

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 7 February 2012.

APOLOGIES

ACKNOWLEDGEMENT OF LAND

DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

ITEM	TITLE	PAGE
1.	WASTE AND RECYCLING SERVICES	5
1.1	Outcome of the Free Recyclables Drop Off Day 2012	5
2.	ENVIRONMENTAL PLANNING	9
2.1	Air Quality Monitoring Data	9
2.2	Georges River Combined Councils' Committee Annual Report 2010-2011	15
2.3	Georges River Combined Councils Committee Meeting Update	20
2.4	Proposed 'Tree Swap' Program	24
2.5	2011 Macarthur Nature Photography Competition	29
2.6	Submission on NSW Planning System Review Issues Paper	39
2.7	Glenfield Road Urban Release Area - Zoning Amendments	43
2.8	Minto Urban Renewal Project - Subdivision of Stage 11	45
2.9	Development Application 2263/2011/DA-RA: Mixed Use (Residential and Retail) - Queen Street, Campbelltown	48
2.10	Proposed Road Names - Housing NSW Renewal Precincts, Rosemeadow	58
3.	DEVELOPMENT SERVICES	60
3.1	Development Services Section Statistics - December 2011 and January 2012	60
3.2	Council's Monitoring and Reporting obligations of Variations to Development Standards allowed under State Environmental Planning Policy No.1 - Development Standards (SEPP 1)	62
3.3	No. 37 Mount Erin Road, Campbelltown - Construction of Child Care Centre for up to 70 Children	64
3.4	2012 UDIA Congress	99

ITEM	TITLE	PAGE
4.	COMPLIANCE SERVICES	101
4.1	Legal Status Report	101
5.	GENERAL BUSINESS	112
18.	CONFIDENTIAL ITEMS	112
18.1	Confidential Information relating to items on the Planning and Environment Agenda 7 February 2012	112

Minutes of the Planning and Environment Committee held on 7 February 2012

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

Apology (Kolkman/Thompson)

That the apologies from Councillor Hawker and Councillor Matheson be received and accepted.

CARRIED

Acknowledgement of Land

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

DECLARATIONS OF INTEREST

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

Pecuniary Interests

Nil

Non Pecuniary – Significant Interests

Councillor Kolkman - Planning and Environment Committee - Item 2.8 - Minto Urban Renewal Project - Subdivision of Stage 11 - Councillor Kolkman advised that he is a member of the Joint Regional Planning Panel (JRPP) and that he will leave the Chamber and not take part in debate nor vote on the matter.

Councillor Kolkman - Planning and Environment Committee - Item 2.9 - Development Application 2263/2011/DA-RA: Mixed Use (Residential and Retail) - Queen Street, Campbelltown - Councillor Kolkman advised that he is a member of the Joint Regional Planning Panel (JRPP) and that he will leave the Chamber and not take part in debate nor vote on the matter.

Manager Development Services - Planning and Environment Committee - Item 2.8 - Minto Urban Renewal Project - Subdivision of Stage 11 - The Manager Development Services - Mr Jim Baldwin advised that he is a member of the Joint Regional Planning Panel (JRPP) and that he will leave the Chamber and not take part in debate nor vote on the matter.

Manager Development Services - Planning and Environment Committee - Item 2.9 - Development Application 2263/2011/DA-RA: Mixed Use (Residential and Retail) - Queen Street, Campbelltown - The Manager Development Services - Mr Jim Baldwin is a member of the Joint Regional Planning Panel (JRPP) and left the Chamber during the discussions of this item.

Non Pecuniary – Less than Significant Interests

Nil

1. WASTE AND RECYCLING SERVICES

1.1 Outcome of the Free Recyclables Drop Off Day 2012

Reporting Officer

Manager Waste and Recycling Services

Attachments

Nil

Purpose

To update Council on the outcome of the Free Recyclables Drop Off Day held on 7 January 2012.

History

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

Report

The fourth annual Free Recyclables Drop Off Day was held on Saturday 7 January 2012 at Coronation Park, Redfern Road, Minto. Residents were provided with the opportunity to drop off recyclable materials that would normally be collected in the domestic yellow-lid recycling bin for free between the hours of 8.00am and 2.00pm on the day of the event.

The 2012 Free Recyclables Drop Off Day was sponsored by two divisions of SITA Environmental Solutions (SITA). SITA's Campbelltown Depot supplied two compactor vehicles free of charge to assist with the collection of recyclables at the event, and the recyclables collected at the event were accepted at SITA's Spring Farm Advanced Resource Recovery Park for recycling free of charge.

Participation at the 2012 event was the highest to date, with 469 vehicles in attendance. This figure is more than twice the attendance at last year's event, with 224 vehicles participating in 2011.

The dramatic increase in attendance rates resulted in a significant increase in the volume of recyclables collected. More than 9 tonnes of recyclables were dropped off by residents, which in a similar trend to that seen in participation rates, was more than double the tonnage collected in 2011. The recyclables collected consisted primarily of cardboard, which is consistent with the material composition seen in previous years. Other recyclables collected at the event included glass bottles, aluminium cans, plastic bottles and paper.

Figure 1 shows the tonnage of recyclables materials collected at the 2012 Free Recyclables Drop Off Day, in comparison with the tonnages collected at the previous two events.

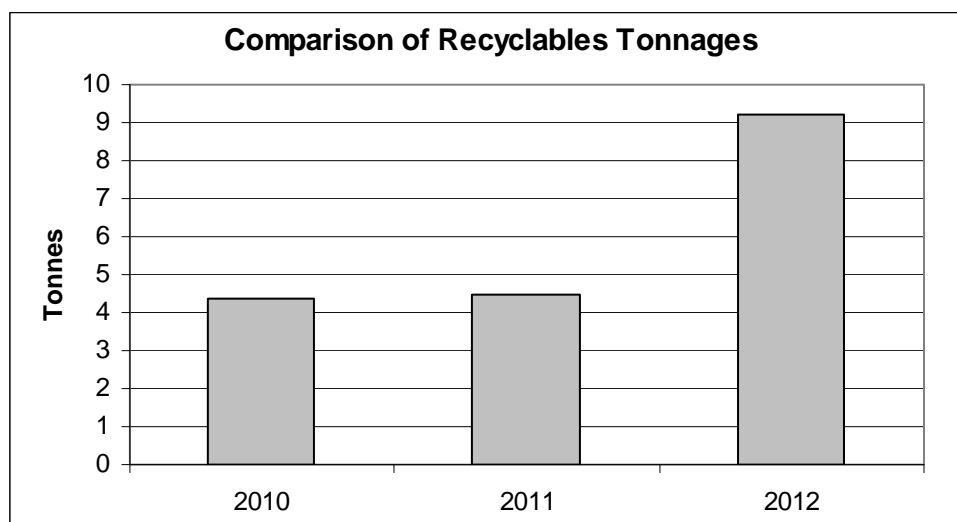


Figure 1: Comparison of recyclables collected at Free Recyclables Drop Off Day events from 2010 to 2012

In addition to recyclable materials, residents were also able to drop off polystyrene for recycling, which is not able to be disposed of in domestic recycling bins. This service is provided to residents as polystyrene is a material that is commonly accumulated during the festive season, but is difficult to dispose of due to the lack of space in the general waste bin typically experienced by residents at this time of the year.

The polystyrene drop off service proved to be a popular feature of the 2012 event, with more than 250 residents dropping off polystyrene for recycling. Residents dropped off approximately 70 cubic metres of polystyrene for recycling in 2012, which was an increase of approximately 40 cubic metres in comparison to 2011. By using this service, residents have collectively saved approximately 500 general waste bins full of polystyrene from going to landfill, which will now be recycled into new products such as timber-look blinds, decking and compact discs. The volume of polystyrene collected at Free Recyclables Drop Off Day events from 2010 to 2012 is shown in Figure 2 below.

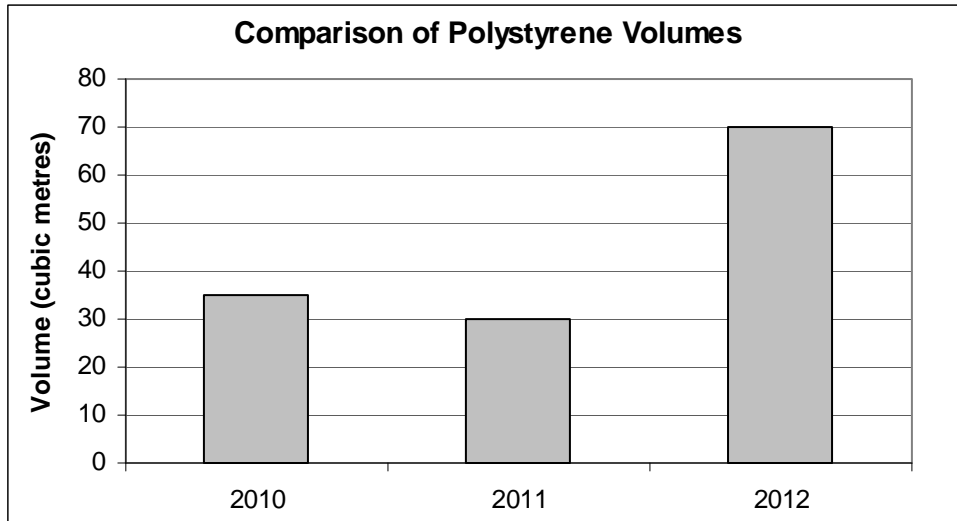


Figure 2: Comparison of polystyrene volumes collected at Free Recyclables Drop Off Day events from 2010 to 2012

The 2012 Free Recyclables Drop Off Day was promoted in local newspapers during December 2011; posters and flyers were sent to Council's libraries, leisure centres and child care centres; an article was included in the Summer edition of Compass and information was provided on Council's website.

Figure 3 below shows the increase in the number of residents participating in Free Recyclables Drop Off Day events, in addition to the increase in the number of residents utilising the polystyrene drop off service provided at the event.

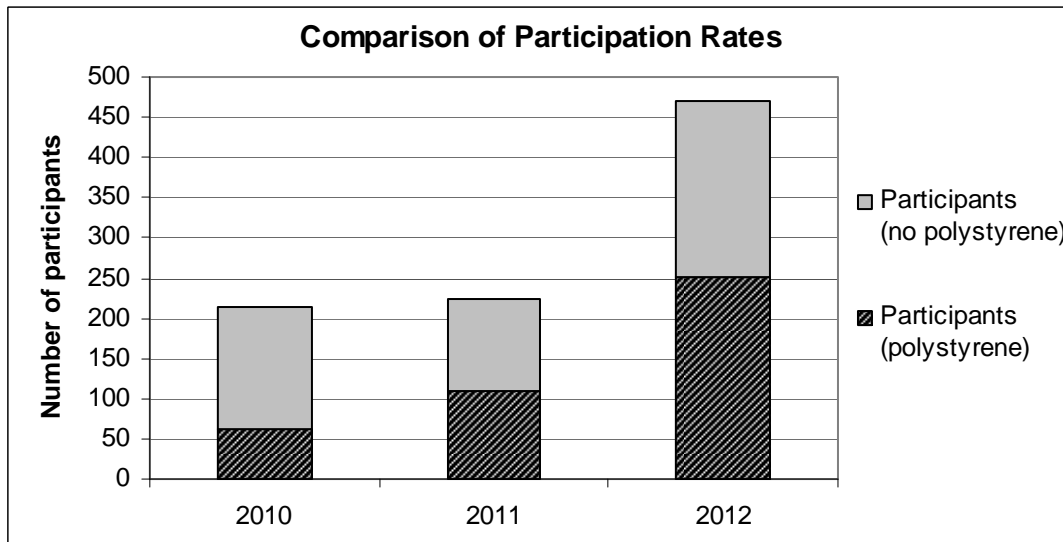


Figure 3: Comparison of participation rates and utilisation of polystyrene service at Free Recyclables Drop Off Day events from 2010 to 2012

Similar to previous years, a survey of all participants was conducted to collect information to assist in planning future events. The feedback received from residents using the service was very positive, and most indicated that they would use the service again. It should be noted that of the 469 participants, 319 (or 68%) said they had not used the service before. This indicates that promotion of the event continues to reach a new audience, and suggests that participation rates have the potential to increase at future events.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Bourke)

1. That the information be noted.
2. That Council continue to explore ways and opportunities to recycle polystyrene.

CARRIED

Council Meeting 14 February 2012 (Kolkman/Bourke)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 8

That the Committee's Recommendation be adopted.

2. ENVIRONMENTAL PLANNING

2.1 Air Quality Monitoring Data

Reporting Officer

Manager Environmental Planning

Attachments

1. Council correspondence sent to the NSW Minister for the Environment regarding the availability of emissions monitoring data for Council and the community.
2. Response to Council's correspondence from the NSW Office of Environment and Heritage.

Purpose

To inform Council on the outcomes of consultation with the NSW Office of Environment and Heritage (OEH) regarding the provision of monitoring data associated with the CSR Viridian Ltd premises at Ingleburn (and other premises) as well as recent relevant amendments to the *Protection of the Environment Operations Act 1998*.

History

At its meeting on 21 June 2011, the Planning and Environment Committee considered a report (Item 2.2) that provided details of a response that Council received from the OEH regarding the public availability of air quality monitoring data relating to emissions from the CSR Viridian Plant at Ingleburn. Following its consideration of this report, Council resolved (in part):

'That Council write to the New South Wales Minister for Environment requesting that the Office of Environment and Heritage be required to provide air quality monitoring data associated with industrial premises to councils on a routine basis in the interest of promoting greater community awareness of the environmental performance of industries with potential to significantly impact on the environment'.

Report

Introduction

The NSW OEH has legislated responsibilities for the collection and collation of monitoring data in its capacity as the Appropriate Regulatory Authority for premises licensed under the *Protection of the Environment Operations Act 1998* (POEO Act). Currently, there are three industrial premises located within the Campbelltown LGA that emit pollutants that are potentially harmful to public health and the environment. These premises comprise the Pilkington Glass Manufacturing site at Ingleburn (now known as CSR Viridian Ltd), the Australian Petro Chemical Storage plant at Ingleburn and Foamco industries at Minto.

The emission of pollutants from the CSR Viridian Ltd premises (CSR premises) at Ingleburn has been of most concern and interest to Council and sections of the community due to a range of factors including the visibility of emissions. The NSW OEH licence for this premises provides maximum permitted loads for the emission of Nitrous Oxides (NOX) and particulate matter, from the premises.

Implementation of Council's resolution regarding availability of air quality monitoring data

Correspondence sent to the NSW Minister for the Environment (in accordance with Council's resolution made at its 28 June 2011 meeting) requested the assistance of the Minister in requiring the NSW OEH to provide monitoring data of emissions from licenced industrial premises (Attachment 1). This correspondence referred to the difficulties encountered in previous attempts by Council officers to obtain monitoring data from individual premises in a satisfactory format from the NSW OEH.

Council officers were subsequently invited to attend a meeting by a representative of the Environment Protection and Regulation Division of the OEH to discuss Council's June 2011 resolution. The issues discussed at the meeting were as follows:

- the background and intent of Council's resolution,
- the concerns of both Council and the community regarding emissions from the CSR premises and reasons for these concerns, and
- issues associated with available sources of monitoring data of emissions from OEH licensed premises such as the National Pollution Inventory.

The above matters were noted and acknowledged by representatives of the NSW OEH at the meeting. A key outcome was that the NSW OEH would draft a letter to CSR seeking the voluntarily publication of monitoring data on the website of the company. Both the NSW OEH and Council officers agreed that this was the most appropriate and viable option to address Council's resolution.

Amendment to the legislation regarding the public availability of monitoring data

Subsequent to the meeting with Council officers, correspondence was received from the NSW OEH (presented as Attachment 2) advising of amendments to the POEO Act that were assented to on 16 November 2011. The amendments to this Act formed part of the response by the NSW Government to the Inquiry conducted into the pollution incident that occurred at the Orica plant near Newcastle on 8 August 2011. The amendment to this legislation includes a requirement for the publication of monitoring data in a prominent place on a company's website within 14 days of the data being collected. The legislation also requires that companies that do not maintain a website, provide details of monitoring in writing to persons upon request.

This amendment to the POEO Act is highly beneficial in terms of providing a legislative requirement for the publication of air quality monitoring data on the website of the CSR premises rather than on a voluntary basis. The amendment to this legislation requiring that all NSW OEH licenced premises publish their monitoring data has an added benefit as the Australian Petro Chemical Storage Pty Ltd at Ingleburn and Foamco industries at Minto are now required to publicise monitoring data (both these companies are noted to maintain websites).

Effectiveness of the amendment to the POEO Act in terms of addressing Council's resolution

Council's resolution, at its 18 June 2011 meeting, requested the provision of air quality monitoring data associated with industrial premises to councils on a routine basis. The amendment to the POEO Act, referred to above, has addressed Council's previous resolution. The data will be accessed by officers shortly after being placed on the website of relevant companies either quarterly or annually, depending on the respective requirements of the NSW OEH. Any air quality issues or non compliances with licence conditions will be notified to Council shortly after being identified.

The second part of Council's resolution requested that the data be provided to councils and the community in the interest of promoting greater community awareness of the environmental performance of industries with potential to significantly impact upon the environment. The amendment to the POEO Act will enable the general public and Council to readily obtain monitoring data associated with industries operating under an existing approval. This process will occur by the placement of a link to the relevant company's website with a short commentary on Council's website. It is intended to include a summary of the data in the State of the Environment Report for 2011-2012 and subsequent annual reports under the new Integrated Planning Framework.

Officer's Recommendation

That Council note the recent amendments to the *Protection of the Environment Operations Act 1998* and the requirement that industrial premises that are licensed by OEH are required to publish their monitoring data on their websites.

Committee's Recommendation: (Thompson/Oates)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 February 2012 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 8

That the Officer's Recommendation be adopted.

ATTACHMENT 1



17 August 2011

The Hon. Ms Robyn Parker
NSW Minister for the Environment
GPO Box 5341
SYDNEY NSW 2001

Dear Ms Parker

Availability of emissions monitoring data for Council and the community

I am writing to you in relation to a recent resolution of Council regarding the availability of air quality monitoring data associated with industrial premises within the Campbelltown Local Government Area (LGA) which are licenced by the New South Wales Office of Environment and Heritage (OEH).

The elevated levels of pollution in the Campbelltown LGA and broader Macarthur region have been well documented in various studies, such as the Legislative Assembly conducted into the Health Impacts of Air Pollution in the Sydney Basin in 2006. In this regard, Council has concerns over the production of air borne emissions from industrial premises and associated impacts on air quality and public health.

Information regarding the outcomes of monitoring of air borne emissions is of high relevance to the regulatory, consent and reporting responsibilities of Council, as well as its role as the level of government closest to the community. It is recognised that relevant sources of information currently exist (for example the National Pollution Inventory and the Public Register maintained by the OEH). However, these sources are not considered adequate in providing data that is specifically related to individual premises.

Therefore, Council officers have attempted, on a number of occasions, to obtain data regarding emissions levels from industrial premises within the Campbelltown LGA, which are licenced by the Office of Environment and Heritage (OEH) to emit pollutants (attached). These attempts have highlighted the difficulty in obtaining such data from the OEH in a satisfactory format for Council and the community. In an attempt to address these concerns, Council has introduced a practice of including a condition of consent in applicable development approvals requiring the provision of air quality monitoring data where they are required to hold an OEH license. However, this initiative is limited in its effectiveness as it cannot apply retrospectively to industrial premises operating under existing approvals.

