT 2



Attachment 2 - Indicative layout plan of adjoining development



## ATTACHMENT 4



### **3. DEVELOPMENT SERVICES**

#### **3.1 Development Services Section Statistics November and December 2015**

##### **Reporting Officer**

Acting Manager Development Services

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##### **Attachments**

Development Services application statistics for November and December 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 November and December 2015 as they affect the Development Services section.

##### **Officer's Recommendation**

That the information be noted.

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

That the Officer's Recommendation be adopted.

##### **CARRIED**

##### **Council Meeting 16 February 2016 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

##### **Council Resolution Minute Number 9**

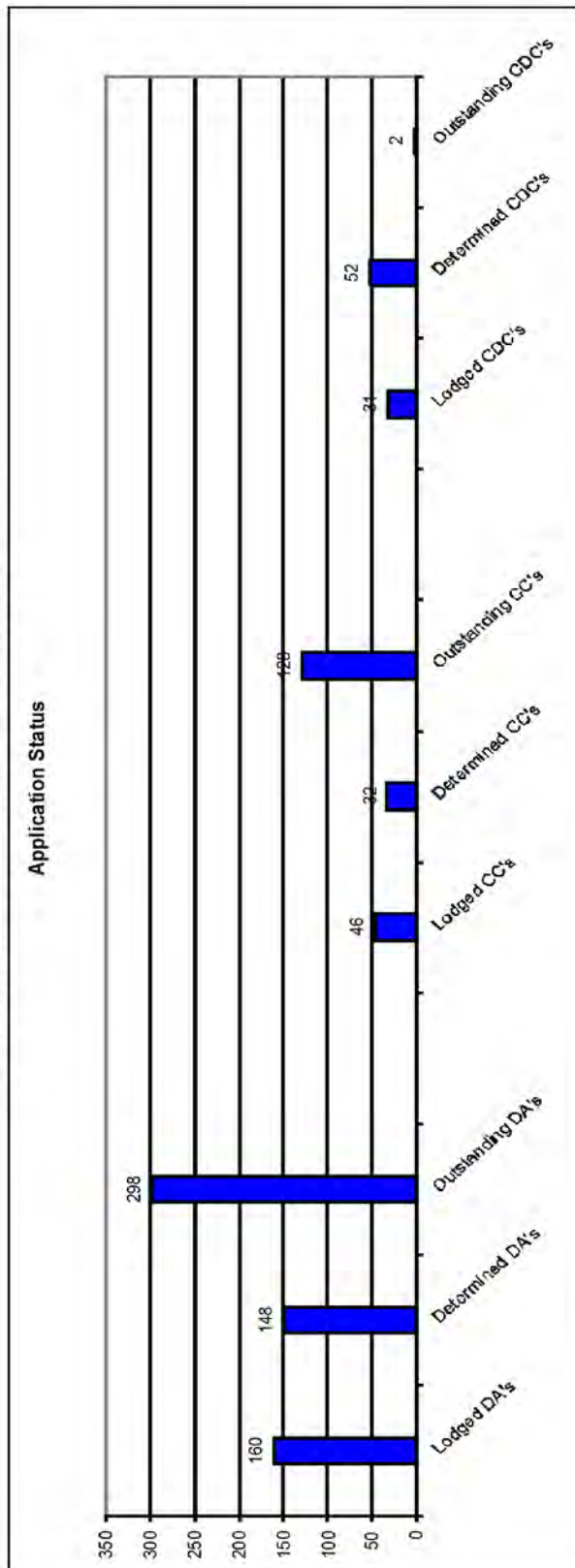
That the Officer's Recommendation be adopted.

