

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 11 June 2013.

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 11 June 2013

Present

- Councillor G Greiss (Chairperson)
- Councillor R Kolkman
- Councillor D Lound
- Councillor A Matheson
- Councillor M Oates
- Councillor T Rowell
- Councillor R Thompson
- General Manager - Mr P Tosi
- Acting Director Planning and Environment - Mr J Baldwin
- Manager Community Resources and Development - Mr B McCausland
- Acting Manager Compliance Services - Mr P Curley
- Acting Manager Information and Technology – Mrs S Peroumal
- Manager Sustainable City and Environment - Mr A Spooner
- Corporate Support Coordinator - Mr T Rouen
- Legal and Policy Officer - Mr M Donachie
- Executive Assistant - Mrs K Peters

Apology Nil

Also in Attendance

Mr Cliff Haynes - Consultant

Following the conclusion of the City Works Committee the following Councillors and staff attended the remainder of the Planning and Environment Committee meeting.

- Councillor P Hawker
- Councillor C Mead
- Director City Works
- Director Business Services
- Acting Manager Customer Service

Acknowledgement of Land

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

DECLARATIONS OF INTEREST

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

Pecuniary Interests - Nil

Non Pecuniary – Significant Interests - Nil

Non Pecuniary – Less than Significant Interests

Councillor Matheson - Item 2.3 - Proposed Rezoning of the Glenfield Waste Site - Councillor Matheson advised that a relative of one of the Directors for this item is known to her.

Councillor Kolkman - Item 2.3 - Proposed Rezoning of the Glenfield Waste Site - Councillor Kolkman advised that a relative of one of the Directors for this item is known to him.

Councillor Oates - Item 2.3 - Proposed Rezoning of the Glenfield Waste Site - Councillor Oates advised that a relative of one of the Directors for this item is known to her.

1. WASTE AND RECYCLING SERVICES

No reports this round

2. SUSTAINABLE CITY AND ENVIRONMENT

2.1 Outcomes of the public exhibition of stage four of Campbelltown (Sustainable City) DCP 2012

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Copy of external submissions received (distributed under separate cover)
2. Summary of internal submissions with officer's comments and recommended approach/actions
3. Copy of draft Campbelltown (Sustainable City) DCP 2012 (Volume One) (distributed under separate cover)
4. Summary of external submissions with officer's comments and recommended approach/actions
5. Minimum Site Area for Residential Apartment Buildings – Comparison between 1000sqm and 1200sqm (distributed under separate cover)
6. Minimum Site Area for Religious Establishments – Systematic Comparison between 600sqm and 800sqm sites (distributed under separate cover)
7. A copy of the proposed draft signage provisions as exempt development under draft Campbelltown Local Environmental Plan 2013.

Purpose

The purpose of this report is to:

1. Inform Council of the outcomes of the public exhibition of the draft Campbelltown (Sustainable City) Development Control Plan 2012 (Volume One) (draft SCDCP 2012)
 2. Advise Council of the recommended changes to the draft SCDCP 2012 in light of issues raised during the public exhibition period and further review by Council staff.
 3. Seek Council's endorsement of the draft SCDCP 2012.
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2.1 Outcomes Of The Public Exhibition Of Stage Four Of Campbelltown (Sustainable City) DCP 2012

4. Advise Council of proposed provisions for Signage under the draft Campbelltown Local Environmental Plan 2013.
5. Advise Council of the commencement of an Amendment to the *Environmental Planning and Assessment Act 1979* in relation to the status and application of development control plans

History

Development Control Plans (DCPs) are prepared by Council and apply to specific types of development or areas of land. DCPs provide detailed development guidelines and requirements for all types of development within the Campbelltown Local Government Area (LGA).

During the 1970s DCPs were prepared under Interim Development Orders (IDOs). The Environmental Planning and Assessment Act commenced in 1979. The Act provided local Councils with powers to prepare development control plans without the need to refer them to the Department of Planning for concurrence.

In the period between 1979 and until 2002, Council prepared and endorsed over 125 DCPs. The large number of DCPs proved to be cumbersome to administer for Council and sometimes confusing for the public.

To address the above issue, Council at its meeting on 19 November 2002 resolved to review all of Council's DCPs that were in place and to consolidate them into one comprehensive document. Given the large number of DCPs that needed to be reviewed and prepared, the consolidation process was implemented in stages.

The consolidated plan was given the title 'Campbelltown (Sustainable City) Development Control Plan (SCDCP).' To date three Stages of the SCDCP have been prepared and endorsed by Council as follows:

- Stage 1 of the SCDCP came into effect on 31 August 2005 and primarily applied to development requirements for residential and mixed use development in urban land.
- Stage 2 of the SCDCP came into effect on 21 November 2007 and in addition to the residential development requirements under Stage 1 it also included development provisions for commercial and industrial development. An additional Volume (*Volume 2 Engineering Design for Development*) was also prepared and endorsed by Council as part of Stage 2.
- Stage 3 of the SCDCP came into effect in 24 June 2009 and included a major review of the already adopted development standards and an additional section for Child Care development.

Stage 4 of the SCDCP was prepared in draft form and was first provided to Council on 12 April, 2011, where Council resolved to publicly exhibit the draft SCDCP 2011.

2.1 Outcomes Of The Public Exhibition Of Stage Four Of Campbelltown (Sustainable City) DCP 2012

Draft Stage 4 comprises:

Volume 1: Draft Campbelltown (Sustainable City) Development Control Plan

| | |
|---------|---|
| Part 1 | Preliminary; |
| Part 2 | Requirements Applying to All Types of Development; |
| Part 3 | Dwelling Houses, Narrow Lot Dwellings, Multi Dwelling Houses, and Residential Subdivision; |
| Part 4 | Rural Residential Development [proposed new part] (Part 4 was previously Residential Apartments and Mixed-Use Development); |
| Part 5 | Residential Apartments and Mixed-Use Development (Part 5 was previously Commercial Developments); |
| Part 6 | Commercial Developments (Part 6 was previously Industrial Developments); |
| Part 7 | Industrial Developments (Part 7 was previously Child Care Centres) |
| Part 8 | Child Care Centres; |
| Part 9 | Public Consultation (proposed new part); |
| Part 10 | Religious Establishments (proposed new part) |
| Part 11 | Vegetation Management (proposed new part); |
| Part 12 | Telecommunication Facilities (proposed new part); and |
| Part 13 | Sex Industries (proposed new part). |

Volume 2: Site Specific Development Control Plans

| | |
|--------|---------------------------------------|
| Part 1 | One Minto DCP |
| Part 2 | Glenfield Road Urban Release Area DCP |
| Part 3 | The Link Site DCP |
| Part 4 | Edmondson Park DCP |

Volume 3: Council's Engineering Design Guidelines for Development

The draft SCDCP 2011 (Stage 4) was publicly exhibited for a period of 31 days from 4 May to 3 June 2011. As a result of the public exhibition and an internal review, the draft SCDCP was substantially amended. To ensure that the community was provided with the opportunity to comment on the amendments to the draft SCDCP 2011, Council resolved on 08 May 2012 to exhibit the draft SCDCP for a second time.

Accordingly, draft SCDCP 2012 was placed on public exhibition from Wednesday 23 May 2012, until Monday 25 June 2012.

Copies of draft SCDCP 2012 were made available at Council's Customer Service Centre, on Council's website and at all Council's libraries.

Report

1) Draft Campbelltown (Sustainable City) Development Control Plan 2012 (Volume One)

a) Outcome of the public exhibition of Draft SCDCP 2012

Council received a total of twelve written submissions regarding the draft Plan. Five submissions were received from public authorities, as follows:

- NSW Office of Environment and Heritage (OEH)
- NSW Heritage Council
- The NSW Rural Fire Services
- NSW Road and Maritime Services (RMS)
- Camden Council

The remaining seven submissions were received from the following entities:

- Telstra Corporation Limited
- Campbelltown Gospel Trust
- A planning consultancy on behalf of The Village Centre Ingleburn Pty Ltd, owner of Ingleburn Town Centre Shopping Centre
- Ingleburn Community Association
- Two individual submissions from residents of Minto
- One submission from a resident of Ingleburn.

A copy of all external submissions received is shown in Attachment 1 of this report.

In addition to the above, Council received internal submissions from staff who raised a number of matters that need to be examined and addressed further. These matters have arisen from the day-to-day application of the SCDCP and the ongoing development assessment of development applications received by Council. A summary of the received internal submissions, officer's comments and recommended actions is presented in Attachment 2 of this report.

A review of the draft SCDCP 2012 has been undertaken to address matters raised by external and internal submissions and to ensure consistency with current NSW planning policies that were introduced or revised after the adoption of the current SCDCP 2009. A copy of the revised draft SCDCP 2012 is shown in Attachment 3 to this report.

As a result of this review and the submissions received, a number of amendments to the draft SCDCP 2012 are proposed.

Minor matters/issues raised by external submissions and subsequent recommended amendments to the draft SCDCP 2012 are provided in a table as Attachment 4 to this report. The main issues raised by external and internal submissions as well as the recommended approach to address each of the issues are discussed in detail as part of this report.

b) Main issues raised on each part of the draft SCDCP 2012**1. Part 1: Preliminary**

No significant issues were raised on Part 1. Minor issues that were raised on Part 1 are addressed in detail as part of Attachment 2 and Attachment 4 to this report.

2. Part 2: Requirements Applying to all Types of Development

- **Part 2 Issue 1: Additional Controls for Heritage Conservation** - issue raised by NSW Heritage Branch

The NSW Heritage Branch recommends that Section 2.11 'Heritage Conservation' include detailed development requirements in relation to scale, bulk, finishing materials and colours of proposed development and potential impacts on significant views associated with a heritage item.

Comments and Recommended Action/Approach

The draft SCDCP 2012 provides the broad requirements for any development application lodged with Council that is required to assess the potential impacts of a particular proposal on an existing heritage item. These provisions identify when a heritage assessment is required to be submitted as part of an application, and specifically call up the relevant guidelines of the NSW Heritage Branch.

Additional guidelines for the assessment of heritage related proposals are provided in Council's existing Heritage Policy - Campbelltown Development Control Plan No. 83 (DCP 83). In this respect, it is Council's intent to include additional detailed guidelines for heritage related works in the final stage (Stage 5) of the SCDCP review and when DCP 83 is repealed.

3. Part 3: Dwelling Houses, Narrow Lot Dwellings, Multi Dwellings and Residential Subdivision

- **Issue 1: Section 3.7.5 Maximum gross floor space area of a detached garden flat** - Issue raised by an internal submission.

The current maximum gross floor area of a detached garden flat of 40 square metres (sqm) required under Section 3.7.5 of the draft SCDCP 2012 is inconsistent with the development standard under the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP). The ARH SEPP allows a detached garden flat of up to 60sqm to be built as complying development.

Comments and Recommended Action/Approach

Section 3.7.5.2 Maximum Floor Area of a garden flat under the provisions of the draft SCDCP 2012 sets out the maximum floor area of an attached and detached garden flat. Under this Section, a detached garden flat must not exceed 40sqm in gross floor area while an attached garden flat is permissible to have a gross floor area of 60sqm. These standards were introduced in 2005 as part of Stage 1 of the SCDCP.

2.1 Outcomes Of The Public Exhibition Of Stage Four Of Campbelltown (Sustainable City) DCP 2012

In 2009, the ARH SEPP was introduced. Under the ARH SEPP, a detached garden flat or a secondary dwelling of up to 60 square metres in gross floor area is permissible to be developed as complying development, providing it strictly meets all the development standards for secondary dwellings/garden flats listed under the SEPP.

Where a proposal for a secondary dwelling/garden flat does not meet the development standards under the ARH SEPP, an applicant has the option to lodge a development application with Council. Development applications for garden flats that are submitted to Council are assessed under the provisions of Council's development requirements including the SDCDP.

As mentioned above, there is an inconsistency between Council's SDCDP 2009 and the ARH SEPP in relation to the maximum permissible gross floor area of a detached garden flat. This inconsistency has resulted in applicants constantly seeking a variation to the maximum permissible gross floor area of a detached garden flat. Notably, a 60sqm detached garden flat may be designed to easily accommodate two bedrooms, compared to one bedroom in the case of a 40sqm garden flat.

An increase in the gross floor space area of a detached garden flat by 20sqm (i.e from 40sqm to 60sqm) would not be an additional allowance to the overall total permissible gross floor area developed upon a residential site. Under Section 3.7.1 General Requirements for Floor Space Ratio and Deep Soil Planting of the draft SDCDP 2012, the total combined gross floor area of the principal dwelling, domestic outbuildings and a garden flat on any one site must not exceed 55% of the total site area. As such, any variation to the maximum floor space area of a detached garden flat would not result in an over-development of the site and would need to adhere to the SDCDP requirement not to exceed FSR of 0.55:1.

Given the above, it is recommended that Council amend the requirement of the maximum floor area of a garden flat under the draft SDCDP 2012 from 40sqm to 60sqm to be consistent with the development standard under the ARH SEPP.

4. Part 4: Dwelling Houses, Rural Workers Dwellings, Dual Occupancies and Residential Subdivision on Non-Urban Land

- **Issue 1: Section 4.3.2 Fencing on Non-Urban Land** - Issue raised by an internal submission

Under the proposed provisions of Part 4 (Clause 4.3.2b) of the draft SDCDP 2012, fencing on non-urban land that is located forward of the building line must be no higher than 1.2 metres. It is suggested that this standard be amended to allow fencing on non-urban land (that is forward of the building line) to be up to 1.8 metres in height.

Comments and Recommended Action/Approach

It is considered reasonable and appropriate that fencing forward of the building line on non-urban land be permitted up to 1.8 metres in height, to prevent animals from entering/leaving rural properties. In this regard, it is important to include additional standards to ensure that such fencing would be of appropriate design/style and would not negatively impact on the rural nature/character of non-urban lands within the Campbelltown Local Government Area (LGA).

Given the above, it is recommended that Clause 4.3.2.b) be amended to read:

- b) Residential fencing on non-urban land located forward of the primary building line shall:
 - i) be a maximum of 1.8 metres in height;
 - ii) be of an open style for any part of the fence that is higher than 1.2 metres;
 - iii) not be constructed of solid metal sheeting; and
 - iv) complement the design of the development.

5. Part 5: Residential Apartment Buildings

- **Issue 1: Potential isolation of a site as a result of proposed development on an adjacent site** - Issue raised by an internal submission

The draft SCDCP 2012 needs to incorporate requirements for residential apartment buildings to ensure that smaller sites that are not suitable for high density residential development are amalgamated and not 'isolated' as a result of development on adjacent sites for the purpose of residential apartment buildings.

Comments and Recommended Action/Approach

It is important that land for residential apartment buildings is developed in an orderly manner to ensure where possible, that no small parcels (where development is significantly constrained) are isolated as a result of development on adjacent sites.

Where residential apartment buildings are permissible, smaller parcels of land should be amalgamated wherever practicable and feasible, to provide larger sites that are capable of being designed to achieve sound planning outcomes.

This matter was the subject of a legal case in the Land and Environment Court (the Court) in 2004. The Court, in proceedings of *Melissa Grech v Auburn Council*, 2004, refused a development application for a residential apartment building on the basis that the proposed development would isolate an adjacent property. The area of the adjacent allotment was less than 1000sqm, which was the minimum site area requirement for the development of residential apartment buildings under the then Auburn Development Control Plan. As a result of this court case, three planning principles were identified by the Court and needed to be satisfied as follows:

2.1 Outcomes Of The Public Exhibition Of Stage Four Of Campbelltown (Sustainable City) DCP 2012

- Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements, then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.
- Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.
- Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s79C of the *Environmental Planning and Assessment Act 1979*.

The trigger for an 'isolated property' under the First Planning Principle above was mainly based on the minimum site area requirement under the then Auburn DCP (i.e. where the isolated parcel is less than the minimum site area requirement for residential apartment building under a DCP). Therefore, the inclusion of a development requirement for a minimum site area for the development of residential apartment buildings is significant in that it would enable Council or the Court to apply the above Planning Principles should the need arise. The issue of the minimum site area for the development of residential apartment buildings is discussed in detail under 'Part 5: Issue 2' of this report.

Given the above, it is recommended that an additional development requirement be added under Clause 5.4.1 Site Requirements for Residential Apartment Buildings as follows:

5.4.1 Site Requirements for Residential Apartment Buildings:

(c) Sites shall be amalgamated, where required, to achieve the minimum site area and width requirement applicable to the proposed development.

(d) Development shall not result in an "isolated allotment" adjoining the development site.

For the purpose of Clause 5.4.1 d), an "isolated allotment" is an allotment that has a site area of less than 1200m² and/or a width at the front property boundary of less than 30 metres that has no immediate potential for amalgamation with any other adjoining allotments to achieve a minimum site area of 1200m² and a width at the front property boundary of 30 metres.

- **Issue 2: Minimum Site Area for Residential Apartment Buildings** - Issue raised by Ingleburn Community Association

The submission raised a concern in relation to the proposed deletion/removal of the 2,500sqm minimum site area for residential apartment buildings. According to the submission, the lack of controls for minimum site areas for residential apartment buildings would result in poor building design and adverse amenity impacts on the future occupants of the residential apartment buildings.

Comments and Recommended Action/Approach

A minimum site area requirement of 2500sqm for residential apartment buildings was introduced in 2005 (as part of Stage 1 of the SCDCP), with the aim to discourage poorly designed apartment buildings being built on smaller allotments.

Under the provisions of Campbelltown (Urban Areas) Local Environmental Plan 2002 (LEP 2002), residential apartment buildings are currently permissible in all Comprehensive Centre Zones within Campbelltown Business Centres where ample immediate opportunities for the redevelopment of Residential Apartment Buildings (RABs) on sites (smaller than 2500sqm in area) currently exist.

The publicly exhibited draft SCDCP 2012 proposed to remove the restriction on the minimum site area for residential apartment buildings. This was to address a number of matters including the unavailability of sites of this size within the Ingleburn and Campbelltown Central Business Districts (CBD) where these types of development are currently permissible, and the fact that Council has in past years approved residential apartment buildings and mixed use developments on sites less than 2,500sqm in area. These sites were located within Campbelltown CBD and would achieve sound planning outcomes in terms of design, solar access and quality.

To address the concern raised by the external submission, Council staff have undertaken further investigation to determine whether the inclusion of a minimum site area for residential apartment buildings would be essential to provide the best possible design and amenity outcomes for future developments of apartment buildings, and if so what would be the most suitable minimum site area for these types of developments.

The findings under Part 5 Issue 1 of this report, in relation to potential site isolation, indicates that there is merit in the proposal for Council to include a numerical standard for the minimum site area (for the development of residential development buildings) to minimise the possible eventuality of smaller parcels being isolated by high rise residential development.

2.1 Outcomes Of The Public Exhibition Of Stage Four Of Campbelltown (Sustainable City) DCP 2012

Under the provisions of the draft SCDCP 2012, the building height and setbacks are the main development controls that determine the building footprint and building envelope for residential apartment buildings. In this regard, a comparison between 1000sqm and 1200sqm sites was undertaken in terms of notional development footprint and potential dwelling yields (refer to Attachment 5 of this Report). It was found that the development footprint of a 1000sqm would provide for a 392.5sqm building footprint, compared to a 513.0sqm development footprint for a 1200sqm site. The 120.5sqm difference in building footprint is considered substantial, as it would result in approximately six additional dwellings for a 4-6 storey building apartment development, thus making this type of development more economically viable. In addition, larger footprints (and floor plans) could provide improved opportunity for larger and/or better configured apartments.

Given the above findings, it is recommended that the minimum site area of 2,500sqm for residential apartment buildings not be reinstated. Instead, a minimum site area standard of 1,200sqm for the development of residential apartment buildings be included under the draft SCDCP 2012. In addition to the above, the following points are presented in support of the introduction of a proposed minimum site area of 1,200sqm for the development of residential apartment buildings:

- The 2,500sqm site area is a restrictive development standard and discourages redevelopment of the CBD, which is a strategic target for redevelopment. To secure a development site of at least 2,500sqm within Campbelltown CBD, would require the amalgamation of at least four sites in most parts of the CBD.
- There are ample opportunities for the amalgamation of two '600sqm' sites within Campbelltown and Ingleburn where residential apartment buildings are permissible. As such, the proposed 1,200sqm site area is considered reasonable as it can be easily obtained by the amalgamation of only two to three sites at the most.
- Apartment buildings can be efficiently designed on allotments with 1200sqm in area, to achieve a sound planning outcome.

Issue 3: Additional Controls for Residential Apartment Buildings in Ingleburn - Issue raised by Ingleburn Community Association Inc.

