

# PART ONE

**Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 22 June 2010.**

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**APOLOGIES**

**ACKNOWLEDGEMENT OF LAND**

**DECLARATIONS OF INTEREST**

**Pecuniary Interests**

**Non Pecuniary – Significant Interests**

**Non Pecuniary – Less than Significant Interests**

ITEM	TITLE	PAGE
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## PART ONE

### 1. WASTE AND RECYCLING SERVICES

No reports this round

### 2. ENVIRONMENTAL PLANNING

2.1 Relocation of Grey-Headed Flying-Foxes from the Royal Botanical Gardens Sydney

2.2 Metropolitan Development Program 2008/2009 Report

2.3 Georges River Combined Councils Committee Meeting Update

2.4 Energy Efficiency of Australian Homes

2.5 Declaration of Coolatai Grass as a Class 3 Noxious Weed in Campbelltown Local Government Area

2.6 Outcomes of the Public Exhibition of the Draft Marsden Park Plan of Management

### 3. DEVELOPMENT SERVICES

3.1 Development Services Section Application Statistics - May 2010

3.2 Lot 2 DP 706701, Lot 21 DP 733505 and Lot 4035 DP 790757, Demetrius Road and Anthony Drive, Rosemeadow - Staged development for residential subdivision, including construction of Stage 1, creating 72 allotments, roads and associated site works.

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## **PART TWO**

- 3.3 Nos. 27-29 Carlisle Street, Ingleburn - Demolition of existing dwellings and construction of a commercial building**

## **PART THREE**

- 3.4 No. 9 Austool Place, Ingleburn - Lot 201 DP1123315**
- 3.5 No. 395 Pembroke Road, Minto - Subdivision of an industrial estate into seven allotments and dedication of estate access road as a public road**

## **PART FOUR**

- 3.6 Nos. 12-14 King Street Campbelltown - Demolition of existing dwellings and construction of a residential apartment building**

## **PART FIVE**

- 4. COMPLIANCE SERVICES**
    - 4.1 Legal Status Report**
  - 5. GENERAL BUSINESS**
  - 18. CONFIDENTIAL ITEMS**
    - 18.1 Confidential Information Relating to Various Items on the Planning and Environment Agenda 22 June 2010**
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## **Minutes of the Planning and Environment Committee held on 22 June 2010**

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### **Present**

Councillor R Matheson (Chairperson)  
Councillor J Bourke  
Councillor G Greiss  
Councillor R Kolkman  
Councillor M Oates  
Councillor R Thompson  
General Manager - Mr P Tosi  
Director Planning and Environment - Mr J Lawrence  
Manager Development Services - Mr J Baldwin  
Manager Compliance Services - Mr A Spooner  
Manager Waste and Recycling Services - Mr P Macdonald  
Manager Community Resources and Development - Mr B McCausland  
Senior Development Planner - Mr A Macgee  
Environmental Planning Coordinator - Ms R Winsor  
Corporate Support Coordinator - Mr T Rouen  
Executive Assistant - Mrs K Peters

### **Apology (Greiss/Thompson)**

That the apology from Councillor Rowell be received and accepted.

**CARRIED**

### **Acknowledgement of Land**

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

### **DECLARATIONS OF INTEREST**

There were no Declarations of Interest at this meeting.

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

**No reports this round**

## **2. ENVIRONMENTAL PLANNING**

### **2.1 Relocation of Grey-Headed Flying-Foxes from the Royal Botanical Gardens Sydney**

**Reporting Officer**

Manager Environmental Planning

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#### **Attachments**

Figure 1 - Potential Localities for Relocation (Distributed under Separate Cover)

#### **Purpose**

To provide Council with information regarding the proposed relocation of Grey-headed Flying-foxes from the Royal Botanical Gardens Sydney and possible implications for the Campbelltown Local Government Area.

#### **History**

At its Ordinary meeting on 1 June 2010, a number of questions without notice were asked of the Director Planning and Environment:

*Councillor Kolkman referred to a letter from the Botanic Gardens Trust regarding the proposed relocation of 22,000 Grey Bearded Flying Foxes. Councillor Kolkman asked the Director Planning and Environment if he could advise what the environmental impact will be if these foxes relocate in the Campbelltown LGA.*

*Councillor Rowell raised concerns regarding the proposed relocation and the potential increase of flying foxes in the local area noting that it could expose the Campbelltown LGA to the risk of the Hendra Virus.*

*Councillor Hawker noted that the flying foxes have a liking for grain food and that if they relocate in the vicinity of Menangle Park Trotting Club, which holds large reserves of feed grain, it may create possible health concerns for the LGA. It was also noted that flying foxes play a significant role in the regeneration of plant species throughout the environment and that in the process of relocation consideration should be given to ensuring that the flying fox colonies are not destroyed.*

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Please note that the species in question, regarding the proposed relocation from the Royal Botanic Gardens Sydney, is commonly known as the Grey-headed Flying-fox.

## **Report**

The Royal Botanic Gardens Sydney (RBGS) is home to a camp of Grey-headed Flying-foxes (GHFF) which can number more than 22,000 at their seasonal peak. The roosting habit of the flying-foxes is causing serious damage to significant plantings - 18 trees have been lost and more than 300 plants, including trees, affected. In order to save the botanic collections and the heritage landscape, the Botanic Gardens Trust is proposing to relocate the flying-fox camp to other camps in the Sydney metropolitan area.

### **Approval for relocation**

The Botanical Gardens Trust have been granted Commonwealth and State approval to relocate the colony of GHFF from the RBGS. The proposed action has been determined to be a 'controlled action' under the Environment Protection and Biodiversity Conservation (EPBC) Act. The RBGS have been issued permits under the EPBC Act and Threatened Species and Conservation Act 1995 for the relocation of the colony.

The GHFF will be dispersed from the RBGS primarily using acoustic stimuli, including noises played through loud-speakers mounted on vehicles. As the GHFF are not being physically relocated the animals will be left to find alternative roosting sites of their own accord. Whilst it is expected that some of the GHFF will join other existing camps, some may establish a new camp or camps within the Sydney metropolitan area.

Under the conditions of the respective permits, the RBGS have identified suitable relocation sites, approved by the land managers, in the Sydney area (see Appendix 1). These include one existing camp (Ku-ring-gai Flying-fox Reserve) as well as new potential sites approved by National Parks and Wildlife Service: (Lane Cove National Park (NP), Botany Bay NP, Garigal NP, Royal NP). Wherever the flying-foxes choose to relocate to, the RBGS will consult with the relevant land managers to determine whether or not the site is an appropriate roosting site for the flying-foxes, whether the site is physically able to sustain the flying-foxes and whether it is acceptable to the local community. If it is determined that the new site is likely to suffer unacceptable levels of damage or be in conflict with the local community's needs, the RBGS will commit to moving the flying-foxes on to a more suitable location for as long as is permitted under the relevant licences.

The RBGS will provide a hotline for land managers and the general public to report sightings. Reports of sightings from land managers and the community will be collated, mapped, and assessed on a case-by-case basis. The RBGS will assess the impacts of new arrivals and work with the relevant land and wildlife managers to ensure new and expanded camps are both appropriate and remain viable.

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Notwithstanding the identification of preferred relocation sites, there remains a chance that some of the relocated GHFF could re-establish within the Campbelltown Local Government Area (LGA). The GHFF already occurs within the Campbelltown LGA with the size of the population fluctuating depending upon the availability of food resources and lifecycle requirements. In this regard, a number of existing roosting sites are already known to occur within the LGA. Such sites can be used by the GHFF on either a permanent or a temporary basis. Campbelltown's native vegetation is also an important foraging resource for individuals from both inside and outside of the LGA. Considering that the GHFF already roosts and forages within the Campbelltown LGA

the relocation program will not change the way in which this species currently utilises the LGA although it could potentially increase the number of individuals that occur either on a temporary or permanent basis.

### **Public health risks**

The GHFF is a natural host for the Hendra virus. The risk of a person catching any disease from a flying-fox is minimal. Although the Hendra virus can be transmitted, from horses to humans, there is no evidence that it can be transmitted directly from GHFFs to humans. It is understood that all human infestations have been the result of close contact with infected horses. Whilst the spread of the Hendra Virus from flying foxes to horses is not yet fully understood, it is considered that the relocation program is unlikely to increase the general risk posed to humans and horses from this virus.

Whilst large numbers of flying-foxes have roosted at the Royal Botanic Gardens for almost 20 years there has never been any reported serious injury or illness caused by these flying-foxes. Flying-Foxes are generally quite docile animals.

### **Dietary information**

The GHFF prefer a diet of blossom, nectar, fruit and occasionally leaves of native plants. They will also take the fruit of cultivated trees, particularly during periods of shortages of their preferred food. They can travel up to 100 kilometres in a night although most feeding is done within 25 kilometres of their daytime camp. Other pollinators operate over much smaller areas. In this regard, the GHFF makes a significant contribution to environmental health and the economy through their role as essential pollinators and as seed dispersal agent for native species.

### **Conclusion**

The RBGS has been granted approvals by the Commonwealth and State Governments for the relocation of a colony of GHFFs from the RBGS. The RBGS have identified potential new sites suitable for relocation, none of which are located in the Campbelltown LGA, however, there is still a chance that some of the flying foxes may relocate to Campbelltown. Notwithstanding, upon relocation the RBGS will consult with the relevant land managers to determine if the site is appropriate taking into account community and habitat issues.

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### **Officer's Recommendation**

1. That the information be noted.
2. That Council notify the Royal Botanic Gardens Sydney immediately, should it become evident that a colony of Grey-headed Flying-foxes establish themselves in a location in the Campbelltown Local Government Area, that is not already used as a roosting site, and which is considered inappropriate by Council.

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

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 29 June 2010 (Matheson/Kolkman)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 111**

That the Officer's Recommendation be adopted.

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## **2.2 Metropolitan Development Program 2008/2009 Report**

### **Reporting Officer**

Manager Environmental Planning

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### **Attachments**

Extract - MDP 2008/09 Report (distributed under separate cover).

### **Purpose**

To brief Council on the recent release of the NSW Government's Metropolitan Development Program (MDP) Report for the 2008/2009 period.

### **Report**

#### **Background**

The MDP is the State Government's key program for tracking and managing housing supply across metropolitan Sydney, Newcastle, the Central Coast and Wollongong. The MDP includes major infill sites in existing urban areas as well as greenfield sites. The MDP develops an indicative ten-year dwelling supply forecast, which is an important tool in tracking the likely future availability of land for housing purposes, thereby assisting the NSW Government to ensure that the demand of the housing market can be adequately met, and the affordability of housing maintained.

It is also a valuable resource for Government agencies which are responsible for the provision of infrastructure by keeping them informed of likely future land release areas that will require the amplification of infrastructure such as connection to sewerage, electricity and transport networks.

#### **Campbelltown**

The MDP presents housing (development) forecasts within five (5) major categories, as follows:

1. Major Sites – Sites which will likely generate more than 50 new dwellings;
  2. Greenfield Release Area (Dwelling Production);
  3. Greenfield Release Area (Land Potential);
  4. Campbelltown Greenfield Release Area (Zoning and Service Status); and
  5. Campbelltown Greenfield Release Area (Zoning and Service Timetable).
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### ***Campbelltown Major Sites***

Major sites are defined as sites that are identified as having development potential in excess of 50 dwellings. These sites typically include infill housing projects and residential apartment buildings. Campbelltown currently has 15 major sites listed on the MDP with the potential to produce approximately 3,160 dwellings. This includes developments at Macarthur Gardens and Park Central as well as Chamberlain Street Apartments and the Mosaic Apartments. (See Table 1)

Table 1: - Campbelltown Major Sites – MDP 2008/09 Report

<b>Campbelltown Major Sites</b>		<b>Past 5 yrs</b>	<b>0-5 years 2008/2009 to 2012/2013</b>	<b>6-10 years 2013/2014 to 2017/2018</b>	<b>10 year Total</b>
<b>Site ID</b>	<b>Site Name</b>				
Camp 02	Macarthur Gardens	70	400	258	658
Camp 03	Park Central	147	165	32	197
Camp 04	15-19 Warby Street	0	69	0	69
Camp 05	Airds (Links)	0	0	390	390
Camp 06	Leumeah Apartments	72	174	0	174
Camp 09	3-7 Warby Street	0	86	0	86
Camp 11	Chamberlain Street Apartments	0	34	0	34
Camp 12	Chamberlain Street Apartments	0	0	60	60
Camp 15	Leumeah Park	0	0	65	65
Camp 17	John Terry High school	0	0	198	198
Camp 19	Minto Housing Estate	0	380	470	850
Camp 21	UWS Macarthur	0	216	534	750
<b>Total</b>		<b>289</b>	<b>1524</b>	<b>2007</b>	<b>3820</b>

It should be noted that a number of the approved Apartment buildings have been removed since the 2007/2008 report. The Development Applications for these developments have expired without substantial commencement having begun during the past 12 months.

### ***Campbelltown Greenfield Release Area (Dwelling Production)***

Greenfield Release Areas (Dwelling Production) are areas that have been listed by the Department of Planning as growth areas. Areas nominated within the Campbelltown Local Government Area include: Menangle Park, Glenfield Road and Edmondson Park. In total there are 7 sites listed as Greenfield Release Areas on the MDP. They are expected to generate in excess of 4,750 new dwellings in the long term across a 15 year timeframe. (See Table 2)

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Table 2: Campbelltown Greenfield Release Area (Dwelling Production) – MDP 2008/09 Report

<b>Campbelltown Greenfield Release Area (Dwelling Production)</b>	<b>Past 6-10 yrs</b>	<b>Past 5 yrs</b>	<b>0-5 years 2008/2009 to 2012/2013</b>	<b>6-10 years 2013/2014 to 2017/2018</b>	<b>11-15 years 2018/2019 to 2023/2024</b>
Blairmount	20	0	0	0	0
Edmondson Park Composite (inc. Ingleburn Gardens)	0	0	230	500	750
Glenfield Road	1	126	579	257	0
Macquarie Links	214	119	100	0	0
Menangle Park	0	0	0	450	750
Mount Gilead	0	0	0	450	500
St Helens Park	284	76	161	14	0
Completed Areas	1124	145	0	0	0
<b>Total</b>	<b>1743</b>	<b>466</b>	<b>1070</b>	<b>1689</b>	<b>2000</b>

### ***Campbelltown Greenfield Release Area (Lot Production)***

The 2008/2009 MDP report for the first time has included a table showing the historical and projected number of lots produced. The incorporation of this table completes the life-cycle (Zoned-Serviced-Subdivision-Development) reporting for release areas.

Table 3: Campbelltown Greenfield Release Area (Lot Production) – MDP 2008/09 Report

<b>Campbelltown Greenfield Release Area (Lot Production)</b>	<b>Past 6-10 yrs</b>	<b>Past 5 yrs</b>	<b>0-5 years 2008/2009 to 2012/2013</b>	<b>6-10 years 2013/2014 to 2017/2018</b>	<b>11-15 years 2018/2019 to 2023/2024</b>
Blairmount	25	9	0	0	0
Edmondson Park Composite (inc. Ingleburn Gardens)	0	2	229	380	520
Glenfield Road	4	122	678	136	0
Macquarie Links	267	54	53	0	0
Menangle Park	0	3	50	500	750
Mount Gilead	0	0	50	500	500
St Helens Park	270	84	133	0	0
Completed Areas	1155	84	0	0	0
<b>Total</b>	<b>1721</b>	<b>358</b>	<b>1193</b>	<b>156</b>	<b>1770</b>

### ***Campbelltown Greenfield Release Area (Zoning and Service Status) and Campbelltown Greenfield Release Area (Zoning and Service Timetable)***

The following two tables (Table 4 and 5) refers to land that is zoned and serviced (or planned to be zoned and serviced) for urban development. In basic terms it is a measure of the amount of land within the LGA that will potentially be developed for residential purposes in the future. As previously mentioned there are seven (7) areas nominated by the Department of Planning as designated growth areas.

The seven (7) sites listed as Greenfield Release Areas by the MDP have a potential to develop in excess of 8,450 lots/dwellings. It should be noted that of the 8,459 dwellings proposed 62% are not zoned or serviced while a further 24% have only trunk infrastructure in place (see Table 4). The proposed servicing of these areas within the next 5 years will require significant infrastructure investment in the near future. (See Table 5)

Table 4: Campbelltown Greenfield Release Area (Land Potential) – MDP 2008/09 Report

<b>Campbelltown Greenfield Release Area (Land Potential)</b>	<b>Stock with lead in infrastructure</b>	<b>Stock with trunk infrastructure</b>	<b>Not Zoned and Serviced</b>	<b>Not Zoned and Not Serviced</b>	<b>Total Potential</b>
Blairmount	0	0	0	200	200
Edmondson Park Composite	0	2,030	0	0	2,030
Glenfield Road	854	0	0	0	854
Macquarie Links	100	0	0	0	100
Menangle Park	0	0	0	3,600	3,600
Mount Gilead	0	0	0	1,500	1,500
St Helens Park	175	0	0	0	175
<b>Total</b>	<b>1129</b>	<b>2030</b>	<b>0</b>	<b>5300</b>	<b>8459</b>

NB: Land Potential measured in lots/dwellings

Table 5: Campbelltown Greenfield Release Area (Land Potential) – MDP 2008/09 Report

<b>Campbelltown Greenfield Release Area (Land Potential)</b>	<b>Zoned and Serviced</b>	<b>Zoned and Serviced Next 5 yrs</b>	<b>Zoned and Serviced beyond 5 yrs</b>	<b>Total Potential</b>
Blairmount	0	0	200	200
Edmondson Park Composite	0	2,030	0	2,030
Glenfield Road	854	0	0	854
Macquarie Links	100	0	0	100
Menangle Park	0	3,600	0	3,600
Mount Gilead	0	0	1,500	1,500
St Helens Park	175	0	0	175
<b>Total</b>	<b>1129</b>	<b>5630</b>	<b>1700</b>	<b>8459</b>

NB: Land Potential measured in lots/dwellings

## Conclusion

The MDP 2008/2009 Report shows Campbelltown as having the potential to develop in excess of 10,000 new dwellings in the long term (15 year time frame to 2024). To compare this with historical development trends, in the 5 year period between 1998-2003 Campbelltown produced 3,085 dwellings while in the last 5 years that have been recorded (2003-2008) Campbelltown has produced only 1,439 dwellings. The predicated growth nominated in the MDP 2008/09 Report would see the growth rate at approximately 650 dwellings/year or more than 10 dwellings per week.

It should also be noted that the MDP 2008/2009 Report does not incorporate targets set by the Metropolitan Strategy prepared by the NSW Department of Planning. The targets set in the Metropolitan Strategy (2005) would see approximately 19,000 more dwellings developed in Campbelltown over the next 25 years. This is in addition to the 8,459 greenfield dwellings nominated by the MDP. The additional dwelling potential will need to be accommodated in Council's forthcoming comprehensive local environmental plan.