A report provided to Council at its recent meeting outlining the above matters specifically in regard to the CSR Viridian premises at Ingleburn, is attached. Following its consideration of this report, Council resolved:

'To write to the New South Wales Minister for Environment requesting that the Office of Environment and Heritage be required to provide air quality monitoring data associated with industrial premises to councils on a routine basis in the interest of promoting greater community awareness of the environmental performance of industries with potential to significantly impact on the environment'.

Consequently, your assistance is being sought in requiring the OEH to provide air quality monitoring data specifically associated with the licenced premises listed below to Council on an ongoing basis at a frequency mutually suitable to Council, the individual premises, and the OEH:

- Australian Petro Chemical Storage Pty Ltd at Ingleburn;
- CSR Viridian Pty. Ltd. at Ingleburn; and
- Foamco industries at Minto.

Council appreciates your consideration of this matter. If you require any further information please contact Council's Senior Environmental Officer (Environment Protection and Management), David Henry, on (02) 4645 4214.

Yours sincerely


Mick Sewell
A/General Manager

ATTACHMENT 2



Environment,
Climate Change
& Water

Your reference: LIC08/1178-03:MD11/2391
Our reference: Chris Kelly (02) 4224 4100
Contact:

NOV15'11 08:22:02 RCVD

Mr Mick Sewell
Acting General Manager
Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Dear Mr Sewell

AVAILABILITY OF EMISSIONS MONITORING FOR COUNCIL AND THE COMMUNITY

I refer to the meeting between the Office of Environment and Heritage (OEH) and Campbelltown City Council (Council) on 20 September 2011 regarding air quality monitoring data for premises in the Campbelltown Local Government Area, and the OEH letter to Council dated 12 October 2011.

One of the outcomes of the above mentioned meeting was that OEH, in conjunction with Council, would write to CSR Viridian Pty Ltd inviting the Company to voluntarily publish its monitoring results on the CSR website.

This process has been overtaken by recent NSW Government actions to introduce new stronger Environment Protection Legislation. The proposed legislation the *Protection of the Environment Legislation Amendment Bill 2011* will, among many new requirements, require the publication of monitoring data in a prominent place on a Company's website. Where a Company does not maintain a website they will be required to provide a copy of any of the monitoring data to any person who requests a copy of the data.

The introduction of this legislation should assist Council obtaining the information you require. Should you wish to discuss this matter further please contact Mr Peter Bloem, Manager Illawarra on telephone (02) 4224 4100.

Yours sincerely

WILLIAM DOVE
A/Manager Illawarra
Environment Protection and Regulation

(N:12011\Scheduled Industry Holds EPL\OTHER EPLICK MD11-2391 Campbelltown Council re Monitoring data - CSR Viridian)

The Department of Environment, Climate Change and Water is now known as the Office of Environment and Heritage, Department of Premier and Cabinet

PO Box 513 Wollongong NSW 2520
Level 3, 84 Crown Street Wollongong NSW
Tel: (02) 4224 4100 Fax: (02) 4224 4110
ABN 30 841 387 271
www.environment.nsw.gov.au

2.2 Georges River Combined Councils' Committee Annual Report 2010-2011

Reporting Officer

Manager Environmental Planning

Attachments

Georges River Combined Councils Committee Annual Report Executive Summary 2010-2011 (Distributed under separate cover).

Purpose

The purpose of this report is to present an overview of the Georges River Combined Councils Committee (GRCCC) Annual Report 2010-2011 to Council and to highlight the work undertaken by the GRCCC within the Campbelltown Local Government Area (LGA) during the 2010-2011 financial year.

History

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

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

Report

In the 2010-2011 period, the GRCCC continued to partner with the nine member councils and several State and Federal government agencies to achieve shared goals of quality catchment management. These partners include the National Parks and Wildlife Service, Office of Environment and Heritage, Sydney Metropolitan Catchment Management Authority, Department Primary Industries, Corrective Services NSW, NSW Education and Communities (Georges River Environmental Education Centre), NSW Maritime, Oceanwatch Australia, Sydney Water and the Department of Sustainability, Environmental, Population and Community (formally DEWHA).

This report outlines the GRCCC's priorities and achievements over the last financial year as detailed in the 2010-2011 Annual Report (Attachment 1).

GRCCC Programs

1. Georges Riverkeeper Program

The position of the Georges Riverkeeper became a full time position during the 2009-2010 reporting year. This full time allocation of resources to the program has resulted in a significant increase in rubbish collection outcomes for all member councils and an expansion of the bush regeneration service to support council bushcare programs.

A total of 3,695kg of rubbish was collected from the Campbelltown LGA through 368 hours of correctional services labour assistance. Work concentrated on the Bow Bowing Creek and the St Helen's Park gross pollution traps and the retention basin at Marsden Park.

Bush regeneration and weed removal work covering 1,015m² of Cumberland Plain Woodland through 102 volunteer hours was carried out at Eagle Farm Reserve, Eagle Vale.

In addition to the above, the first Riverkeeper Report Card was released in November 2011 highlighting the achievements of the program during 2010-2011.

2. Community River Health Monitoring Program

The final stage of the first round of funding for the River Health Monitoring Program was completed in June 2011. Two sampling campaigns were undertaken in spring 2010 and autumn 2011 making a total of four since the commencement of the program in 2009. The data was collected in collaboration with the community at a number of community events, including 42 events which were held at a number of freshwater and estuary sites.

In recognition of its achievements the program was nominated as a finalist in two categories of the NSW Green Globe Sustainability Awards: for Local Government Sustainability, and; Public Sector Sustainability. The program was also the winner of the Urban Landcare category of the NSW Landcare Awards on 6 September 2011.

In 2011 the GRCCC successfully secured funding of \$506,000 from the Federal Government's Caring for Country Program to continue the River Health Monitoring Program for a further two years. This funding will also allow the GRCCC to employ a Cook's River Health Project Officer.

3. Communications Program

A draft Communications Strategy was developed to identify key community messages and strategies consistent across the catchment. The Strategy will ultimately become the master plan for strategic engagement, communications and media for the GRCCC. This has included associated policy development such as the GRCCC Media and Communication Policy, GRCCC Corporate Sponsorship Policy (draft) and the GRCCC Branding and Acknowledgement Policy (draft). There was a significant increase in the media profile of the GRCCC and member council activities in the local media and on radio during 2010-2011.

The program also coordinated the Georges River Conference/Cruise on behalf of the GRCCC Partnership Programs.

4. River Ecosystems Program

The River Ecosystems Program was identified during the GRCCC's strategic planning process to support and complement the objectives of the Mid Georges River Urban Sustainability Initiative. It was recognised that the aims and objectives of this program were also applicable to other urban sustainability initiatives.

To date, the program has focused on improving stormwater runoff to achieve sustainable water quality and conservation outcomes. A Water Sensitive Urban Design (WSUD) Awareness Cruise for Councillors and senior management was coordinated through the program in February 2011. The GRCCC also participated in and promoted a series of WSUD Awareness Rapid Assessment Workshops across various councils. The workshops aimed to assist councils in the identification of actions to improve the integration of WSUD into stormwater management systems. Although no workshops were held in Campbelltown in 2011, a number of workshops are to be convened in Campbelltown in early 2012.

GRCCC Partnership Programs

1. Lower Georges River Sustainability Initiative (LGRSI)

The LGRSI is a partnership between Rockdale City, Hurstville City, Kogarah City and Sutherland Shire Councils, the GRCCC, the Sydney Metropolitan Catchment Management Authority (CMA) and the NSW Environmental Trust.

The Strategic Sustainability Plan identified in the LGRSI project application was completed in June 2010. It contains Action Plans which describe the 'next steps' toward achieving the desired outcomes of the project:

- a) More effective institutional arrangements within partner councils
- b) More effective urban water management
- c) More integrated planning and implementation of Natural Resource Management (NRM) programs within the LGR catchment
- d) More sustainable practices of community and business
- e) Improved bushland, biodiversity and riparian health

2. Mid Georges River Sustainability Initiative (MGRSI)

The MGRSI is a partnership between Bankstown City Council, Sutherland Shire Council, NSW National Parks and Wildlife Service, the GRCCC, and the NSW Environmental Trust.

The objective of this project was to move toward a healthy, balanced ecosystem by engaging all stakeholders in long-term sustainable management of the mid Georges River. Masterplans were developed to guide activities within two sub-catchments (Mill Creek and Yeramba Lagoon) identifying priority on-ground works, planning controls, and educational activities to achieve sustainability objectives. The project was completed in 2011 however, many of the actions funded through the MGRSI will continue to be implemented by the partner agencies beyond the grant project.

3. Upper Georges River Sustainability Initiative (UGRSI)

The UGRSI is a partnership between Campbelltown City Council and Liverpool City Council, in association with Wollondilly Shire Council, the GRCCC, and the NSW Environmental Trust.

In 2010-2011 the UGRSI achieved a number of significant milestones. Several large on-ground projects were completed, the Strategic Environmental Management Plan (SEMP) was finalised and a major community engagement event, the 'River Project' was staged. In the Liverpool LGA the Helles Park weed control and regeneration project was completed and in the Wollondilly LGA Kennedy Creek weed removal and revegetation project was completed.

On-ground works completed include the Victoria Road Stormwater Control and Bunbury Curran Weed Removal Project undertaken by Council. The project represented a two staged approach to addressing water quality issues and weed infestations within the Bunbury Curran Creek.

The finalisation of the SEMP was a major milestone of the project. It was designed to assist decision makers, managers, key stakeholders and the community in understanding the issues confronting the Upper Georges River and to implement an appropriate management response to address these issues.

The 'River Project' was a community engagement event that was held at the Campbelltown Arts Centre to raise awareness of the social and environmental impacts of the changing nature of river systems across the Asia Pacific Region.

The project was granted a 12 month extension in July 2011 to enable a number of the actions within the SEMP to be delivered. The project is now due for completion in June 2012.

4. Improving Prospect Creek for Water Quality and Habitat

The Improving Prospect Creek Project is a partnership between Bankstown City, Fairfield City and Holroyd City Councils. There are two key objectives of the project: the development of a Strategic Management Plan (SMP) for the Prospect Creek Riparian Corridor, and the SMP implementation. Following community consultation of the draft SMP, the consultant has forwarded the final SMP to Bankstown, Holroyd and Fairfield City Councils. Environmental restoration works have commenced along sections of the Prospect Creek riparian zones including weed removal, tree planting and bush regeneration works.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Bourke/Greiss)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 February 2012 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 8

That the Officer's Recommendation be adopted.

2.3 Georges River Combined Councils Committee Meeting Update

Reporting Officer

Manager Environmental Planning

Attachments

1. Copy of the Minutes from the Annual General Meeting of the Georges River Combined Councils Committee, held on 17 November 2011 (Distributed under separate cover).
2. Copy of the Minutes from the Ordinary Meeting of the Georges River Combined Councils Committee, held on 17 November 2011 (Distributed under separate cover).

Purpose

To provide Council with an update on the outcomes of the Georges River Combined Councils' Committee (GRCCC) Annual General Meeting and Ordinary Meeting held on Thursday 17 November 2011.

History

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

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

Report

The 2011 Annual General Meeting and an Ordinary Meeting of the GRCCC were held at the offices of Sutherland Shire Council on Thursday 17 November 2011. A copy of the minutes of these meetings are provided as Attachments 1 and 2. The following provides a summary of those minutes, while the respective program and cluster reports can be found on the GRCCC website at www.georgesriver.org.au.

Annual General Meeting

i) Matters arising

The Chairperson, Councillor Julie Bourke, noted BHP Biliton Pty Ltd's (BHP) plans to withdraw their mining application for the Dharawal State Conservation Area. The Chair further acknowledged the NSW Government's declaration of the area as a National Park and that this action would assist in the conservation of the Upland Swamps within the Dharawal.

However, it was noted that some small parcels of land close to the Georges River have been retained by BHP as operational land. Therefore, the Committee resolved to invite a representative from BHP, the Office of Environment and Heritage and the Department of Planning and Infrastructure to brief the Committee on the operations planned for these areas.

The Chair acknowledged the increased support provided to the Riverkeeper Program from NSW Corrective Services since the recent changes to the Intensive Correction Order System. This has resulted in greater level of professionalism and productivity associated with the Program.

ii) Election of Office Bearers

The following three nominations were received and successfully accepted:

Position	Councillor	Nominated by	Seconded by	Acceptance
Chairperson	Cr Julie Bourke	Cr George Greiss	Cr Anne Wagstaff and Cr Naji Najjar	Accepted
Vice Chairperson	Cr Naji Najjar	Cr Julie Bourke	Cr Peter Harle and Cr Kevin Schrieber	Accepted
Treasurer/Public Officer	Cr Peter Harle	Cr Julie Bourke	Cr Kevin Schrieber and Cr Anne Wagstaff	Accepted

iii) General Business

The Chair discussed the various measures being developed by the Committee in an effort to boost Councillor attendance at the meetings. One measure involves a change to the structure of the GRCCC meetings, comment is being sought from the Committee and relevant stakeholders.

iv) Next Annual General Meeting

The next Annual General Meeting will be held on 25 October 2012, venue to be advised.

Ordinary Meeting

i) Confirmation of minutes of August Ordinary Meeting

The Chair acknowledged the receipt of the 2011 NSW Landcare Award for the GRCCC River Health program, the role of volunteers and stakeholders in the program and the high quality data being produced.

ii) Presentation by Dr Ian Wright and Carl Tippler

The presentation focused on the 'urban stream syndrome' which is being demonstrated by the results of the River Health Monitoring Program. The results show that the modification of urban creeks and surrounding landuses is affecting the water chemistry, contributing to increases in pH levels, electrical conductivity and alkalinity.

The following findings have been identified by the Program:

- Ecosystem health is adversely affected by catchment disturbance
- The most influential catchment factors are percentage of urban land and riparian vegetation
- The most influential water quality variables are Nitrogen, Calcium and Turbidity
- pH, alkalinity and area of bushland are also significant contributors to catchment health.

iii) GRCCC Cluster Program reports

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

iv) Urban Sustainability Program Reports

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

v) GRCCC media policy

The Georges River website has recently been updated to provide a clear distinction between the GRCCC and other issues affecting the River.

The Riverkeeper Program statistics will now be routinely updated on the website and can be accessed as required by member councils.

Member councils were urged to assist in providing information relating to council events and issues in order to maintain the website.

The media policy has been updated to direct member councils to validate statistics with the GRCCC prior to use and reference any material used.

vi) Executive Committee Report

The Executive Committee report is available on the Georges River website.

vii) General Business

The Chairperson reported that in response to the two deceased platypuses recently discovered in the Georges River, the GRCCC will be producing some information for councils to use in signage to discourage illegal fishing activities and promote the responsible disposal of fishing tackle waste.

John Dahlenburg from the Sydney Metropolitan Catchment Management Authority advised that there is grant funding currently available to assist in the implementation of the Botany Bay Water Quality Improvement Plan. The Plan has been distributed to member councils and Mr Dahlenburg is available to conduct presentations for interested councils on the Plan and how it might be implemented.

vii) Next meeting

The next meeting is scheduled for 23 February 2012, venue to be advised.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Bourke/Greiss)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 February 2012 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 8

That the Officer's Recommendation be adopted.

2.4 Proposed 'Tree Swap' Program

Reporting Officer

Manager Environmental Planning

Attachments

1. Tree Swap Application form (distributed under separate cover)
2. Brochure outlining the Tree Swap Program (distributed under separate cover)

Purpose

To seek Council approval for a weed reduction incentive program targeted at local residents and landowners.

History

At present, noxious weed control within the Campbelltown Local Government Area (LGA) is resourced via a combination of funds from NSW Industry and Investment's (NSW I&I's) Weed Action Program (WAP) and internal Council funds.

The WAP is a NSW Government initiative under the NSW Invasive Species Plan which aims to reduce the impact of weeds. The WAP replaces a range of noxious weed grant programs previously provided by the NSW Government to local and public authorities, and trustees of reserves and commons. The WAP targets these funds to ensure that local weed control authorities and other key stakeholders meet the NSW Invasive Species Plan targets for weed management.

More specifically, the WAP aims to:

- identify and manage high risk weed species and (weed) entry pathways
 - develop and implement early weed detection capabilities
 - assist in the timely detection of new weed infestations
 - effect a quick response to eradicate or contain new weeds
 - identify and prioritise weed management projects where benefits are greatest
 - provide effective and targeted on-ground weed control
 - increase community acceptance of, and involvement in, effective weed management
 - integrate weed management into education programs
 - improve the knowledge base for weed management
 - monitor progress of the NSW Invasive Species Plan's implementation
 - encourage the use of cost-sharing arrangements
-

The expenditure of funds provided under the WAP is dictated by targets specified under a locally tailored Project Plan. These targets form part of a funding agreement between Council and the Sydney Weeds Committee (which administers funds on behalf of NSW I&I). Under the funding agreement, Council is required to implement and complete all activities allocated within the Project Plan and to submit regular reports on Council's progress.

Council's Environmental Officer (Ecological Protection) administers the expenditure of these funds, ensuring that Council meets the targets specified in the Project Plan as well as the delivery of Council's Noxious Weed and Pest Animal Management Strategy.

In developing the targets for the Project Plan and the Noxious Weed and Pest Animal Management Strategy, Council primarily focuses its efforts on high value biodiversity areas and will increasingly do so in the future. This approach is supported by the recently endorsed Strategic Environmental Management Plan for the Upper Georges River. It is envisaged that Council's forthcoming Biodiversity Strategy will further guide the strategic allocation of these resources to protect the assets of the Campbelltown LGA with the greatest biodiversity value.

The Private Property Inspection Program

Council's Environmental Project Officer routinely undertakes private property inspections for the presence of noxious weeds both proactively and in response to complaints. Whilst it is acknowledged that this compliance program has merit in terms of educational value, the overall biodiversity outcomes are less clear in terms of effectiveness. These 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.

Moreover, the relevant legislative framework is considered to be limited in its effectiveness; the current class 4 control order for privet does not require that the plant be removed, only that it be prevented from flowering or seeding and thus the same plant can continue to cause problems each year. Additionally, as advised in previous reports to Council, whilst recognised as an environmental threat, other woody weed species (such as African Olive) are not declared noxious within the Campbelltown LGA.

The private property current inspection process is resource intensive and involves at least two and up to four property inspections, and the subsequent issuing of up to four notices, prior to legal action being undertaken, should action not be taken to comply with Council requirements.

Significant resources are spent responding to these complaints. Over the past three years Council officers have undertaken over 750 inspections, issued 73 weed advice letters and 11 weed control notices. Despite the labour-intensiveness of this process, the majority of residents have responded positively to the initial weed advisory notice, demonstrating their willingness to cooperate with Council and remove identified weed incursions.

Report

In a positive attempt to proactively reduce the spread of weeds within the Campbelltown LGA, Council officers are seeking Council's formal support to commence an incentive-based voluntary weed control program, entitled 'Tree Swap'. Residents (and land owners) would be encouraged to remove weed trees and have them replaced by native trees. The benefits of this program would include the following:

-
- providing habitat for native fauna
 - an increase in the native biodiversity and local plant populations
 - a reduction in weed species and regeneration of native vegetation
 - a possible reduction in resources associated with the existing compliance program
 - an increased knowledge within the local community of noxious weed species and their impact

The program will address many of the objectives identified in the WAP, primarily:

- identifying and prioritising weed management projects where benefits are greatest
- increasing community acceptance of, and involvement in, effective weed management
- integrating weed management into education programs
- improving the knowledge base for weed management

The weed species proposed as eligible for 'swapping' under the program would be:

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

The geology of the Campbelltown LGA comprises mainly Shale Sandstone soils and Cumberland Plain soils. The native species nominated to replace existing weed species would need to be endemic to the area, and as such, the species would be drawn from the list below:

- Coast Myall, *Acacia binervia*
- White Wattle, *Acacia linifolia*
- Sydney Green Wattle, *Acacia parramattensis*
- White Sallow Wattle, *Acacia floribunda*
- Rough Barked Apple, *Angophora floribunda*
- River Oak, *Casuarina cunninghamiana*
- Stiff Bottle Brush, *Callistemon rigidus*
- Blue Box, *Eucalyptus baueriana*
- River Peppermint, *Eucalyptus Elata*
- Forest Red Gum, *Eucalyptus tereticornis*
- Prickly Leaved Tea Tree, *Melaleuca styphelioides*
- Yallaroo, *Melaleuca linariifolia*
- Bracelet Honey Myrtle, *Melaleuca armillaris*

To be eligible to receive a replacement tree, residents (and land owners) would be required to fill out an application form (see Attachment 1) and provide photographic evidence of the weed removal, via either hard copy or email. Trees would be replaced on a one for one basis, with a maximum quantity of 20 replacement trees applicable for each property.