It is requested that Council provides the following controls for Residential Apartment Buildings in Ingleburn:

- Maximum height to be documented in metres and not just in storeys
- Increase deep soil planting from 15% to 25%
- Maximum site coverage of 45%
- Delete Clause 5.4.3 c) that refers to the minimum floor space occupied by each dwelling

The submission also objected to the removal of standards relating to the minimum site area of residential apartment building. This matter was discussed under Part 5: Issue 2 in the previous section of this report.

Comments and Recommended Action/Approach:

In response to the above requests, the following points are presented:

- Council is currently undertaking investigations to determine appropriate height and floor space ratio standards for Campbelltown CBD in light of the economic viability for current and future development. A similar investigation will be undertaken for Ingleburn Business Centre in the near future. The findings will be submitted to Council for endorsement and will ultimately be incorporated into the draft Campbelltown Local Environmental Plan 2013 (draft CLEP 2013).
- In the meantime, a proposed height standard in metres and provisions for floor space ratios for residential apartment buildings at Ingleburn Business Centre and Campbelltown CBD have been included as part of the draft CLEP 2013 recently submitted to the Department of Planning and Infrastructure for review prior to being considered for public exhibition. It is anticipated that the draft CLEP 2013 will be placed on public exhibition before the end of this year. These standards reflect the current maximum height controls embedded in the existing SCDCP 2009.
- The draft SCDCP specifies the maximum number of storeys for RABs according to their location within Ingleburn and Campbelltown CBDs.
- The required building envelope achieved by setbacks is equivalent to approximately 45% of the building footprint and as such is consistent with the NSW Residential Flat Design Code (RFDC) guidelines.
- The current requirements for deep soil planting of 15% of the total site or 25% of the required open space are considered reasonable as they take into consideration underground parking requirements.
- It is important to include minimum floor areas for apartments to ensure that apartment buildings are of appropriate size to provide comfortable living spaces for future occupants. Designers tend to maximise the number of bedrooms in each apartment to maximise the return for developers. The inclusion of a minimum size area that correlates with the number of bedrooms provided for each apartment ensures that living areas are of appropriate sizes and bear relevance to the number of bedrooms.

Given the above, no changes are recommended at this time to Part 5 of the draft SCDCP.

- **Issue 4: Heights for Ingleburn Town Centre** - Issue raised by a planning consultant on behalf of a business owner in Ingleburn

The submission requested Council to amend Map 4 of Schedule 1 Heights in Ingleburn Town Centre to enable heights of a maximum of ten storeys in the Ingleburn Town Centre for the area bounded by Ingleburn Road, Norfolk Street, Cumberland Road and Cambridge Street, as shown in the submission under Attachment 1 of this report.

2.1 Outcomes Of The Public Exhibition Of Stage Four Of Campbelltown (Sustainable City) DCP 2012

According to the submission, the increase of heights would improve the financial viability of the centre, increase dwelling supply and reinforce the role of the Centre.

Comments and Recommended Action/Approach:

As previously advised to Council, the redevelopment of the Ingleburn Town Centre is intended to form part of Amendment 1 to the draft CLEP 2013 recently endorsed by Council for submission to the Department of Planning and Infrastructure.

A detailed draft Structure Plan and a draft Master Plan for the Ingleburn Town Centre will need to be finalised. Council will also be undertaking investigations to determine appropriate height and floor space ratio standards for the Ingleburn Business Centre in light of economic viability within the current and future development markets. The findings will be submitted to Council for consideration and standards will ultimately be incorporated into the draft CLEP 2013.

Given the above, no changes are recommended to the building heights within Ingleburn Town Centre until the above further investigation take place.

6. Part 6: Commercial Development

No main issues were raised on Part 6

7. Part 7: Industrial Development

No main issues were raised on Part 7

8. Part 8: Child Care Centres

No main issues were raised on Part 8

9. Part 9: Public Consultation

No main issues were raised on Part 9

10. Part 10: Religious Establishments

- **Issue 1: Minimum lot size of 1500 square meters for religious establishments -**
Issue raised by Campbelltown Gospel Trust

The submission has objected to the proposed 1,500sqm minimum site requirement for religious establishments within Residential 2(b) - Residential B Zone.

The submission advised that the Trust owns seven churches/properties in the Campbelltown area that have a 600sqm to 800sqm site area and that these properties have suitable parking and amenities.

In addition, the submission requested that Council allow variation to the minimum site requirement of religious establishments for development applications by the Trust that maybe lodged with Council in the future.

Comments and Recommended Action/Approach

The intention of a minimum site area requirement of 1500sqm within residential zones was proposed to ensure that future religious establishments within residential areas are developed on sites that are capable of being developed to minimise potential adverse impacts from the operation of religious establishments on the amenity of residential neighborhoods. These adverse impacts potentially relate to noise, overshadowing, privacy and car parking.

To address the concern raised by the above external submission, Council staff have undertaken a further review to confirm what would be the most suitable minimum site area for religious establishment developments within residential zones.

Under the provisions of the draft SCDCP 2012, three primarily numerical requirements/criteria were proposed. These were:

- Proposed minimum car parking requirements of one car parking space for every 3.5 users. (Currently one space for every 10 users under DCP82 - Religious Establishments)
- Proposed front, side and rear setbacks as follows:
The draft SCDCP 2012 requires a 10 metre rear setback, 3 metre side setbacks and 5.5 metre front setback.
- Proposed landscaping requirements:
The Draft SCDCP 2012 requires a 1.5 metre landscaped strip for rear and side boundaries and a 3 metres landscaped strip at the front boundary.

The above requirements (car parking provisions, building setbacks and landscaping requirements) when applied to a site would determine the building footprint of a religious establishment development on that site.

To establish whether a certain size site is appropriate for a religious establishment, the number of site users would need to be known. The average congregation size for a church in Australia is 60-70people, according to a survey that was undertaken in 2001 by The National Church Life Survey. No other more recent data was found in this regard. As such, for the purpose of determining the minimum site size for a religious establishment within residential zones, a congregation size of 60 people was deemed appropriate.

The external submission has argued that there are currently a number of churches that are located on a 600sqm and 800sqm sites and provide sufficient car parking and amenity for both users and adjoining residents.

To determine whether the above argument stands, the proposed numerical development requirements (car parking, setbacks and landscaping) under the SCDCP 2012 and an average congregation size of 60 people were applied to a 600sqm site and 800sqm site. Attachment 6 of this report includes a plan of the two sites, with a hypothetical configuration of site setbacks, landscaping and car parking requirements. In this regard two scenarios were examined for each site; a single storey development and a two storey development.

An analysis of the findings and observations for both sites is discussed below:

Notional configuration for a 600sqm site:

Single storey development:

It was found that a 600sqm site may accommodate 6 car parking spaces at the rear of the property. The building footprint would be 106sqm. Applying the car parking ratio included in the draft SCDCP to the number of users (one car parking space per 3.5 site users), a 600sqm site would only be able to accommodate approximately 20 site users (as a single story development). The 20 people congregation size is not considered practical, given that the average congregation size is 60-70 people.

Two story development (600sqm site)

A notional configuration of car parking spaces indicates that that the site may accommodate 15 angled car parking spaces, providing that the whole area of the site at ground level is used for car parking purposes. The available total area on the first floor would be 137.5sqm. This area is considered inadequate to accommodate the needs of 60 people.

Given the above, a 600sqm is not considered appropriate for religious establishments within residential areas.

Notional configuration for an 800sqm site

Single story development:

It was found that an 800sqm site may accommodate 8 car parking spaces at the rear of the property. The building footprint floor would be 203sqm. Applying the car parking ratio included in the draft SCDCP to the number of users, an 800sqm site would be only able to accommodate 28 site users, as a single story development. The 28 people congregation size is not considered practical, given that the average congregation size is 60-70 people.

Two story development (800sqm site)

A notional configuration of car parking spaces indicates that that the site may accommodate 17 car parking spaces, providing that the whole area of the site at ground level is used for car parking purposes. The available total area on first floor would be 245.25sqm. This area is considered adequate to accommodate the needs of 60 people, in terms of a hall and other ancillary facilities. However, the outcome that all of the ground floor area be used for car parking purposes is not acceptable, as it would result in large solid surfaces at ground floor and a two storey building that is not compatible with the streetscape and the character of the residential neighbourhoods.

Notably, Council has recently approved a religious establishment at Glen Alpine on an allotment of approximately 1200sqm as the development could be shown to comply with Council's numerical development standards. Notwithstanding, the proposal was based on a parking assessment of one space for 10 persons which is the current applicable car parking provision rate included in the existing SCDCP.

2.1 Outcomes Of The Public Exhibition Of Stage Four Of Campbelltown (Sustainable City) DCP 2012

Given the above, it is clear that a 600sqm site is not of sufficient size to be developed for religious establishment and the outcome of a religious establishment on an 800sqm is not considered appropriate within residential neighbourhoods. While it can be demonstrated that a redevelopment on a 1200sqm site can comply with the numerical requirements of Council's current SCDCP, there is not considered to be sufficient community demand (1 submission) to change the current controls. In addition, a reduction to the minimum lot size may result in an unanticipated increase in the number of religious establishments being developed within residential areas. Therefore, it is recommended that the minimum site area requirements for religious establishments remain at 1500sqm.

In response to the Gospel Trust's submission requesting Council to vary the minimum site area requirements for religious establishment, it is noted that under Section 1.1.7 Variations to Planning Controls and Standards, Council may consider variations to the requirements of the draft SCDCP 2012 in certain circumstances. Request for variations are required to be in writing, must clearly demonstrate the reasons for the variation and demonstrate to Council's satisfaction that the variation will not adversely impact on the environment or local amenity. Requests for variation to standards will be individually assessed on merits.

11. Part 11: Vegetation and Wildlife Management (draft Part 11)

The Office of Environment and Heritage (OEH) submitted a detailed response in relation to draft Part 11. Some of the OEH recommendations, if adopted, would constitute the introduction of new polices, in particular the recommendations made in relation to including additional controls requiring offset planting, the removal of vegetation, and the requirements for hollow bearing trees.

As a result of the OEH submission, draft Part 11 has been revised and reformatted to address the minor matters raised and to improve readability. There is however, one specific issue that requires separate discussion:

- **Issue 1: Requirements for hollow-bearing trees** - Issue raised by Office of Environment and Heritage

The OEH has raised a concern in relation to the lack of development requirements within the draft SCDCP 2012 for the protection of hollow-bearing trees.

Comments and Recommended Approach

The Scientific Committee, established by the *Threatened Species Conservation Act* (TSC Act), made a 'Final Determination' to list the "Loss of Hollow-bearing Trees" as a "Key Threatening Process" in Schedule 3 of the TSC Act. The Scientific Committee has found amongst other findings that:

In NSW, terrestrial vertebrate species that are reliant on tree hollows for shelter and nests include at least 46 mammals, 81 birds, 31 reptiles and 16 frogs (Gibbons and Lindenmayer 1997, Gibbons and Lindenmayer 2002). Of these, 40 species are listed as threatened on Schedule 1 and Schedule 2 of the Threatened Species Conservation Act.

2.1 Outcomes Of The Public Exhibition Of Stage Four Of Campbelltown (Sustainable City) DCP 2012

In the Campbelltown Local Government Area, there are 15 threatened species that are reliant on tree hollows as follows:

- 4 bird
- 9 mammal
- 1 reptile
- 1 amphibian.

As such, the loss of hollow-bearing trees has the potential to affect the survival of those species, populations and ecological communities.

The inclusion of the additional requirements for hollow-bearing trees could be considered a substantial amendment to draft Part 11 requiring re-exhibition of the document, as it constitutes the introduction of a new policy in relation to hollow bearing trees. As such, it is recommended that the above proposed requirements be addressed as part of the Stage 5 review of the SCDCP.

12. Part 12: Telecommunication Facilities

- **Issue 1: Objection to the proposed physical separation of 300 metres between new telecommunication facilities and sensitive community uses** - Issue raised by Telstra

Comments and Recommended Action/Approach

The requirement in the exhibited draft SCDCP 2012 to consider a physical separation of 300 metres to sensitive community uses such as child care centres, has been replicated from Council's *DCP 107 – Siting of Communication Facilities*.

DCP 107 was adopted by Council in 2001, where the requirement for a physical separation to sensitive land uses was made in response to strong concerns voiced by the community at that time. These concerns were generally based upon the notion of the precautionary principle relating to the possible health and safety implications resulting from exposure to radiofrequency electromagnetic energy (RF EME).

Since Council's adoption of DCP 107 in 2001 there has been a number of advancements in scientific based evidence relating to the impacts of RF EME, including the adoption of the relevant Australian Standard (AS RPS3) for community exposure and industry safety limits set by the Australian Communications and Media Authority (ACMA).

Telstra has identified that the issue of RF EME exposure and the precautionary principle has been dealt with by the NSW Land and Environment Court, which has consistently declared that there is no justification to impose arbitrary separation limits on health or safety grounds where the relevant Australian Standards have been complied with. This rationale has been replicated by the Department of Planning and Infrastructure in a number of State Environmental Planning Policies, which permits certain telecommunications facilities to be installed as code complying development (without development consent).

2.1 Outcomes Of The Public Exhibition Of Stage Four Of Campbelltown (Sustainable City) DCP 2012

In response to the issues raised by Telstra, it is noted that the draft SCDCP only proposes a minimum 300 metre separation between telecommunication transmitting facilities and community sensitive land uses 'where possible'. In this respect, it is not an arbitrary prohibition, but rather a preferred outcome based upon community sentiment to maintain a reasonable separation distance between RF EME installations and community sensitive uses.

Notwithstanding, and having regard to the issues raised by Telstra, it is considered that a minor rewording of the relevant clauses in the SCDCP would be beneficial to clarify the intent of the draft SCDCP to maintain a distance separation of 300m 'where possible'. In this respect, where a telecommunication facility is proposed within 300m of a sensitive land use, then it is recommended that the applicant be required to demonstrate that no viable alternate sites are available. This is in addition to compliance with relevant Australian Standards for RF EME exposure.

Accordingly, it is considered that a minor rewording of the relevant clauses of the draft SCDCP will improve the operation of the draft SCDCP with respect to the requirements for telecommunication facilities near community sensitive sites, and appropriately respond to the issues raised by Telstra on this matter.

- **Issue 2: Objection to the proposed prohibition under the draft SCDCP of locating telecommunication facilities on heritage items or within the vicinity of heritage conservation areas** - Issue raised by Telstra

Comments and Recommended Action/Approach

Telstra has confirmed that it generally avoids the installation of telecommunication facilities on heritage items, however there may be instances where this approach cannot be avoided and an opportunity for a merit based assessment should be available.

The draft SCDCP proposed to not permit telecommunication facilities on roof tops of developments located on heritage significant sites, given the greater potential for adverse impacts to occur. Telecommunication facilities proposed within the vicinity of an item could only be considered subject to a site specific heritage impact assessment being undertaken to generally demonstrate that no significant adverse impacts on the significance of the item or place would occur.

It is noted that the draft SCDCP is intended to complement existing planning policies, such as State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, which do permit some minor types of telecommunication equipment without development consent on heritage listed sites subject to certain criteria eg. restricted to the rear yard and not visible from a public road.

Notwithstanding the limited opportunities for some minor telecommunication facilities to be installed under alternative planning policies, it is conceded that in some instances there may be a need to consider a development application for a telecommunications facility that directly relates to a heritage item. Telstra has provided examples where telecommunication infrastructure has been sympathetically installed on heritage listed buildings, supported by a site-specific heritage impact assessment and designed to have minimal heritage impact.

2.1 Outcomes Of The Public Exhibition Of Stage Four Of Campbelltown (Sustainable City) DCP 2012

Additionally, Telstra has provided a legitimate argument that any effective prohibition by a DCP for a telecommunication facility would be legally challengeable where that land use was permitted under the provisions of the prevailing Local Environmental Plan.

Having regard to these matters, it is considered there is sufficient justification to alter the proposed requirements of the SCDCP to allow for the possibility of telecommunication facilities being considered on sites that are heritage items, subject to an appropriate merit based heritage impact assessment being undertaken to demonstrate to the consent authority's satisfaction that no significant adverse impacts would occur. Accordingly, a minor amendment to the subject clause is proposed.

13. Part 13 Sex Industry Premises

No main issues were raised on Part 13

c) Existing Development Control Plans to be repealed

The provisions within a number of existing DCPs have been revised and incorporated into the draft SCDCP. As such, these DCPs will become redundant upon adoption of draft SCDCP 2012.

Pursuant to Clause 22(2)(a) of the Environmental Planning and Assessment Regulation 2000, a Development Control Plan (DCP) may be repealed by a subsequent DCP. Accordingly, it is recommended that in conjunction with the adoption of draft SCDCP 2012 the following DCPs be repealed in the manner prescribed above:

1. Development Control Plan No 6 - Wedderburn (adopted 12 October 1982), replaced by Draft Part 4 Dwelling Houses, Rural Worker Dwellings, Dual Occupancies and Residential Subdivision on Non-Urban Land.
 2. Campbelltown Development Control Plan No. 44 - sets controls for rural worker's dwellings and market gardening for Lot 2, DP 201351(Raby Road) (adopted on 9 February 1988), replaced by Draft Part 4 Dwelling Houses, Rural Worker Dwellings, Dual Occupancies and Residential Subdivision on Non-Urban Land.
 3. Campbelltown Development Control Plan No 47 – Amendment to Residential Development Policy – Attached Flats (adopted on 28 July 1987), replaced by Part 5 Residential Apartment Buildings and Mixed Use Development.
 4. Development Control Plan No 49 – Rural Environmental Protection Subdivision and Dwelling Policy (policy No. 5.2.11) (adopted on 5 December 1980), replaced by Draft Part 4 Dwelling Houses, Rural Worker Dwellings, Dual Occupancies and Residential Subdivision on Non-Urban Land.
-

2.1 Outcomes Of The Public Exhibition Of Stage Four Of Campbelltown (Sustainable City) DCP 2012

5. Development Control Plan No 82 – Religious Establishment (adopted on 12 December 1995), replaced by Draft Part 10 Religious Establishments.
6. Development Control Plan no. 87 - Public Notification and Exhibition Policy (adopted on 12 August 1998), replaced by Draft Part 9 Public Consultation.
7. Development Control Plan No. 96 - The Provision of Parenting Facilities (adopted on 02 May 2000), replaced by draft Section 6.12 Parenting Facilities of Volume 1.
8. Development Control Plan No 107 - Siting of Communication Facilities (adopted on 7 November 2001), replaced by draft Part 12 Telecommunications Facilities.
9. Development Control Plan No. 114 - Trees (adopted on 7 December 1999), replaced by Draft Part 11 Vegetation and Wildlife Management.
10. Development Control Plan No. 122 - Restricted Premises (adopted on 25 February 2003), replaced by Draft Part 13 Sex Industry Premises.
11. Campbelltown Sex Industry Development Control Plan 2002 (adopted on 25 February 2003), replaced by Draft Part 13 Sex Industry Premises.
12. Campbelltown (Sustainable City) DCP 2009 Volume 1 (effective 24 June 2009), replaced by Volume 1 General Development Standards.

d) Stage 5 of Campbelltown (Sustainable City) DCP

Under the provisions of Clause 74C(2) of the Environmental Planning and Assessment Act 1979, only one DCP can apply in respect of the same land (i.e a site must not be subject to more than one DCP). There are special provisions in place, however, that provide time for Council's to meet this requirement.

To date the staged preparation of SCDCP has involved the review and repeal of approximately 70 DCPs and policies (not including the above DCPs that are recommended for repeal as part of this report). A number of other individual DCPs are still in existence and are proposed to be revised and incorporated into the SCDCP as part of the Stage 5 review.

These DCPs include:

1. A number of site specific heritage related DCPs
 2. DCP No. 120 Truck Parking Policy
 3. A number of out-dated DCPs that were made under repealed Interim Environmental Orders
 4. DCP No. 99 Advertising and Signs
 5. DCP No. 83 Heritage
-

2.1 Outcomes Of The Public Exhibition Of Stage Four Of Campbelltown (Sustainable City) DCP 2012

Stage 5 of the SCDCP would be the last stage and comprise the review and incorporation of all remaining DCPs into the SCDCP. It is anticipated that Stage 5 be prepared and submitted to Council by the end of this year.

In addition, as part of Stage 5 review, the SCDCP will be revised for consistency with the draft CLEP 2013.

2) Advertising and Signs

Council on 16 October 2012 resolved:

That an urgent report be prepared on Councils signage code with a view to assisting small business and business in the Campbelltown Local Government Area.

Development Control Plan No 99 Advertising and Signs sets out Council's policy on advertising and signs. This DCP came into force on 22 February 2002 and is out-dated.

