

PART ONE

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 6 March 2012.

APOLOGIES

ACKNOWLEDGEMENT OF LAND

DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

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Minutes of the Planning and Environment Committee held on 6 March 2012

Present His Worship the Mayor, Councillor A Chanthivong (Chairperson)
Councillor G Greiss
Councillor P Hawker
Councillor M Oates
Councillor R Thompson
General Manager - Mr P Tosi
Director Planning and Environment - Mr J Lawrence
Acting Manager Compliance Services - Mr P Curley
Manager Environmental Planning - Mr P Jemison
Manager Development Services - Mr J Baldwin
Manager Waste and Recycling Services - Mr P Macdonald
Manager Community Resources and Development - Mr B McCausland
Corporate Support Coordinator - Mr T Rouen
Executive Assistant - Mrs K Peters

Apology (Greiss/Thompson)

That the apologies from Councillors Bourke, Kolkman and Matheson be received and accepted.

CARRIED

Chairperson

In the absence of the Chairperson Councillor Kolkman, His Worship the Mayor, Councillor Chanthivong Chaired the meeting.

Acknowledgement of Land

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

DECLARATIONS OF INTEREST

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

Pecuniary Interests - Non Significant

Councillor Chanthivong - Item 2.3 - Approval of the Bulli Seam Project - Councillor Chanthivong advised that he holds a small number of shares in BHP Billiton.

Non Pecuniary – Significant Interests - Nil

Non Pecuniary – Less than Significant Interests

Councillor Hawker - Item 2.8 - Joint Regional Planning Panel - Proposed Amendments to Policies, Procedures and Code of Conduct - Councillor Hawker advised that he is a member of the Joint Regional Planning Panel however this report relates to procedural matters and that he will remain in the Chamber.

1. WASTE AND RECYCLING SERVICES

1.1 Availability of New Recycling Products

Reporting Officer

Manager Waste and Recycling Services

Attachments

Images of proposed new product range (distributed under separate cover)

Purpose

To provide Council with information about proposed new fees and charges to be introduced to allow residents to purchase a new range of compost bins, worm farms and Bokashi bins from Council.

History

Council currently offers worm farms and compost bins for sale to the public. The current range available consists of a rectangular worm farm and a compost bin that is assembled from two cylindrical pieces, with a separate lid. These two products have been available for the public to purchase from Council for a number of years, and this particular type of compost bin is no longer being manufactured.

Report

As there is now a wider variety of compost bins and worm farms available, it is proposed that Council expand the range of products that it offers for sale to the public. Particularly in the case of worm farms, newer products on the market are designed to be more visually appealing, and can be a useful, practical and attractive feature in the garden. A more compact design also makes the product suitable for smaller backyards or balconies.

Another option that would be made available with the introduction of the new product range is the Bokashi bin system. This system uses an airtight bucket and Bokashi 'grain' to ferment food scraps, creating a liquid fertiliser and fermented organic material that can be returned to the soil to improve nutrient levels. Almost all food scraps can be fermented in the Bokashi bin, including scraps that aren't suitable for worm farms (such as dairy, citrus and meat products). The bin can also be sealed and left unattended without causing a detrimental effect on the process, making it a suitable option for those who travel regularly.

It is acknowledged that there is no 'one size fits all' product for recycling organic waste at home, so it is hoped that extending the range of options available will make sustainable practices more accessible and convenient for residents.

To allow for these products to be made available for purchase, it would be necessary for additional fees to be added to the 2011-2012 Annual Schedule of Fees and Charges, which was adopted in June 2011.

Council may make amendments to its adopted Annual Schedule of Fees and Charges 2011-2012 at any time, provided that the proposed changes are placed on public exhibition for no less than 28 days, in accordance with section 610F of the *Local Government Act 1993*. Any submission of objection received during the exhibition period would then be reported to Council. In the event that no submissions of objection are received, Council may adopt the advertised fees and the fees would then be incorporated into its Schedule of Fees and Charges.

The proposed new products and their fees for the 2011-2012 financial year (including GST) are as follows:

Tumbleweed 220L compost bin	\$41.00 each
VermiHut worm farm	\$67.00 each
Wyndywood Bokashi bin	\$58.00 each
Wyndywood Bokashi grain (5 litre bag)	\$15.00 each

The pricing policy for each of these items would be 'Economic Cost', which means that residents would be able to purchase each of the items for the same price that it costs Council to purchase them. These products would be available for purchase at Council's Customer Service Centre during business hours.

Images of each new product (except for the Bokashi grain) can be found in the attachment to this report, which is provided under separate cover.

Officer's Recommendation

1. That the new fees and charges listed in this report be publicly exhibited for a period of no less than 28 days.
2. That subject to no submissions of objection being received, Council adopt the amended fees and charges for inclusion in Council's Schedule of Fees and Charges for the 2011-2012 financial year.
3. That in the event of any submission of objection to a fee being received during the exhibition period, Council not adopt the fee objected to, and a further report in relation to that fee be submitted to Council for its consideration.

Committee's Recommendation: (Thompson/Hawker)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 13 March 2012 (Chanthivong/Greiss)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 26

That the Officer's Recommendation be adopted.

1.2 Quarterly Statistical Report - Second Quarter 2011-2012

Reporting Officer

Manager Waste and Recycling Services

Attachments

Nil

Purpose

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

Report

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

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

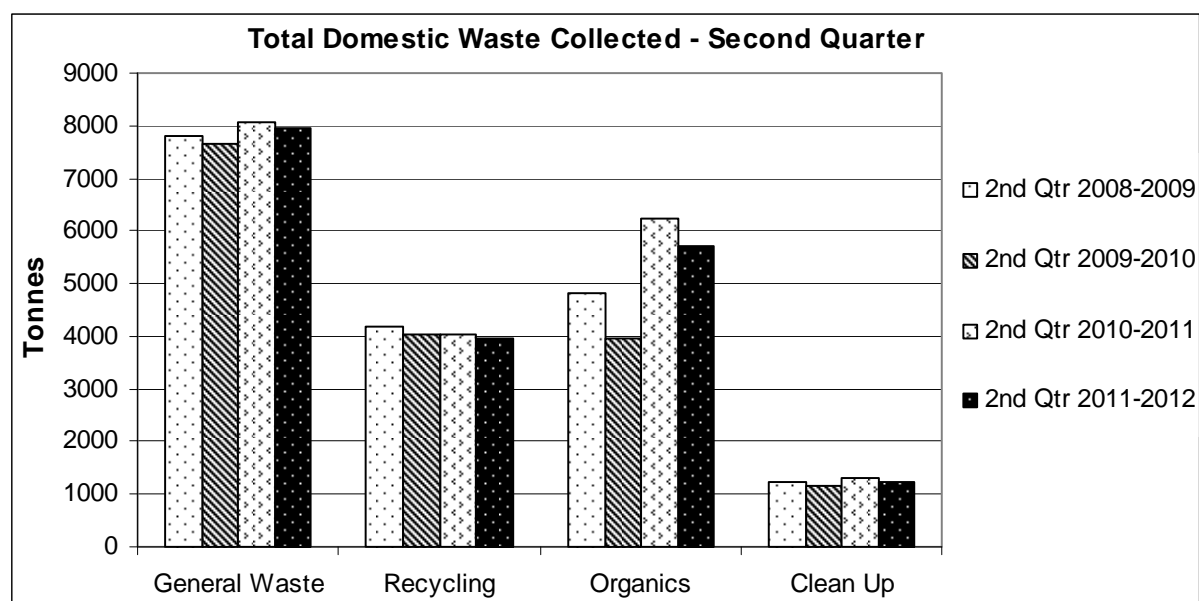


Figure 1: Comparison of tonnages collected during the second quarters of 2008-2009, 2009-2010, 2010-2011 and 2011-2012.

The second quarter of 2011-2012 saw a decrease in generation rates across all waste streams in comparison with the tonnages collected during the first quarter of 2010-2011.

The NSW Government, under the Waste Avoidance and Resource Recovery Strategy 2007, has set a target for NSW councils to divert 66% of municipal waste from landfill by 2014. At the end of the second quarter, Council's total diversion rate across all waste streams was 64.6%, with nearly 12,200 tonnes of material diverted from landfill for the quarter.

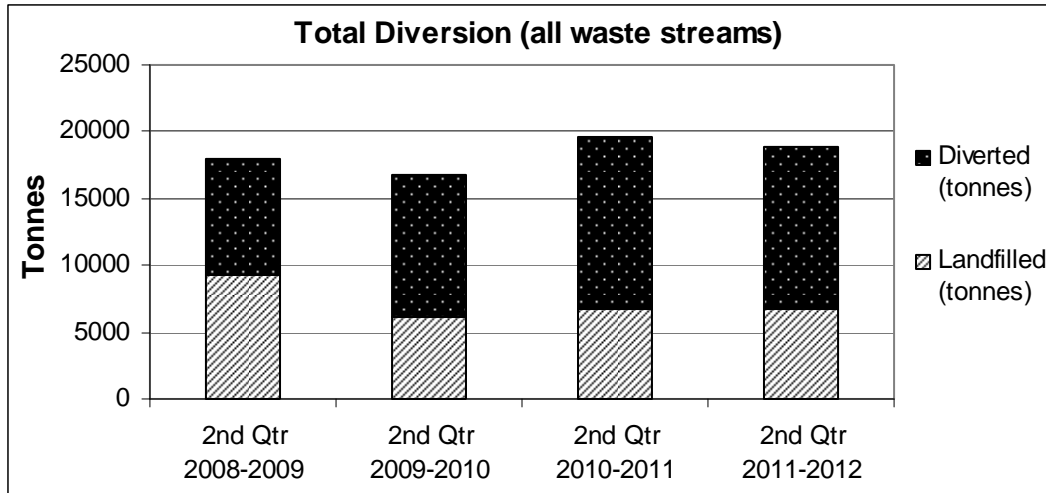


Figure 2: Comparison of total diversion rates.

Figure 2 (above) shows the diversion rates for all domestic waste over the past four years.

Figure 2 illustrates a slight reduction in the tonnes diverted from landfill during the second quarter of 2011-2012 in comparison with the second quarter of 2010-2011. This can be explained by the overall reduction in waste generation during the second quarter of 2011-2012, and also resulted in fewer tonnes of waste being landfilled during this period. At the end of the second quarter of 2011-2012, the diversion rate for general waste was 38.5%. The diversion rates for general waste over the past four years are shown in Figure 3 (below).