According to the figures provided by the MDP, Campbelltown will continue to grow in the long term. The expected growth rate of 650 dwellings/year is a significant increase from the growth rates that have been experienced over the past decade. With this in mind, it is important that Council plan for this likely future development and ensure that it is executed in an orderly manner with the appropriate infrastructure commitments in place by various servicing outcomes.

### **Officer's Recommendation**

That the information be noted.

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

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 29 June 2010 (Matheson/Kolkman)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 111**

That the Officer's Recommendation be adopted.

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# **DUE TO THE SIZE OF THE ATTACHMENTS LISTED IN ITEM 2.3 (BELOW) - ATTACHMENTS ARE AVAILABLE SEPARATELY UPON REQUEST FROM THE PLANNING AND ENVIRONMENT SECTION**

## **2.3 Georges River Combined Councils Committee Meeting Update**

### **Reporting Officer**

Manager Environmental Planning

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### **Attachments**

1. Copy of Minutes from the Ordinary Meeting of the Georges River Combined Councils Committee, held on 29 April 2010.
2. Project Manager update – Upper Georges River Initiative.
3. Project Manager update – Mid Georges River Initiative.
4. Project Manager update – Lower Georges River Initiative.
5. GRCCC River Health Monitoring Project Cluster report.
6. GRCCC Communications Cluster report.
7. Improving Prospect Creek Project report.
8. Riverkeeper report.
9. GRCCC Estuary Management Plan Cluster report.

### **Purpose**

To provide Council with an update on the outcomes of Georges River Combined Councils' Committee (GRCCC) Ordinary Meeting held at the offices of Fairfield City Council on Thursday 29 April 2010.

### **History**

The Georges River Combined Councils Committee (GRCCC) represents local governments in the Georges River Catchment of NSW. Members include nine (9) local councils, Rockdale City, Sutherland Shire, Kogarah City, Hurstville City, Bankstown City, Liverpool City, Fairfield City, Campbelltown City and Wollondilly Shire Councils. It is an incorporated association of local councils working in partnership with State and Federal government agencies and community representatives within the Georges River Catchment.

Formed in 1979 the GRCCC's mission is to advocate for the protection, conservation and enhancement of the health of the Georges River, by developing programs and partnerships and by lobbying government organisations and other stakeholders.

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## Report

The Ordinary Meeting of the GRCCC was held at the offices of Fairfield City Council on Thursday 29 April 2010. A copy of the Minutes of the meeting is provided as Attachment 1.

An outline of the main issues discussed at this meeting is provided below:

### (i) **Cooks River Alliance**

Rachael Jakuba, the project officer for the Cooks River Sustainability Initiative, provided a presentation regarding the establishment of a Cooks River Alliance. The Alliance would transform the Cooks River Foreshore Working Group (currently comprised of technical staff across eight councils) into a regional co-ordination group with representation from Councillors. The Alliance would be underpinned by an 'Alliance Working Group' formed of staff and agency representatives. The Alliance would set clear targets for the Cooks River Sustainability Initiative and future projects as well as aiming to build capacity for member councils.

### (ii) **GRCCC Program Cluster Reports**

#### *a. Riverkeeper Program*

The Riverkeeper provided an update on the restructure of the periodic detention system by Corrective Services NSW and the rigorous OHS site assessment process.

Councils were asked to nominate six rubbish collection sites and one primary weeding site for inclusion on the Riverkeeper program

#### *b. Estuary Management Program*

An Estuary Management Plan is planned to be developed for the Georges River estuary. The Plan aims to promote cooperation between the NSW Government, Local Government, Catchment Management Authorities, landholders and estuary users.

As a part of the process for the development of the plan, an estuary process study and estuary management study will be completed. The consultancy firm SMEC Australia Pty Ltd, have been engaged to develop these studies. A draft Georges River Data Compilation and Estuary Processes Study has been submitted to the cluster committee and is available online.

#### *c. River Health Monitoring Project*

Hard copies of the River Health report card (previously reported to Council) are available for all GRCCC councils and it is also available on the GRCCC's Georges River Website. The Autumn sampling cycle has recently commenced. All six (6) sites tested in the Spring Cycle, will be tested again.

An application has been submitted for a Caring for Country grant to expand and continue the River Health project until 2013.

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*d. Media/Communications Program*

Establishment of the cluster group has commenced, which includes a representative from Campbelltown City Council. The group has recently developed the River Health Volunteer Survey to collect data about community engagement in GRCCC activities as well as coordination of Clean Up Australia Day media and sourcing of quotes for a new GRCCC logo.

The Communications Program has developed a strategy to raise the profile of the GRCCC within member councils.

**(iii) Reports on Environmental Trust funded Sustainability Initiatives**

Project managers provided updates on their respective project activities.

**Upper Georges River**

The project manager (Council's Senior Environmental Strategic Planner) advised that the project has been granted a six month extension by the NSW Environmental Trust.

It was reported that on-ground works are now being implemented in Liverpool and Wollondilly LGAs, however works in the Campbelltown LGA have been rescoped due to identified savings and the need to take the opportunity to address community desires identified in the community engagement workshops held at the commencement of the project.

The works and artists for the Federal Arts Grants are currently being finalised.

**Mid Georges River**

On-ground works under the relevant Masterplan projects are progressing including the collection of weeds for chicken pellet production.

Bankstown and Sutherland Councils have undertaken Water Sensitive Urban Design (WSUD) capacity building workshops to increase their staff's capacity in terms of implementing sustainable water management within their LGA's.

**Lower Georges River**

The Business Plan for the project is awaiting sign-off by the various Councils and milestone reports have been drafted for submission to the Environmental Trust.

**Improving Prospect Creek**

Liaison with the NSW Environmental Trust regarding changes to the project is occurring, with the following activities planned for the next few months: quotes sourced for development of a Strategic Management Plan for the site, community workshops and bush regeneration and creek cleaning works.

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**(iv) Executive Committee Report**

The GRCCC will adhere to the local government guidelines for all future procurement of goods and contracting of services. In this regard, the GRCCC will no longer be solely using the Corrective Services nursery for the provision of nursery services.

**(v) Treasurer's Report**

The draft budget was adopted by the GRCCC Council. The Committee further agreed to allocate up to a maximum of \$25,000 for the replacement of the tipping tray on the Riverkeeper Truck and up to a maximum of \$45,000 for the purchase of a suitable mini bus to transport GRCCC Riverkeeper program participants.

**Items for Action/Relevance to Campbelltown City Council**

Pursuant to item (ii)a above Council will provide the Riverkeeper with sites for rubbish removal and primary weeding by periodic detention crews under the Riverkeeper Program.

**Officer's Recommendation**

1. That an update on the outcomes of the next meeting of the GRCCC be provided to Council pending the circulation of the relevant minutes.
2. That Council officers provide the Riverkeeper with appropriate sites for rubbish removal and primary weeding by periodic detention crews under the Riverkeeper program.

**Committee's Recommendation: (Bourke/Greiss)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 29 June 2010 (Matheson/Kolkman)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 111**

That the Officer's Recommendation be adopted.

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## 2.4 Energy Efficiency of Australian Homes

### Reporting Officer

Manager Environmental Planning

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### Attachments

Nil

### Purpose

To provide Council with information regarding the Australian Bureau of Statistics (ABS) publication: *Energy in Focus: Energy Efficiency of Australian Homes, April 2010*.

### Report

The Australian Bureau of Statistics (ABS) has released the new publication, *Energy in Focus: Energy Efficiency of Australian Homes, April 2010*, which comprises of the following articles:

- Use of Renewable Energy in Australian Homes;
- Characteristics of Australian Homes and Implications for Energy Efficiency; and
- Use of Appliances and White Goods in Australian Homes.

These articles examine energy efficiency and energy use in Australian homes. The articles focus on housing characteristics, the selection and use of appliances and the use of renewable energy in Australian homes to build a picture of household energy efficiency. They use data from the ABS Energy Account 2006-07 and environmental household survey data published in *Environmental Issues: Energy Use and Conservation*, March 2008, as well as data from the ABS Australian Demographic Statistics, Sept 2009 and *Household and Family Projections, Australia, 2001 to 2026*.

In 2006-07 the residential sector accounted for about 8% of Australia's total energy use (Australian Bureau of Agricultural and Resource Economics 2008). Of this energy use, space heating/cooling and water heating together accounted for nearly two-thirds (63%) of household energy use (Department Environment Water Heritage and the Arts (DEWHA) 2008).

Energy consumption in households is an important contributor to greenhouse gas emissions, particularly because of Australia's heavy reliance on fossil fuels (e.g. coal, oil and gas) for electricity generation. Australia's direct greenhouse gas emissions for the residential sector (including transport) were about 9% of total emissions, an increase of 25% since 1990 (Department of Climate Change 2008).

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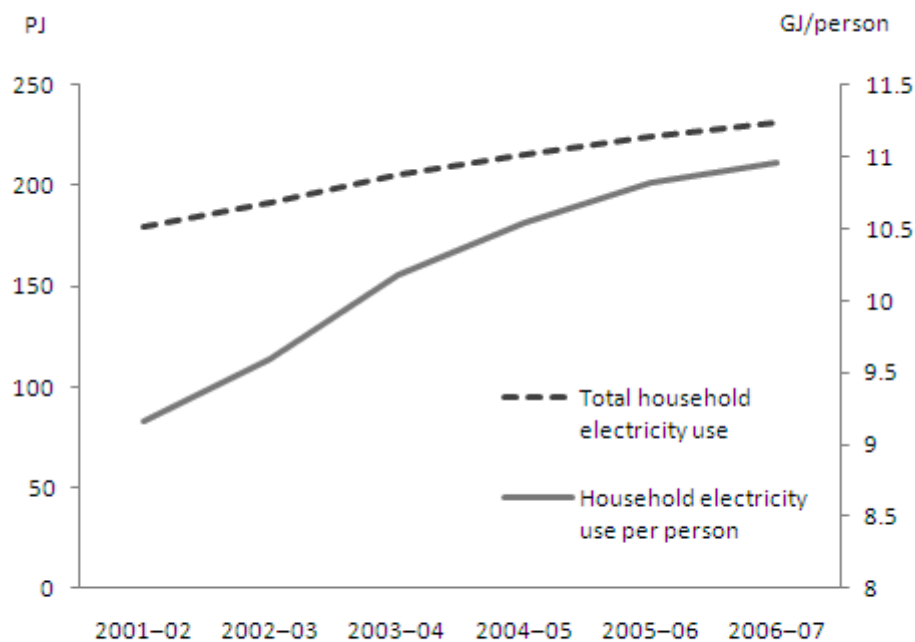
It is generally considered that increasing concentrations of greenhouse gases in the atmosphere contribute to climate change, including the likelihood of greater rainfall variability and more extreme temperatures (National State of the Environment 2006). Australia's "per capita" greenhouse gas emissions are the highest of any Organisation for Economic Cooperation and Development (OECD) country (Garnaut 2008).

### Use of Renewable Energy in Australian Homes

This article examines the source of energy used to power Australian homes. The type and amount of energy used in the home has a considerable impact on the production of greenhouse gas emissions. Despite the efforts of Australians to become more energy efficient in their homes, household electricity use per person increased by 19% between 2001 and 2007 (Figure 1). The main factors which have contributed to this increase are:

- larger dwelling sizes;
- decreasing average household size;
- more appliances;
- IT equipment used per household; and
- the increased use of heaters and coolers.

**Figure 1. Australian household electricity use 2001-02 to 2006-07**



Note: There are 1,000,000 gigajoules (GJ) in a petajoule (PJ)

Source: ABS, 2009, Energy Account 2006-07 (4604.0)

ABS, 2010, Australian Demographic Statistics (3101.0)

Whilst the use of energy from renewable and green sources can help to combat increasing greenhouse gas emissions, in 2006-07 electricity generated from renewable sources made up only 3.6% of electricity generated for industry and households.

Solar energy was used by 7% of Australian households for heating water in 2008, nearly double the use in 2005 (used by 4%). This is most likely attributable to the introduction of State and Federal Government rebate schemes. The use of solar power for hot water systems doubled between 2005 and 2008 in New South Wales (2.5% in 2005 to 5% in 2008). More than half of all households (52%) were aware of GreenPower in 2008. This was a large increase compared with 2005 (29%) and in 1999 (19%) that were aware of GreenPower. In 2008 33% of Australian households were willing to support GreenPower by paying extra, compared to 23% in 2005 (Figure 2).

**Figure 2. Fuels used in Australian electricity generation for industry and households 2006-07**

Fuel Type	Energy Input (PJ)	% of Total Energy Input
<b>Thermal</b>		
Black coal	1,379	56.4
Brown coal	671	27.4
Oil	25	1.0
Gas	284	11.6
<b>Total Thermal</b>	<b>2,360</b>	<b>96.4</b>
<b>Renewables</b>		
Hydro	52	2.1
Wind and solar photovoltaic	23	0.9
Biomass	5	0.2
Biogas	7	0.3
<b>Total Renewables</b>	<b>87</b>	<b>3.6</b>

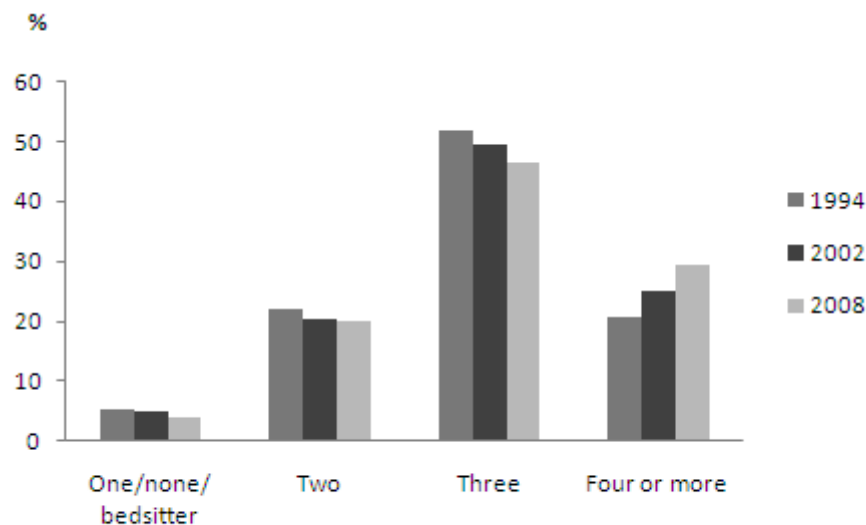
Source: Australian Bureau of Agricultural and Resource Economics, 2009, *Energy in Australia 2009*.

### **Characteristics of Australian Homes and Implications for Energy Efficiency**

The size and characteristics of Australian homes have implications for household energy use and greenhouse gas emissions.

The amount of floor space affects the amount of energy needed to heat or cool a dwelling. Between 1994 and 2008, the number of homes with four or more bedrooms rose from 21% to 29% and despite the increasing size of homes, household size is decreasing, from 2.6 people per household in 2001 to projections of between 2.2 and 2.3 people per household in 2026 (Figure 3). This means that more space needs to be heated and cooled per person, requiring more energy.

**Figure 3. Number of bedrooms per home, 1994, 2004 and 2008**



Source: ABS, 2008, Environmental Issues: Energy Use and Conservation, March 2008 (4602.0.55.001)

The proportion of dwellings that were insulated in Australia was 62% in 2008 up from 52% in 1994.

Comfort was cited as the main reason why nearly all householders had installed insulation in their homes. Only 4% of households said they had installed insulation to reduce energy use and 11% said it was to save on energy bills. Of those households with no insulation, the most common reasons for not having insulation was that they were not the home owners or were not responsible, or cost, or that they had not considered installing insulation.

### **Use of Appliances and White Goods in Australian Homes**

The selection and use of appliances and white goods in Australian homes affects energy consumption and the production of greenhouse gas emissions.

Heaters and coolers are major contributors to household energy use. In 2005, they accounted for more than two-fifths (41%) of household energy use and nearly one-fifth (19%) of residential sector greenhouse gas emissions (Department of Climate Change 2008).

39% of households nominated 'Comfort/convenience' as the main reason for their choice of heater appliance. Less than 2% of Australian households chose their type of heating based on environmental considerations.

Cooling has a low contribution to household energy consumption compared to heating, although energy consumption for cooling has been growing rapidly, up from 3 petajoules in 1990 to 12.5 petajoules in 2008 (DEWHA 2008). Two-thirds (66%) of Australian homes used some form of cooling (i.e. air conditioner or evaporative cooler) in 2008, up from 59% in 2005 and 35% in 1999.

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Household appliances such as refrigerators, separate freezers and dishwashers account for almost one-third (30%) of household energy consumption and 53% of residential greenhouse gas emissions (DEWHA 2007). The age of a refrigerator affects the energy efficiency of the unit. 57% of homes had refrigerators aged 5 years or more, while 30% had refrigerators aged ten years or more.

45% of homes had a dishwasher in 2008. The proportion of homes with dishwashers increased substantially between 1994 and 2008, from 25% to 45%. Three-quarters of all households used their dishwasher at least once a week, 29% using their dishwasher daily. This was a substantial decrease in daily use, down from 37% in 2002.

Almost all Australian homes had washing machines (97%), with 20% of households using a more energy efficient front-loading washing machine. This was a large increase from 13% in 2005. Australians have been using their washing machines less frequently. Since 1994, the proportion of households averaging five washing machine loads or less per week has increased from 63% to 75% in 2008. In the same period, the number of households averaging six loads or more per week has decreased from 38% in 1994 to 25%.

The use of cold water for washing, rather than hot, is also increasing, rising from 61% in 1994 to 74% in 2008.

Water efficiency rating, energy star rating and cost (price) were the three main factors considered by households across Australia when buying or replacing major whitegoods. Energy star rating ranked first when replacing a refrigerator (50%), separate freezer (46%) and clothes dryer (45%). Water efficiency rating ranked first when buying/replacing a washing machine (49%); however energy star rating was considered more important than water efficiency rating when buying or replacing a dishwasher. Cost was considered most important when buying or replacing a heater (Figure 4).

**Figure 4. Factors considered by households when purchasing white goods 2008**



Source: ABS, 2008, Environmental Issues: Energy Use and Conservation, March 2008 (4602.0.55.001)

In 2008, more than half of homes (58%) in Australia used fluorescent lights or other energy saving lights (59%).

### **Conclusion**

Household energy use accounts for 8% of Australia's total energy use. Household energy use continues to increase. This is compounded by larger dwelling size and decreasing household occupancy size, increased ownership and (in most cases) increased use of appliances. Notwithstanding, the use of renewable energy is increasing as are energy efficient household practices and purchasing.