In response to the above resolution, a number of development requirements for advertising and signs were included under the draft LEP 2013 as exempt development. Draft Campbelltown LEP 2013, was recently endorsed by Council for submission to the Department of Planning and Infrastructure. Under the draft LEP 2013, it is proposed that the majority of business signs be 'exempt development' providing they meet certain criteria. This means that once Council has its comprehensive draft LEP 2013 in place (after gazettal) , a business owner will be able to place a number of business signs without the need for Council's approval, providing that those signs comply with a set of standards under the forthcoming draft LEP 2013. These signs are proposed to include certain signs as follows:

- Business identification signs for businesses (other than sex services premises and restricted premises) in business zones and industrial zones
- Under awning signs
- Projecting wall signs (other than under awning signs)
- Flush wall signs
- Top hamper signs
- Fascia signs
- Signs behind glass line of shop/premises window in business and industrial zones (other than for sex services premises and restricted premises).

Signs that would not comply with the qualifying criteria under the forthcoming draft LEP 2013 would need to be considered and assessed by Council on merit by means of a development application.

A copy of the exempt development provisions under the draft LEP 2013 for signs is attached to this report as Attachment 7.

Additional development requirements for signs that are not 'exempt development' will be prepared as part of the final stage of the SCDCP. Council will be briefed on the requirements for signs once they are prepared and prior to Stage 5 being submitted to Council for endorsement for public exhibition purposes.

3) Purpose and status of development control plans

On 1 March 2013, certain provisions of the Environmental Planning and Assessment Amendment Act 2012 (Amendment Act) that relates to the status of DCPs and other matters came into effect.

The Amendment Act clarifies that the principal purpose of a DCP is to provide guidance to a consent authority and to people who are proposing to undertake development on land to which the DCP applies. A DCP may be prepared to:

- give effect to the aims of an environmental planning instrument (for example, an LEP) that applies to the development
- facilitate development that is permissible under an environmental planning instrument
- achieve the objectives of land zones under an environmental planning instrument.

Under the new changes, if a development application complies with the provisions of the SCDCP, Council is not able to apply more onerous standards. Similarly, if a development application does not comply with the provisions under the SCDCP, Council must be flexible in the way it applies the controls and also allow for reasonable alternative solutions to achieve the objectives of those requirements.

Council may only consider the SCDCP's requirements in connection with the assessment of the particular development application under assessment.

Comments

There are potential and significant implications for Council as a result of the commencement of the Amendment Act, in the way Council assesses development applications. Provisions under the draft SCDCP are guidelines, and the onus is upon Council to apply the requirements within the SCDCP in a flexible way. The degree of flexibility is not clear and will ultimately be established by future Land and Environment Court determinations.

It is important to note that the Amendment Act requires that development achieve the objectives of the provisions as set out in a DCP. It is therefore important that the objectives within the SCDCP be strengthened and be revised to ensure that desirable outcomes are achieved. The review of all the objectives with the SCDCP is proposed to be undertaken as part of the final stage (Stage 5) review of the draft SCDCP.

Conclusion

The draft SCDCP 2012 was publicly exhibited for a period of 34 days from Wednesday 23 May 2012 until Monday 25 June 2012. During this time, a total of 12 written submissions were received.

The exhibited version of draft SCDCP 2012 has been revised having regard to the external and internal submissions received. As outlined above, the proposed alterations to the exhibited document are considered justified and appropriate, and are permitted in accordance with Clause 21(1) of the Environmental Planning and Assessment Regulation 2000. This clause regulates the approval of Development Control Plans by Councils, and provides:

2.1 Outcomes Of The Public Exhibition Of Stage Four Of Campbelltown (Sustainable City)
DCP 2012

21 Approval of development control plans

- (1) After considering any submissions about the draft development control plan that have been duly made, the council:
- (a) may approve the plan in the form in which it was publicly exhibited
 - (b) may approve the plan with such alterations as the council thinks fit
 - (c) may decide not to proceed with the plan.

As such, Council is permitted to “approve the plan with such alterations as the Council thinks fit”. Importantly though, the proposed alterations are generally in response to comments received during the exhibition of the draft SCDCP 2012.

Council’s approval of the draft SCDCP 2012 will complete Stage 4 of the policy, and will allow work to continue on the final part of the plan.

Officer's Recommendation

1. That Council adopt draft Campbelltown (Sustainable City) Development Control Plan 2012 (Volume 1) as attached to this report.
 2. That Council give public notice of its decision in a local newspaper in the prescribed manner in accordance with the Environmental Planning and Assessment Act 1979.
 3. That Campbelltown (Sustainable City) Development Control Plan 2012 (Volume 1) comes into effect on the date of the public notice.
 4. That the following Development Control Plans be repealed effective from the date of the public notice for the commencement (as per Recommendation 3) of Campbelltown (Sustainable City) Development Control Plan 2012 Volume 1:
 - I. Development Control Plan No 6 - Wedderburn
 - II. Campbelltown Development Control Plan No. 44
 - III. Campbelltown Development Control Plan No 47 - Amendment to Residential Development Policy - Attached Flats
 - IV. Development Control Plan No 49 – Rural Environmental Protection Subdivision and Dwelling Policy
 - V. Development Control Plan No 82 – Religious Establishment
 - VI. Development Control Plan No. 87- Public Notification and Exhibition Policy
 - VII. Development Control Plan No. 96- The Provision of Parenting Facilities
 - VIII. Development Control Plan No 107- Siting of Communication Facilities
 - IX. Development Control Plan No. 114 - Trees
 - X. Development Control Plan No. 122 - Restricted Premises
 - XI. Campbelltown Sex Industry Development Control Plan 2002
 - XII. Campbelltown (Sustainable City) DCP 2009 Volume 1 (2009)
 5. That all persons who made a submission to the draft SCDCP in 2012 be advised of Council’s decision.
-

Committee Note: Mr White and Mr Bird addressed the Committee.

Committee's Recommendation: (Kolkman/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: nil

Council Meeting 18 June 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 115

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Brticevic, Chanthivong, Dobson, Glynn, Greiss, Hawker, Kolkman, Lake, Lound, Matheson, Mead, Rowell and Thompson.

Voting against the Council Resolution: nil.

2.2 Who Cares About the Environment in 2012?

Reporting Officer

Manager Sustainable City and Environment

Attachments

Nil

Purpose

To present to Council the key findings of the latest 'Who Cares About the Environment in 2012?' research conducted by the NSW Office of Environment and Heritage (OEH).

History

The 'Who Cares About the Environment?' series of social research has been conducted by the NSW Government department responsible for environmental issues triennially since 1994. It measures changes in the environmental knowledge, attitudes and behaviours of the people of NSW through community surveys. This report presents some of the key findings of the research that are most relevant to Council and the local community.

Report

The OEH have released the 2012 edition of the 'Who Cares About the Environment?' report. The report is a source of useful information for Council, as it provides a comprehensive analysis of the NSW community's environmental knowledge, attitudes and behaviours. The full report and a summary can be found on the OEH website at:

<http://www.environment.nsw.gov.au/community/whocares2012.htm>

Survey method

As with previous surveys, the 2012 survey template was developed in consultation with a range of stakeholders. The quantitative research phase consisted of a telephone survey conducted with approximately 2,000 NSW residents aged 15 years and over in May-July 2012. The survey covered a geographically stratified, random sample of people residing in NSW. Qualitative research was also undertaken with nine group discussions occurring in both Sydney and regional locations during September-October 2012.

The questionnaire, which consisted of 32 questions (eight of which were demographic related), addressed three key areas of enquiry:

1. attitudes towards environmental issues
 2. knowledge about environmental issues
 3. behaviours regarding environmental issues.
-

In order to maximise the insights gained from the research, three forms of analysis were applied to the data:

1. across time; 2012 compared to previous years
2. demographic differences; eg. males compared to females, sub-groups compared to the average
3. segmentation analysis; respondents were clustered into groups (segments) based on their engagement in environmental behaviours.

Survey results

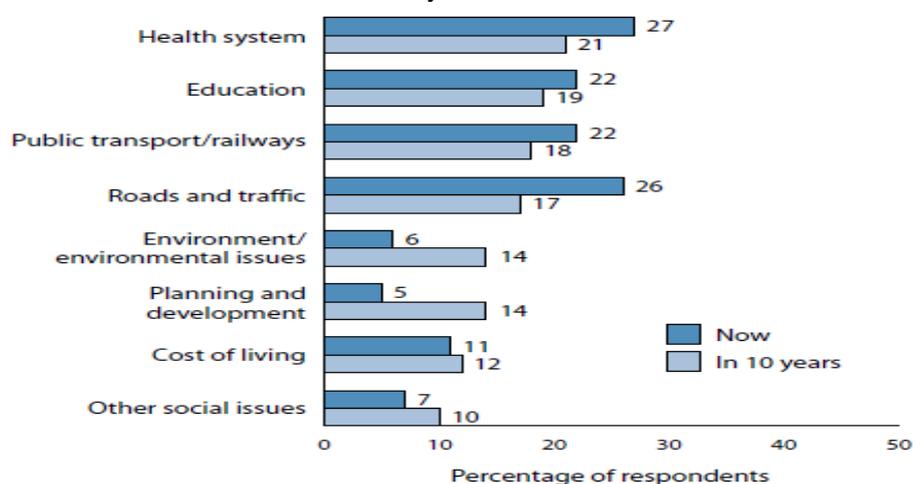
The report illustrates that the environment is a key topic of concern for people in general, throughout the State. There has been an increase in the level of knowledge of environmental issues, and there has also been an increase in environmentally friendly behaviour. However, there are still significant numbers of people with a low understanding of environmental issues, many of whom are not undertaking environmentally friendly activities. The research describes environmental activities as including activities such as using green bags, reducing water and electricity usage, preventing pollution and undertaking composting.

The most important issues in NSW today

Survey respondents were asked what they considered to be the two most important issues at present in NSW. The top responses included the health system (27%), roads and traffic (26%), education (22%), and public transport (22%). These are similar to the results of previous surveys, however roads and traffic has increased in concern to 26% from 16% in 2009.

The environment and various environmental issues (such as water supply, waste management and pollution) when totalled together were nominated by a total of 6% of respondents as the issue of most concern. Overall the environment was identified as the seventh most important issue area. This is a decline from responses in 2009 when it was identified the fifth most important. Figure 1 shows the percentage breakdown of the issues nominated by respondents as the two most important issues for NSW now and in ten years. As is demonstrated many respondents felt that the environment would be a more important issue in ten years than at present.

Figure 1. Percentage breakdown of the issues nominated by respondents as the two most important issues for NSW now and in ten years



As in previous years, more people nominated specific environmental issues instead of the blanket term 'the environment'. The main reasons people provided for not being concerned about the environment are doubt about the reported severity of the issues, the perceived good condition of the environment, and other personal priorities being more important.

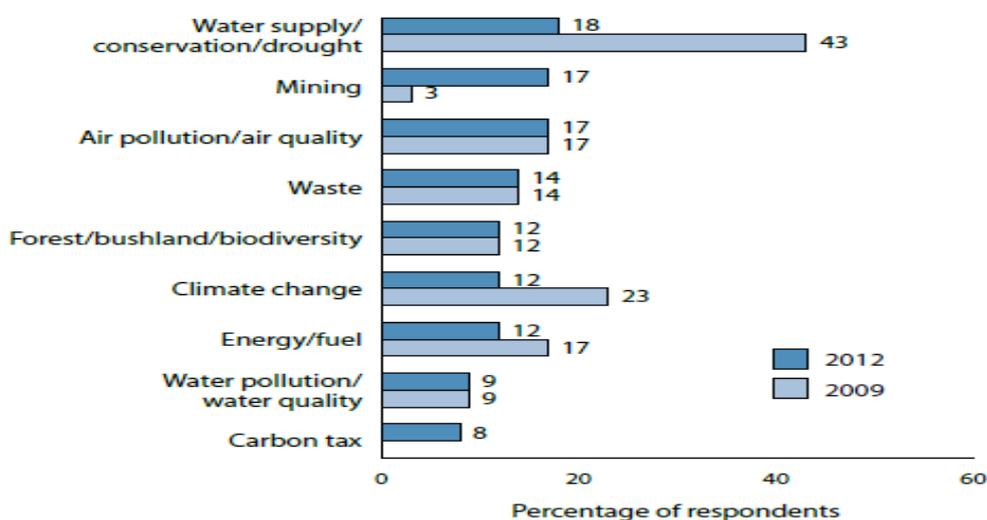
Concern about Environmental Problems

Participants were asked if they were concerned about environmental problems, and if so to what extent. Approximately 71% of the respondents said that they were concerned, with 23% saying they were concerned a great deal, 40% a fair amount, and 8% saying they were concerned a little. The most common reasons for being concerned are concern for future generations, maintaining ecosystems and long-term economic sustainability.

The most important environmental issues in NSW today

Survey respondents were asked what they thought were the two most important environmental issues in NSW today. In 2012 there was no dominant environmental issue in the public mind. Concern over water conservation issues decreased dramatically from 42% in 2009 to 18% in 2012. Mining showed the biggest increase in concern from only 3% in the 2009 survey to 17% in 2012. Other issues of concern included air pollution/quality (17%), waste (14%), bushland/biodiversity (12%), climate change (12%) and energy/fuel (12%). Figure 2 shows the percentage breakdown of issues nominated as the two most important environmental issues in NSW.

Figure 2. The two most important environmental issues in NSW



When asked about the single most important thing the NSW government can do to protect the environment, initiatives for vegetation and biodiversity rose significantly in 2012 (7% to 12%). Education/community engagement (9%), mining (9%) and energy and greenhouse issues (8%) were also important areas for action.

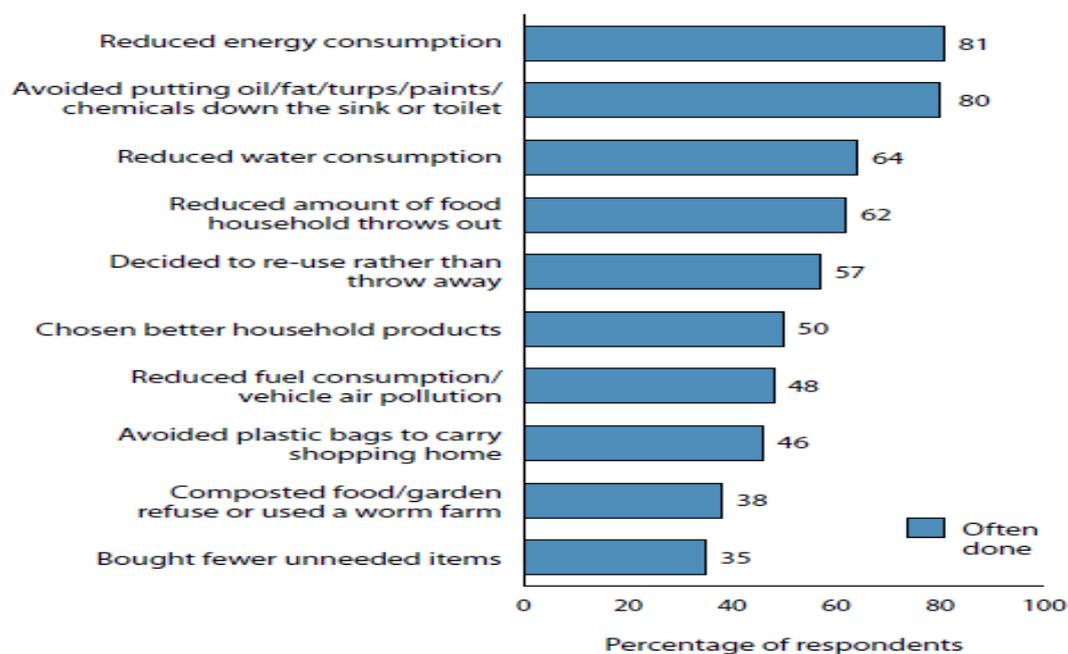
Value of the environment

People value the quality of the environment where they live with a clean environment, greenery and trees being identified as characteristics of a good place to live. The value of environmental quality to people's everyday lives is clearly demonstrated in high rates of visitation to outdoor locations such as beaches, parks and bushland. Positive feelings about being in these environments were also expressed. Almost half the community believes we do not place enough emphasis on the protection of natural habitats in competition with other land use needs. Respondents predominately believe regulations for mining and property development and construction are too lax.

Pro-environmental activities

Respondents were surveyed regarding their acting of environmental behaviours. Figure 3 shows the percentage of respondents that undertake routine environmental behaviours on a regular basis. The vast majority (98%), advised that they undertake at least one of ten 'everyday' environmentally friendly behaviours regularly and that they now see many of these behaviours as routine.

Figure 3. Percentage of respondents undertaking 'everyday' environmental behaviours on a regular basis



A variety of reasons were identified for conducting an environmentally friendly behaviour. Saving money was the reason most frequently given for reducing energy consumption (71%), reducing fuel consumption (49%), buying fewer items (38%), reducing food waste (32%) and reduced water consumption (27%). Environmental concern or awareness is the dominant prompt for choosing household products that are better for the environment (42%), avoiding plastic bags (29%) and reusing (23%).

Regional analysis of South Western Sydney

The 2012 report identified a range of demographic areas for means of comparison. For the first time, South Western Sydney was identified as a separate region to Western Sydney. The South Western Sydney area included survey respondents from the Local Government Areas of Bankstown, Liverpool, Camden, Wollondilly and Campbelltown. When reviewing the responses of the South Western Sydney region, overall there was a significantly lower level of environmental concern, knowledge and behaviour compared to other regions. Respondents were less likely to have visited an outdoor location with 31% having never visited a bushland area. Engagement in local environmental issues or actions such as bushcare or clean-ups is also lower in the region.

Conclusion

The NSW 'Who Cares About the Environment in 2012?' social research provides Council with a base of information on people's relationship with and attitudes towards the environment. By better understanding residents, and what motivates, encourages and inhibits their pro-environmental behaviours, Council can focus with more effectiveness on specific audiences and behaviours.

In this regard, the implementation of Council's Environmental Education Strategy previously adopted by Council will continue to assist in the development of an increased understanding of environmental issues amongst Campbelltown residents, which in turn should result in the adoption of more environmentally sustainable behaviours.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Matheson/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 18 June 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 114

That the Officer's Recommendation be adopted.

2.3 Proposed Rezoning of the Glenfield Waste Site

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Copy of Local Environmental Plan Making Procedure (distributed under separate cover)
2. Map showing the site that is subject to the draft Planning Proposal (distributed under separate cover)
3. Draft planning proposal prepared by Council's officers (distributed under separate cover)
4. A map showing the proposed rezoning of the site (distributed under separate cover)
5. Copy of the Zone IN1 General Industrial objectives and permissible land uses

Purpose

To advise Council of a planning proposal for the rezoning of the Glenfield Waste Site at Glenfield, and request Council's approval to forward the proposal to the NSW Department of Planning and Infrastructure (the Department) for determination by the Gateway Panel.

History

In June 2012, Council received a draft rezoning submission report from Environmental Property Services, on behalf of the property owner JC & FW Kennett Pty Ltd, requesting Council to rezone the Glenfield Waste site to enable industrial development.

Previously, on 16 November 2007, Council received a similar rezoning request for the same site, and considered a report on this matter on 11 December 2007 and resolved:

1. That Council proceed with the rezoning of the subject land and amend the Campbelltown (Urban Area) Local Environmental Plan 2002 to achieve an overall zoning outcome generally as described in Attachment 4 to this report.
2. That pursuant to Section 54 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) Council notify the Department of Planning of its decision to amend Campbelltown (Urban Areas) Local Environmental Plan 2002, ahead of the Council's Standard LEP Instrument, noting that the draft instrument would provide an opportunity for significant employment generation.

In accordance with the above Council resolution, a letter (dated 14 January 2008) was sent to the then NSW Department of Planning (now Department of Planning and Infrastructure), pursuant to section 54(4) of the *EP&A Act 1979* advising of Council's decision to prepare a draft local environmental plan to rezone the Glenfield Waste site at Cambridge Avenue, Glenfield to permit industrial uses.

Subsequently, on 2 February 2008, the then NSW Department of Planning sent a response to Council supporting in principle the preparation of a draft Local Environmental Plan (LEP) subject to a number of issues being addressed, including the provision and funding of infrastructure, traffic and transport implications, environmental protection measures to prevent adverse impacts on adjoining areas and buffers to existing residential development.

However, the owner at the time did not proceed with the rezoning application, and no further studies to address the above matters were undertaken by the applicant.