Through the Program, residents would also be 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. A draft brochure outlining the program and its purpose has been developed and is provided as Attachment 2.

Initially (for the first six months of operation), the 'swap' is proposed to be offered to land owners whose properties are the subject of complaints. Whilst it is recognised that during this period inspections would still be undertaken, it is envisaged a reduced number of inspections would be required also resulting in a reduction in administrative costs. Land owners would be advised of the Program as a part of their weed advice letter. Council's Environmental Project Officer would provide the replacement tree upon reinspection of the property.

Following a review of the effectiveness of the six month trial period the effectiveness of program could then be reported to Council. Should the six month trial prove to be successful and subject to Council's endorsement, the program would then be open to all land owners and promoted through local media, including local newspapers, libraries, Macarthur Centre for Sustainable Living (MCSL), the internet, Compass magazine, events and other suitable avenues. It is envisaged that this proactive approach if supported by Council, would ultimately result in a significant reduction in the compliance effort required and the anticipated benefits of the Program, outlined above, would be likely to be achieved.

The six month trial, if approved by Council, would be funded by existing funds under the current WAP. If Council was to support the implementation of the program more permanently, it is estimated that the program, when fully operational would cost between \$3,000-\$4,000 (\$3,000 for plants + \$500 to \$750 for promotion, printing and advertising) a year (based on current inspection rates) and would be funded by the WAP as the Program would fall within the parameters of the funding agreement. The life of the program would be determined by its success.

Conclusion

The proposed 'Tree Swap' Program has been developed to provide an incentive for residents (land owners) to control weed species on their properties. The Program would improve biodiversity values within the Campbelltown LGA and has an inherent environmental educational value. It is proposed that the Program be trialled for a period of six months with the properties that are the subject of the existing inspection program, prior to being evaluated for potential expansion to the community at large. The Program can be funded by the WAP and promoted via local media.

Officer's Recommendation

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.

Committee's Recommendation: (Greiss/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 February 2012 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 8

That the Officer's Recommendation be adopted.

2.5 2011 Macarthur Nature Photography Competition

Reporting Officer

Manager Environmental Planning

Attachments

1. Inventory of winning images and entrants
2. Summary of feedback from evaluation forms

Purpose

To update Council on the outcomes of the 2011 Macarthur Nature Photography Competition.

History

The Macarthur Nature Photography Competition is a successful and high profile regional environmental education initiative generating significant interest from residents of the Macarthur region, with the number of participants and observers growing consistently and substantially in recent years.

Occurring annually since 2006, the competition aims to engage residents with their local environment, raise awareness and enhance appreciation of Macarthur's unique natural surrounds, and in turn foster residents' increased stewardship of their natural heritage.

Since 2009 the competition has been held in conjunction with Campbelltown's Festival of Fisher's Ghost in order to maximise visibility and opportunities for cross promotion of Council's concurrent events and programs.

While Council coordinates the event, funding and logistical support has been provided by various sources. Camden and Wollondilly Shire Councils continue to provide in-kind and financial contributions in support of the competition.

Report

The 2011 Living Macarthur Nature Photography Competition concluded in November 2011, and was once again viewed as a success. This was the sixth year of the high profile event, which attracted a record number of participants; 330 entries were received in total in 2011, an increase from 206 in 2010. While participation was open to residents living within and outside of the Macarthur region, images were required to be captured from within the Macarthur region, whether from council reserves, public bushland, or entrants' own backyards.

Expert guided 'Walk-n-Talk' bushwalks were held free of charge, during September and October 2011 for interested photographers, at several locations throughout the Macarthur. The walks were led by outdoor photography expert Maggie Destefanis and wildlife photographer Scott Portelli, who provided instruction on camera and shooting techniques, while Council staff provided insights into the local fauna and flora. Attendance at the walks overall was higher than experienced in previous years, and participants responded positively to the opportunity to enjoy the outdoors, whilst obtaining specialist advice.

Along with the popularity of the competition, the calibre of entries also appears to have improved this year. Images reflected the diverse natural and environmental heritage of the Macarthur region, depicting a range of subject matter - from misty waterfalls to picturesque woodland expanses to detailed macro shots of an insect perched elegantly on a flower petal.

Each image was entered under one of the following competition themes: *Our Landscapes*, *Our Wildlife (flora or fauna)*, *Our Waterways*, and a new fourth category, *Our Environment*. The judging panel consisted of Luke Fuda, Macarthur Advertiser photographer, Dr Robert Close, Adjunct Associate Professor at the University of Western Sydney (Australian mammal and Georges River bushland expert), and Michael Dagostino, Manager of Cultural Services at Campbelltown Arts Centre. They collaborated on Tuesday 15 November to determine the 1st and 2nd place winners from each category. An inventory of the winning images and entrants for each theme are provided as Attachment 1.

The Awards Night was held at the Ingleburn Community Centre on Friday 18 November 2011. Approximately 250 guests attended the event. Campbelltown Deputy Mayor Councillor Mollie Thomas officially opened the ceremony, whilst Mr Andy Best, Environmental Educator with the Department of Education and Training and school principal at Harrington Park Public School, acted as MC and awarded prizes to winners. Award-winning producer, TV presenter and filmmaker Greg Grainger, of Grainger TV entertained audience with video clips of some of his travel adventures. Catering was provided and environmental and photography themed door prizes were awarded to guests.

The People's Choice votes were cast and counted at the Awards Night. The winner, Kayla Flegg, received a compact digital camera donated by sponsors Macarthur Camera House and Nikon Australia for her photo "Hazard Burn".

The exhibition was displayed at Ingleburn Library preceding and following the exhibition, then reassembled in Camden at Narellan Library, Narellan, where it remained until 12 December. Subsequently it was moved to the Wollondilly Council Administration Building in Picton until after January 2012. Following the Wollondilly exhibition photographs were returned to participants.

Overall the feedback from the community regarding the night and the Competition has been very positive. Comments were sought from participants and attendees through an evaluation form which was distributed on the night. Feedback reflected appreciation for calibre of the photography on display, the environmental themes of the competition, as well as the general operation of the event. The responses from the evaluation are summarised in Attachment 2.

Staff members from Camden and Wollondilly Councils have been instrumental in coordinating the Competition. Staff from all three Councils have collaborated in the planning and preparation at all levels of the Competition.

Growth of the Competition and Future Direction

Given the substantial growth of the Competition that has occurred over recent years, additional expenses were incurred which had to be drawn from other budget allocations within the Environmental Education Budget. The overall cost that was incurred by Council to hold the event in 2011 was \$9,719 with the original budget allocation of \$8,000.

The additional cost to Council was in the order of \$1,719 and was primarily for the purchase of additional panels to display the increased number of photographs that were entered (60% increase in entries), and additional catering costs were also incurred due to the increased number of attendees at the Awards Night.

It is considered that increased costs associated with delivery of the competition are likely to continue to occur as the competition continues to grow. In addition the use of Ingleburn Community Centre as the venue for the Awards Night may not be viable for future competitions as space for the display and attendee comfort is reaching maximum capacity. As such, a new venue for the event, such as Campbelltown Arts Centre, may need to be considered in coming years, which would be likely to incur additional expenses.

The growth of the Competition has also had implications for the running of the Awards Night ceremony, which has become a high-visibility community event in its own right.

In light of these and other considerations associated with the event's growth and increasing popularity, it is recommended that Council's Communications and Marketing Section coordinate future Awards Night ceremonies in consultation with Environmental Planning staff and staff from Wollondilly and Camden Councils.

In a review of the focus of the competition, it is considered that the competition would better align with the objectives and themes of Riverfest as opposed to the Fisher's Ghost festival. It is considered that the competition would add a substantial boost and community interest to Riverfest. Moreover the capacity for staff from Council's Communications and Marketing Section to coordinate future Awards Night ceremonies is limited during the Fisher's Ghost festival.

Officer's Recommendation

1. That the budget allocation for the Competition be increased to accommodate future growth of the Competition.
2. That Council seek an increase in the contribution made to the Macarthur Nature Photo Competition by Wollondilly Shire and Camden Councils.

Committee's Recommendation: (Oates/Bourke)

That the Officer's Recommendation be adopted.

Amendment: (Greiss/Thompson)

1. That a report be presented to Council on the proposed budget for 2012 and submitted to Council for approval.
2. That Council seek an increase in the contribution made to the Macarthur Nature Photo Competition by Wollondilly Shire and Camden Councils and the response from both Councils be included in the report to Council.

CARRIED

Council Meeting 14 February 2012 (Kolkman/Bourke)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 8

That the Committee's Recommendation be adopted.

ATTACHMENT 1

Inventory of Winning Images and Entrants

PEOPLES CHOICE Kayla Flegg, Hazard Burn

OUR LANDSCAPES

Young People

	Name	Title
1 st	Renae Adolfson	Chaos of Still Life
2 nd	Harry Winsor	Layer Cake

Open

	Name	Title
1 st	Simon Changson	Time to Reflect
2 nd	Marieta McNaught	We Stand Together
Highly Commended	Richard Perin	Paradise Lost

OUR WATERWAYS

Young People

	Name	Title
1 st	Christian Hope	Duck
2 nd	Jessica Plumridge	Water on Rocks

Open

	Name	Title
1 st	Monika Gabriel	Reflections
2 nd	Carina Burns	Mermaid Pools
Highly Commended	Richard Perin	Broughton Pass

OUR WILDLIFE

Young People

	Name	Title
1 st	Luke Griffiths	Angry Ant
2 nd	Justin Webster	Nature's Skyscraper

Open

	Name	Title
1 st	Mark Walters	A Busy Spotted Pardalote
2 nd	Jacqueline Rojo	Oasis
Highly Commended	Daniel Natoli	Old Timer

OUR ENVIRONMENT

Young People

	Name	Title
1 st	Georgia Greenwood	Fern to the Sky
2 nd	Will Winsor	Off-road
Highly commended	Christian Hope	Foreign Object

Open

	Name	Title
1 st	Timothy Michael Hazzard	E14 Wells
2 nd	Amanda French	Heart and Soul
Highly Commended	Shirley Henderson	What Happened to Thirlmere Lakes?

ATTACHMENT 2

Summary of feedback from surveys undertaken at Macarthur Nature Photography Awards Night

1. With regards to the Awards Night Ceremony, how would you rate the following?

Aspect	Poor	Fair	Good	Very good	Excellent
Prizes	0% (0)	25% (5)	25% (5)	35% (7)	15% (3)
Speaker/ presentation	0% (0)	4% (1)	35% (8)	17% (4)	43% (10)
Venue	4% (1)	9% (2)	22% (5)	30% (7)	35% (8)
Food	0% (0)	5% (1)	47% (9)	26% (5)	21% (4)

2. What are your general thoughts on the 2011 competition?

- Very worthwhile, hope it continues
- Good exhibition
- First one I've attended
- To stop extending closing date or make it a later date. To make a showing in Camden, not just Narellan. Flora and fauna should be separate categories.
- Very nice
- Terrific initiative to display our natural species and particularly great to encourage young participants
- Good
- Excellent – high standard, some great photos this year! I really like this way of promoting our beautiful environment and increased interest in it (and caring for it).
- A very successful evening which attracted some wonderful entries
- Good standard – type of camera used could be included in entry. Not everyone has expensive cameras.
- Great way for residents to showcase their talents
- Wonderful
- Great community event
- Excellent
- Photos should have been taken in 2011
- Excellent entries
- Well run

3. Themes: Were they appropriate? Did they help you narrow down your subject choices or did you find them limiting? Do you have any suggestions for future themes?

- Yes, aerial shots
 - Night sky shots, sport
 - Macro shots should be separated
 - I think there should be more categories, perhaps – so many bird pics and good ones
 - Macro shots (separate), third prizes and trophies
 - Urban for future theme
-

-
- Urban living, festival, local sport
 - Perhaps have an overall winner
 - Yes, very appropriate. "Our Wildlife" could have been separated into flora and fauna
 - They were appropriate. They helped.
 - Appropriate
 - Yes
 - Yes – appropriate themes
 - Yes
 - Constructed landscapes such as gardens, parks, orther landscaped grounds
 - Good
 - Fine

4. What did you most enjoy about the competition?

- Looking at all the photos
- Variety of pictures
- Viewing
- My son's interest and entry
- Open to young and old
- Photo viewing and guest speaker
- Exhibition and event
- Able to inspire other photographers' talent
- Quality of entries and variety
- The videos
- The way it brings people together, over such a worthwhile event – and to celebrate the beauty of Macarthur together – and to have it recognised!
- Discovering new places within the Macarthur area, and appreciating undiscovered sights in my own backyard
- The variety of subjects
- Variety and creativity
- Quality very good
- Seeing everyone else's talents on show
- Presenter +++; Location +++
- Thinking which photo/s to enter
- Watching people claim their award
- The quality of photos
- The challenge
- Finding new places

5. What could be improved in your opinion?

- More hot food
 - Pretty good as is. More publicity in newspapers.
 - Waiting times
 - More categories/themes. People's Choice better monitored. Plenty of cheating going on!
 - More prizes
 - Waiting times
 - It would be nice to see opening night in other venues as other councils are involved instead of Ingleburn. It was good when at Campbelltown Art Gallery.
 - More media involved
-

-
- 2 per entry for more chance to express and/or interpret
 - Number the entries
 - More people
 - My photography skills
 - Perhaps a slightly larger format; somewhere to fill out this form
 - Signage to the exhibition
 - More viewing room
 - Not much to say
 - Larger venue
 - More categories

6. What if anything did you gain or learn from the competition?

- Getting a new camera is my idea of what I learned so I can win
- Large array of locations
- Enjoyment
- No, but enjoyed it
- How great to see so many people admiring the environment
- To look for more in nature
- Lots of new ideas
- Reminded me how wonderful our local region is
- Happy
- To appreciate our beautiful, precious and very diverse environment, and to observe and enjoy (and be delighted by) those special moments and emotions, captured on film for all to share
- An awareness of the Macarthur area. The ability to look at things from another perspective.
- The depth of subject matter in this region
- How beautiful our region is
- NA
- Great seeing other people's work
- Knowledge on waterway and plant and wildlife
- The young children's entries
- To keep trying
- Variety of wilderness in our local area

7. Did the competition inspire you to think about environmental matters, issues and messages or discover new locations? If so, what or how?

- Yes, by seeing the damage of wildlife, I want to protect it
 - I should enter next year
 - Yes
 - Not really, familiar with area and local environment issues
 - Yes
 - Yes, would like to see more images like this promoting Macarthur
 - Cherish what we have
 - Not for me
 - Yes
 - Yes, I discovered Thirlmere Lakes for the first time. I'm concerned about the lack of "lakes" found there.
 - Yes, day trips
-

- Not really, I am already aware
 - No
 - Yes
 - Made me think I hadn't taken photos of natural landscapes
 - Yes
 - Yes
 - Not really, litter is everywhere
-

2.6 Submission on NSW Planning System Review Issues Paper

Reporting Officer

Manager Environmental Planning & Manager Development Services

Attachments

1. Council's original Submission on the NSW Planning System Review – November 2011 (distributed under separate cover)
2. Extract from the NSW Planning System Review Issues Paper – List of Questions (distributed under separate cover)
3. Draft Responses on Technical Issues raised by questions included in the Issues Paper (distributed under separate cover)

Purpose

1. To update Council on the outcomes of Stage 1 of the NSW Planning System Review.
2. To seek Council's agreement to lodge a submission on the NSW Planning System Review Issues Paper to the Planning System Review Panel.

History

The NSW Government is undertaking a review of the NSW Planning System and has appointed the former Environment Minister, The Hon Tim Moore, and the former Public Works Minister, The Hon Ron Dyer to co-chair an independent panel to undertake this review. The Government has provided this panel with a list of tasks (under its terms of reference) which are required to be undertaken.

The first task listed in the terms of reference is to "*consult widely with stakeholder groups and communities throughout the State to identify the issues that require consideration in developing a new planning system*". As such a number of community consultation forums were held and submissions were invited during the second half of 2011.

Council at its Ordinary Meeting held on 15 November 2011, resolved to endorse and forward a comprehensive submission in response to the community consultation forums to the co-chairs of the independent panel undertaking the Planning System Review. A copy of this submission is provided in Attachment 1. Council staff forwarded the submission in accordance with Council's resolution.

Report

Council has received correspondence from the Planning System Review Panel, dated 6 December 2011, which advises that following consideration of the outcomes of 91 community forums, over 60 stakeholder group meetings and the content of more than 300 submissions, it has prepared and released an Issues Paper for comment.

Submissions on the Issues Paper will be received up until 17 February 2012. Copies of the Issues Paper are available from the Director Planning and Environment.

In broad terms the Issues Paper seeks to stimulate feedback on a series of detailed questions that have arisen from the Review Panel's consideration of submissions and comments from the initial phase of community and industry consultation held last year.

The feedback questions are grouped into chapters headed:

- Key elements, structure and objectives of a new planning system
- Making plans
- Development proposals and assessment
- Appeals and reviews
- Enforcement and compliance
- Implementation.

Some of the more important and 'policy' based matters queried by the Issues Paper, of significance and likely interest to Council, include the following:

- The role of Councillors in decision making affecting the preparation of plans (such as strategic and statutory plans) as well as their role in the development assessment and application determination processes
 - Joint Regional Planning Panels, specifically including matters relating to Panel representation, rights of application referral and council exemption from JRPPs
 - The nature and extent of public participation in the planning process including the involvement of the community in application determinations (e.g. Complying Development Certificate Applications) and in strategic and statutory plan making
 - The incorporation of Ecologically Sustainable Development and climate change provisions into the system (and legislation)
 - Better defining the 'public interest' and incorporating the concept of 'public benefit' into statutory plans and development assessment processes
 - The multiplicity and complexity of the various Acts and other instruments of legislation called up by the existing planning system
 - The reinstatement of certain historical (now currently defunct) 'existing use' development rights
 - Self assessment of development proposals by Crown Authorities
 - Rights of appeal against a Council decision to rezone or not to rezone land
 - Infrastructure contributions
 - Lapsing of development consents including tests for 'substantial commencement'
 - Completion of development (following commencement)
 - Private certification of development
 - Development application fees
 - Appeal and review processes including third party merit appeals; reviews and appeals relating to determinations by the Planning Assessment Commission and other authorities; and objector appeal rights
 - Probity in the planning system.
-

A series of more than 230 detailed questions are posed in the Issues Paper to prompt further thinking on the development of a new planning system. These questions are listed in Attachment 2.

Suggested Council Response to the Issues Paper

A detailed response to many of the technical planning matters raised by the specific questions is shown in Attachment 3.