### **Officer's Recommendation**

That the information be noted.

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

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 29 June 2010 (Matheson/Kolkman)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 111**

That the Officer's Recommendation be adopted.

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## **2.5 Declaration of Coolatai Grass as a Class 3 Noxious Weed in Campbelltown Local Government Area**

### **Reporting Officer**

Manager Environmental Planning

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### **Attachments**

Nil

### **Purpose**

To seek Council's endorsement for the declaration of Coolatai grass as a Class 3 noxious weed in the Campbelltown Local Government Area (LGA).

### **History**

*Hyparrhenia hirta*, or Coolatai Grass as it is commonly known, is a highly successful and aggressive invasive species in the Sydney region, capable of invasion and replacement of remnant native vegetation. It invades grasslands, woodlands, open forest, pastures, roadsides and railway lines.

Coolatai Grass was introduced from South Africa into the Coolatai area of northern NSW in the 1930s for soil stabilisation. It is locally abundant on the north western slopes of New South Wales and adjacent areas in Queensland. It is rapidly spreading to other areas and is locally dominant on roadsides (often a last refuge for native plant species) where it is displacing most other grasses and herbs. Coolatai Grass is a densely tufted, clumping perennial grass that grows to between 1 and 2 metres high. It has thin grey-green leaves 10-30cm long, 1-5mm wide, and flowers mostly in spring and summer.

Within the Campbelltown LGA, Coolatai Grass is scattered, with rare and isolated infestations occurring primarily along transport corridors.

### **Report**

Coolatai Grass is a highly successful and invasive introduced species due to:

- successful germination and growth at a wide temperature range;
  - a rapid colonisation rate;
  - tolerance of a range of soil types;
  - a capacity to produce vast quantities of seed; and
  - a tendency to recur after chemical treatment with glyphosate.
-

When the Sydney-wide Grasses Plan 2006-2011 was first prepared by the Sydney Weeds Committee, Coolatai Grass had only just begun to appear in scattered isolations in the Sydney region. It is now found to be spreading quickly along the major transport corridors.

Coolatai Grass is commonly spread on the tyres of vehicles and is invading Sydney at a rapid rate, spreading along transport corridors and entering Sydney from the north and west. Coolatai grass burns with intense heat and in an uncontrolled fire event can cause severe damage to native trees and shrubs, fences, buildings, as well as threaten livestock and human life. The excessive smoke from a Coolatai grass fire anywhere near a roadway can also create an extremely hazardous situation for motorists. Coolatai grass regrows rapidly from the crown following fire.

The Sydney Weeds Committee is embarking on a partnership project with the NSW Roadside Environment Committee to better manage exotic weed grasses, particularly where they spread along linear reserves. This will result in increased inspection for, and an increased frequency of, the active control of Coolatai Grass along road corridors. The participation of local government in the Sydney region is necessary to stop ongoing reinfestation of the transport corridors that facilitate its further spread.

If Coolatai Grass is not declared a noxious weed in the Campbelltown Local Government Area and is not controlled, it will:

- continue to spread prolifically, especially to new areas;
- have a negative impact in other LGAs where it may be declared;
- lead to increased costs of control in the future; and
- increasing complaints to Council from residents.

In addition, Council will continue to be powerless to act as far as private property infestations are concerned, especially those near bush regeneration sites.

Campbelltown City Council is a member of the Sydney Central Regional Weeds Committee. With the exception of very few councils, the local government representatives on the Committee have discussed the threat of Coolatai Grass and agreed to seek a regional listing for Coolatai Grass as a Class 3 declared noxious weed under the Noxious Weeds Act, 1993.

Control requirements for Class 3 noxious weeds are that the plant must be fully and continuously 'suppressed and destroyed'. This would require an integrated weed management regime.

### **Budget Implications**

Due to the scattered and isolated nature of current Coolatai infestations in the Campbelltown LGA, any control programs could be funded from Council's existing noxious weeds operational budget. The declaration of Coolatai grass as a Class 3 noxious weed will not have any foreseeable financial implications on the organisation.

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**Officer's Recommendation**

That Council support the declaration of Coolatai Grass as a Class 3 noxious weed under the Noxious Weeds Act 1993 in the Campbelltown Local Government Area.

**Committee's Recommendation: (Bourke/Greiss)**

That the Officer's Recommendation be adopted.

**CARRIED****Council Meeting 29 June 2010 (Matheson/Kolkman)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 111**

That the Officer's Recommendation be adopted.

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## **2.6 Outcomes of the Public Exhibition of the Draft Marsden Park Plan of Management**

### **Reporting Officer**

Manager Environmental Planning

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### **Attachments**

1. Location map of Marsden Park and surrounding land use (distributed under separate cover).
2. Amended Land Category Map for Marsden Park (distributed under separate cover).
3. Suggested responses to issues raised during the public exhibition of the Draft Plan (distributed under separate cover).
4. Plan of Management for Marsden Park (distributed under separate cover).
5. Amended implementation map (distributed under separate cover).
6. Map indicating traffic and parking issues of relevance to the Plan (distributed under separate cover).

### **Purpose**

The purpose of this report is to provide information to Council on the outcomes of the public exhibition of the Draft Plan of Management (Draft Plan) for Marsden Park and to seek Council's adoption of the Plan (as an amendment to the exhibited draft).

### **History**

At its meeting on 12 May 2009, Council considered a report regarding a successful grant application that was submitted to the Sydney Metropolitan Catchment Management Authority for the preparation of a Plan of Management for Marsden Park (located within the Park Central precinct). The report advised that the receipt of the grant funding and preparation of the *Plan* that would provide a framework and guidance for the future management and maintenance of Marsden Park and its components.

Subsequent to the preparation of the Draft Plan, Council resolved at its meeting on 17 November 2009 (in part) that:

1. *Council exhibit the Draft Plan of Management for Marsden Park commencing on Wednesday 25 November and concluding on Friday 29 January 2010 and conduct a public meeting as required by the Local Government Act 1993; and*
  2. *A further report be submitted to Council outlining the outcomes of the public exhibition process and public meeting.*
-

This report focuses on the exhibition of the Draft Plan of Management and suggests amendments to the Draft Plan in response to comments received during the public exhibition period. The report also outlines additional suggested amendments to the Draft Plan following a further review of the document by officers. The Draft Plan of Management and responses to the public exhibition of the Draft Plan were the subject of a briefing to Councillors on 18 May 2010.

## **Report**

### **Background Information**

#### *(i) Context of Marsden Park*

Marsden Park forms the open space component of the Park Central development, located adjacent to Campbelltown Hospital and bounded by Therry Road, Narellan Road, Gilchrist Drive and Kellicar Road, Park Central was constructed in stages by Landcom following initial approval from Council in 2002. The location of Marsden Park within the context of surrounding land use is presented in Attachment 1 as Map 1). The Park comprises a series of created wetlands, park areas and remnant Cumberland Plain Woodland, and has district level open space significance.

#### *(ii) Relationship of the Draft Plan with the previous Plan of Management adopted by Council*

The preparation of a Plan of Management for Marsden Park (adopted by Council in October 2003) was a condition of development consent for the construction of the Park Central precinct. This Plan was prepared during the masterplanning of the Park Central site and preliminary construction of its precincts. Consequently, it was considered appropriate that a new Plan of Management (that supercedes the previous Plan of Management) be prepared that reflects the construction of Park Central (including the Marsden Park open space area) and the exceptionally high level of usage that has recently emerged by both residents and visitors.

#### *(iii) Land covered by current draft PoM*

The draft Plan directly applies to land located within Park Central classified as 'Community Land' under the provisions of the *Local Government Act 1993*. However, the Draft Plan also indirectly applies to portions of other land within Park Central as these areas need to be controlled appropriately to address issues impacting on the management of the open space component (Marsden Park) such as traffic movement and stormwater pollution originating from land located outside of the Park boundaries.

#### *(iv) Process involved in the preparation of the draft Plan*

The grant funding provided by the Sydney Metropolitan Catchment Management Authority (SMCMA) was designed to address several State and Federal targets for wetland management through the preparation of Plans of Management. Consequently, water quality and stormwater control issues associated with the operation and functionality of the substantial wetlands located within Marsden Park are a key focus of the Draft Plan, which was largely prepared by specialist consultants engaged by Council, who have technical expertise in this field.

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However, in recognition of the role of Marsden Park as a district park, its high utilisation, its location within a highly urbanised precinct and the existence of remnant bushland areas, the list of aims for the Draft Plan contained in the consultants brief included requirements relating to recreation opportunities and flora and fauna.

### **Details of the Public Exhibition**

The public exhibition period endorsed by Council (at its 17 November 2009 meeting) was extended by a month to Friday 26 February 2010 to ensure that the statutory thirty (30) day exhibition period of the Draft Plan was not limited to the school holiday period. During the public exhibition period, the Draft Plan was available for viewing at the HJ Daley Central Library, Ingleburn Library, Glenquarie Library, the foyer of the Civic Centre and on Council's website.

Notice of the exhibition and copies of the draft Plan were sent to relevant stakeholders including the Sydney Metropolitan Catchment Management Authority and the Department of Environment, Climate Change and Water (DECCW) as well as Landcom. Letters advising that the Draft Plan was on public exhibition were also distributed to over 300 properties located within the Park Central precinct.

An independent facilitator convened a public meeting on 17 February 2010 for the purposes of providing the community with the opportunity to discuss the Draft Plan with Council staff and the project consultant. The public meeting was successful with 12 (twelve) local residents in attendance as well as two representatives from Landcom. At the meeting, Council's project manager provided a presentation on the background to the Draft Plan and the planning process while a representative of 'Equatica consultants' (co-authors of the Draft Plan) provided a presentation on the methodology and outcomes of the analysis of waterways within the Park.

### **Comments received on the draft Plan of Management**

During the public exhibition, five (5) written submissions were received, comprising of four (4) from local residents and one from Landcom. The key issues raised in the submissions received from residents were generally reflective of matters raised at the public meeting and focused on traffic and pedestrian access, perceived safety and recreation facilities within the Park. The submission from Landcom was more detailed and wide-ranging. It included comments primarily concerning maintenance and revegetation work, as well as the need for consistency with previous documents prepared during the period when Landcom had management responsibility for the Park, ie., the original landscape plan.

Comments received by Council expressed in both the submissions and at the public meeting related to issues associated with the Park Central precinct in general as well as specific issues associated with Marsden Park. As outlined above, the Draft Plan, whilst only directly applying to the open space within Marsden Park, also indirectly applies to other land where pressures associated with land use, impacts on the condition of Marsden Park.

In this regard, the issues/comments raised during the public exhibition process considered of direct or indirect relevance to the Plan are as follows:

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- Facilities in the Park and utilisation of the playground equipment (need for shading and the enclosure of equipment and provision of 'water stations');
- Pedestrian access to and within the Park and the availability of parking (need for provision of pedestrian crossings near the Public and Private hospitals);
- Maintenance levels of the Park and consistencies with the previous Landscape Plan (issue raised in Landcom's submission);
- Impacts of vandalism, dumping and antisocial activities (need for lighting within the Park);
- Appearance of the wetlands within the Park (need to remove algae infestations that periodically occur);
- Protection of flora and fauna within Marsden Park in the bushland, wetland and watercourse components of the Park; and
- Community involvement in the development of Park Central and implementation of the draft Plan (suggested establishment of the Community Consultation Group).

### **Major issues raised during the public exhibition period**

This section of the report provides a discussion on the comments raised in relation to the above issues and nominates a suggested response with regard to the Plan of Management. Attachment 3 (Issues and Responses Raised during the Public Exhibition of the Draft Plan) lists in detail the comments received and forum in which they were raised. The draft Plan (incorporating the recommended amendments) is presented in Attachment 4.

The major issues arising from the feedback relate to the provision of recreation facilities within the Park, pedestrian access and the lack of the availability of parking. The briefing to Councillors on 18 May 2010 provided a description of each of these issues in terms of feedback received.

#### *(i) Enhancement of reference to the recreational value of the Park*

##### ***Feedback received regarding the issue***

Feedback received suggested a need for the strengthening of the Plan in regard to the functions of Marsden Park and its individual parkland, wetland and bushland components as a recreational destination for local residents within the Park Central precinct and visitors. Comments and suggestions in the feedback received regarding this issue Included:

- improvement were needed to of the appearance of the fountain in the main pond at the western end of the Park;
  - The provision of shade over the playground areas to enable them to be used more in warmer periods of the year and for these areas to fully enclosed;
  - The provision of bubblers and chess tables on the barbecue tables;
  - The provision of additional lighting in the Park and specifically in the bushland components of the Park, for safety reasons; and
  - Concerns about safety, particularly when walking through the Park and bushland areas.
-

### ***Suggested Council response to the feedback received***

Whilst the Draft Plan identifies the provision of recreation opportunities within Marsden Park as a management issue, it is recommended that the Plan be amended as follows:

- The inclusion of text stating the recreational value of the wetlands in addition to their primary function as stormwater and flooding control devices.
- The inclusion of text referring to the recreational value of the bushland and impacts on this value such as dumping and antisocial activities.

Further, it is recommended that the Plan be amended to include the following additional suggested actions concerning the management of the recreational value of the Park:

*"Maintain and upgrade facilities in accordance with Council's maintenance schedule as well as policies and resolutions concerning open space within the Campbelltown Local Government Area"; and*

*"Conduct an audit periodically in the Park that examines the impact of antisocial activities and other activities listed under the Crimes Act, on the safety of visitors to the Park and the recreational value of the Park to ensure that best practice design principles are incorporated in to the ongoing maintenance of the Park".*

*'Consider the installation of 'bubblers' at appropriate locations within the Park'.*

(ii) *Pedestrian access to the Park and availability of parking*

### ***Feedback received regarding this issue***

A significant issue raised during the exhibition of the Draft Plan was the availability of parking for visitors to the Park and need for pedestrian linkages to the Campbelltown Public and Private Hospitals. The location of available parking for visitors to Marsden Park and areas where this parking availability is placed under pressure periodically is presented in Attachment 6.

The feedback received regarding these issues included the following:

- The way to make Parkside Crescent safer (in terms of increased vision) would be to prohibit parking along the parkside of this road;
  - There is inadequate parking availability, especially for families coming to the Park;
  - There is a need for the implementation of traffic measures that protect visitors to the Park as well as wildlife; and
  - The currently vacant land adjacent to the Campbelltown Private Hospital (indicated on Attachment 6) could potentially be an additional car parking area.
-

### ***Suggested Council response to the feedback received***

Whilst the Plan does not technically apply to local roads, it is considered that the availability of parking within Park Central, for visitors to Marsden Park, has relevance. Accordingly, consultation has occurred with representatives of Council's Traffic Unit and Property Services Section regarding a Council response. A summary of the outcomes of this consultation is as follows:

- The issue of pedestrian access to the hospitals and available parking will be considered as part of the ongoing monitoring of traffic conditions and parking related issues within Park Central by the Traffic Unit;
- While the Traffic Unit was satisfied with the current actions contained in the draft Plan, it was recommended that the current action in the draft Plan '*monitor the need for improved pedestrian crossings to the park for patrons with reduced mobility*' be amended to read :

*"Investigate and consider the better management of pedestrian movement from the Public and Private Hospitals to the Park"*

- There is no additional suitable and available land for the provision of additional off-street parking spaces either within the Park Central precinct (including land owned by Campbelltown Public Hospital).
- Whilst the provision of a pedestrian crossing would remove parking spaces, the inclusion of the amendment to the draft Plan to include the following additional action was recommended:

*"Investigate design changes to on-street car parking to increase the number of spaces, e.g. angled parking and footpath adjustment".*

*Formalise the areas of available current on-street parking adjacent to Marsden Park through options such as line marking.*

### **Other suggested amendments to the Plan based on community feedback**

The following provides some discussion on issues that received less feedback during the public exhibition period. Additional detail in relation to the background of each of these issues and a recommended Council response is provided in Attachment 2 (Issues and Responses raised during the public exhibition period).

#### ***(i) Recreational and accessibility values of the Park***

Council was required to identify the key values of the Park in relation to its key functions in terms of flooding /stormwater control and a recreation destination as well as its natural and cultural significance and features. The following provides suggested amendments to Section 4 of the Draft Plan 'Description of Values' in response to community feedback.

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The accessibility of the Park, and in particular, its accessibility to the Campbelltown Public and Private Hospitals, were key items of discussion raised during the public exhibition of the Draft Plan. Whilst the Draft Plan included information concerning the use of and access to the Park, it is suggested that this section of the Plan be amended to create an additional 'Accessibility Value' subsection that describes accessibility to the Park both in terms of surrounding land uses and from within the Park Central Precinct. It is further suggested that the existing Recreational Value within the Draft Plan be amended to outline the value of the wetland, bushland and parkland components of the Park.

(ii) *Revegetation works*

The Draft Plan contains management actions in relation to intended revegetation works in the bushland component of the Park, the embankment of the detention basin (near Therry Road) as well as part of the landscaping work in the parkland areas. The submission received from Landcom requested clarification in regard to the intended vegetation works in the 'informal' and 'formal' planting areas as well as species to be used in landscaping works.

In response to these comments and a further detailed review of the draft Plan by officers, it is suggested the following amendments be made to the Plan to provide clarification in regard to the individual components of the Park, to enhance its functionality and better reflect Council's requirements.

- *Parkland areas:*

It is recommended that the Plan be amended to allow for the use of a greater range of species as part of landscaping works in accordance with Council's policies and resolutions that would also include Cumberland Plain Woodland (CPW) species.

- *Bushland areas:*

It is recommended that the Plan be amended to delineate between the CPW located within and outside of the detention basin due to the differentiation in management issues between these two areas and implications associated with flood management and the periodic inundation that occurs during periods of heavy rainfall. Consequently, whilst it is recommended that the Plan specify only CPW species to be used in any revegetation works in bushland areas, it is recommended the Plan include the following suggested action to ensure flooding implications are adequately addressed:

*"Investigate flooding and stormwater management implications prior to the carrying out of any plantings within the detention basin to ensure that the flooding and stormwater management systems operate effectively".*

- *Detention basin banks:*

No comments were received regarding the issue of the revegetation on the embankments of detention basin however, it is recommended that the removal of vegetation, as part of flood management works and maintenance access, be listed as authorised activities.

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(iii) *Stormwater impacts on the overall ecology, aesthetics and recreational value of the pond*

The feedback received in relation to the assessment of the condition and function of the wetlands and associated management actions included in the Draft Plan (e.g. addressing algal growth and pollutant loads) was complementary from both residents and Landcom. However, at the public meeting, comments were raised regarding the issue of the periodic algal growth that occurs in the wetlands. In response, it suggested that the Plan be amended to include a reference to the potentially conflicting objectives of the stormwater control and recreational values of the wetlands and the need for an educational program in relation to this matter. It is envisaged that this program, would include measures both within the context of the Park Central site as well as the Birunji Creek Catchment as a whole.

