

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 9 October 2012.

APOLOGIES

ACKNOWLEDGEMENT OF LAND

DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

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Minutes of the Planning and Environment Committee held on 9 October 2012

Present Her Worship the Mayor, Councillor S Dobson
Councillor G Greiss (Chairperson)
Councillor R Kolkman
Councillor T Rowell
Councillor D Lound
Councillor A Matheson
Councillor M Oates
Councillor R Thompson
General Manager - Mr P Tosi
Director Planning and Environment - Mr J Lawrence
Manager Sustainable City and Environment - Mr A Spooner
Manager Development Services - Mr J Baldwin
Manager Waste and Recycling Services - Mr P Macdonald
Corporate Support Coordinator - Mr T Rouen
Executive Assistant - Mrs K Peters

Apology Nil

Acknowledgement of Land

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

DECLARATIONS OF INTEREST

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

Pecuniary Interests

Councillor Greiss - Item 2.8 - Nominating Sites as Urban Activation Precincts - Councillor Greiss advised that he resides within an area identified within this report and that he will leave the Chamber and not take part in the debate.

Councillor Thompson - Item 2.8 - Nominating Sites as Urban Activation Precincts - Councillor Thompson advised that he potentially has an interest in a deceased estate that falls within an area identified within this report and that he will leave the Chamber and not take part in the debate.

Non Pecuniary – Significant Interests

Nil

Non Pecuniary – Less than Significant Interests

Nil

1. WASTE AND RECYCLING SERVICES

No reports this round

2. SUSTAINABLE CITY AND ENVIRONMENT

2.1 Review of the trial tree swap program

Reporting Officer

Manager Sustainable City and Environment

Attachments

Nil

Purpose

To inform Council of the results of the trial Tree Swap Program and to seek Council's support for an ongoing weed reduction incentive program for residents.

History

Council's Weed Control Program involves routine private property inspections for the presence of noxious weeds both proactively and in response to complaints received from residents. Whilst it is acknowledged that this approach has merit in terms of educational value, the overall biodiversity outcomes are questionable. Complaints are often linked to neighbourhood disagreements and/or allergy problems (in the case of privet). Largely the areas associated with these complaints do not fall within areas of high biodiversity value but rather residential premises within urban areas.

Moreover, the relevant legislative framework is considered to be limited in its effectiveness. The current Class 4 control order, under the NSW *Noxious Weed Act 1993*, for many species including privet does not require that the plant be removed only that it be prevented from flowering or seeding and thus the same plant can cause the same problem each year. Additionally, as advised in previous council reports, whilst recognised as an environmental threat, other woody weed species (such as African olive) are not declared noxious within the Campbelltown Local Government Area (LGA).

The current inspection process, is resource intensive and onerous and involves at least two and up to four property inspections and the issuing of up to four notices, prior to legal action being undertaken if deemed necessary.

Significant resources are often directed to responding to these complaints. Over the past three years Council officers have undertaken over 1000 inspections and issued 98 weed advice letters and 11 weed control notices. Notwithstanding the labour-intensiveness of this process, the majority of residents have historically responded positively to the initial weed advisory letter, demonstrating their willingness to cooperate with Council and remove identified weed species.

At its meeting on 14 February 2012 Council considered a report on a proposed Tree Swap Program and resolved:

1. That Council commence a six month trial of the 'Tree Swap' Program, as outlined in the body of the report.
2. That a further report evaluating the effectiveness of the Program be provided to Council following the six month trial period.

This report presents the outcomes and evaluation of the effectiveness of the trial Tree Swap Program.

Report

The trial Tree Swap Program was developed to provide an incentive for residents (and land owners) to control weed species on their properties. Under the trial Program residents are encouraged to remove their weed tree(s) and then have the weed tree(s) replaced with a native tree. The replacement native trees are provided free of charge by Council upon confirmation of weed removal. During the trial, the 'swap' was only offered to residents whose properties were the subject of complaints. Residents were advised of the Program through the standard weed advice letter which is forwarded to properties that are subject of complaint. Council's Environmental Project Officer provides the replacement tree upon reinspection of the property and confirmation that the weed species has been removed.

The trial Tree Swap Program was conducted over a six month period from April 2012 to September 2012. The Program targeted three problematic woody weed species commonly found across the LGA, being:

- African olive, *Olea europaea ssp. cuspidata*
- Privet (Broad-leaf), *Ligustrum lucidum*
- Privet (Narrow-leaf), *Ligustrum sinense*.

The majority of the Campbelltown LGA's geology is comprised of Shale Sandstone soils and Cumberland Plain soils, consequently native species offered for replacement were drawn from the list below:

- Coast Myall, *Acacia binervia*
 - Sydney Green Wattle, *Acacia parramattensis*
 - White Sallow Wattle, *Acacia floribunda*
 - Rough Barked Apple, *Angophora floribunda*
 - River Oak, *Casuarina cunninghamiana*
 - Stiff Bottle Brush, *Callistemon rigidus*
 - Spotted Gum, *Corimbia maculate*
 - River Peppermint, *Eucalyptus Elata*
-

- Grey Gum, *Eucalyptus punctate*
- Forest Red Gum, *Eucalyptus tereticornis*
- Prickly Leaved Tea Tree, *Melaleuca styphelioides*
- Bracelet honey myrtle, *Melaleuca armillaris*.

Through the trial Program a total of 45 tree swap brochures were distributed to residents resulting in seven successful and completed 'swaps' with several more currently in progress and close to completion. A total of 680 woody weed trees have been treated, comprising of a mix of broad leaf privet and African olive. A total 78 native trees have been distributed to residents in replacement of the weed trees.

The trial Program was funded through the Weed Action Program (WAP), a NSW Government initiative under the NSW Invasive Species Plan, which aims to reduce the impact of weeds. Expenditure for the trial program (excluding the salary cost of Council's Environmental Project Officer) was only \$300, consisting of \$280 for the purchase of 250 native trees and \$20 for printing of the information brochures.

Should Council resolve to support the ongoing inclusion of the Tree Swap Program into Council's overall weed control program the budget will need to be increased to account for the anticipated increase in community requests during Spring and Summer, noting that the current trial occurred during Autumn and Winter.

Therefore it is recommended that should the Tree Swap Program be adopted and promoted as an ongoing component of Council's Weed Control Program, a maximum budget of \$3000, (dependent upon the availability of WAP funds) would be appropriate.

As part of the trial Program, residents were also provided with advice on noxious and environmental weed species and appropriate control measures. Education of residents is still considered important in reducing ongoing weed population increases and developing an understanding of biodiversity.

The benefits of the trial Program have included:

- removal of 680 noxious weed species which under the regulatory framework may have only been required to be pruned
- revegetation with native trees which will provide habitat for native fauna
- an increase in the native biodiversity and local plant populations
- planting in disturbed areas to discourage the regeneration of weed species
- a reduction in resources associated with the existing compliance program
- an increased community awareness of noxious weed species and their impact.

The Program has addressed many of the objectives identified in the WAP primarily to:

- identify and prioritise weed management projects where benefits are greatest
 - increase community acceptance of, and involvement in, effective weed management
 - integrate weed management into education programs
 - improve the knowledge base for weed management.
-

The trial Program is viewed as having been successful particularly considering it was conducted outside the growing season for noxious weeds. It is anticipated that the Program's expenditure will increase if the program is adopted on an ongoing basis particularly in regard to promotion and the amount of 'swap' trees purchased.

Conclusion

The proposed Tree Swap Program has been developed to provide an incentive for residents to control weed species on their properties. The program has improved biodiversity values within the residential areas of Campbelltown and has inherent educational values regarding the impact of noxious and environmental weed incursions. The Program can be funded through Council's existing WAP funding up to a value of \$3,000 per year.

Therefore it is recommended that the program be adopted as an ongoing component of Council's Weed Control Program and promoted through local media, Council communications, website, events and facilities.

Officer's Recommendation

That Council support the ongoing inclusion of the Tree Swap Program in Council's Weed Control Program.

Committee's Recommendation: (Oates/Kolkman)

1. That Council support the ongoing inclusion of the Tree Swap Program in Council's Weed Control Program.
2. That Council write to the State Government requesting that it implement a control program, on a state wide basis, to eradicate African Olive and other noxious weeds.

CARRIED

Council Meeting 16 October 2012 (Greiss/Matheson)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 174

That the Committee's Recommendation be adopted.

2.2 Community River Health Monitoring Program

Reporting Officer

Manager Sustainable City and Environment

Attachments

Nil

Purpose

To advise Council that the Georges River Combined Councils Committee's Community River Health Monitoring Program recently received the National Urban Landcare Award.

History

The Georges River Combined Councils Committee (GRCCC) is an incorporated association of nine local government councils working in partnership with state and federal government agencies and community representatives to improve the health of the Georges River catchment. The GRCCC represents local government in the Georges River Catchment of NSW. Member councils include Bankstown City, Campbelltown City, Fairfield City, Hurstville City, Kogarah City, Liverpool City, Rockdale City, Sutherland Shire and Wollondilly Shire Councils.

In 2009 the GRCCC received funding from the Federal Government's Caring for Country Program for a water quality monitoring program focused on the Georges River, entitled The Community River Health Monitoring Program. The Program involves the monitoring of macroinvertebrates (aquatic animals), water quality sampling and inspection of riparian vegetation at 47 selected sites along the Georges River catchment. The data collected is being used to produce a series of Program 'report cards' which provide an overall indication of the river's health on a sub-catchment and site by site basis.

The Program aims to gain a greater understanding of the Georges River system. The Program identifies areas of high biodiversity that should be protected in order that river health can be maintained; areas where on-ground catchment improvement works have been effective; areas where remediation works could be carried out in the future; and areas where future investigation may be required. The results will ultimately inform more rigorous studies and assist to guide expenditure for environmental improvement works within the catchment through the identification of problem areas where catchment health may be threatened.

The Program also aims to create an on-going community awareness to allow and encourage residents to be active in their river's management.

Report

The Georges River Community Health Monitoring Program was honoured by winning the 2012 National Urban Landcare Award at the biennial Landcare Australia Awards gala dinner on 5 September 2012 at the Sydney Convention and Exhibition Centre. Former Campbelltown Councillor and Chair of the GRCCC (Julie Bourke) graciously accepted the award on behalf of the Program.

The biennial Awards ceremony celebrates the work of the Landcare community across twelve diverse categories. Fourteen awards in total were presented at the event.

The River Health Monitoring Program competed against each state's Urban Landcare Award winner from 2011.

The event is acknowledged as an opportunity to recognise Landcare volunteers from across Australia, including those being honoured with awards and celebrate the achievements of what is an important and active community movement. The Landcare movement has grown significantly in recent history and the work of the Landcare community is integral in promoting the sustainability and preservation of natural resources.

The Urban Landcare category required the delivery of a project or initiative that inspired and involved an urban population in Landcare. Projects could range from on-ground works to campaigns but had to have demonstrable natural resource management outcomes connected with the city.

The River Health Program has engaged a large number of community members, including approximately 900 volunteers involved in water sampling (including schools and community groups), contributing over 2700 volunteer hours. The Program has created greater awareness and understanding of environmental issues relating to the Georges River, in a highly urbanised catchment. It has engaged project partners from all levels of government, such as the Sydney Metropolitan Catchment Management Authority and the community to work together for long-term environmental management of the River.

Four Georges River Health Monitoring report cards have been produced to date; Spring 2009, Autumn 2010, Spring 2010 and Autumn 2011. The Program has now moved to the production of annual report cards to provide a long term overview of the health of the catchment and greater integrity in data evaluation. The Spring 2011/Autumn 2012 card is currently being prepared and is due to be released in October 2012. Results will be reported to Council in due course.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Matheson/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 16 October 2012 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 174

That the Officer's Recommendation be adopted.

2.3 Campbelltown Golf Course Urban Sustainability Project

Reporting Officer

Manager Sustainable City and Environment

Attachments

Visual documentation showing implementation of on-ground works (distributed under separate cover).

Purpose

To provide Council with information on the outcomes of the Campbelltown Golf Course Urban Sustainability Project.

