

# **Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 29 May 2012.**

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## **APOLOGIES**

## **ACKNOWLEDGEMENT OF LAND**

## **DECLARATIONS OF INTEREST**

### **Pecuniary Interests**

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

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

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**Minutes of the Planning and Environment Committee held on 29 May 2012**

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**Present** Councillor R Kolkman (Chairperson)  
Councillor J Bourke  
Councillor G Greiss  
Councillor P Hawker  
Councillor M Oates  
Councillor R Thompson  
General Manager - Mr P Tosi  
Director Planning and Environment - Mr J Lawrence  
Acting Manager Sustainable City and Environment - Mr A Spooner  
Manager Development Services - Mr J Baldwin  
Manager Waste and Recycling Services - Mr P Macdonald  
Manager Community Resources and Development - Mr B McCausland  
Corporate Support Coordinator - Mr T Rouen  
Executive Assistant – Mrs K Peters

**Apology (Greiss/Hawker)**

That the apology from Councillor Matheson be received and accepted.

**CARRIED**

**Acknowledgement of Land**

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

**DECLARATIONS OF INTEREST**

There were no Declarations of Interest at this meeting.

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

### **1.1 NSW Office of Environment and Heritage's Expanded Polystyrene Recycling Equipment Grants Program**

#### **Reporting Officer**

Manager Waste and Recycling Services

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#### **Attachments**

Nil

#### **Purpose**

To advise Council on the Office of Environment and Heritage's Expanded Polystyrene Recycling Equipment Grants Program.

#### **History**

Council provides a 'Free Recyclables Drop-Off Event' each year, on the first Saturday following New Year's Day. At this event, residents are allowed to drop off polystyrene.

At its meeting on 7 February 2012, Council considered a report on the outcome of the 2012 event. The report advised that residents dropped off 70 cubic metres, (the equivalent to 500 garbage bins) of polystyrene. At the meeting Council resolved to continue to explore ways and opportunities to recycle polystyrene.

#### **Report**

Since Council's meeting on 7 February 2012 Council staff have been liaising with the NSW Office of Environment and Heritage (OEH), the waste industry and waste management consultants to determine the feasibility of establishing a permanent polystyrene drop-off facility for residents and local businesses.

More recently, the OEH, in partnership with the Australian Packaging Covenant announced the availability of grants of up to \$50,000 to assist councils and businesses to set up expanded polystyrene (EPS) recycling initiatives. On 9 May 2012 Council's Manager Waste and Recycling Services attended a briefing session in order to obtain more detail, and to determine the feasibility of applying for a grant.

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## 1.1 NSW Office Of Environment And Heritage's Expanded Polystyrene Recycling Equipment Grants Program

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Key points from the briefing session are summarised as follows:

- Due to its extremely high volume-to-weight ratio, one of the biggest barriers to EPS recycling is the cost of transport to a recycling facility
- It is far more cost-effective to compress EPS prior to transporting
- There are two types of machines available to compress EPS: hot-compression machines and cold-compression machines. As the name suggests, both machines compress EPS to smaller, denser blocks. The hot-compression machine provides significantly greater compression
- Hot-compression machines cost slightly under \$50,000. Grant applicants were encouraged to use the grant funds to purchase compression equipment
- Producers of compressed EPS can currently sell their product to recyclables buyers, for approximately \$500 per tonne.

The suggestion that compressed EPS can be sold for approximately \$500 per tonne suggests that EPS recycling may be a financially lucrative business. However, like any commercial investment that promises a significant return on investment, this proposal carries a number of commercial risks:

- \$500 return for one tonne of EPS would require an input in the order of 67 cubic metres of uncompressed, high quality EPS (enough to fill a double-garage)
- Local and international market rates for any recyclable commodities are prone to wide fluctuations, depending on supply and demand, and in the case of polymer-based commodities, the price of crude oil
- There appears to be low threshold of tolerance for contamination (packing tape, stickers, food odour, etc) before the re-sale value of compressed EPS significantly drops. There is likely to be a significant degree of labour-intensity required to maintain the highest possible return on the compressed product
- A condition of the grant is that if the successful applicant does not process 300 cubic metres of EPS in the first three months of the program, the OEHL may require that the grant funding be returned (ie, not the compression machine that was purchased with the grant funds).

A large proportion of EPS in landfills is generated by the commercial/industrial sector. A lesser amount arrives at landfills via the domestic waste stream. It is highly questionable whether Council would collect the quantities of EPS required by the grant conditions, via the domestic waste stream alone. Residents normally produce only small amounts of EPS throughout the year: a 2008 composition audit of Campbelltown's domestic garbage bins showed that on average, each resident produced approximately one kilogram of EPS per year. This figure would now be slightly less, since the introduction of Council's annual Free Recyclables Drop-Off Day, at which residents may drop off EPS. Most EPS in the domestic waste stream is likely to be produced during the Christmas period, as packaging for appliances purchased as gifts. The increasingly popular Free Recyclables Drop-Off Day caters for residents who wish to recycle EPS which they have acquired over the Christmas period.

If Council was to set up a free year-round EPS drop-off facility within the Campbelltown LGA, the number of residents prepared to travel to the facility during the year is not certain.

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## 1.1 NSW Office Of Environment And Heritage's Expanded Polystyrene Recycling Equipment Grants Program

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To attract the quantity of EPS required under the grant, Council would need to encourage local businesses to use the drop-off service. Commercial business operators commonly dispose of waste (including EPS) via an onsite 'skip' bin. Provided a waste truck's entire load comprises less than 25% EPS, the load is accepted at waste disposal facilities at standard dry waste rates. It is therefore relatively cheap for a business to dispose of EPS in its skip bin, compared with paying an employee to transport EPS to a drop-off facility. Whether or not local businesses would take advantage of a free drop-off facility is therefore also questionable.

To further complicate the issue of attracting the required quantity of EPS, inquiries with a number of local businesses indicates that those who produce large amounts of EPS already have recycling programs in place.

EPS recycling services operate in a small number of councils in Australia, in the form of free drop-off centres. It would appear that EPS recycling is economically viable in these locations only because the drop-off arrangements have been set up at already existing facilities, and supervision of the drop-off process and the subsequent processing are conducted by existing facility staff.

Council has no existing facility or staffing arrangement suitable to set up a resident drop-off arrangement. While arrangements could be made for drop-off at Council's Junction Road Waste Depot on weekends only, this would require an addition to current staffing. The anticipated income generated by the sale of compressed EPS is most unlikely to offset the cost of staffing the facility.

From the perspective of environmental sustainability, the recycling of EPS is desirable. However, the extent to which Council should fund the recycling of a material produced largely by businesses is questionable.

Consideration was given to applying for a grant in partnership with Council's domestic recyclables ('yellow-lid bin') processing contractor, and locating the compression machine at the contractor's Spring Farm facility. The contractor advised that there are insufficient quantities of EPS in the 'yellow lid' waste stream to make separation, cleaning and compression financially viable.

In addition, for reasons outlined earlier, it is unlikely that enough businesses or residents would be prepared to travel to Spring Farm to drop EPS off in quantities that would make the recycling exercise worthwhile. The contractor therefore expressed no interest in applying for this grant.

### **Officer's Recommendation**

1. That Council not submit an application for the NSW Office of Environment and Heritage's Expanded Polystyrene Equipment Grants Program.
  2. That Council continue to explore opportunities for the recycling of polystyrene, and that a report be provided to Council in the event of any significant opportunity is identified.
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**Committee's Recommendation: (Oates/Thompson)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 5 June 2012 (Kolkman/Bourke)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 88**

That the Officer's Recommendation be adopted.

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## 1.2 Quarterly Statistical Report - Domestic Waste and Recycling - Second Quarter 2011-2012

### Reporting Officer

Manager Waste and Recycling Services

### Attachments

Nil

### Purpose

To provide Council with a quarterly update of the domestic waste and recycling tonnages, diversion rates and requests received for waste-related services during the third quarter of 2011-2012, which is the period from 1 January to 31 March 2012.

### Report

For the purpose of this report, 'domestic waste' refers to waste disposed of in household general waste (garbage – red lid), recyclables (yellow lid) and garden organics (green lid) bins, as well as waste collected at booked kerbside clean ups.

Figure 1 illustrates the tonnage of domestic waste collected during the third quarter of 2011-2012, compared with the tonnages collected during the third quarters of 2008-2009, 2009-2010 and 2010-2011.

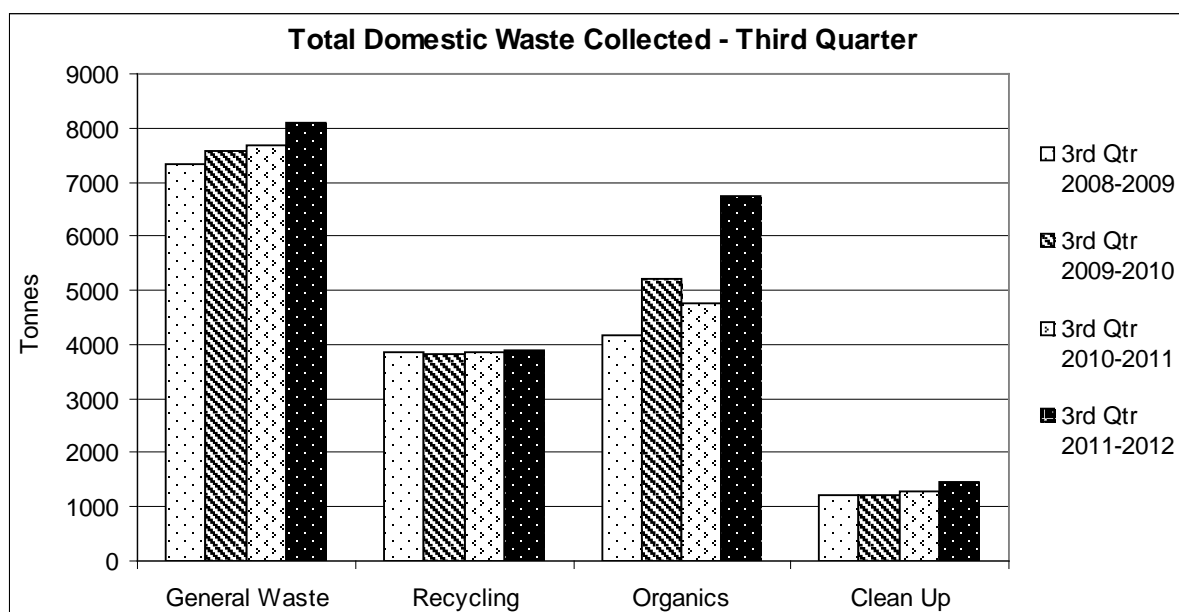


Figure 1: Comparison of tonnages collected during the third quarters of 2008-2009, 2009-2010, 2010-2011 and 2011-2012.

1.2 Quarterly Statistical Report - Domestic Waste And Recycling - Second Quarter 2011-2012

Figure 2 below lists the tonnages of each waste type collected during the third quarters of 2011-2012, compared with the tonnages collected during the third quarters of 2008-2009, 2009-2010 and 2010-2011. It also shows the total tonnage of all domestic waste collected during each of these periods.

Waste Type	3rd Qtr 2008-2009	3rd Qtr 2009-2010	3rd Qtr 2010-2011	3rd Qtr 2011-2012
General Waste	7317	7585	7676	8105
Recycling	3866	3807	3852	3879
Organics	4185	5218	4744	6727
Clean Up	1210	1210	1292	1453
<b>Total (tonnes)</b>	<b>16,578</b>	<b>17,820</b>	<b>17,564</b>	<b>20,164</b>

Figure 2: Comparison of tonnages collected during the third quarters of 2008-2009, 2009-2010, 2010-2011 and 2011-2012.

The third quarter of 2011-2012 saw an increase in generation rates across all waste streams in comparison with the tonnages collected during the third quarter of 2010-2011. This was especially true for garden organics, which experienced a spike in tonnages during the third quarter of 2011-2012.

The NSW Government, under the Waste Avoidance and Resource Recovery Strategy 2007, has set a target for NSW councils to divert 66% of municipal waste from landfill by 2014. At the end of the third quarter, Council's total diversion rate across all waste streams exceeded this target with 68.5%, which equated to more than 13,800 tonnes of material diverted from landfill for the quarter.

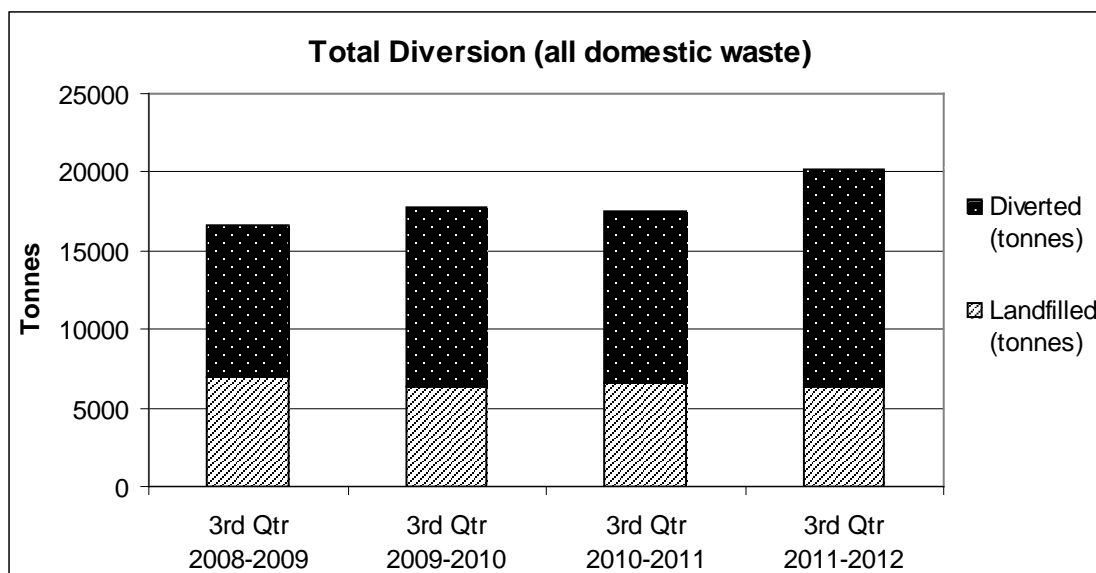


Figure 3: Comparison of total diversion rates.

Figure 3 (above) shows the diversion rates for all domestic waste over the past four years.



While waste generation rates increased during the third quarter of 2011-2012, the amount of waste diverted from landfill also increased during this period. This is largely due to the significant increase in garden organics collected during the third quarter of 2011-2012 due to the high rainfall experienced during this time.

At the end of the third quarter of 2011-2012, the diversion rate for general waste was 44%, up from 34% in the third quarter of 2010-2011. The diversion rates for general waste over the past four years are shown in Figure 4 (below).

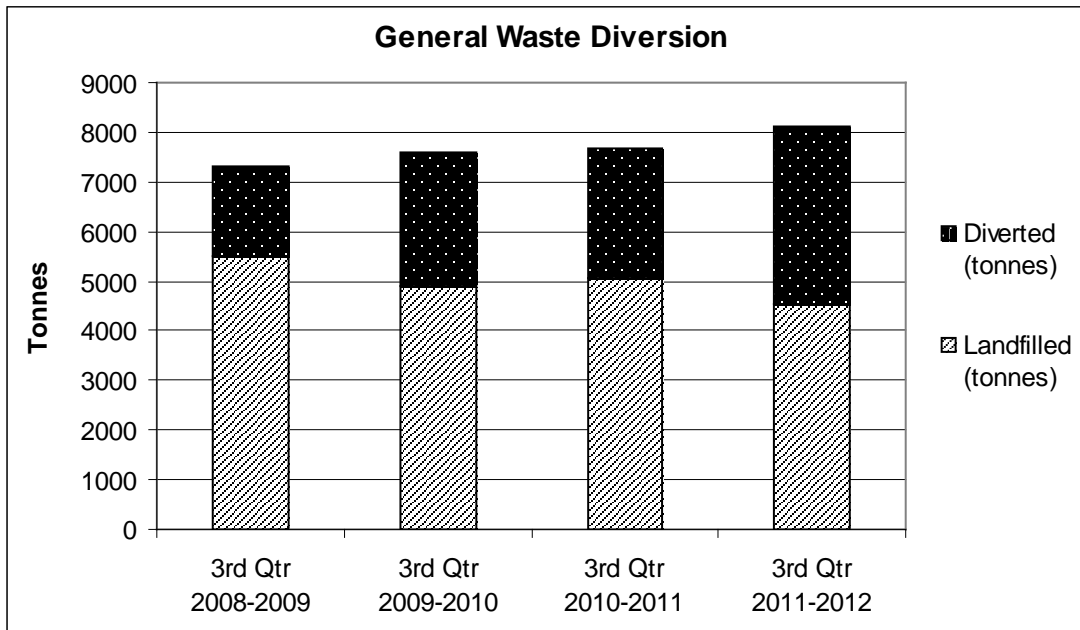


Figure 4: Comparison of diversion rates for general waste.

Diversion rates for recycling and garden organics have remained constant at approximately 93% and 98% respectively. Approximately 3,600 tonnes of recyclables and 6,630 tonnes of garden organics were diverted from landfill during the third quarter of 2011-2012.

Figure 5 (below) shows the amount of kerbside waste and recycling generated per household for the third quarter of 2011-2012, in comparison with the third quarters of the previous three financial years. The overall generation rate increased from 319kg per household during the third quarter of 2010-2011 to 364kg per household during the same quarter in 2011-2012.

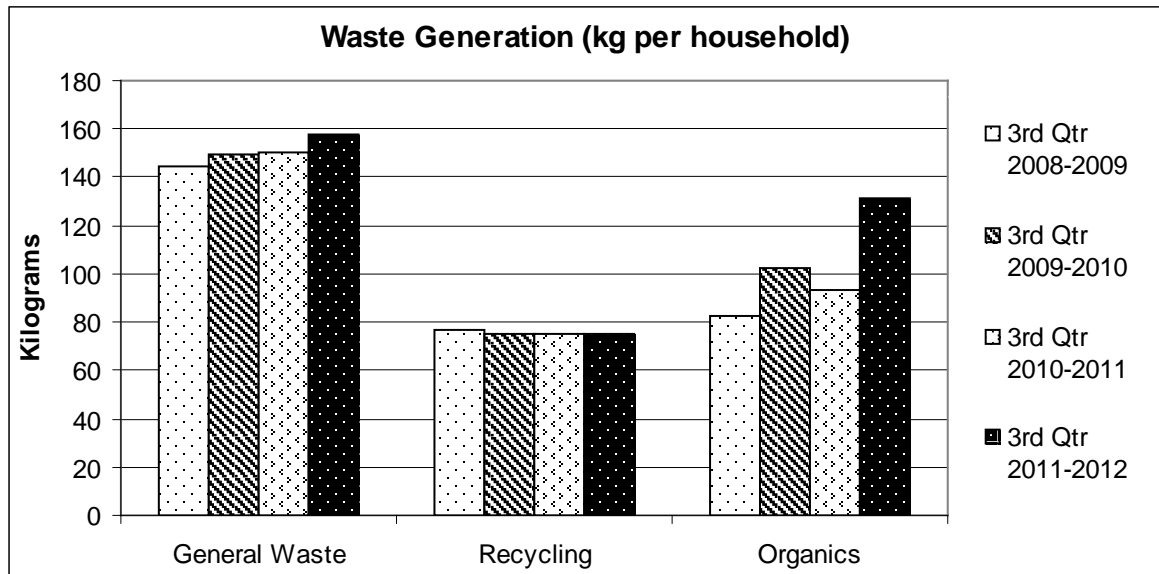


Figure 5: Comparison of waste generation rates.