(iv) *Pedestrian access within the Park and linkages with adjoining areas*

The Draft Plan contains a broad action to *'Provide pedestrian access to and within the parkland in accordance with Crime Prevention Through Environmental Design Principles'*. The Draft Plan also contains an action in relation to the current informal pedestrian connection that exists with the sports fields to the south of the Park, which is the action to *'Investigate the installation of formal pathways to replace informal pathways along desire lines between Ambarvale and Macarthur Square'*. Council's Traffic Unit has advised that the linkage of Park Central (and Marsden Park within it) is being considered as part of the current review of the Bike Plan for the Campbelltown Local Government Area. As part of this process, the Traffic Unit has further advised that appropriate signage, defining joint pedestrian/cycle pathways is also being considered.

Comments were also received at the public meeting regarding the possible provision of a walking track within the bushland component of the Park. Discussions with officers from Council's Stormwater and Structural Design Section identified that the provision of such a track would be considered subject to the satisfactory completion of actions in the Plan of Management relating to necessary works to stabilise sections of the adjoining Birunji Creek.

In light of the above advice, it is recommended that the actions, referred to above, be consolidated into the following action for inclusion into the Plan, that also refers to the consideration of Council's Disability Action Plan:

*"Consider the installation of a circulatory track near Therry Road that considers the guidelines contained in Council's Disability Action Plan wherever possible".*

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(v) *Promoting community involvement in the management of the Park*

A level of interest was expressed by the Park Central residents in attendance at the public meeting for the establishment of a 'Community Consultation Group' by Council similar to the current group operating as part of the Airds masterplanning process. It is envisaged that this group if established, could potentially act as a conduit for the involvement of the local community in the management of the Park as well as the provision of information to local residents by Council. As expressed by the Director of Planning and Environment at the meeting, a demonstrated level of interest and commitment would need to be provided by residents prior to the Council's consideration of the establishment of any such group.

Consequently, it is recommended the Plan be amended to include the following additional suggested action regarding the initial assessment of demand then ongoing support for a community consultation group.

*"Investigate the establishment of a Community Consultation Group that would facilitate an ongoing partnership between Park Central residents and Council in the management of the Park and implementation of the Plan of Management".*

(vi) *Maintenance schedules*

The Draft Plan, included a detailed maintenance schedule relating to stormwater and flooding assets located in Park Central, prepared by Equatica consultants in consultation with officers from Council's Technical Services and Operational Services Sections. However, the removal of these schedules from the document is considered necessary to allow for their amendment in response to a range of factors such as changes in technology and funding priorities without the formal amendment of the Plan in accordance with the requirements of the *Local Government Act 1993*. Consequently, it is recommended that the maintenance schedule be removed but be retained as a separate document and any reference to this schedule in the Plan be replaced by the following:

*"Maintain assets (recreation and stormwater) in accordance with Council's maintenance schedule within the context of the Campbelltown Local Government Area and Council policies and resolutions".*

**Suggested amendments based on a further detailed review of the draft Plan by officers**

A further review of the draft Plan and associated discussions between relevant Council officers identified possible amendments designed to enhance the quality of the document in terms of achieving its stated purpose and functionality as well as to better reflect Council's requirements. A summary of these further amendments in regard to existing and proposed additional sub-sections of the Plan are listed below:

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(i) *Amendments relating to existing sections of the draft Plan*

- Amend Section 3 of the Plan (Land Use) to include:
  - An additional sub-Section ('Current Use of the Land) that details the major use of wetland ,bushland and parkland components of the Park; and
  - The inclusion of a statement in Section 3.4 'Future Land Use' that '*any future development in the Park be conducted in accordance with the requirements of Council policy and any relevant legislation*'.
- Amend Section 3.5 of the Plan (Authorised Activities) to include the following permitted activities within Marsden Park:
  - Vegetation management of all fill embankments consistent with the requirements of the Dam Safety Committee for prescribed structures. *Council should note the authorisation of this activity is necessary to avoid severe flooding implications associated with fallen vegetation within the detention basin; and.*
  - Carrying out of events within the Park in accordance with Council's policies and resolutions and consistent with applicable core objectives.

(ii) *Amendments concerning existing management issues in the draft Plan*

It is recommended that Section 5 of the Plan (Management Issues, Objectives and Actions) be amended as follows:

- Amend Section 5.1 (*Conservation and Management of Habitat*) to delineate between the bushland located in and outside of the detention basin due to the difference in management strategies that apply to these two areas;
- Amend Section 5.2 (*Treatment of Noxious and High Priority Environmental Weeds*) to include the following action that amalgamates two existing actions:

*"Undertake targeted removal of noxious weeds and high priority environmental weeds within the framework of Council's Noxious Weed and Pest Animal Strategy and Class 4 management strategies".*

- Amend Section 5.7 (*Promotion of Community Awareness and Participation*) to include the following management action that amends and existing action in the draft Plan:

*"Implement a broad scale community education program designed to increase awareness of the features of the Park and encourage sustainable usage as a component of Council's overall environmental education strategy for the Local Government Area".*

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This education program would be undertaken as part of the implementation of the Plan of Management and it is envisaged that this will include the promotion of practices that reduce the pollutant load within Birunji Creek, the dual functions of the wetlands (e.g. stormwater control and recreation) and the conflicting nature of these objectives and awareness of activities that impact on the wetlands such as the feeding of ducks and other birdlife.

*(iii) Recommended additional management issues for inclusion in the draft Plan*

It is recommended that Section 5 of the Plan (Management Issues, Objectives and Actions) be amended to include the following additional management issues considered applicable to Marsden Park:

- The impacts of Feral Animals (Section 5.3) that refers to the observation of feral animals such as Foxes and their associated impact on native wildlife;
- The protection and management of Aboriginal Heritage (Section 5.8) due to the presence of an item of cultural significance in the bushland area of the Park; and
- Bushfire Risk Management (Section 5.9) due to the legislative requirement under the *Rural Fires Act 1994* for Council to minimise bushfire risk to adjoining residential land.

**Suggested Council response to issues that are not of direct or indirect relevance to the Plan**

*(i) Traffic movement through Park Central and the availability of parking within the residential and commercial precincts of Park Central*

Comments were received during the exhibition of the Plan regarding the difficulty that residents and visitors to Marsden Park and the Park Central precinct generally experience. As advised by Council's Director of Planning and Environment at the public meeting held in relation to the draft Plan, all development approved within Park Central has satisfied requirements for the provision of on-site parking spaces in excess of relevant standards.

Council's Traffic Management Unit is currently in the process of an assessment of strategies to address these traffic related issues. Accordingly, it is suggested that the response to submissions received from residents who raised these issues be further investigated as part of this detailed assessment.

*(ii) The level of development within the Park Central Precinct*

Comments were also received regarding the layout of the Park Central precinct in terms of density of development (as well as concerns over any future development) and width of local roads. It is suggested that the formal response to residents who raised these issues make reference to the Development Control Plan prepared as part of the Masterplanning for the site that details the objectives, desired character and

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## **Adoption of the Plan of Management**

The proposed amendments listed in this report have been recommended to enhance existing actions and to address, where considered appropriate, issues raised by the community during the public exhibition period or to enhance the functionality of the Plan. The amended Implementation Map incorporating the suggested amendments to the Draft Plan (as detailed in this report), is provided in Attachment 6.

The suggested amendments do not alter the broad aims of the Draft Plan nor significantly alter the associated objectives and actions. Therefore, as the exhibited Draft Plan of Management is not intended to be altered significantly, Council may adopt the document as presented in Attachment 4 as its Policy for the management of the Park, without re-exhibition, in accordance with Section 36 of the *Local Government Act 1993*.

Therefore, this report recommends that Council endorse the suggested amendments to the Draft Plan of Management and adopt the Plan as a policy document for the management of the Park under Section 40 the *Local Government Act 1993*. The adoption of the Plan will provide a framework for the management of the Park and will also assist Council to secure external funding to carry out activities within the Park. Should Council adopt the Plan of Management, an amended Plan accompanying the final report would be submitted to the Sydney Metropolitan Catchment Management Authority in accordance with the requirements of the Grant Funding Agreement for the project between Council and the Authority.

## **Amendment of the Campbelltown Community Lands Map**

This Plan of Management has identified the need for some minor modifications to the Land Category Map contained in the previous Plan of Management adopted by Council in 2003 to better reflect the completed design of the Marsden Park site. Consequently, this report recommends that Council endorse the amended Land Category Map as presented in Attachment 2. In addition, should Council adopt the Plan of Management, the Community Land Map for the Campbelltown Local Government Area would need to be amended to indicate that a specific Plan of Management applies to Marsden Park.

## **Implementation of the Plan of Management**

The 'Implementation Map' incorporating the recommended amendments to the draft Plan is presented in Attachment 6. Should Council adopt the Plan of Management, a schedule for the implementation of priority actions, (within two years) will need to be developed. The list of actions is presented in the Executive Summary of the Plan (Attachment 1). These actions are predominantly non-capital actions requiring low expenditure or capital actions funded through existing Council budgets and supplemented by external funding.

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## **Officer's Recommendation**

1. That the comments and suggestions on the Draft Plan of Management for Marsden Park be noted.
2. That Council endorse the suggested amendments to the Draft Plan of Management as detailed in this report.
3. That Council endorse the amended Land Category Map presented in Attachment 2.
4. That Council adopt the Plan of Management (as amended pursuant to recommendation 2 above) and amend the Community Land Map according to the amended Land Categorisation Map.
5. That Council provide the amended Plan to the Sydney Metropolitan Catchment Management Authority accompanying the final report in regard to the project.
6. That Council notify the public of the adoption of the amended Plan in accordance with Section 40 of the *Local Government Act 1993*.
7. That copies of the Plan be placed in all Council libraries and on Council's website and forwarded to all relevant stakeholders and parties who made a submission.

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

That the Officer's Recommendation be adopted.

## **CARRIED**

## **Council Meeting 29 June 2010 (Matheson/Kolkman)**

That the Officer's Recommendation be adopted.

## **Council Resolution Minute Number 111**

That the Officer's Recommendation be adopted.

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### **3. DEVELOPMENT SERVICES**

#### **3.1 Development Services Section Application Statistics - May 2010**

##### **Reporting Officer**

Manager Development Services

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##### **Attachments**

Development Services Application Statistics for May 2010 (distributed under separate cover).

##### **Purpose**

To advise Council of the status of development applications and other key matters within the Development Services Section.

##### **Report**

In accordance with Council's resolution that Councillors be provided with regular information regarding the status of development applications, the attachment to this report provides details of key statistics for May 2010 as they affect the Development Services Section.

##### **Officer's Recommendation**

That the information be noted.

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

That the Officer's Recommendation be adopted.

##### **CARRIED**

##### **Council Meeting 29 June 2010 (Matheson/Kolkman)**

That the Officer's Recommendation be adopted.

##### **Council Resolution Minute Number 111**

That the Officer's Recommendation be adopted.

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**3.2 Lot 2 DP 706701, Lot 21 DP 733505 and Lot 4035 DP 790757, Demetrius Road and Anthony Drive, Rosemeadow - Staged development for residential subdivision, including construction of Stage 1, creating 72 allotments, roads and associated site works.**

**Reporting Officer**

Manager Development Services

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**Attachments**

1. Recommended conditions of development consent
2. Locality plan
3. Zoning map
4. Overall layout plan
5. Stage 1 subdivision plan
6. Indicative landscaping plan

**Purpose**

The purpose of this report is to assist Council in its determination of the subject development application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

<b>Property Description</b>	Lot 2 DP 706701, Lot 21 DP 733505, Lot 4035 DP 790757, Demetrius Road and Anthony Drive, Rosemeadow
<b>Application No</b>	2958/2009/DA-S
<b>Applicant</b>	L Fredericks
<b>Owner</b>	Trustees of the Roman Catholic Church Diocese of Wollongong and Campbelltown City Council
<b>Statutory Provisions</b>	Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment  Campbelltown (Urban Area) Local Environmental Plan 2002  Campbelltown (Sustainable City) Development Control Plan
<b>Other Provisions</b>	Campbelltown 2025 - 'Looking Forward'
<b>Date Received</b>	24 December 2009

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## **History**

Council considered an application to rezone the subject land and some of its surrounds between 2005 and 2008. The site was ultimately rezoned to allow for residential development via Amendment 15 to Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP) in June 2008. The rezoning of the land involved certain parts of the existing John Therry Catholic High School and surrounding privately owned holdings.

The rezoning altered the site's existing zoning to allow for residential development and retention of a significant portion of existing Shale Hills Woodland (an Endangered Ecological Community).

Further, a portion of the subject site known as Lot 4035 DP 790757, which is presently under Council's ownership, was subject to a reclassification as part of the rezoning process. The reclassification would allow for the land to be sold to a separate owner. This sale and transfer process is all but completed, with a contract of sale exchange between Council and the Catholic Church is expected to be completed by end of July 2010.

The subject application represents a proposal to commence residential subdivision and release of a portion of the rezoned land.

## **Introduction**

A staged development application has been received for the subdivision of Lot 2 DP 706701, Lot 21 DP 733505, Lot 4035 DP 790757, Demetrius Road and Anthony Drive, Rosemeadow into a total of 88 residential allotments. Stage 1 of the application seeks Council's consent to construct two roads, create 72 allotments and provide for associated services. Stages 2 and 3 would be subject to further development applications at a later date.

The application was considered as 'integrated development' as an approval pursuant to the requirements of Section 100B of the *Rural Fires Act 1997* is required.

## **The Site**

The site contains three existing allotments, being Lot 2 DP 706701, Lot 21 DP 733505 and Lot 4035 DP 790757. Lots 2 DP 706701 and Lot 21 DP 733505 are held in the ownership of the Trustees of the Roman Catholic Church Diocese of Wollongong, while Lot 4035 DP 790757 is currently held in the ownership of Campbelltown City Council.

The site presently contains John Therry Catholic High School and Our Lady Help of Christians Parish Church and primary school. It has an area of approximately 19.86 hectares, although this includes the school grounds, of which only a relatively small proportion is involved in the subdivision.

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The site is surrounded by a range of residential developments, including single and double storey detached dwellings, low density residential dwellings on allotments above 4,000 square metres in area and the school/church itself. A large stand of existing Shale Hills Woodland is located in the site's west, which was rezoned to Private Open Space [6(c)] under the CLEP amendment in 2008. A portion of Lot 4305 DP 790757 was rezoned to Residential B Zone under the CLEP amendment in order to allow for a road connection to be made to Anthony Drive.

## **The Proposal**

The application involves the staged subdivision of the site. In total, the proposal would allow for the release of 88 residential allotments in three stages. However, at this time, the application is seeking Council's consent for Stage 1 only, which would provide for:

- 72 allotments;
- Two roads;
- Site and civil works; and
- Street landscaping.

The Stage 1 subdivision would create 70 residential allotments and two 'residue' parcels that would be subject to future development applications for proposed Stages 2 and 3.

Allotment sizes within the residential subdivision component of the application range from 502 to 690 square metres in area. The application would also allow for the construction of roads, street tree planting and associated drainage and infrastructure works. Attachment 5 to this report illustrates the allotment layout and proposed road pattern.

Road 1 retains the possibility for connection to neighbouring properties within the rezoned area to the south east of the site. A temporary turning area has been provided at the end of Road 1 to allow for garbage trucks and other service vehicles to enter and leave the area.

The staged development application also details matters such as fencing and landscaping, water sensitive urban design, traffic control, restricted building controls and soil and water management throughout the development and settlement of the area.

The subdivision would also require the relocation of some of the existing sporting facilities within the school grounds. Tennis courts, basketball courts and football fields presently located within the school grounds would be moved to accommodate the proposed subdivision pattern.

## **Assessment**

The development has been assessed having regard to the matters for consideration prescribed under Section 79C(1) of the *Environmental Planning and Assessment Act 1979*. Subsequently, the following matters have been identified for further consideration and discussion.

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## **Campbelltown 2025 - 'Looking Forward'**

*Campbelltown 2025 - 'Looking Forward'* is a vision statement of broad town planning intent for the longer-term future of the City of Campbelltown. The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and form a prelude to a new statutory town plan (Local Environmental Plan) for the City. A desired outcome and a list of relevant focus areas are described for each strategic direction.

The subject application has been considered in accordance with *Campbelltown 2025 – 'Looking Forward'*, and specifically against the strategic directions. In this respect, the following strategic directions are considered relevant for the subject application:

- *Growing the Regional City;*
- *Protecting and enhancing the City's key environmental assets;*
- *Building a distinctive Campbelltown sense of place and*
- *Building and maintaining quality public infrastructure.*

The application is generally compatible with the above strategic directions in that it would allow for the release of additional residential lands, provide for the retention of a significant stand of important remnant bushland and create a sustainable treatment system for stormwater.

Relevant desired outcomes of the strategic directions included in *Campbelltown 2025 – 'Looking Forward'* include:

- *Urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable;*
- *Natural resources like water, soil and vegetation are protected from the impacts of urban activity;*
- *The health of the City's rivers and other watercourses is enhanced; and*
- *Development and land use that matches environmental capacity and capability.*

The proposed development is considered to be consistent with the desired outcomes within *Campbelltown 2025 – 'Looking Forward'*, in that it is suitable for the site having regard to its zoning and footprint, and is not considered likely to generate any significant adverse environmental or amenity impacts on surrounding development.

### **1. Statutory Controls**

Section 79C(1)(a) requires Council to consider any relevant environmental planning instrument, draft environmental planning instrument or development control plan.

#### **1.1 Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment**

The *Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment* (GMREP2) applies to the development site. The GMREP2 contains the State Government's objectives and planning principles for the development of land located within the Georges River catchment area.

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Relevant aims of the GMREP2 are detailed below:

- (a) to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the Catchment,*
- (b) to protect and enhance the environmental quality of the Catchment for the benefit of all users through the management and use of the resources in the Catchment in an ecologically sustainable manner,*
- (d) to establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries and to promote integrated catchment management policies and programs in the planning and management of the Catchment,*
- (f) to provide a mechanism that assists in achieving the water quality objectives and river flow objectives agreed under the Water Reform Package.*

*Environmental protection and water quality and river flow aims*

- (c) to ensure that development achieves the environmental objectives for the Catchment.*

The Plan also contains 'planning principles' that are to be considered when determining certain applications. In this instance, the principles regarding urban/stormwater runoff and urban development are considered to be relevant.

The GMREP2 requires that new urban developments do not increase nutrients entering the waterway network and that stormwater management must be integrated so that quality, quantity and land use aspects are all encompassed.

In this regard, the application contains details regarding stormwater capture, treatment and disposal, which is discussed in further detail within Section 2.1 of this report.