On 1 July 2009, the *EP&A Act 1979* was amended to provide for a new procedure for the preparation of (LEPs). This included savings and transitional provisions for those LEP's already being amended prior to the act amendment, depending on the stage in the process those LEPs were up to. For amending LEPs, (where no Section 65 Certificate was issued to enable public exhibition of the draft LEP), councils were provided with 18 months (until 1 January 2011) to finalise their LEPs. The applicant has missed the opportunity to proceed with the amending LEP (that was lodged with Council in 2007) under the old plan making procedure, as the draft LEP was not finalised before 1 January 2011.

Council must now follow the new plan making procedure which involves the preparation of a Planning Proposal and Gateway determination by the Department. A copy of the new plan making procedure is shown as attachment 1 to this report.

Report

Property Description: Part Lot 91 DP 1155962, Part Lot 1 DP 113201 and Part Lot 2 DP 333578

Owner: JC & FW Kennett Pty Ltd

Property Description: Lot 3 DP 735524 and Part Lot 3 DP 736881

Owner: Figela Pty Ltd

Property Description: Lot 92 DP 1155962

Owner: Transport for NSW

Applicant: Environmental Property Services

In June 2012, Council received a draft rezoning submission report prepared by Environmental Property Services (EPS) on behalf of JC & FW Kennett Pty Ltd, to rezone the Glenfield waste site to generally enable the redevelopment of the site for industrial purposes. The applicant requested Council to include this proposed rezoning as part of Council's draft Local Environmental Plan 2013 (draft CLEP 2013).

The Site

The Glenfield waste site comprises two large parcels of land, the northern parcel, located within the Liverpool City Local Government Area and the southern parcel, located within the Campbelltown City Local Government Area. This proposed rezoning application relates only to the southern parcel that is located within the Campbelltown Local Government Area (bisected by Cambridge Avenue) and comprises the following parcels:

- Part Lot 91 DP 1155962
- Part Lot 1 DP 113201
- Part Lot 2 DP 333578
- Lot 3 DP 735524
- Part Lot 3 DP 736881
- Lot 92 DP 1155962.

The part of the site that is proposed for rezoning is marked on the map shown as attachment 2 to this report.

The site that is subject to this Planning Proposal is approximately 48 hectares in area. The following parts of this site area are not considered suitable for industrial development:

- the area of land south of Cambridge Avenue being part Lot 3 in DP 736881. This land is affected by an easement for transmission lines owned by the Electricity Transmission Authority (approximately 11 hectares)
- The area that has been subject to land fill north of Cambridge Avenue (may facilitate ancillary land uses) (approximately 15 hectares)
- any part of the site that have significant vegetation values. In this regard a number of options would need to be further investigated depending on the outcome of detailed flora and fauna studies. Such options may include identifying and managing vegetation corridors, mitigation and/or compensation measures and strategies
- the area of the site that is owned by Transport for NSW (4661sqm).

Draft Campbelltown Local Environmental Plan 2013 (CLEP 2013)

Council is currently in the process of preparing draft CLEP 2013 under the provisions of the Standard Instrument – Principal Local Environmental Plan.

To date, Council endorsed a preliminary draft CLEP 2013 and submitted it to the Department of Planning and Infrastructure (the Department) for consideration.

The applicant requested that the proposed rezoning be included as part of Council's draft CLEP 2013.

Given that the draft CLEP 2013 has not been finalised or placed on public exhibition at this point of time, it is recommended that Council supports the applicant's request to incorporate this draft Planning Proposal and progress it as part of the draft CLEP 2013.

However, if at the time of the public exhibition of draft CLEP 2013 there are outstanding matters that relate to this Planning Proposal that may delay the public exhibition of CLEP 2013, then it will be recommended that this rezoning proposal proceed separately as an Amendment to draft CLEP 2013.

Council's draft planning proposal

Council has prepared a draft planning proposal based on the information provided by the applicant, for Council's consideration for endorsement and subsequent lodgement with the Department of Planning and Infrastructure for determination by the Gateway Panel. Please see a copy of the draft planning proposal marked attachment 3.

The applicant, as part of his rezoning submission to Council, prepared a planning proposal, which is not entirely identical to the planning proposal prepared by Council's officers for the following reasons:

1. The applicant's proposal includes the regional open space corridor and proposed to significantly reduce the width of this open space corridor adjacent to the Georges River from approximately 160 metres to approximately 50 metres. Any reduction to the width of the open space corridor adjacent to Georges River is not supported for the following reasons:
 - This open space corridor is a continuation of an open space corridor south of the site and acts as a natural and physical buffer between the Georges River to the east and industrial developments to the west.
 - This area has been identified on the applicant's flood map as a flood affected area. As such it is not suitable for industrial development.
 - Development should not be allowed within close proximity to Georges River to reduce risks of water pollution.
 - The fact that vegetation on this site has degraded over the past years is not a compelling reason to rezone the majority of this corridor to enable industrial development.

The open space corridor adjacent to Georges River does not form part of the "Deferred Matters" under draft CLEP 2013. It has already been included as part of the draft CLEP 2013 and is proposed to be zoned 'Zone RE1 Public Recreation'. Given this, the area is not proposed to be included as part of this rezoning proposal.

2. Under the applicant's proposal, the area south of Cambridge Avenue is proposed to be rezoned to Zone IN1 General Industrial. Council's draft Planning Proposal recommends Zone SP2 Car Parking. This matter is discussed in more detail in the following section of this report.

Current and proposed rezoning of the Glenfield waste site

The areas that are subject to this planning proposal are included under draft CLEP 2013 as "Deferred Matters" and are currently zoned 1(a) Rural A Zone under Campbelltown Local Environmental Plan 2002 (LEP 2002).

The remaining areas of the Glenfield waste site which are not included as part of this proposed rezoning comprises the railway corridor, the Georges River Parkway, Cambridge Avenue and the green open space corridor adjacent to Georges River. These areas have all been assigned appropriate zones under draft CLEP 2013, and as such, do not form part of this planning proposal.

- **Proposed rezoning for the part of the site that is north of Cambridge Avenue, Glenfield under draft CLEP 2013**

The properties that are privately owned by JC & FW Kennett Pty Ltd and Figela Pty Ltd and located north of Cambridge Avenue are currently zoned 1(a) Rural A Zone under LEP 2002 and are proposed under this planning proposal to be zoned Zone IN1 General Industrial for inclusion into draft CLEP 2013. Please see attachment 4 of this report for a proposed zoning map under draft CLEP 2013.

On the zoning map of draft CLEP 2013, these properties are currently marked as "Deferred Matters". These properties comprise the following allotments and Deposited Plans (DPs):

- Part Lot 91 DP 1155962
- Part Lot 3 DP 736881 (the part of the allotment that is located north of Cambridge Avenue)
- Lot 3 DP 735524
- Part Lot 2 DP 333578
- Part Lot 1 DP 113201.

In addition to the above allotments, Transport for NSW owns Lot 92 in DP 1155962. This allotment is currently zoned 1(a) Rural A Zone under LEP 2002, and marked as a "Deferred Matter" under draft CLEP 2013. This allotment is proposed under this planning proposal to be rezoned to Zone SP2 (Public Purposes Corridor) for inclusion into draft CLEP 2013.

Depending on the outcome of the future consultation with the Office of Environment and Heritage (OEH), further details studies and strategies in relation to flora and fauna assessment may be required. The outcome of the consultation with OEH and those studies will inform Council on whether the proposed rezoning of the entire area north of Cambridge Avenue to Zone IN1 General Industrial is suitable.

The draft objectives and proposed permitted land uses under Zone IN1 General Industrial are shown as attachment 5 to this report.

- **Proposed rezoning for the part of the site that is south of Cambridge Avenue, Glenfield (Part Lot 3 DP 736881)**

The part of the site south of Cambridge Avenue (Part Lot 3 DP 736881) is currently unoccupied open space, used only for grazing horses, and is almost entirely covered by an easement for high-voltage electricity transmission lines. This area currently acts as a 'buffer' between the industrial land uses to the north and the residential areas to the south. Given that this land is highly constrained by the high voltage electricity easement, there are limited opportunities for development on this land. Council considers that there is an opportunity to use this land for car parking purposes. However, given its close proximity to residential areas at Glenfield, it is most important that no part of this site be used for heavy vehicles parking.

Therefore it is proposed to amend draft CLEP 2013 Land Zoning Map by rezoning the area south of Cambridge Avenue to Zone SP2 Car Parking. In this regard, it should be noted that the site is not proposed to be added to the draft Land Acquisition Map under draft CLEP 2013, as there is no need or intention to acquire this part of the site by Council. It is proposed that any future car parking will be used for private purposes. Matters related to the design, access and the like of any proposed car parking at this site will be further investigated as part of future development applications.

Refer to attachment 4 for the proposed rezoning maps under CLEP 2013.

Key planning and strategic issues

The following strategic points are presented to Council in support of the planning proposal:

1. The Glenfield waste site is strategically located within close proximity to public transport.
 2. The site is ideally located for industrial development because it is physically isolated from nearby residential areas.
 3. The redevelopment of the site for industrial uses will provide local jobs within proximity to houses and public transport.
 4. Under the draft Metropolitan Strategy 2031, it is anticipated that Campbelltown-Macarthur Major Centre would provide capacity for an additional 10,000 jobs by the year 2031. The proposed rezoning of the Glenfield waste site is consistent with the draft Metropolitan Strategy 2031 as it will help Council reach this target by providing local employment opportunities.
 5. The Draft South West Sub-Regional Strategy specifically identifies this site for further investigations as potential Employment Lands.
-

Flora and fauna

The applicant submitted to Council an Ecology Study. The main findings of the study are as follows:

1. The vegetation on site currently consists of Cumberland Plain Woodland which is listed as a Critically Endangered Ecological community under the *Threatened Species Conservation Act 1995* (TSC Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
2. Two species of bat listed as Vulnerable under the TSC Act have been recorded on site, the Eastern Bentwing-bat (*Minioptera schreibersii*) and the Eastern False Pipistrelle (*Falsistrellus tasmaniensis*).
3. The area has suitable habitat for 16 threatened and migratory fauna species. The vegetation is partially linked to the riparian vegetation along the Georges River and the opposite side of the Georges River is known to contain many more threatened species. Additionally some koala food trees occur on site.

Additional studies are needed including the carrying out of an assessment of significance in accordance with Section 5A of the EP&A Act and the threatened species Assessment Guidelines.

It is recommended that Council consult with the OEH to ascertain the level of environmental investigations/studies that may be needed and any mitigation or compensation strategies that may be required at the rezoning stage.

Traffic, transport and access

AECOM on behalf of the applicant prepared a preliminary Traffic and Transport Review of the subject site.

The findings of the review indicates that the site would appear to be appropriate for 'Zone IN1 General Industrial Zone' from a transport perspective, subject to further detailed traffic impact assessment to determine the capacity of the existing network and identify the extent of required infrastructure improvements.

The site currently has two access points. It is proposed that an additional access point be created from Cambridge Avenue to service the future industrial developments at the site.

Stormwater management and flooding

Stormwater management is not considered an impediment to the rezoning of the site, as a stormwater system can be designed and engineered to discharge to the Georges River. More detailed engineering design for stormwater management will be required as part of any future development of the site.

Land contamination and soils

The applicant has submitted to Council a Desktop Geotechnical and Contamination Rezoning Report, prepared by a consultant (Consulting Earth Scientists, April 2012) on behalf of the applicant.

None of the findings of the report indicate that the subject land is not suitable for rezoning for industrial purposes, or for subsequent subdivision and development of individual lots for appropriate industrial activities.

Cultural heritage

There is no significant European cultural heritage located on the site.

Archaeological and Heritage Management Solutions Pty Ltd (AHMS), as part of the applicant's planning proposal, has prepared an Aboriginal Heritage Preliminary Assessment report for the rezoning of the site.

The assessment was undertaken in accordance with relevant guidelines and codes of practice and included input from representatives from the Tharawal Local Aboriginal Land Council, Ms Glenda Chalker and the Cubbitch Barta Aboriginal Corporation. The assessment found:

- most of the site was heavily disturbed and/or previously developed and the potential for preservation of archaeological materials was low
- two areas were identified as having received limited impact (i.e. an undisturbed piece of bushland in the western quadrant of the site and a minor tributary in the eastern quadrant of the transmission line)
- there are four Aboriginal objects/sites identified within the undisturbed areas
- while the undisturbed areas require further assessment and/or management as part of development planning, it is considered that there is no heritage reason why the proposed rezoning should not proceed.

Servicing

The applicant submitted to Council an Infrastructure Report. The report confirmed that all major utility services are currently within the vicinity of the subject site. Given the size of land proposed for rezoning, consultation with Sydney Water and Endeavour Energy will identify the likely future utility requirements for the site.

In addition, more studies are needed to identify if there is a need to improve or upgrade the road network servicing the site.

Conclusion

The draft planning proposal to enable the Glenfield waste site to be developed for industrial purposes presents an opportunity to provide additional industrial development within Campbelltown LGA. The site is ideally located for this type of development and would provide much needed local jobs for Campbelltown residents. While the subject site is within close proximity to public infrastructure and Glenfield Railway Station, it is physically isolated from nearby residential development by roads and the parcel of land south of Cambridge Avenue, Glenfield.

The site has some biodiversity values. In this regard, further studies and consultation with OEH are required to enable Council to determine the extent of these values and any mitigation and/or compensation measures that may be required.

Council has prepared a draft planning proposal based on the information provided by the applicant for Council's consideration for endorsement and subsequent lodgement with the Department for determination by the Gateway Panel. Please see a copy of draft planning proposal marked attachment 3.

It is recommended that Council supports the applicant's request to incorporate this draft Planning Proposal and progress it as part of the draft CLEP 2013.

However, if at the time of the public exhibition of draft CLEP 2013 there are outstanding matters that relate to this Planning Proposal that may delay the public exhibition of CLEP 2013, then it will be recommended that this rezoning proposal proceed separately as an Amendment to draft CLEP 2013.

On receipt of a draft planning proposal that has been endorsed by Council, the Department's Gateway Panel will issue a response/determination which will specify whether the planning proposal should proceed, and if so under what circumstances. Generally, if the proposal is supported by the Panel then the determination will advise what studies will be required, which State or Commonwealth Public Authorities will need to be consulted, and the times within which the various stages of the procedure for the making of the proposed rezoning plan are to be completed. If the draft Planning Proposal is supported by both the Council and the Gateway Panel, then a further report will be prepared for Council's consideration prior to the public exhibition of any planning documentation for this proposed rezoning.

Officer's Recommendation

1. That Council endorse the draft planning proposal for the rezoning of Glenfield waste site to generally enable industrial development as presented by this report and lodge the draft Planning Proposal with the Department of Planning and Infrastructure for determination by the Gateway Panel.
2. That Council advise the applicant of Council's decision.

Committee's Recommendation: (Rowell/Lound)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: nil

Council Meeting 18 June 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 116

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Brticevic, Chanthivong, Dobson, Glynn, Greiss, Hawker, Kolkman, Lake, Lound, Matheson, Mead, Rowell and Thompson.

Voting against the Council Resolution: nil

ATTACHMENT 5

Zone IN1 General Industrial

Direction. The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone:

Roads

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To encourage high-quality, well-designed buildings, that are of an appropriate design and scale to complement their setting and that enhance and encourage a safe environment.
- To provide for a range of facilities and services to meet the day-to-day needs of workers in the area.
- To ensure that development does not create unreasonable demands for the provision or extension of public facilities, amenities and services.
- To enable non-industrial land uses that are compatible with and do not detract from industrial and warehouse uses or impact on the viability of existing centres.
- To ensure that any commercial, retail or other non-industrial development is not likely to adversely affect employment generating activities or opportunities.
- To ensure that the general industrial nature of the zone is maintained.
- To minimise the adverse impact of development on heritage items and conservation areas.
- To minimise conflict between land uses within the zone and those in adjoining zones.

2 Permitted without consent

Nil.

3 Permitted with consent

Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Car parks; Depots; Drainage; Electricity generating works; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; General industries; Hardware and building supplies; Helipad; Heliport; Highway service centres; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping materials supplies; Light industries (High technology industries; home industries); Mortuaries; Neighbourhood shops; Passenger transport facilities; Places of public worship; Port facilities; Roads;

Rural Industries (Agricultural produce industries; Livestock processing industries; Sawmill or log processing industries; Stock and sale yards); Rural Supplies; Service stations; Sewage reticulation systems; Sewage treatment plants; Sex services premises; Signage (Advertising structures; Building identification signs; Business identification signs); Storage premises (self-storage units); Take-away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities (Resource recovery facilities; Waste disposal facilities; Waste or resource transfer stations); Water recycling facilities; Water reticulation systems; Water treatment facilities; Wholesale supplies.

4 Prohibited

Any development not specified in item 2 or 3.

2.4 Local Land Services

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Copy of report to Council on 20 November 2012, on establishment of Local Land Services
2. Map showing the boundaries of LLS regions (distributed under separate cover)

Purpose

To update Council on the governance and structure framework for Local Land Services determined by the NSW Minister for Primary Industries.

History

At its meeting held 20 November 2012, Council considered a report on the pending establishment of Local Land Services (LLS) a copy of which is provided in attachment 1. The report advised that following the outcomes of the Ryan Review into the effectiveness of Livestock Health and Pest Authorities (LHPAs), the NSW Minister for Primary Industries had recently announced the establishment of LLS. LLS are proposed to be regionally-based, semi-autonomous statutory organisations that are governed by a Board of both locally elected and skills-based members.

LLS will replace the 13 Catchment Management Authorities (CMAs), 14 LHPAs and incorporate agricultural advisory services currently provided through the NSW Department of Primary Industries (DPI). The revised model will link natural resource management and primary industries and allow farmers and landowners to access services from one organisation. LLS are due to come into effect in January 2014.

As advised in the previous report, an independent Reference Panel was appointed to work with the community and stakeholder groups (including councils) to determine how the LLS will be structured and provide advice to the Minister for Primary Industries on the operation and governance framework of the LLS.

The Panel consists of representatives from the LHPA, CMAs, NSW Farmers, Greening Australia, Landcare NSW, Local Government NSW and the DPI and is chaired by Dr John Keniry, NSW Natural Resources Commissioner.

Report

The Panel conducted consultation through community workshops across NSW as well as online surveys. Council staff attended a community workshop in April 2012 and made informal comments.

Following this consultation, the Panel prepared and submitted recommendations and options for the Minister on key elements for creating LLS including regional boundaries, governance and potential functions and services of the new organisations.

On 28 May 2013, the Minister announced a range of decisions regarding the future governance and structural framework for LLS based on the recommendations of the Panel, stakeholder feedback and the outcomes of the Ryan Review. This report provides an overview of these decisions.

LLS boundaries

NSW will be serviced by 11 LLS regions. LLS boundaries were determined based on consideration of:

- similar landform and land-use
- community engagement and interaction at a local government scale
- effective service delivery and local decision making.

A map showing the LLS boundaries across NSW is provided in attachment 2. The boundaries are primarily delineated by Local Government Areas (LGA). The Campbelltown LGA is to be located within the Greater Sydney LLS along with Sydney Metropolitan Councils, Blue Mountains, Wollondilly, Hawkesbury, Wyong and Gosford Councils.

The current CMA regions are defined by catchment boundaries. Campbelltown is located in the Hawkesbury-Nepean CMA region which includes parts of Wingecarribee and Goulburn-Mulwaree, but does not include the Central Coast. The Campbelltown LGA is also currently serviced by the Cumberland LHPA which extends from Nowra to Nelson Bay and west to the Blue Mountains. The establishment of LLS will therefore redefine and reduce the respective region for these services for the Campbelltown Local Government Area. This is considered appropriate given the unique urban context of the greater Sydney area and surrounds.

Governance for LLS

The key governance issues announced by the Minister include:

- foundational principles of LLS
- role, responsibilities and duties of LLS Board of Chairs and Local Boards
- LLS Board composition and structure.

1. Foundational principles

LLS will:

- be regionally-based, semi-autonomous organisations (Local Boards will take direction from the Minister/DPI in the event of state wide biosecurity or other emergency response issues)
 - be governed by skills-based, locally-elected and Government appointed Board members
 - deliver locally integrated services including agriculture advice, plant and animal pest control and biosecurity, natural resource management and emergency and disaster assessment and response through effective community engagement
-

- support effective service delivery and local decision making
- enable strong collaboration and input by local service users and community partners
- enhance transparency, accountability and reporting of finances and organisational performance to investors and the community
- deliver better social, economic and environmental outcomes for local, state and national priorities.