History

In 2009, Council received \$250,000 funding from the NSW Environmental Trust for an Urban Sustainability Project (USP) focusing on the headwaters of the Bow Bowing Creek within the Campbelltown Golf Course. The Project was managed by Campbelltown City Council in partnership with Campbelltown Golf Club. The project primarily aimed to improve water quality within the catchment and engage with key stakeholders and the local community. The project was completed in August 2012.

In recent history, water quality at the golf course has been affected by operational activities at the golf course, as well as development and residential activities within the surrounding catchment. These activities have resulted in increased sedimentation within dams on the golf course. Consequently, this has contributed to a reduced carrying capacity of the creek system, affecting its ability to cope with floods and to naturally regulate water quality, particularly through summer.

The lack of creek-bank vegetation, in-stream vegetation combined with high levels of impervious and smooth runoff surfaces and channels within the watercourse and catchment has resulted in limited water quality treatment throughout the creek system. The nutrients provided to the creek system from the golf course impact on the ecology of the catchment and ultimately the Georges River. The water quality flowing from the golf course contributes to and may cause a cumulative effect downwards through the creek system ultimately affecting the water quality of the ecologically sensitive Georges River.

Vegetation mapping indicates that the golf course site would have traditionally hosted Cumberland Plain Woodland. Whilst much of the golf course area has been modified and cleared of vegetation, there is still around five hectares of the original woodland remaining across the site. Most of these areas are in poor condition as a result of invasion from environmental woody weeds and vine weeds.

Other existing vegetated areas within the course are limited and lack understory. Vegetated areas across the site also lack effective connectivity with surrounding bushland areas throughout Rosemeadow.

Prior to this project, works at the golf course were undertaken without a holistic assessment of the site and its positioning at the headwaters of Bow Bowing Creek. A need was expressed by both the Golf Club and Council to adopt broad, landscape based sustainable practices in the day-to-day and longer-term, management of the site, to reduce the environmental impacts of the golf course and its operations and improve the quality of the water exiting the site.

The Campbelltown Golf Course USP aimed to identify and prioritise key drivers of environmental degradation at the site and address them through a sustainable Environmental Management Plan (EMP).

Key issues which were identified to be addressed included: water flow; pesticide and fertiliser use, storage and disposal; land remediation; degradation of riparian and wetland vegetation; water quality and noxious aquatic weed outbreaks.

Report

The Campbelltown Golf Course USP was undertaken over a three and a half year period and consisted of three phases.

Phase 1 of the Project focused on project planning, development of the Project Business Plan and the establishment of a Project Steering Committee.

Phase 2 of the Project involved the development of a Sustainable EMP for the site. The EMP was comprised of three components:

- A web-based ISO 14001 conforming Environmental Management System to guide environmental best practice in the operations of the course
- A Waterway Management Plan which guided improvements and long-term management of the waterway system through the course
- An Agronomic Assessment, analysing the health of the soil and playing surfaces throughout the course and providing recommendations for enhancement and remediation.

The EMP describes actions to address these challenges and facilitate the long-term sustainable management of the site. Ultimately the achievement of this planning and action will position Campbelltown Golf Course as a showcase in the promotion and implementation of sustainable golf course management.

Phase 3 of the Project was the implementation of the management actions identified by the Waterway Management Plan and completion of on-ground works, which are further outlined below.

- noxious and environmental weed control
- aquatic weed control in waterways
- wetland plantings
- terrestrial and riparian plantings
- drainage and stormwater treatment improvements.

Noxious and environmental weed control was undertaken over approximately 28,000 m² of the site, targeting woody weeds and vine weeds such as African olive, African boxthorn, moth vine and madeira vine as well as the aquatic weeds; *Ludwigia* and *Myriophyllum aquaticum*.

Instream macrophytes (aquatic plants) were installed in the pools, runs and dams to build surface area within the water column, decrease velocity of flows, filter particles and sediment, help to balance nitrogen and phosphorous and provide habitat for in-stream fauna and birdlife.

No-mow zones have been established along both creek-bank zones and other land-based areas in an effort to boost the capacity for vegetated areas to filter nutrients and pollutants from fairways and greens and increase resilience, particularly in the areas containing remnant native vegetation communities.

Re-planting was undertaken in an effort to regenerate areas of degraded bushland and recreate bushland zones, using species indigenous to the area. In total over 10,000 native trees and plants and over 29,000 wetland and riparian plants have been installed across the course.

The main drainage line through the course was marked by concrete channels intermixed with gabion (rock filled) baskets at inlet points prior to the commencement of the Project. The gabion baskets were not only aesthetically unpleasing but had become infested with weeds and had limited effect in controlling water velocity. Through the Project the majority of gabion baskets along the drainage line were removed.

In an effort to restore some of the original system and its benefits, rocky pools, runs and cascades have been installed along the drainage lines through the course using large sandstone boulders in-filled with smaller rocks. These rocks provide a more natural appearance as well as increasing the diversity of flow and roughness through these areas which were prone to algal blooms. The rocks and respective pools will help to increase oxygen in the water column, slow the water down and facilitate sediment flocculation.

Sediment was removed from strategically selected areas to reduce nutrient levels and to increase the carrying capacity of some pools. This increased carrying capacity will provide far greater stability in water quality throughout the year.

Visual documentation showing the results of the on-ground works under the Campbelltown Golf Course USP are provided in an attachment to this report.

Monitoring

Monthly water quality sampling has been undertaken, since December 2011, in an attempt to monitor the effectiveness of the on-ground works. The results demonstrate that there has been a small decrease in total nitrogen and total phosphorus levels observed at the site since sampling commenced. However, a data set of two years minimum is most likely required to properly understand the natural seasonal variations that occur. Monitoring will continue to be undertaken beyond the life of the Project to gauge the effectiveness of the works and to use as a case study for similar works in other areas of the Local Government Area.

Community Engagement

Community engagement and promotional activities were undertaken throughout the Project including:

- a project launch
- a catchment care day
- community tree plantings
- drain stencilling of 150 drain lids in high traffic areas of the sub-catchment
- tee signage incorporating environmental messages
- promotion of the works and dissemination of educational material.

An ongoing benefit of the Project was the establishment of a Bushcare group on site in June 2012. The group has assisted in promoting biodiversity on site and identifying improvements in environmental practices. The group currently has six members, however many residents have expressed an interest in joining the group and it is anticipated that the group will continue to grow in size in the near future. The group will be an integral part of the legacy of the Campbelltown Golf Course USP.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 16 October 2012 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 174

That the Officer's Recommendation be adopted.

2.4 Minutes of the Camden Gas Community Consultation Committee

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Minutes of the Camden Gas Community Consultation Committee Ordinary Meeting, held on 17 May 2012
2. Minutes of the Camden Gas Community Consultation Committee Extraordinary Meeting, held on 28 June 2012

Purpose

To provide Council with an update on the outcomes of the Camden Gas Community Consultation Committee Ordinary Meeting held on 17 May 2012 and Extraordinary Meeting held on 28 June 2012.

History

The Camden Gas Project (CGP) involves the extraction of methane gas from coal seams in the southern coalfields within the Camden, Campbelltown and Wollondilly Local Government Areas by AGL for natural gas supply to the energy market. The NSW Government is the determining authority for this project, meaning Council's involvement is limited to providing comment on any development proposal by AGL on behalf of the community and considering requests by AGL to access Council land to establish gas extraction infrastructure.

Stages 1 and 2 of the CGP (within the southern portion of the Local Government Area (LGA)) were approved by the NSW Government in July 2002 and September 2008 respectively. In February 2009, AGL lodged an application for Stage 3 of this CGP, which applies to the western and north western sections of the Campbelltown LGA, with the NSW Department of Planning and Infrastructure (DPI). This application was publicly exhibited during October and December 2010 and has yet to be approved.

In 2011 the Camden Gas Community Consultation Committee (CGCCC) was established as a condition of consent for the CGP, to provide a forum for discussion between AGL, the proponent for the CGP, and the community. The CGCCC is comprised of representatives of Campbelltown, Camden and Wollondilly Councils as well as community representatives associated with each of the stages of the CGP.

The General Manager was appointed as Council's representative to the CGCCC on 31 May 2011 and the Director of Planning and Environment as his formal delegate.

Report

A meeting of the CGCCC was held at the Rosalind Park Gas Processing Plant on 17 May 2012. Due to the absence at this meeting of an AGL representative who was scheduled to provide a status update on CGP Stage 3, an Extraordinary Meeting was held on 28 June 2012. This report provides a broad summary of the outcomes of both meetings and highlights issues of relevance to Council. The minutes of both of these meetings, which were formally endorsed at the meeting of the CGCCC held on 16 August 2012, are provided as Attachments 1 and 2 respectively. Copies of presentations referred to in the minutes are available from the Manager Sustainable City and Environment.

Minutes of the Ordinary Meeting held on 17 May 2012

(a) Presentation on a Groundwater Study by the Commonwealth Scientific and Industrial Research Organisation (CSIRO)

An AGL representative provided details of a report on the outcomes of a desktop analysis undertaken by the CSIRO regarding the natural occurrence of BTEX (an acronym that stands for a number of harmful chemicals including Benzene) chemicals in groundwaters within production lease areas held by AGL in NSW and Queensland. The report concluded:

- only a small number of published records of naturally elevated BTEX chemicals in groundwaters existed
- there were records of such chemicals being encountered during drilling operations but their source was uncertain.

An AGL groundwater specialist advised, during the ensuing discussion, that BTEX chemicals have not been recorded in wastewater produced from the operation of gas extraction wells within the Camden Gas Project Area.

(b) Monitoring of the Rosalind Park Processing Plant

An AGL representative provided a summary of emission and noise monitoring being undertaken in regard to the performance of the Rosalind Park Processing Plant. The representative advised that this monitoring identified full compliance by the facility with licence conditions issued by the Environment Protection Authority (EPA).

Note: Subsequent to the meeting and as advised in a Planning and Environment Division Councillor Weekly Memo item dated 24 August 2012, the AGL Group Director reportedly became aware that continuous monitoring of emissions from the facility, in accordance with an EPA licence condition, had not been conducted since 2009. Details of investigations currently being conducted by AGL and the EPA regarding this matter are to be provided at the next CGCCC meeting scheduled for 15 November 2012.

(c) Operations and maintenance of existing approved wells

An AGL representative advised that no coal seam gas drilling has occurred within the CGP area since August 2011, however maintenance activities have been conducted at a number of well sites including wells at Menangle Park and Glenlee.

d) General business

A request for the provision of information on all well locations and their current status was made by the Scenic Hills Association community representative. AGL representatives gave a commitment to provide such information as a recurring agenda item at future meetings.

Minutes of the Extraordinary Meeting held on 28 June 2012

(a) Groundwater Investigation Study

AGL are currently facilitating a Groundwater Investigation Study in response to submissions received on the CGP Stage 3 Application. An AGL representative advised that groundwater monitoring had been conducted at a monitoring bore at Denham Court as part of the preparation of this Study, monitoring locations had also been confirmed at Varroville and Currans Hill (within the Camden LGA).

(b) Update on the Stage 3 (Northern expansion) application

An AGL representative advised that consultation with NSW Government agencies regarding issues raised in submissions had recently concluded. The representative further advised that an application had been lodged with the NSW DPI to classify the project application as a 'State Significant Development' under the amended Part 4 of the *Environmental Planning and Assessment Act 1979*. Views were expressed, during the ensuing discussion, that it was important for all applications (including modification applications to existing approvals) to be publicly exhibited to allow for the associated full impacts to be adequately understood by the community. The Committee subsequently resolved to write to the DPI requesting that any future modification to approval applications be publicly exhibited.

The AGL presentation also included details of proposed amendments to the numbers and location of gas extraction wells contained in the CGP Stage 3 application. These details are not provided with this report in response to a request from AGL that they not be placed in Council's Business Paper until publicly available on its website.

(c) Distribution of brochure by AGL

An AGL representative advised that a brochure providing a project update and map showing the proposed amendments to the CGP Stage 3 application was intended to be distributed to 9,500 households in the project area during the week of 2 July 2012.

Note: The brochure has been reviewed and does not contain any implications for Council.

(d) Modification application at Mt Taurus

An AGL representative advised that the application for an additional gas well at Mt Taurus had been approved by a Planning Assessment Commission on 10 July 2012.