The development is considered to be complementary to the aims of the GMREP2 and consistent with relevant planning requirements.

## **1.2 Campbelltown (Urban Area) Local Environmental Plan 2002**

Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP2002) applies to the development site. The CLEP2002 contains the Council's objectives and standards for development throughout the City.

Pursuant to Amendment 15 to CLEP2002 (discussed earlier in the report), the site is variably zoned. Attachment 3 to the report illustrates the various zones located across the site and their extent.

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A discussion regarding the zones and the development follows.

#### *2(b) - Residential B Zone*

Relevant objectives of the zone are:

- (a) to make general provision for land to be used for housing and associated purposes, and*
- (b) to permit the development of a range of housing types, and*
- (c) to encourage a variety of forms of housing that are higher in density than traditional dwelling houses, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities*

#### *5(a) - Special Uses A Zone*

The zoning map identifies that the area is used for a school and church.

A relevant objective of the zone is:

- (a) to provide land for special uses which would otherwise be prohibited by the zoning of the surrounding area*

It is important to note that the 5(a) zoned portion of the site is not subject to major amendment. The residential subdivision would follow the zone boundary established by Amendment 15. As mentioned earlier, some modifications would be required to relocate existing tennis, basketball and football facilities within school grounds.

#### *6(c) - Private Open Space Zone*

Relevant objectives of the zone are:

- (a) to identify areas where private recreation facilities are or may be developed, and*
- (b) to allow a limited range of other activities which will not detract significantly from the character of the locality or the amenity of any existing or proposed development in the locality.*

The portion of the site that is zoned 6(c) - Private Open Space Zone would be made available for passive recreation purposes as part of later stages in the development. It would remain in private ownership and be maintained in accordance with Rural Fire Service and Council's requirements.

Having regard to the above, the proposal is considered to be complementary to the relevant zone objectives and is therefore permissible at the site with Council's development consent.

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Clause 32 of CLEP2002 requires that development consent be granted prior to land being subdivided. The Clause further requires that the consent authority (Council) is satisfied that any new roads will provide adequate access to adjoining land. In this instance, the new road layout is considered to be satisfactory and is discussed in further detail within Section 2.2 of this report.

Clause 39 of CLEP2002 states that earthworks and tree removal are permitted only where development consent has been issued for such works. The application is consistent with the requirements contained within the Clause.

Clause 42A of CLEP2002 requires Council to consider a development's relationship to bush fire hazards. In this regard, Council has forwarded the application to the Rural Fires Service for its comment and received 'general terms of approval' for the development.

Division 1A - Urban Release Areas of CLEP2002 applies to the land. The Division relates to urban release areas throughout the City and requires the undertaking of certain planning preparations prior development commencing. The relevant aims of the Division are noted below:

- (a) to allow for future urban development and the conservation of ecological and riparian corridors and areas of visual significance on land in urban release areas,*
- (c) to ensure that development on such land occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan including specific controls has been prepared for the land.*

Division 1A incorporates Clauses 42D to 42J of CLEP2002. Relevant Clauses are discussed below.

Clause 42H of CLEP2002 requires the Director-General of the Department of Planning (DoP) to confirm that satisfactory arrangements have been made with regards to contributions for the provision of designated State public infrastructure. State public infrastructure includes State and regional roads, bus interchanges, bus lanes and land required for social infrastructure and facilities.

Council is currently awaiting receipt of the Director-General's response following its request for the certification, however, informal telephone discussions with DoP staff indicated that the response will be received shortly. The subject site is removed from the 'growth centre' areas and has been treated as an "infill" development by Council and DoP staff in the past. Accordingly, a recommendation of this report requires that this formal response be received from the Director-General of the Department of Planning prior to any consent being issued.

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Clause 42I also applies to the land. Clause 42I requires Council to be satisfied that public utilities can be provided to the development. In this instance, consultation regarding service provision was undertaken during the rezoning process in 2008. Briefly, both Integral Energy and Sydney Water have advised that utility infrastructure is available to service the site, albeit with some augmentation. For example, an additional substation may be required within the subdivision and a water supply main in Anthony Drive is likely to require expansion.

Of particular importance to this application is Clause 42J. Relevant portions of the Clause are reproduced below:

1. Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (2) has been prepared for the land.
2. The development control plan must provide for all of the following:
  - a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,
  - b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
  - c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
  - d) a network of passive and active recreational areas,
  - e) stormwater and water quality management controls,
  - f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination, and
  - j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.

In lieu of a development control plan which would address the abovementioned requirements and in accordance with statutory provisions, , the applicant has elected to prepare a staged development application, pursuant to Section 83C of the *Environmental Planning and Assessment Act 1979*. Relevant portions of the Section are noted below:

- (2) *However, if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a staged development application in respect of that land.*
- (3) *Any such staged development application is to contain the information required to be included in the development control plan by the environmental planning instrument or the regulations.*

The staged development application has been submitted with the required information, which is discussed throughout later parts of this report.

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Having regard to the aforementioned details, the development application is considered to be complementary to the objectives and requirements of Council's Campbelltown (Urban Area) Local Environmental Plan 2002. The proposal accords to zoning restrictions and responds to the requirements of Division 1A, which requires the submission of a comprehensive application prior to release of the land for urban purposes.

### **1.3 Campbelltown (Sustainable City) Development Control Plan 2009**

Campbelltown (Sustainable City) Development Control Plan 2009 (SC DCP) applies to the site and development type.

An assessment against relevant portions of the Plan follows.

#### ***Part 2.5 - Landscaping***

The Plan requires that landscape design shall enhance the visual character of the development and that landscaping shall maximise the use of locally indigenous, drought tolerant species.

The development responds via the submission of a landscape concept plan, which illustrates the number and species of street tree plantings and estate entry feature area. The plants selected are a range of local species, with some exotic species included to enhance the visual appearance of the subdivision and accentuate certain features.

The concept plan is considered to address the requirements of the SC DCP and Clause 42J of the CLEP2002. A recommended condition of development consent requires the submission of a detailed landscaping plan, which includes a management statement for the maintenance of the bushland area within the subdivision in accordance with relevant Rural Fire Service, Department of Environment, Climate Change and Water standards and Council's SC DCP.

#### ***2.6 - Flora, Fauna and Weed Management***

Part 2.6 requires the submission of a detailed flora and fauna impact assessment.

A flora and fauna impact assessment has been submitted with the application and is discussed in more detail within Section 2.3 of this report.

#### ***2.7 - Erosion and Sediment Control***

Part 2.7 of the SC DCP requires an assessment of a development's potential to create erosion and sediment control impacts.

A detailed sediment and erosion assessment has been submitted with the application. A recommended condition of consent requires that the plan be implemented prior to any works being undertaken at the site and that State Government and relevant Council requirements are adhered to during construction works.

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## **2.10 - Water Cycle Management**

Part 2.10.2 of the SC DCP requires the applicant to design and construct a storm water system that complies with Council's SC DCP Volume 2 - Engineering Design Guide. The application includes a storm water concept plan, which has been reviewed by Council's Technical Services Section. Recommended conditions of development consent require that the storm water capture, treatment and disposal systems throughout the subdivision be designed, constructed and maintained in accordance with Council's requirements. Further discussion regarding storm water control is contained within Section 2.1 of this report.

## **2.14 - Risk Management**

Part 2.14 of the SC DCP requires Council and applicants to consider and respond to risks to the environment and property at a development site. In this instance, three main risks have been considered, being salinity, bush fire and mine subsidence.

### *Salinity*

Salinity at the site was considered during the initial preparations for its rezoning between 2005 and 2008. Briefly, the results of the investigation are in general concurrence with the previous broad scale mapping undertaken by the State Government. Laboratory testing revealed that seven samples were *slightly saline* and one sample as *moderately saline* and site inspections showed limited evidence of saline processes on site with no signs of salinity on the nearby school buildings or salt affected vegetation.

The report recommends a number of measures to be incorporated into the design of the development to minimise the risk of salt migration by limiting changes in the natural groundwater regime by:

- Minimising water infiltration through maintenance of surface/subsurface drainage;
  - Planting of deep rooted vegetation;
  - Minimising cut and fill operations, where practicable. Where cutting and filling are unavoidable, avoid soil profile reversal by replacing the soils in their original stratum;
  - Adoption and implementation of appropriate sediment and erosion controls prior to commencement of construction, possibly in conjunction with gypsum application to sodic soils;
  - Minimising concentrated overland water flow;
  - Selecting vegetation that exhibit tolerance to moderate levels of salinity;
  - Appropriate vegetation of bare soils and batters to minimise erosion and scour;
  - Selection of construction materials appropriate for use in a saline environment; and
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- Informing potential purchasers of salinity issues.

To ensure the recommendations stated within the salinity report are adhered to, a condition will be included where the Council is of a mind to approve the subject application. Further to this, each of the future applications lodged for the dwelling houses will also carry conditions of consent requiring the incorporation of measures to reduce the risk of salt migration or asset damage.

#### *Bush fire*

Parts of the development site are identified as being bush fire prone, in accordance with Council's 'Bush Fire Prone Lands Map'. As such, the application was forwarded to the Rural Fire Service, pursuant to the requirements of Section 91 of the Environmental Planning and Assessment Act 1995 and Section 100B of the Rural Fires Act 1997. A discussion regarding the Service's response is contained within Section 4.1 of this report,

#### *Mine Subsidence*

The development site is within the South Campbelltown Mine Subsidence District. As such, future development applications for residential buildings would be subject to the requirements of the Mine Subsidence Board.

### **Part 3.10 - Objectives and controls for subdivision**

Relevant objectives of the Plan are noted below:

- *Ensure that land once subdivided, contributes positively to the desired character of the locality and provides for the safe and attractive integration of existing and new development.*
- *Ensure that subdivision responds to the physical characteristics of the land, its landscape setting, orientation, landmarks and key vistas to and from that land.*
- *Ensure that subdivision provides safe connections with and extension of existing street patterns, as well as any pedestrian, cycleway and public open space networks.*
- *Promote walking and cycling as a mode of travel within a residential neighbourhood.*
- *Encourage subdivision that will result in the creation of allotments that are orientated, and of such dimension and configuration to facilitate the siting, design and construction of development resulting in the conservation of non-renewable resources and the environmental attributes of the land.*
- *An assessment against relevant controls is provided below:*

3.10.1(a) requires that the subdivision have appropriate regard to slope, solar orientation and aspect.

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The subdivision responds favourably to existing topographic conditions. An existing ridge that runs through the site has been utilised to contain a road and therefore reduce the impact of drainage and water flows on neighbouring lands. Solar access for the majority of allotments is considered to be satisfactory having regard to their north-south and northeast-southwest orientations.

3.10.1(c) requires that the subdivision minimise the use of cul-de-sacs as through roads are preferred.

Stage 1 of the proposal contains one dead-end road, which provides a turning area sufficient for a 12.5 metre long vehicle (Council's waste contractor would use this area to turn around trucks). The dead-end road also allows for a future connection to adjoining land to the south-east that was zoned residential under the same CLEP amendment, should it wish to be taken up by adjoining owners. This road would transport vehicles to Anthony Drive, which is the rezoned area's primary access to the existing road network. Future connections may also be made to Sebastian Avenue, subject to proper assessment should an application for such be received. The remainder of roads within the proposed development are all through roads, which accord to Council's SC DCP requirement.

3.10.1(e) requires that allotments at intersections are provided with splay corners, in order to increase driver sight lines.

The proposal complies with that requirement.

Part 3.10.2 contains Council's controls for Torrens title residential subdivisions. The Part requires that allotments have an area greater than 500 square metres and a minimum width of 15 metres.

Residential (non-residue) allotments within the subdivision range from 502 to 690 square metres and are in compliance with the SC DCP. All allotments aside from proposed Lot 9 comply with the minimum 15 metre width. Lot 9 would have a width of 12.9 metres. The relatively minor variation in context of the site as a whole is not considered to be significant and would not result in a detrimental impact on the built environment in the immediate vicinity of Lot 9.

Having regard to the above, the proposal is considered to be complementary to the objectives and controls contained within the Campbelltown (Sustainable City) Development Control Plan.

## **2. Built and Natural Environment Impacts**

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to consider the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The development's main potential impacts on the natural and built environment are considered to be:

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- Stormwater capture, treatment and disposal
- Roads and traffic
- Flora and fauna

These matters are discussed in detail below.

## **2.1 Stormwater capture, treatment and disposal**

Capture, treatment and disposal of stormwater from new urban development is an important part of any new urban land release proposal. There are several objectives and controls relating to stormwater capture and treatment for development in both State and local planning controls that require consideration during the design and construction of new release areas.

In this regard and in accordance with the requirements of Council's CLEP2002, the applicant has submitted a stormwater management study, which has been independently prepared and subsequently reviewed by Council's Technical Services Section. The stormwater management study details that control of storm water quantity and quality from the site would be achieved by utilising various means such as grass lined swales, bio-ribbons, concrete underground storage tank and a basin. The aim of the proposed stormwater capture and treatment system is to ensure that post development water and nutrient flows from the site match pre development levels.

The primary stormwater capture and treatment measures proposed across the site include:

- Rainwater tanks for each dwelling (which would be compulsory under separate State Government legislation);
- Gross pollutant traps that would capture large pollutant items such as rubbish, leaves and items of a similar nature;
- Underground concrete storage tank to capture and dispose of water within the eastern end of the development site;
- Grass-lined swales and bio-ribbons, which would capture stormwater overflows from dwellings and roads, reduce its velocity and extract nutrients; and
- A water storage basin in the north western corner of the development site, which would store water before it would continue along an existing natural flow path that takes it north underneath Demetrius Road towards Octavia and Cleopatra Reserves.

Council's Technical Services Section have reviewed the proposal and provided recommendations regarding appropriate changes to the submitted design in order to ensure compliance with Council's relevant planning and policy documents. Some of the proposed changes to the submitted documentation include:

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- Removal of the proposed north western water storage basin from the system - it does not appear to be entirely necessary for controlling the amount of flow and would require removal of vegetation within the 6(c) - Private Open Space Zone, which was not accounted for in the assessment of the areas during its rezoning;
- Relocation of proposed drainage lines to be wholly within the development site rather than the adjoining school lands; and
- Possible relocation of the proposed underground water storage tank such that it is not located within the road reserve area and located within an area that provides ease of access for large vehicles, safe and easy access for workers and does not cause a safety hazard for the public.

Further, additional information would be required to satisfy Council's requirements for matters such as grading and possible retaining walls and an overland flow path for proposed Lots 3-10, operation management plans for bio-ribbons and other infrastructure and updated computer modelling.

Appropriate recommended conditions of development consent that would facilitate these desired outcomes and compliance with Council's *Campbelltown (Sustainable City) Development Control Plan Volume 2 - Engineering Design Guide* have been included in Attachment 1 to this report. The conditions require that detailed work be undertaken to Council's satisfaction prior to any physical work commencing on site.

## **2.2 Roads, access and traffic**

Pursuant to the requirements of Clause 42J of the CLEP2002 and the Campbelltown (Sustainable City) Development Control Plan, the applicant has submitted a traffic impact assessment as part of the application.

The traffic impact assessment considers the proposal's internal function and potential impact on existing streets within the site's immediate vicinity. The traffic impact assessment considered the suitability of proposed intersections and the changes (if any) to vehicle safety, particularly on Anthony Drive, where the residential subdivision would gain access to the existing road network.

The access component of the assessment details that the subdivision would be completed with a footpath along its entire length, which would join to Anthony Drive and Rizal Park. The site is relatively close to stops on both Copperfield and Cleopatra Drives, which are serviced by Busways (Routes 886, 888 and 887) to Campbelltown, Macarthur and Wollongong.

The traffic impact assessment used the INTANAL computer simulation program to assess the traffic generation and intersection performance outcomes of the development proposal. Briefly, utilising the Roads and Traffic Authority's (RTA) *'Guide to Traffic Generating Development'* in order to calculate the likely number of vehicle trips generated by the development, the modelling detailed that the intersection of the estate entry road and Anthony Drive would have a service level of 'A', which means an average delay of less than 14 seconds for vehicles waiting to leave the estate. This is described as a good level of service for roads intersecting with roundabouts, stop and give way signs as is proposed. The traffic impact

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assessment also considered driver sight lines and has determined that the distances provided to drivers leaving the site are within the requirements of the RTA.

The traffic impact assessment also considers the internal road design provided for in the proposal, including road widths. Council requested an amendment to the submitted plans in order to increase the pavement width of proposed Road No. 2 to 8 metres for its entire length. Road No. 3, with a proposed 6 metre pavement width is considered to be adequate, noting that it would not have dwellings on one of its sides and thus a reduction in a requirement for on-street visitor car parking.

A recommended condition of development consent requires that the Local Traffic Committee be consulted with regard to traffic control devices within the subdivision, line marking and signage, including "No Stopping" restrictions along the western side of the 6.0 metre road.

The traffic impacts of the development are not considered likely to have a significant and detrimental impact on the locality. Further to this, the State Environmental Planning Policy (Infrastructure) requires that all subdivisions that create more than 200 allotments require referral to the RTA. The subject application does not propose more than 200 allotments and as such, referral to the RTA was not required.

### **2.3 Flora and fauna**

The site contains a significant stand of what is known as 'Shale Hills Woodlands', a vegetation subset of the broader Cumberland Plain Woodland (CPW) ecological community. The CPW ecological community was 'uplisted' in late 2009 from an *endangered* ecological community to a *critically endangered* ecological community, pursuant to the *Threatened Species Conservation Act 1995*. The CPW is predominantly located within the area of the site that has been zoned 6(c) - Private Open Space Zone, which would be largely unaffected by the subdivision proposal. However, some vegetation is located within the residentially zoned area and its removal would be undertaken should development consent be granted.

In accordance with the requirements of Clause 42J of the CLEP2002 and Campbelltown (Sustainable) City Development Control Plan, the applicant has submitted a flora and fauna impact assessment with the subdivision application. The report was prepared in 2009 and follows a detailed assessment of the proposal that was carried out as part of the Local Environmental Study undertaken during the rezoning process in the preceding few years.

It is important to note that Council forwarded the application to the Department of Environment, Climate Change and Water (DECCW) for comment, however, without making further comment, the DECCW noted that it was satisfied with its input with regards to flora and fauna protection/retention during the rezoning process and did not make further recommendation or assessment of the subject application.