2. **Board of Chairs responsibilities**

LLS will be governed by one Board of Chairs comprised of representatives from each region, as the overarching entity responsible to the Minister. The Board of Chairs will delegate responsibility for the operational management and planning functions to 11 local Boards. The Board of Chairs will be responsible for state-wide issues such as:

- providing strategic and policy advice to the Minister
- promoting a consistent and coordinated approach across all LLS and government agencies
- fostering cross-boundary cooperation between LLS
- overseeing governance and financials of the LLS
- setting the strategic direction of LLS
- supporting alignment with local, state and national priorities
- developing systems and procedures for delegation of powers and functions
- developing codes of conduct, governance frameworks and promoting a culture of good governance, transparency and integrity.

3. **Local Board composition and appointment**

Local Boards will be a mix of Government appointments and ratepayer elected positions to address significant weaknesses in corporate governance and accountability highlighted in the Ryan Review.

- LLS Boards will consist of three ratepayer elected members and four government appointed members, with the exception of the Western LLS, which will have four ratepayer elected members and five government appointed members.
 - LLS Board members will be appointed based on assessment against recommended skills and experience.
 - Each LLS Board will set up a working group representative of local Aboriginal communities to develop a regionally specific Aboriginal engagement strategy.
 - The Minister shall appoint interim Board members and an inaugural Chair to ensure that LLS can function effectively on 1 January 2014.
 - Following the appointment of the interim Board, Board members will be elected by LLS rate-payers. Rate-payers will receive a voting slip in the mail (as they do now for LHPAs).
-

4. Audit and accountability

- The Minister shall ensure that an independent body similar to the Natural Resources Commission model will be responsible for auditing the performance and governance of LLS Boards.
- The Minister shall ensure that each LLS board is accountable to the NSW Government, landholders and the community through annual reporting.

LLS services

The key functions of LLS will be:

- agricultural advice
- plant and animal pest control and biosecurity
- emergency management
- natural resource management.

The extent and nature of other services and in-built flexibility will be dependent on the resources available and organisational priorities. Each LLS region will develop operational management plans that will prioritise service delivery on a regional basis.

Rating principles

The rating principles are still being considered by the Minister due to the complexity of the issue. The general consensus from the NSW Government, current ratepayers and the Panel is that the current rating system is inequitable because it does not reflect the reality of biosecurity risk-creators and risk-bearers.

The Panel previously recommended that the Minister amend the current rating system to collect a flat fee for small properties ranging from two hectares to 10 hectares in size, and that a biosecurity levy be collected from these land holders in recognition of the biosecurity risk they create. This would include properties in Campbelltown. The Minister has supported this recommendation in principle.

The Independent Pricing and Regulatory Tribunal will be commissioned to conduct a broader review of rates, develop a rating methodology and conduct regional consultation in 2013. It is likely that the existing rating structure will remain in place for the 2014 rating year.

It is unclear at this stage how the reforms will affect Council and the Campbelltown community in terms of future grant funding opportunities and our role with the soon to be merged agencies, however, it is proposed that the same services will be provided through an integrated one-stop-shop.

Conclusion

LLS will be a statutory corporation made up of representatives from Local Boards and will be accountable to the Minister for Primary Industries. The LLS Board of Chairs will delegate responsibility for operational management and planning functions to 11 local Boards; regionally-based, semi-autonomous organisations, governed by locally-elected and skills-based members. The reforms are proposed to improve service delivery and reduce duplication and will redirect \$5m to frontline agricultural advisory and extension services each year.

The creation of a single regional provider of services for agricultural production, natural resource management, biosecurity and emergency management is predicted to allow better and more effective coordination of activities and provides a single point of contact for clients. LLS Boards will be required to ensure their investments target the priority needs of their regions, as well as the priorities of the NSW and the Australian Governments.

As a regionally based organisation, LLS will aspire to engage the community and address regional priorities in the most efficient, effective and pragmatic way. In consolidating the boundaries for these services, it is envisaged that the LLS will better be able to address the issues for the respective regions.

The establishment of LLS may have implications on some Campbelltown property owners depending on the determination of the rating principles and the size of the property to which they apply. In other respects, the implications of the amalgamation of agencies is anticipated to be minimal.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Lound)

1. That the information be noted.
2. That a future report be presented to Council identifying what impact the creation of the Local Land Services will have on the Campbelltown Local Government Area.

CARRIED

Council Meeting 18 June 2013 (Greiss/Thompson)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 114

That the Committee's Recommendation be adopted.

ATTACHMENT 1



Planning and Environment Committee Meeting 13/11/12

TITLE LOCAL LAND SERVICES

Reporting Officer

Manager Sustainable City and Environment

Attachments

Nil

Purpose

To provide Council with information on the establishment of Local Land Services.

History

Farmers and landowners are currently serviced by a range of advisory services and natural resource management agencies, including:

- Agriculture NSW advisory services
- Livestock Health and Pest Authorities (LHPAs)
- Catchment Management Authorities (CMAs)
- Weeds County Councils
- Wild Dog Destruction Board
- Research and Development Corporations.

In 2011-12 the NSW Government facilitated a review of LHPAs, entitled the 'Ryan Review'. The Ryan Review found:

- That there are opportunities for greater administrative efficiency and improved services to landholders from LHPAs participating with other agencies in joint compliance and advisory functions on pest animals, animal and plant biosecurity
 - Both LHPAs and CMAs have excessive operational and governance overheads including:
 - one director for every 3 LHPA employees
 - offices in 65 and 76 towns respectively throughout NSW
 - 202 board members for both LHPAs and CMAs, costing taxpayers/ratepayers almost \$7m a year.
 - There is evidence of systematic weaknesses in corporate governance and accountability of individual Authorities to the State Management Council and, in turn, to the NSW Government and community, and there is scope for greater administrative efficiency
-

- There are currently very limited opportunities for community members to influence and set priorities for LHPAs, CMAs and Agriculture advisory services.

LHPA (biosecurity) resources are currently allocated on an historical basis for livestock industries and have not changed to meet the needs of other primary producers (such as grain and horticulture) who pay LHPA rates. Conversely there are biosecurity risk creators and beneficiaries who are not contributing to the rate base. Despite annual rate increases and grants from the NSW Government there are a number of LHPAs that are verging on insolvency.

A recent survey of farmers and landowners identified that there is an overwhelming consensus that there needs to be a change in the way that the NSW Government delivers its services to rural producers.

Report

In response to the findings of the Ryan Review the NSW Minister for Primary Industries has recently announced the establishment of Local Land Services. The Services are regionally-based, semi-autonomous statutory organisations that are governed by a Board of both locally elected and skills-based members.

Local Land Services will replace the 13 Catchment Management Authorities (CMAs), 14 Livestock Health & Pest Authorities (LHPAs) and incorporate agricultural advisory services currently provided by Agriculture NSW (part of the Department of Primary Industries). The revised model will link natural resource management and primary industries and allow farmers and landowners to access services from one organisation.

The changes aim to give more control of local agricultural and natural resource management services to farmers and landowners and reduce the duplicity and confusion of the multiple agencies. The new Services will deliver locally prioritised services including:

- agricultural advice
- plant and animal pest control and biosecurity
- natural resource management
- emergency and disaster assessment and response.

The revised structure seeks to allow staff to work more closely with their communities, encourage innovation and integration across the landscape and be more accountable to ratepayers. Local Land Services will provide greater opportunities to work with community-based natural resource management organisations such as Landcare NSW and Greening Australia, as well as other co-funded organisations including Rural Research and Development Corporations.

The NSW Government will continue to invest over \$1 billion each year into the primary industries sector however the changes will reduce recurrent expenditure across the agencies by \$30.6 million. This model provides for savings to be allocated to service delivery, rather than management expenses and overhead costs. Savings are expected to be gained for both government and individual ratepayers.

An independent Reference Panel will be appointed to work with community and stakeholder groups to determine how the new services will be structured. The Panel will consist of representatives from the LHPA, CMA, NSW Farmers, Greening Australia, Landcare NSW, the Local Government & Shires Association and DPI organisations and will be chaired by Dr John Keniry, Commissioner, NSW Natural Resources Commission.

The Executive Director of the Australian Farm Institute (Mick Keogh) will manage consultation with stakeholders regarding:

- the key functions to be provided by the Local Land Services
- a broad and equitable rating framework and complementary service pricing system.

Further consultation will be undertaken to inform decisions about:

- a governance structure for the new Local Land Services that ensures appropriate accountability
- regional administrative boundaries.

The core functions, governance model and rate base model for the Local Land Services will be developed in 2013, where the Independent Pricing and Regulatory Tribunal will be approached to assist. An organisational structure will be developed and approved, and State and Regional Boards will be appointed before the end of 2013.

Local Land Services will be operational in January 2014. Throughout the transitional phase farmers and landholders will still be able to access existing services from DPI, LHPAs and CMAs. However one of the first actions to be carried out during the transitional phase will be to consolidate the number of CMAs from 13 to 11, this includes merging of Sydney Metropolitan CMA with the Hawkesbury-Nepean CMA.

Catchment Action Plans (CAPs), which are currently being updated, are still due to be completed by March 2013. This remains a NSW Government priority. CMAs will continue to engage with stakeholders and communities under the current framework. CAPs will be adjusted over time to reflect any reforms.

General weed management will stay with local councils; however, there will be increased cooperation between local councils and the new Local Land Services. This may be reviewed in the future.

The full implications of the above changes for Council are unknown at this time. During the transitional phase the Campbelltown Local Government Area will fall under the jurisdiction of the amalgamated Sydney Metropolitan CMA and Hawkesbury-Nepean CMA. In the short term this will mean Council will work together with one CMA as opposed to two and ultimately one Local Land Service. Projects already committed to funding by either CMA will continue to be implemented. Council will participate in the CAP review for both the Sydney Metropolitan Region and the Hawkesbury-Nepean Region. Council will continue to source funds for weed management from the Weed Action Program administered by the Sydney Weeds Committee.

Officer's Recommendation

That the information be noted.

2.5 Evaluation of Community Fishing Day

Reporting Officer

Manager Sustainable City and Environment

Attachments

Photographs showing highlights of the 'catch-a-carp' fishing competition. (Distributed under separate cover)

Purpose

To inform Council of the outcomes from the community fishing day held at Eagle Vale Pond on 7 April 2013 and to seek Council support for a future event.

History

At its meeting on 18 December 2012 Council considered a report on a proposed community fishing day at Eagle Vale Pond, Eagle Vale and resolved:

That Council approve a community fishing event, targeting carp, to be held at Eagle Vale Pond, Eagle Farm Reserve, Eagle Vale during Autumn 2013.

Report

In accordance with the above resolution a community fishing event, promoted as the inaugural 'catch-a-carp' competition, was held at Eagle Vale Pond, Eagle Farm Reserve on Sunday 7 April 2013. The event aimed to engage the community with their local waterways and the environment and educate residents on responsible fishing practices as well as ecosystem values and threats to aquatic ecosystems. The event focused on the removal of carp from the pond due to their noxious status and their detrimental impacts on waterways and river health.

The event was promoted through local newspapers, radio, Council's website, posters and flyers at Council libraries and via a letterbox drop in the direct vicinity of the pond.

The event commenced at 7.00am and concluded at 11.00am. The event was considered highly successful with 495 people registering to participate on the day in addition to hundreds of spectators. Participants ranged in age and skill with a large number of families in attendance.

A total of 42 carp were caught across the three and a half hours of fishing. Winners in each of the categories were awarded a *Campbelltown Fishing Scene* voucher in recognition of their efforts. Table 1 shows the winners for each of the prize categories.

Table 1. List of winners

| Prize category | Name of winner | Achievement |
|------------------------------------|-----------------------|--------------------|
| Most carp caught by a team | Bay Raider | 11 carp |
| Most carp caught under 10 years | Tim Lazarov | 3 carp |
| Most carp caught 10 to 18 years | Brendan Butterfield | 7 carp |
| Most carp caught over 18 years | Scott Blayden | 5 carp |
| Largest carp caught under 10 years | Tim Lazarov | 28cm |
| Largest carp caught 10 to 18 years | Nadine Hakes | 48cm |
| Largest carp caught over 18 years | Simon Joel | 64cm |

The inaugural 'catch-a-carp' competition was a highly successful event. Given the popularity of the event, there is considerable merit in Council's consideration of a proposal to conduct a similar future event in 2014. The thematic aims of the event emphasise conservation and taking action to protect and restore the natural environment, and engage residents in a positive way, maximising visibility, heightening community interest and awareness, and strengthening Council's relationship with residents.

Officer's Recommendation

That Council conduct a community fishing event in 2014, targeting carp, in one of Campbelltown's local impoundments.

Committee's Recommendation: (Thompson/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 18 June 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 114

That the Officer's Recommendation be adopted.

3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics - April 2013

Reporting Officer

Acting Manager Development Services

Attachments

Development Services application statistics for April 2013 (distributed under separate cover)

Purpose

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

Report

In accordance with Council's resolution of 23 August 2005, that Councillors be provided with regular information regarding the status of development applications, the attachment to this report provides details of key statistics for April 2013 as they affect the Development Services section.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Matheson/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 18 June 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 114

That the Officer's Recommendation be adopted.

3.2 No. 15 Nepean Towers Avenue, Glen Alpine - Construction of a Dual Occupancy with Torrens Title Subdivision

Reporting Officer

Acting Manager Development Services

Attachments

1. Recommended conditions of consent
2. Locality Plan
3. Site Plan
4. Floor Plans
5. Elevation Plans
6. Landscape Plan
7. Shadow Plans

Purpose

To assist Council in its determination of the subject Development Application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

| | |
|-----------------------------|--|
| Property Description | Lot 2736 DP 811889, No.15 Nepean Towers Avenue, Glen Alpine |
| Application No | 2159/2012/DA-RS |
| Applicant | Mr Yeugen Kyselov |
| Owner | Mr Yeugen Kyselov |
| Provisions | Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2009 Campbelltown City Council Section 94A Development Contributions Plan |
| Other Provisions | Campbelltown 2025 – Looking Forward |
| Date Received | 31 October 2012 |

History

The applicant was sent a letter on 7 February 2013 requesting the application be withdrawn due to the following issues:

1. The plans have not been stamped by the Mines Subsidence Board given the subject site is in a Mines Subsidence area.
-

3.2 No. 15 Nepean Towers Avenue, Glen Alpine - Construction Of A Dual Occupancy With Torrens Title Subdivision

2. The proposed landscape plan was not in accordance with the Basix certificate specifically in regard to the area of vegetation required to be planted and the species to be used.
3. The proposed garages did not comply with the requirement in regards to not being more than 50% of the width of the building.
4. Amended shadow diagrams required as the north point appears to be in the wrong location as well as all other plans to be amended such that the north point is consistent with the Basix certificate in regard to the orientation of the windows.
5. The proposed dwelling on Lot 15A appears to the public street as a four storey building and as such amended elevation plans are required to reduce the bulk and scale of the dwelling.
6. The proposed dwellings exceed the two storey height limit in areas and as such plans are to be amended to ensure that no part of the dwelling exceeds two storeys in height.
7. Amended floor and elevation plans required as it appears that there are some windows that directly overlook into other rooms between the buildings specifically on Level 3.
8. No erosion and sediment control plan was submitted.
9. Not all details required by the Basix Certificate have been detailed on the plans.
10. No fencing and retaining wall details have been submitted.
11. Amended floor plans required as the bedroom to floor area ration for the proposed dwelling on Lot 15B is over the 35% requirement.
12. Amended subdivision plans required as lot sizes are not detailed on the current subdivision plans.
13. Amended landscape plan required detailing the proposal complying with the minimum deep soil planting areas as well as complying with the requirement that no more than 30% of the area forward of the main building alignment shall be of impervious materials.
14. A Quantity Surveyors report is required as the estimated construction value of the development appears to be low.
15. An amended Statement of Environmental Effects prepared by a qualified town planning consultant adequately addressing all of Council's requirements.

The applicant advised that they would not withdraw the application and that they could satisfactorily address the issues raised. Amended plans were submitted to Council on 25 March 2013 and are the subject of this report.

Report

The Site

The subject site is located on the north eastern side of Nepean Towers Avenue, Glen Alpine and has a site area of 1,005 square metres. The subject site has a frontage of 21.8 metres to Nepean Towers Avenue and is currently a vacant site. The subject allotment has a significant upslope from the front property boundary to the rear property boundary.

The subject site is surrounded by a mix of single storey and double storey residential dwellings with a vacant block of land adjacent to the north of the site. The site is currently devoid of any trees and/or shrubs. There is an existing colourbond fence to the rear of the site with no fencing on either side of the property.

The Proposal

The proposed development consists of the construction of a detached dual occupancy development with Torrens Title subdivision. The proposed dwellings would be two storey dwellings that would be stepped from the front to the rear having regards to the significant upslope of the site.

The proposed dwelling on Lot 15A would contain a double garage with storerooms at the ground floor with five bedrooms, media room, rumpus room, laundry, lounge room, kitchen and dining room on the upper levels. The dwelling also has two balconies, one off the main bedroom and one off the lounge area with a rear deck adjacent to the kitchen/dining room.

The proposed dwelling on Lot 15B would contain a double garage with storerooms at the ground floor with four bedrooms, bathroom, sitting area kitchen, family room, lounge room and laundry on the upper levels. A balcony is provided off the lounge room with a rear deck off the family room. A balcony has also been provided for bedroom 2 of the dwelling as well as bedroom 1.

Landscaping is proposed within the front setback area of each dwelling as well as to the sides and rear yards of both dwellings.

The proposed subdivision would create two allotments with areas of 503 square metres and 502 square metres.

1. Vision

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

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

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

The strategic directions relevant to this application are:

- growing the regional city
- creating education, employment and entrepreneurial opportunities.

The application is consistent with the above strategic directions as the proposal would provide a housing product that would enable the city to grow by providing housing opportunities, as well as providing employment opportunities within the construction industry.

Some of the relevant desired outcomes of the strategic directions included in Campbelltown 2025 include:

- urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable
- development and land use that matches environmental capacity and capability.

The proposed development is consistent with desired outcomes within Campbelltown 2025 specifically in relation to providing a development that is functional and of a high quality design, and one that matches the environmental capacity and capability of the site.

2. Planning Provisions

2.1 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 2(b) Residential B under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development is defined as a 'dual occupancy' and is permissible with Council's development consent within the zone.

The definition of a dual occupancy is as follows:

'Dual occupancy means two dwellings on the same lot.'

The objectives of the 2(b) Residential B zone, of relevance to the proposed development are:

- a) To make general provision for land to be used for housing and associated purposes
 - b) To permit the development of a range of housing types
-

- c) To allow development which:
- i) is compatible with residential use
 - ii) is capable of visual integration with the surrounding buildings
 - iii) serves the needs of the surrounding population without conflicting the residential intent of the zone
 - iv) does not place demands on services beyond the level reasonably required for residential use.

A further objective of the zone is to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development.

It is a requirement of CLEP that development must be consistent with at least one of the zone objectives in order that Council can grant development consent. It is considered that the proposed development would allow a range of housing types and provides a high quality standard of development which is functional and relates to nearby and adjoining development.

Clause 34 - Dual Occupancies in Certain Zones

Clause 34 states:

- 1) If two dwellings are situated on the same lot within Zone 2 (b):
 - (a) the separate occupation of the lots illustrated by a proposed strata plan relating to the dwellings is prohibited
 - (b) subdivision of the land under the *Conveyancing Act 1919* or the *Community Land Development Act 1989* is prohibited

unless the area of each lot that will be the subject of a separate title for a dwelling when the plan is registered is not less than 350 square metres.

The proposed development would create two lots with areas of 503 square metres and 502 square metres and as such complies with Clause 34.

2.2 Campbelltown (Sustainable City) Development Control Plan 2009

Campbelltown (Sustainable City) Development Control Plan 2009 applies to the subject land. The aims of the SDCDP are:

- Ensure that the aims and objectives of any relevant EPI including Campbelltown's LEPs and IDOs are complemented by the Plan
 - Ensure that the principles of ecological sustainability are incorporated into the design, construction and ongoing operation of development
-

- Facilitate innovative development of high quality design and construction in the City of Campbelltown
- Ensure that new development maintains or enhances the character and quality of the natural and built environment
- Ensure that new development takes place on land that is capable of supporting development
- Encourage the creation of safe, secure and liveable environments
- Ensure that new development minimises the consumption of energy and other finite resources, to conserve environmental assets and to reduce greenhouse gas emissions
- Provide for a variety of housing choices within the City of Campbelltown.

It is considered that the development is consistent with the relevant aims of the SCDCP as it would facilitate development of a high quality design and would provide a variety of housing choices within the Campbelltown Local Government Area.

Part 2 - Requirements Applying to all Types of Development

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

Views and Vistas - The proposed development appropriately responds to Campbelltown's important views and vistas to and from public places through the stepping of both buildings.

Sustainable Building Design - Basix certificates were submitted for the proposed dwellings with all relevant requirements detailed on the plans.