Notwithstanding the abovementioned 'technical responses', it is considered that the Planning System Review avails Council with an opportunity to express a view on a range of important policy related matters. These include items which have been raised by Councillors previously, as well as a number of others which are considered to potentially be of significant interest. These matters are listed below and whilst it must be noted that the list is not exhaustive, there is an opportunity for Councillors to consider additional matters or to make amendments to the list, in considering the lodgement of its submission to the Review Panel.

- Elected Council representatives, under all circumstances, must maintain their capacity to represent their communities in securing good planning outcomes by:
 - engaging collaboratively with Regional Organisations of Councils, other relevant councils and the State planning agency to prepare strategic and statutory plans affecting their areas, and
 - remaining the primary consent authority for local and regional development
 - Joint Regional Planning Panels should be abolished, if, however, they are to be retained, councils must have a right to seek exemption and retain their determination powers
 - The public interest must be better defined and the public benefit of a proposal (plan or application) needs to be considered in tandem with environmental impacts
 - Regional Organisations of Councils have an important strategic planning role to play in assisting with the preparation of regional planning strategies
 - Any new legislation must take appropriate account of climate change and the principles of ecologically sustainable development
 - There must be rights of appeal/review (based on merit) available to councils for determinations by JRPPs, the Planning Assessment Commission, the Minister, and Crown Authorities
 - There should be no right of appeal against a decision of a council to rezone or not to rezone land
 - The Land and Environment Court must not be permitted to approve proposals that undergo significant amendment brought about by part of the appeal process
 - A more stringent process relating to the determination of 'lapsing of consent' must be established, inclusive of procedures for enforcing a 'notice to complete'
 - Regional based strategic planning must be undertaken as a high priority for government in collaboration with Regional Organisations of Councils and affected Local Government authorities
 - Regional strategic plans must be afforded appropriate statutory weighting in the development assessment and determination processes
 - Infrastructure contributions planning arrangements must empower local government authorities with the capacity to recover the costs of the provision of basic levels of infrastructure (in accordance with government agreed standards) to serve new development, without penalty or costs to existing communities.
-

Both the policy related matters listed above and the technical responses in Attachment 3 are all considered worthy of inclusion in a submission to the Planning System Review Panel, and represent the wide range of matters that are understood to be of interest to Council and the Campbelltown community.

Council is now requested to consider, for endorsement, those items for inclusion into the submission to the Review Panel together with any additional issues and/or suggestions which Council determines as being appropriate.

Conclusion

The NSW Planning System Review Issues Paper raises a significant number of questions and suggestions about the future of the planning system and planning legislation in NSW. Some of the items raised in Council's original submission would appear to be reflected in a number of the questions posed by the Issues Paper.

As Council has already made a comprehensive submission to the NSW Planning System Review (in November 2011) following the State-wide community consultation workshops, it is recommended that Council lodge a further submission on the exhibited Issues Paper addressing the items raised in this report together with matters set out in Attachment 3 and any other issues deemed appropriate by Council.

Officer's Recommendation

1. That Council endorse the lodgement of a submission on the NSW Planning System Review in response to the Issues Paper that was released in December 2011, that includes the items raised in the above report (and those items listed in Attachment 3) in addition to any other matters deemed suitable for inclusion by Council.
2. That Council forward the additional comments, and a copy of its original submission, to the co-chairs of the NSW Planning System Review by the closing date for submissions (17 February 2012).

Committee's Recommendation: (Oates/Greiss)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 February 2012 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 8

That the Officer's Recommendation be adopted.

2.7 Glenfield Road Urban Release Area - Zoning Amendments

Reporting Officer

Manager Environmental Planning

Attachments

Nil

Purpose

To inform Council of the outcomes of the public exhibition of the draft LEP (Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No. 24), and to seek Council's endorsement to submit the exhibited Planning Proposal and draft LEP to the Department of Planning and Infrastructure (DPI) for land situated within the Glenfield Road Urban Release.

History

At its meeting on 13 December 2011, Council resolved as follows:

That Council prepare and exhibit a draft amending Local Environmental Plan to rezone land known as part of lot 117, part of lot 113 and part of lot 114 DP 270660 and part of lot 3 DP 1149933, within the Glenfield Urban Release Area from 6(a) Local Open Space to 2(b) Residential B as per the map shown as Attachment 1.

The Planning Proposal, amending LEP map, and Gateway Determination were subsequently placed on public exhibition. The exhibition was advertised in the Macarthur Chronicle and the Macarthur Advertiser on the 10 and 11 as well as the 17 and 18 of January 2012. In addition, the adjoining land owner was notified in writing prior to the exhibition period.

Report

Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No. 24) was publicly exhibited for a period of 14 days from Tuesday 10 January 2012 until Tuesday 24 January 2012. The length of exhibition period was as per the Gateway Determination made by the Gateway Panel.

The exhibition material was also displayed at the Glenquarie Library, Campbelltown Civic Centre and on Council's website. The adjoining landowner was also notified, in writing, of the exhibition and invited to make comment.

No submissions were received during the public exhibition period.

Conclusion

Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No. 24) is only minor in nature and seeks to rectify a zoning anomaly which has evolved during the development phase and as such has minimal impact on the community.

Council's endorsement is now sought to submit the exhibited Planning Proposal to the DPI for assessment and formal drafting of Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No. 24) by Parliamentary Counsel.

Officer's Recommendation

That Council endorse the draft Planning Proposal as exhibited, and submit the Planning Proposal to the Department of Planning and Infrastructure recommending that the draft Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No. 24) be formally published.

Committee's Recommendation: (Oates/Bourke)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 February 2012 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 8

That the Officer's Recommendation be adopted.

2.8 Minto Urban Renewal Project - Subdivision of Stage 11

Reporting Officer

Manager Environmental Planning

Attachments

1. Locality Plan (distributed under separate cover)
2. Minto Urban Renewal Concept Plan (distributed under separate cover)
3. Site / Subdivision Plan (Stage 11) - (distributed under separate cover)

Purpose

To advise Council of a Development Application that has been received for Stage 11 of the residential subdivision for Minto Renewal Project area that qualifies for determination by the Joint Regional Planning Panel for Western Sydney.

Property Description	Lot 66 DP261817, Lot 1 DP745364, Lot 17 DP 716486 and Part Lots 14, 15, 18, 19, 20, 21 and 22 DP 716486, Pendergast Ave and Eagleview Road, Minto.
Application No	2267/2011/DA-S
Applicant	Landcom
Owner	Housing NSW and Campbelltown City Council
Statutory Provisions	Campbelltown (Urban Area) Local Environmental Plan 2002 Minto Renewal Development Control Plan 2006
Date Received	22 November 2011

History

In June 2006, the Minister for Planning granted Concept Plan approval for the implementation of the Minto Renewal Project pursuant to Part 3A - *'Major Infrastructure and Other Projects'* of the *Environmental Planning and Assessment Act 1979*. The Concept Plan providing for a total of 1,100 residential dwellings (including upgrading some 176 existing dwellings), a revised street layout, improved parks, public areas and associated works over 13 stages. An extract of the Concept Plan is provided in Attachment 2.

The Minto Renewal Development Control Plan (Minto DCP) was also prepared in 2006 to ensure that the development principles set out in the Concept Plan are implemented throughout the project area.

In accordance with Part 4 of *State Environmental Planning Policy (State and Regional Development) 2011*, the current application for Stage 11 has been forwarded to the Sydney West Joint Regional Planning Panel (JRPP) for determination, given that the application has been made by a Crown authority which has a capital investment value exceeding \$5 million (\$12.8m) and further, given that Council has a financial interest in the matter.

It is noted that the current application follows the previous approvals of Stages 1 - 9 by Campbelltown City Council, and more recently Stage 10 of the Minto Renewal Project by the JRPP on 3 June 2011.

Report

Council is in receipt of a development application from Landcom for a 149 lot residential subdivision as part of Stage 11 of the Minto Urban Renewal Project as shown in Attachment 3.

The site is bounded by the proposed alignment of Elizabeth McRae Avenue to the west, and the existing Eagleview Road to the east. The subject area extends from the southern boundary of the renewal site to the future Stages 12 and 13 to the north. The site includes parts of Pendergast Avenue, Friendship Way, and Dunlop Way. It also incorporates open space areas and pedestrian links.

The development application seeks consent for the following:

- The re-subdivision of the Stage 11 site into 149 lots for housing and 1 lot for open space (Kynngmount Reserve)
- Associated subdivision works including the construction of roads and roadworks, associated drainage, site regrading and retaining works, utility services and landscaping
- Minor associated works such as the removal of redundant services, sedimentation control and tree removal
- Excavation works associated with road grading and site benching
- Public domain works including street trees and footpath treatments and embellishment of the proposed public park

There are approximately 36 dwellings that will be retained as part of this application and will be upgraded with a range of streetscape and facade improvements, including new awnings to dwellings, carports, windows and doors and front fencing.

It is noted that future applications will be required for dwelling construction on the proposed allotments.

The subdivision design and proposed street layout is generally in accordance with the Minto DCP and is consistent with the hierarchy of streets approved as part of the Concept Plan. Minor changes have resulted from the detailed design process. Pendergast Avenue will be retained on its current alignment through the site.

The subdivision layout has had regard to stormwater management, street layout and streetscape amenity and the provision of Kynngmount Reserve satisfies the public open space requirements. All allotments to be created satisfy Council's minimum development standards of 300 square metres in area with a 10 metre width at the street frontage. All allotments have street frontages with some access handles where necessary, to provide access to lots with existing cottages.

Stage 11 occupies land zoned 2(b) Residential under Campbelltown (Urban Area) Local Environmental Plan 2002 (the LEP). The proposed development is permissible in the zone and is consistent with the zone objectives.

The proposal has also been considered against the Minto DCP and the concept masterplan and is considered to be generally compliant.

The proposal provides for significant improvements to the local street network, with the removal of a number of existing cul-de-sacs within the public housing estate. A range of public domain improvements are also incorporated into the proposed development, including road infrastructure, pedestrian pathways, street tree planting and lighting.

The application has been reported to Council to inform the Councillors of the requirement for the application to be determined by the Sydney West Joint Regional Planning Panel and to advise Council that the application is generally consistent with the Concept Plan Approval for the Minto Renewal Project and Council's planning provisions.

Officer's Recommendation

That the information be noted.

Having declared an interest in regard to Items 2.8 and 2.9, Councillor Kolkman left the Chamber and did not take part in debate nor vote on this item.

In the absence of the Chairperson, Councillor Oates was elected to Chair the meeting.

Committee's Recommendation: (Bourke/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 February 2012

Having declared an interest in regard to Items 2.8 and 2.9, Councillors Hawker and Kolkman left the Chamber and did not take part in debate nor vote on this item.

The Director City Works also vacated the Chamber during the discussion of Items 2.8 and 2.9.

Council Meeting 14 February 2012 (Bourke/Rule)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 9

That the Officer's Recommendation be adopted.

2.9 Development Application 2263/2011/DA-RA: Mixed Use (Residential and Retail) - Queen Street, Campbelltown

Reporting Officer

Manager Environmental Planning

Attachments

1. Locality Plan (distributed under separate cover)
2. Basement Carpark Plan (Level 1) - (distributed under separate cover)
3. Site / Ground Floor Plan (distributed under separate cover)
4. Typical Floor Plan (distributed under separate cover)
5. Elevations (distributed under separate cover)
6. Perspective (distributed under separate cover)

Purpose

To advise Council of a Development Application that has been received for a mixed use (retail and residential apartment) development that qualifies for determination by the Joint Regional Planning Panel for Western Sydney.

Council is also requested to authorise the Director Planning and Environment to make a submission to the Joint Regional Planning Panel regarding a number of issues relating to the proposed development.

Property Description	Lot 1 DP 600103, Lot 10 DP 872091 No. 3 Queen Street, Campbelltown
Application No	2263/2011/DA-RA
Applicant	Grado P/L
Owners	Clintons Investments P/L
Statutory Provisions	State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2009
Date Received	23 November 2011

Report

Sydney West Joint Regional Planning Panel

Schedule 4A of the *Environmental Planning and Assessment Act 1979* provides that the relevant Joint Regional Planning Panel (JRPP) may exercise the function of the consent authority (Council) for general development with a capital investment value of greater than \$20m. Given that the subject application has a development capital investment value of \$34.6m, it has therefore been forwarded to the Sydney West JRPP for determination in accordance with Part 2A of the *Environmental Planning and Assessment Act 1979*.

To assist Council in formulating a submission to the JRPP on the application, the proposed development has been assessed in accordance with the prescribed matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*. Having regard to these matters, the following report outlines the details of the proposal and summarises the relevant issues for Council's consideration and recommended inclusion into a submission to the JRPP.

Development Proposal

A development application has been received to demolish the existing Clintons Toyota motor vehicle sales premises at No. 3 Queen Street, Campbelltown and construct a multi-storey mixed use retail and residential apartment development.

The development site is located towards the northern end of Queen Street, adjoining the Main Southern Railway Line. The land is occupied by a single storey building containing a car sales yard (Clintons Toyota) and a large expanse of concrete paved car display area. Vehicular access to the site is from Queen Street via an existing concrete crossover at the southern end of the site.

The property comprises two adjoining allotments and has a total area of 6,841 square metres, with a frontage of 188.8 metres to Queen Street (east) and rear boundary of 180.9 metres length adjoining the railway corridor (west). The depth of the property is greatest along the southern boundary (57.8 metres), and tapering down to the narrowest part along the northern boundary (18.39 metres).

Adjoining land uses comprise a car sales financier to the south, the main railway line to the west, and an irregular shaped parcel of Council owned vacant land to the north where the railway corridor and Queen Street alignment merge. The site generally extends from the signalised intersections of Queen Street and Chamberlain Street to the south, to the signalised intersection of Queen Street and the 'Brands on Sale' development to the north.

The proposed development comprises a mixed use residential and retail development within two separate buildings, accommodating 162 residential apartments in a mixture of one, two and three bedroom arrangements, three ground level shops and on site parking for a total of 243 cars.

A general description of the proposed development is as follows:

- i. Demolition of the existing car sales building and paved area
 - ii. Construction of one six storey building at the southern end of the site (Tower 1) and one larger six / seven storey building (Tower 2) on the northern part
-

- iii. A two level basement carpark under each tower would be accessed from a common driveway from Queen Street. The basement levels would provide total parking for 212 cars (77 spaces in Tower 1, 135 spaces in Tower 2), and also include storage areas for use by residents, plant rooms and lift and stair access
- iv. Three shops are proposed at ground level located adjacent to the common driveway between the two towers. The ground level vehicular access point would also accommodate ground level visitor parking for 31 cars (16 external and 15 internal within Tower 2). The internal parking area would also act as a loading dock for unloading / loading and waste collection
- v. Site landscaping and associated works would be also included. Common open space is provided at podium level on the western (railway) side of the building, and an area of landscaped open space is provided at ground level at the northern end of the site
- vi. One street tree is proposed for removal to provide vehicle access to the site.

A central entry access way is proposed from Queen Street between the two towers, which would also provide access for larger service and delivery vehicles (including vehicles for the garbage service).

Relevant Matters for Consideration

This report presents a broad assessment of the development application within the context of preparing a submission by Council to the JRPP on the proposal, having particular regard to any potential deficiencies that need to be properly considered prior to the determination of the application by the JRPP. In this respect, the following issues have been identified for Council's consideration:

I. Campbelltown (Urban Area) Local Environmental Plan 2002

The subject land is zoned 10(a) - Regional Comprehensive Centre Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002). The proposed development is defined as '*residential flat building*' and is permissible with Council's development consent. A residential flat building is defined as:

"a building containing two or more dwellings which achieve access from shared foyers, halls or stairways."

The objectives of the 10(a) Regional Comprehensive Centre Zone, of relevance to the proposed development, are:

- a) *To encourage employment and economic growth*
 - b) *To encourage a variety of forms of higher density housing, including accommodation for older people and people with disabilities in locations which are accessible to public transport, employment, commercial, retail and service facilities.*
-

It is a requirement of the CLEP 2002, that development must be consistent with at least one of the objectives of the zone in order that Council can grant development consent. The development would provide a sustainable housing mix in proximity to the Campbelltown Central Business District as well as encouraging some limited degree of economic growth through the retail/commercial units to be provided.

Accordingly, it is considered that the development is consistent with the relevant zone objectives and is a permissible use within the zone.

II. State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) applies to the erection of new residential flat buildings in NSW and provides principles for quality design and guidance for evaluating the merit of design solutions.

SEPP 65 defines a residential flat building as:

A building that comprises or includes:

- a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level)*
- b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops).*

but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.

The proposed development constitutes a residential flat building for the purposes of SEPP 65.

In determining a development application for consent to carry out residential flat development, a consent authority is to take into consideration the design quality of the residential flat development when evaluated in accordance with the design quality principles, and the publication 'Residential Flat Design Code' (Department of Planning, September 2002) (RFDC).

The RFDC provides additional guidelines for improving the design of residential flat buildings and complements the design quality principles provided under SEPP 65.

The subject application has been reviewed in accordance with the design quality principles under SEPP 65 and the development guidelines under the RFDC. Whilst it is considered that the proposal is generally consistent with a broad number of the design quality principles listed under SEPP 65, a number of significant non-compliances have been identified and are summarised as follows:

- **Building Depth**

The RFDC specifies a desired maximum internal plan depth of 18m from glass line to glass line in order to promote adequate daylight and ventilation.

The subject proposal is generally 22m - 24m in depth for Tower 1 and 21m - 26m in depth for Tower 2. The proposed residential apartments are "double loaded" off a central corridor which restricts opportunities for cross ventilation and dual orientation of apartments. Further discussion on these issues is provided under the respective headings below.

- **Ventilation**

The RFDC specifies that sixty percent (60%) of residential units should be naturally cross ventilated.

As mentioned above, the double loading of apartments off a central corridor (for both towers) restricts the opportunities for cross ventilation as the majority of apartments only have a single façade to the exterior. An assessment of the submitted plans indicates that only 27% of units provide good opportunities for cross ventilation, generally limited to those apartments located on the corner of the proposed buildings. It is noted however, that this figure could perhaps be marginally improved by repositioning and/or providing extra windows in some of the proposed units.

Notwithstanding the above, and given the proximity of the development site to a rail corridor and Queen Street, it must be noted that acoustic limitations identified in the separate noise/vibration report require all windows and external openings to be sealed to all apartments (requiring the installation of air conditioning). On this basis, the development provides no opportunity for natural air flow or cross ventilation.

- **Orientation**

The RFDC requires that solar access be optimised by positioning and orientating buildings to maximise a northerly orientation. The number of single aspect units with a southerly aspect (SW-SE) should be limited to a maximum of 10%. In addition, living rooms and private open spaces for at least 70% of apartments should receive a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid winter.

The design of the subject apartments does not achieve the desired solar access requirements of the RFDC. Whilst the total number of units with a single aspect southerly orientation is 12%, it is noted that all of these units are located within Tower 1. Of the 55 apartments within Tower 1, 20 (or 36%) have a single aspect to the south-west.

Approximately 50% of the apartments within the proposed development do not achieve the minimum three hours direct sunlight in mid winter to living areas and private open spaces. These apartments are generally limited to those on the eastern Queen Street elevation (Tower 2), and those located on the southern elevation of Tower 1.

- **Internal Circulation**

The RFDC provides guidelines for the appropriate layout and design of common circulation spaces. Where units are arranged off a double loaded corridor (as is the case with this application), the number of units accessible from such a corridor should be limited to eight.

The proposal does not meet these guidelines. The general apartment layout in Tower 1 provides 10 apartments per floor, and 18 apartments per floor in Tower 2, accessed from double loaded corridors. It is considered that the proposal does not demonstrate a sufficiently high level of amenity and design quality to justify this variation.