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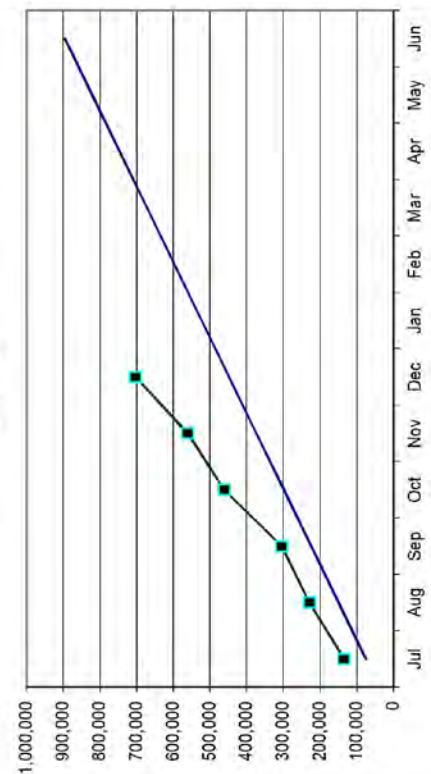


## ATTACHMENT 1

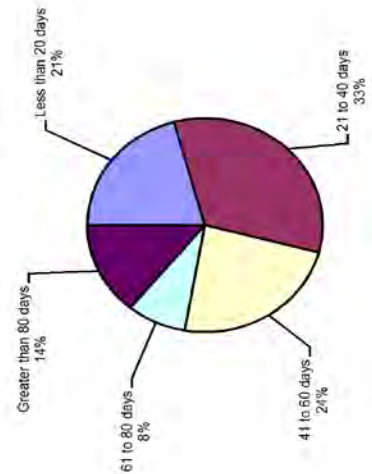
### DEVELOPMENT SERVICES SECTION MONTH AT A GLANCE – November/December 2015



### Development Application Income 2015/2016



### Development Application Processing Times Nov/Dec



## **4. COMPLIANCE SERVICES**

### **4.1 Legal Status Report**

#### **Reporting Officer**

Manager Compliance Services

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#### **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: (Rowell/Kolkman)**

That the Officer's Recommendation be adopted.

**CARRIED**

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**Council Meeting 16 February 2016 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 9**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1

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

Total ongoing Class 1 DA appeal matters (as at 20/01/2016)	1
Total completed Class 1 DA appeal matters (as at 20/01/2016)	3
Costs from 1 July 2015 for Class 1 DA appeal matters:	\$92,803.20

<b>1 (a)</b>	<b>FLIP OUT (CASTLE HILL) PTY LTD</b>
<b>Issue:</b>	An appeal against Council's refusal of development application No. 2014/2013/DA-C that sought consent for the construction of a fit-out and use of the premises as a recreation facility.
<b>Property:</b>	Lot 17 DP 1113810, 31 Mount Erin Road, Campbelltown.
<b>Property Owner:</b>	Mr Vijay Sood and Mrs. Nutan Sood
<b>Council File:</b>	Development Application No: 2014/2013/DA-C
<b>Court Application:</b>	Filed on 19 May 2015 - File No. 10429 of 2015
<b>Applicant:</b>	Flip Out (Castle Hill) Pty Ltd
<b>Costs Estimate:</b>	\$20,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
<b>Costs to date:</b>	\$7,351.03
<b>Status:</b>	Completed – applicant discontinued their appeal cost order being pursued.
<b>Progress:</b>	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 2014/2013/DA-C that sought consent for construction of a fit-out and the use of premises as a recreation facility. The matter was listed for first directions hearing on 17 June 2015.</p> <p>On 17 June 2015, the Registrar made certain procedural directions and adjourned the proceedings to 7 August 2015 for a section 34 conciliation conference.</p> <p>The conciliation conference was part-heard and 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.</p>

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

On 23 December 2015 the applicant, by consent, discontinued the appeal proceedings. The Notice of Discontinuance also contained a Court Order that the applicant pay Council's cost in the sum of \$4,400.00 by 18 January 2016.

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**1 (b)**

**Multiplan Constructions Pty Ltd**

**Issue:**

An appeal against Council's refusal of development application No. 2775/2014/DA-MAH that sought consent for the 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

Development Application No: 2775/2014/DA-MAH

**Council File:**

Filed on 22 September 2015 - File No. 10848 of 2015

**Court Application:**

Multiplan Constructions Pty Ltd

**Applicant:**

\$25,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

\$24,070.67

**Costs Estimate:**

Ongoing – proceedings listed for a section 34 conciliation conference on 10 February 2016.

**Costs to date:**

**Status:**

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 the construction of nine two-storey dwellings and associated strata subdivision.