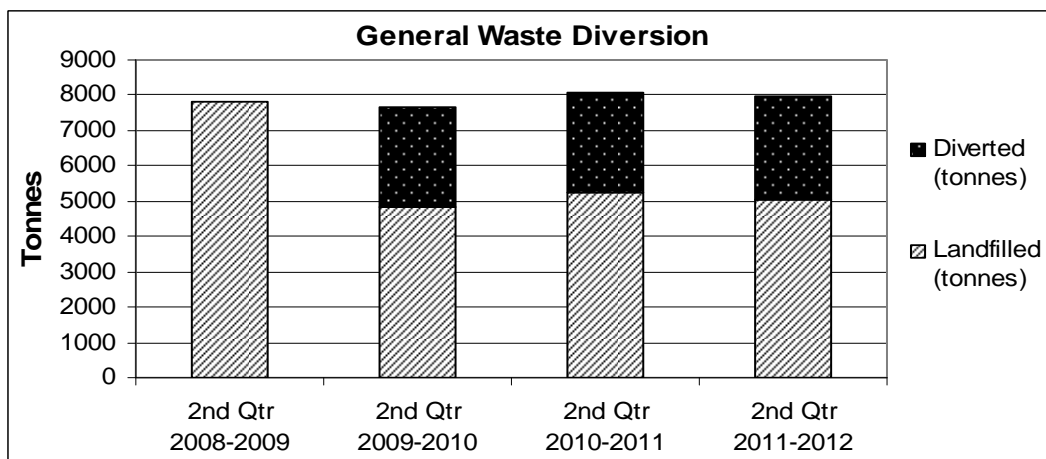


Figure 3: Comparison of diversion rates for general waste.

Diversion rates for recycling have remained constant at approximately 94%, while the diversion rate for garden organics dropped slightly from 98% in the second quarter of 2010-2011 to 96% in the second quarter of 2011-2012. Approximately 3,725 tonnes of recyclables and 5,526 tonnes of garden organics were diverted from landfill during the second quarter of 2011-2012.

Figure 4 (below) shows the amount of kerbside waste and recycling generated per household for the second quarter of 2011-2012, in comparison with the second quarters of the previous three financial years. The overall generation rate has dropped from 360kg per household during the second quarter of 2010-2011 to 344kg per household during the same quarter in 2011-2012.

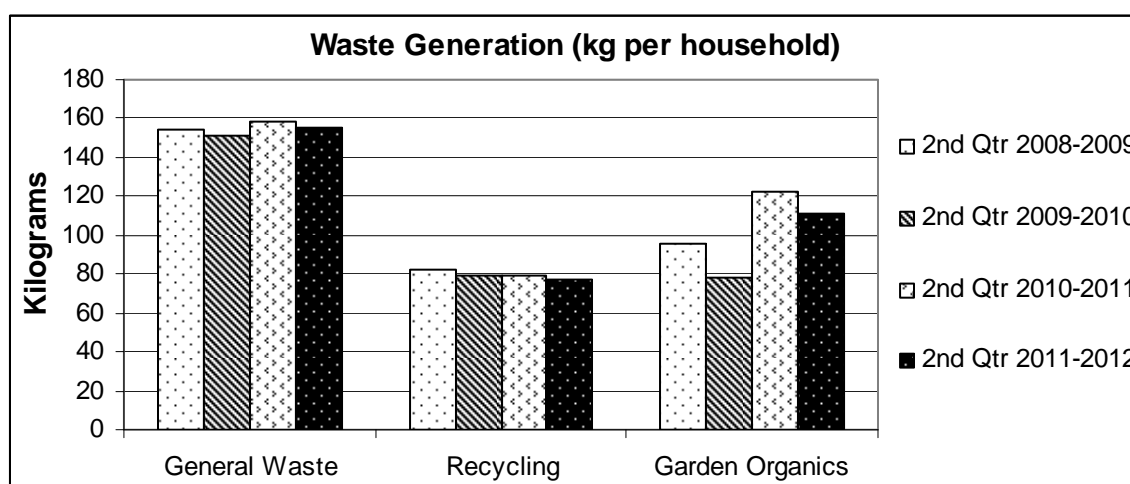


Figure 4: Comparison of waste generation rates.

This overall reduction is due to a decrease in generation rates across all waste streams, with general waste dropping 2kg to 156kg per household in the second quarter of 2011-2012 and garden organics dropping 12kg to 111kg per household during the same period. Generation of recyclables also dropped 2kg to 77kg per household during the second quarter of 2011-2012.

Figure 5 (below) shows the number of customer service requests received by request type for the second quarter of 2011-2012, in comparison to the second quarters of the previous three financial years.

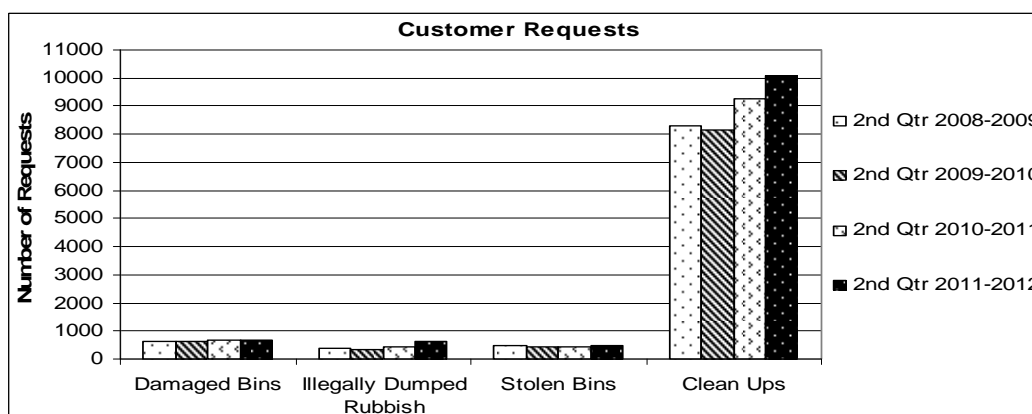


Figure 5: Comparison of customer requests.

Figure 5 illustrates a significant increase in kerbside clean up bookings, with an additional 819 requests received during the second quarter of 2011-2012 than in the second quarter of 2010-2011. It is likely that this increase in kerbside clean up requests is due to the additional promotion that was carried out during October to advertise the launch of the online booking service for kerbside clean ups.

Conclusion

Council's Waste Management Strategy includes two major objectives:

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

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

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 13 March 2012 (Chanthivong/Greiss)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 26

That the Officer's Recommendation be adopted.

2. ENVIRONMENTAL PLANNING

2.1 Proposed Renaming of Alyan Place, St Helens Park

Reporting Officer

Manager Environmental Planning

Attachments

1. Letters requesting that Council consider renaming Alyan Place at St Helens Park (distributed under separate cover)
2. Diagram showing possible additional signage (distributed under separate cover)

Purpose

To provide Councillors with information relating to a proposal to rename Alyan Place at St Helens Park.

History

At its meeting on the 16 of June 1987, Council adopted the theme of "Great Australian Women" for the street names in St Helens Park and approved 30 new road names drawn from this theme.

At its meeting on 23 July 1991, Council's Planning Building and Environmental Protection Committee considered a report in relation to additional street names for St Helens Park, and recommended that a list of 35 additional street names on the theme "Great Australian Women" be adopted for use in St Helens Park. The Committee also recommended that a further report be submitted to add names of great Aboriginal women to the list of street names.

A report by the then Director of Planning and Community Development in relation to this additional recommendation was presented to Council at its meeting on 30 July 1991. This Director's report included the names of six great Aboriginal women to be added to the list of street names in the report on 'Additional Street Names for St Helens Park'. The source of these names was recorded in this Director's report as being the Campbelltown City Library and it provided the following brief details with regards to the subject road name:

"Alyandabu – Called Alyan by other aborigines, she lived in Darwin. She lived and worked in railway fettler's camps on the old north Australian railway".

In spite of the full name Alyandabu being stated in the report, it was recommended that the name Alyan, along with the five other names, be approved as additional road names for St Helens Park and this recommendation was subsequently adopted by Council at its meeting on 30 July 1991. The reason for recommending the name 'Alyan' rather than 'Alyandabu' for use as a road name is not recorded in the report.

Alyan Place was dedicated as a public road on 12 February 1992 and an appropriate street name sign would have been erected around this time.

At Council's Ordinary Meeting on 28 June 2011, a question without notice was raised by Councillor Matheson regarding the name of Alyan Place in St Helens Park. Councillor Matheson advised that representations had been received from family members of the person that the street was named after, requesting that consideration be given to re-naming the street to properly reflect the person's full name "Alyandabu".

Councillors were advised in the Planning and Environment Councillor Weekly Memo of 8 July 2011 that Council staff were researching the basis for the original naming proposal which led to the selection of the current street name. The memo also advised that Council would write to the person who originally contacted the Councillor to seek further details and a formal request for renaming.

The proposed renaming of this street was also the subject of a briefing presented to Councillors on 31 January 2012.

Report

Council has now received letters from the representative Elders of the descendants group of Alyandabu and also from her great grandson formally requesting that Council consider the renaming of Alyan Place at St Helens Park to reflect the true name of the person after whom this street was named. These two letters are included as Attachment 1 to this report.

Further research by Council staff has confirmed that Alyandabu appears to be the more correct form of this person's name, although some sources do confirm that she was also known as Alyan and in some cases use the alternative spelling 'Alngindabu'.

The process Council must follow when renaming roads is outlined in Part 2 of Division 2 of the *Roads Regulation 2008*. The first step in this process requires Council to advertise the proposal to allow for public comment. Council is also required to notify Australia Post, the Registrar General, the Surveyor General and the emergency services to provide them with an opportunity to comment on the renaming proposal. In addition, it has been Council's practice to notify by letter any residents and landowners affected by the renaming proposal. A period of one month is then allowed for the receipt of any submissions relating to this proposal and a further report on this matter is then be presented to the next available Council meeting.

Council would then have the following options available:

Option 1 – Council can resolve to rename the road

With regard to Alyan Place, this would be in accordance with the wishes of the family and would correct the current inaccuracy in this street name.

However, the renaming of any street is usually unpopular with any residents affected by it. Council's records indicate that 22 properties currently use Alyan Place in their street address. Following media coverage of the renaming proposal in a local newspaper, Council received two letters of objection from residents prior to undertaking the formal exhibition and notification process. A letter of objection was also subsequently published in the local newspaper. These objections were mainly concerned with the potential expense and inconvenience which would be incurred by residents in having to change all their contact details and also raised concerns about the pronunciation of the proposed new name.

It should also be noted that at its meeting on the 12 April 2011, Council resolved not to rename Mortimer Street at Minto because of similar objections from the residents of the four properties affected by this proposal.