The flora and fauna impact assessment was undertaken using the DECCW's guidelines for threatened species survey and assessment. The assessment notes that:

*"The vegetation on the subject land has largely been cleared and highly disturbed from its original condition. The land south of the school is almost devoid of trees, while the woodland to the west of the school is*

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*weed infested and mainly regrowth from earlier clearing. Nevertheless, this woodland is part of the Cumberland Plain Woodland community complex"*

With regards to the prevalence of fauna, particularly birds, the assessment notes:

*"The western part of the subject land contains a small area of woodland habitat in an increasingly urban landscape. The trees provide a valuable food resource for birds and the older trees contain occasional hollows useful for sheltering and nesting. Unfortunately, the site's isolation from other woodland, small aerial extent and the paucity of native shrubs in the understorey deters small birds from occurring there, and few were found to be present."*

The assessment went on to consider the factors of assessment for threatened species impacts in accordance with the level of assessment required for areas that have been classified as a *critically endangered* ecological communities and as detailed in Section 5A of the *Environmental Planning and Assessment Act, 1979*. The factors of assessment are better known as the '7-part test'.

The assessment notes that the development would cause the removal of approximately 6,000 square metres of woodland that is located within the land zoned 2(b) Residential. This is approximately 18% of the CPW contained on the site. In this regard, the assessment concludes:

*"The loss of the 2(b) section of woodland is of minor importance to the community overall, although any loss of CPW is to be approached with due consideration. On balance, the improved management regime to be established for the 6(c) land results in a positive impact on the patch."*

Council's Environmental Planning section has reviewed the submitted documentation and largely concurs with its findings. A recommended condition of development consent requires the submission and approval of a detailed vegetation management plan for the 6(c) - Private Open Space land within the area. The vegetation management plan is to detail the measures by which the vegetation would be enhanced and maintained. Recommendations regarding the management and maintenance of the land (which would primarily be used by the school for education purposes) have been included within the flora and fauna impact assessment and included in the recommended condition of consent mentioned above.

Having regard to the above discussions, the conclusions of the DECCW with regard to its previous input to the rezoning of the land and the more recent impact assessment submitted with this application, the impacts of the subdivision on the natural environment are not considered likely to be detrimental.

### **3. Suitability of the Site**

Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979* requires a consent authority to consider the suitability of the site to accommodate the development.

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The site is considered to be suitable for the development. The area has previously (and recently) been through an extensive rezoning process, which entailed assessment of the impacts that the release of the land for urban purposes would have on the surrounding environment.

The development is not likely to significantly and detrimentally impact on the natural or built environment, having regard to the assessments detailed throughout this report on matters such as flora and fauna retention, traffic, drainage and other considerations such as the land's capacity, potential contamination issues, compatibility with nearby existing land uses and the like.

Further, the application possesses a high level of compliance with Council's relevant planning objectives and controls.

#### **4. Submissions**

Section 79C(1)(d) of the *Environmental Planning and Assessment Act 1979* requires a consent authority to consider submissions made on the proposal.

The application was notified to ninety-seven adjoining and nearby owners on two occasions. The first occasion was between 7 January and 1 February 2010 and the second occasion (following the receipt of revised information) was between 18 March and 2 April 2010.

During the first notification period, Council received seven submissions on the proposal and during the second notification period, six submissions were received.

A discussion of the issues raised in submissions follows.

*Issue - loss of vegetation and wildlife habitat.*

Several submissions raised the issue of a perceived destruction of bushland habitat.

As detailed in Section 2.3 of this report, approximately 6,000 square metres of existing bushland would be removed as part of the residential release of the land. This figure represents approximately 18% of the bushland contained within the development site as a whole.

A detailed flora and fauna impact assessment of the proposal has been undertaken, and notwithstanding the removal of a number of trees, particularly in the central portion of the site, vegetation experts appointed by the applicant and within the Department of Environment, Climate Change and Water have agreed that this loss is acceptable, having regard to the condition of the existing vegetation and the proposed rejuvenation and management of the remaining area (about 2.5 hectares).

Whilst it is acknowledged that trees would be removed from the site, the benefits of more coordinated management and rejuvenation of the remnant area is considered to be of greater importance than protecting all trees that are presently contained on the site.

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*Issue - loss of scenic outlook from dwellings that adjoin Greco Place.*

Some submissions raised issue with the loss of the scenic outlook that is presently enjoyed from the rear yards of dwellings fronting the eastern end of Greco Place.

It is noted that several dwellings along the eastern end of Greco Place have enjoyed a scenic outlook for several years as the open area adjoining their property has not been developed by the school.

The area in question is not a public reserve and has been held in private ownership since the early 1900s. Lot 2 DP 706701 has been held in the ownership of the Catholic Church since 1977. At no time has the area been slated as a public reserve nor held for public enjoyment.

The development of the site is subject to zoning of the land, which was altered to allow for residential development in 2008.

*Issue - noise and other amenity impacts*

Submissions raised issue with the potential loss of amenity as a result of increased urbanisation in the area.

The residential development proposed under the plan is of a similar scale and nature to the majority of residential holdings in the immediate vicinity, except for some remaining larger holdings situated to the south-east of the development site, which are also zoned residential under the same CLEP2002 amendment as the subject land.

It is acknowledged that the character of the neighbourhood, particularly at the rear of properties along Greco Place, Donalbain Circuit and Sebastian Avenue would change following residential release of the land. However, the zoning of the site allows for the development proposed and it is considered to be complementary to Council's objectives and controls for that development type. A large tract of the bushland contained on the site would be rejuvenated and effectively managed to enhance existing native vegetation and wildlife habitat, whilst minimising the incursion of weeds.

*Issue - compatibility of the proposal with the master plan*

A master plan was developed as part of the rezoning application. The master plan was an indicative plan detailing a scenario for the location of future roads and the development pattern of residential allotments throughout the rezoned area.

The submitted application is not inconsistent with the master plan layout, where it concerns the development site. The allotment size and road layout are comparable to the master plan layout that was presented to Council in 2005 where a report on the rezoning was first discussed. Neighbouring properties, particularly those to the south east of the development site will need to lodge development applications in accordance with Division 1A of the CLEP2002 in order to participate in the urbanisation of the area.

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*Issue - location of proposed Roads 2 and 3 at the western end of the development site.*

Some submissions suggested an alteration to the location of proposed Roads 2 and 3, such that Road 2 would directly adjoin the rear of properties at Greco place and Road 3 would be brought to the south west to run in front of proposed Lot Nos. 49-54, which would then back onto the school site.

Officers have considered the suggestion, however, for several reasons, recommend the retention of the road location/layout as proposed in the application. Reasons include:

- Moving Road 3 would necessitate a relocation of the bio-swale drain, which would need then to be located either in school grounds (not practicable) or would need to be located further into the 6(c) zoned remnant bushland, possibly resulting in further destruction of trees, over and above that already proposed.
- Moving Road No.2 to run along the back of existing properties at Greco Place would increase noise to those existing properties and potentially reduce their security and privacy.
- Providing a direct frontage of Road 3 to the school grounds would enhance the streetscape appeal for proposed Lot Nos 49-54 and would also increase passive surveillance of school grounds.

For these reasons, an alteration to the location of roads is not supported.

#### *Rural Fire Service*

In accordance with the requirements of Section 91 of the *Environmental Planning and Assessment Act 1979* and Section 100B of the *Rural Fires Act 1997*, Council forwarded the application to the Rural Fire Service as an 'integrated development', seeking its general terms of approval. The area is classified as being bush fire prone and under Section 100B(1)(a) and Section 100B(3), subdivision of bush fire prone land requires a bushfire safety authority from the Commissioner of the Service.

Council forwarded the application and its accompanying Bushfire Protection Assessment to the Service for its comments. A response, indicating that the bush fire safety authority had been issued was received earlier this year. The Service's response details conditions of approval relating to the siting of fire fighting access tracks, maintenance and management of the remnant bushland and compliance with their document 'Planning for Bush Fire Protection'. The conditions have been incorporated into the recommended conditions of consent, detailed in Attachment 1 of this report.

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## **5. The Public Interest**

Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979* requires a consent authority to consider public interest when determining an application.

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

The application is considered to have satisfactorily addressed Council's relevant objectives and controls required for development in this area, having regard to its recent rezoning, compliance with relevant objectives and controls and the protection of a significant portion of remnant bushland on the site.

### **Conclusion**

A staged development application has been received for the subdivision of Lot 2 DP 706701, Lot 21 DP 733505, Lot 4035 DP 790757, Demetrius Road and Anthony Drive, Rosemeadow into a total of 88 residential allotments. Stage 1 of the application seeks Council's consent to construct two roads, create 72 allotments and provide for associated services. Stages 2 and 3 would be subject to further development applications at a later date.

The subdivision application has been made following a rezoning of the land in 2008 to allow for the urbanisation of an existing parcel of privately owned open space land, which is part of an existing school site.

The application would provide for 70 residential allotments, two residue allotments, two roads, site and civil works and landscaping. Future stages of the land release would be subject to additional development applications.

The application was submitted with a detailed suite of documents, covering aspects such as road and traffic impacts, flora and fauna impact assessment, contaminated land assessment, bush fire safety and stormwater planning.

The application has been assessed against relevant State and local planning objectives and controls and is considered to be compliant. The impacts of the development on the natural and built environment have been considered and are not considered likely to be detrimental, having regard to the existing development in the area, retention of a significant portion of remnant bushland on the site and its compliance with zoning controls.

Social and economic impacts of the development are likely to be positive, as the development would provide for an additional supply of residential allotments within an established urban area, with good access to education, shopping and other amenities.

Submissions from nearby residents have been considered as part of the application's assessment. The proposal is considered to be complementary to existing development in the area.

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Accordingly, the site is considered to be suitable for the development and it is therefore recommended for approval.

### **Officer's Recommendation**

That subject to Council's receipt of Certification by the Director General of the Department of Planning in accordance with Clause 42(H)(i) of the Campbelltown (Urban Area) Local Environmental Plan 2002, Council grant development consent to the staged development application 2958/2009/DA-S for the subdivision of Lot 2 DP 706701, Lot 21 DP 733505, Lot 4035 DP 790757, Demetrius Road and Anthony Drive, Rosemeadow for residential and private open space purposes subject to:

- (i) the conditions detailed in Attachment 1; and
- (ii) any condition required pursuant to the Director General's Certification (Clause 42H) received by Council.

**Committee Note:** Mr Wellham and Mr Jackson addressed the Committee in opposition to the development.

Mr Fredericks addressed the Committee in support of the development.

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

That the Officer's Recommendation be adopted.

#### **CARRIED**

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

Voting against the Committee's Recommendation were Councillors: Oates and Thompson.

### **Council Meeting 29 June 2010 (Borg/Bourke)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 112**

That the Officer's Recommendation be adopted.

#### **CARRIED**

Voting for the Council Resolution were Councillors: Borg, Bourke, Chanthivong, Dobson, Glynn, Greiss, Hawker, Kolkman, Lake, Matheson, Rowell, Rule and Thomas.

Voting against the Council Resolution were Councillors: Oates and Thompson.

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# **ATTACHMENT 1**

## **Recommended Conditions of Consent**

### **GENERAL CONDITIONS**

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

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

#### **1. Approved Development**

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

#### **2. Staged Development Consent**

The subject development consent has been issued as a staged development consent, pursuant to Section 83B of the *Environmental Planning and Assessment Act 1979*.

Further detailed development applications are required to be submitted to, and consent granted by Council prior to any works for Stages 2 and 3 taking place at the site.

#### **3. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the requirements set out in the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of a construction certificate by either Campbelltown City Council or an accredited certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

#### **4. Vegetation Management Plan**

A Management Plan for the portion of the site zoned 6(c) - Private Open Space Zone shall be prepared and receive Council's written approval prior to a Construction Certificate being issued. The plan shall encompass the following:

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- Measures to mitigate future management practices and regimes (i.e. fuel load management, mowing etc) which have the potential to impact, disturb and modify the areas of Critically Endangered Ecological Communities (CEEC) that will be retained within the area of Private Open Space.
- Measures to minimise impacts on CEEC vegetation that is to be retained during drainage and other construction works.
- A revegetation strategy for the area of CEEC vegetation to be cleared as a result of the drainage works. This shall include details of species to be planted, planting densities, seed/stock provenance, seed collection procedures, required ongoing maintenance works and associated costs.
- A restoration strategy for the retained vegetation within the private open space corridor. As a minimum the following shall be undertaken as part of this strategy:
  - A detailed site assessment;
  - Preparation of a detailed site map: This map must indicate site boundaries, vegetation communities and site features. The condition of existing vegetation - using a simple grading system for weed density (e.g. almost weed free bush, light weed infestation, severe infestation, total domination by weeds) shall also be mapped;
  - Preparation of a flora species list for the site;
  - Determination of the most appropriate restoration technique based on specific criteria for areas within the site. For example, those areas that may require planting, ripping, hand weed removal, mechanical weed removal etc.
  - Identification and prioritisation of the work that needs to be undertaken in order to control weeds and restore native vegetation on site.
- An Implementation Plan outlining required actions, associated costs and how funding for such works will be sourced.

The Vegetation Management Plan shall be consistent with *Recovering Bushland on the Cumberland Plain - Best practice guidelines for the management and restoration of bushland (Department of Environment and Conservation NSW 2005)*.

## **5. Stormwater and Water Quality Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate for the development, a revised stormwater and water quality management plan shall be submitted for Council's written approval.

The stormwater and water quality management plan shall include all engineering details and calculations relevant to the site regrading and the

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collection and disposal of stormwater from the site, buildings and adjacent catchment.

Floor levels of any proposed buildings shall be above finished site levels and stormwater shall be conveyed from the site, directly or indirectly towards Cleopatra Reserve and Anthony Drive as appropriate.

The plan shall also include details regarding the creation of appropriate drainage reserves and/or easements. Where adjacent properties are affected, drainage formalisation shall be extended to include these properties to the satisfaction of the adjacent owners and Council. This may involve the creation of easements subject to owners consent, including that of Campbelltown City Council

The proposed detention basin in the north western portion of the site shall be removed from the plans, subject to proper assessment due to its potential impact on remnant vegetation.

Water quality treatment measures shall be designed and constructed in accordance with Campbelltown City Council's *Sustainable City Development Control Plan Volume 2 (as amended)* and the *Managing Urban Stormwater* suite of documents (as amended).

All proposals shall comply with the design requirements detailed in Campbelltown City Council's *Sustainable City Development Control Plan Volume 2 (as amended)*.

## **6. Stormwater Facilities Management**

Prior to Council or an accredited certifier issuing a Construction Certificate for the development, the applicant shall submit and receive Council's written approval for a plan of management for the maintenance of the stormwater works within the 6(c) - Private Open Space Zone land. The plan shall address such items as, but not be limited to, the establishment of vegetation, cleaning frequency, maintenance access, life-cycle costs and the provision for future reconstruction if required.

## **7. Underground Water Storage Tank Maintenance**

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant shall submit and receive Council's written approval for a management plan for proposed underground water storage tanks. The plan shall address (as a minimum) the proposed maintenance procedures for the tank, cleaning frequency, contractual arrangements for cleaning, vehicle and worker access to the tank and ownership of the tank.

## **8. Tree Planting and Landscaping**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant's landscape consultant shall liaise with Council's horticulturist and Environment Unit in regard to the species of trees and other vegetation that are proposed to be planted. This is to ensure that they do not pose a future threat to the civil infrastructure, pedestrian safety, sight distance and that

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waste service vehicles can negotiate a safe and efficient route through the estate when collecting the garbage receptacles.

#### **9. Fencing Strategy**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and submit a fencing strategy for the estate to Council's written satisfaction. The strategy shall detail proposed front boundary fencing types that would be utilised throughout the estate.

#### **10. Geotechnical Report**

Prior to Council or an accredited certifier issuing a construction certificate, a geotechnical report prepared by a NATA registered lab shall be submitted which indicates that the land will not be subject to subsidence, slip, slope failure or erosion where excavation and/or filling exceeds 900mm in depth or identified as filled land.

#### **11. Street Lighting**

Prior to Council or an accredited certifier issuing a Construction Certificate for the development, the applicant shall prepare a street lighting plan in accordance with the requirements of relevant Australian Standards and Council's *Campbelltown (Sustainable City) Development Control Plan Volume 2 - Engineering Design Guide for Development*.

#### **12. Pollution Control**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall provide engineering details to Council for approval of a suitable gross pollutant trap(s) and/or water quality treatment in accordance with the relevant guidelines of the Department of Environment and Climate Change and Water (DECCW), Department of Water and Energy (DWE), and with the design requirements of the *Campbelltown (Sustainable) City DCP 2009 - Volumes 1 and 2* for the stormwater drainage system prior to discharge from the site.

#### **13. Road Construction (New)**

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant shall submit engineering details of the required road construction described below:

Full construction of all new roads to Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable) City DCP 2009 - Volumes 1 and 2*. In this regard, a turning head to Council standard shall be provided to the southern end of proposed Road 1 and in proposed Lot 10 .

All inspections are to be undertaken by Council and the principal certifying authority shall not issue a subdivision certificate until Council has issued a compliance certificate for the road construction.

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#### **14. Road Construction (Roundabout)**

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

The applicant shall design and construct a roundabout at the intersection of Roads 1 and 2. The roundabout shall be designed to *Austroads* and Council's current specifications and shall include all construction and reconstruction, including SBS modified asphaltic concrete seal 60mm thick to the roundabout and approaches, signposting, thermoplastic line marking, reflectors, landscaping, the capital cost of street lighting to Integral Energy requirements, reinstatements, service relocations and adjustments, any work required to make a smooth connection to existing construction and any other associated costs.

#### **15. Traffic Committee**

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

#### **16. Traffic Control Plans**

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

#### **17. Downstream Drainage**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall liaise with adjoining land owners regarding downstream drainage and shall submit to the Council written approval from the owner(s) granting permission to discharge stormwater and to create an easement with a set width to Council's current requirement over any drainage works required to traverse those lands. Any easements required shall also be created and registered with *Land and Property Information NSW* prior to issue of the construction certificate.

#### **18. Drainage Easement**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a suitable plan for approval by Council and have it registered with *Land and Property Information NSW* for the creation of a suitable drainage easement to enable stormwater runoff to be conveyed from the subject site to Anthony Drive in a manner specified by Council.

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## **19. Alignment of New Works**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall liaise with Council regarding the alignment and construction of new roads.

## **20. Work on Public Land**

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

## **21. Water/Electricity Utility Services**

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

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

## **22. Telecommunications Utility Services**

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

## **PRIOR TO THE COMMENCEMENT OF ANY WORKS**

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any works on site.

## **23. Vehicular Access During Construction**

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto any public road system. Single sized aggregate, 40mm or larger placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

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#### **24. Public Property**

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

#### **25. Erosion and Sediment Control**

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

#### **26. Erection of Construction Sign**

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

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

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

#### **27. Toilet on Construction Site**

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

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

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

## **29. Minimisation of salinity impacts**

Prior to and during the construction of the development, the following measures are to be incorporated into the design and development of the site to minimise the risk of salt migration and to limit the changes in the natural groundwater regime by:

- Minimising water infiltration through maintenance of surface/subsurface drainage;
- Planting of deep rooted vegetation;
- Minimising cut and fill operations;
- Avoidance of soil profile reversal by replacing the soils in their original stratum;
- Implementation of appropriate sediment and erosion controls prior to commencement of construction, possibly in conjunction with gypsum application to sodic soils;
- Minimising concentrated overland water flow;
- Selecting vegetation that exhibit tolerance to moderate levels of salinity;
- Appropriate vegetation and re-vegetation of bare soils and batters to minimise erosion and scour; and
- Selection of construction materials appropriate for use in a saline environment.