**Progress:**

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 directions and listed the matter for telephone callover on 16 December 2015.

At the telephone callover on 16 December 2015, the Registrar adjourned the proceedings to 10 February 2016 for a section 34 conciliation conference so as to allow Council time to assess the amended plans submitted by the applicant.

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

Total ongoing Class 1 and 2 appeal matters (as at 20/01/2016)	0
Total completed Class 1 and 2 appeal matters (as at 20/01/2016)	2
Costs from 1 July 2015 for Class 1 & 2 appeal matters:	\$1,578.13

<b>2 (a)</b>	<b>FLIP OUT (CASTLE HILL) PTY LTD</b>
<b>Issue:</b>	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.
<b>Property:</b>	Lot 17 DP 1113810, 31 Mount Erin Road, Campbelltown.
<b>Property Owner:</b>	Mr Vijay Sood and Mrs. Nutan Sood
<b>Council File:</b>	Council Order 503/2015/N-EPA
<b>Court Application:</b>	Filed on 19 May 2015 - File No. 10427 of 2015
<b>Applicant:</b>	Flip Out (Castle Hill) Pty Ltd
<b>Costs Estimate:</b>	\$20,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
<b>Costs to date:</b>	\$0.00 – total costs attributed to Flip Out matter under item 1(a)
<b>Status:</b>	Completed – proceedings finalised, Council officers continue to monitor the premises for compliance with Court endorsed agreement between the parties.
<b>Progress:</b>	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's order 1 &amp; 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.</p> <p>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.</p>



On 18 December 2015, the parties, by consent, notified the Court that agreement had been reached under section 34(3) of the Land and Environment Court Act 1979, whereby the proceedings could be discontinued. The Court endorsed the agreement in terms that the applicant: undertake certain transitional fire safety procedures, practices and temporary works by 21 December 2015; cease the unauthorised use of the premises by 31 January 2016; and, restore the premises to its condition prior to the unauthorised use by 14 February 2016.

Council's Compliance Officers continue to monitor the premises pending the unauthorised use ceasing and vacation of the premises. Council's officers are satisfied with the applicants progress to date.

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

Total ongoing Class 4 matters before the Court (as at 20/01/2016)	0
Total completed Class 4 matters (as at 20/01/2016)	0
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 20/01/2016)	0
Total completed Class 5 matters (as at 20/01/2016)	0
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 20/01/2016)	0
Total completed Class 6 matters (as at 20/01/2016)	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 20/01/2016)	0
Total completed (as at 20/01/2016)	1
Costs contribution from 1 July 2015 for this matter	\$34,359.97

**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 20/01/2016)	2
Total completed Local Court Matters (as at 20/01/2016)	38
Costs from 1 July 2015 for Local Court Matters	\$5,955.66

<b>File No:</b>	LP52/15 – Penalty Notice Court Election
<b>Offence:</b>	Own dog that attacked animal.
<b>Act:</b>	<i>Companion Animals Act 1998</i>
<b>Costs to date:</b>	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
<b>Status:</b>	Ongoing – Listed for plea/mention on 2 February 2016
<b>Progress:</b>	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.  On 15 December 2015 the matter was adjourned by consent to 2 February 2016 for plea/mention.
<b>File No:</b>	LP53/15 – Penalty Notice Court Election
<b>Offence:</b>	Stop on path/strip in built-up area
<b>Act:</b>	<i>Road Rules 2014</i>
<b>Final Costs:</b>	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
<b>Status:</b>	Completed - Proved/Dismissed without penalty
<b>Progress:</b>	The matter was before the Court for first mention on 24 November 2015 where the defendant

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	entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and determined the matter without penalty.
<b>File No:</b>	LP54/15 – Penalty Notice Court Election
<b>Offence:</b>	Own dog that attacked animal.
<b>Act:</b>	<i>Companion Animals Act 1998</i>
<b>Costs to date:</b>	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
<b>Status:</b>	Ongoing – Listed for plea/mention on 2 February 2016
<b>Progress:</b>	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.  On 15 December 2015 the matter was adjourned by consent to 2 February 2016 for plea/mention.
<b>File No:</b>	LP56/15 – Penalty Notice Court Election
<b>Offence:</b>	Stand in disabled person parking space without authority displayed.
<b>Act:</b>	<i>Local Government Act 1993</i>
<b>Final Costs:</b>	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
<b>Status:</b>	Completed - Proved/Dismissed without penalty
<b>Progress:</b>	The matter was before the Court for first mention on 8 December 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.