Landscaping – There are no existing trees on the subject site. New landscaping is proposed for the front setback area as well as along the side and rear boundaries of the rear yards. All landscaping species have been chosen from the Basix website with a mix of large trees, small trees and shrubs.

Flora and Fauna - A flora and fauna assessment was not required to be undertaken as the subject site does not contain any native vegetation and/or habitat for threatened biodiversity.

Erosion and Sediment Control - An erosion and sediment control plan has been submitted for the proposed development and is considered to be satisfactory.

Cut and Fill – A cut and fill management plan was submitted as part of the development application and is considered to be satisfactory.

Demolition – Demolition is not required as part of the proposed development.

Water Cycle Management - A Water Cycle Management Plan was not required to be submitted as part of the proposed development.

Heritage Conservation - The subject site is not located within a zone of archaeological sensitivity nor are there any heritage items located on or within the surrounding locality of the subject site.

Fencing and Retaining walls - A 1.8 metre high colourbond fence would be provided on the side boundaries with a colourbond fence already existing along the rear boundary. Retaining walls would be required and would be constructed in accordance with Council's requirements.

Security - The proposed development has been designed to minimise opportunities for crime and enhance security.

Risk Management - The subject site falls within a mines subsidence area with a set of plans submitted with the Mines Subsidence Board approval stamp.

Waste Management - A Waste Management Plan for demolition and construction works has been submitted and is considered to be satisfactory.

Part 3 - Dwelling Houses, Narrow Lot Dwellings, Multi Dwellings and Residential Subdivision

Part 3 - Dwelling Houses, Narrow Lot Dwellings, Multi Dwellings and Residential Subdivision of the SCDCP sets out development standards for certain residential development within the City of Campbelltown. As the proposed development is for multi dwellings and subdivision, it is considered that an assessment against the development standards contained within the SCDCP is required and is detailed below:

| | | Campbelltown (Sustainable City) Development Control Plan 2009 | |
|------------------------------------|--|--|-----------------|
| Control | Proposed | Requirement | Complies |
| Building Form and Character | Design complements streetscape via use of building materials and colours | Building design to complement scale of development, character and qualities of desired streetscape | Yes |
| | Double garage widths are greater than 50% | Garages not to be wider than 50% of the width of the building | No |
| | Garages are located 11m from primary street | No carports or garages to be located within 6m of primary street boundary | Yes |

| | | Campbelltown (Sustainable City) Development Control Plan 2009 | |
|------------------------------------|--|--|-----------------|
| Control | Proposed | Requirement | Complies |
| Building Height | <p>Double storey</p> <p>Maximum ceiling height is 6.7m (Dwelling on Lot 15B)</p> <p>Roof heights are 7.6m for each dwelling</p> | <p>Not exceed two storey</p> <p>Height not exceeding 7.2m at upper most ceiling</p> <p>Height not exceeding 9.5m at upper roof height</p> | Yes |
| Car Parking and Access | <p>Internal dimensions are 6.7 x 6m for both</p> <p>No intersection</p> <p>2.8m width at kerb</p> | <p>Internal dimension of garage shall be 3m x 6m</p> <p>Locate 6m from intersection</p> <p>2.5m width at kerb</p> | Yes |
| Acoustic and Visual Privacy | <p>All windows on Level 3 overlooking adjoining properties have frosted glazing</p> <p>All balconies front public street therefore no overlooking issues</p> <p>Rear decks are at ground level</p> | <p>No window of a habitable room or balcony shall directly face another window, balcony or overlook private open space of another dwelling</p> | Yes |
| Minimum Lot Size | <p>Proposed lot 15A: 503sqm</p> <p>Proposed lot 15B: 502sqm</p> <p>Total: 1,005sqm</p> | 700sqm | Yes |
| Density | <p>Two dwellings</p> <p>Provided: 1,005sqm</p> | <p>Two dwellings for first 700sqm and one dwelling for each 300sqm thereafter</p> <p>Required 700sqm</p> | Yes |
| Minimum Width | 21.8m | 15m | Yes |
| Floor Space Ratio | 0.45:1 | 0.45:1 | Yes |
| Front Setback | Both: 6m | 5.5m | Yes |

| | | Campbelltown (Sustainable City) Development Control Plan 2009 | |
|---------------------------------|---|--|-----------------|
| Control | Proposed | Requirement | Complies |
| Side Setback | Both 0.9m / 1.5m | 0.9m ground level, 1.5m all upper levels | Yes |
| Rear Setback | 10m for ground and first floor | 5m ground level, 10m all upper levels | Yes |
| Garage Setback | Both: 6m | 6m | Yes |
| Garage | Double garage for each dwelling No visitor space required as both dwellings have direct frontage to street | Minimum of one single garage per dwelling One addition visitor space for every two dwellings unless all dwellings have direct frontage to a public street | Yes |
| Bedroom Floor Area Ratio | Dwelling 15A: 25% Dwelling 15B: 30% | Must not exceed 35% of the total floor space of the dwelling | Yes |
| Private Open Space | Not within primary street setback Lot 15A: 60.9sqm Lot 15B: 64.75sqm Minimum width 8.1m Minimum 5m x 5m area for both dwellings Directly accessible from family room Min. 20sqm receives 3hrs of continuous direct sunlight | Not located within primary street setback Minimum area of 60sqm Minimum width of 3m Minimum levelled area of 5m x 5m Directly accessible via the living room Min. 20sqm area shall receive 3hrs of continuous direct sunlight | Yes |
| Streetscape | Front facades have varying roof forms and balconies for articulation Dwelling 15A: 24% Dwelling 15B: 25% | Architectural features incorporated into front façade No more than 30% of the area forward of building to be impervious materials | Yes |

| | | Campbelltown (Sustainable City) Development Control Plan 2009 | |
|---|---|--|-----------------|
| Control | Proposed | Requirement | Complies |
| Architectural Design | Roof form is varied Dwelling facades provide articulation varied materials and colours | Roof variations and wall planes Façade shafts and articulation, varied materials and colours | Yes |
| Landscaping | 20% provided for deep soil planting | Minimum of 20% of site area shall be for deep soil planting | Yes |
| Garbage Storage | Garbage storage down side of house behind gates | Provision for individual waste storage, allocated behind primary and secondary building alignment out of public view | Yes |
| Minimum area of Torrens title lots | Proposed lot 15A: 503sqm Proposed lot 15B7: 502sqm | 300sqm | Yes |
| Access | Both dwellings have access to public street | All allotments to have access to public street | Yes |

The proposed development generally complies with the requirements of the SCDCP with exception to the width of the garages which is discussed below.

Garage Width

The proposed dwellings each provide a double garage which exceeds the 50% garage width requirement due to the constraints of the subject allotment. The subject site slopes significantly from the front property boundary up towards the rear of the block. To minimise the amount of cut and fill required as well as to minimise the overall bulk and mass of the proposed dwellings, the dwellings have been designed so as to step up towards the rear to follow the natural topography of the site. The double garage with internal storage is located at street level as one single level before the dwelling steps up to the next level, becoming double storey in height as it ascends up the slope. The only component on the ground floor is the double garage which naturally exceeds the 50% garage width requirement. It is considered that the design of the dwellings to step up the slope is a better planning outcome than having to either cut and/or fill substantially to create a flat building envelope to then put a double storey dwelling on top of which would mean that the height of the actual dwellings would be higher than the design as proposed. This would then also have far greater overlooking and overshadowing issues.

Furthermore, there is existing evidence within Glen Alpine of single dwellings already exceeding this requirement with the provision of double and triple garages and as such a precedent has already been set.

In the circumstances of this case, it is considered that the proposed variation is supported and the proposed development be approved.

2.3 Campbelltown City Council Section 94A Development Contributions Plan

It is considered that the proposed development is subject to Council's Section 94A Development Contribution Plan.

The subject allotment, when originally created by way of subdivision, was subject to the provisions of the Glen Alpine – Section 94 Contributions Plan. This Plan allowed Council to levy contributions against each of the allotments created specifically within the Glen Alpine subdivision so as to help pay for the various levels of public infrastructure within Glen Alpine that families would depend upon and use into the future. The Glen Alpine – Section 94 Contribution Plan has since been repealed and Council no longer takes contributions under that plan.

However, when having regard to the levying of Section 94A contributions, various parts of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and specific directions from the Planning Minister, prohibit the levying of S94A contributions on allotments that had already been subject of S94 contributions levied under a separate plan.

As such and with respect to the allotment subject of this application, without further subdivision of the allotment, Council would not be able to levy s94A contributions as the original allotment would remain the same as that originally levied under the Glen Alpine s94 contributions plan in the 1990s.

Notwithstanding the above, the Ministers directions do not go as far as to say (nor does the EP&A Act) that where the original allotment is further subdivided into two or more additional allotments, that the levying of S94A against the additional allotments is also prohibited. Given the nexus for the levying of contributions is directly related to the provision of an adequate level of infrastructure and services to a given population, it is considered that the levying of additional contributions against additional allotments that were not considered under a previous S94 contributions plan (in this case, one additional allotment), will provide Council with extra funds in which to cater for the needs of new families and that of a population increasing beyond that which was originally envisaged. In this regard, as the development subject of this report proposes to create an additional allotment (one that has not previously been levied), it is considered appropriate that S94A contributions be levied against the proposed development at an apportioned rate.

It is also important to remember that the existing allotment is one that was originally developed for the purpose of only supporting a single dwelling and family, rather than two houses and two families.

Following on from the above, whilst the existing allotment has already been the subject of S94 development contributions, in applying S94A levies it is considered fair and reasonable to give regard to the contribution already paid under the previous S94 contributions plan and as such, apply an reduced/apportioned S94A levy.

With respect to determining the value of the apportioned levy, it is again considered reasonable (given the type of development) to only apply the S94A levy against the additional allotment/dwelling. This is on the basis that S94 levies have already been taken for a single dwelling on the parent allotment.

The payment of an apportioned S94A levy would provide Council with additional funds to help maintain adequate levels of infrastructure and services to not only the base population, but to an increasing population resulting from developments similar to the one subject of this report.

Therefore, to provide equity in application, it is considered appropriate to both acknowledge the S94 contributions taken under the previous Glen Alpine Section 94 Development Control Plan for the parent allotment (i.e. the contributions taken to support one house / one family), and apply an apportioned S94A levy against the additional dwelling/allotment (i.e. contributions taken to support the additional house / additional family). In this regard, the apportioned S94A contributions would be based on the Capital Investment Value (development cost) of the additional dwelling and its ancillary structures.

Recommended condition 24 has been included within the draft conditions and is consistent with the above.

3. Planning Assessment

3.1 Mines Subsidence

The subject site falls within a mines subsidence area. A copy of the plans have been stamped by the Mines Subsidence Board and submitted as part of the development application.

4. Public Participation

The subject development application was referred to adjoining residents during the period of 1 November 2012 until 15 November 2012. During this time, Council received two submissions and one petition containing 41 signatures objecting to the proposed development. The submission raised the following concerns:

a. Overshadowing

Concern was raised regarding potential impacts associated with overshadowing.

Shadow diagrams were submitted with the development application which demonstrate that the adjoining property to the south east of the site would receive some overshadowing to the private open space area from 3pm onwards. There would be no overshadowing in the morning period and as such the adjoining property's private open space area would receive the require three hours of continuous solar access as required by the SCDCP.

b. Privacy

Concern was raised regarding privacy impacts as a result of the proposed development.

An issue with privacy and overlooking was raised with the applicant with amended plans submitted detailing that all side windows on Level 3 of each dwelling would be of frosted glazing to minimise the overlooking issues. A condition of consent would also reinforce these windows to be of frosted glazing.

c. Noise

Concern was raised regarding an increase in noise as a result of the proposed development.

The proposal is for the construction of two residential dwellings in an existing residential area. It is considered that given the nature of the residential development the potential for adverse impacts would be confined only to the period of construction of the dwellings, should the proposal be approved, which would be subject to specific hours during the week and on Saturdays only. It is considered that the proposed development would not adversely affect the amenity of the surrounding locality with regard to any noise impacts.

d. Height

Concern was raised in regard to the proposed height of the development given the slope of the allotment.

The proposed dwellings have been designed to respond to the significant slope of the site from the front boundary up to the rear boundary. Even though the front elevation plan details the dwellings to present as four storeys, at no point do the proposed dwellings exceed the two storey height limit due to the dwellings being stepped as they rise up the slope as required by the SCDCP. As such, it is considered that the proposed development is satisfactory in terms of the height proposed.

e. Permissibility of multi dwelling developments

Concern was raised regarding the concept of a multi dwelling (dual occupancy) type development in Glen Alpine and such being contrary to covenants that relate to the land.

Clause 40 of LEP 2002 outlines that, if any agreement, covenant or other similar instrument prohibits development allowed by this plan, then it will not apply to that development, to the extent necessary to allow that development. Accordingly, as 'multi dwelling housing' is permissible pursuant to the provisions of Clause 9 of LEP 2002, Council as the Consent Authority, cannot refuse the application on the grounds that a covenant, or the like, prevents that development from taking place.

f. Traffic and parking Impacts

Concern was raised that the proposed development would increase the traffic and parking in the area.

3.2 No. 15 Nepean Towers Avenue, Glen Alpine - Construction Of A Dual Occupancy With Torrens Title Subdivision

The proposed development is for the construction of two dwellings on a vacant allotment with each being provided with a double garage. The parking spaces provided comply with Council's requirements in accordance with the SCDCP with an additional space being provided within the driveway if required. Given the nature of the development, being for residential dwellings, it is considered that the potential for any adverse traffic and/or parking issues in the immediate locality would be minor.

5. Conclusion

Council has received an application for the construction of a dual occupancy with Torrens title subdivision at Lot 2736 DP 811889, No. 15 Nepean Towers Avenue, Glen Alpine.

The proposed development generally conforms to the requirements of LEP 2002 and the aims of Council's Sustainable City DCP. It is considered the proposal results in acceptable planning outcomes for the site.

The building incorporates design features in various facades to promote visual interest and has sufficient architectural merit to be considered as a favourable outcome for the land.

It is considered that the development proposed forms a reasonable balance between the existing surrounding development and land uses and Council's desired likely future character and development density.

Officer's Recommendation

That development application 2159/2012/DA-RS for the construction of a dual occupancy with Torrens title subdivision at No. 15 Nepean Towers Avenue, Glen Alpine be approved, subject to the conditions detailed in attachment 1.

Committee Note: Mr and Mrs Pizarro addressed the Committee.

Committee's Recommendation: (Thompson/Lound)

That a decision in this matter be deferred and the property be listed for an inspection at a future briefing evening.

CARRIED

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

Voting against the Committee's Recommendation: nil

Council Meeting 18 June 2013 (Greiss/Thompson)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 117

That the Committee's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Brticevic, Chanthivong, Dobson, Glynn, Greiss, Hawker, Kolkman, Lake, Lound, Matheson, Mead, Rowell and Thompson.

Voting against the Council Resolution: nil

ATTACHMENT 1

Recommended Conditions of Approval

GENERAL CONDITIONS

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

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

1. Approved Development

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

2. Building Code of Australia

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

3. Contract of Insurance (residential building work)

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This clause does not apply:

- a. To the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of that regulation, or
- b. To the erection of a temporary building.

4. Notification of *Home Building Act 1989* Requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

3.2 No. 15 Nepean Towers Avenue, Glen Alpine - Construction Of A Dual Occupancy With Torrens Title Subdivision

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.

5. Landscaping

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

6. External Finishes

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

7. Fencing

A 1.8 metre high fence shall be erected on the site's side and rear boundaries behind the front building alignment and between each required courtyard at the sole cost of the developer. 'Colorbond' style metal fences that face a public space are not permitted.

8. Switchboards/Utilities

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

9. Driveway

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

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

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

10. Graffiti Removal

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

11. Engineering Design Works

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

12. Shoring and Adequacy of Adjoining Property

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

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

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

13. Rain Water Tank(s)

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

14. Construction Certificate

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

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

15. Side Windows

All side windows on Level 3 of both dwellings shall be of frosted glazing.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

16. Utility Servicing Provisions

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.

Note: The applicant should also contact the relevant water servicing authority to determine whether the development will affect the authorities water or sewer infrastructure.

17. Sydney Water Stamped Plans

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details - see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating

or telephone 13 20 92.

18. Geotechnical Report

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

19. Soil and Water Management Plan

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

20. Stormwater Management Plan (Development)

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

21. Alignment of New Works

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

22. Work on Public Land

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

23. Work outside the Site Boundary

Prior to Council or an accredited certifier issuing a construction certificate, engineering plans for any work outside the site boundary to be submitted to Council for approval. All works shall comply with Council's Campbelltown (Sustainable City) DCP 2009 volume 2 and shall be inspected by Council at all stages of construction.

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

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

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

Prior to Council or an accredited certifier issuing a Complying Development Certificate or a Construction Certificate (or where a Construction Certificate is not required, a Subdivision Certificate), the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the Campbelltown City Council Section 94A Development Contributions Plan.

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

3.2 No. 15 Nepean Towers Avenue, Glen Alpine - Construction Of A Dual Occupancy With Torrens Title Subdivision

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

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

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

Payment of Section 94A Developer Contributions will only be accepted by way of cash, credit card or bank cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

Note: This condition is only applicable where the total development value exceeds \$100,000. For the purposes of calculating the contributions required under this development consent, the applicant is only required to pay an amount calculated against the Capital Investment Value of half of the project being equal to the cost of works to develop one dwelling and all structures associated with that dwelling.

25. Telecommunications Infrastructure

- a. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and
 - b. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.
-

PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

26. Erosion and Sediment Control

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

27. Erection of Construction Sign

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

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

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

28. Toilet on Construction Site

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

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

29. Trade Waste

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

30. Vehicular Access during Construction

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

31. Public Property

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

32. Footpath and Vehicular Crossing Levels

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

33. Hoarding/Fence

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

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

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

34. Sydney Water

Prior to the commencement of any works on the land, the approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details - see Building and Developing then Quick Check
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating

or telephone 13 20 92.

35. Geotechnical Reference

Prior to the commencement of any works, a certificate prepared by the designing structural engineer certifying that the design is in accordance with the geotechnical investigation of the site shall be submitted to the PCA. The designing structural engineer shall also nominate a site classification in accordance with AS2870 – Residential Slabs and Footings.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

36. Construction Work Hours

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

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

37. Erosion and Sediment Control

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

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

38. Work Zones

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

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

39. Dust Nuisance

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

40. Floor Level

The floor level of all habitable rooms shall be a minimum 300mm above finished ground level, when measured 1 metre clear of the external wall.

All regraded areas shall be free draining with a minimum grade of 2% falling away from the dwelling. Regraded areas shall not direct flows into adjoining lots.

41. Excess Material

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

42. Public Safety

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

43. Compliance with Council Specification

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

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended)
 - b. Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2
-

- c. 'Soils and Construction (2004) (Bluebook)
- d. Relevant Australian standards and State Government publications.

44. Residential Driveway and Layback Crossing

The applicant shall provide a reinforced concrete driveway and layback crossing to Council's Residential Vehicle Crossing Specification to the dwelling.

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

45. Associated Works

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

46. Redundant Laybacks

All redundant layback/s shall be reinstated to conventional kerb and gutter to Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements of the Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

47. Completion of Construction Works

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

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

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

48. Section 73 Certificate

Prior to the principal certifying authority issuing an occupation certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

For help either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

49. Completion of External Works Onsite

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

50. Subdivision Certificate

Prior to the principal certifying authority issuing a subdivision certificate, an occupation certificate is required to be issued for all buildings on the land.

51. Restoration of Public Roads

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

52. Public Utilities

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

53. Service Authorities

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

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

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

54. House Numbers

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

55. Retaining

Prior to the principal certifying authority issuing an occupation certificate, all excavated and filled areas shall be battered to a slope of not greater than 1:2 or similarly be retained in accordance with the approved retaining wall.

56. BASIX

Prior to the principal certifying authority issuing an occupation certificate, completion of all requirements listed in the relevant BASIX certificate for the subject development shall be completed/installed.

57. Council Fees and Charges

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

ADVISORY NOTES

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

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

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

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

Advice 2. Smoke Alarms

From 1 May 2006 all NSW residents must have at least one working smoke alarm installed on each level of their home. This includes owner occupier, rental properties, relocatable homes and any other residential building where people sleep.

The installation of smoke alarms is required to be carried out in accordance with AS 3786. The licensed electrical contractor is required to submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786.

Advice 3. Retaining Walls

A separate development application shall be submitted and approved for any retaining walls that exceed 0.9 metres in height.