Note: The commencement of drilling operations for a production well at the site in mid July 2012 received coverage in local newspapers (the Macarthur Chronicle on 28 August 2012) and the Sydney Morning Herald (on 23 August 2012).

Council engaged an acoustic consultant to conduct 24 hour noise monitoring (via a noise data logger) at the nearest effected residential premises, the results of this monitoring showed no breach of noise criteria.

Next meeting

The next meeting of the CGCCC is scheduled to be held on 15 November 2012 at the Rosalind Park Gas Processing Plant where the minutes for the meeting held on 16 August 2012 are proposed to be endorsed.

A report providing a summary of the minutes of the 16 August 2012 meeting will be presented to the next available Council meeting following their endorsement.

Officer's Recommendation

That the information be noted.

Committee Note: Ms Kirkby addressed the Committee and circulated a document to Committee members to support her address to the Committee.

Committee's Recommendation: (Thompson/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 16 October 2012 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 174

That the Officer's Recommendation be adopted.

2.5 Master Plan Agreements and Reuse of Rezoning Reports in Bush Fire Prone Areas

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Campbelltown Bush Fire Prone Lands Map (distributed under separate cover)
2. NSW Rural Fire Service Practice Note 4/12: 'In principle' Masterplan Agreements in Bush Fire Prone Areas (distributed under separate cover)
3. NSW Rural Fire Service Practice Note 5/12: Reuse of Rezoning Reports on Bush Fire Prone Land (distributed under separate cover)

Purpose

To provide information to Council on recent Practice Notes provided by the NSW Rural Fire Service relating to the assessment of certain planning and development proposals within bush fire prone land.

History

Assessment requirements for applications for development on bush fire prone land are currently set out in section 79BA of the NSW *Environmental Planning and Assessment Act 1979*. Under this legislation, consent cannot be granted for development on bush fire prone land, other than certain specified development, unless the consent authority:

- (a) is satisfied that the development conforms to the specifications and requirements of the NSW Rural Fire Service document entitled *Planning for Bush Fire Protection 2006*
- (b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service (RFS) as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

Planning for Bush Fire Protection 2006 provides the necessary planning considerations when developing areas for residential uses in residential, rural residential, rural and urban areas within locations identified at being of risk of bush fire as shown on the Campbelltown Bush Fire Prone Lands Map (Attachment 1).

To determine whether a development proposal satisfies the requirements of *Planning for Bush Fire Protection 2006*, consent authorities can either undertake their own assessment, or rely upon a certificate provided by a consultant qualified in bush fire risk assessment.

Where an application is lodged with Council that satisfies the requirements of Planning for Bush Fire Protection 2006, Council is legally required to determine the application without referral to the RFS.

In this respect, the direct role of the RFS in development assessment is generally limited to "integrated development" applications under Section 91 of the *EP&A Act*, where a Bush Fire Safety Authority is required to be issued by the RFS under S100B of the *NSW Rural Fires Act 1997* for residential/rural subdivision of land or for 'special fire protection purposes'.

The RFS also provides additional support and procedural advice in the form of 'Practice Notes' to ensure relevant considerations are taken into account for particular types of development proposals and land use planning. In this respect, the RFS has recently released separate Practice Notes regarding master planning agreements, and the reuse of rezoning reports concerning bush fire prone areas.

Report

NSW RFS Practice Note 4/12: 'In principle' Masterplan Agreements in Bush Fire Prone Areas

Practice Note 4/12 provides best practice guidelines for 'in principle' agreements by the NSW Rural Fire Service for masterplans relating to land located within bush fire prone areas. A full copy of the Practice Note is provided in Attachment 2.

An 'in principle' agreement from the RFS is designed to provide a level of certainty for the master planned development of a subject area, such as a staged release subdivision. However, it is noted that such an agreement is not mandatory and relevant approval/s under Section 100B of the *Rural Fires Act 1997* will still be necessary for subsequent development applications.

An 'in principle agreement' for a master plan can be obtained from the RFS at any stage in the planning process, subject to certain information being submitted for consideration. In general terms, the RFS has advised that it will only accept for consideration, proposals that will result in 100 or more allotments.

NSW RFS Practice Note 5/12: Reuse of Rezoning Reports on Bush Fire Prone Land

Practice Note 5/12 relates to the 'Reuse of Rezoning Reports on Bush Fire Prone Land', and provides guidance on when bush fire assessments prepared as part of a rezoning in a bush fire prone area can be relied upon for subsequent development applications submitted to the NSW RFS. A full copy of the Practice Note is provided in Attachment 3.

The Practice Note clarifies that there are different requirements for assessing the impact of bush fire on each stage of a green field development (rezoning, subdivision, construction), and in most instances, a more detailed bush fire assessment would be required at each subsequent stage of development, irrespective of what was previously approved.

Notwithstanding, the Practice Note advises that it is possible for a single bush fire assessment to be used at multiple stages of a particular development. For example a bush fire report for rezoning that includes an indicative lot layout with relevant bush fire protection measures and a detailed site assessment can then be used at the subdivision stage (if circumstances remain the same).

In some cases, bush fire reports may only need to be updated to include the relevant development, current site characteristics and specific bush fire protection measures in accordance with Planning for Bush Fire Protection 2006. Where this occurs, advice is to be obtained that the original author's intellectual property can be used and that copyright will not be breached.

Conclusion

The NSW Rural Fire Service has released separate Practice Notes dealing with the issues of in-principle master planning agreements, and the reuse of rezoning reports for certain development proposals within bush fire prone areas. The Practice Notes complement the existing legal framework relating to Council's role as the consent authority for certain developments proposed on land located within bush fire prone areas.

Although there are no immediate impacts for any projects currently under assessment by Council, the advice provided by the NSW RFS would potentially apply to future planning and development proposals on land located within bush fire prone areas of the Campbelltown LGA and would need to be relevantly considered as required.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Thompson/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 16 October 2012 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 174

That the Officer's Recommendation be adopted.

2.6 Request for Trees to be added to Council's Significant Tree Register

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. A plan showing the location and photos of the two nominated trees for inclusion in Council's Significant Tree Register (distributed under separate cover)
2. A copy of the inventory sheet for the Forest Red Gum tree located at No. 69 Riverside Drive, Airds (distributed under separate cover).

Purpose

To seek the endorsement of Council to add a Forest Red Gum tree located at No. 69 Riverside Drive, Airds into Council's Significant Tree Register.

History

At the City Works Committee Meeting on 6 December 2011, Councillor Dobson requested that the Director City Works investigate the possibility of adding two trees in Airds to Council's Significant Tree Register (STR). Accordingly, Officers have undertaken further investigation of the two nominated trees, and this report provides a summary of the findings.

Report

The trees nominated for inclusion into Council's STR are as follows:

- A large Forest Red Gum Tree located at No. 69 Riverside Drive, Airds (Lot 1100, DP 1107354).
- A large Forest Red Gum tree located behind Council's Amarina Childcare Centre at No. 26 Southdown Place, Airds (Lot 1119, DP 1107354).

Both trees are of a species associated with remnant Cumberland Plain vegetation and their locations and photos are shown as Attachment 1 to this report.

1. Assessment of the Nominated Trees

Council's STR includes specific selection criteria that need to be considered in assessing the significance of nominated trees. They are:

i. Historic Significance

A tree or a group of trees that is associated with the history of Campbelltown Local Government Area. These include:

- Plantings of trees by a notable person
- Trees planted in association with past or present important event
- A tree that is an important land mark.

ii. Scientific/Botanical Significance

A tree or a group of trees that is:

- Associated with research and educational values, based on integrity, rarity and representative values
- An important genetic value that could provide important and valuable propagating stock. This could include specimens that are particularly resistant to disease or climatic extremes or have a particular growth form.

iii. Cultural Significance

A tree or a group of trees that is associated with aboriginal culture.

iv. Social Significance

A tree or a group of trees that has qualities such as spiritual, political, national and cultural importance reflected by the broader population or smaller community groups.

v. Aesthetic/Landscape Value

A tree or a group of trees that:

- Contributes to the local character of an area by means of qualities related to scale and location
- Contributes significantly to the aesthetic values of the streetscape, or
- Provides a sense of place.

vi. Group/Grove Significance

A group or grove of trees that meets at least one of the significant criteria listed under Council's Significant Tree Register including social, cultural, scientific/botanical values, aesthetic/landscape values, endemic, rarity, habitat or other.

vii. Endemic

A tree or group of trees that is endemic to Campbelltown LGA.

viii. Rarity

A tree species or a group of trees that is:

- Rare in the wild or cultivation or has a very localised distribution
- An outstanding example of its species, including size, form structure and health.

ix. Habitat

A tree or a group of trees is:

- A significant contribution to the integrity of an ecological community, including its role as a seed source or specialised habitat
- A significant habitat element for rare, threatened, priority or locally uncommon or common native species.

x. Other

A tree or a group of trees that has an outstanding significance other than social, cultural, scientific/botanical , aesthetic/landscape , endemic, rarity, habitat . This includes a tree or a group of trees that exhibits an unusual growth form or physical feature, including unusually pruned forms; or a tree that has an unusual trunk size.

Officers from Council's Operational Services and Environmental Planning Sections have undertaken site inspections to assess the condition and the significance of the two nominated trees against the criteria above. The findings of this inspection and assessment are as follows:

- **Nominated Tree at No. 69 Riverside Drive, Airds**

The inspection has confirmed that the tree is a Forest Red Gum (*Eucalyptus tereticornis*) and is in good condition. The tree, which is located on land owned by Council, contributes significantly to the streetscape and the aesthetic values of the locality. It presents a good example of its species in terms of its scale, age and subsequent trunk size, which warrants inclusion under Council's STR. It should be noted that the subject tree does not have any specific historical value.

Therefore it is considered that the tree satisfies the Aesthetic/Landscape Significance Criteria under Councils Significant Tree Register.

A draft inventory sheet for this tree has been prepared and is shown as Attachment 2 to this report.

It is recommended that the tree located at No.69 Riverside Drive, Airds be added to Council's STR.

- **Nominated Tree at the rear of Amarina Childcare Centre**

The inspection of this tree has confirmed that it is one of a number of Forest Red Gum trees (*Eucalyptus tereticornis*) located on land owned by the NSW Department of Housing. The tree is in good condition, however in consideration of the selection criteria, it does not present any special or particular properties that would entitle it to be added to Council's STR. In comparison to the tree at No. 69 Riverside Drive, Airds, this tree is not considered to have the same visual prominence, size and age therefore does not satisfy the aesthetic/landscape value to the same extent. It should also be noted that the subject tree does not have any historical value.

It is recommended that Council not include the tree located at the rear of Amarina Childcare Centre on the Significant Tree Register as it does not satisfy the selection criteria required to be a significant tree.

2. Airds Bradbury Renewal Project

The two parcels of land on which the nominated trees are located are subject to a concept plan for future residential redevelopment as part of the Airds-Bradbury Renewal Project. Within the concept plan for the Airds Bradbury Renewal Project, the property with the tree recommended for the inclusion into the Significant Tree Register is located within a precinct designated as future residential. A future Development Application for subdivision of this precinct into individual allotments will need to take into account the location of this tree as part of the decision process.

Both NSW Department of Family and Community Services and Landcom have been advised of Council's interest in relation to the tree located at No. 69 Riverside Drive Airds and have not offered any objection.

3. Development Control Plan No. 114 Trees

Council's STR is currently included as Schedule 1 of Development Control Plan No. 114 Trees (DCP 114).

Council at its meeting on 12 April 2011, resolved (in part):

"That Council endorse the Significant Tree Register being a 'stand alone' document"

DCP 114 was revised and included as part of draft Volume 1 of Stage 4 of Campbelltown (Sustainable City) Development Control Plan (draft SCDCP). The Draft SCDCP was publicly exhibited last year, and has been substantially revised in light of the outcome of the public exhibition. The outcome of the public exhibition and the revised draft SCDCP will be reported to Council in late 2012. Once Council adopts Stage 4 of the draft SCDCP, DCP 114 will be repealed. Consequently, staff would write to Landcom and the NSW Department of Family and Community Services advising of this administrative procedure and request that no action be undertaken that would compromise the well being of the tree at No. 69 Riverside Drive.