As Figure 5 shows, this overall increase is partly due to an increase in the amount of general waste generated in households, which was up 8kg to 158kg per household in the third quarter of 2011-2012. However, the more prominent cause was garden organics tonnages, which experienced a spike to 131kg per household, up by 38kg per household from the third quarter of 2010-2011.

Figure 6 (below) shows the number of customer service requests received by request type for the third quarter of 2011-2012, in comparison to the third quarters of the previous three financial years.

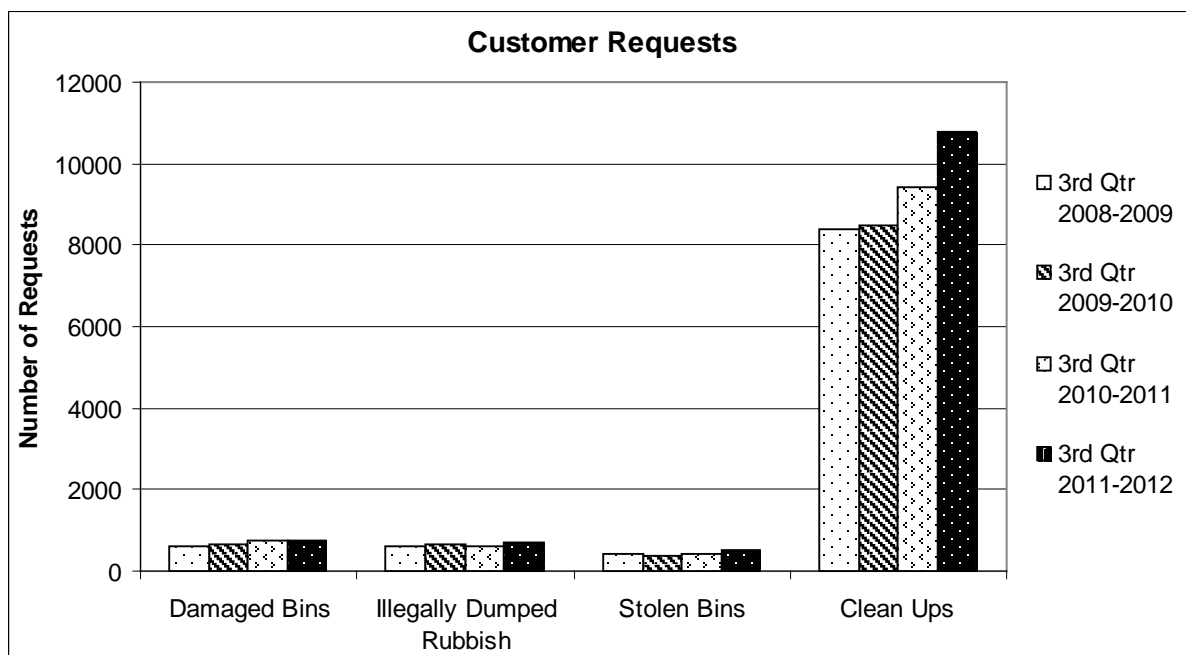


Figure 6: Comparison of customer requests.

Figure 6 illustrates a significant increase in kerbside clean up bookings, with an additional 1,376 requests received during the third quarter of 2011-2012 than in the third quarter of 2010-2011. It is likely that this increase in kerbside clean up requests is due to the ongoing promotion of the online booking service for kerbside clean ups. It is not unreasonable to assume that this increase in bookings could also be a result of improved accessibility to the service and greater convenience provided to residents by the online booking system, which has encouraged the use of the service.

## **Conclusion**

Council's Waste Management Strategy includes two major objectives:

1. To strive towards the lowest practical amount of waste generated per household
2. To strive towards the highest practical ratios of recyclables-to-waste produced per household.

The information provided in this report indicates that the amount of general waste generated per household across the Local Government Area has increased slightly during the third quarter of each year over the past three years. Council continues to develop campaigns and programs to assist in reducing waste generation across the Local Government Area, and continues to work with its waste processing contractor to increase landfill diversion rates.

## **Officer's Recommendation**

That the information be noted.

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

That the Officer's Recommendation be adopted.

## **CARRIED**

## **Council Meeting 5 June 2012 (Kolkman/Bourke)**

That the Officer's Recommendation be adopted.

## **Council Resolution Minute Number 88**

That the Officer's Recommendation be adopted.

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## **2. ENVIRONMENTAL PLANNING**

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

#### **Reporting Officer**

Acting Manager Environmental Planning

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#### **Attachments**

Copy of the Minutes from the Ordinary Meeting of the Georges River Combined Councils Committee, held on 23 February 2012 (Distributed under separate cover)

#### **Purpose**

To provide Council with an update on the outcomes of the Georges River Combined Councils Committee (GRCCC) Ordinary Meeting held on Thursday 23 February 2012.

#### **History**

The Georges River Combined Councils Committee (GRCCC) represents local governments in the Georges River Catchment of NSW. Members include nine 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.

#### **Report**

An Ordinary Meeting of the GRCCC was held at the offices of Campbelltown City Council on Thursday, 23 February 2012. The draft minutes from the meeting were received by Council on 21 April 2012. A copy of the minutes of the meeting are provided as Attachment 1. The following sections of the report provide a summary of those minutes, while the respective program and reports can be found on the GRCCC website at [www.georgesriver.org.au](http://www.georgesriver.org.au).

##### **i) Presentation by guest speaker, Dr Jerzy Jankowski**

The Acting Science Director for the Sydney Catchment Authority, Dr Jerzy Jankowski, delivered a presentation on the potential impacts of coal seam gas exploration, similar to the presentation provided to Council on 1 November 2011.

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**ii) GRCCC reports**

Reports for the Riverkeeper, River Health, Estuary Management and Communications Programs are available on the Georges River website.

The Draft GRCCC Communications Strategy was endorsed following the meeting via email.

Reports for the Lower Georges River Urban Sustainability Program, Upper Georges River Urban Sustainability Program and Improving Prospect Creek Project are available on the Georges River website.

**iii) 7.2 Clean Up Australia Day**

The Riverkeeper provided an overview of the GRCCC's Clean Up Australia Day activities which were planned to involve over 60 Scouts at Woronora and a clean up of the Bolga Gong Island at Chipping Norton Lakes with State Emergency Services, Fairfield City Council and Liverpool City Council representatives and the local community.

**iv) GRCCC grant funded programs**

The GRCCC Program Manager, advised that the GRCCC Executive Group has been working on strategies to secure ongoing funding for GRCCC grant programs beyond their funding periods. This work is in response to the recommendation at the 2011 Strategic Planning Workshop, that the GRCCC should work to become less dependent on grant funding for core programs such as the River Health Program.

Members of the Executive Group have developed five funding scenarios for the Executive to consider. The scenarios show different staffing combinations and operational expenses for each program. The Committee approved the formation of a Fee Review Cluster Group to work with the Executive to review options and determine the program priorities of member councils.

A confidential discussion paper will be prepared and circulated to cluster members once the group is formed. The cluster planned to meet with the Executive at a meeting in March and develop a recommendation to report back to the next GRCCC meeting. Depending on the outcome of the fee review it is likely that program costs would be added to the program fee in the 2013-2014 financial year resulting in an increase in program fee for member councils. It was acknowledged that most councils would want to put any recommendation for a fee increase to their own council meetings for consideration and therefore an official decision may not be forthcoming until the end of the current financial year.

This would then need to become a matter for Council to consider in its deliberations over the proposed 2013-2014 budget. Further information concerning this matter and identifying any implications for Council will be reported to Council in due course.

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**v) General Business**

Councillor Bourke advised the Committee of an email from the Macarthur branch of the National Parks Association acknowledging and praising the efforts of the Riverkeeper Program, particularly in relation to Spring Creek, St Helens Park.

**Officer's Recommendation**

That the information be noted.

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

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 5 June 2012 (Kolkman/Bourke)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 88**

That the Officer's Recommendation be adopted.

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## 2.2 Aquatic Weed Mapping Outcomes Stage 2

### Reporting Officer

Acting Manager Environmental Planning

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### Attachments

1. Map of Aquatic Weed Mapping Project Stage 1 and Stage 2 waterways
2. Comparison between results of 2003-2005 (Stage 1) Aquatic Weed Mapping Project and 2012 (Stage 2) Aquatic Weed Mapping Project

### Purpose

To provide Council with the outcomes of the Aquatic Weed Mapping Project, Stage 2.

### History

In 2003-2005 Council commenced its first Aquatic Weed Mapping Project, the aim of which was to establish baseline data on the extent, distribution and density of priority aquatic noxious weeds across the Campbelltown Local Government Area (LGA).

In 2010 Council officers revisited the Project with the following aims:

- to determine the extent of existing Alligator weed (*Alternanthera philoxeroides*) and Ludwigia (*Ludwigia peruviana*) infestations within the Campbelltown LGA compared to 2003-2005 baseline data
- to identify any new Alligator weed and Ludwigia infestations within the Campbelltown LGA
- to map the results of these surveys
- to guide future aquatic noxious weed control works within the Campbelltown LGA.

The Project was planned to be undertaken in two stages. As a result Campbelltown's waterways were split into Stage 1 and Stage 2 waterways, as outlined in Table 1 and represented in the map provided in Attachment 1.

Table 1: Stage 1 and Stage 2 waterways

Stage 1 waterways	Stage 2 waterways
Bow Bowing / Bunbury Curran Catchment	Georges River Catchment
<ul style="list-style-type: none"><li>• Biriwiri Creek (Park Central)</li><li>• Claymore Creek</li><li>• Mc Barron Creek</li><li>• Thompson Creek</li><li>• Bow Bowing Creek</li><li>• Smiths Creek</li><li>• Fishers Ghost Creek</li><li>• Leumeah Creek</li><li>• Monastery Creek</li></ul>	<ul style="list-style-type: none"><li>• Georges River</li><li>• Spring Creek</li><li>• Myrtle Creek</li><li>• Peter Meadows Creek</li><li>• Mansfield Creek (Nepean River Catchment)</li><li>• Nepean River</li><li>• Menangle Creek</li><li>• Mallaty Creek</li><li>• Nepean Creek</li></ul>

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<ul style="list-style-type: none"><li>• Birunji Creek</li><li>• Claymore Creek/main drain</li><li>• Box Hill Creek</li><li>• Macquarie Creek</li><li>• Redfern Creek</li><li>• Bunbury Curran Creek</li><li>• Extensions/tributaries of these waterways</li></ul>	<ul style="list-style-type: none"><li>• Leafs Gully</li><li>• Woodhouse Creek</li></ul>
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Stage 1 of the Aquatic Weed Mapping Project was undertaken in 2010 and the results were reported to Council at its meeting on 19 October 2010. Following its consideration of the report, Council resolved:

‘That the outcomes of the 2010-2011 Stage 2 Aquatic Weed Mapping be reported to Council once the works have been completed and evaluated’.

The following report details the outcomes of the Aquatic Weed Mapping Project, Stage 2.

## Report

Stage 2 waterways were surveyed by Council Officers from March to April 2012. Whilst previous surveying and mapping was undertaken by external contractors, it was considered more appropriate that this Stage of the Project be resourced internally due to the skills and expertise of officers, which resulted in significant cost savings which can be redirected toward more effective weed control.

Surveys were undertaken on foot, by kayak and vehicle. A Global Positioning System (GPS) was used to record information on weed location. Associated information such as weed identification, weed name, drainage line name, density, weed maturity, description, easting and northing (Map Grid of Australia) and survey date was recorded using a hand held computer.

### **Results and comparison between Aquatic Weed Mapping Project, Stage 2 and 2003-2005 baseline data**

Upon completion of the 2012 field survey, 74 occurrences of aquatic weed infestation were recorded compared to 103 during 2003-2005. The infestations were comprised of:

- 50 records of Alligator Weed
- 31 records of Ludwigia.

Weed infestations were recorded in accordance with an 'infestation density' (coverage) as follows:

- high (>70%)
  - medium (>30% - <70%)
  - low (>5% - <30%)
  - scattered (<5%)
-



Overall the majority of infestations had low densities and were small infestations. Only three high density infestations were recorded. Some waterways remain weed-free. No occurrences of target species were identified within Myrtle Creek, Peter Meadows Creek, Mansfield Creek, Menangle Creek, Woodhouse Creek, Nepean Creek, Leafs Gully or Mallaty Creek.

The following provides a summary of the changes observed between the current extent of the target weed species to the previous surveys for Stage 2 waterways.

- **Nepean River**

The reach of the Nepean River located within the Campbelltown LGA is free of *Ludwigia* infestations. A significant emphasis is being placed on retaining this condition as the Nepean River displays suitable habitat for *Ludwigia* and the species could potentially cause significant impacts on the river's aquatic environment.

The number of Alligator weed infestations has reduced from 38 to 24 since the previous mapping project with all *high* density occurrences reduced. The upstream extent of Alligator Weed in the Nepean River has moved (and reduced) to approximately one kilometre downstream as a result of the Nepean River Combined Councils' Alligator Weed Treatment Program (Wollondilly Shire Council, Camden Council and Campbelltown City councils). The results for this waterway are graphically represented in Figure 1 (Attachment 2).

- **Leafs Gully, Menangle Creek, Nepean Creek, Woodhouse Creek and Mallaty Creek**

The above waterways remain free of any Alligator Weed and *Ludwigia* infestations as per the results of the previous mapping project. They are however recognised as high risk pathways for weeds for the Nepean River as they flow through agricultural areas. Council's private property inspection program focuses on these areas to ensure efforts are maintained to monitor and control the translocation of aquatic weeds.

- **Georges River**

*Ludwigia* infestations along the Georges River, between Glenfield and Long Point, have been eradicated since 2004 when the weed was widespread throughout this reach of the River. Previously 16 large infestations were recorded in this reach. This has now been reduced to zero. Future treatment will be required for *Ludwigia* throughout this reach to prevent re-infestation.

The extent of Alligator weed has been significantly reduced throughout this reach through a combination of several treatment programs, significant flooding events during 2011 and 2012 and the work of the flea beetle (*Agasicles hygrophila*) which feeds on the weed and has been very active along this reach. No *high* density Alligator weed infestations remain within this reach and the majority of existing infestations have been reduced to *low* and *scattered* densities. The results for this waterway are graphically represented in Figure 2 (Attachment 2).

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- **Spring Creek**

The results for Spring Creek have shown an increase in Ludwigia infestation. Ludwigia is currently infesting both banks of Spring Creek in the vicinity of St Helens Park. Infestation recordings have increased from two in 2003-2005 to 17 in 2012, with three infestations of *high* density.

In response, a Ludwigia treatment program has commenced along the waterway, which is already displaying positive results, with the majority of plants now dead or dying. This waterway will be continually monitored and it is anticipated that follow up treatment will be required for several years to address re-growth.

Spring Creek remains free of Alligator weed and efforts are being focussed on preservation of this condition. Spring Creek is a major tributary to the Upper Georges River and along with the Bunbury Curran system is a main source of urban stormwater. Therefore it is a priority for aquatic weed control. The results for this waterway are graphically represented in Figure 3 (Attachment 2).

- **Mansfield Creek, Myrtle Creek and Peter Meadows Creek**

There has been no change to the occurrence of aquatic noxious weeds along these waterways, meaning no infestations were detected during the survey. Only garden escape weeds persist along the waterways, which are regarded as being of relatively minor environmental risk. As these waterways are direct tributaries of the Georges River they have strategic priority for aquatic weed prevention and ongoing monitoring is essential.

## **Conclusion**

Council's Aquatic Weed Mapping Project, Stage 2 has observed a reduction in the total number of recorded infestations of aquatic weed infestations in Stage 2 waterways from 103 to 74 between 2003 and 2012.

This general decline in infestations can be attributed to the effectiveness of Council's ongoing aquatic weed control program together with the flood events experienced throughout 2011 and 2012.

Results of note from the Project are the significant reduction in Alligator Weed infestations and the complete eradication of Ludwigia from the Georges River between Cambridge Avenue, Glenfield and Long Point.

These results indicate that Council's aquatic weed control program is effective in reducing the numbers and density of aquatic noxious weeds within the Campbelltown LGA. In reducing these infestations Council is contributing to the improvement of the health of local waterways.

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**Officer's Recommendation**

That the information be noted.

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

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 5 June 2012 (Kolkman/Bourke)**

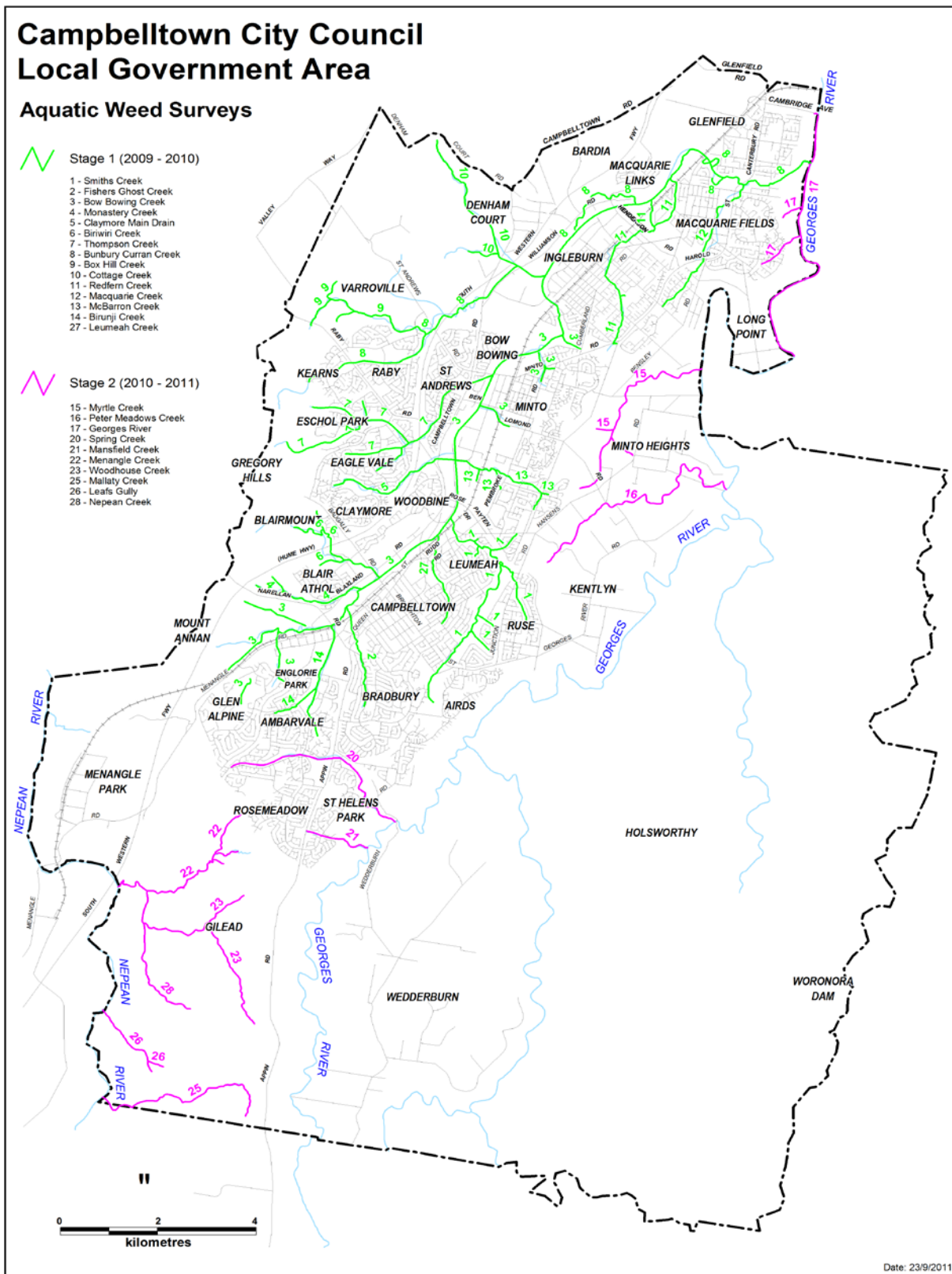
That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 88**