Option 2 – Council can resolve not to rename the road

This would result in no inconvenience to residents and would also be in accordance with the Geographical Names Board's guidelines which state that, 'where names have been changed by long established local usage, it is not usually advisable to attempt to restore the original form'.

However, this would be contrary to the family's wishes and the road name would continue to not correctly acknowledge the person it was meant to honour.

Option 3 – a compromise solution involving the erection of additional signage

With this renaming proposal, Council also has a third option available which was suggested by a resident in their letter of objection. This involves Council resolving not to rename the road but erecting additional signage underneath the current street name sign acknowledging that this road was named in honour of Aboriginal elder Alyandabu. An indication of the possible positioning and content of this additional signage is shown in the diagram in Attachment 2 to this report.

This would mean no inconvenience to residents and would ensure that the origins of the street name are correctly acknowledged. However, it is possible that this option may not fully satisfy the family's wish for this street to be completely renamed.

Having considered the merits of these three options, it is recommended that Council adopts Option 3.

Officer's Recommendation

That Council resolves to maintain the existing name of Alyan Place at St Helens Park and erects additional signage underneath the current street name sign acknowledging that this road was named in honour of Aboriginal elder Alyandabu.

Committee's Recommendation: (Greiss/Hawker)

That a decision in this matter be deferred and this item listed in the agenda to the next meeting of the Planning and Environment Committee to allow interested parties to attend and address the Committee.

CARRIED

Council Meeting 13 March 2012 (Chanthivong/Greiss)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 26

That the Committee's Recommendation be adopted.

2.2 Drain stencilling program

Reporting Officer

Manager Environmental Planning and Manager Technical Services

Attachments

Image for drain stencils proposed for Glen Alpine (distributed under separate cover)

Purpose

To obtain support for an educational drain stencil program to be implemented across the Campbelltown Local Government Area, commencing with the suburb of Glen Alpine.

History

Stormwater pollution can have negative impacts on the aesthetics and recreational value of our waterways. In particular, stormwater pollution can threaten the survival of freshwater and marine fish and aquatic life that depend on healthy waterways. As stormwater travels towards creeks, rivers and wetlands it collects and deposits many different types of pollutants including rubbish, oil, detergents, animal faeces, soil, fertilisers, lawn clippings and organic waste. Eventually this stormwater is released into waterways (including rivers, creeks and wetlands).

Drain stencilling involves the marking of stormwater drain lids with environmental messages that promote awareness of the connectivity of the stormwater systems within the natural environment. The aim of drain stencilling is to ultimately change behaviours to achieve a reduction in pollutants and reduce the impacts of stormwater pollution on waterways.

Many people are unaware that stormwater drain systems transport runoff and often pollutants into the nearest creek or river and eventually to the ocean. Messages placed on drain lids in local streets will serve to remind the community that actions such as washing the car on the road or driveway, littering, sweeping or hosing lawn mowing clippings into gutters and not cleaning up after your pets can directly affect the health of our waterways.

Report

The Campbelltown Golf Course Urban Sustainability Project, currently in progress, aims to improve the environmental sustainability of the headwaters of Bow Bowing Creek, which lie within the golf course. Funding has been provided by the NSW Environmental Trust, under the auspice of the Education Strategy for the Project, for a drain stencilling program for the catchment. The catchment draining into Campbelltown Golf Course is almost exclusively the suburb of Glen Alpine. It is therefore proposed that Council pilot a drain stencilling program across the suburb of Glen Alpine. The Urban Sustainability Project is due for completion in July 2012 and, as such, stencilling must be undertaken expediently to satisfy the requirements of the grant.

Council has access to custom vinyl sheeting that is appropriate for this program. The surface of this sheeting is non-slip and allows for intricate printing. A proposed design for placement in this suburb has been prepared by Council's design staff and is provided in the attachment to this report.

Following the implementation of drain stencilling in Glen Alpine, it is then proposed that a LGA-wide drain stencilling program be undertaken. However, in an effort to promote community engagement and stewardship, it is proposed that delivery of this program be conducted in partnership with local primary schools. Council would hold a competition with local primary schools to determine appropriate designs. This process would require students to research the issue and determine the behaviours that they are trying to change and the resources that they are trying to protect. Drain stencilling is a highly relevant extension activity for students who are studying the impacts of stormwater pollution on the environment, which is covered in the Human Society and its Environment (HSIE) section of the primary school curriculum. Drain stencilling encourages learners to apply the knowledge and values they are developing about the world around them in a meaningful way. The program provides an opportunity to take action, and to educate others, which can help people to feel empowered and positive about their role in improving the environment.

Each school would nominate their design(s) and Council would then select the overall winning designs. It is envisaged that this recognition and variation in design will foster both ownership and community interest.

The project would be managed by Council's Environmental Planning Section with assistance from the City Works Division. Council would provide the materials for the signs and would undertake the printing through Council's sign shop. The stencils cost between \$5-10 each and whilst it is estimated that there are over 15,000 stormwater drains throughout the LGA, it is envisaged that up to 1,000 drains will be stencilled. The stencils are proposed to be funded from Council's stormwater levy, to be implemented by staff from the City Works Division. As such, the program will be included with other programs to be considered for funding in the 2012-2013 budget under the water levy program to be submitted to Council in a future report in 2012.

The community and schools would be invited to nominate 'pollution hot-spots' for implementation of stencils. It is anticipated that areas around schools and within commercial areas and industrial precincts would be prioritised. Advertising and promotion would be conducted within the community and in addition it is proposed to utilise the Community and Road Safety (CaRS) trailers for further promotion of the program. Selected designs would be adapted to large signs to be displayed on the trailers at strategic locations across the LGA and at events such as Riverfest and Ingleburn Alive.

The stencilling would also be complemented by other educational initiatives including community newsletter articles providing handy hints on minimising the impacts of stormwater pollution and educational workshops to be delivered through the schools.

Officer's Recommendation

1. That Council undertake an initial stormwater drain stencilling program in the suburb of Glen Alpine utilising the attached image.
2. That Council conduct a drain stencil design competition through local primary schools with a view to implementing drain stencilling strategically across the LGA.

Committee's Recommendation: (Oates/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 13 March 2012 (Chanthivong/Greiss)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 26

That the Officer's Recommendation be adopted.

2.3 Approval of the Bulli Seam Project

Reporting Officer

Manager Environmental Planning

Attachments

1. Correspondence from BHP Billiton advising of the project approval (distributed under separate cover)
2. Location map of the amended Bulli Seam Approval (distributed under separate cover)
3. Summary of the deficiencies of the approval in addressing issues raised in Council's submissions on the project application (distributed under separate cover)
4. Location map of properties in Wedderburn potentially affected by the amended approval (distributed under separate cover)

Purpose

To inform Council of the approval that has been issued for the Bulli Seam Project and to seek Council's endorsement of recommended measures to address a number of deficiencies associated with the project determination.

History

At its meeting on 16 December 2009, Council resolved to endorse a submission to the NSW Department of Planning and Infrastructure (DPI) on the Environmental Assessment (EA) that accompanied the Bulli Seam Project Application. This submission objected to the proposal on a number of grounds that included the requested 30 year project approval, non-compliance with certain Director General's Requirements, inadequate assessment of potential impacts on water resources and the absence of specific consultation with local Wedderburn residents during the public exhibition of the EA.

In March 2010, the then NSW Minister for Planning constituted a Planning Assessment Commission (the reviewing PAC) to investigate the Bulli Seam project based on certain Terms of Reference (ToR) that largely related to issues associated with mine subsidence but also provided scope for the investigation of other issues. Council's involvement in this investigation included a presentation at a Public Hearing by the Director Planning and Environment and attendance at a meeting with members of the reviewing PAC on 11 March 2010 together with representatives of Wollondilly and Wollongong Councils.

A subsequent report considered by Council, at its Ordinary Meeting on 8 February 2011, provided a summary of the key features of the report produced by the reviewing PAC and its adequacy in addressing issues raised in Council's submission. This PAC report contained a range of findings and recommendations, for consideration by the DPI. In response to the reviewing PAC report BHP Billiton removed the proposed mining domains in the eastern and southern part of the project area from the application.

Report

The approval of the Bulli Seam Project

Determination of the application for the Bulli Seam Project was delegated to a Planning and Assessment Commission (the determining PAC) on 14 September 2011 by the NSW Minister for Planning.

The determining PAC was commissioned to review the adequacy of the proposed instrument of approval issued by the DPI in addressing the matters raised in submissions received and the recommendations of the reviewing PAC report, prior to the consideration of project determination. The determining PAC also considered the report produced by the reviewing PAC and the response of BHP Billiton to this report.

The determining PAC consequently issued approval for the amended application on 22 December 2011 under Section 75J of the *Environmental Planning and Assessment Act 1979*. Correspondence received from BHP Billiton (dated 23 December 2011) advising of the project approval is provided in Attachment 1. The location of the approved development, the area deleted from the original project application by BHP and mining domain areas of relevance to the Campbelltown Local Government Area (LGA) are presented in Attachment 2.

Review of the approval by officers

The project approval has been reviewed by Council officers in terms in light of the issues raised in Council's submission on the EA (dated 18 December 2009), Council's supplementary submission to the reviewing PAC (dated 9 April 2010), as well as the report by the reviewing PAC (dated 5 January 2011). The results of this review and actions by the DPI are presented in detail in Table 1 (Attachment 3).

The following items within the approval are considered to have satisfactorily addressed issues raised by Council:

- The removal of 98.7% of land within the Dharawal State Conservation Area (SCA) from the application by BHP has afforded an increased level of protection to the upland swamps located within the SCA
 - An underground trial for the disposal of coal wash waste at the Brennans Creek Coal Wash Emplacement Area will be conducted within a specified timeframe (30 December 2012) and
-

- Detailed consultation and further studies regarding the protection and management of Aboriginal heritage will be undertaken within the mining domain area that incorporates the Wedderburn district.

The DPI's Manager of Mining Projects: Major Assessment, has advised Council that there are no grounds for appeal against the approval decision as the application was referred to a PAC under the terms of a Ministerial Delegation.

Notwithstanding, it is of relevance to advise Council that the approval has failed to appropriately address a number of significant issues raised in its previous submissions. These issues are discussed below.

Deficiencies in the approval

1. Reliance on mitigation measures in subsidiary plans and finalisation of longwall mining plans subsequent to project approval

The requirement of the approval for the preparation of Extraction Plans for individual mining domain areas is considered to have partially addressed Council's request for a staged approval process. However, it is considered that this approval requirement is not optimal as the plans are only required to be approved prior to the commencement of coal extraction activities (second workings). In addition, there remains a concern over the capacity of the DPI to accurately and effectively monitor the preparation, implementation and adequacy of these plans.