Advice 4. Buried Waste

Should buried materials/wastes or the like be uncovered during the excavation of footings or trenches on site works, Council is to be contacted immediately for advice on the treatment/removal methods required to be implemented.

Advice 5. Covenants

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

Advice 6. Inspection Within Public Areas

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

Advice 7. Adjustment to Public Utilities

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

Advice 8. Principal Certifying Authority – Subdivision

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

Advice 9. Linen Plan and Copies

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

Advice 10. Linen Plan Checking Fee

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

Advice 11. Salinity

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

Advice 12. HOW Insurance or Owner Builders Permits

Must be submitted to Council prior to the commencement of works. Failure to do so will prevent council from inspecting works.

Advice 13. Asbestos Warning

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

www.environment.nsw.gov.au
www.nsw.gov.au/fibro
www.adfa.org.au
www.workcover.nsw.gov.au

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

Advice 14. Rain Water Tank

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

Advice 15. Bonds and Bank Guarantees

All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution. Bonds will not be accepted in any other form or from any other institution.

Advice 16. Dial before you Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Advice 17. Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

END OF CONDITIONS

3.3 No. 6 Phiney Place, Ingleburn - Subdivision of one allotment into two (Torrens title) lots

Reporting Officer

Acting Manager Development Services

Attachments

1. Recommended conditions of consent
2. Locality plan
3. Subdivision plan
4. Possible future development conceptual plan

Purpose

To assist Council in its determination of the subject Development Application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

| | |
|-----------------------------|---|
| Property Description | Lot 203, DP 1123315 – No. 6 Phiney Place, Ingleburn |
| Application No. | 798/2013/DA-S |
| Applicant | Rio Building |
| Owner | Sinolease Pty. Ltd. & Hai Xiang Business Pty. Ltd. |
| Provisions | Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2009 Campbelltown City Council Section 94A Development Contributions Plan Development Control Plan No. 87 – Public Notification and Public Exhibition Policy Campbelltown 2025 Looking Forward |
| Date Received | 12 April 2013 |

Report

Development Consent is sought for the (Torrens title) subdivision of an existing vacant industrial zoned allotment, into two lots. The proposed lots are of the following sizes:

- Proposed Lot 2031 – 3,045m²
- Proposed Lot 2032 – 3,897m².

The proposal does not involve any tree removal or earthworks.

It is noted that the proposal seeks to vary the minimum lot area requirements of Section 6.11.1 of Campbelltown (Sustainable City) Development Control Plan 2009. Accordingly, the application is being reported to Council's Planning Committee for consideration.

1. Vision

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

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

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

The strategic directions relevant to this application are:

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

The proposed development is generally consistent with these directions.

Some of the relevant desired outcomes of the strategic directions included in Campbelltown 2025 include:

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

The proposed development has been assessed giving regard to Campbelltown 2025 Looking Forward. It is considered that the Development Application is generally consistent with the Vision's desired outcomes when giving regard to the design and level of impact on adjoining development and the locality.

2. Planning Provisions

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

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

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

2.2 Campbelltown (Urban Area) Local Environmental Plan 2002

The site is zoned 4 (a) General Industry, pursuant to the Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002). It is considered that the proposal is consistent with the following objective for the zone:

- to encourage activities that will contribute to the economic and employment growth of the City of Campbelltown.

Accordingly, the proposal satisfies the provisions of Clause 12 of LEP 2002.

2.3 Campbelltown (Sustainable City) Development Control Plan 2009

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

| Section | Control | Requirement | Proposed | Compliance |
|-----------------|---------------------------|---|--|--------------------------------|
| 6.11.1 (a) (i) | Torrens Title Subdivision | Any allotments created by Torrens title subdivision within 4 (a) General Industry, under Campbelltown (Urban Area) LEP 2002, shall have an average area of 4,000m ² . | The proposed lots have an average area of 3,471m ² . | No See discussion below |
| 6.11.1 (a) (ii) | Torrens Title Subdivision | Any allotments created by Torrens title subdivision within 4 (a) General Industry, under Campbelltown (Urban Area) LEP 2002, shall have a minimum street frontage width of 30m to the primary street. | The proposed lots are 33.5m and approximately 80m in width at the street frontage. | Yes |

3.3 No. 6 Phiney Place, Ingleburn - Subdivision Of One Allotment Into Two (Torrens Title) Lots

In regards to the proposed variation the applicant has provided the following justification:

- the industrial allotments to be created are of an appropriate size to provide sufficient space to accommodate future industrial operations and buildings, and allow the site to function in a safe and efficient manner
- the subdivision of the land will enable a range of industrial development that will not compromise Council's planning controls
- the subject land falls within an industrial precinct that exhibits several lot size variation precedents – lot areas ranging between 1,886m² to 2,940m².

The application has been accompanied by a detailed conceptual plan for the possible future development of each of the proposed allotments with single tenancy industrial type buildings. The conceptual plans have been reviewed and were found to be generally in keeping with the relevant controls.

Furthermore, it is also noted that despite the lot size controls, that the relevant planning controls do not restrict the number of tenancies/units that can be developed on a single allotment. In this regard, despite the desire to have large industrial type tenancies/units developed, the planning controls do provide for a number of smaller tenancies/units on a single allotment with subsequent Strata title subdivision.

Moreover, the comments provided by the applicant in relation to the size of other allotments in close proximity to the site are verified by Council records.

2.4 Campbelltown City Council Section 94A Development Contributions Plan

Development contributions are not applicable to the proposal, pursuant to the Campbelltown City Council Section 94A Development Contributions Plan.

3. Planning Assessment

The proposal is in keeping with the surrounding subdivision pattern and provides for the future development of the allotments for a range of industrial type developments.

4. Public Participation

In accordance with the requirements of Development Control Plan No. 87 – Public Notification and Public Exhibition Policy, it was not necessary to notify the subject application.

5. Conclusion

The proposed development is permissible under the provisions of the LEP 2002 and meets all but the lot size requirements of the Campbelltown (Sustainable City) Development Control Plan 2009.

Having regard to the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* and the issues discussed above, it is recommended that the proposed subdivision be approved.

Officer's Recommendation

That Development Application 798/2013/DA-S, for the subdivision of one allotment into two (Torrens title) lots, at No. 6 Phiney Place, Ingleburn, be approved subject to the conditions attached.

Committee's Recommendation: (Oates/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: nil

Council Meeting 18 June 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 118

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Brticevic, Chanthivong, Dobson, Glynn, Greiss, Hawker, Kolkman, Lake, Lound, Matheson, Mead, Rowell and Thompson.

Voting against the Council Resolution: nil

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

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

2. Engineering Design Works

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

3. Protection of Existing Trees

No trees and/or vegetation is to be cut down, lopped, destroyed or removed in anyway, without the separate written approval of Council.

4. Stormwater Management

Prior to Council or an accredited certifier issuing a subdivision certificate, the applicant shall construct a drainage connection for the proposed lot 2031 to convey the site stormwater to Council's drainage system. In this regard the applicant shall provide a 300 millimetre diameter concrete pipe across the footpath reserve at 2% minimum grade, with one end of the pipe connected to Council's pit in Phiney Place and the other end capped and terminated within the boundary of the proposed lot 2031 for future stormwater connection. All drainage construction shall comply with the Campbelltown (Sustainable City) DCP Volume 2 (as amended).

PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

5. Erosion and Sediment Control

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

6. Trade Waste

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

7. Vehicular Access during Construction

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

8. Public Property

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

9. Work on Public Land

Prior to commencement of associated works, the applicant shall obtain written approval from Council for any work on public land. Inspection of such works shall be undertaken by Council at the applicant's expense and a compliance certificate, approving the works, shall be obtained from Council to the issuing a subdivision certificate.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

10. Compliance with Council Specification

All design and construction work shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended)
 - b. Campbelltown (Sustainable City) DCP Volumes 1 & 2 (as amended)
 - c. 'Soils and Construction (2004) (Bluebook)
 - d. All relevant Australian Standards and State Government publications.
-

11. Public Safety

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

12. Section 73 Certificate

Prior to the principal certifying authority issuing an occupation certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

For help either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

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

13. Utility Servicing Provisions

- a. Prior to Council issuing a Subdivision Certificate, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.
 - b. Prior to the principal certifying authority issuing a subdivision certificate any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.
-

14. Street Numbers

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

15. Council Fees and Charges

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

ADVISORY NOTES

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

Advice 1. Tree Preservation Order

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

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

Advice 2. Filling on Site

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

Advice 3. Inspection within Public Areas

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

Advice 4. Linen Plan and Copies

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

Advice 5. Linen Plan Checking Fee

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

Advice 6. Dial before you Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Advice 7. Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

END OF CONDITIONS

ATTACHMENT 2



LOCALITY PLAN

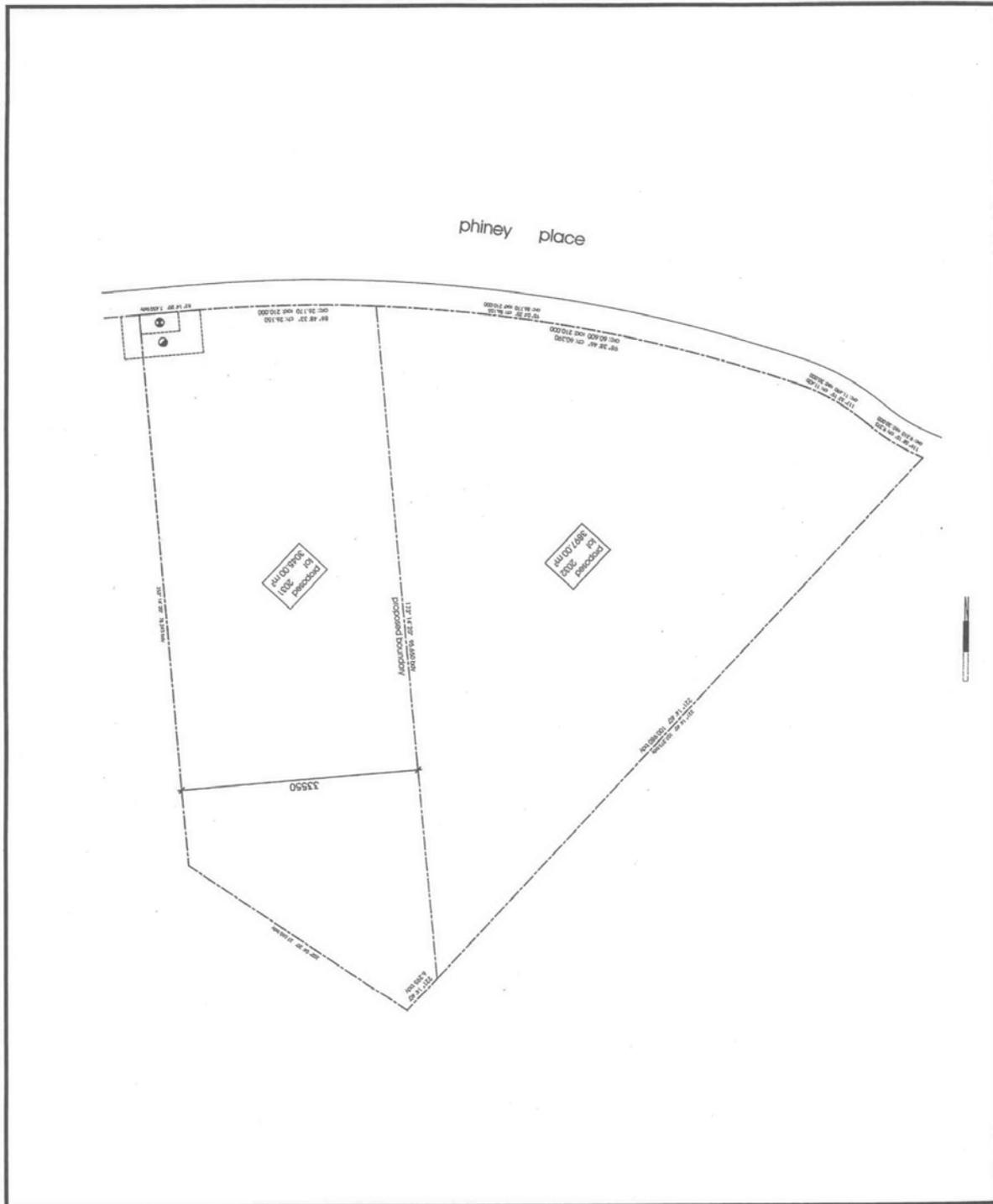


SUBJECT:

PROPOSED TWO (2) INDUSTRIAL LOT SUBDIVISION.

LOT 203 DP 1123315 - No. 6 PHINEY PLACE, INGLEBURN.

ATTACHMENT 3



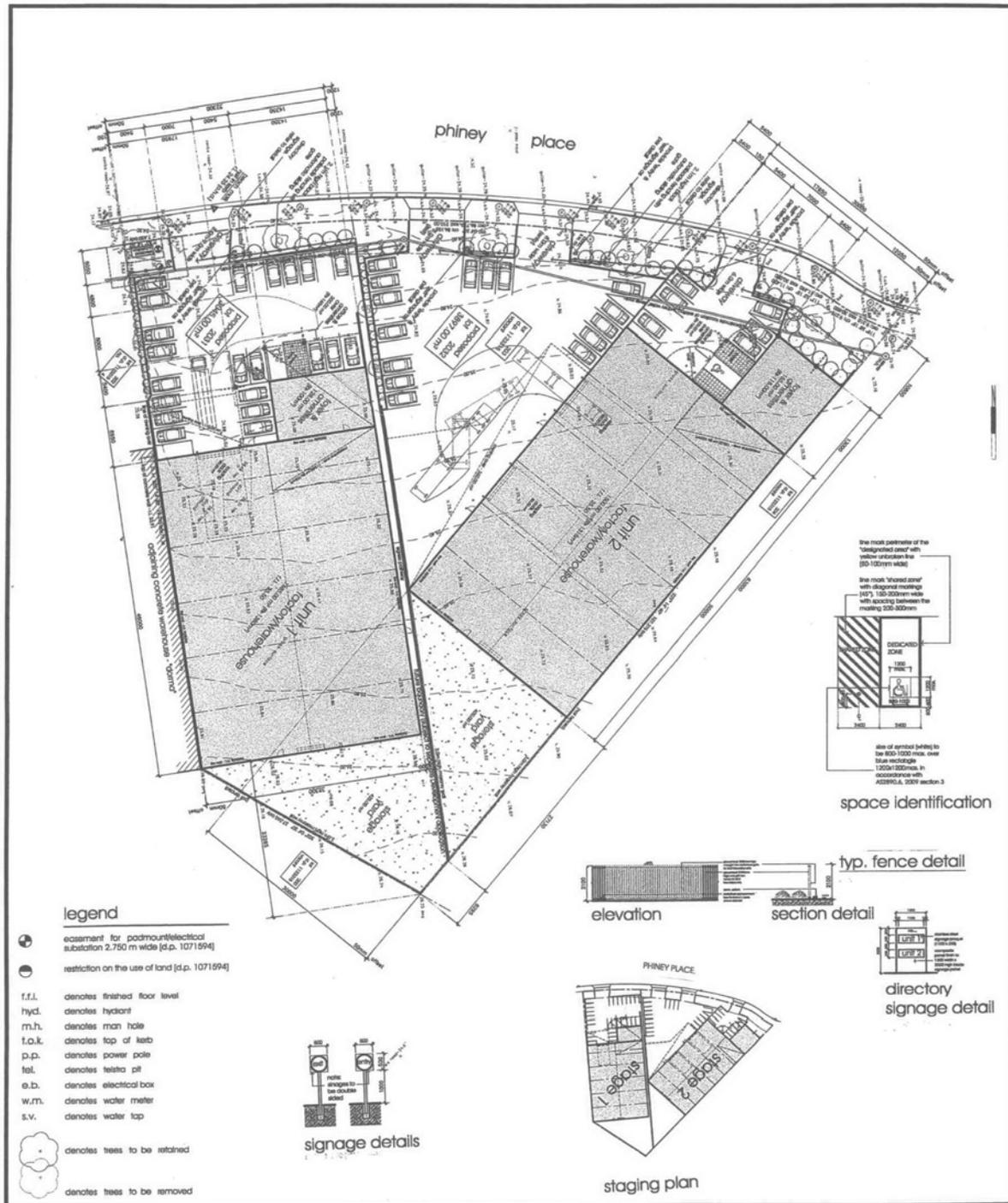
SUBDIVISION PLAN

SUBJECT:

PROPOSED TWO (2) INDUSTRIAL LOT SUBDIVISION.

LOT 203 DP 1123315 - No. 6 PHINEY PLACE, INGLEBURN.

ATTACHMENT 4



Conceptual Future Development LAYOUT

SUBJECT: PROPOSED TWO (2) INDUSTRIAL LOT SUBDIVISION.

LOT 203 DP 1123315 - No. 6 PHINEY PLACE, INGLEBURN.

4. COMPLIANCE SERVICES

4.1 Legal Status Report

Reporting Officer

Acting Manager Compliance Services

Attachments

Nil

Purpose

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

Report

This report contains a summary of the current status of the Division's legal matters for the 2012-2013 period as they relate to:

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

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

| |
|--|
| 1. Land and Environment Court Class 1 Matters – Appeals Against Council's Determination of Development Applications |
|--|

| | |
|---|--------------------|
| Total ongoing Class 1 DA appeal matters (as at 28/05/2013) | 3 |
| Total completed Class 1 DA appeal matters (as at 28/05/2013) | 2 |
| Costs from 1 July 2012 for Class 1 DA appeal matters: | \$59,427.20 |

1 (a) Frank ASSAD

Issue: Appeal against Council's refusal of Development Application No. 124/2012/DA-C for variation to conditions of use, and alterations and additions to an existing brothel.

Property: Lot 2 DP 519337 No. 15 Blaxland Road, Campbelltown

Property Owner: Mr. Zhi Hua Yan and Ms. Cui Li Wang

Council File: No. 124/2012/DA-C

Court Application: Filed on 8 February 2013 - File No. 10084/2013

Applicant: Frank Assad

Costs Estimate: \$20,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Costs to date: \$4,353.40

Status: Ongoing – Listed for hearing on 17 and 18 June 2013.

Progress: Matter was before the Court for conciliation conference on 9 April 2013 where satisfactory resolution was not reached. Matter now listed for hearing on 17 and 18 June 2013.

1 (b) Ray JARDINE

Issue: Appeal against Council's deemed refusal of Building Certificate Application No. 772/2012/BC-UW seeking to regularise unauthorised building works (two mezzanine floors and addition of access doors) which have impacted on the structural aspects and fire safety provisions of the building.

Property: Lot 26 DP 28853 No. 2 Somerset Street, Minto

Property Owner: Mr. Ray Jardine and Mrs. Precilla Eva Jardine

Council File: No. 772/2012/BC-UW

Court Application: Filed on 21 February 2013 - File No. 10120/2019

Applicant: Ray Jardine

Costs Estimate: \$11,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Costs to date: \$2,794.00

Status: Ongoing – Listed for further conciliation conference on 12 June 2013.

Progress: Matter was before the Court for first mention on 15 March 2013 where directions were made that the parties enter into an onsite Court assisted conciliation conference on 23 April 2013. The conference was adjourned to 12 June 2013 to allow the applicant time to provide Council with plans showing the building as built and for Council's officers to conduct a further inspection.

1 (c) Ray JARDINE

Issue: Appeal against Council's deemed refusal of Development Application No. 763/2008/DA-IB seeking modification (alterations to the existing building including the addition of a takeaway shop) to existing consent No's. 763/2008/DA-I and 763/2008/DA-IA for demolition of a dwelling, conversion of existing industrial building as place of public worship and associated car parking; and modification to front of building (replace window with entrance doorway).

Property: Lot 26 DP 28853 No. 2 Somerset Street, Minto

Property Owner: Mr. Ray Jardine and Mrs. Precilla Eva Jardine

Council File: No. 763/2008/DA-IA

Court Application: Filed on 21 February 2013 - File No. 10120/2013

Applicant: Ray Jardine

Costs Estimate: \$11,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Costs to date: \$2794.00

Status: Ongoing – Listed for hearing on 20 June 2013.

Progress: Matter was before the Court for first mention on 15 March 2013 where directions were made that the parties enter into an onsite Court assisted conciliation conference on 23 April 2013. The conference was adjourned to 12 June 2013 to allow the applicant an opportunity to seek legal advice concerning his options with respect to withdrawing the appeal and lodging a development application for the proposed modification and take-away shop.

The applicant has declined to withdraw his appeal and the proceedings have been listed for hearing on 20 June 2013.