## **DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION**

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

## **30. Construction Work Hours**

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No Work.

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### **31. Public Safety**

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, minimum 1.2 metres wide, separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times. The applicant shall ensure that traffic control is undertaken and maintained strictly in accordance with AS 1742.3, the requirements set out in the RTA manual "*Traffic Control at Work Sites*" (as amended), all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all *Work Cover Authority* requirements are complied with. Council may at any time and without prior notification make safe any such works that be considered to be unsafe, and recover all reasonable costs incurred from the applicant.

### **32. Compliance with Council Specification**

All design and construction work, shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- b. *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*,
- c. 'Soils and Construction (2004) (Bluebook); and
- d. Relevant Australian standards and State Government publications.

### **33. Pavement Thickness Determination**

A road pavement design and pavement thickness report, from a N.A.T.A. registered laboratory appointed by the applicant, in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* shall be forwarded to the principal certifying authority a minimum of 2 working days prior to the inspection of exposed sub grade for pavement thickness determination.

### **34. Erosion and Sediment Control**

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*, the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

**Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.**

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### **35. Fill Compaction Requirements**

Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98% standard compaction.

Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m<sup>2</sup> (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer.

### **36. Fill Contamination**

Any landfill used on the site is to be validated in accordance with the *Environment Protection Authority's* guidelines for consultants reporting on contaminated sites. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

### **37. Dust Nuisance**

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – *'Soils and Construction (2004) (Bluebook)*. Construction areas shall be treated/ regularly watered to the satisfaction of the principal certifying authority.

### **38. Excess Material**

All excess material is to be removed from the site. The spreading of excess material or stockpiling on site will not be permitted without prior written approval from Council.

### **39. Earth Works/Filling Works**

All earthworks, including stripping, filling, and compaction shall be:

- a. Undertaken in accordance with Council's *'Specification for Construction of Subdivisional Roads and Drainage Works' (as amended)*, AS 3798 *'Guidelines for Earthworks for Commercial and Residential Development' (as amended)*, and approved construction drawings;
  - b. Supervised, monitored, inspected, tested and reported in accordance with AS 3798 Appendix B 2(a) Level 1 and Appendix C by a NATA registered laboratory appointed by the applicant. Two collated copies of the report and fill plan shall be forwarded to Council; and
  - c. Certified by the laboratory upon completion as complying, so far as it has been able to determine, with Council's specification and AS 3798.
-

#### **40. Revegetation**

Revegetation to the requirements of the manual – *'Soils and Construction (2004) (Bluebook)* shall be applied to all disturbed areas within seven days after completion of earthworks, and shall be fully established prior to release of the maintenance security bond.

#### **41. Public Reserve Treatment**

A barrier fence as per Councils specifications shall be erected on the boundaries of all proposed public reserve areas where they adjoin public roads. A lockable access point for Council maintenance vehicles shall be provided where required by Council.

#### **42. Associated Works**

The applicant shall undertake any works external to the development, that are made necessary by the development, including additional road and drainage works or any civil works directed by Council, to make a smooth junction with existing work.

### **PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of a subdivision certificate by either Campbelltown City Council or an accredited principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for a subdivision certificate.

#### **43. Section 73 Certificate**

Prior to the principal certifying authority issuing a subdivision certificate, the submission of a Section 73 certificate issued by *Sydney Water*.

#### **44. Restriction On The Use Of Land**

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall where appropriate or required by Council apply restrictions on the use of land under Section 88B of the Conveyancing Act. Restrictions may include the following:

- a. Floor Level Control
  - b. No Alteration To Surface Levels
  - c. Lots Filled
  - d. Access Denied
  - e. Set Back From Access Denied Roads
  - f. Uncontrolled Fill
  - g. Drainage Floor Level Control Easements - (100yr flow, depressed)
  - h. No Cut Or Fill - (Existing Geotech Report from N.A.T.A. reg. Laboratory)
  - i. No Cut Or Fill - (Geotech Report Required)
  - j. Battle-Axe Lots where reciprocal rights of carriageway are proposed
-

- k. Lots with any other restrictions eg Refuse Collection.
- l. Overland flow path, Lots 3-10.

The applicant shall liaise with Council regarding the required wording. Any lots subsequently identified during the subdivision process as requiring restrictions shall also be suitably burdened. Design plans and work as executed plans shall show affected lots marked with Council approved symbols.

The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown. The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

#### **45. Bond (Outstanding Work)**

Prior to the principal certifying authority issuing a subdivision certificate and to facilitate the release of the subdivision certificate, Council may accept bonding for outstanding asphaltic concrete work, foot paving and vehicle crossings/driveways or other minor work. Following a written request from the applicant, Council will determine the bond requirements.

All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution

#### **46. Maintenance Security Bond**

Prior to the principal certifying authority issuing a subdivision certificate, a maintenance security bond of 5% of the contract value or \$5000, whichever is the greater, shall be lodged with Council. This security will be held in full until completion of maintenance, minor outstanding works and full establishment of vegetation to the satisfaction of Council, or for a period of six months from the date of release of the subdivision certificate, whichever is the longer. All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution.

The applicant is responsible for applying to Council for the return of the bond. Should no request be made to Council for the return of the bond six years after the issue of the subdivision certificate, Council will surrender the bond to the *Office of State Revenue*.

#### **47. Classification of Residential Lots**

Prior to the principal certifying authority issuing a subdivision certificate, all residential lots are to be individually classified in accordance with guidelines contained in the Australian Standard for Residential Slabs and Footings - *AS2870.1996 (as amended)*.

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#### 48. Contaminated Land

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall ensure by way of soil testing by a *N.A.T.A.* registered laboratory that the land and any imported filling are free from contamination in accordance with the *Environmental Health Form Health Based Soil Investigation Levels - Soil Series No. 1* and a copy of the laboratory report shall be submitted to Council.

#### 49. Works as Executed Plans and Documents

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall submit to Council the following:

1. Two complete sets of fully marked up and certified work as executed plans in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP Volume 2 (as amended)*.

The applicant shall also submit a copy of the Works as Executed information to Council in an electronic format in accordance with the following requirements:

1. MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System
2. Datum to be AHD (Australian Height Datum)
3. File format(s):

##### a) AutoCAD Option

The "etransmit" (or similar) option in AutoCAD with the transmittal set-up to include as a minimum:

Package Type - zip

File Format - AutoCAD 2004 Drawing Format or later

Transmittal Options - Include fonts

Include textures from materials

Include files from data links

Include photometric web files

Bind external references

The drawing shall **not** be password protected.

##### b) MapInfo Option

Council will also accept either MapInfo Native format (i.e. .tab file) or MapInfo mid/mif.

All surveyed points will **also** be required to be submitted in a point format (x,y,z) in either an Excel table or a comma separated text file format.

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### **Survey Information Required to be Shown**

- Finished ground and building floor levels together with building outlines.
  - Spot levels every 5m within the site area.
  - Where there is a change in finished ground levels, greater than 0.3m between adjacent points within the abovementioned 5m grid, intermediate levels will be required.
  - A minimum of fifteen (15) site levels.
  - If the floor level is uniform throughout, a single level is sufficient.
  - Details of all stormwater infrastructure, including pipe sizes and types as well as surface levels and invert levels of all existing and/or new pits/pipes associated with the development.
  - All existing and/or new footpaths, kerb and guttering and road pavements to the centre line of the road.
  - The surface levels of all other infrastructure.
2. One additional separate fully marked up copy of the plan sheet(s) and the line marking/signposting plan(s).
  3. Two copies of lot classification reports, geotechnical stability reports, dispersion tests, earthworks and fill placement reports, concrete core tests, sub grade and pavement density reports, structural and all other testing undertaken.
  4. Two copies of all compliance certificates in accordance with consent authority requirements, including supply of pipes and precast units, supply of sub-base material, supply of base course material, supply of concrete, and supply of bituminous materials.

All reports/certificates shall be prepared by a N.A.T.A. registered laboratory or qualified engineer in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2* and shall list the relevant compliance standard(s) and certify that the whole of the area of works or materials tested comply with the above specification. All reports/certificates shall be complete, fully referenced, clearly indicate the area or material tested, the location and required/actual values of all tests and retesting, and be fully collated and suitably bound.

### **50. Restoration of Public Roads**

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

### **51. Public Utilities**

Prior to the principal certifying authority issuing a subdivision certificate, any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

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## **52. Service Authorities**

Prior to the principal certifying authority issuing a subdivision certificate, two copies of all servicing plans shall be forwarded to Council in accordance with the following:

Written advice from *Sydney Water*, *Integral Energy* and where applicable the relevant gas company, shall be submitted, stating that satisfactory arrangements have been made for the installation of either service conduits or street mains in road crossings, prior to the construction of the road pavement. All construction work shall conform to the relevant authorities specification/s.

The final seal shall be deferred pending installation of all services. In this regard the applicant shall provide a temporary seal and lodge with Council as security, the amount to be determined by Council, to cover the cost of trench restoration by Council and the placement of the final asphaltic concrete seal.

## **53. House Numbers**

Prior to the principal certifying authority issuing a subdivision certificate all house numbers shall be stencilled onto the kerb at appropriate locations with black letters/numbers 75mm high on a white background using approved pavement marking grade paint.

## **54. Line Marking / Sign Posting Documentation**

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall submit to Council for Local Traffic Committee records two copies of work as executed plans of the line marking / sign posting approved by the Traffic Committee for the development. The plans shall show all works undertaken and the date of installation.

## **55. Residential Inter-Allotment Drainage**

Prior to the principal certifying authority issuing a subdivision certificate, a work as executed plan for the drainage works shall be submitted to Council demonstrating that inter-allotment drainage and associated easements, in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2* have been provided for residential lots where all or part of the lots do not drain to a public road.

## **56. Council Fees and Charges**

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full. Written confirmation will be provided to the applicant following Council's final inspection and satisfactory clearance of the public area adjacent the site.

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## **57. Rural Fire Service - General Terms of Approval**

The General Terms of Approval issued by the Rural Fire Service for the development (reference D10/0041, DA10011266401 DS, dated 29 January 2010), shall at all times be read in conjunction with the conditions of this consent. A copy of the General Terms of Approval shall remain attached to this consent at all times.

### **ADVISORY NOTES**

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

#### **Advice 1. Tree Preservation Order**

To ensure the maintenance and protection of the existing natural environment, you are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the building envelope unless you have obtained prior written consent from Council. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

A tree is defined as a perennial plant with self supporting stems that are more than 3 metres or has a trunk diameter more than 150mm measured 1 metre above ground level, and excludes any tree declared under the Noxious Weeds Act (NSW).

#### **Advice 2. Filling on Site**

Council's records in respect of this lot indicate that varying depths of filling covers the natural ground surface.

#### **Advice 3. Inspections – Civil Works**

Where Council is nominated as the principal certifying authority for civil works, the following stages of construction shall be inspected by Council.

- a. EROSION AND SEDIMENT CONTROL –
    - i. Direction/confirmation of required measures.
    - ii. After installation and prior to commencement of earthworks.
    - iii. As necessary until completion of work.
  - b. STORMWATER PIPES – Laid, jointed and prior to backfill.
  - c. VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.
  - d. FINAL INSPECTION – All outstanding work.
-

**Advice 4. Inspection Within Public Areas**

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

**Advice 5. Principal Certifying Authority – Subdivision**

Council is the principal certifying authority for the construction of the proposed subdivision and issue of the subdivision certificate and Council shall carry out all inspections required by the development consent. Work must not proceed past any inspection point until Council has approved the work inspected.

**Advice 6. Linen Plan and Copies**

A linen plan and if required an original 88B Instrument together with thirteen copies shall be submitted to Council prior to the release of the subdivision certificate.

**Advice 7. Linen Plan Checking Fee**

Where Council is the principal certifying authority a linen plan checking fee is payable on submission of the linen plan of subdivision to Council. The exact amount will be calculated at the rate applicable at the time of release of the linen plans.

**Advice 8. Salinity**

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

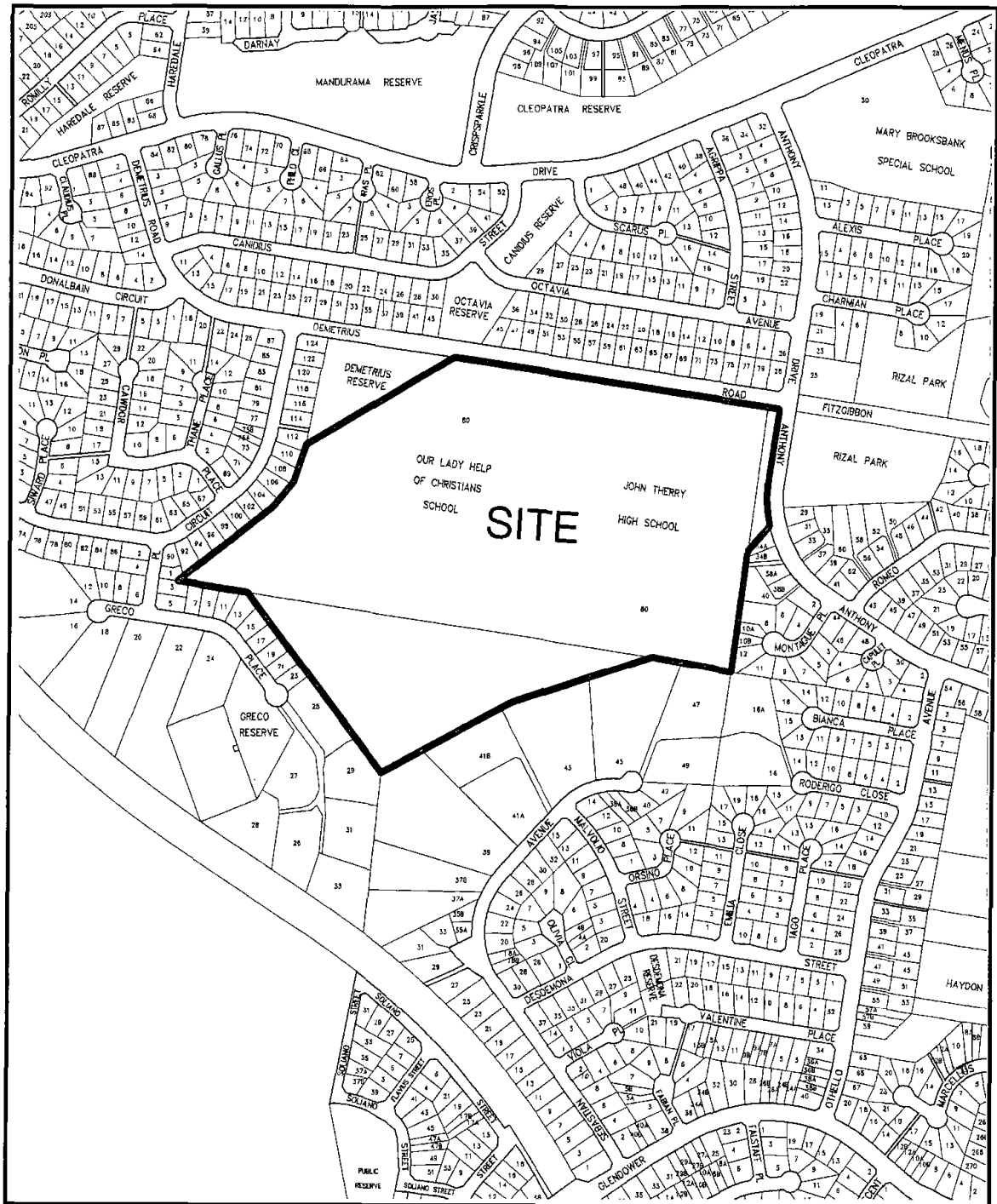
**Advice 9. Dial 1100 Before you Dig**

Underground cable and pipes may exist in the area. In your own interest and for safety, telephone 1100 before excavation or erection of structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website - [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)

**END OF CONDITIONS**

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# ATTACHMENT 2



## LOCALITY PLAN

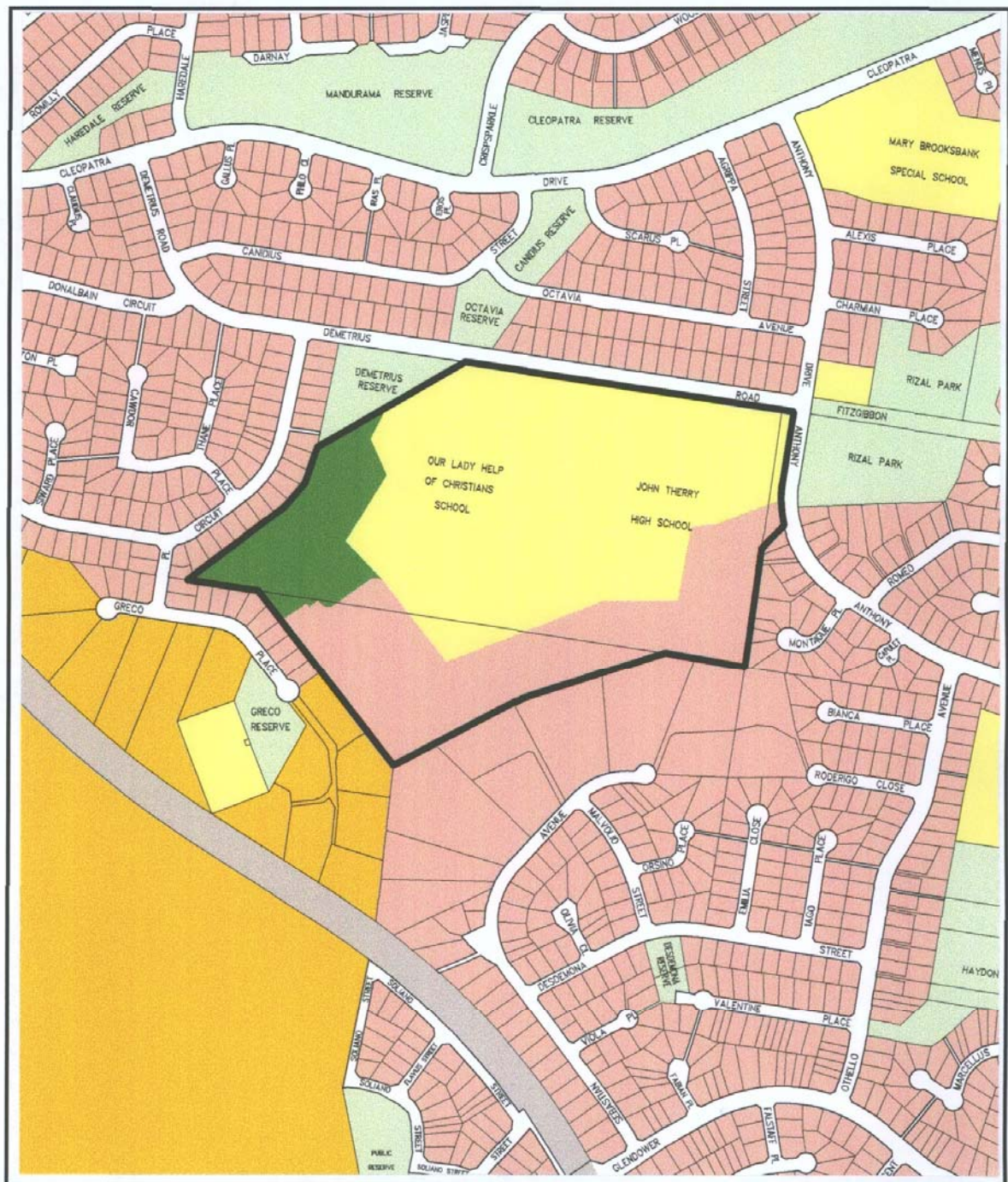


**SUBJECT:**

STAGED DEVELOPMENT FOR RESIDENTIAL SUBDIVISION.  
LOT 2 DP 706701, LOT 21 DP 733505 & LOT 4035 DP 790757 -  
DEMETRIUS ROAD & ANTHONY DRIVE, ROSEMEADOW.