- **Building Configuration**

The RFDC promotes the design of mixed use developments which creates more active and lively streets by having retail uses fronting onto major streets. This is a fundamental requirement of successful development in business centres generally.

The subject proposal restricts the retail component of the proposal to the internal driveway (accessed from Queen Street), rather than promoting an active streetscape along the main frontage to Queen Street at ground level. This is not acceptable.

Furthermore, the positioning of residential apartments at street level introduces additional security and privacy issues for the interface between public domain of the street and the private entrances and balconies of the street level apartments. In this respect, it is considered that any proposal for apartments with direct frontage/access to Queen Street needs to strengthen the delineation of private open space for the respective street level apartments by introducing design elements such as privacy screening for courtyards, level changes between private and public space, and pedestrian access through living rooms rather than bedrooms.

Other relevant design issues have been assessed and are summarised under the Sustainable City DCP section of this report.

III. Campbelltown (Sustainable City) Development Control Plan 2009

Campbelltown (Sustainable City) Development Control Plan 2009 (SCDCP) applies to the land and the proposed development.

Part 2 of the SCDCP provides general requirements applying to all types of development, and Part 4 provides detailed objectives and controls for the development of new residential apartment and mixed use developments.

The application has been assessed in accordance with all relevant provisions of the SCDCP, and a summary of those matters that are considered relevant for Council's consideration in the preparation of a submission to the JRPP, is provided in the following table.

Control	Requirement	Comment
2.14.1	Contaminated Land	Appropriate conditions are recommended to ensure the site is properly remediated for the intended use in accordance with relevant NSW Environment Protection Authority requirements.
4.3.2(a)	Maximum Height 6 Storeys	The application proposes a partial seventh storey at the northern end of the development comprising two adjoining top floor apartments. Whilst this portion of the building breaches the six storey height limit, this building element does provide an architectural roof top form to the northern elevation of the development and does not read as a standard storey.
4.3.2(c)	Architectural Merit / Façade Treatments	The design provides a reasonable level of architectural treatment and articulation to “break up” the mass of the building. However, it is considered that the main elevation to Queen Street (Tower 2) which is approximately 100m in length should be improved to reduce the horizontal emphasis and monolithic appearance of the façade. This could include alternative balcony treatments and the incorporation of strengthened vertical elements into the façade.
4.4.3(d)	Maximum of 8 dwellings accessed from a corridor	Tower 1 has 10 units per floor, and Tower 2 has 19 apartments per floor from a single (dual loaded) corridor.
4.4.3 (f)	Maximum of 50 dwellings from a single common lift.	Tower 1 provides a total of 55 apartments accessed from a single lift.
4.4.8(a)	Communal Recreation Room	A common recreation room of 200 square metres is required but not provided.
4.4.9.2	Garbage Chutes and Waste Service Rooms	The development fails to make provision for a household garbage chute and recycling bins on each level which must be accessible for all occupants.
4.5.6(a)	Mixed Use - Waste Management	Inadequate waste and recycling management facilities for retail premises - separate, self-contained and lockable areas need to be provided for retail and residential waste.
4.4.9.5	Waste Collection	Further information is required about the proposed path that waste and recycling collection vehicles would travel to the bin collection points. The development design would need to ensure that waste and recycling collection vehicles enter and exit from the site in a forward direction.
4.3.2(d) 4.5.3(a)	Active interaction with street and nil street setback	Council's intent is to provide a retail streetscape at ground level that actively interacts with the public domain. The proposed development incorporates setbacks along the Queen Street frontage to accommodate residential apartments which does not achieve the desired design outcome.

2.13	Security and Crime Prevention	Greater emphasis is required to clearly designate private and public space areas, particularly along the Queen Street frontage for private balconies and along the southern side of the building. Private storage areas within the basement carpark should be redesigned to allow for improved sight lines from the general car park area.
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IV. Other Relevant Considerations

The following issues have been identified having regard to the broader suite of considerations prescribed by Section 79C of the *Environmental Planning and Assessment Act 1979*.

- **Acoustic/Vibration Impacts**

Given the location of the subject land, the application must comply with the Department of Planning's Policy: *Development Near Railways and Busy Roads - Interim Guideline*.

It is noted that the application has been forwarded for comment to the Roads and Maritime Services (formerly RTA) due to its proximity to existing signalised intersections and to RailCorp as it is adjacent to the Main Southern Railway Line.

Notwithstanding any comments from the Roads and Maritime Service and RailCorp, the acoustic report submitted with the application has been assessed and the following matters are noted:

- a) The acoustic report submitted with the DA refers to different plans and it should therefore be updated to accurately reflect the plans submitted to Council as part of the development application
- b) The acoustic / vibration report identifies that the significant vibration generated by rail movements on "the southern façade" occurs during freight rail movements. Consideration therefore needs to be given to future freight movements that will occur along the dedicated freight rail line that is planned for the adjacent rail corridor to ensure the future impacts on the amenity of the development are properly considered
- c) The acoustic report requires that air conditioning units be provided to all apartments. The design of the development therefore needs to ensure that these elements are concealed from public view as they would potentially distract from the aesthetics of the building.

- **Staging**

The development has the potential to be built in two stages, given the stand alone nature of each Tower and associated basement carpark. Any consent issued therefore, needs to ensure that the interim occupation of the towers is appropriately restricted so that common facilities within the proposal (eg. recreation spaces, loading dock and waste management) are provided in a timely manner.

- **Public Consultation**

The development proposal has been placed on public exhibition over the Christmas/New Year period. The public exhibition concludes on 3 February 2012. Any submissions that are received will also need to be considered as part of the assessment and determination of the proposal by the JRPP.

- **Technical Considerations**

It is noted the subject application must also address the usual technical considerations for a development of this nature, such as site flooding and overland flows, traffic generation and access, and site contamination and remediation. Whilst this report has not identified these matters as an issue of obvious concern, there is a clear expectation that these issues must be properly investigated and adequately resolved by the JRPP prior to any consent being issued. As mentioned, this includes consideration of any comments received from external authorities as part of the development assessment and consultation process.

Conclusion

The subject application is for the redevelopment of the Clintons Toyota caryard in the northern part of Queen Street for a mixed use (retail and residential apartment) development comprising two separate buildings. The development comprises 162 residential apartments, three ground level shops and on site parking for 243 cars.

The application has been referred to the Sydney West JRPP for determination in accordance with Part 2A of the *Environmental Planning and Assessment Act 1979*.

The application has been generally assessed in accordance with the relevant statutory requirements and a number of design issues and concerns have been identified. These matters generally relate to a number of non-compliances with the design requirements of SEPP 65, the Residential Flat Design Code and Campbelltown (Sustainable City) Development Control Plan 2009. Notwithstanding, these non-compliances should be re-examined as part of a comprehensive design review, to ensure that any approval issued by the JRPP would ensure a high quality development outcome that:

- maximises occupant amenity
 - achieves a high degree of interaction between the development and Queen Street, promoting an active and vibrant street frontage to Campbelltown's main street – Queen Street
 - results in a positive architectural contribution to the Campbelltown Regional City Centre and in particular, the Queen Street streetscape.
-

Having regard to these issues, it is considered that the subject proposal in its current form does not provide a high quality design outcome that adequately addresses the relevant planning policies for residential apartment buildings and mixed use developments applicable to this site.

Officer's Recommendation

That Council's Director Planning and Environment forward a submission to the Joint Regional Planning Panel (JRPP) for the Sydney West Region objecting to the application and requesting that the development application (2263/2011/DA-RA) for the construction of a mixed use development (retail and residential apartment building) at 3 Queen Street, Campbelltown, not be approved unless the concerns and issues outlined in the body of this report are satisfactorily addressed through a detailed design review and appropriate amendments to the application.

Having declared an interest in regard to Item 2.9, Councillor Kolkman left the Chamber and did not take part in debate nor vote on this item.

In the absence of the Chairperson, Councillor Oates was elected to Chair this item.

Committee's Recommendation: (Bourke/Greiss)

That the Officer's Recommendation be adopted.

CARRIED

At the conclusion of the discussion regarding Item 2.9, Councillor Kolkman returned to the Chamber for the remainder of the meeting and reassumed the Chair.

Council Meeting 14 February 2012

Having declared an interest in regard to Items 2.8 and 2.9, Councillors Hawker and Kolkman left the Chamber and did not take part in debate nor vote on this item.

The Director City Works also vacated the Chamber during the discussion of Items 2.8 and 2.9.

Council Meeting 14 February 2012 (Lake/Glynn)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 10

That the Officer's Recommendation be adopted.

At the conclusion of the discussion regarding Items 2.8 and 2.9, Councillors Hawker and Kolkman and the Director City Works returned to the Chamber for the remainder of the meeting.

2.10 Proposed Road Names - Housing NSW Renewal Precincts, Rosemeadow

Reporting Officer

Manager Environmental Planning

Attachments

Nil

Purpose

To propose new road names for public roads in Rosemeadow, for Council's consideration.

History

At its meeting on 15 July 1980, Council approved a list of 53 road names for use in the suburb of Rosemeadow and, at its meeting on 20 October 1981, approved a further 52 road names for use in this suburb. As all of these previously approved road names have now been used for roads within Rosemeadow, Housing NSW has requested Council approve further road names for use in the naming of new public roads proposed to be created within the Rosemeadow renewal precincts.

Report

It has been Council's protocol for some time to select a specific theme for road names within a suburb or development in an effort to harmonise the road names and provide some assistance to the travelling public. Council has previously adopted the theme of "names of characters in the best known plays of William Shakespeare" for the suburb of Rosemeadow and the proposed road names continue this theme.

The following proposed road names were selected in accordance with Council's endorsed theme:

- Andronicus
 - Buckingham
 - Cymbeline
 - Florizel
 - Imogen
 - Leonardo
 - Nerissa
 - Orlando
 - Shylock
 - Southwell
 - Tamora
-

In accordance with Clause 7 of the *Roads Regulation 2008*, the above mentioned proposed road names were advertised in local newspapers to allow for public submissions. The agencies and authorities prescribed in this clause of the Regulation were also notified of these proposed road names by letter. Submissions were required to be received by Council prior to 2 December 2011.

One submission was received from Land and Property Information NSW on behalf of the Geographical Names Board (GNB), Surveyor General and Registrar General, stating that the proposed road names had been reviewed under the current GNB guidelines and that no objection was raised.

As these proposed road names continue the adopted theme for this area and no objections have been received during the period allowed for submissions, it is recommended that Council approves the proposed road names.

Officer's Recommendation

That Council approve the names Andronicus, Buckingham, Cymbeline, Florizel, Imogen, Leonardo, Nerissa, Orlando, Shylock, Southwell and Tamora for use in Rosemeadow.

Committee's Recommendation: (Greiss/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 February 2012 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 8

That the Officer's Recommendation be adopted.

3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics - December 2011 and January 2012

Reporting Officer

Manager Development Services

Attachments

Nil

Purpose

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

Report

Council's resolution of 23 August 2005 requested that Councillors be provided with regular information regarding the status of development applications.

Unfortunately, due to a change in the method of obtaining the relevant development application statistics, the normal attachment providing information regarding the status of development applications is not able to be provided at this time.

Information relating to the status of development applications for the December 2011 and January 2012 periods, will be reported to the Planning and Environment Committee on the 6 March and at Council's Ordinary Meeting on 13 March 2012.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 February 2012 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 8

That the Officer's Recommendation be adopted.

3.2 Council's Monitoring And Reporting Obligations Of Variations To Development Standards Allowed Under State Environmental Planning Policy No.1 - Development Standards (SEPP 1)

3.2 Council's Monitoring and Reporting obligations of Variations to Development Standards allowed under State Environmental Planning Policy No.1 - Development Standards (SEPP 1)

Reporting Officer

Manager Development Services

Attachments

SEPP 1 Variations approved for the period October – December 2011 (distributed under separate cover)

Purpose

The purpose of this report is to advise Council of development applications approved for the period 1 October 2011 to 31 December 2011 that involved a variation of a development standard allowed under the relevant provisions of the State Environmental Planning Policy No. 1 - Development Standards (SEPP 1 Applications).

Report

In accordance with the Department of Planning and Infrastructure's (DPI) requirement for all SEPP 1 Applications to be reported to Council, the attachment to this report provides details of all SEPP 1 Applications that were determined within the period stated above.

Further to the above, a copy of the attachment to this report was included in the quarterly report to the DPI and the information therein is also made available to the public under the "SEPP 1 Register" on Council's website.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Bourke/Oates)

That the Officer's Recommendation be adopted.

CARRIED

3.2 Council's Monitoring And Reporting Obligations Of Variations To Development Standards Allowed Under State Environmental Planning Policy No.1 - Development Standards (SEPP 1)

Council Meeting 14 February 2012 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 8

That the Officer's Recommendation be adopted.

3.3 No. 37 Mount Erin Road, Campbelltown - Construction of Child Care Centre for up to 70 Children

Reporting Officer

Manager Development Services

Attachments

1. Recommended Conditions of Consent
2. Locality Plan
3. Site Plan
4. Floor Plans
5. Elevations
6. Landscape Plan

Purpose

The purpose of this report is to assist Council in its determination of the subject Development Application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Property Description	Lot 37 DP 1113810, No. 37 Mount Erin Road, Campbelltown
Application No	1418/2011/DA-C
Applicant	Mount Erin Pty Ltd
Owner	FKP Commercial Development Pty LTD
Provisions	State Environmental Planning Policy No.1 - Development Standards Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2009 Development Control Plan No.87 - Public Notification and Public Exhibition Policy Campbelltown 2025 - Looking Forward
Date Received	8 August 2011

Report

Introduction

Council is in receipt of a development application for the construction of a child care centre and subsequent use of the child care centre for a maximum of 70 children at No. 37 Mount Erin Road, Campbelltown. The land is located within a recent industrial subdivision known as 'Lakeside'.

The Site

The site is located on the northern side of Mount Erin Road and is approximately 100 metres to the north of the intersection between Mount Erin Road and Johnson Road. The land is currently undeveloped given that it forms part of a recent industrial subdivision known as Lakeside.

The land has an area of 2,083 square metres with a street frontage width of 93.5 metres. Given the unusual shape of the allotment, the lot depth varies from 19.7 metres to 25.2 metres.

The land is relatively flat with a minor slope from the eastern boundary to the western boundary of approximately 1.8 metres over 80 metres.

Adjoining land includes Council owned land to the north and west which form part of the lake and detention basin. Land to the east is currently a vacant industrial allotment, with land to the south, being across Mount Erin Road from the subject site, containing vacant allotments and recently developed industrial warehouses.

The Proposal

The proposal includes the development and use of a child care centre for up to 70 children, associated outdoor play areas, car parking and landscaping.

The proposed child care centre includes:

- single storey building with a floor area of 475 square metres;
- outdoor play area of 514 square metres;
- various shade structures and play equipment;
- play area to be finished in a soft surface and artificial turf;
- car parking area containing 20 spaces;
- landscaping to front, rear and side setbacks; and
- fencing.

The child care centre would contain five rooms for up to 70 children of various age groups, a staff room, offices, storage rooms, kitchen, laundry and amenities.

The proposed breakdown of the placements is:

- 24 placements in the 0-2 age group
 - 16 placements in the 2-3 age group
 - 30 placements in the 3-6 age group.
-

The proposed hours of operation of the centre are:

- Monday to Friday - 6.30am to 7.00pm
- Saturday - Nil (other than up to four special event days 9.00am to 5.00pm)
- Sunday and Public Holidays - Nil

1. Vision

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

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

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

The strategic directions relevant to this application are:

- Growing the Regional City,
- Building a distinctive Campbelltown sense of place, and
- Creating employment and entrepreneurial opportunities.

The proposed development is generally consistent with these directions.

The relevant desired outcomes associated with Council's vision, included in Campbelltown 2025 include:

- Urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable;
- An impression of architecture that engages its environmental context in a sustainable way; and
- Development and land use that matches environmental capacity and capability.

It is considered that the proposed development is generally consistent with the Vision's desired outcomes having regard to the proposed function, design and impact on adjoining development and the locality.

2. Planning Provisions

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

2.1 State Environmental Planning Policy No.1 - Development Standards

SEPP 1 provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objectives specified in section 5(a)(i) and (ii) of the *Environmental Planning and Assessment Act 1979*.

SEPP 1 applies to this application, as the applicant is proposing to vary Clause 37 of Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002), which states that:

- consent must not be granted to development, other than the use of land for landscaping, for access roads and for off street parking, on any land within Zone 4 (a) or 4 (b) which is within 10 metres of a public road.

The application proposes an external play area, associated play equipment and shade structures within 10 metres of the property boundary adjacent to Mount Erin Road. The play area and equipment is located three metres from the boundary behind the required landscaped area.

The child care centre building is proposed to be located 10 metres from the front boundary in accordance with the LEP standard.

Clause 6 of SEPP 1 states that where development could, but for any development standard, be carried out under the Act, the person intending to carry out that development may make a development application in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection.

The applicant has submitted a written objection pursuant to SEPP 1 – Development Standards, arguing that compliance with the 10 metre setback control in question would be unreasonable and unnecessary. The arguments made by the applicant in this regard are the following:

- The subject site is unusually configured with a large frontage to Mount Erin Road and a shallow depth of the site. Given the irregular shape of the lot, minor encroachments may arise with the inclusion the external play area and associated play equipment within the setback.
 - The proposed building has been appropriately sited ensuring that surveillance of the external play area is maximised and relates appropriately to internal areas. The design solution is highly appropriate in this regard to children's safety.
-

3.3 No. 37 Mount Erin Road, Campbelltown - Construction Of Child Care Centre For Up To 70 Children

- The proportions of the building in terms of height and scale relative to site configuration are appropriate. The intent of the development standard is met by setting the built form back from the street boundary by 10 metres. The external play area is effectively a landscaped area with affiliated structures. The play area is appropriately supplemented with a three metre width landscaped frontage which will provide the desired perimeter planting. Again, the intent of the control is met.
- In addition the grass verge provides additional landscaped separation between building and roadway.
- The proposed development provides all necessary on-site car parking, drop-off and pick-up area and side setbacks.
- Extensive landscaping is proposed within the setback as required pursuant to the LEP and DCP.
- The minor encroachment into the setback does not give rise to any impact on adjoining properties in relation to overshadowing or loss of views given the large allotment sizes in the vicinity of the subject site.
- The minor encroachment into the setback does not transfer to any floor space ratio benefits.
- The proposed encroachment does not hinder any sightlines along Mount Erin Road.
- The use of the land will provide a role in servicing local residential and business communities.
- No State or regional issues will arise should Council approve the variation under the provisions of SEPP 1.

Under Clause 7 of SEPP 1, where the consent authority is satisfied that a SEPP 1 objection is well founded and is also of the opinion that granting of consent to that development application is consistent with the aims of the SEPP, it may, with the concurrence of the Director General of the Department of Planning and Infrastructure, grant consent to that development application notwithstanding the development standard the subject of the objection. It should be noted that consent authorities may assume the Director General's concurrence in relation to all development applications except for some dwelling and subdivision proposals on rural and non-urban land. In this regard, Council has the capacity to assume the Director General's concurrence in respect of the SEPP 1 objection in this instance.

Clause 8 of SEPP 1 stipulates that the matters which shall be taken into consideration in deciding whether concurrence should be granted (or assumed) are:

- (a) whether non-compliance with the development standard raises any matter of significance for state or regional environmental planning
 - (b) the public benefit of maintaining the planning controls adopted by the environmental planning instrument
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3.3 No. 37 Mount Erin Road, Campbelltown - Construction Of Child Care Centre For Up To 70 Children

With regard to point (a), the non-compliance does not raise any matters of state or regional planning significance. In regard to point (b), the public benefit of maintaining the 10 metre setback control outlined by CLEP 2002 would be minimal, considering that if the 10 metre setback control was to be strictly enforced, the building would have to be redesigned and contain a smaller building footprint. A child care centre with a smaller footprint would contain fewer placements and may result in an economically unviable development on the land.