It is recommended that Council write to the NSW Minister for Planning and Infrastructure expressing disappointment that the Extraction Plans and other Plans have not been required to be completed prior to the determination of the project application. It is further recommended that Council seek advice from the recently established Interim Commonwealth Independent Expert Scientific Committee (IESC) (which is described in more detail in a subsequent section of this report) regarding the adequacy of the Extraction Plans in adequately managing potential impacts on ground and surface waters.

2. A 30 year project approval for the development

The approval continues to permit mining operations up until 31 December 2041 and thus has not supported Council's opposition to the granting of a 30 year project approval. It is noted however that the requirement for an Independent Environmental Audit every three years, may provide a mechanism to address the introduction of any advances in technology to improve the environmental performance of the development.

It is recommended that Council express its disappointment to the NSW Minister for Planning and Infrastructure regarding the decision to grant a 30 year project approval. It is also recommended that Council request that the Environmental Audits be required to examine and provide recommendations regarding world's best practice technology that would enhance the environmental performance of the project.

3. Potential impacts on water resources as a consequence of mining operations

Potential impacts on the condition of waterways as a consequence of mine subsidence related impacts, attributable to longwall mining operations, was a significant issue of concern raised in Council' submission to the EA and in the report produced by the reviewing PAC. The greatest environmental risks to waterways as a consequence of the project approval are now considered to relate to the Hawkesbury Nepean Catchment (due to the removal of large sections of the Upper Georges River Catchment area from the initial application).

The approval largely adopted the recommendations of the reviewing PAC in applying subsidence performance criteria (negligible or minor) for watercourses that the applicant must achieve as well as requiring that subsidence related impacts on watercourses be assessed as part of subsidiary plans referred to above. However, the following summarises the identified deficiencies still persist:

- The granting of approval for mining beneath a section of the Georges River and all other watercourses in the amended project area, (apart from the entire section of the Nepean River) has not adequately addressed Council's request for the establishment of 600 metre zones adjacent to all watercourses (third order and above) and the requirement for detailed risk assessments for all other watercourses to be undertaken
- The requirement that the proponent prepare and implement a program to improve its prediction and understanding of subsidence impacts on surface and groundwaters has not properly addressed Council's request for a detailed, and fully independent study of this complex issue, prior to the commencement of any workings and
- The requirement that BHP Billiton obtain the necessary permits under the *Water Management Act 2000* has not fully addressed Council's request that the implications of this Act, to the potential transfer of water through fractures created as a consequence of longwall mining, be examined prior to project determination.

Given that project approval has been granted, it is acknowledged that further representations from Council to the State Government will most likely not achieve any specifically beneficial outcomes in terms of addressing the perceived deficiencies in the approval. However, it has been noted that an Independent Expert Scientific Committee (IESC) has been established by the Commonwealth Government. The Committee has been charged with the responsibility (in part) of investigating key scientific questions and uncertainties with the potential impact of coal seam gas and coal mining on water resources.

It is considered that a detailed investigation into the Bulli Seam Project by the Committee has the potential to achieve the following important outcomes in terms of addressing a range of deficiencies with the approval, particularly concerning potential impacts on water resources:

- A detailed research and detailed analysis would be conducted by an independent panel with a high level of technical expertise rather than being prepared by a consultancy engaged by BHP, which is required by the approval
- The IESC could consider and incorporate the requirements of the approval regarding the assessment of impacts on water resources and investigate the adequacy of the approach adopted by the approval and
- The outcomes of the research would be made publicly available, which is not required by the approval.

It is recommended that Council request that the Scientific Committee to investigate these in accordance with the finalised concerns. In addition, it is considered that the support of Wollondilly Shire Council may enhance the chances of success of this request being met given that the project area is located largely within the Wollondilly Local Government Area. Consequently, it is suggested that Council enter into discussions with representatives of Wollondilly Shire Council regarding this matter.

4. Potential impacts of the development on the natural and built environment within the Wedderburn district

The modification to the project application by BHP Billiton removed the eastern portion of the Wedderburn district (containing 23 properties) from the original application. However, the amended project area (as indicated in Attachment 1), continues to include 12 properties in the district and has failed to undertake a specific assessment of potential impacts of the development on the natural and built environment within these areas.

In this regard, it is suggested that the recommended correspondence to the NSW Minister for Planning and Infrastructure (mentioned above) express Council's disappointment that the views of the residents were not recognised by the reviewing PAC Report nor appear to have been addressed in the project approval. It is further suggested that letters be distributed to residents of the Wedderburn district outlining the position adopted by Council regarding the approval and encouraging the residents to express their views and concerns directly to both the NSW Minister for Planning and Infrastructure.

5. Potential impacts on biodiversity as a consequence of vegetation clearance as part of the development

The project approval requires that the Extraction Plans relating to each of the mining plans include a Biodiversity Management Plan to be prepared in consultation with the Office of Environment and Heritage (OEH) and that provide for the management of potential impacts on threatened flora and fauna (arising from the proposed second workings). It also includes a performance criterion that there must no be more than negligible (defined as small and unimportant in the approval) subsidence related impacts on threatened species and ecological communities. However, the approval is deficient as it has not addressed Council's request for the provision of an accurate assessment of any vegetation clearance associated with the project. This is unsatisfactory.

The management of biodiversity within New South Wales is the overall responsibility of the OEH however Council has a responsibility to enhance and conserve the environment within the Campbelltown LGA. In this regard, it is recommended that Council lodge an application to access information under the *Government Information (Public Access) Act 2009* (GIPA) with the DPI requesting details of its correspondence and discussions with the OEH regarding this matter. It is recommended that this information once received be considered in formulating a response to Government.

Conclusion

Council has previously lodged a number of submissions on the EA accompanying the Bulli Seam Project application. These submissions outlined the basis of Council's objection to the project application and a wide variety of requested amendments to the EA and action by the DPI to address a range of shortcomings with the project application.

The approval for the project (dated 22 December 2011), was delegated to a PAC by the NSW Minister for Planning and Infrastructure. The reduction of the project area by BHP Billiton in response to the recommendations of the report produced by the reviewing PAC and incorporation or adoption of most of the recommendations of this report has adequately addressed some of the issues raised in Council's submissions.

However, as outlined in this report there remains a number of deficiencies with the project approval in addressing the issues raised in Council's submissions, particularly relating to the reliance of the approval on subsidiary plans and the assessment of impacts on ground and surface waters within the Hawkesbury Nepean Catchment. This report has provided recommended Council responses to address these deficiencies, including requesting that the Commonwealth IESC be commissioned to investigate the Bulli Seam Project and that letters be distributed to residents of the Wedderburn district outlining the position taken by Council regarding the potential implications of the project approval. Whilst it is recognised that future representations to the NSW Government will not effect change in the approval it is still considered appropriate that Council express its disappointment regarding the approval, to the NSW Minister for Planning and Infrastructure.

Officer's Recommendation

1. That Council note the details of the approval for the Bulli Seam project and endorse the recommended measures outlined in this report relating to the deficiencies with the approval.
 2. That Council lodge an application under the *Government Information (Public Access) Act 2009* with the Department of Planning and Infrastructure to obtain details of consultation and advice provided by the New South Wales Office of Environment and Heritage regarding consent conditions associated with the clearance of vegetation under the project application.
-

3. That Council write to the Commonwealth Minister for the Environment requesting that the Interim Independent Expert Scientific Committee identify the Bulli Seam Project as a priority mining project for investigation and that the project be commissioned by the Committee (when established) to investigate the impacts of the approved development on water resources.
4. That Council seek support from Wollondilly Shire Council in the actioning of recommendation 3.
5. That Council write to BHP Billiton outlining its concerns contained in the body of the report.

Committee's Recommendation: (Thompson/Greiss)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 13 March 2012 (Chanthivong/Greiss)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 26

That the Officer's Recommendation be adopted.

2.4 Inquiry on the NSW Planning Framework

Reporting Officer

Manager Environmental Planning

Attachments

Correspondence from the NSW Legislative Council

Purpose

To advise Council of the outcomes of the report of the Legislative Council Standing Committee on State Development entitled *Inquiry on the NSW Planning Framework*, and the NSW Government's response to that report.

History

The *Inquiry on the NSW Planning Framework* was tabled in the Legislative Council on 10 December 2009.

The Terms of Reference for the Standing Committee are outlined below:

“That the Standing Committee on State Development inquire into and report on national and international trends in planning, and in particular:

- (a) the need, if any, for further development of the New South Wales planning legislation over the next five years, and the principles that should guide such development
- (b) the implications of the Council of Australian Governments (COAG) reform agenda for planning in New South Wales (NSW)
- (c) duplication of processes under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and NSW Planning, environmental and heritage legislation
- (d) climate change and natural resources issues in planning and development controls
- (e) appropriateness of considering competition policy issues in land use planning and development approval processes in NSW
- (f) regulation of land use on or adjacent to airports
- (g) inter-relationship of planning and building controls
- (h) implications of the planning system on housing affordability.”

The NSW Government's response to the report was received by the Legislative Council on 13 December 2011.

Council was advised of the NSW Government's response by way of a letter from the Legislative Council, dated 19 December 2011.

Report

The Legislative Council Standing Committee investigated a range of issues relating to the NSW Planning Framework. The NSW Government has now responded to recommendations of the Standing Committee that are relevant to the actions and processes of the NSW Government.

A summary of the recommendations of the Inquiry that have been responded to by the NSW Government, and the NSW Government's responses to those recommendations, is provided in the following sections of this report.

Recommendation 1

- “That the Minister for Planning establish an independent expert and representative group to undertake a fundamental review of the New South Wales planning framework with a view to formulating recommendations for legislative, strategic planning and system changes in order to develop a planning system that achieves the best mix of social, economic and environmental outcomes for New South Wales.
- That the review group include representatives from urban, coastal and regional/rural areas and include representatives who are practitioners of the planning system.
- That the Department of Planning and other State agencies provide support to the review group in undertaking its task.
- That the findings of the review group be subjected to broad community review and input and build on the work of this Committee's report.
- That the review commence in 2010, recognising it may take up to five years to complete.”

NSW Government Response

The Minister for Planning and Infrastructure appointed The Hon Tim Moore and The Hon Ron Dyer to co-chair a Review of the NSW Planning System in July 2011.

Comment

Councillors and Council staff attended the two community consultation forums that were held in Campbelltown on 19 October 2011. Council also made a detailed submission in response to the community consultation forums.