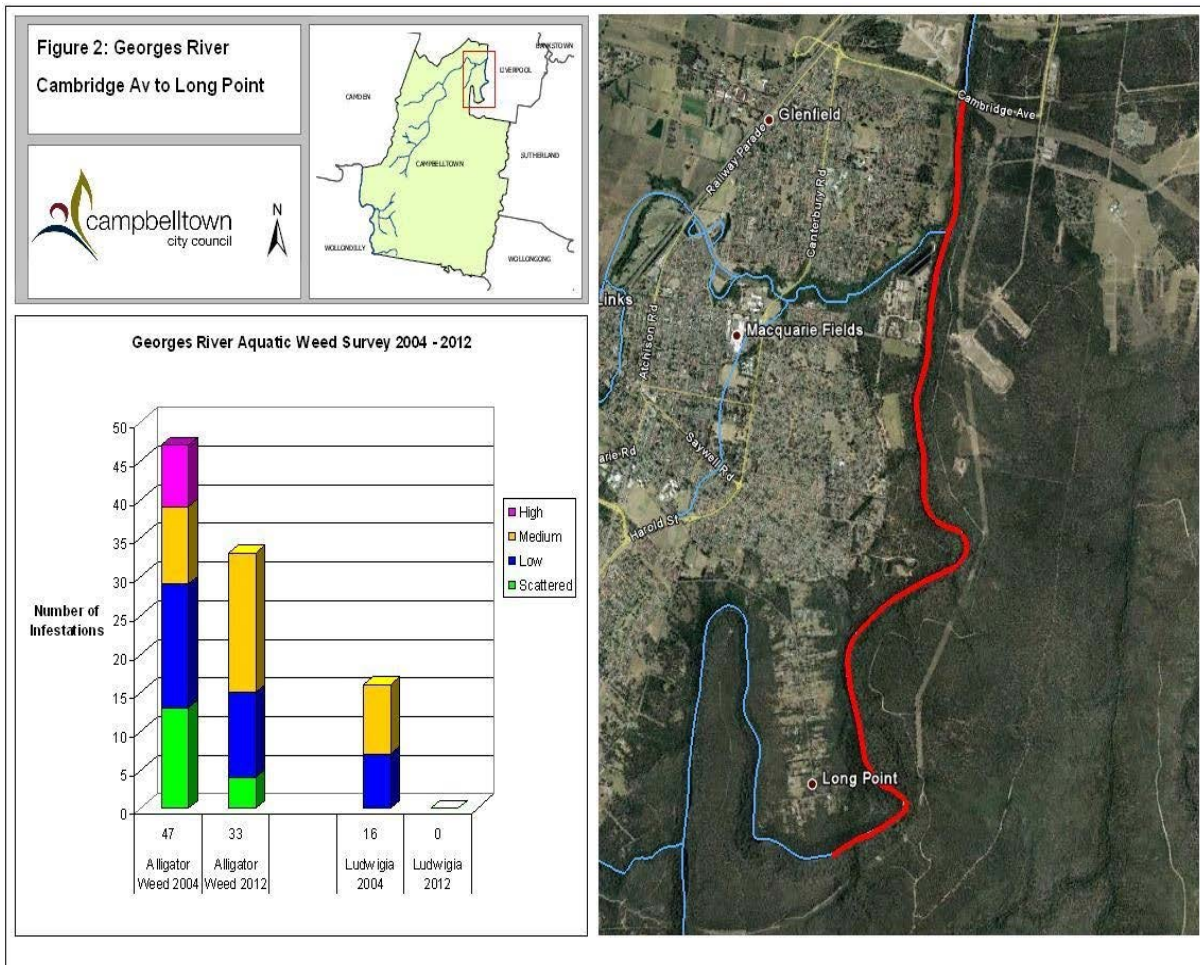
That the Officer's Recommendation be adopted.

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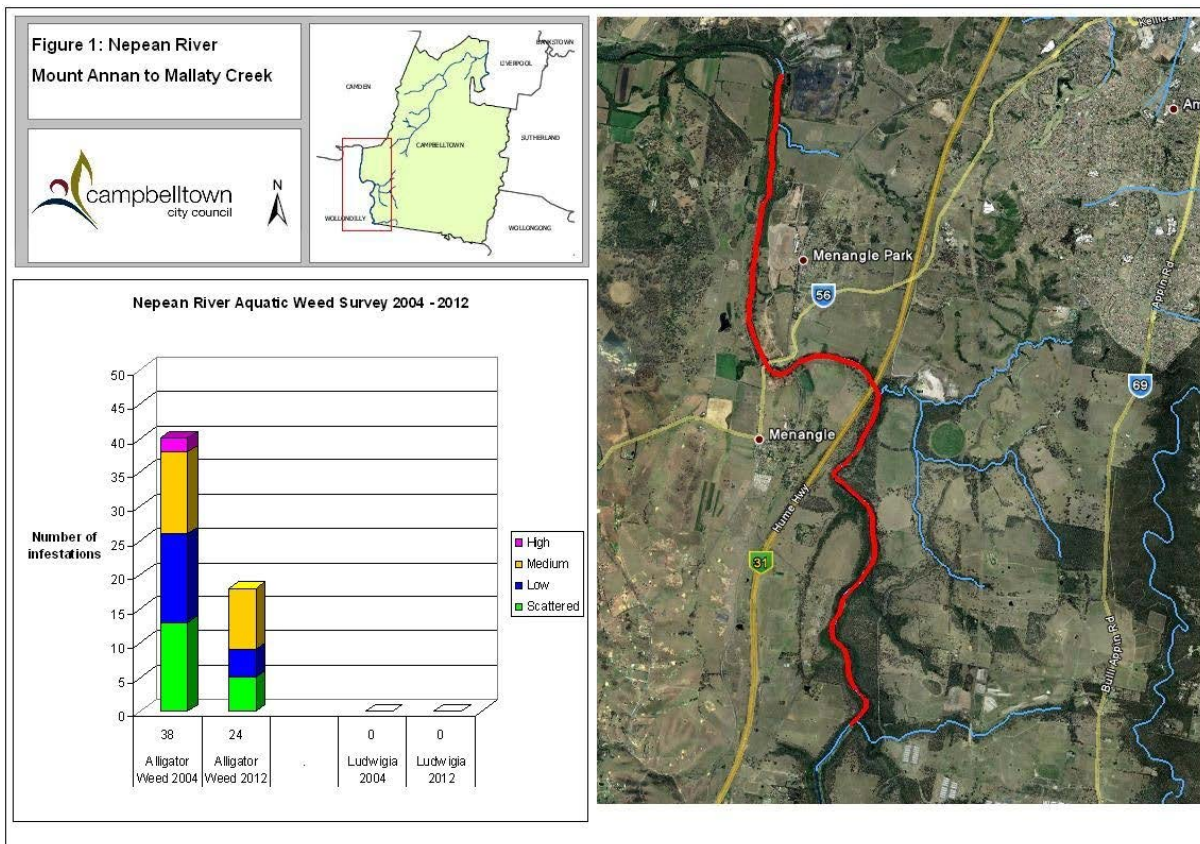
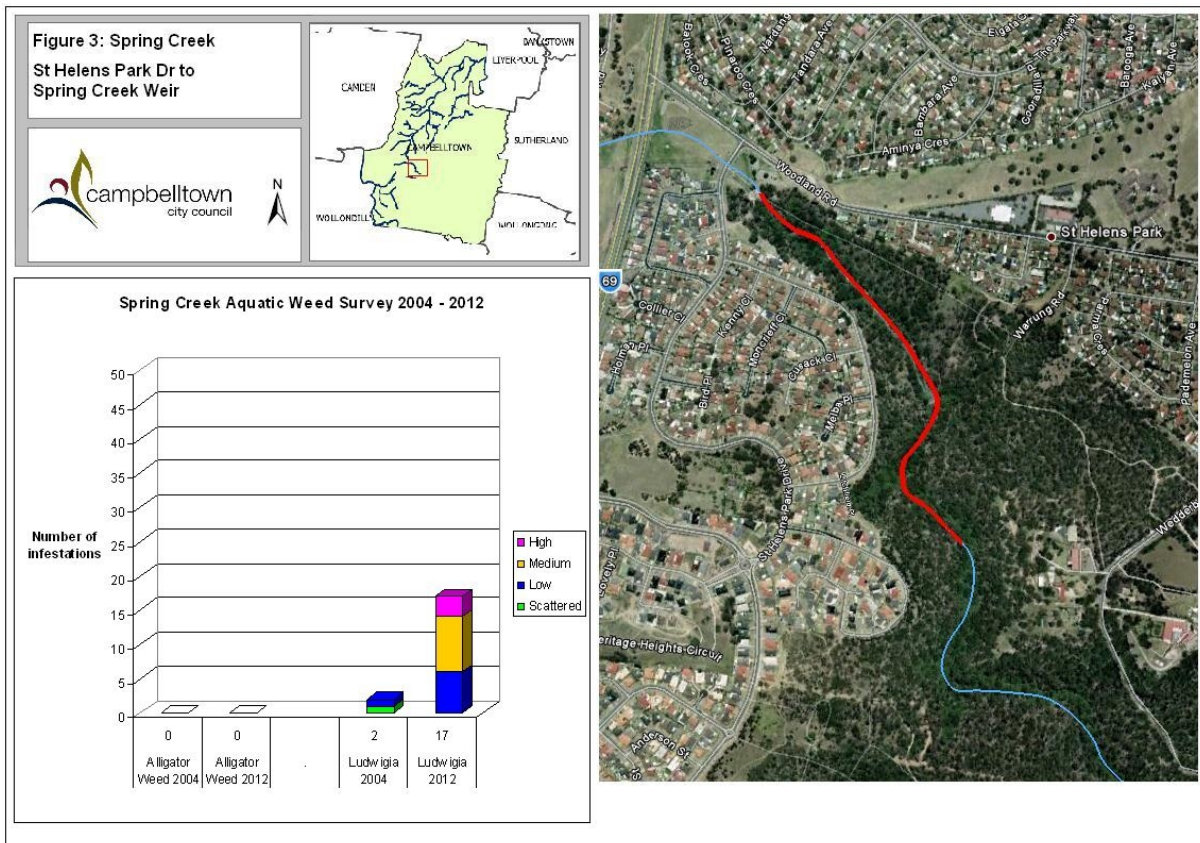
# ATTACHMENT 1



## ATTACHMENT 2







## **2.3 Correspondence from the NSW Minister for Resources and Energy regarding Council's request for a Moratorium on Coal Seam Gas Activities**

### **Reporting Officer**

Manager Development Services

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### **Attachments**

Correspondence from the NSW Minister for Resources and Energy

### **Purpose**

To advise Council of correspondence received from Members of the NSW State Government following Council's letter requesting Moratorium on further Coal Seam Gas Mining.

### **Report**

Council at its meeting on 18 October 2011 considered a report titled 'AGL Groundwater Investigation and Sampling Program' and resolved (in part) to:

'Write to the Premier and relevant Ministers requesting a moratorium on further coal seam gas mining until conclusive evidence emerges that this practice does not damage groundwater sources.'

In response to Council's resolution, correspondence was sent to the NSW Premier, the Hon. Barry O'Farrell and relevant Ministers including the Hon Brad Hazzard MP, Minister for Planning & Infrastructure, the Hon Chris Hartcher MP, Minister for Resources and Energy, and the Hon Katrina Hodgkinson MP, Minister for Primary Industries and Small Business.

Council's correspondence requested support from the NSW Government for the imposition of a moratorium on any further coal seam gas extraction activities to address the widespread concern of Council and the local community regarding the potential impacts of these activities on groundwater sources. In providing justification for this request, the correspondence advised that Council is not satisfied that the science of the potential impacts of coal seam gas extraction on natural resources is understood sufficiently to properly inform major decisions relating to development applications for coal seam gas extraction.

A reply was received from the Minister for Planning which was reported to Council at its meeting on 10 April 2012 (Item 2.6 Planning and Environment Committee Meeting). The response from the Minister did not provide sufficient information to justify an alteration to Council's position regarding the imposition of a moratorium.

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### 2.3 Correspondence From The NSW Minister For Resources And Energy Regarding Council's Request For A Moratorium On Coal Seam Gas Activities

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A further reply has been received from the Minister for Resources and Energy which is provided in Attachment 1 to this report. The reply outlines recent controls introduced by the Government in response to concerns about coal seam gas activities and advises that a draft Aquifer Interference Policy and draft Code of Practice for Coal Seam Gas Exploration are currently on public exhibition. Council's submission on these draft documents was endorsed by Council at its meeting on 8 May 2012, (item 2.4 of the Planning and Environment Committee Meeting).

As with the response from the Minister for Planning, the most recent reply from the Minister for Resources and Energy does not provide sufficient information to justify an alteration to Council's position regarding the imposition of a moratorium on further coal seam gas activities and it is therefore recommended that Council again write to the Premier and relevant Ministers requesting a moratorium.

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

That Council again write to the Premier and relevant Ministers requesting a moratorium on a further coal seam gas mining until conclusive evidence emerges that this practice does not damage groundwater sources.

**Committee Note:** Mrs Kirkby addressed the Committee.

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

1. That Council again write to the Premier and relevant Ministers requesting a moratorium on any further coal seam gas mining until conclusive evidence emerges that this practice does not damage groundwater sources.
2. That the Council submission, question whether 'World's Best practice' as considered by the independent review of the NSW Chief Scientist and Engineer is relevant to Australian Geology.

**CARRIED**

#### **Council Meeting 5 June 2012**

Having declared an interest in regard to Item 2.3, Councillor Rowell left the Chamber and did not take part in debate nor vote on this item.

#### **Council Meeting 5 June 2012 (Bourke/Lake)**

That the Officer's Recommendation be adopted.

#### **Council Resolution Minute Number 89**

That the Officer's Recommendation be adopted.

At the conclusion of the discussion regarding Item 2.3, Councillor Rowell returned to the Chamber for the remainder of the meeting.

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## ATTACHMENT 1



**Chris Hartcher MP**  
Minister for Resources and Energy  
Special Minister of State and  
Minister for the Central Coast

IM12/742  
MF12/753

Mr Paul Tosi  
General Manager  
Campbelltown City Council  
PO Box 57  
CAMPBELLTOWN NSW 2560

12/15/12 09:51:11 AM

Dear Mr Tosi

Thank you for your letter of 20 October 2011 to the Premier, the Hon Barry O'Farrell MP, Premier of NSW, and of 14 December 2011 to the Hon Katrina Hodgkinson MP, Minister for Primary Industries and Minister for Small Business, concerning coal seam gas activity. As this issue relates to my portfolio, your letters were forwarded to me. I apologise for the delay in responding.

The Camden Gas Project has been producing gas from coal seams at Camden for over 10 years. AGL has applied to extend their existing Camden Gas Project northward in the Camden, Campbelltown and Wollondilly local government areas. This proposal is currently being assessed by the Department of Planning & Infrastructure under the *Environmental Planning and Assessment Act 1979*. As part of this process, proponents are required to prepare and submit a comprehensive environmental assessment that addresses all potential impacts of the proposal. The planning process also allows for community and agency consultation.

The NSW Government has recently introduced stringent controls to address community concerns about the environmental impacts of coal seam gas activities. The Government has:

- placed a moratorium on hydraulic fracturing, or 'fracking', pending the completion of an independent review by the NSW Chief Scientist and Engineer into standards and well design to ensure world's best practice; the review is to be released in April 2012;
- banned the use of evaporation ponds, to encourage water treatment and beneficial re-use;
- banned the use of BTEX chemicals (benzene, toluene, ethylbenzene and xylenes) as additives during drilling and fracking;
- released a draft Code of Practice for Coal Seam Gas Explorers, to ensure strong standards are set for industry during the exploration phase;
- completed a State-wide audit of coal and coal seam gas licences to enable the NSW Government to consider comprehensive historical and technical data when considering licence renewal applications;

2.3 Correspondence From The NSW Minister For Resources And Energy Regarding Council's Request For A Moratorium On Coal Seam Gas Activities

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IM12/742  
MF12/753

- developed new Community Consultation Guidelines to ensure communities are both aware of and consulted on new licence applications; and
- announced the intention to double fines for breaches of requirements under the *Petroleum (Onshore) Act 1991*, to ensure that companies are held responsible for unauthorised activities, including damage to private or Crown land.

In addition, the Government's Strategic Regional Land Use Policy introduces a comprehensive range of environmental protections: a tough, independent assessment process for major resources projects provides greater protection for our groundwater sources through the introduction of a new Aquifer Interference Policy, while providing certainty for industry by establishing clear rules and transparent assessment processes.

The draft Code of Practice for Coal Seam Gas Exploration establishes a best practice framework covering community relations, landholder involvement and the use and protection of water resources.

The Code of Practice is a landmark requirement that will apply to licence holders to ensure strong standards for the coal seam gas industry during the exploration stage. Compliance with the Code will be required as a condition of exploration licences.

The draft Code has been released for public comment until 3 May 2012 to allow the community and stakeholders to have a say. I would encourage Council to participate in this process. Further information is available at [www.haveyoursay.nsw.gov.au/regionallanduse](http://www.haveyoursay.nsw.gov.au/regionallanduse).

The NSW Government remains committed to delivering transparency at every stage of the licensing process and ensuring communities have a say.

Thank you for bringing Council's concerns to the Government's attention. I trust this information is of assistance.

Yours sincerely



11.4.12.

**Chris Hartcher MP**

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## **2.4 Minutes of the Heritage Protection Sub-Committee Meeting held on 12 April 2012**

### **Reporting Officer**

Acting Manager Environmental Planning

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### **Attachments**

Minutes of the Heritage Protection Sub Committee Meeting held on 12 April 2012

### **Purpose**

To seek Council's endorsement of the Minutes of the Heritage Protection Sub Committee meeting held on 12 April 2012.

### **Report**

Detailed below are the recommendations of the Heritage Protection Sub Committee. Council officers have reviewed the recommendations and they are now presented for Council's consideration. The recommendations that require an individual resolution of Council are detailed in the officer's recommendation.

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

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

##### **7.1 Changes to Interim Heritage Order Authorisations**

That the information be noted.

##### **7.2 Local Heritage Fund**

1. That the Heritage Protection Sub Committee request that Council amend the Local Heritage Fund Guidelines, to permit a maximum of \$2,000 to be allocated for each successful Local Heritage Fund Application.
2. The Heritage Protection Sub Committee requests that Council consider permitting supplementary funds of up to \$3,000 to be sourced from the General Heritage Fund, to provide a total allocation of up to \$8,000 for the payment of successful Local Heritage Fund application in any financial year subject to the additional funds being available.

##### **8.1 Gift of Time Certificates**

That the information be noted.