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**File No:** LP58/15 – 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 8 December 2015 where the defendant, Mohammad Abdur Rahim, 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.

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**File No:** LP59/15 – Penalty Notice Court Election  
**Offence:** Stop in bus zone (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 - Proved/Dismissed without penalty

**Progress:** The matter was before the Court for first mention on 15 December 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.

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**File No:** LP60/15 – Penalty Notice Court Election  
**Offence:** Stop in bus zone (school-zone)  
**Act:** *Road Rules 2014*

**Costs to date:** \$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 15 December 2015 where the defendant, Janine Rose Mundy, entered a guilty plea with explanation. After hearing the evidence and submissions the Magistrate found the offence proved, imposing a \$50.00 fine and an order for \$85.00 court costs.

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<b>File No:</b>	LP61/15 – Penalty Notice Court Election
<b>Offence:</b>	Stop in bus zone
<b>Act:</b>	<i>Road Rules 2014</i>
<b>Final Costs:</b>	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
<b>Status:</b>	Completed - Proved/Dismissed without penalty
<b>Progress:</b>	The matter was before the Court for first mention on 5 January 2016 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.

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<b>File No:</b>	LP62/15 – Penalty Notice Court Election
<b>Offence:</b>	Stop at side of road continuous yellow edge line
<b>Act:</b>	<i>Road Rules 2014</i>
<b>Final Costs:</b>	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
<b>Status:</b>	Completed - Proved/Dismissed without penalty
<b>Progress:</b>	The matter was before the Court for first mention on 5 January 2016 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.

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#### **8. Matters referred to Council's solicitor for advice**

Matters referred to Council's solicitors for advice on questions of law, the likelihood of appeal or prosecution proceedings being initiated, and/or Council liability.

**Total Advice Matters (as at 20/01/2016)**  
**Costs from 1 July 2015 for advice matters**

**3**  
**\$5,954.46**

<b>9. Legal Costs Summary</b>		
The following summary lists the Planning and Environment Division's net legal costs for the 2015/2016 period.		
<b>Relevant attachments or tables</b>	<b>Costs Debit</b>	<b>Costs Credit</b>
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$92,803.20	\$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	\$5,954.46	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$140,651.42	\$100.00
<b>Overall Net Costs Total (GST exclusive)</b>	<b>\$140,551.42</b>	

## **5. GENERAL BUSINESS**

### **5.1 Waste Management High Density Dwellings**

Councillor Thompson referred to waste management issues within high density dwellings noting that junk mail and newspapers are often left outside uncollected.

It was also noted that when it rains, the waste matter often spreads and creates further issues and Councillor Thompson asked that consideration be given to management strategies, including the provision of waste management strategies within the relevant area of Council's development control plans for the control of junk mail and newspapers.

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

That a report be presented investigating waste management strategies for the control of junk mail and newspapers within high density dwellings.

**CARRIED**

#### **Council Meeting 16 February 2016 (Greiss/Kolkman)**

That the Committee's Recommendation be adopted.

#### **Council Resolution Minute Number 9**

That the Committee's Recommendation be adopted.

#### **Confidentiality Motion: (Kolkman/Thompson)**

That the Committee in accordance with Section 10A of the *Local Government Act 1993*, move to exclude the public from the meeting during discussions on the items in the Confidential Agenda, due to the confidential nature of the business and the Committee's opinion that the public proceedings of the Committee would be prejudicial to the public interest.

**CARRIED**

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## **21. CONFIDENTIAL ITEMS**

### **21.1 Expression of Interest for Sale of BioBanking Credits**

#### **Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

### **21.2 Confidential Report Directors of Companies**

#### **Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

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

That the Committee in accordance with Section 10 of the *Local Government Act 1993*, move to re-open the meeting to the public.

**CARRIED**

There being no further business the meeting closed at 8.39pm.

G Greiss  
CHAIRPERSON

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