At this stage, for the nominated tree to be legally included under Council's current STR, DCP 114 Trees would need to be amended. Given that DCP 114 Trees is likely to be repealed in the near future, it is considered unnecessary to undertake an amendment to DCP 114 at this time. It would be more appropriate to add the tree to the stand alone STR, once DCP 114 is repealed.

Officer's Recommendation

1. That Council add the Forest Red Gum (*Eucalyptus tereticornis*) located at No. 69 Riverside Drive, Airds into Council's Significant Tree Register.
2. That the inclusion of the Forest Red Gum located at No. 69 Riverside Drive, Airds into Council's Significant Tree Register occur following the repeal of Development Control Plan No 114.
3. That Council advise NSW Family and Community Services of its decision.

Committee's Recommendation: (Greiss/Thompson)

1. That Council add the Forest Red Gum (*Eucalyptus tereticornis*) located at No. 69 Riverside Drive, Airds into Council's Significant Tree Register.
2. That the inclusion of the Forest Red Gum located at No. 69 Riverside Drive, Airds into Council's Significant Tree Register occur following the repeal of Development Control Plan No 114.
3. That Council advise NSW Family and Community Services and Landcom of its decision.

CARRIED

Council Meeting 16 October 2012 (Greiss/Matheson)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 174

That the Committee's Recommendation be adopted.

2.7 Independent Assessment Of Groundwater Flows And Aquifer Behaviour Within The Camden Gas Project Area

2.7 Independent Assessment of Groundwater Flows and Aquifer Behaviour within the Camden Gas Project Area

Reporting Officer

Manager Sustainable City and Environment

Attachments

Nil

Purpose

1. To provide Council with an update on the investigation into obtaining an independent assessment of groundwater flows and aquifer behaviour in the proposed Camden Gas Project Stage 3 area
2. To seek Council support for the engagement of a suitably qualified consultant to undertake a peer review of the Groundwater Assessment prepared on behalf of AGL Energy Ltd.

History

At its meeting on 18 October 2011, Council considered a report on a Groundwater Investigation and Sampling Program being undertaken by AGL Energy Ltd as part of the Camden Gas Stage 3 Project Application. Subsequently at its meeting on 15 November 2011, Council resolved that:

A report be presented outlining details (including costs) of obtaining an independent assessment of groundwater flows and aquifer behaviour in the area proposed for the expansion of the Camden Gas Project and that the report cover whether State and Federal funding may be available for the project

Councillors were provided with a briefing on 19 June 2012 on this matter that outlined advice received from groundwater experts and identified means of responding to the above Council resolution based on this advice.

Report

In response to the above resolution, Council staff initially consulted with groundwater experts from the New South Wales Office of Water, the Sydney Catchment Authority and the National Centre for Groundwater Research and Training (a co-funded centre of excellence of the Australian Research Council and the National Water Commission). All experts advised that computerised modelling in association with bore monitoring was necessary to obtain an accurate and meaningful understanding of groundwater behaviour. The Commonwealth Scientific and Industrial Research Organisation (CSIRO) advised that these activities would cost in the vicinity of \$1m to \$1.5m.

2.7 Independent Assessment Of Groundwater Flows And Aquifer Behaviour Within The Camden Gas Project Area

Council Officers have not been able to identify any suitable funding sources for a groundwater analysis project through either the State or Commonwealth Government at present. Previous funding available through the Commonwealth National Water Commission for groundwater analysis has ceased.

Whilst Council's resolution is beneficial in terms of securing an independent analysis of groundwater behaviour in the Camden Gas Stage 3 Project Area as well as identifying deficiencies in previous groundwater studies, the projected costs are considered to be prohibitive.

Therefore alternative options to address the intent of the resolution including: a lower scale desktop analysis of groundwater within the Project Area or a peer review of the Groundwater Assessment prepared on behalf of AGL Energy Ltd, have been considered. Based on advice received from the aforementioned experts, it was determined that a lower scale desktop analysis alone would not provide a meaningful understanding of groundwater flows and aquifer behaviour.

Subsequently the engagement of a suitably qualified groundwater consultant to conduct a peer review of the report on the Groundwater Investigation and Sampling Program prepared on behalf of AGL has been identified as a more viable and cost-effective approach. The peer review would seek to identify deficiencies within this report particularly in regard to environmental risks to water resources as well as the need for computer modelling. The finalised version of this report, which forms a component of the Response to Submission Report being compiled by AGL, would be peer reviewed by the consultant. It should be noted however, that at this time the Report has not yet been released.

Peer review investigation

A Project Brief was prepared requesting a quotation for the preparation of a report detailing the outcomes of a peer review of the report on the AGL Groundwater Investigation and Sampling Program. The brief was issued to two selected consultants for preparation and submission of quotes to Council.

Council received quotations from the following two consultants:

- CSIRO (\$40,775)
- The Water Research Laboratory (which is attached to the University of New South Wales) (\$16,920)

The quotation from the CSIRO was initially identified as the preferred option due to the higher level of experience (by both the Organisation and nominated staff), specifically in regard to groundwater issues associated with coal seam gas projects. However, subsequent to the briefing to Councillors on 19 June 2012, the CSIRO withdrew its quotation due to the departure of a key officer with expertise in this field. The Water Research Laboratory (WRL) has advised it is still in a position to conduct the peer review and that its initial quote remains valid.

2.7 Independent Assessment Of Groundwater Flows And Aquifer Behaviour Within The Camden Gas Project Area

The CSIRO however forwarded Council's Brief to a recently established Centre for Water in the Minerals Industry (CWMI), which is attached to the University of Queensland. The experience and knowledge of the proposed CWMI project team members in relation to the coal seam gas extraction industry were noted to be of a similar level to the CSIRO quotation. However, the CWMI has subsequently advised that they cannot provide a quotation due to time constraints.

In light of the above, the pursuit of a peer review of the report on the Groundwater Investigation and Sampling Program by Council is considered to remain appropriate given the identified viability and cost-effectiveness of this approach as well as the highly specialised nature of the groundwater environment. Consequently it is recommended that the Water Research Laboratory be engaged to conduct the peer review and provide specialist advice regarding any identified deficiencies in the report that will be of benefit to Council in its representations with the NSW Department of Planning and Infrastructure regarding the Camden Gas Stage 3 Project Application.

Council should be aware that no allocation has been made within the 2012-2013 budget for the funding of the peer review. Consequently, should Council resolve to proceed with obtaining a peer review, a funding source would need to be identified.

Conclusion

A peer review of the report on the Groundwater Investigation and Sampling Program prepared on behalf of AGL Energy Ltd is considered to be an appropriate and cost-effective means of determining if the assessment of groundwater flows and aquifer behaviour within the Camden Gas Project Area as well as potential impacts associated with the Camden Gas Project Stage 3 application on this environment have been adequately addressed. The peer review report would then be utilised by Council to address any deficiencies of the Groundwater Assessment conducted by both AGL with the NSW Department of Planning and Infrastructure during the determination of the Camden Gas Stage 3 Project Application. It is intended that the peer review will enable Council to confirm its position regarding the adequacy of the information submitted in relation to coal seam gas extraction activities (impacts on groundwater resources) in the Camden Gas Project area.

Officer's Recommendation

1. That Council accept the quote from the Water Research Laboratory to undertake a peer review of the report on the Groundwater Investigation and Sampling Program prepared on behalf of AGL Energy Ltd for the Camden Gas Stage 3 Project Area subject to Recommendation 2.
 2. That Council consider funding for the peer review in the first quarterly review of the 2012-2013 budget.
 3. That a further report be provided to Council following the completion of the peer review report.
-

Committee's Recommendation: (Rowell/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 16 October 2012 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 175

That the Officer's Recommendation be adopted.

Councillor Mead asked that his name be recorded in opposition to the Resolution for Item 2.7.

2.8 Nominating Sites as Urban Activation Precincts

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Letter from the NSW Department of Planning and Infrastructure (DP&I) advising Council about the Urban Activation Precinct Program (Distributed under separate cover)
2. Copy of submission to the DP&I on the Draft Guidelines for Urban Activation Precincts (Distributed under separate cover)
3. Letter from DP&I granting Council an extension of time to lodge UAP nominations (Distributed under separate cover)
4. Map of area included in Nomination 1 – The Campbelltown-Macarthur Regional Centre Gateway Precinct (Distributed under separate cover)
5. Map of area included in Nomination 2 – The Glenfield Town Centre and Transport Interchange Precinct (Distributed under separate cover)

Purpose

1. To advise Council about the NSW Department of Planning and Infrastructure's (DPI's) Urban Activation Precinct Program
2. To seek Council's endorsement of the nomination of two areas within the Campbelltown Local Government Area (LGA) as possible Urban Activation Precincts.

History

On 3 July 2012, Council considered a report on Employment Lands in south west Sydney. The report discussed the importance of identifying strategic sites within the Campbelltown LGA for future employment purposes.

The report highlighted the fact that limited land has been zoned or proposed for the development of business parks within south west Sydney. It also explained that this scenario provides a unique opportunity for the Campbelltown LGA to reinforce its strategic importance as the emerging Regional Centre for the south west, and to capitalise on its significant transport linkages and existing unique multi-function higher order education and medical precincts. The report suggested that Council should consider nominating suitable sites for possible future business park development if the opportunity to do so arises.

The report also provided a brief introduction to the concept of Urban Activation Precincts, and the potential opportunity for Council to nominate the Campbelltown-Macarthur Regional Centre Gateway Precinct and the overall Glenfield Precinct as strategic opportunities for local employment generation.

Council resolved to note the information contained within the report.

It is also important to note that parts of the Blaxland-Gilchrist Gateway area (Campbelltown) and part of the Glenfield Precinct were identified in Council's Strategic Employment Lands Study in 2011 as being significant potential sites for business park development.

Councillors received a briefing on a proposed submission in relation to the Urban Activation Precincts on 17 July 2012 where it was decided to request an extension of time to lodge Council's submission.

Report

Urban Activation Precincts

The DPI has recently released draft guidelines for a new Urban Activation Precinct Program (the UAP Program). The Program establishes a process whereby government departments, local councils and other stakeholders would be able to nominate strategic sites for consideration as Urban Activation Precincts (UAPs). Council Staff prepared and lodged a submission on the draft guidelines which acknowledged the potential benefits of the proposed program and highlighted the importance of establishing meaningful partnerships between the NSW Government and Council in developing and implementing the program (see Attachment 2).

Urban Activation Precincts are areas that the Minister for Planning and Infrastructure considers to have broad social, economic or environmental significance for the community or that have the potential for redevelopment at a scale capable of achieving the NSW Government's planning objectives. The NSW Government is aiming to use the UAP Program to substantially increase the supply of land that is well serviced by transport to improve the supply of housing and employment opportunities.

The UAP Program is based on the following principles:

- A strategic based precinct approach to future development
- Involving local councils as integral partners from the outset and throughout the process
- Precincts located in close proximity to existing and planned transport and service infrastructure
- Precincts, zones and development controls that are financially viable, affordable, and reflect market demand and investor feasibility.

Nominations for UAPs will be assessed against the following criteria in order to determine their ability to achieve State and/or regional planning objectives:

1. Is the precinct consistent with State, regional and/or local strategies, particularly relating to housing and employment?
 2. Does the precinct support or maximise the use of existing and planned infrastructure, especially transport?
 3. Is the precinct important to more than one local government area and/or does the proposal have support from the local council?
-

4. Is the precinct environmentally, socially and economically sustainable and viable?
5. Is the development of the precinct financially viable and consistent with market demand?

If the NSW Government agrees that a nominated site meets the selection criteria to be a UAP, the site would be identified in a State Environmental Planning Policy (SEPP) and the Minister for Planning and Infrastructure would have the discretion to zone the land for its intended purpose via a SEPP or a Local Environmental Plan (LEP).

Growth Infrastructure Plans (GIPs) will also be introduced to assist with the coordinated delivery of infrastructure to service development in the UAPs. The GIPs will be prepared by the DP&I in consultation with local councils and State agencies so that identified infrastructure needs can be aligned with government agency asset management plans and achieve better coordination between agencies, in the delivery of infrastructure.

Local councils, who have UAPs identified within their local government areas, will also be able to access funds from a \$50m Precinct Support Scheme (PSS) if they partner with the NSW Government in the development of the identified UAPs. PSS funding will be available in addition to local development levies collected within a UAP and could be provided to fund both social and economic local infrastructure.