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## **8.2 Heritage Festival Celebrations**

That the information be noted.

## **8.3 National Trust Awards**

That the information be noted.

## **8.4 Recognition of Social Heritage Events**

1. That Council's Local Information Services Librarian and Manager Cultural Services be invited to attend a future meeting of the Heritage Protection Sub Committee to explore options for recognising significant cultural and social events and movements within the Campbelltown Local Government Area.
2. That subsequent to the development of options for recognising cultural and social events and cultural movements within the Campbelltown Local Government Area, Council's Tourism Coordinator be invited to attend a meeting to explore tourism opportunities relating to the cultural and social aspects of the City's heritage.

## **8.5 Condition of "Raith" Local Heritage Item**

1. That Council be requested to write to the NSW Department of Community Services in regard to the local heritage item 'Raith' which is currently in a state of disrepair, and to request that necessary action be undertaken by the Department to fulfil its obligations as the owner of the heritage item.
2. That in the case of no response or an inadequate response being received from the NSW Department of Community Services, that Council be requested to write to the Minister for Environment and Heritage seeking assistance in this matter.

## **Officer's Recommendation**

1. That the Minutes be noted other than in respect of items 7.2 and 8.5 which are dealt with separately below.
  2. That in regard to item 7.2 - Local Heritage Fund:
    - (i) That the Local Heritage Fund Guidelines be amended to permit a maximum of \$2,000 to be allocated for each successful Local Heritage Fund Application.
    - (ii) That supplementary funds of up to \$3,000 to be sourced from the General Heritage Fund, to provide a total allocation of up to \$8,000 for the payment of successful Local Heritage Fund applications in any financial year subject to the additional funds being available.
-

3. That in regard to Item 8.5 Condition of "Raith" Local Heritage Item Council:

- (i) That Council write to the NSW Department of Community Services in regard to the local heritage item 'Raith' which is currently in a state of disrepair, and to request that necessary action be undertaken by the Department to fulfil its obligations as the owner of the heritage item.
- (ii) That in the case of no response, or an inadequate response, being received from the NSW Department of Community Services Council write to the Minister for Environment and Heritage seeking assistance in this matter.

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

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 5 June 2012 (Kolkman/Bourke)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 88**

That the Officer's Recommendation be adopted.

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## **ATTACHMENT 1**

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

**Held Thursday 12 April 2012 in Committee Room 3**

#### **1. Acknowledgement of Land**

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

**Attendance:** Councillor Julie Bourke (Chairperson) - Campbelltown City Council  
Councillor Meg Oates - Campbelltown City Council  
Jenny Goodfellow - Campbelltown Airs Historical Society  
Jacqueline Green - Campbelltown Airs Historical Society  
Mario Majorich - Qualified Person  
Learna Coupe - Campbelltown Airs Historical Society  
James Gardner - Qualified Person  
Melissa Plummer - Heritage Owner

**Also in Attendance:** Andrew Spooner - Acting Manager Environmental Planning  
Caroline Puntillo – Executive Planner  
Jane Worden - Executive Support  
Brian Willott - Observer Campbelltown Airs Historical Society

**Apologies:** Robert Wheeler - National Parks Association  
Melissa Plummer - Heritage Owner

#### **Sub Committee's Recommendation: (Gardner/Goodfellow)**

That the apologies from Robert Wheeler and Melissa Plummer be received and accepted.

**CARRIED**

#### **3. Declarations of Interest**

There were no Declarations of Interest made at this meeting.

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

##### **Reporting Officer**

Acting Manager Environmental Planning

##### **Report**

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The Minutes of the Heritage Protection Sub Committee Meeting held on 9 February 2012, copies of which were circulated to each Sub Committee Member, were presented to Council for adoption at its meeting held on 10 April 2012.

Council considered the following recommendations:

### **7.1 Campbelltown Heritage Forum and Heritage Medallion**

1. That the information be noted.
2. That the Heritage Protection Sub Committee appoint James Gardner as the community representative on the 2012 Heritage Medallion Advisory Panel.
3. That a further report be submitted to the Heritage Protection Sub Committee by the 2012 Heritage Medallion Advisory Panel regarding recommendation(s) for the 2012 Heritage Medallion.
4. That the abovementioned report be considered at an extraordinary meeting of the Heritage Protection Sub Committee to be held on Thursday 16 February 2012 at 6.00pm.

#### **Director's Comment:**

It is noted that the Heritage Protection Sub Committee conducted an extraordinary meeting on Thursday 16 February 2012 to consider the advice of the Heritage Medallion Advisory Panel and provide a recommendation to Council on the preferred recipient of the Heritage Medallion 2012. The minutes of the extraordinary meeting were considered and adopted by Council at its meeting of 13 March 2012.

### **7.2 Development Application for Construction of a Columbarium Wall and Associated Landscaping at St David's Church, Lithgow Street Campbelltown**

1. That Council note that the Heritage Protection Sub Committee acknowledges and agrees with Council's concerns regarding the Development Application 2405/2011/DA-O for the construction of a columbarium wall and associated landscaping at Lot 11, DP 806710, 40 Lithgow Street Campbelltown (occupied by the heritage listed St David's Presbyterian Church).
2. That Council be requested to also consider contacting the applicant to seek further information and clarification in relation to the driveway and in particular its location, purpose, nature and finish.

#### **Director's Comment:**

The application had been deferred by Council staff seeking additional information from the applicant to address a number of matters, including those issues raised by the Heritage Protection Sub Committee. It is anticipated that the development application will be determined under delegated authority.

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### **7.3 Development Application for Construction of an Extension to an Existing Shed at Meadowvale, No 717 Appin Road Gilead**

Council's Director Planning & Environment advised the Heritage Protection Sub Committee that the Development Application 2139/2011/DA-O for the construction of an extension to the existing shed at Lot 1, DP 602888, 717 Appin Road, Gilead has been withdrawn and therefore no longer needs to be assessed by Council. No further action is required by the Heritage Protection Sub Committee in relation to this matter.

#### **8.1 Richmond Villa**

That the information be noted.

#### **8.2 Heritage Protection Sub Committee Membership**

That the information be noted.

#### **8.3 Heritage Study Update and Heritage Impact Statements**

1. The Heritage Protection Sub Committee requests that Council consider making the Campbelltown Heritage Study Review available via its website once the study has been finalised.
2. The Heritage Protection Sub Committee requests that Council investigate the possibility of making copies of Heritage Impact Statements publicly available at Council's libraries.

#### **Director's Comment:**

Council is presently undertaking a major upgrade of its website, and this will include the publication of the upgraded Campbelltown Heritage Study Review once completed and endorsed by Council. Unfortunately, Council's use of Heritage Impact Statements is generally limited to the purposes of assessment of the associated development application in accordance with the Environmental Planning and Assessment Act 1979, and does not extend to reproducing this document. Council is able to make an original HIS document available for public display, however, is restricted from reproducing these documents as it may be a potential breach of copyright laws, unless the author has provided his consent for the documents to be publicised.

#### **8.4 East Edge Scenic Protection Lands - Stone Cottage**

That the information be noted.

#### **8.5 Potential Grant Funding Opportunities for Hurley Park Cattle Tanks**

1. The Heritage Protection Sub Committee requests that Council investigate grant funding opportunities for the purpose of preservation/interpretation of the Hurley Park Cattle Tanks.
-



2. The Heritage Protection Sub Committee requests that Council consider promoting the Hurley Park Cattle Tanks from a tourism perspective through the updating and reprinting its information booklet regarding the Hurley Park Cattle Tanks, subject to funding being available.

**Director's Comment:**

In 2008, the Heritage Protection Sub Committee was advised of stone restoration works for the reservoir and cattle tank structures, undertaken by heritage stonework specialists in accordance with the Conservation Management Plan (CMP) for Hurley Park. Future works outlined by the CMP include replacement fencing and interpretive signage for the Cattle Tanks, however are subject to additional funding being secured and being prioritised with other landscaping, maintenance and site works associated with the general public use and enjoyment of the park. The pursuit of funding opportunities for these works is ongoing, and will be reported to the Heritage Protection Sub Committee as relevant heritage works occur.

Council's public information register on the Hurley Park Cattle Tanks has been reviewed as part of the broader Campbelltown Heritage Review Study, and will be considered for new promotional material (including Council's website) following completion and endorsement of the Study by Council.

Due to the timing of the Council meeting and the deadline for the agenda for this meeting to be finalised and distributed, a verbal update on Council's resolution in respect of the minutes (of the 9 February 2012 Sub Committee meeting) will be provided at the Sub Committee meeting on 12 April 2012.

**Officer's Recommendation:**

That the information be noted.

**Sub Committee's Recommendation: (Goodfellow/Gardner)**

That the information be noted.

**CARRIED**

**5. Business Arising from Previous Minutes**

**Reporting Officer**

Acting Manager Environmental Planning

**Purpose**

To report on business arising from the Minutes of the Heritage Protection Sub Committee Meeting held on 9 February 2012.

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## **Report**

A report on the Minutes of the Heritage Protection Sub Committee meeting (held on 9 February 2012) was presented to Council on 10 April 2012. The report recommended that the Minutes be noted.

Due to the timing of the Council meeting and the deadline for the agenda for this meeting to be finalised and distributed, a verbal update on Council's resolution in respect of the minutes (of the 9 February 2012 Sub Committee meeting) will be provided at the Sub Committee meeting on 12 April 2012.

The following Director's Comments were provided in the report on the Heritage Protection Sub Committee Minutes with respect to updating Council on matters of business arising from those relevant items:

### **7.1 Campbelltown Heritage Forum and Heritage Medallion**

It is noted that the Heritage Protection Sub Committee conducted an extraordinary meeting on Thursday 16 February 2012 to consider the advice of the Heritage Medallion Advisory Panel and provide a recommendation to Council on the preferred recipient of the Heritage Medallion 2012. The minutes of the extraordinary meeting were considered and adopted by Council at its meeting of 13 March 2012.

### **7.2 Development Application for Construction of a Columbarium Wall and Associated Landscaping at St David's Church, Lithgow Street Campbelltown**

The application had been deferred by Council staff seeking additional information from the applicant to address a number of matters, including those issues raised by the Heritage Protection Sub Committee. It is anticipated that the development application will be determined under delegated authority.

### **8.3 Heritage Study Update and Heritage Impact Statements**

Council is presently undertaking a major upgrade of its website, and this will include the publication of the upgraded Campbelltown Heritage Study Review once completed and endorsed by Council. Unfortunately, Council's use of Heritage Impact Statements is generally limited to the purposes of assessment of the associated development application in accordance with the Environmental Planning and Assessment Act 1979, and does not extend to reproducing this document. Council is able to make an original HIS document available for public display, however, is restricted from reproducing these documents as it may be a potential breach of copyright laws, unless the author has provided his consent for the documents to be publicised.

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### **8.5 Potential Grant Funding Opportunities for Hurley Park Cattle Tanks**

In 2008, the Heritage Protection Sub Committee was advised of stone restoration works for the reservoir and cattle tank structures, undertaken by heritage stonework specialists in accordance with the Conservation Management Plan (CMP) for Hurley Park. Future works outlined by the CMP include replacement fencing and interpretive signage for the Cattle Tanks, however are subject to additional funding being secured and being prioritised with other landscaping, maintenance and site works associated with the general public use and enjoyment of the park. The pursuit of funding opportunities for these works is ongoing, and will be reported to the Heritage Protection Sub Committee as relevant heritage works occur.

Council's public information register on the Hurley Park Cattle Tanks has been reviewed as part of the broader Campbelltown Heritage Review Study, and will be considered for new promotional material (including Council's website) following completion and endorsement of the Study by Council.

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

That the information be noted.

#### **Sub Committee Note:**

Council's Executive Planner provided the Heritage Protection Sub Committee with an update in relation to the Program for the 2012 Heritage Festival.

#### **Sub Committee's Recommendation: (Goodfellow/Gardner)**

That the information be noted.

### **CARRIED**

## **6. Correspondence**

The Heritage Protection Sub Committee noted the open invitation (from Heritage Planner - Penrith Council) relating to the photographic exhibition by Max Dupain of NSW Colonial Buildings. The photographic exhibition is being staged 14 - 29 April 2012 at the Joan Sutherland Performing Arts Centre Penrith, as part of 2012 National Trust Heritage Week Festival.

#### **Sub Committee Note:**

A coloured copy of the invitation was provided to Sub Committee members at the meeting.

#### **Sub Committee's Recommendation: (Green/Goodfellow)**

That the information be noted.

### **CARRIED**

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## 7. Reports

### 7.1 Changes to Interim Heritage Order Authorisations

#### Reporting Officer

Acting Manager Environmental Planning

#### Purpose

To inform the Heritage Protection Sub Committee of changes to Interim Heritage Order authorisations issued to local councils by The Minister for Heritage.

#### Report

In August 2001 the (then) Minister for Urban Affairs and Planning by Section 25 of the Heritage Act 1977 authorised a number of local councils, including Campbelltown City Council, to make Interim Heritage Orders (IHOs) within their respective Local Government Areas (LGAs). The Minister for Heritage is proposing to extend this authority to all councils in NSW, and also include some amendments to the conditions of authorisation.

Section 25 of the Heritage Act 1977 allows the Minister to authorise local councils to make IHOs for items of local heritage significance within the council's area. An authorisation under this section can be granted subject to conditions, and a council cannot act in contravention of the conditions of its authorisation. The purpose of this authorisation is to allow for the significance of any unlisted potential item to be investigated for heritage significance by a council, whilst requiring consent for any development of the item (including demolition) during the life of the order.

The 2001 Ministerial authorisation given to selected councils (including Campbelltown City Council) under Section 25 was subject to the following conditions:

- There must be a pre-existing heritage schedule in a Local Environmental Plan (LEP).
  - Council must consider advice from an appropriately skilled person that the item has heritage value, is likely to be harmed and that the IHO is confined to the item under threat.
  - Where Aboriginal heritage is involved, the council must refer the matter to the Office of Environment and Heritage for advice.
  - A council IHO cannot be made where:
    - The item is already protected by LEP provisions;
    - The item is subject to a listing under the *Heritage Act 1977* (by the Minister);
    - Council has previously made an IHO;
    - The Land and Environment Court has granted development consent (including demolition);
    - The land is Crown land or being developed by or on behalf of the Crown;
    - The land is subject to State Significant Development; and
    - The land is subject to an approval issued by the NSW Government which permits the item to be harmed.
-

- An IHO will last for only 6 months unless the council resolves to add it as a heritage item to its LEP (then the order will be extended to a maximum of 12 months, allowing council to obtain the necessary approvals to formally include the item on its LEP).

The NSW Office of Environment and Heritage has advised that these conditions are to be extended to restrict a council from making an IHO where a lawful demolition approval has already been granted. Specifically, this is to address the scenario where a private certifier has issued consent for demolition under *State Environmental Planning Policy (Exempt and Complying Development Code) 2008*.

In addition, other minor administrative changes are also proposed to address LGA name changes and amalgamations since 2001.

### **Implications for Campbelltown City Council**

Campbelltown City Council already has an extensive listing of heritage significant items under its planning instruments, which has ensured that to date there has been no need to utilise the protection mechanisms of the IHO process. Council has recently undertaken further work to examine the completeness of the existing listings and to assess any additional potential items of heritage significance as part of the preparation of the new comprehensive LEP.

It is important to note that Council has a position of not pursuing the LEP listing of potential heritage items in instances where the owner objects. This cooperative approach with landowners ensures that there is no motive for owners wanting to diminish the heritage value of their properties being considered for listing. Notwithstanding, it is noted that Council is already limited in making an IHO in the case of a potential item being approved for demolition where it does not resolve to consider the listing of the subject item on its LEP.

### **Conclusion**

Given the extensive listing of items of heritage significance within the LGA, and the cooperative approach taken with private landowners for the investigation of potential items, it is considered that the proposed change to the IHO authorisation regarding demolition of unlisted items would not have any significant material impact on Council's activities.

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

That the information be noted.

### **Sub Committee's Recommendation: (Gardner/Majarich)**

That the information be noted.

**CARRIED**

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## **7.2 Local Heritage Fund**

### **Reporting Officer**

Acting Manager Environmental Planning

### **Purpose**

The purpose of this report is to seek the endorsement of the Heritage Protection Sub Committee for proposed amendments to the Local Heritage Fund Guidelines, to increase the available funds under the scheme to owners of listed heritage items in the Campbelltown Local Government Area.

### **History**

Council's Local Heritage Fund has been in place since 2003, to encourage appropriate conservation works on privately owned heritage items in the Campbelltown Local Government Area. Council has traditionally allocated a \$5,000 annual budget to fund applications for local heritage works by private owners.

Up until 2008, the number of applications received for funding was relatively low, and funding allocations were readily met by the \$5,000 annual budget. In response to low participation rates in the scheme by owners, Council undertook several initiatives to better promote the Fund which culminated in the full allocation of the budgeted funds in the 2008/2009 and 2009/2010 financial years.

In order to provide a more equitable distribution of available funds to applicants, Council amended the 2010/2011 Local Heritage Fund Guidelines to restrict repetitive funding to the same owner within the same or successive financial years. On the recommendation of the Heritage Protection Sub Committee, Council also made amendments to the 2011/2012 Guidelines to reduce the maximum allocation to \$1,250 for each successful application (thereby allowing for four full grants in any year).

### **Report**

Council regularly reviews the operation of the Local Heritage Fund to ensure that it remains as effective as possible in promoting appropriate conservation works on privately owned heritage items in the Campbelltown LGA. Where possible, it is intended to fully allocate the available budget in order to provide maximum assistance to private owners undertaking these works.

As noted above, the fund was fully allocated in 2008/2009 and 2009/2010, and amendments were subsequently made to improve the equitable distribution of available funds to eligible owners. Since this time the following allocations have been made:

- A total of \$2,960 was allocated in the 2010/2011 financial year for two separate applications;
  - No applications have (yet) been received for the 2011/2012 financial year.
-

Whilst the amendment to the Guidelines to prevent repetitive funding to the same owner within the same or successive financial years may have contributed to the reduced allocation, it is considered that this amendment is achieving its purpose to ensure that funds are not continually allocated to a small group of owners. In this respect, no changes to this amendment are proposed. Rather, it is considered that the efficiency of the Fund would be improved by increasing its appeal to a broader section of owners. One option would be to examine whether available funds for works could be increased to provide a more meaningful incentive for owners to undertake private works (i.e. available funds for each successful project).

A review of past applications approved under the Local Heritage Fund indicates that most are near to the threshold for generating the maximum co-contribution from Council. On a dollar for dollar basis, this approach typically funded projects costing around \$3,000, however this has now been decreased to \$2,500 given the recent reduction in the maximum co-contribution to \$1,250. Given the increasing costs associated with heritage maintenance projects, it is possible that the reduction in Council's co-contribution may have resulted in a reduction of meaningful projects and a decreased incentive for owners to undertake works.

The competing priorities on Council's overall budget limit the opportunity for increasing the \$5,000 yearly allocation for the Local Heritage Fund. However, there is some scope to draw additional funding from a separate Heritage Account, which is reserved for general heritage related projects. This separate account presently holds approximately \$38,000 and notably, has been contributed to in part by the transfer of unused Local Heritage Fund allocations from previous financial years.

Given the broad purpose of the general heritage account to fund heritage related projects, and that monies within this account have been sourced in part from the Local Heritage Fund, it is considered that this separate revenue stream could reasonably be used to increase the available allocations for Local Heritage Fund applications.