An Issues Paper was released in December 2011. Council received a briefing on the Issues Paper on 31 January 2012 and a draft submission was presented as part of the agenda for the Council meeting on 14 February 2012. The submission, as endorsed by Council, has been submitted to the Co-chairs of the Review for their consideration.

Recommendation 2

- “That the NSW Government develop and implement common regional boundaries for use by government agencies and the planning process.”

NSW Government Response

The NSW Government has advised that the DPI will examine the potential to implement common regional boundaries following the current *NSW Planning System Review*.

Comment

In its submissions to the *NSW Planning System Review*, Council has indicated its support for the delineation and implementation of common regional boundaries for use by government agencies and the planning process. These boundaries will be determined as part of the Review.

Recommendation 3

- “That the Department of Planning develop a number of new regional strategies to ensure that there is an appropriate regional strategy in place for all local government areas across the State.
- That as a first step the Department of Planning consult with local government not currently within a regional strategy area to determine appropriate and manageable new regional strategy boundaries.”

NSW Government Response

The NSW Government has advised that there are currently eight regional strategies covering NSW. Planning in the Sydney Region is guided by the Metropolitan Strategy 2036. It is anticipated that plans will be in place for all regions across the State by 2014.

Comment

It is important to note that the *Metropolitan Strategy 2036* is currently being reviewed by the NSW Government, and that the *South West Subregion: Draft Subregional Strategy* (which was exhibited for public comment in December 2007) is yet to be completed by the DPI.

Recommendation 4

- “That the Department of Planning review the Standard Instrument LEP template with a view to developing a number of templates that reflect the different needs of metropolitan, rural and coastal local government areas.”
-

NSW Government Response

The DPI has established a *Local Planning Panel* to review the *Standard Instrument LEP*. The aim of the Panel is to increase local government involvement in the plan-making process and improve flexibility in the implementation of the *Standard Instrument LEP*.

Comment

In its submissions to the *NSW Planning System Review*, Council has raised its concerns regarding the *Standard Instrument LEP* and has requested that local councils be provided the opportunity to amend the *Standard Instrument LEP* to better accommodate local circumstances.

Recommendation 5

- “That the NSW Government provide additional funding to local councils, the Department of Planning and the Parliamentary Counsel’s Office so that all councils have a Standard Instrument Local Environmental Plan made within the next two years.”

NSW Government Response

In September 2010, the NSW Government introduced the \$10m *Local Environmental Plan Acceleration Fund* (LAF) to fast track the delivery of new LEPs based on the *Standard Instrument LEP*. An additional \$2.9m has been allocated to fund additional staff with the DPI and Parliamentary Counsel to assist in the delivery of the new LEPs.

Comment

In order to be eligible for payments under the LAF, local councils must meet specified milestones and timeframes for the preparation of their new comprehensive LEPs.

Recommendation 6

- “That the Department of Planning develop best practice electronic planning systems and support their implementation at the local government level with additional funds and training, if needed.”

NSW Government Response

The NSW Government has advised that it is pursuing several best practice electronic planning systems and that ePlanning is also a key aspect of the *NSW Planning System Review*.

Comment

In its submissions to the *NSW Planning System Review*, Council has recognised the importance of an electronic planning system, but also the need to maintain alternative systems for use by members of the community who are not well-versed in the use of electronic media.

Council is currently involved in projects aimed at introducing electronic planning and land information systems to complement Council's existing planning and development processes. Council staff are currently in the process of implementing a State wide electronic system which allows applicants to test whether or not their proposed development complies with the NSW Housing Code (eHousing). This initiative is funded by the NSW Government. Opportunities for electronic lodgement and monitoring of development applications (ePlanning) are also being developed to allow an applicant to lodge a development application on-line. Traditional methods of lodgement will also remain available for applicants who prefer not to use ePlanning.

Recommendation 7

- “That the process for the granting of mining exploration licences be amended so that at the same time that a licence is granted, the government appoint an independent committee of stakeholders to determine the terms of reference and manage a strategic and scientific assessment of natural resource constraints, which is to be funded by the mining company.”

NSW Government Response

The NSW Government has advised that the strategic regional land use plans that are being prepared by the DPI aim to balance competing land uses such as agriculture and mining in regional areas. A *Stakeholder Reference Group* has been established to advise on the preparation of these plans. Interim measures to manage land use conflict include:

- requiring all title applications for coal and gas seam projects to be the subject of community consultation before a decision is being made
- requiring agricultural impact statements for all new mining and coal seam gas applications
- protecting ground water supplies through the *Aquifer Interference Regulation*.

Comment

All initiatives aimed at introducing greater transparency and rigour into the processes through which mining exploration licences are granted, are supported.

Officer's Recommendation

That Council note the information regarding the *Inquiry on the NSW Planning System* and the NSW Government's response to the relevant recommendations of that Inquiry.

Committee's Recommendation: (Oates/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 13 March 2012 (Chanthivong/Greiss)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 26

That the Officer's Recommendation be adopted.

ATTACHMENT 1



LEGISLATIVE COUNCIL

STANDING COMMITTEE ON STATE DEVELOPMENT

19 December 2011

DEC21 '11 07:54:34 RCVD

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

Dear Mr Tosi

Inquiry on the NSW Planning Framework

I refer to the report of the NSW Legislative Council Standing Committee on State Development entitled *Inquiry on the NSW Planning Framework* tabled in the Legislative Council on 10 December 2009.

In accordance with Standing Order 233 of the Legislative Council, please find attached a copy of the Government's response to the report, which was received on 13 December 2011.

Once again, thank you for your contribution to the inquiry.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'R Simpson'.

Rachel Simpson
Director

Parliament House
Macquarie Street Sydney
NSW 2000 Australia

Telephone (02) 9230 2641
Facsimile (02) 9230 2981
statedevelopment@parliament.nsw.gov.au

**NSW GOVERNMENT RESPONSE TO THE LEGISLATIVE COUNCIL STANDING
COMMITTEE REPORT ON THE NEW SOUTH WALES PLANNING FRAMEWORK**

December 2009

Terms of Reference:

That the Standing Committee on State Development inquire into and report on national and international trends in planning, and in particular:

- (a) the need, if any, for further development of the New South Wales planning legislation over the next five years, and the principles that should guide such development;
- (b) the implications of the Council of Australian Governments (COAG) reform agenda for planning in New South Wales (NSW);
- (c) duplication of processes under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and NSW planning, environmental and heritage legislation;
- (d) climate change and natural resources issues in planning and development controls;
- (e) appropriateness of considering competition policy issues in land use planning and development approval processes in NSW;
- (f) regulation of land use on or adjacent to airports;
- (g) inter-relationship of planning and building controls; and
- (h) implications of the planning system on housing affordability.

In making a submission in response to this inquiry, the NSW Government has provided responses only to recommendations which are relevant to the actions and processes of the NSW Government.

Recommendation 1 p51: That the Minister for Planning establish an independent expert and representative group to undertake a fundamental review of the New South Wales planning framework with a view to formulating recommendations for legislative, strategic planning and system changes in order to develop a planning system that achieves the best mix of social, economic and environmental outcomes for New South Wales.

That the review group include representatives from urban, coastal, and regional/rural areas and include representatives who are practitioners of the planning system.

That the Department of Planning and other State agencies provide support to the review group in undertaking its task.

That the findings of the review group be subjected to broad community review and input and build on the work of this Committee's report.

That the review commence in 2010, recognising it may take up to five years to complete.

Response

The Minister for Planning and Infrastructure has appointed Mr Tim Moore and Mr Ron Dyer to co-chair a Review of the NSW Planning System. The panel has undertaken extensive community and stakeholder consultation, and visited 44 locations across the state from mid September to mid November 2011. An issues paper was released in December 2011 for public consultation. This will be followed by a Green Paper (discussion paper) in April 2012. A White Paper with detailed policy options and draft legislation will be exhibited in the latter half of 2012, after which new legislation will be introduced to Parliament.

Recommendation 2 p70: That the NSW Government develop and implement common regional boundaries for use by government agencies and the planning process.

Response

The Department of Planning and Infrastructure will examine the potential to implement common regional boundaries for use by government agencies and the planning process following the current Review of the Planning System.

Recommendation 3 p71: That the Department of Planning develop a number of new regional strategies to ensure that there is an appropriate regional strategy in place for all local government areas across the State.

That as a first step the Department of Planning consult with local government not currently within a regional strategy area to determine appropriate and manageable new regional strategy boundaries.

Response

There are currently eight Regional Strategies covering NSW, including the draft Murray Regional Strategy. Planning in the Sydney Region is guided by the Metropolitan Plan for Sydney 2036. Strategic Regional Land Use Plans are being prepared for the remaining regions within the state and it is anticipated that these will be in place by 2014.

Recommendation 4 p102: That the Department of Planning review the Standard Instrument LEP template with a view to developing a number of templates that reflect the different needs of metropolitan, rural and coastal local government areas.

Response

The Standard Instrument provides a flexible framework with a suite of model provisions for councils to select from to deliver their local planning strategies. Standard instrument Local Environment Plans (LEPs) that adapt to local conditions have been prepared for metropolitan,

coastal and regional areas such as Liverpool, Wollongong, and Balranald local government areas. Notwithstanding this, the Department of Planning and Infrastructure has established a Local Planning Panel that will increase local government involvement in the plan-making process and improve the flexible delivery of the standard instrument program.

Recommendation 5 p110: That the New South Wales Government provide additional funding to local councils, the Department of Planning and the Parliamentary Counsel's Office so all councils have a Standard Instrument Local Environmental Plan made within the next two years.

Response

The LEP Acceleration Fund is a \$10 million funding program that was established in September 2010 to fast track the delivery of standard instrument LEPs throughout the state. The first round of funding will assist 77 councils to finalise their standard instrument LEPs in a timely manner. The funding will be used to pay for planning work, Geographic Information System (GIS) mapping and related services to assist councils to complete their standard instrument LEPs, or as an 'in-kind' payment where the department engages services on behalf of a council.

The Department of Planning and Infrastructure has also utilised \$2.9 million in funding that was allocated by Treasury as part of the former government's Housing Supply Taskforce program. The funding has been used to finance internal positions for legal officers, administrative officers, GIS officers, additional planning advisors, a part time heritage officer, and legal officers in the Parliamentary Counsel's Office to accelerate delivery of standard instrument LEPs across the State.

Recommendation 6 p124: That the Department of Planning develop best practice electronic planning systems and support their implementation at the local government level with additional funds and training, if needed.