Nomination of Potential UAPs with the Campbelltown LGA

On 26 June 2012, Council received a letter from the DPI inviting nominations for potential UAPs by 31 July 2012. The General Manager wrote to the DPI seeking an extension of time in which to lodge a submission. The Director-General agreed to grant Council an extension until the end of October 2012 (see Attachment 3).

Council's Employment Lands Sub Committee met on 27 September 2012 to discuss potential UAP sites and other opportunities for longer term employment generation within the Campbelltown LGA. The Sub Committee agreed that the Campbelltown-Macarthur Regional Centre Gateway Precinct and the Glenfield Town Centre and Transport Interchange Precinct are important strategic sites with the potential to become UAPs. The land proposed to be included in these nominations is identified in Attachments 4 and 5 respectively. The following sections of this report illustrate how the Campbelltown-Macarthur Regional Centre Blaxland-Gilchrist Gateway Precinct and the Glenfield Town Centre and Transport Interchange Precinct address the criteria for UAPs and could form the basis of strong nominations by Council.

The Sub Committee also identified a number of other potential sites and opportunities for longer-term employment generation, subject to further investigation. Additional work will be undertaken in relation to these potential sites and will form the basis of a further report to Council on employment opportunities at a later date.

Nomination 1 – The Campbelltown-Macarthur Regional Centre

The Campbelltown-Macarthur Regional Centre is a primary retail and employment hub within south west Sydney. It contains significant retail and commercial development, a university and TAFE, and both public and private hospitals. It is serviced by the Main Southern Railway Line and both Campbelltown and Macarthur Railway Stations are located within the Centre. The Centre is also accessible via the existing regional road network including the M5, Narellan Road and Appin Road.

The Sub Committee examined the Centre and recommends that a UAP nomination should be prepared for that part of the Centre comprising the portion of the UWS site that is not currently the subject of a development application for residential development, the Bethlehem Monastery site and land identified by Council's adopted Campbelltown Structure Plan for future employment, mixed use and residential apartment development located on the western side of the Great Southern Railway Line (ie the Blaxland-Gilchrist Gateway).

It should be noted that the Bethlehem Monastery site is already the subject of a UAP nomination by the owners of the land for a mixture of land uses. It is understood that the initial proposal includes retention of the site's important landscape features in the vicinity of Narellan Road and protection of the local heritage item known as "The Stations of the Cross".

Nominations are required to include a short statement addressing the criteria contained in the DPI's draft NSW Urban Activation Precincts Guideline, as outlined earlier in this report.

1. Is the precinct consistent with State, regional and/or local strategies, particularly relating to housing and employment?

Yes, the precinct is consistent with State, draft Sub-regional and local planning strategies relating to housing and employment.

The 2005 Metropolitan Strategy identifies the Campbelltown-Macarthur Centre as a Major Centre, while the South West Subregion: Draft Subregional Strategy (the draft South West Strategy) also identifies the Centre as an emerging Regional Centre for south west Sydney. The draft South West Strategy establishes a housing target of approximately 25,000 additional dwellings, with almost 20,000 in the form of infill development, and a target of 26,000 jobs for the Campbelltown LGA by 2031, with at least 8,000 jobs within this Centre. The Campbelltown-Macarthur Centre has the capacity to accommodate a large proportion of infill residential development and extensive employment opportunities with the potential for a business park.

The Campbelltown Employment Lands Review, prepared for Council by specialist consultancy Strategic Economics and Cox Richardson in 2010-2011, reinforces the importance of the Centre for job creation and the potential of land within the precinct to accommodate a future business park linked to the area's established education and medical facilities.

2. Does the precinct support or maximise the use of existing and planned infrastructure, especially transport?
-

Yes, the precinct is located in close proximity to existing road and rail transport and further development within the precinct will be able to utilise the existing infrastructure. It is noted, however, that detailed traffic studies will be required to assess the likely impact of development within the precinct on the existing road network, and particularly on vehicular access and circulation within the Campbelltown-Macarthur Regional Centre. The existing transport linkages are also likely to act as a catalyst for the expansion and embellishment of the precinct and to further enhance the level of services available, particularly in terms of public transport.

It is anticipated that employment opportunities within the precinct could leverage off the University of Western Sydney, particularly its medical school and the surrounding hospital and medical facilities, and also on the specialised learning opportunities provided by the TAFE. It is noted that the NSW Government is currently undertaking a \$140m upgrade of the Campbelltown Hospital and further enhancements are proposed in the future.

3. Is the precinct important to more than one local government area and/or does the proposal have support from the local council?

Yes, the Campbelltown-Macarthur Regional Centre Precinct provides retail, employment, educational and health services and facilities to the broader Macarthur, south west Sydney, and Southern Highlands subregions. Optimising the precinct's potential and achieving appropriate housing and employment growth within the precinct will benefit not only the Campbelltown LGA but also the broader subregions and the greater Sydney Metropolitan Area.

4. Is the precinct environmentally, socially and economically sustainable and viable?

The precinct forms part of the economic focal point for the City of Campbelltown, the wider Macarthur area and the south west subregion. Further appropriate employment generating development and housing development within the precinct will provide opportunities for the enhancement of existing open space and environmental areas within and around the City Centre. The provision of more local housing and local job opportunities will also have broad ranging social benefits.

5. Is the development of the precinct financially viable and consistent with market demand?

Financial viability testing and market appraisals have not been carried out on proposals for future employment generating developments within the Campbelltown-Macarthur Regional Centre or the nominated precinct to date. What is clear, however, is that mechanisms to promote job creation and additional housing opportunities within both the Centre and the precinct are required in both the short and longer term in order to enhance the local availability of jobs and deliver new economic investment maximising the already significant level of infrastructure resourcing apparent in the Centre.

Nomination 2 – The Glenfield Town Centre and Transport Interchange Precinct

The Glenfield Town Centre and Transport Interchange Precinct has the potential to become a primary housing and employment hub within south west Sydney. It contains significant land holdings that could be redeveloped to take advantage of the substantial investment being made into public transport in the area. The precinct is already serviced by the Main Southern Railway Line and Glenfield Railway Station is located within the Precinct. The new South West Rail Link, that is currently being constructed, will further improve accessibility to and from the precinct.

In accordance with Council's policy position to maintain Hurlstone Agricultural High School, the Sub Committee believes that for the purposes of the nomination, the precinct should be limited to land on the eastern side of the Main Southern Railway Line.

However, the Sub Committee acknowledged that the precinct does have some limited potential to be expanded in the longer term to possibly include certain land on the western side of the railway line (comprising some of the Hurlstone Agricultural High School site and parts of other landholdings adjacent to the school that are currently held Government ownership). This potential future expansion is consistent with the findings of the Campbelltown Employment Lands Review that identify the potential of government land in the vicinity of Hurlstone to accommodate a future business park linked to the existing educational facilities that are of regional importance.

1. Is the precinct consistent with State, regional and/or local strategies, particularly relating to housing and employment?

Neither the Metropolitan Strategy nor the draft South West Strategy identifies the Glenfield Town Centre and Transport Interchange Precinct as an important area for future housing and employment development. However, these documents largely predate the commitment to the major capital investment being made in the South West Rail Link and its associated infrastructure, and the subsequent impacts that this infrastructure investment will have on the existing town centre and broader locality.

2. Does the precinct support or maximise the use of existing and planned infrastructure, especially transport?

This precinct provides an opportunity for large scale urban redevelopment in close proximity to major public transport infrastructure and a significant regional education facility. Travel time by rail to the Sydney CBD is as quick as 40 minutes.

3. Is the precinct important to more than one local government area and/or does the proposal have support from the local council?

While the Glenfield Town Centre currently operates as a local centre for the residents of Glenfield and users of Glenfield Railway Station, its prime location at a major railway junction (Airport and East Hills Line, South Line, Cumberland Line and South West Rail Link) and transport interchange will increase the Centre's importance as a subregional transport hub.

4. Is the precinct environmentally, socially and economically sustainable and viable?

The Glenfield Town Centre is considered to be an underperforming one (in terms of the density of housing and commercial development as well as the overall level of investment in development) in its current form. Redevelopment to revitalise the Centre that capitalises on the opportunities created by the significant investment in public transport infrastructure in close proximity to the Centre, is required in the short to medium term. Revitalising the centre will improve its economic viability, amenity, social appeal and environmental sustainability.

5. Is the development of the precinct financially viable and consistent with market demand?

Financial viability testing and market appraisals have not been carried out on proposals for future residential and mixed used redevelopment, within the Glenfield Town Centre and Transport Interchange Precinct. However, both redevelopment and new development within this precinct have the potential to leverage off the significant investment in public transport infrastructure in Glenfield. The age of and level of investment in the existing commercial buildings and general dwelling stock also indicates that the area is suitable for redevelopment in the short term.

Assessment of Urban Activation Precincts

The DPI's Draft NSW Urban Activation Precincts Guideline indicates that the following process will be used to determine whether particular precincts should be recommended for further investigation:

1. The DPI will consult with the relevant local councils and State agencies.
 2. An inter-agency committee, chaired by the DPI will review nominations for potential UAPs and provide advice on whether or not particular UAP proposals should proceed.
 3. Working groups with local councils and State agencies will be established to investigate and discuss potential UAPs, and will meet regularly during the detailed investigation process.
 4. Working groups will be responsible for preparing objectives and targets (an 'outcomes brief') and planning study and consultation requirements for each UAP.
 5. Most UAPs will require a range of detailed planning studies and investigations, including detailed infrastructure and funding plans and the development of a code based assessment framework to streamline development assessment within the UAP.
 6. Each identified UAP will be subject to a formal public exhibition process for at least 30 days. Stakeholder information sessions will be held and community reference groups may also be established by the DPI where deemed appropriate.
 7. In some cases a UAP proposal may be amended in light of the comments received during public consultation.
 8. The Director-General of Planning and Infrastructure will then provide recommendations to the Minister about the proposed UAP.
 9. The Minister may seek advice from the Planning Assessment Commission including independent assessment of any aspect of the proposal or the holding of public hearings.
 10. If the Minister decides to proceed with the preparation of a new statutory framework for a UAP, a SEPP will be made that contains the planning framework, zoning and controls for the UAP, including controls for exempt and complying development (if appropriate).
-

11. The Minister will decide if the land will be rezoned via a SEPP or an LEP.
12. Once rezoned, a UAP will be subject to a Growth Infrastructure Plan (GIP) to ensure coordinated delivery of State infrastructure for the UAP. The relevant local council(s) will also be able to access funding under the Precinct Support Scheme (PSS) to assist with the provision of local infrastructure.

Conclusion

Both the Campbelltown-Macarthur Regional Centre Gateway Precinct and the Glenfield Town Centre and Transport Interchange Precinct have the potential to significantly increase the supply of housing and employment opportunities within the Campbelltown LGA and achieve greater regional independence and community sustainability. The precincts are well-serviced by existing and proposed future rail, bus transport and road linkages and could provide appropriate locations for future business parks that leverage off existing facilities, infrastructure and existing economic investment (both private and public).

It is therefore considered appropriate for Council to nominate the identified lands as Urban Activation Precincts.

Officer's Recommendation

1. That Council endorse the nominations of:
 - a. the Campbelltown-Macarthur Regional Centre Gateway Precinct; and
 - b. the Glenfield Town Centre and Transport Interchange Precinct,as Urban Activation Precincts and forward these nominations to the NSW Department of Planning and Infrastructure for its consideration, subject to the NSW Government making a commitment to the preparation and implementation of Growth Infrastructure Plans and access to relevant funding under the Precinct Support Scheme for these projects.
2. That Council advise landowners within the nominated areas about the subject nominations and foreshadow their possible future involvement with the advancement of these nominations.

Having declared an interest in regard to Item 2.8, Councillors Greiss and Thompson left the Chamber and did not take part in debate nor vote on this item.

In the absence of the Chairperson, Her Worship the Mayor, Councillor Dobson assumed the Chair.

Committee's Recommendation: (Kolkman/Oates)

That a decision in this item be deferred to allow all new Councillors to be fully briefed on all issues pertaining to this matter.