On the basis that four separate Local Heritage Fund applications could derive the maximum funding of \$1,250 each, it is considered reasonable that this funding could be increased to \$2,000 per successful application (or \$8,000 in total). This would mean that if required, an amount of up to \$3,000 would need to be drawn from the separate account in any financial year. This arrangement would allow for a more meaningful co-contribution by Council for local heritage projects, without adversely impacting upon the opportunity for general heritage projects to be separately funded.

### **Conclusion**

Council has regularly reviewed the operation of the Local Heritage Fund to ensure its effectiveness in promoting conservation works for privately owned heritage items within the Local Government Area. Amendments to the Guidelines have previously been made to ensure a more equitable distribution of funding to eligible owners, which is considered to have been successful. However, it is suggested that the operation of the Fund could be improved by increasing the maximum co-contribution allowance for eligible projects.

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A review of Council's budget provision for the Local Heritage Fund reveals that whilst there is no real opportunity to increase the \$5,000 annual allocation, there is perhaps some scope to draw additional monies from a general heritage account set aside to assist a wide variety of heritage related projects. Given the tangible benefits for local heritage items resulting from the operation of the Local Heritage Fund, it is considered appropriate to partly utilise the general account for eligible Local Heritage Fund applications up to say a maximum of \$3,000 each year, should the \$5,000 be exhausted in any financial year.

**Officer's Recommendation:**

1. That the Heritage Protection Sub Committee request Council to approve an amendment to the Local Heritage Fund Guidelines, to permit a maximum of \$2,000 to be allocated for each successful Local Heritage Fund Applications.
2. That the Heritage Protection Sub Committee request Council to permit supplementary funds of up to \$3,000 to be sourced from the General Heritage Fund, to provide a total allocation of up to \$8,000 for the payment of successful Local Heritage Fund application in any financial year.

**Sub Committee's Recommendation: (Gardner/Goodfellow)**

1. That the Heritage Protection Sub Committee request that Council amend the Local Heritage Fund Guidelines, to permit a maximum of \$2,000 to be allocated for each successful Local Heritage Fund Application.
2. The Heritage Protection Sub Committee requests that Council consider permitting supplementary funds of up to \$3,000 to be sourced from the General Heritage Fund, to provide a total allocation of up to \$8,000 for the payment of successful Local Heritage Fund application in any financial year subject to the additional funds being available.

**CARRIED**

**8. General Business**

**8.1 Gift of Time Certificates**

The Chairperson distributed 2011 Gift of Time certificates to the following Heritage Protection Sub Committee recipients:

- Jacqueline Green
- Jenny Goodfellow
- Learnna Coupe
- Mario Majorich, and
- James Gardner

Councillor Bourke personally thanked the Heritage Protection Sub Committee members for their ongoing commitment, dedication and contribution toward heritage matters.

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As Sub Committee members Robert Wheeler and Melissa Plummer were not present at the meeting, the Executive Planner gave an undertaking to post the 2011 Gift of Time certificates to them.

**Sub Committee's Recommendation: (Oates/Bourke)**

That the information be noted.

**CARRIED**

## **8.2 Heritage Festival Celebrations**

Heritage Protection Sub Committee member James Gardner advised the Sub Committee that he would be participating in the "Red Coats and Convicts" event during heritage festival celebrations at the Hyde Park Barracks, Sydney. Sub Committee members were invited to attend these celebrations.

**Sub Committee's Recommendation: (Gardner/Green)**

That the information be noted.

**CARRIED**

## **8.3 National Trust Awards**

Heritage Protection Sub Committee member James Gardner advised the Sub Committee that the Department of Public Works and Services has been nominated for a National Trust Award for work undertaken on the multi-function stone drinking fountain located in Centennial Park, Sydney. The work has been nominated in the category for projects under \$1 million.

**Sub Committee's Recommendation: (Gardner/Goodfellow)**

That the information be noted.

**CARRIED**

## **8.4 Recognition of Social Heritage Events**

Councillor Oates raised the possibility of recognising significant cultural and social events and cultural movements, such as the Fisher's Ghost Festival, as having heritage value. The Heritage Protection Sub Committee suggested that Council's Local Information Services Librarian and the Manager Cultural Services be invited to attend the next meeting of the Heritage Protection Sub Committee to assist in developing possible options for addressing this matter. The Heritage Protection Sub Committee requested that once possible options have been determined, Council's Tourism Coordinator be invited to attend a future meeting to explore tourism opportunities relating to heritage within the Campbelltown Local Government Area.

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**Sub Committee's Recommendation: (Green/Oates)**

1. That Council's Local Information Services Librarian and Manager Cultural Services be invited to attend a future meeting of the Heritage Protection Sub Committee to explore options for recognising significant cultural and social events and movements within the Campbelltown Local Government Area.
2. That subsequent to the development of options for recognising cultural and social events and cultural movements within the Campbelltown Local Government Area, Council's Tourism Coordinator be invited to attend a meeting to explore tourism opportunities relating to the cultural and social aspects of the City's heritage.

**CARRIED****8.5 Condition of 'Raith' Local Heritage Item**

The Chairperson and Councillor Oates advised the Heritage Protection Sub Committee of their concerns regarding the local heritage item 'Raith' and its poor condition. 'Raith' is located in Bradbury and is owned by the NSW Department of Community Services. This matter was discussed by the Sub Committee and it was suggested that Council be requested to write to the NSW Department of Community Services to raise concerns regarding the condition of the building and seek appropriate action to address local concerns.

In the case of no response or an inadequate response being received from the NSW Department of Community Services, the Sub Committee requested that Council write to the NSW Minister for Environment and Heritage in relation to this matter.

**Sub Committee Recommendation: (Gardner/ Majarich)**

1. That Council be requested to write to the NSW Department of Community Services in regard to the local heritage item 'Raith' which is currently in a state of disrepair, and to request that necessary action be undertaken by the Department to fulfil its obligations as the owner of the heritage item.
2. That in the case of no response or an inadequate response being received from the NSW Department of Community Services, that Council be requested to write to the Minister for Environment and Heritage seeking assistance in this matter.

**CARRIED**

The next meeting of the Heritage Protection Sub Committee will be held on Thursday 21 June 2012 at 6.00pm in Committee Room 3.

Cr Julie Bourke  
**Chairperson**

The meeting closed at 7.10pm.

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### **3. DEVELOPMENT SERVICES**

#### **3.1 Development Services Section Statistics - April 2012**

##### **Reporting Officer**

Manager Development Services

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##### **Attachments**

Development Services Application Statistics for April 2012 (distributed under separate cover)

##### **Purpose**

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

##### **Report**

In accordance with Council's resolution of 23 August 2005 that Councillors be provided with regular information regarding the status of development applications, the attachment to this report provides details of key statistics for April 2012 as they affect the Development Services Section.

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

That the information be noted.

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

That the Officer's Recommendation be adopted.

##### **CARRIED**

##### **Council Meeting 5 June 2012 (Kolkman/Bourke)**

That the Officer's Recommendation be adopted.

##### **Council Resolution Minute Number 88**

That the Officer's Recommendation be adopted.

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### 3.2 Deans Road, Airds - Tharawal Aboriginal Corporation - Proposed Construction Of A Community Facility Specialising In Public Health

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## 3.2 Deans Road, Airds - Tharawal Aboriginal Corporation - Proposed Construction of a Community Facility Specialising in Public Health

### Reporting Officer

Manager Development Services

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### Attachments

1. Draft conditions of consent
2. Site location map
3. Details of proposal (extract from Statement of Environmental Effects)
4. Proposed site plan and architectural drawings (provided under separate cover)

### Purpose

To assist Council in its assessment and determination of a Development Application for a community facility that will provide improved public health facilities for Aboriginal people of the Macarthur region.

<b>Property Description</b>	Lot 2 DP1062960, Kevin Wheatley V.C. Reserve, Deans Road, Airds
<b>Application No</b>	308/2012/DA-C
<b>Applicant</b>	Tharawal Aboriginal Corporation
<b>Owner</b>	Campbelltown City Council
<b>Provisions</b>	Campbelltown Local Environmental Plan (Urban Area) 2002 Campbelltown Development Control Plan (Sustainable City) 2009
<b>Date Received</b>	24 February 2012

### History

Tharawal Aboriginal Medical Service was established in 1983 and has operated from Riverside Drive, Airds since 1986. Renovations to the premises were carried out in 2002 to provide more suitable clinical rooms and a demountable building was purchased and erected on the land at the end of 2007.

Tharawal Aboriginal Medical Service is a not for profit organisation providing total health care for indigenous families and individuals living in the Macarthur region. The service provides diagnostic, treatment, preventative and educational health services. Transport to the site is also available to those who need to access the services.

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### 3.2 Deans Road, Airds - Tharawal Aboriginal Corporation - Proposed Construction Of A Community Facility Specialising In Public Health

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Funding for the Service comes from The Office of Aboriginal and Torres Strait Islander Health, NSW Health, the Department of Families and Housing, Community Services and Indigenous Affairs and the Department of Community Services.

In December 2011, Council supported the approval of the Concept Plan for the Airds/Bradbury Renewal Project. Although the Concept Plan shows the subject land as future residential, the proposal from the Tharawal Aboriginal Corporation (TAC) is not inconsistent with the objective of the renewal project which seeks to revitalise the locality. The concept plan also maintains the existing Tharawal centre on Riverside Drive, so the new facility would immediately adjoin this existing facility.

## Report

### Introduction

The Tharawal Aboriginal Corporation has lodged a Development Application for the construction of a Community Facility (Public Health), with associated on site car parking, landscaping and ancillary works, with funding from the Commonwealth Department of Health and Ageing.

The existing Tharawal Medical Centre in Riverside Drive does not fully meet the needs of the local community and the proposed new centre would address this shortcoming. It would allow for increased flexibility and service coordination between acute and primary health care services in a modern purpose built facility. Just as the planned Airds renewal project seeks to improve social outcomes for residents, so too does this project.

The following community health services would be offered:

- general medical, dental, optical, asthma, diabetes, hearing, paediatric, counselling, renal and other visiting medical specialists
- community health programs
- fully integrated health workforce clinical training for the South West Sydney region
- opportunity for individual student clinical placements in Aboriginal health
- video conferencing infrastructure and back to base support for health professionals and trainees in rural and remote communities
- outdoor space for group cultural safety training.

### Site location

The site comprises approximately 6,400 square metres of the existing Kevin Wheatley V.C. Reserve and will have a frontage to Deans Road of approximately 60 metres.

As part of the Airds/Bradbury Renewal Project, this public recreation space is being relocated in a westerly direction adjacent to the existing shopping centre while the land adjacent to the subject site will be redeveloped as housing. A new road to be constructed as part of the renewal project will adjoin the site on its eastern boundary. To the north east, also with frontage to Deans Road, is the John Warby Primary School.

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### 3.2 Deans Road, Airds - Tharawal Aboriginal Corporation - Proposed Construction Of A Community Facility Specialising In Public Health

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The site is mainly turf, with a scattering of native trees. There is a significant cross fall from the rear south east corner towards Deans Road and the north west corner and as a result there is a need for cut and fill on the site to maintain a single level building design.

#### **Land ownership**

The site is currently owned by Campbelltown City Council and is intended to be leased to the Tharawal Aboriginal Corporation, initially on a 21 year lease. This was resolved by Council at its meeting of 13 December 2011. If consent is granted, it would necessitate the subdivision of the land to create a separate lot for the lease purpose.

#### **The proposal**

Section 3 of the submitted Statement of Environmental Effects provides a detailed description of the proposal (see Attachment 3). Important elements to note include:

- onsite car parking to be provided for 58 vehicles including the community bus plus bicycle racks
- ambulance bay provided
- site will be fenced with access gates to driveway entrance
- hours of operation are 9:00am – 5:00pm Monday to Friday
- staff is made up of medical, community health, students and administration and total 58 people, some of which are part time.

#### **1. Vision**

Campbelltown 2025 Looking Forward is a statement of broad town planning intent for the longer term future of the City of Campbelltown. It establishes a set of strategic directions to guide decision making and development outcomes. Of relevance to this particular Development Application is Strategic Direction: Building and Maintaining Quality Public Infrastructure which has a desired outcome that local infrastructure, which includes community facilities, has the capacity and capability to satisfy the demands of the existing and future community and is used for positive community gain. This project would support this outcome.

It is also important to place this proposal in the context of the Airds/Bradbury Renewal Project, where it can be seen as reinforcement of the positive outcomes arising from the renewal project.

#### **2. Planning Provisions**

##### **2.1 State Environmental Planning Policy (Infrastructure) 2007**

State Environmental Planning Policy (Infrastructure) 2007 (the Infrastructure SEPP), has an aim of providing a consistent planning framework for the provision of infrastructure and to provide greater flexibility in the location of infrastructure and service facilities. It provides definitions for a range of infrastructure and identifies the land use zones where such infrastructure can proceed. It overrides local planning provisions in the case of any inconsistencies between the state and local plan.

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### 3.2 Deans Road, Airds - Tharawal Aboriginal Corporation - Proposed Construction Of A Community Facility Specialising In Public Health

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The Infrastructure SEPP provides a definition of a health services facility as follows:

health services facility means a facility used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) day surgeries and medical centres
- (b) community health service facilities
- (c) health consulting rooms
- (d) facilities for the transport of patients, including helipads and ambulance facilities
- (e) hospitals

The proposal is considered to be consistent with the definition of a health services facility. The prescribed zones under the Infrastructure SEPP where health services facilities are permissible include residential zones but exclude public recreation zones. The development is therefore not permissible under the terms of the Infrastructure SEPP given the current zoning of the land, but would be permissible under the proposed zoning of the land.

### **2.2 Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP2002)**

The subject site is zoned 6(a) Local Open Space. Within this zone, community facilities are permissible with the consent of Council and are defined as:

community facility means a building or place owned or controlled by the Council and used for the purpose of providing facilities comprising or relating to any one or more of the following:

- (a) a public library
- (b) public health services
- (c) rest rooms
- (d) meeting rooms
- (e) indoor recreation
- (f) child care centre
- (g) neighbourhood hall
- (h) a refreshment room

or any other like purpose.

The proposal is considered to satisfy the above definition as it would be conducted on land owned by Council and would provide public health services. It is therefore permissible with the consent of Council under the provisions of the CLEP2002.

### **2.3 Airds/Bradbury Renewal Project**

Although Council has endorsed the concept plan, a final determination has not yet been made by the Department of Planning and Infrastructure. The concept plan envisages changes to land zonings, which are intended to be made as part of Campbelltown Comprehensive Local Environmental Plan which is currently under preparation.

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### 3.2 Deans Road, Airds - Tharawal Aboriginal Corporation - Proposed Construction Of A Community Facility Specialising In Public Health

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The subject site is proposed to be rezoned from the current 6(a) Public Recreation under CLEP2002 to a residential zone consistent with the concept plan. The importance of this is in terms of the current and ongoing permissibility of the proposed development. With the existing 6(a) Public Recreation zoning, the development is permissible under the provisions of the CLEP2002 and Council can resolve to grant approval if it is satisfied that the proposal is not inconsistent with its support for the Airds Bradbury Renewal Project. Once the subject site is rezoned to a residential zone as envisaged by the Airds Bradbury concept plan, the development would be permissible with consent under the provisions of the Infrastructure SEPP.

## **3. Planning assessment**

### **3.1 Streetscape and visual impact**

It is considered that the proposed development is acceptable in terms of its impact upon the streetscape and visual amenity of the area. There are two reasons to support this – scale and architectural merit.

Firstly, the scale of the building is appropriate to its setting. The existing streetscape throughout the locality is dominated by single storey, residential dwellings. Upon redevelopment under the renewal project, there will be a combination of single and two storey dwellings. In the vicinity of the subject site is the John Warby Primary School, a collection of single storey brick buildings reflective of 1970s government institutional architecture. The proposed Tharawal building retains the single storey scale of the neighbourhood, albeit with the need to cut into the south east of the site in order to 'sit the building down' and reduce the height above ground at the north west corner of the building. The building is also to be provided with a generous setback from Deans Road of 21.5 metres which avoids the building dominating the streetscape.

Second, the proposed building uses a combination of building materials including metal cladding, steel frames, metal roofing, bagged and painted brickwork to provide a modern aesthetic composition. While the use of blade walls, roof parapets and overhangs introduces elements of light and shade to provide a more interesting and appealing building façade. An elevated semi- circular section of roof acts as a strong focal point, clearly identifying the building's public entrance.

Fencing of the site on all four sides is proposed as a security measure. The fencing will be similar to that existing at the adjoining primary school, being a palisade of thin steel pickets, black powder coated and 1800mm high. The fencing would accentuate the non-residential nature of the building.

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### 3.2 Deans Road, Airds - Tharawal Aboriginal Corporation - Proposed Construction Of A Community Facility Specialising In Public Health

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#### 3.2 Traffic and parking

The proposed development is unlikely to generate traffic that cannot be adequately managed by the proposed road hierarchy of the Airds Bradbury Renewal Project. Vehicular ingress and egress to the site is proposed via a single seven metre wide driveway from Deans Road. The onsite car park has been designed to appropriate standards (AS2890.1 and 2), would be line marked and contain relevant signage. The car park would provide parking for 55 cars, plus two accessible spaces plus one larger space suitable and designated for use by the community bus. Facilities for loading and unloading are to be provided for an ambulance, the delivery of goods and waste removal. The design of the car park is considered satisfactory and compliant with the requirements of the Campbelltown (Sustainable City) DCP 2009.

The number of onsite parking spaces to be provided complies with the one space per 25sqm of Leasable Floor Area (LFA) as required by the Campbelltown (Sustainable City) DCP 2009, for a medical facility. Council should also note that the majority of patients will be transported to the site via the community bus rather than drive themselves to the facility and second, that the total number of staff (given as 58 in the SEE) will not be attending the facility at the same time.

#### 3.3 Property related matters

There are a number of property related matters that are relevant to this application and these have been the subject of discussion with Council's Property Services.

#### Plan of management

The land is currently classified as 'community' land under the provisions of the *Local Government Act 1993* and as such, Council must have a Plan of Management (PoM) in place for the land and must consider such a plan when considering a Development Application for the land. A generic PoM, adopted in May 2001, operates to govern the use of Kevin Wheatley V.C. Reserve. Although the land is classified as 'Sportsground' in this PoM, there are provisions within the PoM that would support the use of the land for the proposed community facility.

Section 3(a) permits the use of the land for 'specific purposes' and Section 3(f) permits the granting of leases, as is envisaged here.

Section 5 deals with notification of proposed developments and leases. One of the nominated development types is community facility. Public notification of the impending lease to the Tharawal Aboriginal Corporation has been completed and no objections were received.

Section 6 which deals with management issues, identifies community facilities as a potential land use that would occur at a sportsground.

Having regard to the relevant provisions of the adopted PoM, it is considered that the proposal is not inconsistent with the objectives and provisions of the PoM.

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### 3.2 Deans Road, Airds - Tharawal Aboriginal Corporation - Proposed Construction Of A Community Facility Specialising In Public Health

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#### **Lease arrangement/easement etc**

The proposed lease to TAC will be managed by Council's Property Section with the life of the lease being for a 21 year period. A separate allotment needs to be created for leasing purposes as well as to distinguish this portion of Kevin Wheatley V.C. Reserve from the remainder of the Reserve that is to be future residential development.

The subdivision of Kevin Wheatley V.C. Reserve to create a separate allotment for leasing purposes is contingent upon planning approval for the community facility being obtained. Any subdivision of the land may also include the extinguishment of the existing right of carriageway (RoC) that currently runs from Tasma Place south across the Reserve to the TAC land fronting Riverside Drive. Under the Airds/Bradbury concept plan, this RoC would appear to be superfluous however its extinguishment would require the concurrence of TAC. A separate Development Application is intended to be lodged for the subdivision.