Response

The Department of Planning and Infrastructure is pursuing a number of best practice electronic planning systems, and ePlanning will also be a key aspect of the review of the planning system. An example of a successful ePlanning is the Electronic Housing Code (EHC), which is a Federally funded pilot project focussing on the development of an online system for the electronic lodgement of complying development applications under the NSW Housing Code for lots 200m² and above. There are currently 11 councils and eight private certifiers taking part in the EHC project. At the time of writing, 10 councils were live on the system. In September 2011, the project had received an additional \$4.3 million from NSW Treasury to expand the pilot to include up to an additional 24 councils and to include the Commercial and Industrial Code. This program is now considered a best practice model ePlanning initiative.

The majority of councils involved in this pilot have been provided with funding to assist them in improving the accuracy of the land and property information data, as this is a key feature of ePlanning initiatives. This has led to greater confidence in the data held at council and some of the councils involved in the pilot are now looking at offering other planning services online.

Other funded items include the introduction of and training in electronic stamping tools, trialling technology tools to assist with electronic assessments and the facilitation of electronic payments.

Recommendation 7 p203: That the process for the granting of mining exploration licences be amended so that at the same time that a licence is granted, the government appoint an independent committee of stakeholders to determine the terms of reference and manage a strategic and scientific assessment of natural resource constraints, which is to be funded by the mining company.

Response

The Department of Planning and Infrastructure is developing Strategic Regional Land Use Plans that aim to strike a balance between competing land uses such as agriculture and mining in regional areas. While the Strategic Regional Land Use Policy includes a number of initiatives relating to mining exploration licences, licensing is primarily the concern of the Department of Trade and Investment, Regional Infrastructure and Services.

In the interim, a number of measures have been or are being put in place to manage land use conflict in these areas. These measures include requiring all title applications for coal and gas seam projects to be the subject of community consultation before a decision is made; requiring agricultural impact statements for all new mining and coal seam gas applications; and protecting ground water supplies through the Aquifer Interference Regulation.

A Stakeholder Reference Group has been established to provide advice and input to the development of the Strategic Regional Land Use Plans for high growth resource regions. The group has broad representation across peak mining and farming groups, conservation organisations, local government and other relevant organisations.

2.5 Water Quality Monitoring Program - Half Yearly Report

Reporting Officer

Manager Environmental Planning

Attachments

1. Figure 1 - Average percentage compliance with ANZECC guidelines for water quality at Campbelltown City Council's water quality monitoring sites (Distributed under separate cover)
2. Table 1 - Percentage compliance with ANZECC water quality trigger values for aquatic ecosystem, primary contact recreation and secondary contact recreation criteria for sites tested under the WQMP for the Campbelltown LGA (Distributed under separate cover)

Purpose

To inform Council of the results of Council's Water Quality Monitoring Program (WQMP) for the period of July 2011 to December 2011.

History

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

The majority of Campbelltown's urban waterways flow into the Upper Georges River, either directly to the Georges River itself or via the Bow Bowling/Bunbury Curran Creek system. The percentage of the LGA which lies within the Georges River catchment is approximately 86%. The remaining 14% of the LGA feeds into the Hawkesbury/Nepean River.

Water quality within the catchments has been influenced by rapid urbanisation over time. Currently, 99% of Campbelltown's population resides within the Georges River Catchment. In addition, 100% of the LGA's commercial, industrial areas and business centres are also located within this catchment and principally within the Bow Bowling/Bunbury Curran sub-catchment.

The increased distribution and density of urban areas within the catchments of Campbelltown's major waterways has resulted in a greater volume and flow of stormwater discharge into these systems. Stormwater has a high propensity to be contaminated with pollutants such as sediment, chemicals, litter, excess nutrients and oils.

Key pressures with the potential to negatively impact on the quality of Campbelltown's water resources include:

- urbanisation and associated impervious infrastructure
- stormwater input
- pollution spills
- illegal dumping
- litter accumulation
- aquatic noxious weeds
- degraded riparian vegetation
- altered flooding patterns.

Report

Council's WQMP involves the sampling and monitoring of 14 specific sites within the Georges River and the Nepean River Catchments. These water quality testing sites have been strategically selected to ensure data is collected across a broad section of the catchment, including environmental protection areas, recreational swimming spots and stormwater discharge points from urban areas. The results for the monitoring period July 2011 to December 2011 have been analysed against the National Guidelines for Fresh and Marine Water Quality, developed by the Australian and New Zealand Environment and Conservation Council (ANZECC 2000). The main objective of the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC Guidelines) is to sustain current (or likely future) environmental values for natural and semi-natural water resources in Australia and New Zealand.

During the monitoring period, the following sites were sampled on a monthly basis – Wedderburn Gorge (Wedderburn), the Woolwash (Airds), Frere's Crossing (Kentlyn), Koorunga Reserve (Varroville), Bow Bowing Creek gross pollutant trap (Minto), Park Central (Campbelltown), Burrendah Dam (Raby), Mandurama Reserve (Rosemeadow), Fishers Ghost Creek (Bradbury), Harold Street Bridge (Macquarie Fields) and Simmo's Beach (Macquarie Fields), Menangle Bridge (Menangle). In addition to this monthly testing, weekly testing was conducted at Simmo's Beach and Menangle Bridge throughout December 2011 and will continue until the end of April 2012 due to the high levels of recreational use these sites attract.

Attachment 1 provides a diagrammatic representation of average percentage compliance of monitoring sites with ANZECC guidelines, whilst Attachment 2 provides an analysis of the data for each parameter.

The WQMP indicates that on average, water quality throughout the LGA remains similar to the previous reporting cycle (July 2010 to June 2011), as outlined in Council's State of the Environment Report 2010-2011. There has been a small variation in water quality parameters evident at individual sites:

- Water quality at Kooringa Reserve has decreased within the last six months due to an increase in excess nutrients entering the system. This is to be expected from the increase in rainfall and its location within a suburban area. Run-off from roads and gardens are most likely to have contributed to this increase.
- Bacteria levels at Park Central have improved over the last six months, which is a positive result and contrary to expectations due to its location and increased rainfall. Sources of bacteria in urban runoff include sanitary sewer overflows, pets and populations of urban wildlife. Decreased bacteria levels at this site may also be an indication of the effectiveness of Water Sensitive Urban Design (WSUD) practices in place at Park Central assisting in the treatment of urban water runoff. However the overall aquatic health of the system remains generally the same.
- Recreational swimming areas at Simmo's Beach and Menangle Bridge remain poor overall for 'primary contact', however during drier weather periods the results are generally good for 'primary contact'. An increase in bacteria levels for this reporting period (July 2011 to December 2011) was evident at Menangle Bridge, most likely due to the increase in rainfall within this time. The bacteria levels at Simmo's Beach were similar to the last reporting period (July 2010 to June 2011). It should be noted that Simmo's Beach had the best water quality of the tested sites for 'ecosystem health' within the LGA.

Council is currently conducting a review of land use activities within the Georges River Catchment to assist in the identification of potential pollution sources. This information will be valuable in identifying strategies to improve water quality at Simmo's Beach. Further investigative work relating to land use will also be undertaken in due course within the Nepean Catchment.

Conclusion

On average, water quality in the LGA remains fair. Water quality results for the reporting period (July 2011 to December 2011) have demonstrated poor results within the Bow Bowing/Bunbury Curran catchment. Detrimental effects due to urbanisation are evident downstream of confluences with urban catchments such as Spring Creek.

A review of Council's current WQMP is currently being undertaken, the results and any recommended changes will be reported to Council at a forthcoming meeting. In the interim, water quality monitoring will continue to be conducted to ensure Council is fulfilling its commitment to the sustainability of its water resources and improving water quality within the local area.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Hawker/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 13 March 2012 (Chanthivong/Greiss)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 26

That the Officer's Recommendation be adopted.

2.6 Evolution of the Streamcare Program

Reporting Officer

Manager Environmental Planning

Attachments

Nil

Purpose

To seek Council's support to replace the current Streamcare Program with a broader, volunteer based and managed Bushcare Program on a six month trial basis.

History

In 2003, Council established its Streamcare Program based on funding from the State Government's Stormwater Trust. To date, Council has three volunteer groups operating at Noorumba Reserve (Rosemeadow), Redfern Creek (Macquarie Fields) and Spring Creek (St Helens Park). These volunteers help regenerate and preserve bushland that is owned or managed by Council.

The value of these groups is well recognised for the following reasons:

- Positive engagement of the community with the local environment
- Conservation and promotion of resilience in native vegetation and local biodiversity
- Development of environmental stewardship in the local community
- Passive surveillance of bushland areas for illegal activities such as rubbish dumping and trail bike riding
- Other associated health and social benefits.

These groups assist in adding-value to Council operations and achieve a higher standard of native vegetation recovery than could otherwise be attained within Council's budgeted resources.

Whilst it is acknowledged that the efforts of these groups have been substantial in enhancing the targeted bushland, the expansion of the program in its current form is severely constrained by the availability of funding. Each of the three groups are directly supervised by a suitably qualified Council employee and it is these salary costs that limit the establishment of additional groups. Notwithstanding these costs, the groups cost less than \$3,000 annually to operate in total. Funding is currently provided under the Weed Action Program (WAP) for the operation of volunteer groups. The WAP is a NSW Government initiative under the NSW Invasive Species Plan aiming 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 expenditure of funds provided under the WAP is dictated by targets specified under a locally tailored Project Plan. One of the targets under the WAP is the operation of volunteer conservation groups within the LGA. These targets form part of a funding agreement between Council and the Sydney Weeds Committee which administers funds on behalf of NSW Industry and Investment. 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.

Report

Council officers continue to search for opportunities to expand Council's Streamcare Program and investigate alternative models. Council officers recently undertook further research into other Landcare/Bushcare programs undertaken by other Councils and have noted that some of these programs comprise the following elements:

- All groups are independently run, that is their works are overseen by a trained unpaid volunteer team leader
 - Team leaders are selected following their demonstrated interest and an informal interview to assess their technical and social capabilities
 - Team leaders undergo a Council developed training program to qualify for the position prior to group inception
 - The sites selected are based on community interest
 - A work program is developed for each site (and revised when necessary) which specifies the species targeted, methods used and areas worked
 - There is no minimum number of volunteers for the groups and some groups operate with as little as two persons
 - At the conclusion of each work day the team leader submits a standardised report to Council outlining the group's activities
 - The group determines between its members the days and times they work
 - Groups are subject to routine visits by Council staff.
-

The role of different councils in these types of programs include the following:

- Development of a work program for each site in consultation with the team leader
- The provision of hand tools to each volunteer
- The issue of glyphosate (issuing of this chemical is tightly controlled and only 5 litres is issued at any one time, and volunteers or team leaders must arrange for further supply when the issued amount has been exhausted), for weed control
- Insurance for volunteers under Council's policies
- First aid kits
- Training for team leaders
- Communication and promotion associated with the program
- OH&S information and procedures
- Maintenance of records.