Accordingly, the objection to the development standard in this instance is considered to be reasonably well founded and it is recommended that such be supported.

Pursuant to Department of Planning's Circular B1, Council may assume the concurrence of the Director General of the Department of Planning, to varying the standard.

2.2 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 4(a) General Industry under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002.

The proposed development is defined as a 'child care centre' which is a permissible development, with Council consent, within the zone.

Under the CLEP 2002, a 'child care centre' is defined as:

a building or place used to provide a centre based child care service within the meaning of the *Centre Based and Mobile Child Care Services Regulation (No 2) 1996*.

Under the Regulation a 'centre based child care service' is defined as:

a child care service that is provided at fixed premises (other than the home of the licensee of the service) by a person for the purpose of educating, minding or caring for (but without providing residential care for) 4 or more children (disregarding any children who are related to the person providing the service) who are under 6 years of age and who do not ordinarily attend school.

The objectives of the zone include:

- (a) to encourage activities that will contribute to the economic and employment growth of the City of Campbelltown, and
 - (b) to allow a range of industrial, storage and allied activities, together with ancillary uses, the opportunity to locate within the City of Campbelltown, and
 - (c) to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development, and
-

3.3 No. 37 Mount Erin Road, Campbelltown - Construction Of Child Care Centre For Up To 70 Children

- (d) to protect the viability of the commercial centres in the City of Campbelltown by limiting commercial activities to those associated with permitted industrial, storage and allied development, and
- (e) to ensure development will not be carried out unless the consent authority is satisfied that the processes to be carried on, the transportation to be involved, or the plant, machinery or materials to be used, do not interfere unreasonably with the amenity of the area.

Except as otherwise provided by this plan, consent must not be granted for development on land within this zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone.

The proposed development is considered to be consistent with (a), (b), (c) and hence development consent can be granted.

Clause 37(d) of CLEP 2002, requires that development consent must not be granted to development, other than for the use of land for landscaping, for access roads and for off street parking, on any land within Zone 4 (a) or 4 (b) which is within 10 metres of Mount Erin Road.

The proposed development includes a play area and associated play equipment including shade structures within the 10 metre setback. The main building line of the child care centre is compliant with the 10 metre front boundary setback standard.

The variation sought has been discussed in the section above.

2.3 Campbelltown (Sustainable City) Development Control Plan 2009

The proposed development has been assessed having regard to the relevant numerical and design standards within Council's Sustainable City Development Control Plan 2009 (CSCDCP 2009). The below assessment sets out the proposal's compliance with relevant requirements of the Plan:

a. Part 2 - Requirements Applying to All Types of Development

The general provisions of Part 2 of the Plan apply to all types of development. Compliance with the relevant provisions of Part 2 of the Plan is discussed as follows:

Views and vistas - The proposed development does not obscure important views or vistas.

Sustainable building design - A rainwater tank has not been included as part of this development application. Should Council support the proposed development an appropriate condition of consent would require a 5000 litre rainwater tank to be installed with the development.

Landscaping - A landscape plan has been submitted in support of the application showing proposed landscaping of the site. The proposed landscaping will enhance the visual appearance of the development.

Waste Management - A Waste Management Plan for the development has been submitted and is considered to be satisfactory.

Stormwater - The proposed development is capable of draining to an existing stormwater easement located on the property.

Security - The assessment has considered how the design enhances security and minimises opportunities for crime. The development's design allows for adequate surveillance of both the site and public areas, clearly identifies the entry and incorporates fencing measures to assist in crime prevention.

b. Part 7 - Child Care Centres

The following table sets out the proposal's compliance with the requirements of Part 7 Child Care Centres of the Campbelltown (Sustainable City) Development Control Plan 2009:

Section	Control	Requirement	Proposed	Complies
7.3.1	Location Requirement	<p>Child care centres shall not be located on an allotment that:</p> <ul style="list-style-type: none"> Is accessed from a State road Is within 100m from an intersection of a State road Is within a no through road Has access to a road where the carriageway is less than 6.5m Has a building erected upon it that is constructed of materials that contain asbestos or lead paint Is adjacent to a hazardous industry, offensive industry, intensive horticulture or livestock keeping, waste management facility Is not within 150m of a sex industry premises Not be located in a basement of a building Not be permitted on a local street unless it can be demonstrated that the centre will not have a negative impact on local traffic network, has adequate on site parking, and adjoining amenity is maintained 	<p>Mount Erin Road is not a State road and is not accessed from a State Road.</p> <p>Is not 100m from an intersection with a State road</p> <p>Mt Erin Rd is a loop road</p> <p>Mount Erin Road has a width of 11m</p> <p>Proposed centre is a new building</p> <p>Subject land is adjacent to undeveloped industrial lot and Council owned drainage reserve</p> <p>A sex industry premises is not located within 150m or in the vicinity of the subject land</p> <p>Development is in a new building</p> <p>Development can be accommodated on the subject land without negative impact on the local road network.</p>	Yes

3.3 No. 37 Mount Erin Road, Campbelltown - Construction Of Child Care Centre For Up To 70 Children

Section	Control	Requirement	Proposed	Complies
7.3.2	Site Requirements	<p>Child care centres shall not be development on land with an area of less than 800m²</p> <p>Have a minimum width of 20m</p>	<p>Subject land has an area of 2,083m²</p> <p>Width at street boundary of 93m</p>	Yes
7.3.3	Streetscape	<p>The design shall complement the scale of the surrounding development, character and qualities of the desired streetscape</p> <p>Clothes lines and air conditioner units shall be screened and not visible from street</p> <p>Built form, design and layout to respond to natural land form to ensure amenity of adjoining properties is protected</p>	<p>Building is single level and considered to be at an appropriate scale to adjoining development</p> <p>Utilities not on street elevation</p> <p>Land is relatively flat</p>	Yes
7.3.4	Fencing	<p>Fencing along primary and secondary street boundaries shall not be constructed of bonded sheet metal, not be higher than 1.2m and be articulated and complement the design of the development</p> <p>Fencing to the rear and side boundaries shall be located behind the primary and secondary street setbacks and have a maximum height of 2.1m</p>	<p>Fencing to comprise of a masonry fence with sandstone capping and timber slats.</p> <p>1.2m in height and located 3m behind the street boundary.</p> <p>Side and rear boundary fencing 1.8m</p>	Yes
7.3.5	Hours of Operation	<p>Child care centres in residential and rural areas shall be limited to:</p> <p>Monday to Friday - 7.00am to 7.00pm Saturday - 7.00am to 6.00pm Sunday and Public Holidays - no operation</p>	<p>Proposed centre is in an industrial area.</p> <p>Proposed hours are Monday to Friday - 6.30am to 7.00pm and up to 4 Saturdays per year for special events</p>	N/A

3.3 No. 37 Mount Erin Road, Campbelltown - Construction Of Child Care Centre For Up To 70 Children

Section	Control	Requirement	Proposed	Complies
7.3.6	Visual and Acoustic Privacy	<p>An acoustic report shall be prepared and demonstrate that:</p> <p>Noise levels from the centre does not exceed background noise by 5 db(A)</p> <p>Direct views to and from neighbouring and surrounding properties shall be minimised through:</p> <p>Appropriate building design</p> <p>Use of fencing and landscaping buffers</p>	<p>An acoustic report accompanies the application</p> <p>Noise generated from centre is not anticipated to exceed background noise by 5db(A)</p> <p>Building design incorporates suitable design and fencing</p>	Yes
7.3.7	Waste Management	<p>Waste storage, collection and service/delivery shall be screened from public view and located to minimise adverse impacts</p> <p>Waste collection area shall be located to minimise safety hazards</p> <p>Waste management plan to be submitted with development application</p>	<p>Waste storage/bin area is considered to be suitably located and screened.</p> <p>Waste collection area is not considered dangerous</p> <p>Satisfactory Waste management plan accompanies application</p>	Yes
7.3.10	Additional Requirements Industry Zone	Setbacks of child care centres shall comply with the requirements of Part 6.3.2 Building Setbacks within CSCDCP2009	<p>Building is setback by 10m to front property boundary at Mt Erin Road.</p> <p>The use of front setback area is proposed as a play area containing play equipment, a SEPP1 variation is considered in this report (acceptable)</p>	Yes

3.3 No. 37 Mount Erin Road, Campbelltown - Construction Of Child Care Centre For Up To 70 Children

Section	Control	Requirement	Proposed	Complies
7.4.1	Car Parking	<p>Car parking areas shall be setback a minimum 3m from front boundary an any secondary boundary</p> <p>A minimum of one car space for every four placements approved for the centre</p> <p>Off street parking and loading shall be designed in accordance with AS 2891.1 and 2 (as amended)</p> <p>No parking in a stacked configuration</p> <p>Pedestrian access shall be separated from vehicular access</p> <p>Each site shall have a maximum one ingress and one egress</p> <p>Driveway width shall be 6m for two-way traffic movement</p> <p>Sufficient space on site so that no vehicle is required to undertake a three point turn</p> <p>Centres for more than 20 placements to be accompanied by a Traffic Impact Statement</p>	<p>Parking areas are setback a minimum 3m from front boundary.</p> <p>20 car parking spaces proposed (70/4 = 17.5, say 18 required)</p> <p>Parking, loading and manoeuvring areas considered satisfactory</p> <p>No parking is in stacked configuration</p> <p>Pedestrian access considered suitable</p> <p>One ingress/egress of 6m width</p> <p>6m driveway provided</p> <p>Vehicles do not need to make a three point turn</p> <p>Application is accompanied by a Traffic Impact Statement</p>	Yes

3.3 No. 37 Mount Erin Road, Campbelltown - Construction Of Child Care Centre For Up To 70 Children

Section	Control	Requirement	Proposed	Complies
7.5	Landscaping	<p>A minimum 3m landscape strip to be provided along the front boundary</p> <p>A minimum 1.5m landscape strip to be provided along side and rear setbacks</p> <p>Native trees on site to be retained</p> <p>Applications shall be accompanied by a landscape plan prepared by suitably qualified person</p> <p>All existing vegetation on site, and adjoining site, shall be assessed to ensure the plants are not toxic or dangerous, and do not pose a safety hazard such as injury from branches and seeds</p>	<p>A 3m landscaping strip is provided adjacent to the front boundary.</p> <p>Side and rear boundaries have a minimum 1.5m landscaping</p> <p>Landscape plan has been prepared by landscape architect</p> <p>Landscaping species are considered suitable and are not contained within Appendix 14 of CSCDCP2009 (unsuitable plant species for child care centres)</p>	Yes
7.6	Play Areas	<p>Child care centre's play areas shall:</p> <p>Comply with <i>Children's Services Regulation 2004</i>;</p> <p>Be appropriately designed and located to minimise noise to adjoining properties</p> <p>Be naturally lit and ventilated</p> <p>Outdoor play areas to located on a predominantly flat gradient and designed in a manner to allow supervision from within centre and have adequate fencing</p>	<p>Play areas located within front setback of centre. <i>Children's Services Regs 2004</i> does not prohibit plays areas within front setback.</p> <p>Gradient of play area is considered appropriate having regard to grade, surveillance and fencing/security.</p>	Yes

3.3 No. 37 Mount Erin Road, Campbelltown - Construction Of Child Care Centre For Up To 70 Children

Section	Control	Requirement	Proposed	Complies
7.7	Advertising Signs	A child care centre shall have one business identification sign in accordance with the following: Not illuminated Be located at the building or mounted within the front landscape area no higher than 1m from natural ground level Shall include business details Shall not exceed 1m ² in area	No advertising sign proposed with current application	NA

It is considered that the proposed development is generally consistent with the criteria required under the relevant provisions of SCDCP for the development of child care centres.

3. Planning Assessment

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires Council to consider the likely impact that the development would have on the natural and built environment, as well as its potential social and economic impacts.

3.1 Traffic and Parking Implications

The development is accompanied by a Traffic and Parking Statement that has been prepared by Traffic Solutions Pty Ltd.

The statement examined the implications of the development and considered the following:

- Proposed access arrangements, adequacy and suitability of the off-street parking provision
- Proposed development traffic generation
- Impacts of the estimated traffic generation on the existing road network.

An assessment against CSCDCP 2009 and Roads and Maritime Authority's (formerly RTA) Guide to Traffic Generating Developments, Section 5 - Parking Requirements for Specific Land Uses has been undertaken. The proposed development is required to provide 18 car parking spaces, 20 have been provided by the development.

The report also considered the rate of traffic generation and impact on the existing road network. The morning and afternoon peak number of vehicle movements to and from the centre will be able to be accommodated on the surrounding road network, as well as the intersection of Mount Erin Road and Johnson Road.

3.2 Acoustic Assessment

The development application is accompanied by an Acoustic Assessment Report that has been prepared by Sebastian Giglio Acoustic Consultant.

The report considered the following:

- Levels of noise emission from children playing outdoors at the nearest residences (some 150 metres away)
- Potential levels of noise arising from industrial activity affecting the child care centre (both current and future impacts)
- Levels of noise emissions from children playing outdoors, at the boundary with other industrial premises.

Given the current underdeveloped nature of the surrounding land the development is likely to have no affectation from other industrial land uses in the vicinity. Should future industrial land uses generate up to the allowable noise limits, the child care centre will require some noise attenuation measures for both indoor and outdoor areas. These can include a solid continuous noise barrier around the outdoor play space and closing of windows of occupied rooms.

When necessary noise emissions from the centre to adjoining industrial boundaries comply with the allowable levels and are anticipated to not exceed the general noise criterion of generating 5db(A) above the existing background noise.

3.3 Built Form

The overall development includes a single storey building, fencing and ancillary play equipment and associated shade structures. Despite the proposals non-compliance with the setback provisions of the CLEP 2002, which is equated to the use of the area, being as a playground rather than for landscaping, such does not detract from the built form of the development, nor the quality or character of the desired streetscape.

3.4. Social and Economic Impact

It is anticipated that the development will contribute to the community by providing support for industrial land use in the precinct and by generating additional employment opportunities.

Economic benefits will be realised through both the construction phases and operation of the development. In this regard, it is considered that the development will generate a number of short term and long term employment opportunities - expanding upon the existing number of jobs in the locality, adding to additional economic activity within the LGA.

The social impacts arising from the development will be positive, as these impacts largely stem from the resulting economic benefits realised.

The proposed development is considered to enhance the appearance of the current site and surrounds, given the undeveloped nature of the subject land and other vacant allotments in the industrial precinct known as Lakeside.

4. Public Participation

The proposed development application was notified to adjoining land owners in accordance with the provisions of Development Control Plan No.87 - Public Notification and Public Exhibition Policy.

Council did not receive any submissions objecting to the development during the required period.

5. Conclusion

The application for the development and use of a child care centre at No. 37 Mount Erin Road, Campbelltown has been assessed against the relevant matters for consideration within environmental planning legislation and Council's development controls.

The function of a child care centre would be undertaken in a purpose built single level building. The development also includes an outdoor play area, associated play equipment, car parking area, landscaping and fencing.

Having regard to the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* and the issues raised above, it is considered that the proposed development is satisfactory and should be approved subject to the recommended conditions contained in Attachment 1.

Officer's Recommendation

1. That pursuant to the relevant provisions of the State Environmental Planning Policy 1 – Development Standards, Council allows the applicant's objection to the 10 metre setback standard specified within the Campbelltown (Urban Area) Local Environmental Plan 2002 to use the land for an outdoor play area and contain associated play equipment and shade structure; and
2. That Development Application No. 1418/2011/DA-C, proposing construction and subsequent use as a child care centre for up to 70 placements at No. 37 Mount Erin Road, Campbelltown be approved subject to the recommended conditions contained in Attachment 1.

Committee's Recommendation: (Oates/Greiss)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: nil.

Council Meeting 14 February 2012 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 11

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution: nil.

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

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

2. Building Code of Australia

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

3. Landscaping

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/ contractor for landscaping works. The landscape design shall incorporate a significant portion of native, low water demand plants.

4. External Finishes

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

5. Switchboards/Utilities

Switchboards, garbage storage areas and storage for other utilities shall not be attached to the front elevations of the building or side elevations that can be seen from a public place.

6. Driveway

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

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

7. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made to the loading bay/s provided.

A traffic sign shall be placed adjacent to the driveway at the entrance to the property, advising drivers of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

8. Advertising Signs – Separate DA Required

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

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

9. Security Fencing

All security fencing shall be established behind the required landscape areas and not on the road alignments. No barbed wire style fencing is to be erected in a location that can be seen from a public place.

10. Graffiti Removal

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

11. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements set out in the *Campbelltown (Sustainable City) DCP Volume 2 (as amended)*.

12. Operating Hours

The use of the premises/business shall be limited to:

Monday to Friday	6.30am - 7.00pm
Saturday	9.00am - 5.00pm (limited to up to 4 special event days annually)
Sunday	Closed

13. Public Playground Equipment

All public playground equipment shall meet the following Australian Standards (as amended):

- AS 4685-2004
- AS/NZ 4486.1-1997
- AS/NZ 4422-1996
- AS 2155-1982

Prior to Council or an accredited certifier issuing a construction certificate, the design and layout of all playground equipment shall be submitted to Council for written approval.

Prior to the principal certifying authority issuing an occupation certificate, all playground equipment shall be inspected and certified by Council.

14. Noise Attenuation

The Child Care Centre shall be operated at all times in accordance with the Child Care Centre Noise Assessment Technical Guideline and the contents of the Acoustic Assessment prepared by Sebastian Giglis, dated 20 October 2011.

In this regard it is advised that the responsibility rests upon the operator or the Child Care Centre to implement noise attenuation measures, should surrounding operations result in the need for such.

15. Car Parking Spaces

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

16. Rubbish/Recycling Bin Storage

The rubbish and recycling bins shall not be stored within vehicle parking, vehicle manoeuvring areas or landscaped areas.

The bin(s) shall only be stored in accordance with the approved plans.

17. Shoring and Adequacy of Adjoining Property

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

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

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

18. Rain Water Tank(s)

Rain water tank/s, of a minimum capacity of 5000 litres, shall be installed on site for the collection and storage of stormwater for irrigation and reuse purposes (eg the flushing of toilets).

19. Construction Certificate

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

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

20. Electricity and Water Utility Services

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

- a. *Endeavour Energy* - A letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
 - b. *Sydney Water* – The applicant should liaise with Sydney Water to identify any water/sewer services requirements.
-

21. Telecommunications Utility Services

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

22. Waste Management Plan

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

23. Soil and Water Management Plan

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

24. Stormwater Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to the site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to the existing drainage pit, provided adjacent to the rear north eastern boundary of the subject site. All proposals shall comply with the *Campbelltown (Sustainable City) DCP Volume 2 (as amended)*.

25. Work on Public Land

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

26. Section 94A Developer Contribution - Community Facilities and Services

Prior to Council or an accredited certifier issuing a Complying Development Certificate or a Construction Certificate, the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the *Campbelltown City Council Section 94A Development Contributions Plan*.

For the purposes of calculating the required S94A contribution, where the value of the total development cost exceeds \$100,000, the applicant is required to include with the application for the respective certificate, a report setting out a cost estimate of the proposed development in accordance with the following:

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the *Consumer Price Index - All Groups* (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or
- where the value of the proposed development is \$500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the *Consumer Price Index All Group Index Number for Sydney* have been incorporated in the updated QS Report.