#### **Possible conditions of consent**

The Council provided TAC with its owner's consent to the lodgement of the Development Application on the basis that TAC enter into a 21 Year agreement to lease the site prior to any works being undertaken. As mentioned earlier, a subdivision is required to excise the identified portion in order to execute an appropriate lease.

As such, an appropriate condition of consent would be that a Construction Certificate could not be issued until such time as the subdivision of the land to be leased had occurred and a formal lease agreement entered into between the landholder (Council) and the proponent (Tharawal Aboriginal Corporation).

#### **3.4 Visual and acoustic privacy**

Due to the nature of the proposed use, it is unlikely that the development would give rise to unacceptable visual or acoustic privacy concerns. Presently the nearest residential neighbours on the northern side of Deans Road are approximately 45 metres from the proposed building and approximately 24 metres from the car park entrance. Under the concept plan, new housing will be developed immediately to the west of the site, separated by a new local road. This will result in a minimum building to building separation of approximately 25 metres.

The nature of the use is such that it is unlikely to give rise to excessive noise. Any outdoor activity is to be contained within a central courtyard and the hours of operation are restricted to normal business hours on weekdays.

#### **3.5 Landscaping**

A small number of existing native trees and shrubs are proposed to be removed from the site. A landscape master plan has been prepared that will reinstate a suitable and attractive landscape setting for the new building. It has been prepared by an appropriately qualified landscape architect and features copped tree plantings to offer shade and some screening while retaining views out beneath the canopy, mass ground cover plantings and plantings within the courtyard of species traditionally used for medicinal purposes or as bush tucker.

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### 3.2 Deans Road, Airds - Tharawal Aboriginal Corporation - Proposed Construction Of A Community Facility Specialising In Public Health

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#### 3.6 Social Impact

It is anticipated that the development would have a positive social impact. With transport to and from the facility available to the community, it would be accessible to a large number of people, increasing its positive impact.

#### 3.7 Payment of developer contributions

Council's current Section 94A Development Contributions Plan is applicable to this development. Although the s94A Plan contains an exceptions clause for certain types of development proposals. Community facilities are not covered, meaning that based on the value of the proposal, a contribution of \$40,000 is payable. The applicants have requested that Council waive this contribution in this instance.

This request is considered to be a reasonable one for the following reasons:

- The s94A Plan is predicated on the relationship between expected growth in residential, industrial and commercial development across the City and the need for public works/infrastructure. The Tharawal development is a community facility proposal that aims to improve the level of health services available to the existing community.
- Contributions collected under the Plan are to fund improved traffic and car parking facilities across the City as set out in the Works Schedule of the Plan. The proposed development is not generating additional significant demand on traffic and parking infrastructure.
- Tharawal Aboriginal Medical Service are a not for profit community organisation. In general terms, such organisations are more likely to be exempted from developer contributions and the public benefit to be derived from the development is not insignificant.

It is recommended that Council resolve, as part of its determination on this Development Application, to waive the payment of the required \$40,000 s94A contributions in this case.

#### 4. Public participation

The application was publicly exhibited and notified in accordance with Council's Development Control Plan No. 87. No submissions were received.

#### 5. Conclusion

The proposed construction of a community facility focused on aboriginal health is an important initiative by the Tharawal Aboriginal Corporation and is worthy of Council support.

In the longer term, the site, which is currently part of the Kevin Wheatley V.C. Reserve, would be part of a new residential area following completion of the Airds Bradbury Renewal Project. It adjoins the existing TAC site on Riverside Drive, providing the opportunity for further complimentary services to be developed over time.

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### 3.2 Deans Road, Airds - Tharawal Aboriginal Corporation - Proposed Construction Of A Community Facility Specialising In Public Health

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There are no particular environmental issues arising from this proposal that would warrant its refusal. The building is well designed and is of a scale that although larger than the neighbouring residences, would not be detrimental to the streetscape or amenity of the locality. Sufficient on site car parking has been provided to cater for the anticipated staffing and patient numbers.

Although some existing vegetation is proposed to be removed to enable the facility to be built, a comprehensive site landscaping plan has been prepared and would more than compensate.

It is recommended that approval be issued, subject to appropriate conditions of consent.

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

1. That Council support approval of DA308/2012/DA-C for the construction of a community facility on part Lot 2 DP1062960, Deans Road, Airds subject to conditions of consent as described in Attachment 1 to this report.
2. That Council waive the payment of any contributions under the S94A Development Contributions Plan that would ordinarily be applicable to DA308/2012/DA-C, on the basis of the community facility nature of the proposal.

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

That the Officer's Recommendation be adopted.

#### **CARRIED**

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

Voting against the Committee's Recommendation: Nil.

#### **Council Meeting 5 June 2012 (Kolkman/Bourke)**

That the Officer's Recommendation be adopted.

#### **Council Resolution Minute Number 90**

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution: Nil.

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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 in red by Council and/or any conditions of this consent.

#### **2. Building Code of Australia**

All building work must be carried out in accordance with the provisions of the Building Code of Australia. In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

#### **3. External Finishes**

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted with this application. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

#### **4. Driveway**

The gradients of driveways and manoeuvring areas shall be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2 (as amended).

Driveways shall be constructed using decorative paving materials such as pattern stencilled concrete, coloured stamped concrete or paving bricks. The finishes of the paving surfaces are to be non-slip and plain concrete is not acceptable.

All driveways in excess of 20 metres in length shall be separated from the landscaped areas by the construction of a minimum 150mm high kerb, dwarf wall or barrier fencing.

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**5. Storage of Goods**

All works, storage and display of goods, materials and any other item associated with the premises shall be contained wholly within the building.

**6. Presentation of Garbage Bins**

The presentation of bulk bins on the kerbside for collection is not permitted.

**7. Graffiti Removal**

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

**8. 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.

**9. Car Parking Spaces**

Fifty eight (58) car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended).

**10. Shoring and Adequacy of Adjoining Property**

If the development referred to in this development consent involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must at the person's own expense:

- a. Protect and support the adjoining premises from possible damage from the excavation, and
- b. Where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

**11. Rain Water Tank(s)**

Rain water tank/s shall be installed on site for the collection and storage of stormwater for irrigation and reuse purposes (eg the flushing of toilets), in accordance with the approved plans.

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## **12. Construction Certificate**

Prior to the commencement of any works that require a construction certificate:

- a. The applicant shall obtain a construction certificate for the particular works;
- b. The applicant shall appoint a principal certifying authority; and
- c. The private certifying authority shall notify Council of their appointment no less than two (2) days prior to the commencement of any works

## **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.

## **13. Formal Lease Agreement**

Prior to Council or an accredited certifier issuing a construction certificate, the Tharawal Aboriginal Corporation shall enter into a formal lease agreement with the landowner, Campbelltown City Council, such lease to be for a period of 21 years and being for the purpose of a community facility. Evidence of the lease shall be submitted with any application for a Construction Certificate.

## **14. Electricity and Water 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. Endeavour 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 *Sydney Water Act 1994*.

## **15. 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.

## **16. Waste Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's Waste Management Plan is to be completed to the satisfaction of Council.

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**17. Soil and Water Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted for approval.

**18. 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 State Roads Authority 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.

**19. Stormwater Management Plan (Development)**

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to Deans Road. All proposals shall comply with the Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

**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. Work Outside the Site Boundary**

Prior to Council or an accredited certifier issuing a construction certificate, engineering plans for any work outside the site boundary to be submitted to Council for approval. All works shall comply with Council's Campbelltown (sustainable city ) DCP 2007 volume 2 and shall be inspected by Council at all stages of construction.

A compliance certificate for the work shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

Council assessment and inspection fees, apply to the above requirements.

**22. Design for Access and Mobility**

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant shall demonstrate by way of detailed design, compliance with the relevant access requirements of the BCA and AS 1428 – Design for Access and Mobility.

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**23. Controlled Activity Approval**

A Construction Certificate shall not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Controlled Activity Approval, issued by the NSW Office of Water has been provided to Council, or a letter from NSW Office of Water stating that a Controlled Activity Approval is not required for the development, has been provided to Council.

**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.

**24. 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.

**25. 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.

**26. 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:

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### 3.2 Deans Road, Airds - Tharawal Aboriginal Corporation - Proposed Construction Of A Community Facility Specialising In Public Health

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- 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.

#### **27. 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.

#### **28. 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.

#### **29. 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.

#### **30. Footpath and Vehicular Crossing Levels**

Prior to the commencement of any work, footpath and vehicular crossing levels are to be obtained from Council by lodging an application on the prescribed form.

#### **31. Hoarding / Fence**

Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with Work Cover requirements.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

A separate land use application under Section 68 of the *Local Government Act 1993* shall be submitted to and approved by Council prior to the erection of any hoarding on public land.

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## **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.

### **32. 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.

### **33. 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.**

### **34. Work Zones**

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures, including relevant fees, shall be borne by the applicant.

### **35. 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.

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**36. Public Safety**

Any works undertaken in a public place are to be maintained in a safe condition at all times in accordance with AS 1742.3. Council may at any time and without prior notification make safe any such works Council considers to be unsafe, and recover all reasonable costs incurred from the applicant.

**37. 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.

**38. Footpath**

The footpath adjoining the subject land shall be regraded in accordance with levels to be obtained from Council, and concrete foot paving/pavers 1.2 metres wide 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 shall be constructed to the satisfaction of Council. Areas not concreted shall be topsoiled and turfed. The footpath formation may need to be extended beyond the site boundary to provide an acceptable transition to existing footpath levels.

**39. Industrial / Commercial Driveway and Layback Crossing**

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's Industrial/Commercial Vehicle Crossing Specification and Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

A separate application for this work, which will be subject to a crossing inspection fee, fixing of levels and inspections by Council, must be lodged with Council. Conduits must be provided to service authority requirements.

**40. Completion of Construction Works**

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within twelve (12) months of the date of the notice of the intention to commence construction works under Section 81A of the Act.

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In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping to Council's written satisfaction.

### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of an occupation 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 an occupation certificate.

Note: For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

#### **41. Completion of External Works Onsite**

Prior to the principal certifying authority issuing an occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifying authority.

#### **42. Council Fees and Charges**

Prior to the principal certifying authority issuing an occupation 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.

### **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. Environmental Planning and Assessment Act 1979 Requirements**

The *Environmental Planning and Assessment Act 1979* requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000.
  - b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
-

### 3.2 Deans Road, Airds - Tharawal Aboriginal Corporation - Proposed Construction Of A Community Facility Specialising In Public Health

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- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

#### **Advice 2. 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 3. Provision of Equitable Access**

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

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

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

#### **Advice 4. Covenants**

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

#### **Advice 5. 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.

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**Advice 6. Asbestos Warning**

Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by Work Cover NSW), be engaged to manage the proper disposal and handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)

[www.adfa.org.au](http://www.adfa.org.au)

[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

Alternatively, call Work Cover Asbestos and Demolition Team on 8260 5885.

**Advice 7. Smoke Free Environment Act**

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

**Advice 8. 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)

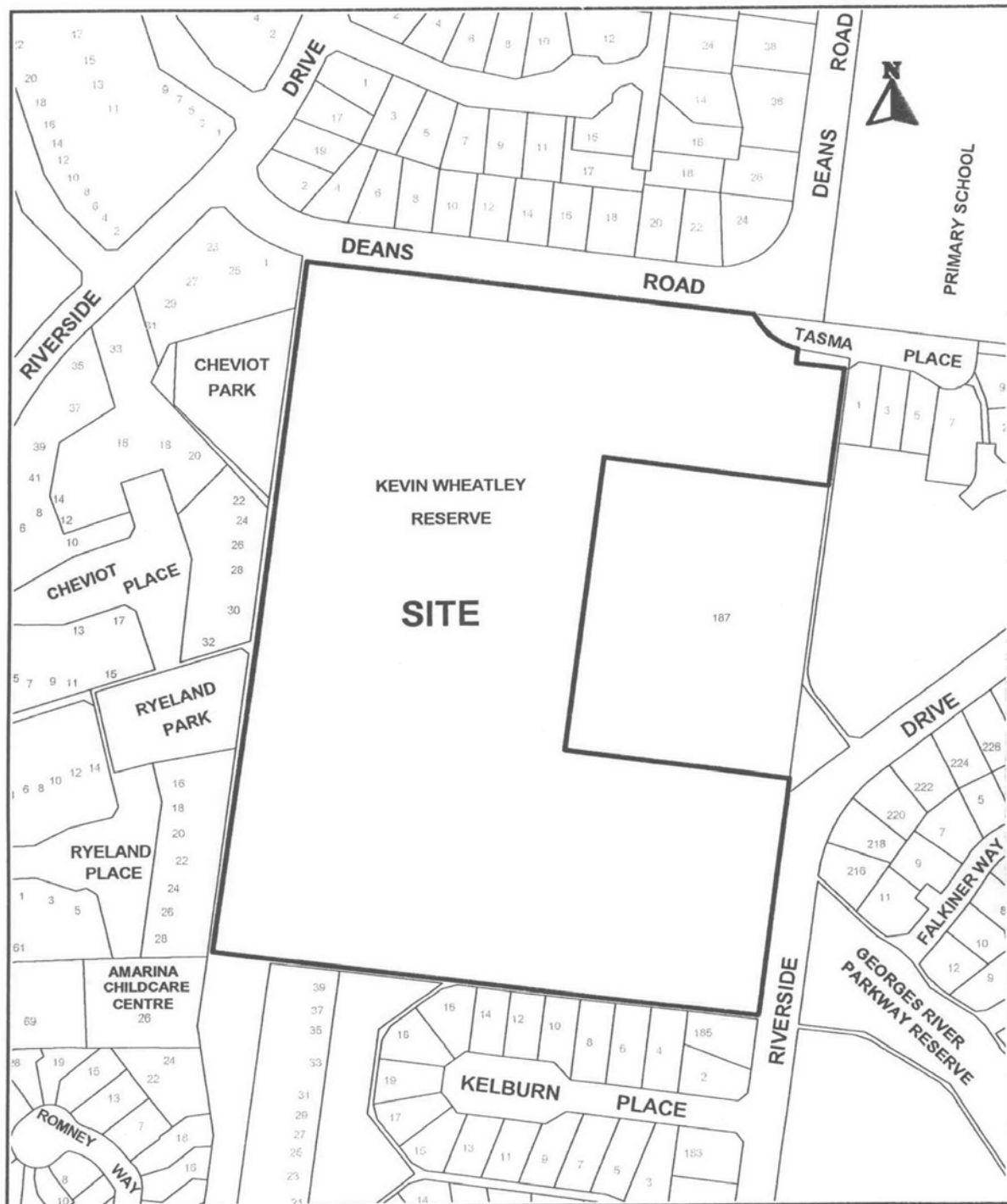
**Advice 9. Telecommunications Act 1997 (Commonwealth)**

Please note that under the *Telecommunications Act 1997* (Commonwealth) Telstra's written authorisation is required before any person can enter land or undertake work on any Telstra's assets. Any person caught interfering with a facility or installation owned or operated by Telstra is committing an offence under the *Criminal Code Act 1995* (Commonwealth) and is liable for prosecution. If you are aware of any works or proposed works which may affect or may impact on Telstra's assets in any way please contact Telstra's Network Integrity Team on phone number 1800 810 443.

**END OF CONDITIONS**

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## ATTACHMENT 2



### LOCALITY PLAN



**SUBJECT:**

THARAWAL ABORIGINAL CORPORATION -  
PROPOSED CONSTRUCTION OF A COMMUNITY FACILITY SPECIALISING IN PUBLIC HEALTH.  
LOT 2 DP 1062960 "KEVIN WHEATLY RESERVE" DEANS ROAD, AIRDS.



## ATTACHMENT 3

### STATEMENT OF ENVIRONMENTAL EFFECTS

THARAWAL ABORIGINAL CORPORATION – INNOVATIVE COMMUNITY CLINICAL TEACHING & TRAINING CENTRE

## 3.0 DETAILS OF PROPOSAL

### 3.1 Details of Proposal

The proposal involves the construction of a community facility for use by indigenous persons of the surrounding area. Users are generally picked up from their residential address in a TAC bus and transported to the medical centre for treatment.

Tharawal Aboriginal Medical Service(TACMS) strives to provide a wide range of medical services at the highest standard possible to members of the Aboriginal community. They currently provide effective medical services to prevent and treat the medical conditions that are common among the aboriginal community. Their goal is to provide appropriate community medical services that will improve the standard of health within the aboriginal community.

Proposed Services and spaces:

- Waiting area including toilet facilities, baby change area and children's play area
- 8 off medical training/consulting rooms complete with shared toilet facilities
- 2 off renal dialysis suites complete with accessible toilet and work room
- 3 bed area for Clinical skills training
- 2 off Nurse areas for treatment
- 1 off remote training room complete with the latest video conferencing equipment for consultation to the community in remote areas
- Dental Surgery with work room
- Optometrist area
- Audiologist room and testing booth
- 2 off consulting rooms for visiting specialist
- Service areas, sterilising, medicine storage, clean utility, dirty utility, cleaner
- Ablution facilities for staff and students
- Staff area, tea making facilities and lounge areas
- Office areas for Community Health programs
- Administration building including offices, IT area, financial management and tutorial area
- Car, bus and bicycle parking
- Ambulance bay for transport of patients from the centre
- Refuse collection area, screened and contained

All parts of the building will be accessible and compliant with required access Standards. Refer to Appendix F for a Disability Access Report prepared by a qualified Access Consultant.

### 3.2 Site Planning

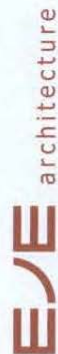
The building and car park was located to minimise the effect on the following items:

- the extent of small trees and vegetation, where possible the building footprint and the car park has responded to the existing vegetation, we have endeavoured to maintain as many trees and shrubs as possible
- the floor level was determined by the requirement that pedestrian accessible access be provided from the street boundary
- the 3.6 metre fall from the southeast to the northwest has resulted in required cut & fill to the building site in order to provide suitable accessibility to the buildings and provide suitable level community areas within the centre of the main building
- The majority of users of this community facility will be "bused in" we have therefore included bus parking with suitable unloading space
- 58 car parking spaces have been provided plus bicycle parking for 20 bikes and 2 accessible parking spaces with the required shared spaces



3.2 Deans Road, Airds - Tharawal Aboriginal Corporation - Proposed Construction Of A Community Facility Specialising In Public Health

STATEMENT OF ENVIRONMENTAL EFFECTS  
 THARAWAL ABORIGINAL CORPORATION – INNOVATIVE COMMUNITY CLINICAL TEACHING & TRAINING CENTRE



**3.3 Type of Building Construction**

Typical construction elements:

- Site Cut and fill
- Waffle pod concrete slab with down turn footing beams in elevated areas
- Brick veneer construction with bagged and painted external veneer (to allow for possible graffiti removal at minimal cost)
- Vertical protruding blades covered in a metal composite panel providing breakup of the elevations and sun shading
- A suspended ceiling internally
- Metal roof cladding with parapet and box gutters with huge capacity and overflow devices
- Parapet clad with metal composite panel system
- Insulation as per the Energy Efficiency Performance Report included in Appendix G

**3.4 Open Space**

This community facility includes a large courtyard and landscaped area in the centre of the main building. Its purpose is to function as:

- a general awaiting area with large sandstone blocks for seating
- an area for storey telling by the elders
- outdoor meeting area
- introduction to plant species to the young indigenous children
- staff break out area
- secured play area for supervised access visit
- a visual break for staff when looking out of the windows

**3.5 Access and On-site Parking**

Pedestrian access via compliant pathway and walkway is available from the Deans Road into all parts of the buildings and internal courtyard. A compliant ramp is provided at the rear and will allow accessible access to the rear portion of the building.