CARRIED

At the conclusion of the discussion regarding Item 2.8, Councillor Greiss and Thompson returned to the Chamber for the remainder of the meeting. Councillor Greiss reassumed the Chair for the remainder of the meeting.

Council Meeting 16 October 2012

Having declared an interest in regard to Item 2.8, Councillors Greiss and Thompson left the Chamber and did not take part in debate nor vote on this item.

Council Meeting 16 October 2012 (Lake/Hawker)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 176

That the Committee's Recommendation be adopted.

At the conclusion of the discussion regarding Item 2.8, Councillor Greiss and Thompson returned to the Chamber for the remainder of the meeting. Councillor Greiss reassumed the Chair for the remainder of the meeting.

2.9 Edmondson Park Urban Release Area - Heritage Matters

Reporting Officer

Manager Development Services and Manager Sustainable City and Environment

Attachments

1. Aerial Map showing proposed curtilage Mont St Quentin Oval (distributed under separate cover)
2. Site Map/Location of Mess Hall proposed for demolition (distributed under separate cover)

Purpose

To update Council on heritage matters relating to the Edmondson Park Urban Release Area.

History

Council has recently been involved with a number of matters relating to the Edmondson Park Urban Release Area, including the treatment and management of Mont St Quentin Oval and heritage issues relating to the existing mess hall building (formerly part of the Ingleburn Army Camp). Previously approval was granted by the Planning Assessment Commission on 18 August 2011 under Part 3A of the *Environmental Planning and Assessment Act 1979*, for a Concept Plan for the development of approximately 413 hectares of land known as the Edmondson Park Urban Release Area.

The following report provides an update for Council on the current status of those items.

Report

Mont St Quentin Oval

The Heritage Branch of the NSW Office of Environment and Heritage has been investigating the listing of the Ingleburn Military Precinct and the Mont St Quentin Oval on the State Heritage Register (SHR). The Mont St Quentin Oval is located within the Campbelltown Local Government Area and is part of the Edmondson Park South Urban Release Area. It is also listed as a heritage item in Campbelltown (Urban Area) Local Environmental Plan 2002 as an item of National heritage significance. However, it should be noted that when Council prepares its new comprehensive Local Environmental Plan based on the Standard Instrument Template, heritage items will only be able to be identified as being of local or State significance.

Council staff have been liaising with representatives from the NSW Heritage Branch to discuss the proposed SHR listing and the potential impacts that such listing might have on the future treatment and use of the Oval and its immediate surrounds. As a result of this liaison, a draft list of works that Council should be able to undertake without requiring Heritage Council approval has been prepared. These works are referred to formally as 'exemptions' and include the following matters:

- the use of the Oval as a football and cricket venue
- the erection of goal posts
- the inclusion of line markings
- the erection of a picket fence
- the erection/installation of score boards
- the laying of a synthetic cricket pitch
- lighting to 100 lux
- changes to internal and external lighting (that do not impact on heritage values);
- perimeter fencing in the vicinity of the Oval
- works and activities associated with the installation of an irrigation system and water tanks (that do not affect archaeological relics)
- installation of bubblers and seating surrounding the Oval (that does not impact on heritage significance)
- installation of temporary hoardings, if required, when facades are undergoing maintenance or conservation
- all standard exemptions (that apply to all SHR items in NSW)
- the installation and maintenance of memorials (and associated works and activities) carried out in accordance with a Conservation Management Plan (CMP) that has been endorsed by the NSW Heritage Council
- relocation of the former hospital gates to within the Mont St Quentin Oval Precinct, provided that the relocation does not impact on heritage significance, and as recommended in a CMP that has been endorsed by the NSW Heritage Council
- any other activities, works, events and uses identified as exempt in a Conservation Management Plan (CMP) that has been endorsed by the NSW Heritage Council.

A CMP is a document, prepared in accordance with the requirements of the *Heritage Act 1977*, that provides the policy framework and recommendations for the ongoing protection of the heritage significance of a property. A CMP will be required for this heritage item, and will be used to identify other development and works that may be required to facilitate the ongoing active use of the Oval. The NSW Heritage Branch has also advised that funding for the preparation of a CMP may be available.

More significant development and works within the proposed curtilage, such as the installation of new buildings, would require both development consent and approval from the NSW Heritage Council.

On 3 August 2012, the NSW Heritage Council considered a report on the listing of the Ingleburn Military Precinct and the Mont St Quentin Oval on the SHR. It made a recommendation to the Minister for Environment and Heritage that the listing should occur and that the agreed exemptions should be endorsed. Council will be provided with further information once the Minister has made a decision.

Lot 2 DP 1144667 Campbelltown Road, Bardia - DA 1222/2012/DA-DEM for the demolition of an existing mess hall building (formerly part of the Ingleburn Army Camp)

The abovementioned development application has been lodged with Council. The site is contained within the Edmondson Park South Urban Release Area.

The former Ingleburn Army Camp was purchased by Landcom and is currently being subdivided and developed for residential purposes. The application to undertake such works was approved by the Minister for Planning under Part 3A of the *Environmental Planning and Assessment Act 1979* in August 2011. As part of the approval process, the Minister considered several items of heritage significance across the former Camp site, including the mess hall buildings, which were used from their construction in c1955 until the mid-1990s.

The mess halls were listed as items of local heritage significance pursuant to Council's Urban Area Local Environmental Plan 2002, for the association with the expansion of the Army Camp as a training school after the Korean War and following the introduction of the National Service Scheme. However, it would appear that the buildings have not been maintained since the mid-1990s and are in an extremely dilapidated and vandalised state.

As part of the Minister's consideration of the rezoning and development of the former Camp site for residential purposes, the condition of the mess halls was considered, however, given their dilapidated state, they in effect were 'de-listed' as heritage items and approval was granted by the Commonwealth Government for the Department of Defence to demolish and remove the structures. The Department of Defence did not undertake the work prior to the site's sale to Landcom, and as such, Landcom has made an application to Council to undertake the works.

A heritage impact statement has been submitted with the development application, which discusses the site's history and role that the buildings played in its operation. The statement also discusses the significance of the item and its poor structural state. It has again been recommended that the buildings be demolished. The statement does, however, also recommend photographic recording of the buildings prior to demolition, which has already been undertaken.

Several other items and places of heritage significance throughout the Camp site would be protected under the rezoning and residential development works, including the Mont St Quentin Oval, parts of the Village Precinct and Bardia Barracks Lecture Hall.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Thompson/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 16 October 2012 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 174

That the Officer's Recommendation be adopted.

3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics - August 2012

Reporting Officer

Manager Development Services

Attachments

Development Services Application Statistics for August 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 August 2012 as they affect the Development Services Section.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 16 October 2012 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 174

That the Officer's Recommendation be adopted.

4. COMPLIANCE SERVICES

4.1 Legal Status Report

Reporting Officer

Acting Manager Compliance Services

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 for the 2012-2013 period as they relate to:

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

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

1. Land and Environment Court Class 1 Matters – Appeals Against Council's Determination of Development Applications
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Total ongoing Class 1 DA appeal matters (as at 18/09/2012)	0
Total completed Class 1 DA appeal matters (as at 18/09/2012)	0
Costs from 1 July 2012 for Class 1 DA appeal matters:	\$119.40

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

Total ongoing Class 1 Order/Notice appeal matters (as at 18/09/2012)	0
Total completed Class 1 Order/Notice appeal matters (as at 18/09/2012)	0
Costs from 1 July 2012 for Class 1 Order/Notices appeal matters:	\$0.00

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

Total ongoing Class 4 matters before the Court (as at 18/09/2012)	0
Total completed Class 4 matters (as at 18/09/2012)	0
Costs from 1 July 2012 for Class 4 matters	\$0.00

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

Total ongoing Class 5 matters before the Court (as at 18/09/2012)	0
Total completed Class 5 matters (as at 18/09/2012)	0
Costs from 1 July 2012 for Class 5 matters	\$0.00

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

Total ongoing Class 6 matters (as at 18/09/2012)	0
Total completed Class 6 matters (as at 18/09/2012)	0
Costs from 1 July 2012 for Class 6 matters	\$0.00

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

Total ongoing Appeal matters before the Court (as at 18/09/2012)	0
Total completed Appeal matters (as at 18/09/2012)	0
Costs from 1 July 2012 for District Court matters	\$0.00

7. Local Court prosecution matters

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

Total ongoing Local Court Matters (as at 18/09/2012)	1
Total completed Local Court Matters (as at 18/09/2012)	9
Costs from 1 July 2012 for Local Court Matters	\$766.00

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

Status: Completed

The matter was before the Court for plea/mention on 14 August 2012 where the defendant, Capitol Constructions Pty Limited, entered a guilty plea to all three matters. After considering the evidence and submissions the Magistrate found the offences proved and convicted the defendant in respect of the principal offence matter of 'commence work without a construction certificate' imposing a fine of \$3000 and dismissed the other two offence matters without penalty under section 10(1)(a) of the *Crimes (Sentencing Procedure) Act 1999*. An order for \$81 Court costs was also made.

File No: LP13/12 – Penalty Notice Court Election
Offence: Transport Waste to Unauthorised Facility
Act: *Protection of the Environment Operations Act 1997*
Costs to Date: \$385.00

Status: Completed, awaiting solicitors final costs invoice.

The matter was before the Court for defended hearing on 3 September 2012 where the defendant maintained a not guilty plea. After hearing the evidence and submissions the Magistrate found that the offence had not been proved to the criminal standard of beyond reasonable doubt, accordingly the offence matter was dismissed.

File No: LP14/12 – Penalty Notice Court Election
Offence: Not comply with Clean-up Notice.
Act: *Protection of the Environment Operations Act 1997*
Costs to Date: \$385.00

Status: Completed, awaiting solicitors final costs invoice.

The matter was before the Court for defended hearing on 3 September 2012 where the defendant, Darren Robert Woods, maintained a not guilty plea. After considering the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing an \$800 fine and an order for \$455 clean-up notice administration fees, \$260 waste clean-up fees, \$800 legal fees, and \$81 Court costs.

File No: LP17/12 – Court Election of Penalty Notice
Offence: Disobey no-stopping sign – school zone.
Act: *Road Rules 2008*
Final Costs: \$0.00

Status: Completed

Matter was before the Court for first mention on 21 August 2012 where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved; however, having regard to the circumstances of the offence a determination was made that the charge be dismissed without penalty or costs under section 10(1)(a) of the *Crimes (Sentencing Procedure) Act 1999*.

File No: LP18/12 & LP19/12 - Court Election of Penalty Notices
Offence: Not register 6-month old companion animal x 2
Act: *Companion Animals Act 1998*
Final Costs: \$0.00

Status: Completed

The matter was before the Court for further mention on 14 August 2012 where the Court granted Council's application to withdraw the proceedings.

Following the first mention appearance, the defendant submitted a statutory declaration to Council declaring that Council's correspondence concerning the registration of the dogs was not received, which it was asserted was due to postal difficulties (missing mail) at that time. In support of the assertion correspondence between the defendant and Australia Post concerning the difficulties was produced.

Having regard to the defendant's statutory declaration, and that prompt action was taken to register the dog following the issue of the penalty notice, Council's Legal and Policy Officer determined that it was not in the public interest to pursue the prosecution and that the issue of a written caution was appropriate in this instance.

File No: LP20/12 – Court Election of Penalty Notice
Offence: Disobey no-stopping sign.
Act: *Road Rules 2008*
Costs to Date: \$0.00

Status: Ongoing

Listed for defended hearing on 4 October 2012.

8. Matters Referred to Council's solicitor for advice

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

Total Advice Matters (as at 18/09/2012)	2
Costs from 1 July 2012 for advice matters	\$1,305.60

9. Legal Costs Summary		
The following summary lists the Planning and Environment Division's net legal costs for the 2012/2013 period.		
Relevant attachments or tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$119.40	\$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	\$0.00	\$0.00
Class 5 Land and Environment Court - pollution and planning prosecution matters	\$0.00	\$0.00
Class 6 Land and Environment Court - appeals from convictions relating to environmental matters	\$0.00	\$0.00
Land and Environment Court tree dispute between neighbours matters	\$0.00	\$0.00
District Court appeal matters	\$0.00	\$0.00
Local Court prosecution matters	\$766.00	\$0.00
Matters referred to Council's solicitor for legal advice	\$1,305.60	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$2,191.00	\$0.00
Overall Net Costs Total (GST exclusive)	\$2,191.00	

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Rowell/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 16 October 2012 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 174

That the Officer's Recommendation be adopted.