## ATTACHMENT 3

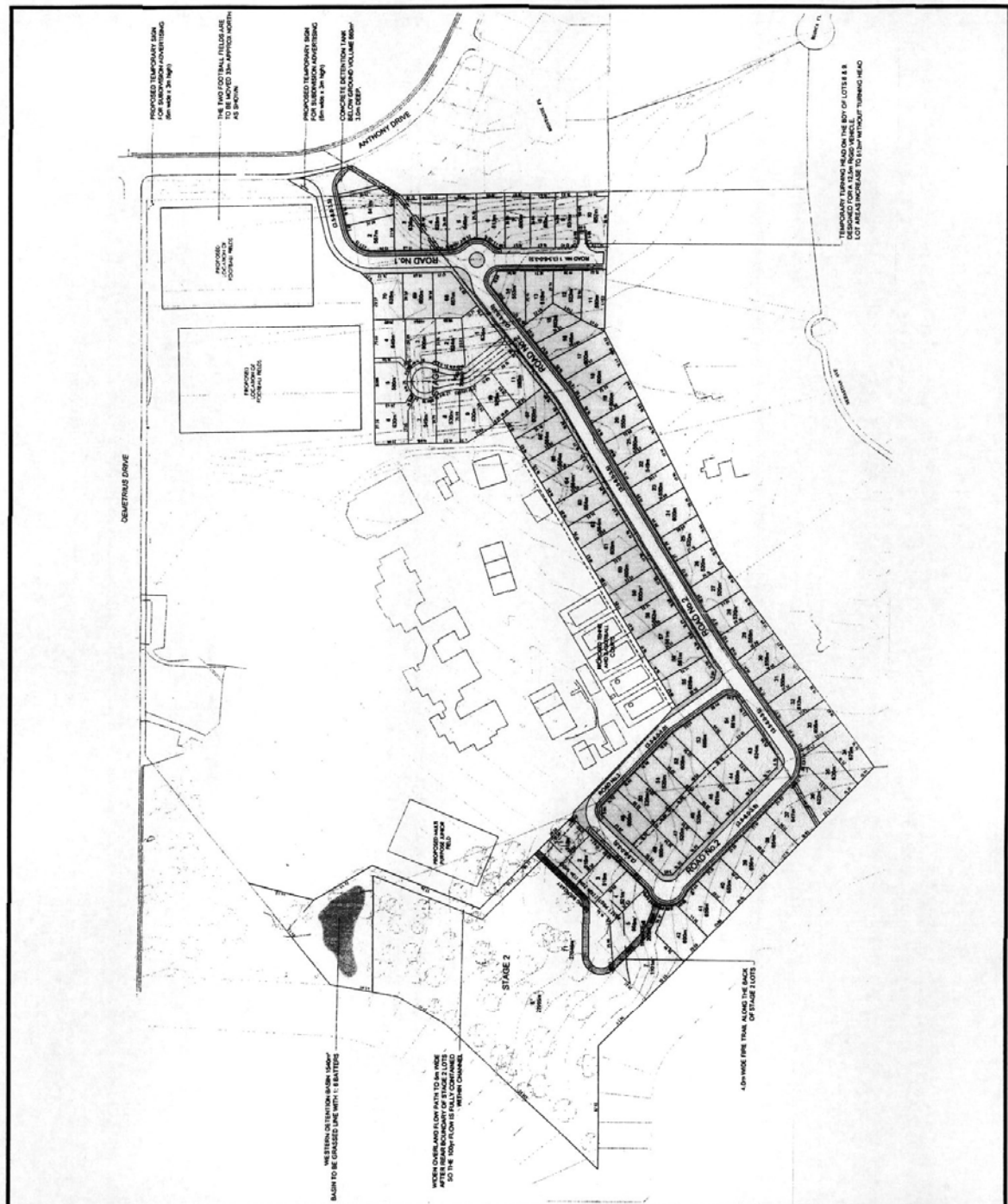


### LEP 2002 ZONING MAP OF SITE

**SUBJECT:**

STAGED DEVELOPMENT FOR RESIDENTIAL SUBDIVISION.  
LOT 2 DP 706701, LOT 21 DP 733505 & LOT 4035 DP 790757 -  
DEMETRIUS ROAD & ANTHONY DRIVE, ROSEMEADOW.

## ATTACHMENT 4



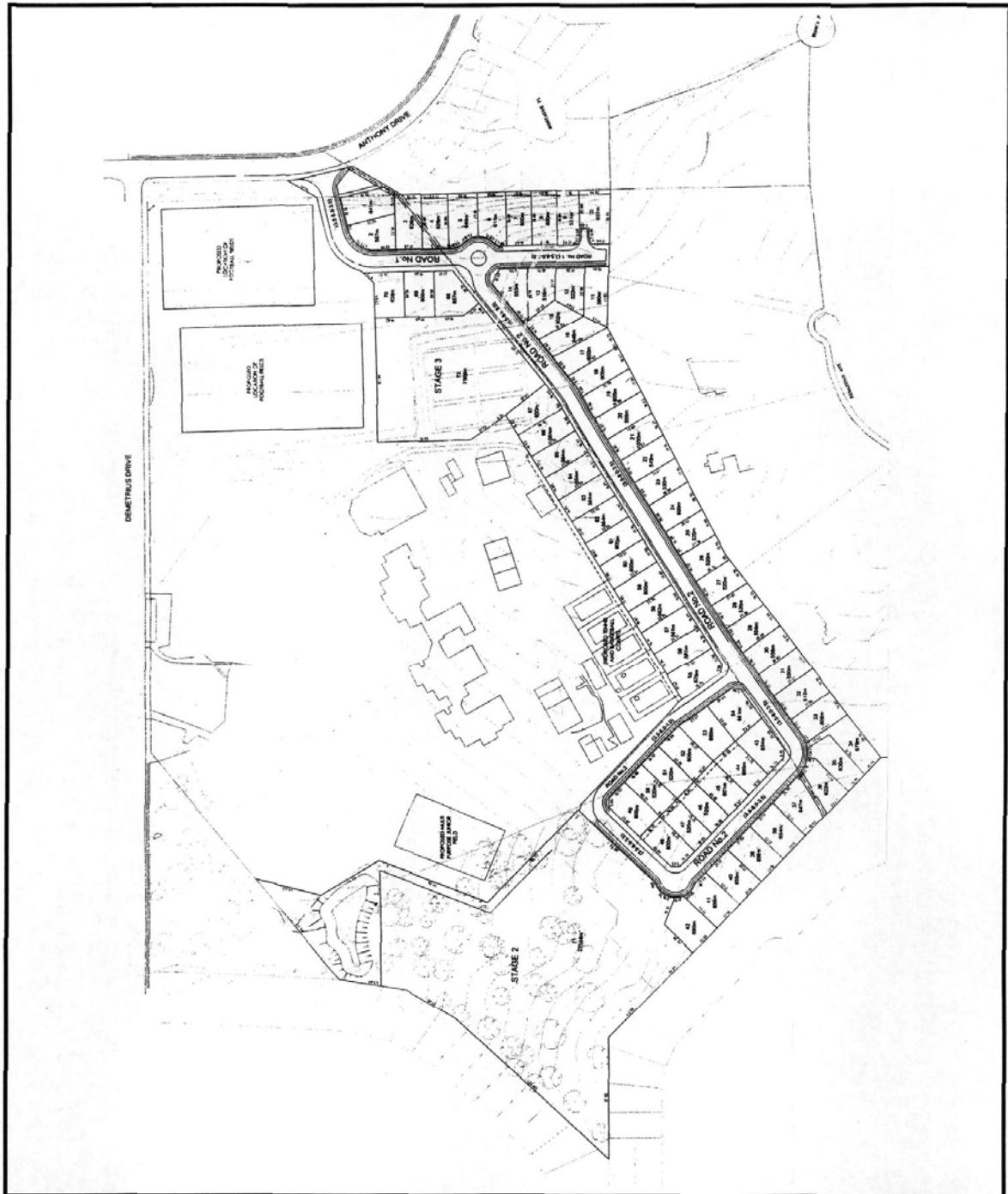
## OVERALL LAYOUT PLAN

**SUBJECT:**

**STAGED DEVELOPMENT FOR RESIDENTIAL SUBDIVISION.  
LOT 2 DP 706701, LOT 21 DP 733505 & LOT 4035 DP 790757 -  
DEMETRIUS ROAD & ANTHONY DRIVE, ROSEMEADOW.**



## ATTACHMENT 5

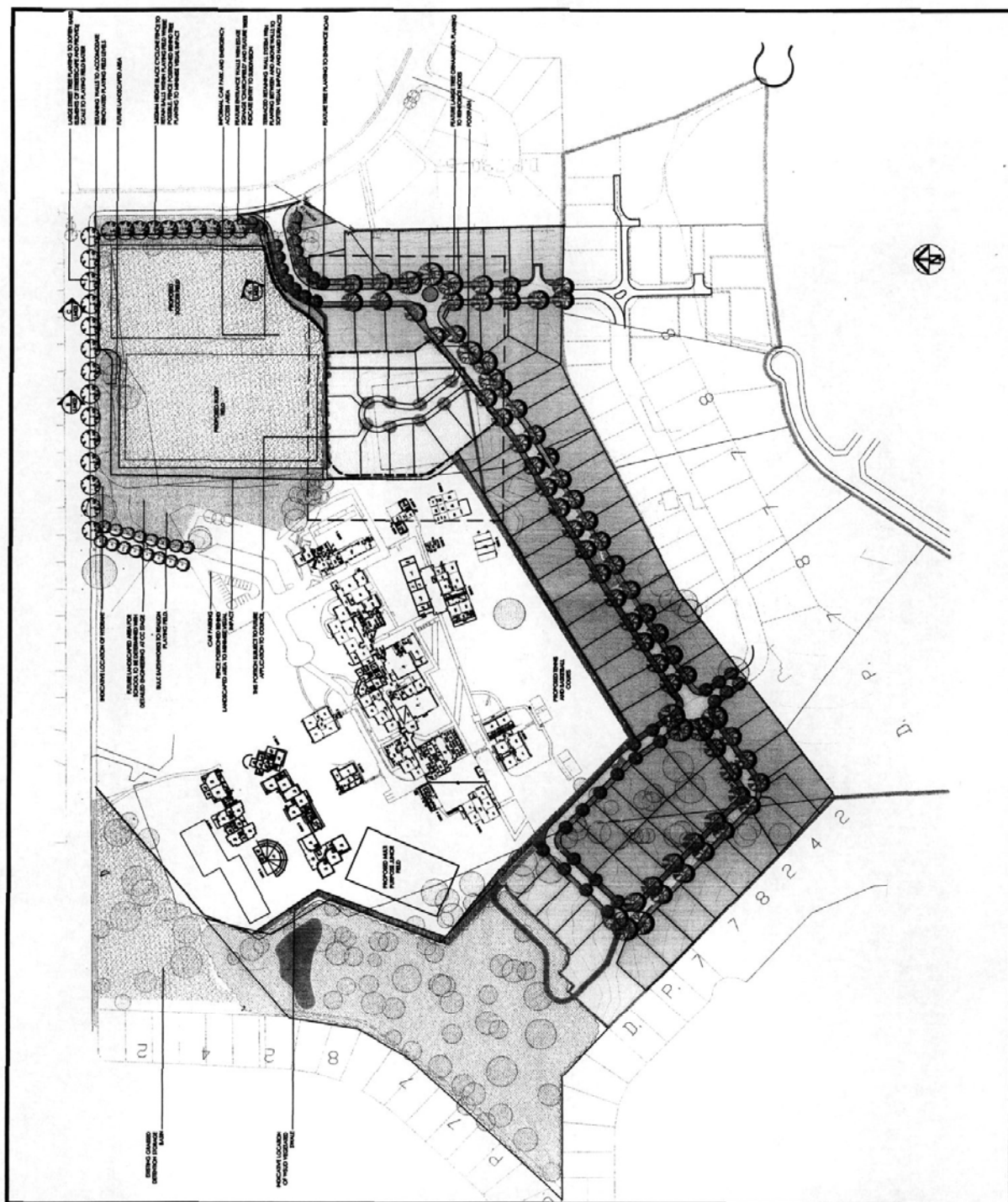


### STAGE 1 SUBDIVISION PLAN

**SUBJECT:**

STAGED DEVELOPMENT FOR RESIDENTIAL SUBDIVISION.  
LOT 2 DP 706701, LOT 21 DP 733505 & LOT 4035 DP 790757 -  
DEMETRIUS ROAD & ANTHONY DRIVE, ROSEMEADOW.

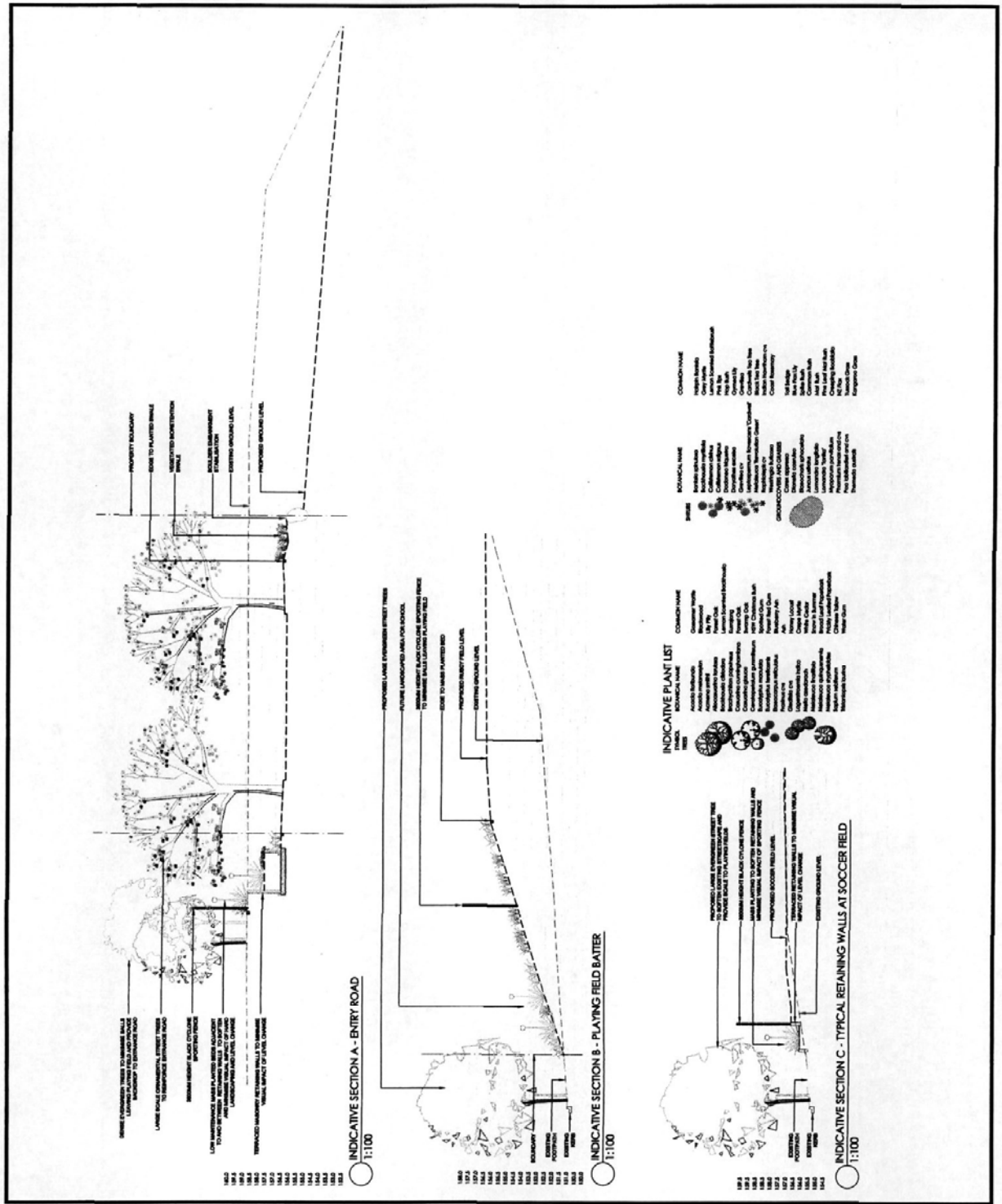
## ATTACHMENT 6



## INDICATIVE LANDSCAPING PLAN

**SUBJECT:**

**STAGED DEVELOPMENT FOR RESIDENTIAL SUBDIVISION.  
LOT 2 DP 706701, LOT 21 DP 733505 & LOT 4035 DP 790757 -  
DEMETRIUS ROAD & ANTHONY DRIVE, ROSEMEADOW.**



# INDICATIVE LANDSCAPING PLAN

SUBJECT:

STAGED DEVELOPMENT FOR RESIDENTIAL SUBDIVISION.  
LOT 2 DP 706701, LOT 21 DP 733505 & LOT 4035 DP 790757 -  
DEMETRIUS ROAD & ANTHONY DRIVE, ROSEMEADOW.