Pedestrians entering from Dean Road boundary will use a pathway of contrasting colour for safety to directly access the main stairs or alternatively they could use the 1:33 walkway.

As mentioned previously the majority of persons attending the Community Facility for medical related issues are picked up and returned to their homes by the Tharawal bus at nil cost. The bus has an allocated space near the main entry and an enlarged parking space for ease of unloading and loading.

Vehicular access is from Deans Road with 3 separate car parking areas, it is anticipated that visitors will use the front and part of the side car park and staff will use part of the side car park and the rear car park.

On-site parking is available as tabled:

car parking spaces (5.4m x 2.6m)	55
bus (14 seater) parking space (6.1m x 3.2m)	1
accessible car parking spaces (5.4m x 2.4 + shared space)	2
Total on-site parking	58

Ambulance and Waste removal access is from Deans Road through the 7.0m wide bitumen paved roadway, adequate manoeuvring areas are provided.





3.2 Deans Road, Airds - Tharawal Aboriginal Corporation - Proposed Construction Of A Community Facility Specialising In Public Health

**STATEMENT OF ENVIRONMENTAL EFFECTS**

THARAWAL ABORIGINAL CORPORATION – INNOVATIVE COMMUNITY CLINICAL TEACHING & TRAINING CENTRE

All parts of the building including toilet facilities will be accessible by everyone in accordance with the Disability Discrimination Act.

Access Consultant – Lindsay Perry Access & Architecture has reviewed the documentation and provided a report which is attached as Appendix G.

Toilet, showering and baby changing areas are designed and will be compliant with the required standards.

**3.6 Fencing**

Powder coated palisade fencing is to be provided to encompass the perimeter of the site with electrically operated sliding access gates at the driveway.

Details:

- Height: 1800mm
- Pickets: 25mm hollow square steel with pinched top
- Finish: powder coated
- Colour: black

Refer to Figure 9.

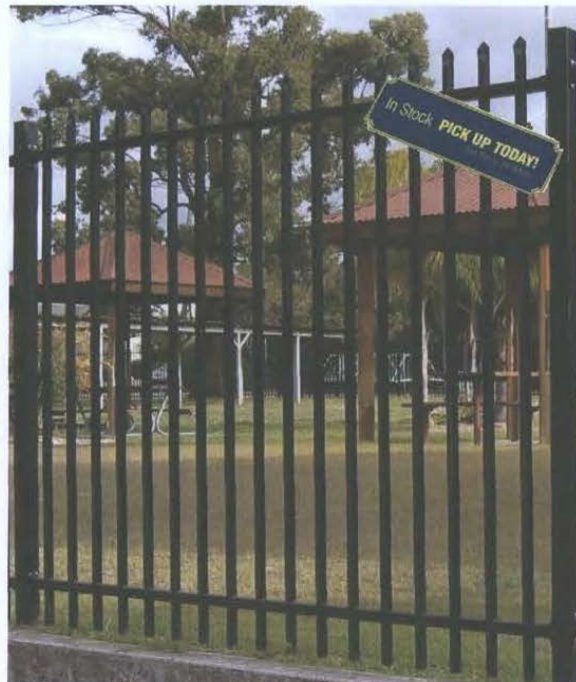
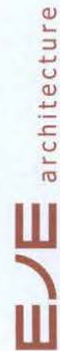


Figure 9 - Typical palisade fencing

3.2 Deans Road, Airds - Tharawal Aboriginal Corporation - Proposed Construction Of A Community Facility Specialising In Public Health

STATEMENT OF ENVIRONMENTAL EFFECTS

THARAWAL ABORIGINAL CORPORATION – INNOVATIVE COMMUNITY CLINICAL TEACHING & TRAINING CENTRE



3.7 Waste Management

Proposed Waste Management:

The Tharawal management and staff promote the minimisation of waste, the re-use and recycling of applicable waste. A waste removal contractor will provide separate bins for collection of:

- paper waste and cardboard for recycling
- plastic including bottles etc for recycling
- medical waste for disposal at authorised disposal areas

Typical bins are as shown below on wheels.



General and Recycle Waste:

These bins are wheeled from their enclosed spaces ( one behind the Ambulance Bay and the other near car park number 29) to be picked up by front loading truck as per the image below.



Waste Removal Frequency: twice a week, generally before 9.00am or after 5.00pm.

Medical Waste:

Medical waste will be placed in specialised bins for collection by specialist waste removal contractors in trucks as shown below.



Tharawal Aboriginal Medical Service (TACMS) currently run a community facility from their Riverside Drive premises and these waste management practices are currently in place and will continue in their new location.

Organic Waste Composting:

Tharawal proposes to collect all material that can be composted for use in their existing vegetable garden on their site south of the proposed development. This composted waste will be added to the existing soil to help enrich the soil for the growing of vegetables.

Aboriginal persons are responsible for maintaining this vegetable garden and the produce is distributed free of charge to the needy persons of the aboriginal community.



3.2 Deans Road, Airds - Tharawal Aboriginal Corporation - Proposed Construction Of A Community Facility Specialising In Public Health

**STATEMENT OF ENVIRONMENTAL EFFECTS**  
 THARAWAL ABORIGINAL CORPORATION – INNOVATIVE COMMUNITY CLINICAL TEACHING & TRAINING CENTRE

**3.8 Operation and Management**

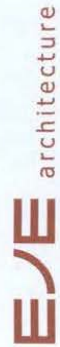
Type of Business: Community Facility (Health Care) including the community health programs

Number of staff: Medical 14 (excluding visiting specialists)  
 Community Health 25 (some are part time)  
 Administration 11  
 Students in training 8 at any one time  
 Total Staff 58

Anticipated clients: 40-60 on a normal day (most clients are picked up and returned by TAC transport)

Hours of Operation: 9.00am to 5.00pm Monday to Friday

Waste Removal: twice a week, before 9.00am or after 5.00pm



### **3.3 No. 40 Lithgow Street, Campbelltown - Construction of a columbarium wall, front fencing and the removal of two significant trees**

#### **Reporting Officer**

Manager Development Services

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#### **Attachments**

1. Recommended Conditions of Consent
2. Locality plan
3. Plans – Site, landscaping and fencing (provided under separate cover)
4. Heritage Impact Statement (provided under separate cover)
5. Arborist Report (provided under separate cover)

#### **Purpose**

To assist Council in its determination of the subject development application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

<b>Property Description</b>	Lot 11, DP 806710 – St David's Church, No. 40 Lithgow Street, Campbelltown
<b>Application No.</b>	2405/2011/DA-O
<b>Applicant</b>	Dr. Lyle Whan
<b>Owner</b>	Trustees Presbyterian Church
<b>Statutory Provisions</b>	Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Campbelltown (Urban Area) Local Environmental Plan 2002
<b>Other Provisions</b>	Campbelltown (Sustainable City) Development Control Plan 2009 Campbelltown City Council Section 94A Development Contributions Plan Campbelltown Development Control Plan No. 83 – Heritage Campbelltown Development Control Plan No. 114 – Trees Development Control Plan No. 87 – Public Notification and Public Exhibition Policy
<b>Date Received</b>	6 December 2011

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## History

The following is a chronology of events in respect to the subject application:

- 6 December 2011 – Subject Development Application lodged with Council
- 19 January 2012 – Letter sent to applicant, requesting additional information
- 9 February 2012 – Application considered at Council's Heritage Protection Sub Committee meeting
- 26 March 2012 – Response provided to Council's letter dated 19 January 2012, including the submission of amended plans
- 10 April 2012 – Council endorses the minutes from the Heritage Protection Sub Committee meeting with the following recommendations:
  1. That Council note that the Heritage Protection Sub Committee acknowledges and agrees with Council's concerns (i.e. the issues outlined in Council's letter dated 19 January 2012)
  2. That Council be requested to also consider contacting the applicant to seek further information and clarification in relation to the driveway and in particular its location, purpose, nature and finish
- 20 April 2012 – During a meeting between Council's Assessing Officer and the applicant, a request was made for additional information in relation to the proposed tree removal
- 20 April 2012 – Application further amended to address Council's issues
- 1 May 2012 – Further additional information provided in relation to the removal of significant trees.

## Report

Council has received a Development Application for the construction of a columbarium wall, front fencing and the removal of two significant trees.

The subject site is an irregular shaped single allotment, with a frontage to Lithgow Street of approximately 90m, a lot depth of approximately 80m and a total site area of approximately 8,620m<sup>2</sup>. Improvements to the site consist of a heritage listed Church building known as St David's Church, a child care centre, outbuildings and associated car parking. The site also contains a group of 'Coastal Grey Box' eucalypts, which are listed as being significant trees, pursuant to the Campbelltown Development Control Plan No. 114 - Trees. Surrounding development consists of a variety of land uses, including commercial, consulting rooms and low to higher density residential premises.

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Council's Heritage Inventory listing for the site, outlines that St David's Church was built in the early 1840s and is of historical significance as one of the oldest buildings in Campbelltown. The Church also has significance for its gothic style construction, and its association with the early architect James Hume who was involved with a number of other important buildings throughout NSW. The building remains visually connected to the former Manse, even though the Manse is now situated on a different allotment of land and held in separate ownership.

A summary of the proposed works, is as follows:

- Construction of a three sided concaved granite columbarium wall
- Construction of a part masonry and part metal front fence
- Removal of two significant trees
- Landscaping works.

The columbarium wall is to provide opportunities to deposit the ashes of cremated former Church members into sections of the wall. The wall is highly polished and will provide a reflection of its surrounds.

### **1. Campbelltown 2025 Looking Forward**

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

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

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

The strategic direction relevant to this application is:

- Protecting and enhancing the City's key environmental assets

The proposed development is considered to be generally consistent with this direction.

The relevant desired outcome relating to the strategic directions included in Campbelltown 2025 include:

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- Development and land use that matches environmental capacity and capability

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

## **2. Planning Provisions**

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

### **2.1 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment**

The proposal does not conflict with any of the relevant provisions of Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, and is therefore considered acceptable in this regard.

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

The subject site is zoned 2 (b) Residential, under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002). The proposed works are ancillary to the existing use of the site as a 'religious establishment', which is permissible and are consistent with the following objectives for the zone:

- (e)(ii) to allow development which is capable of visual integration with the surrounding buildings
- (e)(iii) to allow development which serves the needs of the surrounding population without conflicting with the residential intent of the zone.

Consequently the proposal satisfies the provisions of Clause 9 of LEP 2002.

As the proposed works are located on the site of a Heritage Item listed in Schedule 1 of LEP 2002, the provisions of Clause 43 of LEP 2002, apply to the subject application.

Clause 43 of LEP 2002 states:

The objectives of this plan in relation to heritage are:

- (a) to conserve the environmental heritage of the City of Campbelltown
  - (b) to conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items and heritage conservation areas
  - (c) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved
-

3.3 No. 40 Lithgow Street, Campbelltown - Construction Of A Columbarium Wall, Front Fencing And The Removal Of Two Significant Trees

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- (d) to allow for the protection of places which have the potential to have heritage significance but are not identified as heritage items
- (e) to ensure that the heritage conservation areas throughout the City of Campbelltown retain their heritage significance.

The application is considered to be consistent with these objectives.

Moreover, pursuant to Clause 49 of LEP 2002, consideration must be given to:

"the impact of the proposed development on the heritage significance of the heritage item and of any heritage conservation area within which it is situated."

The applicant has submitted a detailed Heritage Impact Assessment, which supports the proposed development. The Heritage Impact Assessment concludes that the proposal is sympathetic to the site and that the use is appropriate and would reinforce the social significance of the church.

It is considered that the contents of the Heritage Impact Assessment provide an acceptable assessment of the proposal, and that the proposal satisfies the provisions of Clause 49 of LEP 2002.

**2.3 Campbelltown (Sustainable City) Development Control Plan 2009**

The proposal has been considered in accordance with the requirements of the Campbelltown (Sustainable City) Development Control Plan 2009, as per the following compliance table.

Section	Control	Requirement	Proposed	Compliance
2.5	Landscaping	Provision of a detailed landscape plan, which shall enhance the visual character of the development and complement the site, and enhance the existing indigenous flora and fauna characteristics of a site wherever possible.	The application has been accompanied by a detailed landscaped plan, which includes indigenous trees.	Yes
2.11.2(a)	Non-Indigenous Heritage	Any Development Application made in respect to development on land that is occupied by heritage item shall have regard to the Articles of 'The Burra Charter' and the provisions of any relevant Study or Conservation Management Plan.	The application has been accompanied by a detailed Heritage Impact Assessment, demonstrating compliance with such.	Yes

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3.3 No. 40 Lithgow Street, Campbelltown - Construction Of A Columbarium Wall, Front Fencing And The Removal Of Two Significant Trees

2.11.2(b)	Non-Indigenous Heritage	Any development on land occupied by an item of heritage, land in the vicinity of a heritage item or land located within a heritage conservation area shall be designed by a suitably qualified person.	The application has been accompanied by a detailed Heritage Impact Assessment, outlining that the proposal is sympathetic to the heritage qualities of the site.	Yes
2.11.2(c)	Non-Indigenous Heritage	A 'heritage impact statement' shall be submitted with a Development Application relating to land that is occupied by or directly adjoining a heritage item.	The application has been accompanied by a detailed Heritage Impact Assessment.	Yes
2.15.1	Waste Management	A detailed Waste Management Plan shall accompany Development Applications for commercial developments.	A Waste Management Plan has not been provided.	No. However a condition has been included within the recommendation requiring the submission of a Waste Management Plan.

**2.4 Campbelltown Development Control Plan No. 83 – Heritage**

The proposal does not conflict with any of the relevant provisions of Development Control Plan No. 83 and is therefore considered acceptable in this regard.

In accordance with Council's approval of the Heritage Protection Sub Committee recommendations of its meeting held on 9 February 2012, and in particular recommendations 1 and 2 of item 7.2 relating to the subject application:

1. That Council note that the Heritage Protection Sub Committee acknowledges and agrees with Council's concerns (i.e. the issues outlined in Council's letter dated 19 January 2012)
2. That Council be requested to also consider contacting the applicant to seek further information and clarification in relation to the driveway and in particular its location, purpose, nature and finish,

The issues outlined in Council's letter to the Applicant dated 19 January 2012 are considered to be satisfactorily addressed and in accordance with recommendation 2. the applicant subsequently submitted further information which adequately clarified the matters in relation to the driveway.

**2.5 Campbelltown Development Control Plan No. 114 – Trees**

Pursuant to Schedule 1 of the Campbelltown Development Control Plan No. 114, the grouping of 'Coastal Grey Box' eucalypts on the site is listed as significant.

### 3.3 No. 40 Lithgow Street, Campbelltown - Construction Of A Columbarium Wall, Front Fencing And The Removal Of Two Significant Trees

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The applicant submitted a detailed Arboricultural Assessment Report, which discussed 40 trees on the site in the vicinity of the main Church building. The Arboricultural Assessment Report outlined various recommended maintenance measures in respect to the trees, mainly branch pruning works. This application however relates specifically to the removal of two significant trees only.

Council Officers have undertaken a Visual Tree Assessment of the two trees, which were identified as being of poor condition in the Arboriculture Assessment Report.

Council's Tree Officer agrees with the report finding that whilst the trees are significant, they are in poor health and should be removed subject to replacement planting. In this regard, the proposal includes new plantings of 12 indigenous replacement trees (Blueberry Ash). It is therefore considered that the proposal is consistent with the relevant provisions of Campbelltown Development Control Plan No. 114 and is acceptable.

Further to the above, the applicant's heritage consultant has given regard to the proposed tree species listed within the landscape master plan and considers that the proposed landscaping will enhance the existing natural setting. The proposed landscaping is not considered to have a detrimental effect on the heritage value of the site.

## **2.6 Campbelltown City Council Section 94A Development Contributions Plan**

As the estimated value of the proposed works does not exceed \$100,000, development contributions are not applicable pursuant to the provisions of the Campbelltown City Council Section 94A Development Contributions Plan.

## **3. Planning Assessment**

### **3.1 Built Form**

The proposal involves the embellishment of a heritage listed site, reinforcing the use of the site as a Church. Furthermore, the proposed works are in keeping with the existing streetscape, and the architectural form and scale of surrounding development.

### **3.2 Natural Environment**

As previously outlined, the proposal includes the removal of two indigenous trees which are identified as being of poor condition. The removal of these trees is to be offset by a comprehensive landscaping scheme that includes 12 (Blueberry Ash) indigenous replacement trees.

### **3.3 Amenity Impacts**

Given the nature of surrounding uses and the works, it is considered that the proposal is unlikely to detrimentally impact upon amenity levels in the vicinity of the site.

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3.3 No. 40 Lithgow Street, Campbelltown - Construction Of A Columbarium Wall, Front Fencing And The Removal Of Two Significant Trees

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### **3.4 Consultation**

The application was referred to Council's Specialist Support Tree Manager, Council's Acting Team Leader, Building Certification Unit and Council's Environmental Planning Section, for comment. No objections were raised, subject to the inclusion of appropriate conditions which have been included within the recommended conditions of consent.

### **4. Public Participation**

The requirements of Campbelltown Development Control Plan No. 87 did not require the subject application to be notified.

### **5. Conclusion**

The proposed works provide for the provision of an additional facility, for Church members and new fencing, in a manner that is considered sympathetic and supportive to the heritage qualities of the site. Moreover, the proposal is considered to comply with the relevant planning provisions and overall is deemed satisfactory.

### **Officer's Recommendation**

That Development Application No. 2405/2011, for the construction of a columbarium wall and front fencing, and the removal of two trees, at St David's Church, No. 40 Lithgow Street, Campbelltown, be approved, subject to the attached draft conditions.

**Committee Note:** Mr Elliott addressed the Committee in support of the application.

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

That the Officer's Recommendation be adopted.

### **CARRIED**

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

Voting against the Committee's Recommendation: Nil.

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### **Council Meeting 5 June 2012 (Kolkman/Bourke)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 91**

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution: Nil.

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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 be completed in accordance with the approved plan prepared by Distinctive Landscape Design, listed below, and all associated documentation submitted with the application, except as modified in red by Council and / or any conditions of this consent.

**Drawing No.**

138-11.01 (Revision: D)

**Date Received by Council**

26 March 2012

#### **2. Building Code of Australia**

All building work must be carried out in accordance with the provisions of the Building Code of Australia. In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

#### **3. Finishes**

All finishes are to be in accordance with the approved plans. Any proposed alterations to these finishes are considered to be a modification to the Development Consent and require further approval by Council.

#### **4. Tree Removal**

- (1) Approval is granted for the removal of two (2) trees, as shown on the approved plan (Tree # 16 and Tree # 26).
  - (2) All useable tree matter from these trees shall be salvaged for re-use, either in log form, or as woodchip mulch for erosion control or garden beds. Non-salvable materials such as roots and stumps shall be disposed of to a waste management centre or other approved form.
  - (3) The removal or pruning of other trees is not approved by this Development Consent.
-

- (4) The 12 x *Elaeocarpus Reticulatus* (blueberry ash) trees are to be planted within three (3) months of the removal of any of the above trees.