4.2 Annual Report on the Planning and Environment Division's Legal Proceedings

Reporting Officer

A/Manager Compliance Services

Attachments

Planning and Environment Division's Legal Proceedings for the period 1 July 2011 to 30 June 2012

Purpose

To update Council on the status of the Planning and Environment Division's legal proceedings for the period 1 July 2011 to 30 June 2012.

Report

Marked as Attachment 1 to this report are tables indicating particulars relating to all legal proceedings undertaken, together with costs incurred for the period 1 July 2011 to 30 June 2012.

The tables provide details of:

- | | |
|---------|---|
| Table 1 | Class 1 proceedings in the NSW Land and Environment Court (L&EC) dealing with appeals against Council's determination of development applications. |
| Table 2 | Class 1 proceedings in the L&EC dealing with appeals against the terms of Orders or Notices issued by Council. |
| Table 3 | Class 4 proceedings in the L&EC dealing with civil enforcement for non-compliance with Orders or Notices issued by Council. |
| Table 4 | Clause 5 proceedings in the L&EC dealing with criminal prosecution of alleged pollution offences and various breaches of environmental and planning laws. |
| Table 5 | Class 6 proceedings in the L&EC dealing with appeals from convictions relating to environmental matters. |
| Table 6 | Proceedings in the NSW District Court dealing with appeals from convictions in the Local Court not being environmental offences. |
| Table 7 | Proceedings in the Consumer, Trader and Tenancy Tribunal dealing with civil disputes of a commercial nature between Council and its customers. |
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Table 8	Proceedings in the Local Court dealing with prosecution matters in response to various offences under the legislation specified in column 2 of the table.
Table 9	Cost of advice obtained from Council's contracted panel of solicitors that relates to various matters that may also include proposed court proceedings.
Table 10	Summary of 2011/2012 net costs
Table 11	Comparison with previous financial year's costs

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Rowell/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 16 October 2012 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 174

That the Officer's Recommendation be adopted.

ATTACHMENT 1

**Planning and Environment Division
 Legal Proceedings Matters
 for the period 1 July 2011 to 30 June 2012**

Land and Environment Court Matters

Case No.	Matter	Status	Costs Incurred
10686/2011	DA 1747/2010/DA-U, appeal against Council's refusal of the development application seeking consent to use of an existing dwelling as a boarding house. Lot 392 DP 32084 No. 141 Lindesay Street, Campbelltown.	The Court upheld the applicant's appeal and granted conditional consent for the development. Proceedings completed.	Final Costs \$28,468.27
10888/2011	DA 300096/1998/DA-U/A, appeal against Council's refusal to modify the terms of the original development consent for use of the premises as a brothel. Lot 3 DP 28853 No.13 Lincoln Street, Minto.	The Court upheld the applicant's appeal and granted conditional consent to the modifications sought, subject to a 2-year trial of the extended operating hours. Proceedings completed.	Final Costs \$19,311.00
10985/2011	DA 1416/2011/DA-C, amended appeal against condition 55 (road widening) of the consent in respect of the development consent for a commercial building and associated car-parking. Lot 6 Section 4 DP 2913 No.34 Carlisle Street, Ingleburn.	The Court upheld the applicant's appeal and granted amended conditional consent by deletion of condition 55 and amending condition 1 to incorporate the plans relating to the original development consent. Proceedings completed.	Final Costs \$8,517.63
11139/2011	DA 1863/2011/DA-C, appeal against Council's deemed refusal of the development application seeking consent for use of a building for a liquor store and associated building modifications and advertising signage. Lot 1 DP 1165316 No.4 Rennie Road, Campbelltown.	By consent the applicant discontinued the appeal. Proceedings completed.	Final Costs \$22,844.15

Case No.	Matter	Status	Costs Incurred
N/A	Nil matters during 2011/2012 period.	N/A	\$0.00

TABLE 3 - Class 4 – Civil Enforcement for Non-compliance with Council Orders or Notices			
Case No.	Matter	Status	Costs Incurred
41060/2010	Application by Council to confirm its Orders 6 and 15 issued to the property owner under the Section 121B of the Environmental Planning and Assessment Act 1979 requiring fire safety rectification works to be undertaken on the property. The orders were not fully complied with, despite extensions of time being granted to the property owner.	Court Orders made against the applicant including costs. Proceedings completed.	Final Costs \$8,075.15

TABLE 4 - Class 5– Criminal prosecution of alleged pollution offences and various breaches of environmental and planning laws.			
Case No.	Matter	Status	Costs Incurred
N/A	Nil matters during 2011/2012 period; however, late costs from previous matters carried forward into the period.	N/A	Final Costs \$143.20

TABLE 5 - Class 6 - Appeals from convictions relating to environmental offences.			
Case No.	Matter	Status	Costs Incurred
N/A	Nil matters during 2011/2012 period.	N/A	\$0.00

District Court Matters

TABLE 6 - District Court NSW – Appeals from convictions in the Local Court not being environmental offences.			
Case No.	Matter	Status	Costs Incurred
08/10/2008	Cost recovery action following the appellant's unsuccessful appeal against a decision in the Consumer, Trader and Tenancy Tribunal. Council was joined in the appeal proceedings as a consequence of its decision to refuse development application 2593/2007/DA-DW.	Agreement on costs settlement reached and payment made to Council. Cost recovery action completed.	Final Costs \$1,100.00

Consumer, Trader and Tenancy Tribunal Matters

TABLE 7 – Consumer, Trader and Tenancy Tribunal – civil disputes of a commercial nature between Council and its customers.			
Case No.	Matter	Status	Costs Incurred
N/A	Nil matters during 2011/2012 period.	N/A	\$0.00

4.2 Annual Report On The Planning And Environment Division's Legal Proceedings

Local Court Matters

TABLE 8 - Prosecution for various offences under nominated legislation.					
File No.	Act and Offence	Status	Fine imposed	Costs awarded to Council	Costs Incurred
LP18/11 to LP21/11	Companion Animals Act – various charge matters relating to the keeping and relocation of restricted dogs.	Plea – Not Guilty. Charges withdrawn. Proceedings completed.	N/A	N/A	Final Costs \$4894.09
LP22/11	Environmental Planning and Assessment Act – development (dwelling additions) undertaken without consent.	Plea – Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	\$1,250	Final Costs \$2,096
LP23/11 to LP25/11	Road Rules 2008 – stop on path/strip in built-up area.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP26/11	Companion Animals Act – dog in public place not under effective control – not dangerous dog.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP27/11	Local Government Act – not stand vehicle in marked parking space.	No appearance by accused. Heard Ex parte Proved and convicted Proceedings completed.	\$84	Nil	Final Costs \$0.00
LP28/11	Companion Animals Act – dog in prohibited place (school grounds) not under effective control – not dangerous dog.	No appearance by accused. Heard Ex parte Proved and convicted Proceedings completed.	\$500	Nil	Final Costs \$0.00
LP29/11	Local Government Act – stop in parking area without current disabled parking authority displayed.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP30/11	Local Government Act – stand vehicle in area longer than allowed.	Plea - Guilty. Proved and convicted Proceedings completed.	\$86	Nil	Final Costs \$0.00
LP31/11	Companion Animals Act – dog in public place not under effective control – not dangerous dog.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP32/11	Local Government Act – not stand vehicle in marked parking space.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP33/11	Local Government Act – stand vehicle in area longer than allowed.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP34/11 & LP35/11	Companion Animals Act – dog in public place not under effective control – not dangerous dog.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP36/11 & LP37/11	Local Government Act – stand vehicle in area longer than allowed.	Plea - Guilty. Proved. Dismissed without penalty.	N/A	N/A	Final Costs \$0.00

4.2 Annual Report On The Planning And Environment Division's Legal Proceedings

		Proceedings completed.			
LP38/11 & LP39/11	Companion Animals Act – not register 6-month old companion animal – not dangerous dog.	Plea – Not Guilty. Charge withdrawn. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP40/11	Companion Animals Act – eight matters against owner relating to the manner in which a restricted dog is required to be kept – restricted dog.	No appearance by accused. Heard Ex parte Proved and convicted Proceedings completed.	\$7,350	Nil	Final Costs \$0.00
LP41/11	Road Rules 2008 – vehicle cause obstruction to pedestrian access ramp.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP42/11	Companion Animals Act – dog in public place not under effective control – not dangerous dog.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP43/11	Companion Animals Act – dog in public place not under effective control – not dangerous dog.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP44/11	Road Rules 2008 – double park in school zone.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP45/11 & LP46/11	Companion Animals Act – dog in public place not under effective control – not dangerous dog.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP47/11	Local Government Act – stand vehicle in area longer than allowed.	No appearance by accused. Heard Ex parte Proved and convicted Proceedings completed.	\$150	Nil	Final Costs \$0.00
LP48/11 to LP51/11	Companion Animals Act – dog in public place not under effective control – not dangerous dog.	Plea - Guilty. Proved and convicted in respect of the first matter. Remaining matters dismissed without penalty. Proceedings completed.	\$100	Nil	Final Costs \$0.00
LP52/11	Road Rules 2008 – disobey no stopping sign.	No appearance by accused. Heard Ex parte Proved and convicted Proceedings completed.	\$258	Nil	Final Costs \$0.00
LP53/11	Road Rules 2008 – disobey no stopping sign - school zone.	Plea - Guilty. Proved and convicted Proceedings completed.	\$200	Nil	Final Costs \$0.00
LP54/11	Road Rules 2008 – disobey no parking sign	Plea - Guilty. Proved and convicted Proceedings completed.	\$150	Nil	Final Costs \$0.00
LP55/11	Road Rules 2008 – not parallel park near left of road	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP01/12	Road Rules 2008 – stop in bus zone – school zone.	Plea - Guilty. Proved and convicted Proceedings completed.	\$256	Nil	Final Costs \$0.00

4.2 Annual Report On The Planning And Environment Division's Legal Proceedings

LP02/12	Road Rules 2008 – stop on path/strip in built-up area.	No appearance by accused. Heard Ex parte Proved and convicted Proceedings completed.	\$147	Nil	Final Costs \$0.00
LP03/12	Local Government Act – stand vehicle in area longer than allowed.	Plea - Guilty. Proved and convicted Proceedings completed.	\$88	Nil	Final Costs \$0.00
LP04/12	Local Government Act – stand vehicle in area longer than allowed.	Plea - Guilty. Proved and convicted Proceedings completed.	\$88	Nil	Final Costs \$0.00
LP05/12	Road Rules 2008 – double park.	Plea - Guilty. Proved and convicted Proceedings completed.	\$206	Nil	Final Costs \$0.00
LP06/12	Environmental Planning and Assessment Act – development (demolition) not in accordance with consent.	Plea - Guilty. Proved and convicted Proceedings completed.	\$1,500	Nil	Final Costs \$0.00
LP07/12	Road Rules 2008 – disobey no stopping sign - school zone.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP08/12	Local Government Act – not stand vehicle in marked parking space.	Plea – Not Guilty. Charge withdrawn. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP09/12 to LP11/12	Environmental Planning and Assessment Act – development (residential dwelling) not in accordance with consent.	Plea – No plea entered. Listed for first mention on 24 July 2012.	N/A	N/A	Costs to date \$0.00
LP12/12	Local Government Act – stop in parking area without current disabled parking authority displayed.	Plea – Not Guilty. Charge withdrawn. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP13/12	Protection of the Environment Operations Act – transport waste to unauthorised facility	Plea – Not guilty. Listed for first hearing on 3 September 2012.	N/A	N/A	Costs to date \$0.00
LP14/12	Protection of the Environment Operations Act – not comply with clean-up notice	Plea – Not guilty. Listed for first hearing on 3 September 2012.	N/A	N/A	Costs to date \$0.00
LP15/12	Road Rules 2008 – stop heavy vehicle for longer than 1-hour in built-up area.	Plea – No plea entered. Listed for first mention on 24 July 2012.	N/A	N/A	Costs to date \$0.00
LP16/12	Companion Animals Act – not register 6-month old companion animal – not dangerous dog.	Plea – No plea entered. Listed for first mention on 17 July 2012.	N/A	N/A	Costs to date \$0.00