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 2 are located under "Developer Contributions" on Council's web site (www.campbelltown.nsw.gov.au) or can be collected from Council's Planning and Environment Division during normal business hours.

On calculation of the applicable contributions, all amounts payable will be confirmed by Council in writing.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

Note: This condition is only applicable where the total development value exceeds \$100,000.

27. Design for Access and Mobility

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

PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

28. Erosion and Sediment Control

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

29. Erection of Construction Sign

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

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

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

30. Toilet on Construction Site

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

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

31. Trade Waste

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

32. Vehicular Access during Construction

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

33. Public Property

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

34. Hoarding / Fence

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

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

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

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

35. Construction Work Hours

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

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 4.00pm
Sunday and public holidays	No Work.

36. Erosion and Sediment Control

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

Note: On the spot penalties of up to \$1500 will be issued for any non-compliance with this requirement without any further notification or warning.

37. Work Zones

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

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

38. Dust Nuisance

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

39. Excess Material

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

40. Public Safety

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

41. Compliance with Council Specification

All design and construction work shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
-

3.3 No. 37 Mount Erin Road, Campbelltown - Construction Of Child Care Centre For Up To 70 Children

- b. Campbelltown (Sustainable City) DCP Volumes 1 & 2 (as amended).
- c. 'Soils and Construction (2004) (Bluebook); and
- d. All relevant Australian Standards and State Government publications.

42. Footpath

The footpath adjoining the subject land shall be regraded, topsoiled and turfed in accordance with levels obtained from Council. The footpath formation may need to be extended beyond the site boundaries, to provide an acceptable transition to the existing footpath levels.

43. Industrial / Commercial Footpath Crossing and Layback

The applicant shall provide a reinforced concrete footpath crossing and layback at the entrance to the property, in accordance with Council's *Industrial/Commercial Vehicle Crossing Specification* and the Campbelltown (Sustainable City) DCP Volume 2 (as amended).

A separate application for this work, which will be subject to a crossing inspection fee and inspections by Council, must be lodged with Council prior to pouring the concrete. Where necessary, conduits shall be provided under the footpath crossing, in accordance with the relevant service authority's requirements.

44. Associated Works

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

45. Completion of Construction Works

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

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

46. Section 73 Certificate

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

47. Structural Engineering Certificate

Prior to the principal certifying authority issuing an occupation certificate, the submission of a certificate from a practising structural engineer certifying that the building has been erected in compliance with the approved structural drawings and relevant *SAA Codes* and is structurally adequate.

48. Completion of External Works Onsite

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

49. Works as Executed Plan

Prior to the principal certifying authority issuing an occupation certificate the applicant shall submit to Council two copies of a work as executed plan, certified by a qualified surveyor, which is in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and the requirements detailed in the *Campbelltown (Sustainable City) DCP Volume 2 (as amended)*.

50. Restoration of Public Roads

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

51. Public Utilities

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

52. Council Fees and Charges

Prior to the principal certifying authority issuing an occupation certificate the applicant shall ensure that all applicable Council fees and charges associated with the development have been paid in full.

53. Advance Warning Signage - Childcare Centre

Prior to the principal certifying authority issuing an Occupation Certificate, approved "Childcare Centre" warning signs shall be erected along the approach roads to the proposed development. In this regard, the applicant shall liaise with Council's Traffic Engineer to determine the specific location and relevant signage types prior to the completion of a detailed signage and line marking plan. The final plan is to be submitted to Council and approval received from Council's Traffic Committee, prior to the erection of any of the required signs. All approved signage is to be supplied and erected by Council at the applicant's expense. All fees and charges associated with the supply and erection of the approved signage will be in accordance with Council's current schedule of fees and charges.

ADVISORY NOTES

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

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

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

Advice 2. Provision of Equitable Access

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

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

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

Advice 3. Covenants

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

Advice 4. Inspections – Civil Works

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

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

Advice 5. Inspection Within Public Areas

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

Advice 6. Adjustment to Public Utilities

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

Advice 7. Salinity

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

Advice 8. Asbestos Warning

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

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

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

Advice 9. Rain Water Tank

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. NSW Health recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

Advice 10. Smoke Free Environment Act

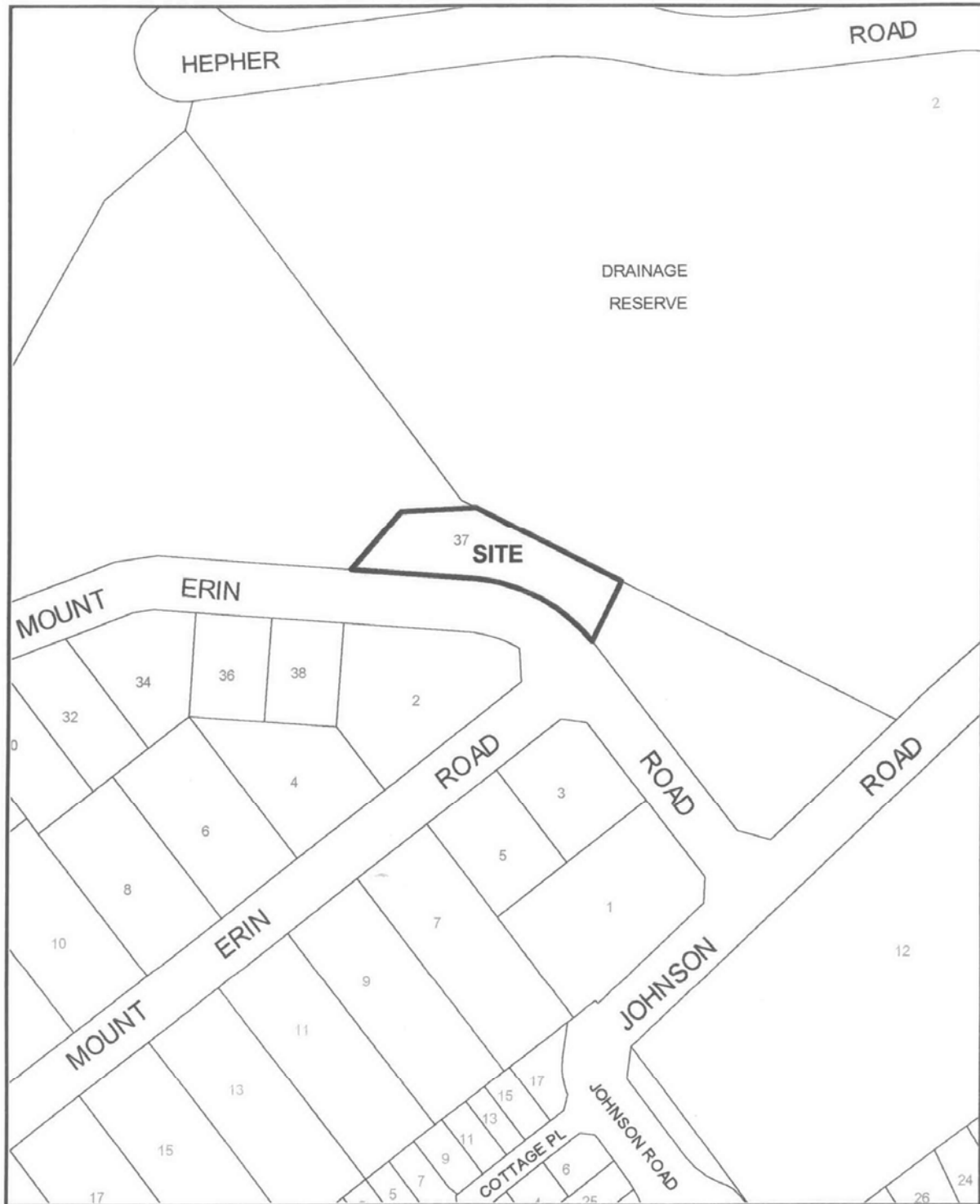
Nothing in this consent is to be taken to imply that the development meets the requirements of the *Smoke Free Environment Act 2000* (SFEA2000) or the *Smoke Free Environment Regulations 2007* (SFER2007). In the event that the occupier wishes to facilitate smoking within any enclosed public place of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

Advice 11. Dial 1100 Before you Dig

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

END OF CONDITIONS

ATTACHMENT 2



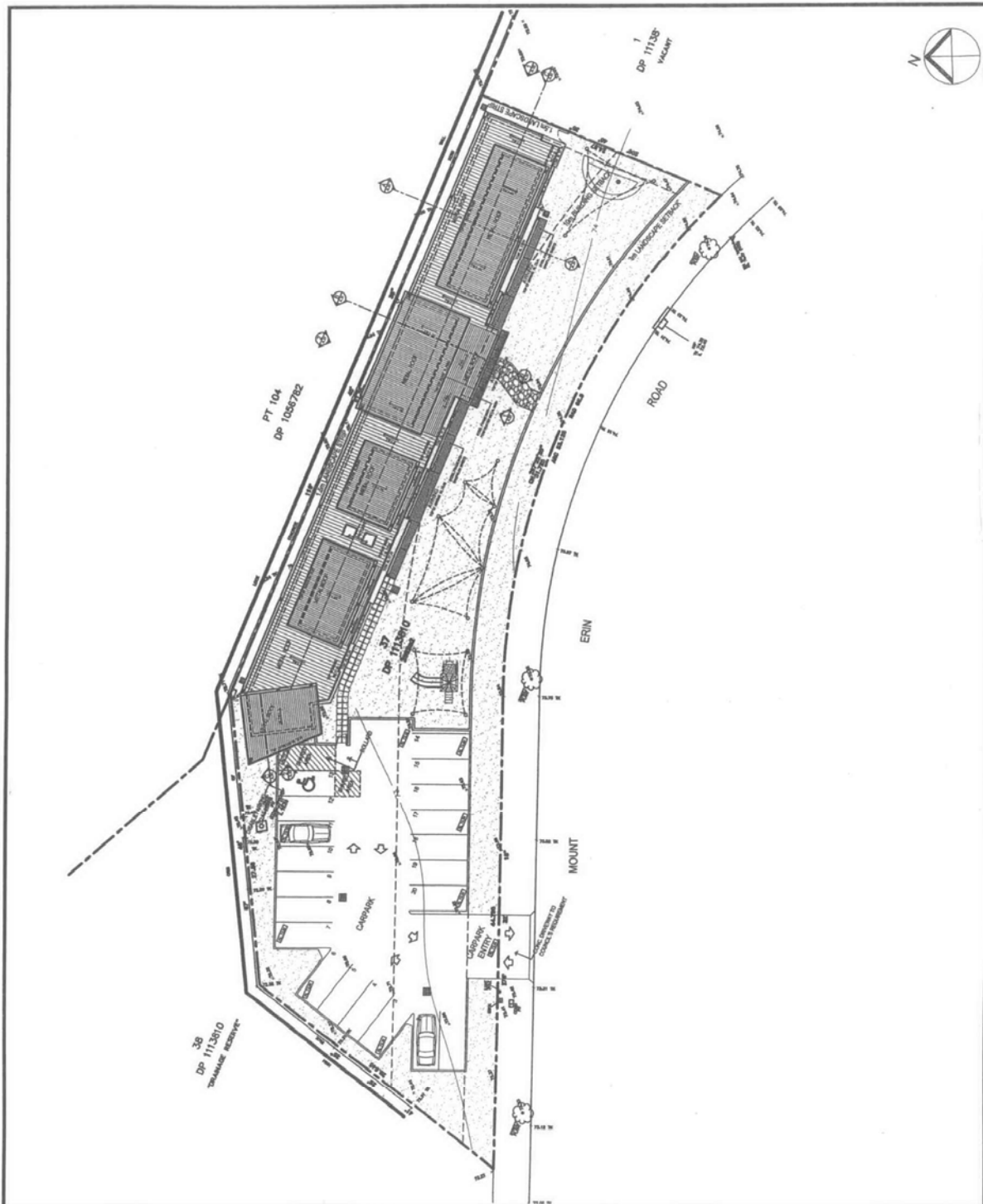
LOCALITY PLAN



SUBJECT: CONSTRUCTION OF CHILD CARE CENTRE FOR UP TO 70 PLACEMENTS.

LOT 37 DP1113810 - No. 37 MOUNT ERIN ROAD, CAMPBELLTOWN.

ATTACHMENT 3

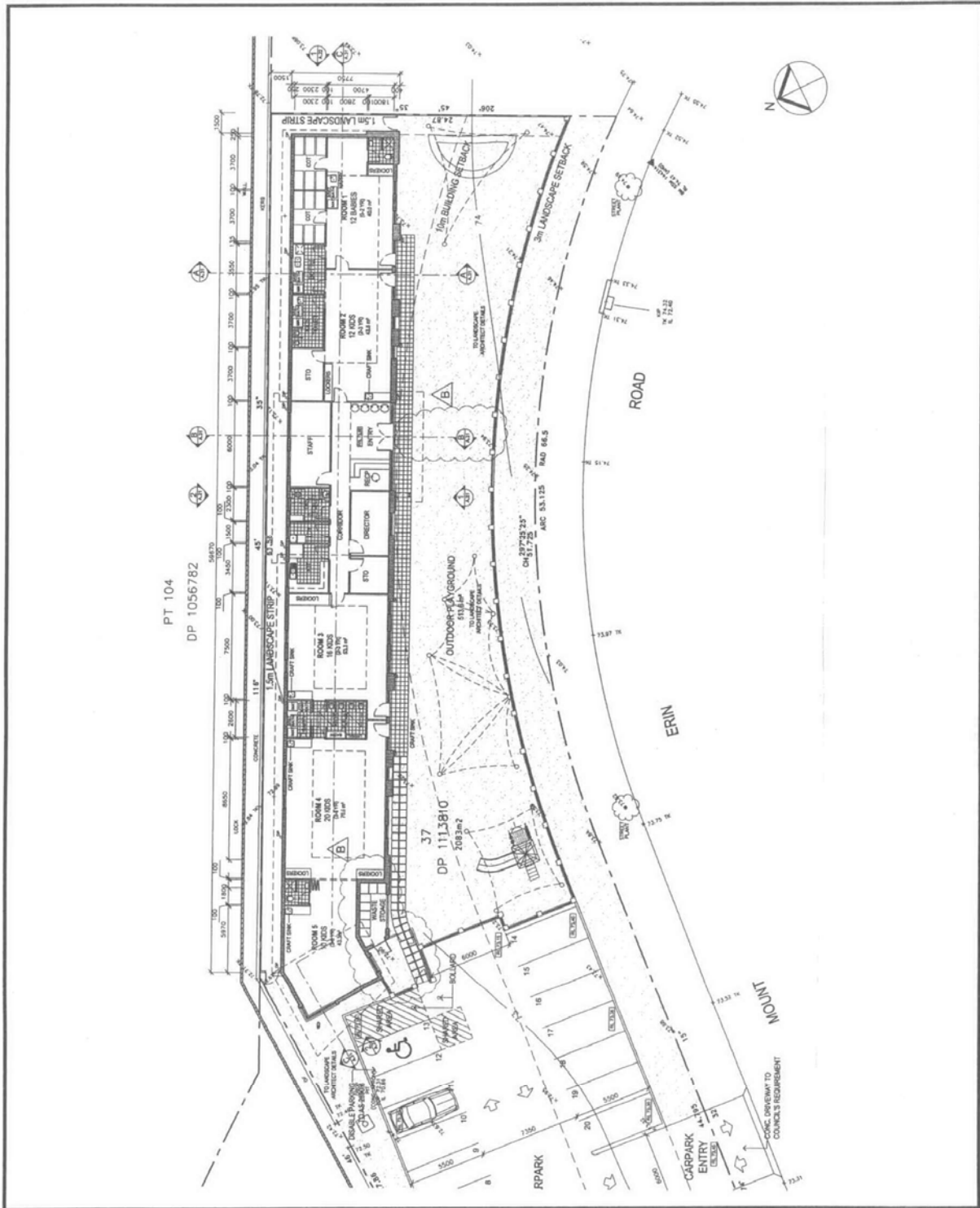


SITE PLAN

SUBJECT: CONSTRUCTION OF CHILD CARE CENTRE FOR UP TO 70 PLACEMENTS.

LOT 37 DP1113810 - No. 37 MOUNT ERIN ROAD, CAMPBELLTOWN.

ATTACHMENT 4

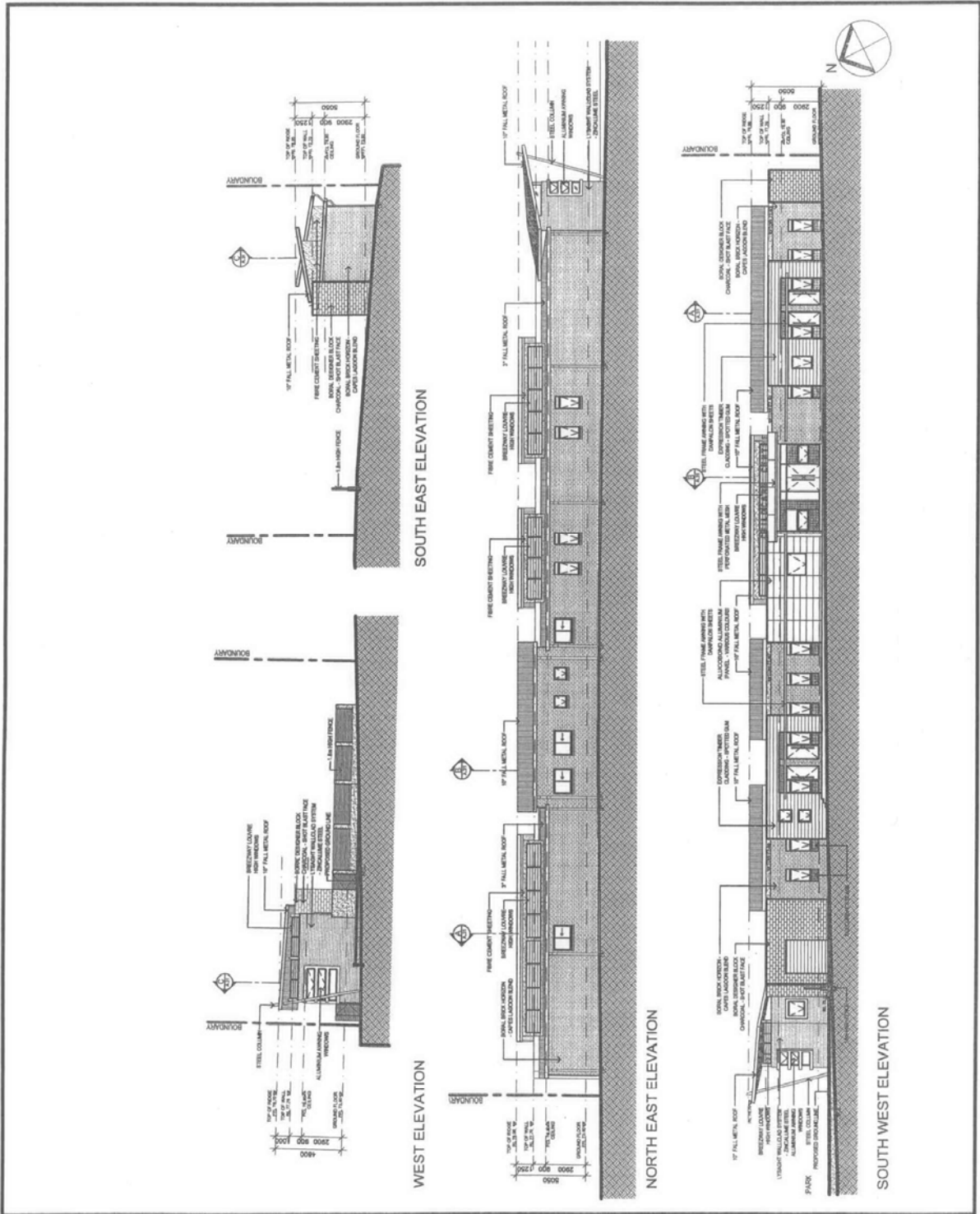


FLOOR PLAN

SUBJECT: CONSTRUCTION OF CHILD CARE CENTRE FOR UP TO 70 PLACEMENTS.