## 5. Landscaping

- (1) The provision and maintenance of landscaping shall be in accordance with the approved plan.
- (2) A suitably qualified landscape consultant / contractor is to be engaged for the undertaking of the landscaping works.
- (3) All plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage.
- (4) All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
- (5) Minimum 75mm depth of organic mulch shall be placed within an area 500mm radius from the base of the 12 x *Elaeocarpus Reticulatus* trees. The mulch shall be free from deleterious and extraneous matter, including soil, weeds, rocks, twigs and the like.

## 6. Fencing

In relation to fencing, approval is limited to front fencing as shown on the approved plans. It is noted, that no approval is issued for any gates or the like within the driveway opening.

## 7. Lighting

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

## 8. Noise

- (1) The use of the premises shall comply at all times with the requirements of the Protection of the *Environment Operations Act 1997*.
  - (2) Should Council at any time become concerned with noise emissions from the site, Council may request the proprietor to undertake acoustic testing, for consideration by Council, at their own cost.
-



**9. Graffiti Removal**

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

**10. Advertising Signs – Separate DA Required**

This consent does not permit the erection or display of any advertising signs.

Most advertising signs or structures require development consent. You should make separate enquiries with Council prior to erecting or displaying any advertising or signage.

**11. Construction Certificate**

Prior to the commencement of any works that require a construction certificate:

- a. The applicant shall obtain a construction certificate for the particular works;
- b. The applicant shall appoint a principal certifying authority; and
- c. The private certifying authority shall notify Council of their appointment no less than two (2) days prior to the commencement of any works

**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.

**12. Structural Engineers Plans and Details**

Prior to the issue of a Construction Certificate, plans and details prepared by a Practising Structural Engineer shall be submitted to the Principal Certifying Authority.

**13. Waste Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's Waste Management Plan is to be completed to the satisfaction of Council.

**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.

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**14. 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.

**15. 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.

**16. 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.

**17. 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.

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**18. 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.

**19. Hoarding / Fence**

Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with Work Cover requirements.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

A separate land use application under Section 68 of the *Local Government Act 1993* shall be submitted to and approved by Council prior to the erection of any hoarding on public land.

**20. Sydney Water**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au), see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

**21. Location of Fencing**

The layout of the fencing must be checked and verified by survey prior to the commencement of works, to ensure that such complies with the approved plans and does not encroach beyond the boundaries of the allotment.

**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.

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## 22. 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.

## 23. 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.**

## 24. Work Zones

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures, including relevant fees, shall be borne by the applicant.

## 25. Protection of Existing Trees

All trees that are to be retained are to be protected by fencing, firmly staked at the drip line / canopy of the tree and maintained for the duration of works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.

## 26. 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.

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## **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of an occupation 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 an occupation certificate.

Note: For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

### **27. Completion of External Works Onsite**

Prior to the principal certifying authority issuing an occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifying authority.

### **28. Arborist Inspections**

(1) The following Arborist Inspections are required and a certificate verifying satisfactory compliance is to be submitted to the Principal Certifying Authority for approval, prior to the issuing of an Occupation Certificate. The inspections are to ensure all trees to be retained in their current conditions during works. The inspections and certificate are to be completed by a Consulting Arborist (who is a member of either the Institute of Australian Consulting Arboriculturists or the National Arborists Association of Australia). The Arborists inspections required are to include:

- (a) Inspection during excavation within 4m of any trees.
- (b) Inspection during construction works.
- (c) Final inspection of trees when all site works are completed.

(2) Copies of the Arborist Inspection Certificates are to be provided to Council's Specialist Support Tree Manager.

### **29. Council Fees and Charges**

Prior to the principal certifying authority issuing an Occupation 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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**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. Environmental Planning and Assessment Act 1979 Requirements**

The *Environmental Planning and Assessment Act 1979* requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

**Advice 2. Provision of Equitable Access**

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

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

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

**Advice 3. Covenants**

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

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**Advice 4. 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 5. Asbestos Warning**

Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by Work Cover NSW), be engaged to manage the proper disposal and handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)  
[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)  
[www.adfa.org.au](http://www.adfa.org.au)  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

Alternatively, call Work Cover Asbestos and Demolition Team on 8260 5885.

**Advice 6. 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).

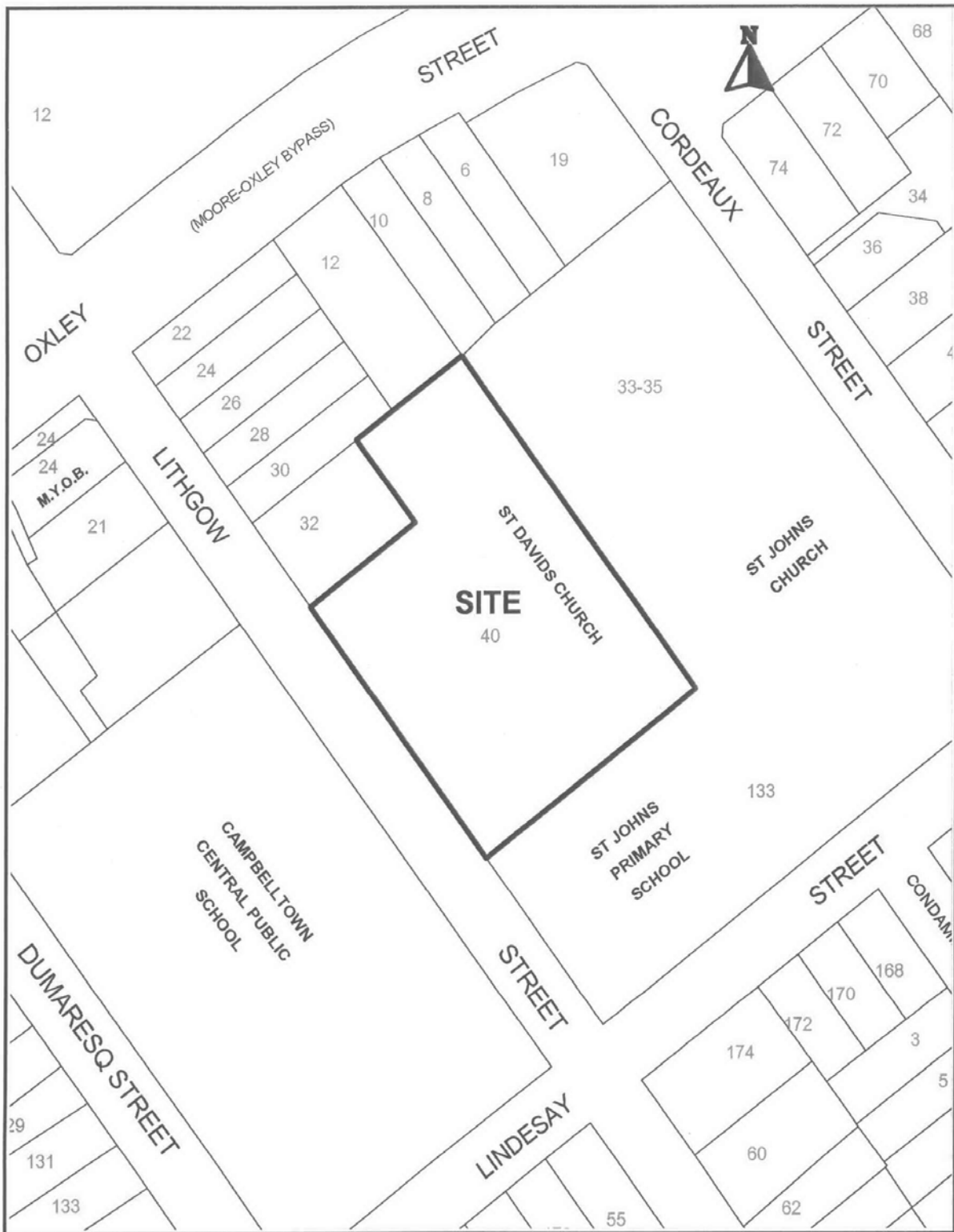
**Advice 7. Telecommunications Act 1997 (Commonwealth)**

Please note that under the *Telecommunications Act 1997 (Commonwealth)* Telstra's written authorisation is required before any person can enter land or undertake work on any Telstra's assets. Any person caught interfering with a facility or installation owned or operated by Telstra is committing an offence under the *Criminal Code Act 1995 (Commonwealth)* and is liable for prosecution. If you are aware of any works or proposed works which may affect or may impact on Telstra's assets in any way please contact Telstra's Network Integrity Team on phone number 1800 810 443.

**END OF CONDITIONS**

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## ATTACHMENT 2



LOCALITY PLAN





### 3.4 Guidelines For Amendments To Development Applications Under Consideration At Planning And Environment Committee Meetings

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## **3.4 Guidelines for Amendments to Development Applications under consideration at Planning and Environment Committee Meetings**

### **Reporting Officer**

Manager Development Services

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### **Attachments**

Nil

### **Purpose**

To respond to Council's request at the Ordinary meeting of Council held 13 March 2012, where it was resolved that a set of guidelines be prepared outlining the conditions under which modifications may be made to Development Applications (DAs) currently being considered at Planning and Environment Committee Meetings.

### **Report**

Applicants frequently amend or modify DAs whilst under assessment by Council's Development Services staff. The amendment may arise in response to a range of reasons such as responding to issues raised by an objector or Council staff, to bring non-complying applications into conformity with Council or State policy, to overcome conflict and harmonise different expert recommendations, to adjust the proposal due to economic imperatives, to adjust the proposal due to a change in the applicant's personal circumstance, to avoid receiving a refusal notice or for other unknown reasons.

Amending a DA prior to determination is permitted under the *Environmental Planning and Assessment Act 1979* and is considered regular practice.

Where a DA has had an assessment report finalised for consideration by the Planning and Environment Committee, and whilst it is legal to amend the proposal at the Committee Meeting and prior to determination, it can become problematic for a number of reasons.

Firstly, it may preclude the opportunity for the community to make submissions on the amended proposal if such re-notification is necessary.

Secondly, the amendments to the DA may potentially be outside the scope of the existing DA that has been reported upon and effectively, the amendment is without assessment.

Thirdly, as the amendment has not been assessed by Council's development planners, the report is effectively silent on the subject amendment.

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### 3.4 Guidelines For Amendments To Development Applications Under Consideration At Planning And Environment Committee Meetings

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With regard to the above, it could therefore be considered inappropriate for the Committee or the Council to accept amendments to a proposal without deferring the DA for consideration to a later Planning and Environment Committee Meeting and to allow for the re-notification (if required) and the amendment of the assessment report to address the amendments proposed.

However, if Council was of a mind to permit a small degree of flexibility for applicants to amend their DAs at the Planning and Environment Committee stage, the guidelines below could serve as a basis to assist Council:

1. The proposed amendment to the DA must be very minor in nature and consistent with the scope of the DA as reported to the Committee
2. The DA should not be the subject of any submissions received by Council objecting to the proposal
3. If the proposed amendment requires the application to be re-notified and/or re-exhibited, the proposed amendment should not be permitted at this late stage without deferring the DA for consideration to a later meeting of the Planning and Environment Committee.

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

That Council not permit applicants to amend Development Applications at the Planning and Environment Committee stage.

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

That the Officer's Recommendation be adopted.

#### **CARRIED**

#### **Council Meeting 5 June 2012 (Kolkman/Bourke)**

That the Officer's Recommendation be adopted.

#### **Council Resolution Minute Number 88**

That the Officer's Recommendation be adopted.

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## **4. COMPLIANCE SERVICES**

### **4.1 Legal Status Report**

#### **Reporting Officer**

Manager Compliance Services

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#### **Attachments**

Nil

#### **Purpose**

To update Council on the current status of the Planning and Environment Division's legal matters.

#### **Report**

This report contains a summary of the current status of the Division's legal matters relating to:

- The Land and Environment Court
- The District Court
- The Local Court
- Matters referred to Council's solicitor for advice.

A summary of year-to-date costs and the total number of actions is also included.

<b>1. Land and Environment Court Class 1 Matters – Appeals Against Council's Determination of Development Applications</b>
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<b>Total ongoing Class 1 DA appeal matters (as at 15/05/2012)</b>	<b>0</b>
<b>Total completed Class 1 DA appeal matters (as at 15/05/2012)</b>	<b>6</b>
<b>Costs from 1 July 2011 for Class 1 DA appeal matters:</b>	<b>\$71,946.41</b>

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**2. Land and Environment Court Class 1 Matters – Appeals Against Council issued Orders / Notices**

Total ongoing Class 1 Order/Notice appeal matters (as at 15/05/2012)	0
Total completed Class 1 Order/Notice appeal matters (as at 15/05/2012)	2
Costs from 1 July 2011 for Class 1 Order/Notices appeal matters:	\$0.00

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**3. Land and Environment Court Class 4 Matters – Non-Compliance with Council Orders / Notices**

Total ongoing Class 4 matters before the Court (as at 15/05/2012)	0
Total completed Class 4 matters (as at 15/05/2012)	1
Total ongoing Class 4 matters in respect of costs recovery (as at 15/05/2012) these matters will be further reported on completion	4
Costs from 1 July 2011 for Class 4 matters	\$1,391.58

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

Total ongoing Class 5 matters before the Court (as at 15/05/2012)	0
Total completed Class 5 matters (as at 15/05/2012)	0
Total ongoing Class 5 matters in respect of costs recovery (as at 15/05/2012) these matter will be further reported on completion	2
Costs from 1 July 2011 for Class 5 matters	\$0.00

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**5. Land and Environment Court Class 6 - Appeals from convictions relating to environmental matters**

Total ongoing Class 6 Matters (as at 15/05/2012)	0
Total completed Class 6 Matters (as at 15/05/2012)	0
Costs from 1 July 2011 for Class 6 Matters	\$0.00

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**6. District Court – Matters on Appeal from lower Courts or Tribunals not being environmental offences**

<b>Total ongoing Appeal matters before the Court (as at 15/05/2012)</b>	<b>0</b>
<b>Total completed Appeal matters (as at 15/05/2012)</b>	<b>1</b>
<b>Costs from 1 July 2011 for District Court Matters</b>	<b>\$1,100.00</b>

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**7. Local Court prosecution matters**

The following summary lists the current status of the Division's legal matters before the Campbelltown Local Court.

<b>Total ongoing Local Court Matters (as at 15/05/2012)</b>	<b>6</b>
<b>Total completed Local Court Matters (as at 15/05/2012)</b>	<b>131</b>
<b>Costs from 1 July 2011 for Local Court Matters</b>	<b>\$7,471.09</b>

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**File No:** LP05/12 – Penalty Notice Court Election  
**Offence:** Double park.  
**Act:** *Road Rules 2008*  
**Costs to date:** \$0.00

**Status:** Ongoing

Matter was before the Court for further mention on 10 April 2012 where the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 23 May 2012 for hearing.

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**File No:** LP08/12 – Penalty Notice Court Election  
**Offence:** Not stand vehicle in marked parking space.  
**Act:** *Local Government Act 1993*  
**Costs to date:** \$0.00

**Status:** Ongoing

Listed for hearing on 28 June 2012.

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**File No:** LP09/12 to LP11/12 – Annulment of Penalty Notices  
**Offence:** Development not in accordance with consent.  
**Act:** *Environmental Planning and Assessment Act 1979*  
**Final Costs:** \$0.00

**Status:** New matters

Listed for first mention on 24 July 2012.

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**File No:** LP12/12 – Penalty Notice Court Election  
**Offence:** Stand vehicle in parking space for disabled without authority.  
**Act:** *Local Government Act 1993*  
**Costs to date:** \$0.00

**Status:** New matter

Listed for first mention on 25 May 2012.

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**8. Matters Referred to Council's solicitor for advice**

Matters referred to Council's solicitors for advice on questions of law, the likelihood of appeal or prosecution proceedings being initiated, and/or Council liability.

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<b>Total Advice Matters (as at 15/05/2012)</b>	<b>12</b>
<b>Costs from 1 July 2011 for advice matters</b>	<b>\$20,484.05</b>

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<b>9. Legal Costs Summary</b>		
The following summary lists the Planning and Environment Division's net legal costs for the 2011 - 2012 period.		
<b>Relevant attachments or tables</b>	<b>Costs Debit</b>	<b>Costs Credit</b>
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$71,946.41	\$0.00
Class 1 Land and Environment Court - appeals against Orders or Notices issued by Council	\$0.00	\$0.00
Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or prosecutions	\$1,391.58	\$5,494.60
Class 5 Land and Environment Court - pollution and planning prosecution matters	\$0.00	\$0.00
Class 6 Land and Environment Court - appeals from convictions relating to environmental matters	\$0.00	\$0.00
Land and Environment Court tree dispute between neighbours matters	\$0.00	\$0.00
District Court appeal matters	\$1,100.00	\$5,709.84
Local Court prosecution matters	\$7,471.09	\$1,415.00
Matters referred to Council's solicitor for legal advice	\$20,484.05	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$102,393.13	\$12,619.44
<b>Overall Net Costs Total (GST exclusive)</b>	<b>\$89,773.69</b>	

### **Officer's Recommendation**

That the information be noted.

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

That the Officer's Recommendation be adopted.

**CARRIED**

### **Council Meeting 5 June 2012 (Kolkman/Bourke)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 88**

That the Officer's Recommendation be adopted.

## **5. GENERAL BUSINESS**

### **5.1 Car Parking - Macquarie Fields Railway Station**

Councillor Thompson noted that car parking spaces for commuters are limited at Macquarie Fields Railway Station and suggested that the vacant blocks in Alexander Crescent and Railway Crescent, Macquarie Fields adjacent to the existing car park could be incorporated into the car park to provide additional car parking spaces.

Councillor Thompson asked the Director City Works if he could investigate the feasibility of converting the vacant land to designated car parking spaces for the use of rail customers.

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

That a report be presented regarding the feasibility of expanding the existing car park on the corner of Alexander Crescent and Railway Parade, Macquarie Fields.

#### **CARRIED**

#### **Council Meeting 5 June 2012 (Kolkman/Bourke)**

That the Committee's Recommendation be adopted.

#### **Council Resolution Minute Number 88**

That the Committee's Recommendation be adopted.

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## **5.2 Land and Environment Court**

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

1. That advice be sought from Council's legal representatives with respect to Development Applications heard by the Land and Environment Court on the issue of difficulties that may have arisen in the past, or have the potential to arise in the future, where the court allows substantial amendments to a development application that in any normal circumstance, such amendment should have been considered by the Council as part of its development assessment process.
2. That feedback be sought from Council's legal representatives on remedies available to Council in relation to the advice sought under Recommendation No.1.
3. That a further report be presented to Council outlining the role, procedures and limits of authority of the Land and Environment Court in so far as they affect amendments to development applications made as part of the court proceedings.

**CARRIED**

### **Council Meeting 5 June 2012 (Kolkman/Bourke)**

That the Committee's Recommendation be adopted.

### **Council Resolution Minute Number 88**

That the Committee's Recommendation be adopted.

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### **Confidentiality Motion: (Hawker/Greiss)**

That the Committee in accordance with Section 10 of the *Local Government Act 1993*, move to exclude the public from the meeting during discussions on the items in the Confidential Agenda, due to the confidential nature of the business and the Committee's opinion that the public proceedings of the Committee would be prejudicial to the public interest.

**CARRIED**

## **18. CONFIDENTIAL ITEMS**

### **18.1 Confidential Information relating to items on the Planning and Environment Agenda 29 May 2012**

#### **Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

There being no further business the meeting closed at 8.33pm.

R Kolkman  
CHAIRPERSON

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