Legal Advice

TABLE 9 – LEGAL ADVICE NOT RELATING TO COURT PROCEEDINGS FOR PERIOD 1 JULY 2011 TO 30 JUNE 2012.	
Costs for various advice sought from Council's Contracted Solicitor	\$31,529.93

Costs Summary Table

TABLE 10 - SUMMARY OF 2011/2012 NET COSTS	DEBIT	CREDIT
TABLE 1 - Class 1 Appeals against Council's determination of Development Applications	\$71,946.41	\$990.00
TABLE 2 - Class 1 Appeals against Council Orders or Notices	\$0.00	\$0.00
TABLE 3 - Class 4 Civil enforcement for non-compliance with Council Orders or Notices	\$1,391.58	\$5,494.60
TABLE 4 - Class 5 Criminal Prosecution for alleged pollution offences and various breaches of environmental and planning laws.	\$143.20	\$0.00
TABLE 5 - Class 6 Appeals from convictions relating to environmental offences non-compliance with Council Orders, Notices or Prosecutions	\$0.00	\$0.00
TABLE 6 - District Court NSW Appeals from convictions in the Local Court not being environmental offences.	\$1,100.00	\$5,709.84
TABLE 7 - Consumer, Trader and Tenancy Tribunal – civil disputes of a commercial nature between Council and its customers.	\$0.00	\$0.00
TABLE 8 - Local Court Prosecution matters	\$7,471.09	\$6,570.67
TABLE 9 - Legal Advice	\$31,529.93	\$0.00
Costs Sub-Total	\$113,582.21	\$18,765.11
NET COSTS TOTAL (GST exclusive)	\$94,817.10	

Costs Comparison Table

TABLE 11 - COMPARISON WITH PREVIOUS FINANCIAL YEAR'S LEGAL COSTS					
	2007/08	2008/09	2009/10	2010/11	2011/12
TABLE 1 - Class 1 appeals DAs	\$109,327.14	\$255,501.18	\$179,555.88	\$37,703.61	\$70,956.41
TABLE 2 - Class 1 appeals others	\$4,023.825	\$13,893.69	\$3,444.65	\$797.23	\$0.00
TABLE 3 - Class 4 proceedings	\$42,302.53	\$18,707.64	\$4,561.37	\$7,683.15	\$-4,103.02
TABLE 4 - Class 5 prosecution	\$0.00	\$22,924.62	\$34,256.47	\$18,902.84	\$143.2
TABLE 5 - Class 6 appeals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TABLE 6 - District Court appeals	\$0.00	\$5,031.63	\$0.00	\$2,300.31	\$-4,609.84
TABLE 7 - CTTT civil disputes	Not Reported	\$902.70	\$0.00	\$0.00	\$0.00
TABLE 8 - Local Court proceedings	\$-1433.63	\$5,937.26	\$6,168.02	\$9,951.13	\$900.42
TABLE 9 - Legal advice	\$19,653.74	\$20,735.54	\$52,931.31	\$21,935.21	\$31,529.93
OVERALL COSTS TOTAL	\$173,873.60	\$343,634.25	\$280,917.70	\$99,273.47	\$94,817.10

4.3 Companion Animal Rescue Fee

Reporting Officer

Acting Manager Compliance Services

Attachments

Nil

Purpose

To report on the proposed introduction of a fee for the rescue of a companion animal from Council's Animal Care Facility.

History

Council at its meeting on 13 December 2011 considered a report regarding the operation of Council's Animal Care Facility (ACF) and resolved in part that Council implement the recommended actions relating to the operation of the Animal Care Facility, as contained in the report.

One of the recommended actions contained in the report was that Council work with animal rescue organisations approved by the Division of Local Government and subject to a written agreement between Council and respective rescue organisations.

In response to Council's resolution and in recognition of the benefit that rescue organisations can provide to Council in assisting in the responsible rehoming of companion animals, Council subsequently wrote to all organisations that had received a clause 16(d) exemption from NSW Division of Local Government, inviting interested organisations to apply to Council to work with it as an animal rescue organisation.

Council has currently received 16 applications from rescue organisations. Ten organisations have been approved and a further two have been invited to enter into an agreement with Council. One application has been refused, based on referee feedback from other Councils. The remaining three applications are currently under consideration.

Report

Animal Rescue Groups can actively assist Council in the responsible rehoming of companion animals. The *Companion Animals Act* allows for approved groups to collect unclaimed or unsold companion animals from Council Pounds as an alternate means of finding an animal a suitable home and thereby avoiding the need to euthanase the animal. The intent is that rescue groups can either house or adopt out rescued animals on a temporary basis until a permanent home can be found.

Animal rescue organisations approved by the Division of Local Government are granted exemption from the registration requirements for the companion animals they rescue and take into temporary care, while seeking to rehome them, for a period up to 12 months.

At the time of writing this report, five dogs have been rescued since July 2012 by rescue organisations. A number of other dogs of interest to these groups have been sold, avoiding the need for group rescue. In the absence of a set fee for rescue of companion animals, Council initially charged the normal purchase price for an animal (currently \$84-70 for a dog and \$130 - \$160 for a cat, depending upon whether it is a male or female).

Feedback from rescue group representatives has indicated some objection as the animal purchase fee is much higher than what other Councils charge for release of rescued animals, such as Blacktown and Hawkesbury, which charge either no fee or a token fee to recover direct microchipping costs. As a result, contact has been made with both Blacktown and Hawkesbury Councils which confirmed that Blacktown does not charge a fee and absorbs the microchipping cost, whereas Hawkesbury charges a token fee of \$7 to recover the direct cost of a microchip implant, which is required prior to an animal being released to a rescue group. These arrangements have been put in place recognising that the animal would otherwise be euthanased at further cost to the respective Council.

In addition, to facilitate convenient rescue arrangements these Councils also do not require the animals to be desexed before being released into rescue groups' temporary care. However, in lieu, they require that this occurs prior to the animal being rehomed.

In view of this information it is considered that Campbelltown City Council adopt a similar approach. Council's forthcoming standard rescue group agreement requires that rescued animals be desexed, vaccinated and registered prior to being rehomed. It is intended that Council would monitor compliance with the rescue group agreement conditions, as part of an effort to ensure all rescue groups comply with the agreement requirements.

In order that Council implement a suitable fee to recover its direct microchipping costs, it is recommended that a companion animal rescue fee of \$11 (including GST) be introduced.

Officer's Recommendation

1. That the proposal to adopt a companion animal rescue fee of \$11 (including GST) be advertised in accordance with the requirements of the *Local Government Act 1993* for a minimum period of 28 days.
2. That a further report be presented to Council to consider adopting the companion animal rescue fee, as referred to in item one above, and any comments received at the conclusion of the 28 day advertising period.

Committee's Recommendation: (Matheson/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 16 October 2012 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 174

That the Officer's Recommendation be adopted.

4.4 Food Regulation Partnership Review

Reporting Officer

Acting Manager Compliance Services

Attachments

Nil

Purpose

This report provides information on the review of the NSW Food Regulation Partnership, which has been established to provide a consultation forum between local governments in NSW and the NSW Food Authority with the objective of defining the regulatory roles of both tiers of government.

History

The Food Regulation Partnership (the Partnership) is a regulatory program that formalises the partnership between the NSW Food Authority (the Authority) and local councils in NSW. The Authority shares with local councils the responsibility for ensuring that retail and food service businesses are inspected and comply with the food safety regulations under the Partnership. Councils undertake routine inspections of retail/food service businesses while the Authority provides support and assistance to help improve the consistency of inspections and interpretation of food laws, standardising inspection processes and giving technical advice.

The Partnership incorporated legislation mandating a food surveillance role in the food retail and foodservice industry and provided councils with the capacity to recover regulatory costs. On 1 July 2008, councils began their role under the Partnership with the objective of reducing foodborne illness in retail food settings.

It has been almost four years since the last formal evaluation of the program, so in 2011, the Authority decided that an evaluation of the Partnership was timely. The overall aim of the evaluation was to understand whether the Partnership was working as intended to improve the regulatory system for the retail food sector in NSW.

Report

In summary, the evaluation found that the Partnership is working as intended and is improving the regulatory system for the retail food sector in NSW. It is well-regarded by stakeholders (councils and retail food businesses) and many foundational program activities are well established.

Evaluation findings indicate that under the Partnership there has been:

- Improved compliance rates for retail food businesses with rates improving by two-thirds since 2007
- Improved levels of cooperation between the Authority and councils
- Lower levels of duplication of regulatory services
- Increased Environmental Health Officer efficiency across councils with 95% of councils meeting mandated inspection frequencies and the number of councils meeting the inspection targets doubling since 2008
- Improvement in food surveillance and enforcement consistency.

The Evaluation of the Partnership has also provided valuable information about what has been working and what remains to be improved.

The findings will inform the development of a second phase of program initiatives focused on improving how the Authority assists the Partnership in achieving:

- Increased regulatory consistency across councils
- Improved regulatory issues resolution processes
- Better communication processes for both councils and retail businesses.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Oates)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 16 October 2012 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 174

That the Officer's Recommendation be adopted.

5. GENERAL BUSINESS

5.1 Stowe Avenue - Campbelltown

Committee's Recommendation: (Oates/Kolkman)

1. That Council write to the Minister of Planning and Infrastructure objecting to the Joint Regional Planning Panel's decision to approve the Stowe Avenue development at Macarthur Gardens.
2. That Council again request the Minister of Planning and Infrastructure to return planning powers to local Councils.

CARRIED

Council Meeting 16 October 2012

Having declared an interest in regard to Item 5.1, Councillors Hawker and Lake left the Chamber and did not take part in debate nor vote on this item.

Council Meeting 16 October 2012 (Oates/Kolkman)

1. That Council write to the Minister of Planning and Infrastructure objecting to the Joint Regional Planning Panel's decision to approve the Stowe Avenue development at Macarthur Gardens.
2. That Council again request the Minister of Planning and Infrastructure to return planning powers to local councils.
3. That Council write to all residents in the suburbs surrounding this development in particular Glen Alpine and Macarthur Gardens noting:
 - a) That Council objected strongly to this development in the terms of its scale, bulk, traffic, open space and visual amenity issues.
 - b) That this development has been approved by the Joint Regional Planning Panel, a NSW State Government planning body.
 - c) That all enquiries from residents be directly referred to the Joint Regional Planning Panel.
 - d) That Council write to the Local Member for Wollondilly seeking his support for Council's objection to this development which would be consistent with his public stance as a Councillor.

Council Resolution Minute Number 177

That the above Council Resolution be adopted.

At the conclusion of the discussion regarding Item 5.1, Councillors Hawker and Lake returned to the Chamber for the remainder of the meeting.

Councillor Mead asked that his name be recorded in opposition to the Resolution for Item 5.1.

5.2 Campbelltown Road - Speed Limit

Councillor Kolkman referred to a previous Council resolution where a letter was sent to the Roads and Maritime Services asking that the speed limit on Campbelltown Road from the junction of Rose Payten Drive to the beginning of the M5 be increased from 70km/hr to 80 km/hr.

Councillor Kolkman noted that all Councillors had recently received a memo from the Acting Director City Works outlining the Roads and Maritime Services refusal to increase the speed limit due to the crash history of this section of road noting that 64 accidents had occurred over the last few years.

Councillor Kolkman noted that it is apparent that when the Roads and Maritime Services made its assessment of this request it did not take into account the fact that the intersection where these accidents occurred has now been closed. Councillor Kolkman asked if a further letter outlining the changed circumstances and seeking a review of this decision could be written to the Roads and Maritime Services.

Committee's Recommendation: (Kolkman/Oates)

That a letter be written to the Roads and Maritime Services outlining the changed circumstances on this section of Campbelltown Road and asking that it review its decision in regard to Council's request for an increase of the speed limit to 80km/hr.

CARRIED

Council Meeting 16 October 2012 (Greiss/Matheson)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 174

That the Committee's Recommendation be adopted.

18. CONFIDENTIAL ITEMS

No reports this round

There being no further business the meeting closed at 8.26pm.

G Greiss
CHAIRPERSON