To date, Campbelltown City Council's current Streamcare Program has been constrained by grant funding. Council receives regular public enquiries regarding how to commence or join a group, however, due to limited locations and the current structure of the program, residents are sometimes deterred from participating. In the last two years Council officers have been informed of interest amongst the community to establish groups at Glenfield Urban Release Area, Fishers Ghost Creek, Glen Alpine, Lake Manduramah, Eagle Vale Pond, Smiths Creek, Macquarie Fields and at Airds Pond.

Moreover, Council is currently aware of at least three 'bushcare-type' groups operating independently of any government body at, Fishers Ghost Creek, Lake Manduramah and Glen Alpine. Whilst the operation of these groups and the dedication of the individuals involved should be commended, their activities on Council owned land creates a potential risk to Council and the environment in that these groups are seemingly operating without guidance as to their practices.

The relative freedom of site selection associated with some of the alternative council programs provides opportunities for more residents to be involved in the program through easier access. Greater ownership and reward are also envisaged as volunteers are working on an area that they feel a connection with.

It should also be noted that some other councils such as Wollongong City, Lake Macquarie and Blue Mountains City have adopted similar protocols, whereby their groups are unsupervised by Council staff. Council's three existing groups within the Campbelltown LGA have been consulted and support the philosophy of this model. Council's Business Assurance Section have advised that Council's current insurance framework is able to accommodate this type of program.

Therefore, it is proposed that Council consider the adoption of the above mentioned model for the Campbelltown Local Government Area, initially for a six month trial period with existing Council groups (meaning that they would continue to operate however not be directly supervised by Council staff). Council's existing groups would shift to the new model gradually and only if ongoing functioning of the groups would not be affected and if volunteers are comfortable with the new arrangements. In addition, it is proposed to induct the known bushcare-type groups operating at Fishers Ghost Creek, Lake Manduramah and Glen Alpine, into the new system as well as the establishment of a new group at the Glenfield Urban Release Area

Under the WAP, the facilitation of volunteer groups for the protection and enhancement of bushland is highly valued and there is funding specifically available for this purpose. The available funding at present is such that it can accommodate an increase in the size of the Program.

Branding of the Program

It is also proposed that Council consider a change to the name of the Program to better recognise its scope. Whilst there are a number of options available, Council officers consider 'Bushcare' is the most appropriate in light of the areas being targeted and the activities being undertaken. Bushcare is a well-recognised brand and is supported by the Sydney Metropolitan Catchment Management Authority. Since Sydney Bushcare's inception in the 1980s, over 1000 bushcare sites have been established across Sydney with more than 6000 volunteers currently registered with the program.

In addition, the proposed growth of the Campbelltown Program and the change of name, would provide more opportunities for both Council and groups to seek grant funding from the State and Federal Governments, due to better brand recognition and connection with the Sydney Bushcare Network.

Conclusion

Council's current Streamcare Program has limited capacity to expand, primarily due to the limited funding that is available for the supervision of groups. Council officers have undertaken investigations into other models and identified models that do not require direct supervision of volunteers by Council staff and therefore could be provided for, with limited additional cost to Council beyond the existing funds provided under the WAP. By broadening the focus of each of Council's two Streamcare Coordinators to work with more than the currently enlisted three Streamcare groups, Council would be able to facilitate the establishment of more groups at more locations across the LGA. It is proposed to adopt this model for a six month trial period and at the conclusion of the trial the Program would be evaluated and the results reported back to Council.

Officer's Recommendation

1. That Council replace the current Streamcare Program with a volunteer-managed Bushcare Program for a trial period of six months, using the model outlined and the sites/groups raised in the above report.
2. That a report be presented to Council at the conclusion of the six month trial period evaluating the efficacy and performance of the new Bushcare Program.

Committee's Recommendation: (Oates/Greiss)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 13 March 2012 (Chanthivong/Greiss)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 26

That the Officer's Recommendation be adopted.

2.7 Endorsement of the Sydney Growth Centres Strategic Assessment Program

Reporting Officer

Manager Environmental Planning

Attachments

Nil

Purpose

The purpose of this report is to inform Council that the Sydney Growth Centres Strategic Assessment Program under the Commonwealth *Environment Protection Biodiversity Conservation Act 1999 (EPBC Act)* has been endorsed by the Commonwealth Minister for Sustainability, Environment, Water, Populations and Communities.

History

At its meeting on 15 April 2008, Council considered a report on the Biodiversity Certification by State Environmental Planning Policy (Sydney Growth Centres) 2006. The SEPP provided Biodiversity Certification under the NSW *Threatened Species Conservation Act 1995 (TSC Act)* for the Sydney Region Growth Centres on 11 December 2007. This certification removed the need for further threatened species assessment for developments or activities on the specified land under Section 5A of the NSW *Environmental Planning and Assessment Act 1979*.

The biodiversity certification only satisfies the threatened species assessment requirements of State legislation, meaning that a separate impact assessment under the Commonwealth *EPBC Act* is still required for individual sites on certified land within the Growth Centres at the development/activity stage (with the exception of certified land within the Edmondson Park Precinct which is the subject of a Conservation Agreement between the State and Federal Governments). In order to remove this need for site by site approvals under Commonwealth legislation, and hence streamline the development assessment process, the NSW Government has prepared a Strategic Assessment of the Sydney Growth Centres under the *EPBC Act*. This report provides an update on the Strategic Assessment Program relating to the Sydney Growth Centres.

Report

Under Section 146 of the *EPBC Act* the Commonwealth Minister for Sustainability, Environment, Water, Populations and Communities may assess and approve impacts of an action which relate to a policy, plan or program. This process is called a 'strategic assessment' and is guided by specific Terms of Reference. Once a strategic assessment has been endorsed, and actions associated with the policy, plan or program have been approved by the Minister, individual proponents do not have to seek separate approvals for significant impacts under the *EPBC Act*, as long they undertake their projects in accordance with the endorsed strategic assessment document.

On 11 November 2009 the State and Federal Government's entered into an agreement to proceed with a strategic assessment of the Sydney Growth Centres. In this regard, the NSW Government has prepared a Strategic Assessment Program for the Sydney Growth Centres. This assessment considered the potential impacts of development on *EPBC Act* listed matters, also known as Matters of National Environmental Significance (MNES), for the whole of the Sydney Growth Centres and has enabled strategic conservation outcomes for MNES to be identified and secured.

The Commonwealth Minister for Sustainability, Environment, Water, Populations and Communities endorsed the Sydney Growth Centres Strategic Assessment Program on 20 December 2011. The NSW Government is now seeking approval from the Commonwealth Government for all actions within the Sydney Growth Centres associated with urban development undertaken in accordance with the endorsed Strategic Assessment Program. Once issued by the Commonwealth, the need for site by site approvals under the *EPBC Act* will no longer be required. However, until this approval has been granted the assessment and referral requirements of the *EPBC Act* will continue to apply within the Sydney Growth Centres.

Officer's Recommendation

That Councillors be notified when actions under the Sydney Growth Centres Strategic Assessment Program have been approved.

Committee's Recommendation: (Thompson/Hawker)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 13 March 2012 (Chanthivong/Greiss)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 26

That the Officer's Recommendation be adopted.

2.8 Joint Regional Planning Panel - Proposed Amendments to Policies, Procedures and Code of Conduct

Reporting Officer

Manager Environmental Planning and Manager Development Services

Attachments

1. Correspondence from the Hon Brad Hazzard MP, Minister for Planning and Infrastructure
2. Summary of proposed amendments
3. Submission on the proposed amendments (Distributed under separate cover)

Purpose

The purpose of this report is to:

1. Advise Councillors of the changes being proposed by the Department of Planning and Infrastructure (DPI) to the Operational Procedures, Code of Conduct and Complaints Handling Policy for Joint Regional Planning Panels (JRPPs).
2. Seek Council's formal endorsement of a submission on the proposed amendments (Attachment No.3) and to forward the submission to the DPI.

History

At its Extraordinary Meeting on 2 June 2009, Council considered a report on the commencement of the operation of Joint Regional Planning Panels. This report raised concerns regarding the JRPP concept, particularly relating to:

- The loss of Council's planning determination powers to the JRPP for regional level development proposals
 - The composition of the JRPP (i.e. three x State representatives and two x local representatives) and
 - A lack of information (and draft regulations) concerning the function, and business processes relating to the operation of the JRPP and in particular the administration of the JRPP process, the lack of notification and information being provided to panel members, and the involvement of the professional officers and their assessment.
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Joint Regional Planning Panels (Regional Panels) were introduced to the NSW planning system on 1 July 2009 in order to strengthen decision making on regionally significant development applications (DAs) and certain other planning matters. At Council's meeting held on 12 April 2011, it was resolved that a letter be forwarded to the Minister for Planning and Infrastructure seeking the abolition of Joint Regional Planning Panels and that all planning powers in respect to the determination of all development types required to be lodged with the Sydney West Joint Regional Planning Panel, be returned to the Council of the City of Campbelltown.

In addition to the above, a further resolution of Council was made requesting that the Minister suspend the consideration of all applications before the Sydney West Joint Regional Planning Panel that are seeking approval for development within the Campbelltown City Local Government Area, and that those applications be returned to Council for determination.

As part of the arrangements of the JRPP, Operational Procedures, a Code of Conduct, and a Complaints Handling Policy were developed to explain the methods of operating Regional Panels and to clarify the roles of various parties in the process.

The current procedures relate to the operation of Regional Panels under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, and extend to Regional Panels if they are undertaking any functions conferred on them under the EP&A Act or any other Act.

These procedures have been reviewed by the DPI and the Department is currently seeking comments/feedback on the proposed changes.

The majority of the changes are being presented as a result of feedback that has been provided to the DPI and the Panel Secretariat of the Regional Panel, over the operational life of the JRPP.

Report

On 18 January 2012, the Hon Brad Hazzard MP wrote to all NSW councils (Attachment No.1) advising that the Operation Procedures, Code of Conduct and Complaints Handling Policy for the JRPPs had been reviewed. Councils were provided with a short summary of the changes (Attachment No.2) and have been invited to provide comments by 9 March 2012. Council has been granted an extension by the Department to enable the submission relating to this matter to be formally considered by Council at its meeting on the 13 March 2012.

Copies of the proposed revised Operating Procedures, Code of Conduct and Complaints Handling Policy can be accessed on the website: www.planningnsw.gov.au/onexhibition. (select 'Draft Policies and Plans' and then 'Revised Draft Operational Procedures, Code of Conduct and Complaints Handling Policy for the Joint Regional Planning Panels'.)