LOT 37 DP1113810 - No. 37 MOUNT ERIN ROAD, CAMPBELLTOWN.

ATTACHMENT 5

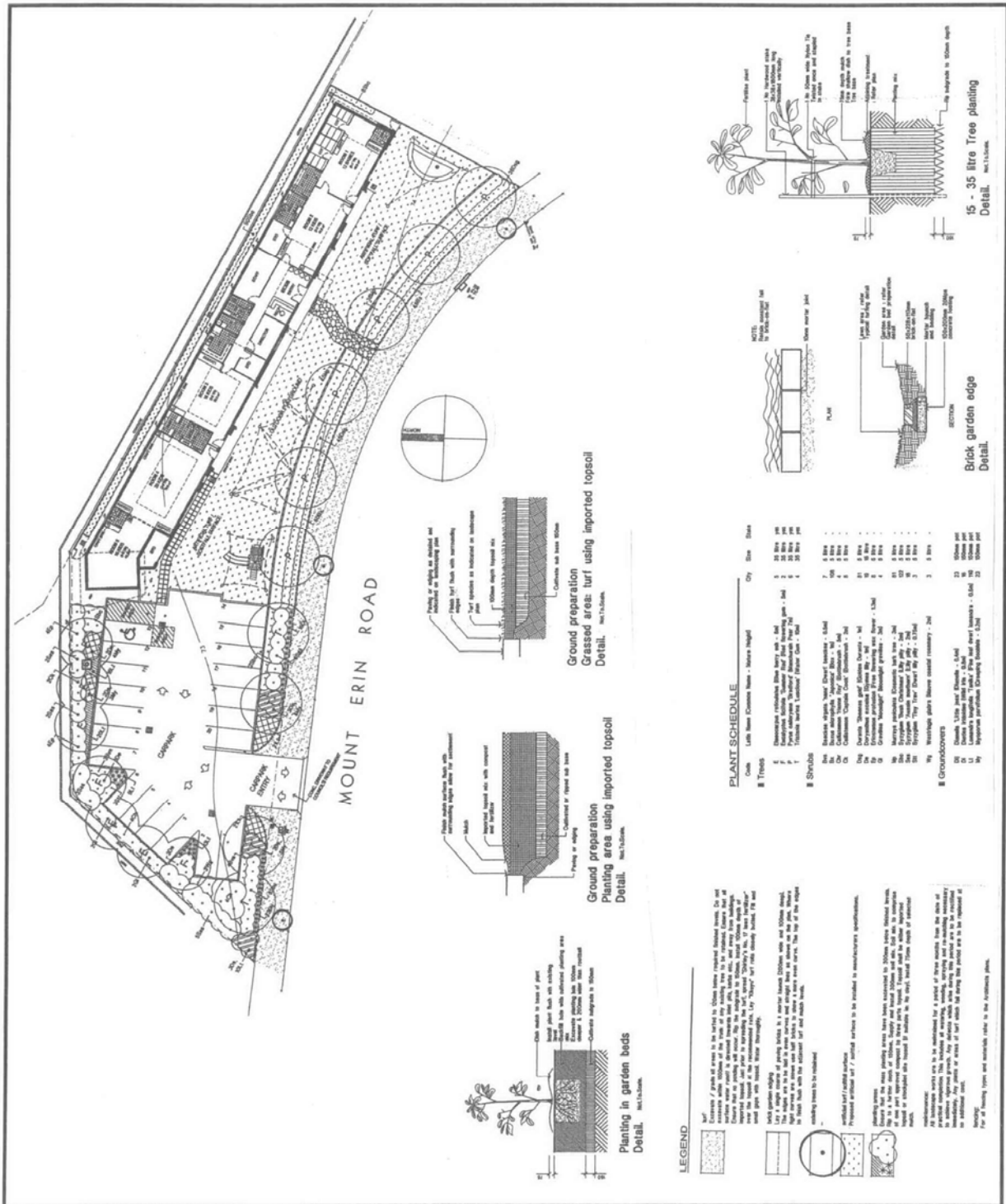


ELEVATIONS

SUBJECT: CONSTRUCTION OF CHILD CARE CENTRE FOR UP TO 70 PLACEMENTS.

LOT 37 DP1113810 - No. 37 MOUNT ERIN ROAD, CAMPBELLTOWN.

ATTACHMENT 6



LANDSCAPE PLAN

SUBJECT: CONSTRUCTION OF CHILD CARE CENTRE FOR UP TO 70 PLACEMENTS.
 LOT 37 DP1113810 - No. 37 MOUNT ERIN ROAD, CAMPBELLTOWN.

3.4 2012 UDIA Congress

Reporting Officer

Manager Development Services

Attachments

Congress Program (distributed under separate cover)

Report

The UDIA Congress for 2012 will be held in Perth on the 6-9 March 2012. The theme for the four day program is 'Striving for Excellence' and the Congress will include a number of informative speakers, interactive workshops based on real-life experiences, an industry exhibition and a number of study tours of award winning urban developments in and around Perth.

The Congress will bring together State and local politicians, developers, academics, practitioners and professionals from around Australia to hear and discuss leading practice in the development industry in Australia and recent experience gained in overseas markets.

Development and industry trends are indicating that the sector will continue to see some growth in building activity, particularly for the Campbelltown LGA connection with the new release areas. Infrastructure planning and funding, technology and innovation, and growth in the market over the next decade and beyond are topics that will be raised during the Congress.

This is considered a most appropriate forum for the Local Government Industry and it is recommended that the Manager Development Services and any interested Councillors be authorised to attend the 2012 UDIA Congress in Perth.

Officer's Recommendation

1. That the Manager Development Services and any interested Councillors attend the 2012 UDIA Congress in Perth.
2. That all fees and charges be paid in accordance with Council's Policy.

Committee's Recommendation: (Thompson/Bourke)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 February 2012 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 8

That the Officer's Recommendation be adopted.

4. COMPLIANCE SERVICES

4.1 Legal Status Report

Reporting Officer

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 relating to:

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

A summary of year-to-date costs and the total number of actions are 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 24/01/2012)	2
Total completed Class 1 DA Appeal Matters (as at 24/01/2012)	4
Costs from 1 July 2011 for Class 1 DA Appeal Matters:	\$43,035.70

1 (a)	Jespal Singh Dhillon and Manjit Kaur Dhillon
Issue:	Refusal of Development Application 1747/2010/DA-U for use of an existing dwelling as a boarding house.
Property:	Lot 392 DP 32084 No. 141 Lindesay Street, Campbelltown.
Property Owner:	Mr Jespal Singh Dhillon and Mrs Manjit Kaur Dhillon
File No:	1747/2010/DA-U (Court File 10686 of 2011)
Court Application Filed:	9 August 2011
Applicant:	Mr Jespal Singh Dhillon and Mrs Manjit Kaur Dhillon

Costs Estimate: \$25,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date: \$25,880.25
Status: Completed – awaiting solicitor's final invoice.

Action Since Last Meeting On 12 December 2011 the Commissioner handed down judgement upholding the appeal and granting conditional consent to DA 1747/2010/DA-U.

1 (b)

Min Yi Chen

Issue: Refusal of Development Application 300096/1998/DA-U – Modify the terms of the original consent for use of the subject site as a brothel.
Property: Lot 3 DP 28853 No. 13 Lincoln Street, Minto.
Property Owner: Ms Min Yi Chen
File No: 300096/1998/DA-U (Court File 10888 of 2011)
Court Application Filed: 28 September 2011
Applicant: Ms Min Yi Chen
Costs Estimate: \$20,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date: \$17,155.45
Status: Completed – awaiting solicitor's final invoice.

Action Since Last Meeting On 21 December 2011 the Commissioner gave oral judgement upholding the appeal and granting conditional consent to the modifications sought under of DA 300096/1998/DA-U subject to a 2-year trial of the extended operating hours.

1 (c)	Nick Skagias
Issue:	Appeal against condition 55 of Development Application No. 1416/2011/DA-C for construction of a commercial building with associated car-parking.
Property:	Lot 6 Section 4 DP 2913 No. 34 Carlisle Street, Ingleburn NSW 2565.
Property Owner:	Mr Angelo Skagias and Mr Nick Skagias
File No:	1416/2011/DA-C (Court File 10985 of 2011)
Court Application Filed:	31 October 2011
Applicant:	Mr Nick Skagias
Hearing date:	31 January 2012
Costs Estimate:	\$20,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$0.00
Status:	Ongoing - listed for hearing on 31 January 2012.

Action Since Last Meeting	Council gave conditional consent for DA 1416/2011/DA-C at its ordinary on 13 December 2011. At the callover on 21 December 2011 the applicant amended their application 10985 of 2011 to an appeal against condition 55 (road widening) of the DA. The registrar allowed the amendment and adjourned the proceedings to 31 January 2012 for hearing.
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1 (d)	Andrew Osborne
Issue:	Appeal against deemed refusal of Development Application No. 1863/2011/DA-C seeking consent for use of a building for as a liquor store and associated building modifications and advertising signage.
Property:	Lot 1 DP 1165316 No. 4 Rennie Road, Campbelltown.
Property Owner:	Andrew Osborne as trustee for AKO No. 2 Trust.
File No:	1863/2011/DA-C (Court File 11139 of 2011)
Court Application Filed:	1 December 2011
Applicant:	Andrew Osborne
Section 34 Conference date:	29 February 2012
Costs Estimate:	\$25,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$0.00
Status:	Ongoing - listed for Section 34 (conciliation) conference on 29 February 2012.

Action Since Last Meeting

The applicant has filed a Class 1 application in the Land and Environment Court NSW against Council's deemed refusal of Development Application No. 1863/2011/DA-C seeking consent for use of a building as a liquor store and associated building modifications and advertising signage. At the first mention on 11 January 2012 the Court adjourned the proceedings to 29 February 2012 for Section 34 (conciliation) conference.

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 24/01/2012)	0
Total completed Class 1 Order/Notice Appeal Matters (as at 24/01/2012)	2
Costs from 1 July 2011 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 24/01/2012)	0
Total completed Class 4 matters (as at 24/01/2012)	1
Total ongoing Class 4 matters in respect of costs recovery (as at 24/01/2012) these matters will be further reported on completion	4
Costs from 1 July 2011 for Class 4 matters	\$392.00

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

Total ongoing Class 5 matters before the Court (as at 24/01/2012)	0
Total completed Class 5 matters (as at 24/01/2012)	0
Total ongoing Class 5 matters in respect of costs recovery (as at 24/01/2012) these matter will be further reported on completion	2
Costs from 1 July 2011 for Class 5 matters	\$0.00

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

Total ongoing Class 6 Matters (as at 24/01/2012)	0
Total completed Class 6 Matters (as at 24/01/2012)	0
Costs from 1 July 2011 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 24/01/2012)	0
Total completed Appeal matters (as at 24/01/2012)	1
Total ongoing Appeal matters in respect of costs recovery (as at 24/01/2012) these matters will be further reported on completion	0
Costs from 1 July 2011 for District Court Matters	\$1,100.00

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 24/01/2012)	17
Total completed Local Court Matters (as at 24/01/2012)	110
Costs from 1 July 2011 for Local Court Matters	\$1,196.50

File No:	LP18/11 – Charge Matters x 5
Offence:	Not comply with section 56 control requirements (restricted dog) for offences on 19 October 2010.
Act:	<i>Companion Animals Act 1998</i>
Costs to date:	\$0.00
Status – Ongoing:	The matters were before the Court for further mention on 9 November 2011, where the defendant maintained their not guilty pleas to all matters. The Magistrate directed that Council serve the defendant with the complete brief of evidence by 21 December and adjourned the proceedings to 9 March 2012 for hearing.

File No: LP19/11 – Charge Matters x 5
Offence: Not comply with section 56 control requirements (restricted dog) for offences on 24 February 2011.
Act: *Companion Animals Act 1998*
Costs to date: \$0.00
Status – Ongoing: The matters were before the Court for further mention on 9 November 2011, where the defendant maintained their not guilty pleas to all matters. The Magistrate directed that Council serve the defendant with the complete brief of evidence by 21 December and adjourned the proceedings to 9 March 2012 for hearing.

File No: LP20/11 – Charge Matters x 2
Offence: Not notify that dog found after being lost; and, not notify that dog relocated to another Council area where it is now ordinarily kept (restricted dog).
Act: *Companion Animals Act 1998*
Costs to date: \$0.00
Status – Ongoing: The matters were before the Court for further mention on 9 November 2011, where the defendant maintained their not guilty pleas to all matters. The Magistrate directed that Council serve the defendant with the complete brief of evidence by 21 December and adjourned the proceedings to 9 March 2012 for hearing.

File No: LP21/11 – Charge Matters x 2
Offence: Not notify that dog found after being lost; and, not notify that dog relocated to another Council area where it is now ordinarily kept (not restricted dog).
Act: *Companion Animals Act 1998*
Costs to date: \$0.00
Status – Ongoing: The matters were before the Court for further mention on 9 November 2011, where the defendant maintained their not guilty pleas to all matters. The Magistrate directed that Council serve the defendant with the complete brief of evidence by 21 December and adjourned the proceedings to 9 March 2012 for hearing.

File No: LP22/11 – Penalty Notice Court Election
Offence: Development (dwelling additions) undertaken without development consent.
Act: *Environmental Planning and Assessment Act 1979*
Costs to date: \$0.00
Status – Ongoing: The matter was before the Magistrate in Chambers on 10 November 2011 for determination of an application by the defendant to vacate the 11 November hearing date due to illness. The proceedings were re-listed to 10 February 2012 for hearing.

File No: LP38/11 & LP39/11 – Re-listed matters following Annulment of Court Orders
Offence: Not register 6-month old companion animal – not dangerous dog x 2
Act: *Companion Animals Act 1998*
Final Costs: \$0.00
Status – Completed: The matters were before the Court on 13 January for hearing where the Court granted an application by Council for the charges to be withdrawn and dismissed, as the defendant had produced satisfactory evidence to show that ownership of the dogs had transferred to other persons before the time of the offence.

File No: LP44/11 – Penalty Notice Court Election
Offence: Double park in school zone.
Act: *Road Rules 2008*
Final Costs: \$0.00
Status – Completed: The matter was before the Court for first mention on 29 November 2011, 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: LP45/11 & LP46/11 – Penalty Notice Court Election
Offence: Uncontrolled dog in public place - not dangerous dog x 2.
Act: *Companion Animals Act 1998*
Final Costs: \$0.00
Status – Completed: The matters were before the Court for first mention on 6 December, where the defendant entered a guilty pleas with explanation. After considering the evidence and submissions the Magistrate found the offences proved; however, having regard to the circumstances of the offence a determination was made that the charges be dismissed without penalty or costs under section 10(1)(a) of the *Crimes (Sentencing Procedure) Act 1999*.

File No: LP47/11 – Penalty Notice Court Election
Offence: Stand vehicle in area longer than allowed.
Act: *Local Government Act 1993*
Final Costs: \$0.00
Status – Completed: The matter was before the Court for first mention on 6 December where the defendant, Vinodh Bheemavaram, made no appearance. The Magistrate granted an application by Council for the matter to be heard in the defendant's absence and after considering the evidence and submissions the Magistrate found offence proved, convicted the defendant and imposed a \$150 fine and an order for \$81 Court costs.

File No: LP48/11 to LP51/11 – Penalty Notice Court Election
Offence: Uncontrolled dog in public place - not dangerous dog x 4.
Act: *Companion Animals Act 1998*
Costs to date: \$0.00
Status – Completed: The matters were before the Court for sentence on 10 January 2011, where the defendant, Joshua Redhouse, confirmed his guilty pleas with explanation. After considering the evidence and submissions the Magistrate found the offences proved and determined that having regard to the defendant's responsible attitude toward the keeping the dogs and the circumstance of the dogs having being out on a public place; that in respect of the first offence the defendant was convicted, fined \$100 and ordered to pay \$81 Court costs, and in respect of the three remaining matters the charges were dismissed without conviction under section 10(1)(a) of the *Crimes (Sentencing Procedure) Act 1999*.

File No: LP52/11 – Penalty Notice Court Election
Offence: Disobey no-stopping sign.
Act: *Road Rules 2008*
Final Costs: \$0.00
Status – Completed: The matter was before the Court for first mention on 10 January where the defendant, Israt Jahan Julia, made no appearance. The Magistrate granted an application by Council for the matter to be heard in the defendant's absence and after considering the evidence and submissions the Magistrate found offence proved, convicted the defendant and imposed a \$258 fine and an order for \$81 Court costs.

File No: LP53/11 – Penalty Notice Court Election
Offence: Disobey no-stopping sign – school zone.
Act: *Road Rules 2008*
Costs to date: \$0.00
Status – Ongoing: The matter was before the Court for first mention on 10 January where the defendant entered a not guilty plea. The proceedings have been adjourned to 10 February 2012 for hearing.

File No: LP54/11 – Penalty Notice Court Election
Offence: Disobey no-parking sign.
Act: *Road Rules 2008*
Costs to date: \$0.00
Status – Ongoing: The matter was before the Court for first mention on 17 January 2012 where the defendant Rouba Chahal entered a guilty plea by written notice. The Magistrate after considering the evidence and submissions found offence proved, convicted the defendant and imposed a \$150 fine and an order for \$81 Court costs.

File No: LP55/11 – Penalty Notice Court Election
Offence: Not parallel park near left.
Act: *Road Rules 2008*
Costs to date: \$0.00
Status – New Matter: Listed for first mention on 24 January 2012.

8. Matters Referred to Council's Solicitor for Advice

The following summary lists the status of matters referred to Council's solicitors for advice on questions of law, the likelihood of appeal or prosecution proceedings being initiated, and/or Council liability.

Total Advice Matters (as at 24/01/2012) 8
Costs from 1 July 2011 for Advice Matters \$13,368.47

9. Legal Costs Summary

The following summary lists the Planning and Environment Division's net legal costs for the 2011/2012 period.

Relevant Attachments or Tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$43,035.70	\$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	\$392.00	\$5,494.60
Class 5 Land and Environment Court - Pollution and Planning prosecution matters	\$0.00	\$0.00
Class 6 Land and Environment Court - appeals from convictions relating to environmental matters	\$0.00	\$0.00
Land and Environment Court tree dispute between neighbours matters	\$0.00	\$0.00
District Court Appeal matters	\$1,100.00	\$5,709.84
Local Court Prosecution matters	\$1,196.50	\$1,415.00
Matters referred to Council's solicitor for legal advice	\$13,368.47	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$59,092.67	\$12,619.44
Overall Net Costs Total (GST exclusive)	\$46,473.23	

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Bourke/Greiss)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 February 2012 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Addendum: (Oates/Rule)

That as a result of the recent Land and Environment Courts decision, Councillor be provided with a briefing and a report examining ways in which Council can amend its planning instruments to prevent the proliferation of boarding houses.

Council Resolution Minute Number 8

That the Officer's Recommendation incorporating the addendum be adopted.

5. GENERAL BUSINESS

Nil.

Confidentiality Motion: (Oates/Greiss)

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

CARRIED

18. CONFIDENTIAL ITEMS

18.1 Confidential Information relating to items on the Planning and Environment Agenda 7 February 2012

Reason for Confidentiality

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

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

There being no further business the meeting closed at 8.04pm.

R Kolkman
CHAIRPERSON