The proposed amendments to the documents have been reviewed by Council officers and a range of matters (and the officers comments) identified as being of interest to Council are discussed below.

Proposed Amendments to Section 2.2

- **Membership of Regional Panels**

Currently the Minister appoints one of the Regional Panel's State members to the position of Chairperson and one State member to the position of Deputy Chairperson.

The proposed amendments to Section 2.2 replace the term "State member" with "member", so that any Panel member can be appointed by the Minister, irrespective if they are a State or local council member of the Regional Panel.

In addition to the above, further amendments are proposed that would require the Minister to obtain the concurrence of the Local Government and Shires Association (LGSA) for the appointment of the Chairperson and Deputy Chairperson. This requirement is conditional upon the basis that the LGSA responds within 21 days of the Minister's notice, and where a response has not been received within this timeframe, the Minister can assume concurrence and appoint any Panel member as the Chairperson. Further to this, the requirement for the Minister to obtain concurrence from the LGSA is subject to whether or not the LGSA has refused to concur with the Minister's selection twice. Where the LGSA has refused concurrence for two prior nominations, the Minister can then appoint the Chairperson without seeking further concurrence from the LGSA.

Comments (Section 2.2)

The proposed changes are noted as an improvement as all Panel members would be eligible for appointment as Chairperson or Deputy Chairperson by the Minister.

The proposed changes to Section 2.2 could also be seen as having merit as the LGSA would be required to give its concurrence to the appointments of the Chairperson and Deputy Chairperson.

Proposed Amendments to Section 4.8

- **Development subject to delays in determination**

The amendments to Section 4.8 introduce new requirements for circumstances where there are delays in Council determining an application that has a Capital Investment Value (CIV) between \$10m and \$20m.

It is proposed that an applicant be allowed to refer their application to the JRPP for determination where the Council has not issued a determination within 120 days. Under the proposed changes, where an undetermined application has been referred to the JRPP, the Council will not be able to determine the application without further advice from the JRPP.

Further to the above, where a referral on the basis of time delay is not accepted by the JRPP, the applicant will not be able to refer the application back to JRPP for a further 60 days.

Comments (Section 4.8)

Even though it is acknowledged that development with a CIV of more than \$10m is generally more complex and time consuming compared to proposals of lesser value, the 120 day time limit is not considered unreasonable, especially in light of the overall objective of the JRPPs being established to assist in the streamlining of the processing of regionally significant development applications.

Proposed Amendments to Section 5.1 (Schedule 1)

- **Detailed Procedures for Meetings**

Detailed procedures for the administration and operation of Regional Panel meetings are provided as Schedule 1 of the draft Operational Procedures document, which generally articulates the responsibilities of all panel members while conducting Regional Panel meetings.

This includes directions relating to delegations, conflict of interest, recording of minutes and other procedural matters.

Comments (Section 5.1)

The draft detailed procedures for meetings (found in Schedule 1 of the Operational Procedures) are considered to have some merit, however there are concerns regarding the procedures relating to Regional Panel meetings held in closed session, where a Panel Member has a potential conflict of interest.

A reason identified for the holding of a panel meeting in closed session (as outlined in the revised draft procedures), is a situation where a potential conflict of interest of a panel member has been identified.

It is not clear whether the potentially conflicted panel member must exclude themselves from the closed session meeting. In any case, it is not considered appropriate for a panel member who may have a conflict of interest with a particular item to be included in a closed session meeting relating to that item.

Where a panel member has a potential conflict of interest in an item, it is not considered appropriate that the panel member be involved in the consideration or determination of that item.

Conclusion

Council has consistently and continually stated that Joint Regional Planning Panels should be abolished, and the relevant planning assessment and determination powers be returned to local government.

Whilst there is nothing of any substance within the proposed changes to the JRPP's procedures that would be likely to alter Council's position on the JRPPs, some of the amendments may represent some improvement to existing arrangements. On that basis, it is recommended that Council lodge a submission to the DPI raising the issues mentioned in the above report.

Officer's Recommendation

That Council formally endorse the attached submission on the proposed changes to the draft Joint Regional Planning Panel's Operational Procedures, Code of Conduct and Complaints Handling Policy (Attachment No.3) and forward the submission to the Department of Planning and Infrastructure.

Committee's Recommendation: (Oates/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 13 March 2012 (Chanthivong/Greiss)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 26

That the Officer's Recommendation be adopted.

ATTACHMENT 1



The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

11/18375

To all NSW Councils and Shires

Dear General Managers

I would like to invite you to review the draft amended Operational Procedures, Code of Conduct and Complaints Handling Policy for the Joint Regional Planning Panels. The documents are available on the Department's website at www.planning.nsw.gov.au

The amended documents have been informed by feedback received by the Department and Panel Secretariat on the Regional Panels. The documents have also been updated in relation to the classes of regional development and other legislative changes recently implemented by the NSW Government.

The Operational Procedures now contains a Schedule which deals specifically with Regional Panel meetings where development applications are considered. This schedule consolidates former sections 5.7 - 5.10 inclusive. There is also a new section 4.8 which provides guidance for applicants and councils on the matters Regional Panel Chairs will consider when applicants refer a DA to the Regional Panel for determination in accordance with Schedule 4A, clause 10 of the *Environmental Planning and Assessment Act 1979*. I have attached a table of the main changes for your convenience. There are a number of minor changes which have not been included in the table, such as improving the use of plain English.

Please provide any comments you may have by **Friday 9 March 2012**.

Your assistance in finalising these documents is appreciated. If you have any further enquiries, I have arranged for Shayne Watson, Director Assessment Systems of the Department of Planning and Infrastructure to assist you. Mr Watson can be contacted on telephone number 9228 6302

Yours sincerely

18 JAN 2012

HON BRAD HAZZARD MP
Minister

ATTACHMENT 2



Planning &
Infrastructure

Main amendments to the revised Draft Operational Procedures, Complaints Handling Policy and Code of Conduct for Joint Regional Planning Panels

Issued on: 20 January 2012.

Operational Procedures

Section	Change
General (NB applies to Operational Procedures, Code of Conduct and Complaints Handling Policy)	References to MD SEPP & former clauses removed, new provisions referenced where appropriate. Text reviewed for 'plain English' to simplify & reduce text, and other minor improvements. Department / Minister for Planning "and Infrastructure"
1. Introduction	
	New text – Regional Panels are independent and not subject to the direction of the Minister.
2. Functions of Regional Panels	
2.2 Membership of regional panels	Chairpersons appointed by the Minister with the concurrence of LGSA. 'State member' references changed to 'members appointed by the Minister'.
2.3 Defining the regions	New text – six regions in NSW.
2.4 Classes of regional development and regional panel functions	Updates references to; <ul style="list-style-type: none"> - EP& A Act - SRD SEPP - CIV definition in Regulation & associated Planning Circular.
2.5 Administration	Updated reference to <i>Government Information (Public Access) Act 2009</i> .
2.7 Availability of information	New section added to detail the documents and information that will be made publically available.
3. Role of councils and other panels	
3.1 Role of Councillors and council staff	Model Code text transferred to the Code of Conduct.

3.5 Section 118 panels	Text deleted.
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4. The Assessment Process	
4.1 Pre-development application meetings	Text deleted: 'councils requested to notify Panel Secretariat when pre DA meetings take place...'
4.4 Notification to Panel Secretariat	Councils must continue to notify Panel Secretariat of \$10-\$20M DAs, however associated DA documents are not required unless a referral is made by the applicant.
Status Reports	Simplified and consolidated into 4.6
4.8 Development subject to delays in determination	New text discusses new class of regional development, and proposed 120 day referral process has been outlined.
4.9 Panel briefings and site visits	Consolidates former 5.6 'site visits' Text distinguishes meetings: <u>Briefings with council staff</u> : are informal, between council officers and regional panel, no minutes are published. <u>Public briefing meetings</u> are formal, open to the public, applicant, submitters, minutes are taken and published.
4.14 Referral of Crown DAs less than \$5 million	To clarify Crown DAs over \$5 million are regional development. Crown DAs under \$5 million can be referred to the Regional Panel under section 89
5. The Determination Process	
5.1 Regional Panel meeting	Reference to new Schedule 1 which contains detailed procedures on Panel meetings
5.2 Meeting date and agenda	New text to clarify that a Regional Panel meeting will generally be arranged within 14 days of receiving council's assessment report.
5.7 Making the determination	Time for applicant to appeal a Regional Panel determination to the Land & Environment Court updated from 3 to 6 months.
5.8 Determining Crown DAs	Heading amended to distinguish text from 4.14. Text in 2.3 on PAC's ability to function as a Regional Panel to determine Crown DAs transferred to this section.

5.9 Recording of minutes	Minutes are recorded for public briefing meetings and Regional Panel meetings.
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6. Post Meeting Procedures = renamed to Post Determination

6.1 Issuing notice of determination	Additional text to clarify notices should not be issued until council receives final minutes, and that council is responsible for advising submitters of the determination.
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6.3 Appeals against determination of Regional Panel	Additional text on objector appeal rights for designated development
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New Appendix 1: Regional Panel Meetings	Includes former sections 5.7 – 5.10 inclusive
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General	Chair to introduce panel members, make relevant announcements (house keeping)
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Presentation by people or groups who made submissions	<p>Clarifies there will be time limits to verbal submissions, and requests for extension of time limits may be granted. Both are at discretion of Panel Chair.</p> <p>New text also clarifies oral presentations should not re-state information outlined in written submissions</p> <p>Clarifies that each speaker will generally be allowed 3 minutes to present. An applicant will generally be allowed 10 minutes.</p> <p>Additional time may be allocated where either the applicant or the community have engaged a professional consultant.</p>
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Transaction of business outside Regional Panel meetings	Identifies when Regional Panels may conduct business electronically.
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Code of Conduct

Section	Change
Application of the Model Code of Conduct for Local Councils in NSW	Text transferred from 3.1 of the Operational Procedures.
5.5 Inappropriate interactions	Text clarifies what meetings have minutes recorded, with reference to 4.9 of the Operational Procedures.

Complaints Handling Policy

Section	Change
How to make a complaint Step 3	Text revised to accurately reflect practices.
Acknowledgement and resolution of complaints	Where possible all complaints will be resolved within four weeks.
Report on complaints	Additional section added which requires the Panel Secretariat to prepare a 6 monthly report on the complaints, and make the report publically available on the website.

For more information visit: www.planning.nsw.gov.au/onexhibition, select 'Draft Policies and Plans' and then 'Revised draft Operational Procedures, Code of Conduct and Complaints Handling Policy for the Joint Regional Planning Panels'.