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

| | |
|---|-------------------|
| Total ongoing Class 1 Order/Notice appeal matters (as at 28/05/2013) | 0 |
| Total completed Class 1 Order/Notice appeal matters (as at 28/05/2013) | 1 |
| Costs from 1 July 2012 for Class 1 Order/Notices appeal matters: | \$2,039.10 |

3. Land and Environment Court Class 4 Matters – Civil Enforcement in respect of non-compliance with Planning Law or Orders issued by Council

| | |
|--|--------------------|
| Total ongoing Class 4 matters before the Court (as at 28/05/2013) | 1 |
| Total completed Class 4 matters (as at 28/05/2013) | 0 |
| Costs from 1 July 2012 for Class 4 matters | \$33,183.66 |

| | |
|---------------------------|---|
| 3 (a) | Precision Logistics Pty Ltd & Robert Andrew Tebb & Annette Margaret Tebb |
| Issue: | Enforcement action initiated by Council to restrain the respondents from conducting unauthorised trucking activities on the property. |
| Property: | Lot 7 DP 1008057 and Lot 92 DP 1004803 No 20 Frost Road Campbelltown |
| Property Owner: | Robert Andrew Tebb and Annette Margaret Tebb |
| Council File: | No. 845/2012/DA-I |
| Court Application: | Filed on 20 December 2012 - File No. 12/41261 |
| Respondents: | Precision Logistics Pty Ltd & Robert Andrew Tebb and Annette Margaret Tebb |
| Costs Estimate: | \$30,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees) |
| Costs to date: | \$26,564.17 |
| Status: | Ongoing – Listed for second directions hearing on 5 July 2013. |
| Progress: | On 12 April 2013, the Court made orders, inter alia relating to the service of affidavits and points of defence by the parties and listed the proceedings for second directions hearing on 5 July 2013. |

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

| | |
|--|---------------|
| Total ongoing Class 5 matters before the Court (as at 28/05/2013) | 0 |
| Total completed Class 5 matters (as at 28/05/2013) | 0 |
| Costs from 1 July 2012 for Class 5 matters | \$0.00 |

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

| | |
|---|---------------|
| Total ongoing Class 6 matters (as at 28/05/2013) | 0 |
| Total completed Class 6 matters (as at 28/05/2013) | 0 |
| Costs from 1 July 2012 for Class 6 matters | \$0.00 |

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

| | |
|---|---------------|
| Total ongoing Appeal matters before the Court (as at 28/05/2013) | 0 |
| Total completed Appeal matters (as at 28/05/2013) | 0 |
| Costs from 1 July 2012 for District Court matters | \$0.00 |

7. Local Court prosecution matters

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

| | |
|---|-------------------|
| Total ongoing Local Court Matters (as at 28/05/2013) | 3 |
| Total completed Local Court Matters (as at 28/05/2013) | 24 |
| Costs from 1 July 2012 for Local Court Matters | \$3,616.00 |

| | |
|-----------------------|--|
| File No: | LP11/13 – Penalty Notice Court Election |
| Offence: | Not identify companion animal – not dangerous dog. |
| Act: | <i>Companion Animals Act 1998</i> |
| Costs to date: | \$0.00 |
| Status: | Ongoing – listed for hearing on 5 August 2013. |
| Progress: | The matter was before the Court for first mention on 28 May 2013, where the defendant entered a not guilty plea. The proceedings have been listed for defended hearing on 5 August 2013. |

| | |
|-----------------------|--|
| File No: | LP12/13 – Penalty Notice Court Election |
| Offence: | Own dog that rushes at, attacks, bites, harasses or chases person and animal – not dangerous dog. |
| Act: | <i>Companion Animals Act 1998</i> |
| Costs to date: | \$0.00 |
| Status: | Ongoing – listed for hearing on 5 August 2013. |
| Progress: | The matter was before the Court for first mention on 28 May 2013, where the defendant entered a not guilty plea. The proceedings have been listed for defended hearing on 5 August 2013. |

| | |
|-----------------------|--|
| File No: | LP13/13 – Penalty Notice Court Election |
| Offence: | Owner not prevent dog escaping – not dangerous dog. |
| Act: | <i>Companion Animals Act 1998</i> |
| Costs to date: | \$0.00 |
| Status: | Ongoing – listed for hearing on 5 August 2013. |
| Progress: | The matter was before the Court for first mention on 28 May 2013, where the defendant entered a not guilty plea. The proceedings have been listed for defended hearing on 5 August 2013. |

8. Matters referred to Council’s solicitor for advice

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

| | |
|--|--------------------|
| Total Advice Matters (as at 28/05/2013) | 8 |
| Costs from 1 July 2012 for advice matters | \$18,152.81 |

| 9. Legal Costs Summary | | |
|---|---------------------|---------------------|
| The following summary lists the Planning and Environment Division's net legal costs for the 2012/2013 period. | | |
| Relevant attachments or tables | Costs Debit | Costs Credit |
| Class 1 Land and Environment Court - appeals against Council's determination of Development Applications | \$59,427.20 | \$0.00 |
| Class 1 Land and Environment Court - appeals against Orders or Notices issued by Council | \$2,039.10 | \$0.00 |
| Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or prosecutions | \$33,183.66 | \$0.00 |
| Class 5 Land and Environment Court - pollution and planning prosecution matters | \$0.00 | \$0.00 |
| Class 6 Land and Environment Court - appeals from convictions relating to environmental matters | \$0.00 | \$0.00 |
| Land and Environment Court tree dispute between neighbours matters | \$0.00 | \$0.00 |
| District Court appeal matters | \$0.00 | \$0.00 |
| Local Court prosecution matters | \$3,616.00 | \$940.00 |
| Matters referred to Council's solicitor for legal advice | \$18,152.81 | \$0.00 |
| Miscellaneous costs not shown elsewhere in this table | \$0.00 | \$0.00 |
| Costs Sub-Total | \$116,418.77 | \$940.00 |
| Overall Net Costs Total (GST exclusive) | \$115,478.77 | |

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Lound/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 18 June 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 114

That the Officer's Recommendation be adopted.

4.2 Compliance Services Quarterly Statistics January to March 2013

Reporting Officer

Acting Manager Compliance Services

Attachments

Compliance Services quarterly activity summary table

Purpose

To provide Council with a quarterly report of activities for the Compliance Services Section.

Report

This report summarised key section activities and operational results for the reporting period January to March 2013.

1. Regulated Premises Inspections

Regulated premises inspection statistics presented in the Activity Summary Statistics Table are divided into Food, Public Health and Wastewater Management System inspections.

All regulated premises are placed in a risk category. The frequency of inspections varies according to the risk classification. Additional inspections (ie reinspections) are sometimes undertaken when premises are found to be unsatisfactory and there is an identified need to follow up on outstanding matters.

a. Food Premises

Within Campbelltown, there are approximately 758 regulated food premises separated into three categories requiring 1,136 scheduled inspections per annum as follows:

Low Risk Premises 1 (inspections of market and events throughout the year) ie Fisher's Ghost, Ingleburn Alive, Riverfest, New Year's Eve and Australia Day.

Low Risk Premises 2 (inspected as required for food recalls or customer complaint) - includes food businesses such as pre-packaged food outlets, variety stores, confectionary shops, chemists, video stores, newsagents, teaching kitchens and tobacconists.

Medium Risk Premises (inspected once per year) - includes fruit and vegetable stores, service stations and convenience stores (serving unpackaged food), general grocery stores and minimal food preparation stores.

High Risk Premises (inspected twice per year) - includes restaurants, takeaway shops, cafes, clubs, childcare centres, supermarkets, unprepared fish shops, delicatessens, school canteens, mobile food vendors, boarding houses and charcoal chicken outlets.

| Food premises category | No. of premises | No. of annual inspections |
|------------------------|-----------------|---------------------------|
| Low Risk 1 | 9 | 9 |
| Low Risk 2 | 143 | when required |
| Medium Risk | 85 | 85 |
| High Risk | 521 | 1042 |
| TOTAL | 758 | 1136 |

Amendments to the *Food Act 2003* and the establishment of the Food Regulations Partnership between the NSW Food Authority and NSW councils in 2008, resulted in a mandated and more consistent role for local government in food regulation.

As a result, Council reviewed its food premises categories and inspection frequency in order to be consistent with other NSW councils.

A total of 149 food premise inspections were conducted for the reporting period, which is lower than quarterly average inspection numbers (317) for 2011-2012. Of the 149 inspections undertaken, 15 (10%) food premises inspections were recorded as unsatisfactory. Follow up reinspections are undertaken where premises are found to be unsatisfactory at the time of initial inspection, to ensure they reach a satisfactory standard. In certain situations, Improvement Notices or Penalty Notices are issued under the *Food Act 2003* when necessary to encourage compliance.

b. Public Health

Within Campbelltown, there are approximately 275 regulated premises separated into three risk categories requiring 286 scheduled inspections per annum.

- **Category 1 Premises** (inspected once per year) - beauty salons (low risk), boarding houses, funeral parlours, skin penetration (low risk procedure, ie waxing), hairdressers, nail artists
- **Category 2 Premises** (inspected twice per year) - brothels, skin penetration (high risk procedure - body piercing)
- **Category 3 Premises** (inspected once per year) - *Legionella* microbial control (air-conditioning towers)
- **Category 4 Premises** (inspected via complaints) - public and private swimming pools.

| Health premises category | No. of premises | No. of annual inspections |
|-----------------------------|-----------------|---------------------------|
| Category 1 - Medium | 162 | 162 |
| Category 2 - High | 27 | 54 |
| Category 3 - Low | 70 | 70 |
| Category 4 - Swimming Pools | 16 | via complaints only |
| TOTAL | 275 | 286 |

A total of 23 health premises inspections were conducted for the reporting period being, below quarterly averages (58) for 2011-2012. A large number of food and health related complaints (134) were received during the quarter, which limited available resources to conduct scheduled health premise inspections.

Of the 23 regulated health premises inspections conducted during the reporting period, three (15%) of the premises inspected were recorded as unsatisfactory.

Follow up (reinspections) are undertaken where premises are found to be unsatisfactory at the time of initial inspection, to ensure the premises reach a satisfactory standard.

c. Wastewater Management Systems

The effective regulation and management of on-site wastewater management systems is necessary to ensure these systems operate properly and as a consequence, do not cause a threat to the environment or human health.

As part of its effort to more effectively manage and regulate wastewater management systems, Council revised its Wastewater Management Strategy which was formally adopted by Council on 7 July 2009.

The implementation of the revised strategy has continued and is staged, with various unsewered locations throughout the city being addressed progressively.

A total of 35 system inspections were conducted during the reporting period.

In addition, a total of one new installation was approved and 45 existing systems were issued with an approval to operate during the reporting period.

2. Notices/Orders Issued

Food Act 2003 Notices are usually issued where there is repeated failure by a proprietor to meet appropriate standards or where serious breaches are identified. A total of seven *Food Act 2003* Notices were issued during the reporting period, being consistent with quarterly average Food Act notice numbers (10) for 2011-2012.

Local Government Act 1993 Notices and Orders are issued for a range of matters including overgrown, unhealthy, unsafe or unsightly conditions. The number of *Local Government Act 1993* Notices and Orders issued during the reporting period was 81, being consistent with the corresponding quarter (83) in 2011-2012.

The number of *Swimming Pools Act 1992* Directions issued (31) requiring the erection of pool fencing or fencing repairs was higher than the corresponding quarter (14) in 2011-2012.

Environmental Planning and Assessment Act 1979 Notices and Orders are issued by Land Use and Environmental Compliance staff, primarily to ensure that premises comply with conditions of development consent and to regulate unauthorised land use. A total of 37 Notices and Orders were served during the reporting period which is lower than quarterly averages (48) for 2011-2012.

Protection of the Environment Operations Act 1997 (POEO) Notices are issued for a variety of pollution matters including water pollution and waste dumping. The number of POEO Notices issued for the reporting period (8) was marginally lower than quarterly averages (37) for 2011-2012.

Companion Animals Act 1998 Notices are issued to ensure owners of dogs and cats keep their animals in accordance with the *Companion Animals Act 1998* requirements. No Notices/Orders were issued during the reporting period.

3. Customer Service Requests

The Compliance Services Section receives a significant number of customer service requests across a broad range of issues as represented in attachment 1. A total of 990 customer service requests were received for the reporting period. Significant complaint categories were:

| Category | January to March 2013 | October to December 2012 |
|-----------------------------------|-----------------------|--------------------------|
| Barking dogs | 145 | 103 |
| Overgrown land | 128 | 67 |
| Parking (includes heavy vehicles) | 127 | 96 |
| Health (non-regulated premises) | 116 | 67 |
| Abandoned motor vehicles | 67 | 60 |
| Illegal construction/development | 58 | 78 |
| Rubbish dumping/litter | 58 | 65 |
| Pollution | 58 | 51 |
| Dogs straying | 56 | 49 |

4. Applications

Building Certificate Applications relate to certificates issued under Section 149A of the *Environmental Planning and Assessment Act 1979* and provide assurance to applicants upon issue that Council will not take action to require the demolition or upgrade of the respective structure for a period of seven years after the date of issue of the certificate. These certificates are generally sought on sale of property.

The number of Building Certificate Applications (14) received during the reporting period was consistent with the quarterly average (13) experienced in 2011-2012 period.

Staff have continued to seek applications for an approval to operate a system of waste water management from system owners, on a risk category basis. One hundred and eleven applications for approval to operate a wastewater management system were received during the reporting period, significantly higher than the average number of applications (21) received per quarter for 2011-2012. This variation is not unusual as application numbers fluctuate in response to bulk mail outs that are conducted from time to time to seek applications from different areas within the Local Government Area.

Three Section 68 (*Local Government Act 1993*) event applications were received. These were for Ingleburn Alive 9 March 2013, Rosemeadow Ambarvale Harmony Day 23 March 2013 and Claymore Community BBQ at David Oval 16 April 2013.

5. Impounding

The number of dogs impounded during this reporting period was 324, being less when compared to 440 dogs for the corresponding quarter in 2011-2012. The percentage of dogs microchipped at the time of impounding was 87%.

A total of 172 cats were impounded throughout the reporting period which is lower than the number of cats impounded (263) in the quarter in 2011-2012. The number of cats that are microchipped at the time they were impounded is typically lower than the dogs and for this reporting period, 8% were microchipped.

The number of abandoned vehicles impounded for this quarter was seven. Two of these vehicles were released back to their owners, four were disposed of by Council, and Council is currently holding one abandoned vehicle.

No shopping trolleys were impounded during the quarter.

6. Penalty Notices

Council issues a range of penalty notices relating to various matters including parking offences (on street, Council car parks, school zones), companion animal registration, dog straying, littering, fail to comply with orders, food safety and fail to obtain or comply with development consent. Refer to the table at attachment 1 for the number of penalty notices issued under the various offence categories.

The number of penalty notices issued for parking offences in Council car parks (547) was above the number of penalty notices issued in the previous quarter (398). The number issued for on-street offences (494) was also higher than the previous quarter (305).

7. Compliance/Education Programs

Compliance programs are an integral component of the section's activities and represent a coordinated proactive approach to targeting specific community concerns. Resources are deployed strategically on a local or citywide basis as an alternative to addressing complaints on an individual basis.

A summary of Compliance programs undertaken during the reporting period follows:

a. Illegal Parking in School Zones

During the reporting period, 29 school locations were patrolled, resulting in the issue of 46 penalty notices.

b. Illegal Sign Statistics

A summary of sign statistics for the quarter can be located in attachment 1.

c. Illegal Trail Bike Riding

During the reporting period, no joint patrols with NSW Police were undertaken. NSW Police are currently reviewing their trail bike patrol program which has impacted on future joint patrols with Council and other agencies. Historically, this program has been successful in addressing wide ranging illegal trail bike riding issues across the Local Government Area.

Rangers continue to undertake a number of single agency patrols of known trail bike riding hot spots in response to community complaints.

In accordance with Council's resolution following consideration of a report on quarterly statistics for the prior quarter (July to September 2012), written representation was made to NSW Police seeking their support to continue joint illegal trail bike riding operations. An initial reply has been received from Macquarie Fields Local Area Commander, Superintendent Gersbach, to advise the matter has been referred to the South West Metropolitan Region to confirm the participation and commitment of the Traffic and Highway Patrol command to future joint trail bike operations.

d. Litter from Vehicles

Monitoring of littering from vehicles was undertaken during the reporting round with no infringement notices issued.

e. Shopping Trolleys

Monitoring of areas in proximity of shopping centres was undertaken as part of daily patrols during the reporting round.

f. Truck Parking

One truck parking patrol was undertaken during the reporting period, resulting in one penalty notice being issued.

8. Other Activities

A summary of other activities or initiatives implemented within the reporting period are listed below:

- Council continues to conduct surveillance of construction sites for sediment and erosion control compliance
 - active participation in the Food Regulation partnership, incorporating activity reporting and the review of inspection procedures and related documentation
 - continued participation in the Sydney South West Area Health Service Public Health Unit Skin Penetration Working Group to improve industry practice and compliance
 - patrols (by way of formalised agreement) of disabled parking at Campbelltown Mall and Macarthur Square continued through the reporting period
 - periodic (three yearly) review of risk identification documents for various environmental health, building, land use, animal care/control and ranger activities
 - ongoing review and development of Standard Operating Procedures relating to Section activities, tasks and programs
 - continuation of participation in the CAWS subsidised desexing program for cats and dogs jointly with the RSPCA and Sydney University Veterinary Training Hospital Camden Campus. This program provides subsidised desexing in identified hot spots locations within the City for low income earners. A total of 103 dogs and 58 cats were desexed in the 2012 CAWS Program.
-

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Matheson/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 18 June 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 114

That the Officer's Recommendation be adopted.

ATTACHMENT 1

| Activity | 2012-2013 Quarter Results | | | | YTD |
|--|------------------------------|------------|------------|---|-------------|
| | 1 | 2 | 3 | 4 | |
| Regulated Premises Inspections | | | | | |
| Food | 144 | 362 | 149 | | 655 |
| Public Health | 7 | 5 | 23 | | 35 |
| Wastewater Management Systems | 44 | 46 | 35 | | 125 |
| Total | 195 | 413 | 207 | | 815 |
| Notices/Orders Issued | | | | | |
| <i>Food Act 2003</i> | 16 | 1 | 7 | | 24 |
| <i>Local Government Act 1993</i> | 64 | 72 | 81 | | 217 |
| <i>Swimming Pool Act 1992</i> | 28 | 31 | 31 | | 90 |
| <i>Protection of Environment Operations Act 1979</i> | 7 | 10 | 8 | | 25 |
| <i>Environmental Planning and Assessment Act</i> | 32 | 40 | 37 | | 109 |
| <i>Companion Animals Act 1998</i> | 6 | 0 | 0 | | 6 |
| Total | 153 | 154 | 164 | | 471 |
| Customer Requests | | | | | |
| Abandoned Motor Vehicles | 69 | 71 | 72 | | 212 |
| Animals (other) | 23 | 22 | 27 | | 72 |
| Barking Dogs | 122 | 95 | 145 | | 362 |
| Dog Attacks | 18 | 18 | 25 | | 61 |
| Dog Straying | 44 | 54 | 60 | | 158 |
| Food/Health (regulated) | 19 | 20 | 22 | | 61 |
| Footpath Obstruction | 6 | 17 | 14 | | 37 |
| Health (other) | 60 | 77 | 112 | | 249 |
| Heavy Vehicle Parking | 38 | 29 | 40 | | 107 |
| Illegal Constructions/Development | 62 | 73 | 107 | | 242 |
| Misuse of Council Park | 4 | 7 | 5 | | 16 |
| Overgrown Land | 26 | 38 | 44 | | 108 |
| Parking (General) | 86 | 80 | 115 | | 281 |
| Pollution | 79 | 70 | 72 | | 221 |
| Rubbish Dumping/Litter | 34 | 61 | 74 | | 169 |
| Shopping Trolley | 14 | 12 | 9 | | 35 |
| Signs | 3 | 3 | 7 | | 13 |
| Swimming Pool Fence | 14 | 27 | 19 | | 60 |
| Trail Bikes | 13 | 12 | 7 | | 32 |
| Tree Removal/Dangerous | 9 | 7 | 14 | | 30 |
| Total | 743 | 793 | 990 | | 2526 |
| Applications | | | | | |
| Building Certificates | 13 | 16 | 14 | | 43 |
| Approval to Operate Effluent Disposal System Section 68 (<i>Local Government Act 1993</i>) | 2 | 10 | 111 | | 123 |
| Event Approvals Section 68 (<i>Local Government Act 1993</i>) | 4 | 6 | 3 | | 13 |
| Total | 19 | 32 | 128 | | 179 |

| Activity | 2012-2013 Quarter Results | | | | YTD |
|---|------------------------------|------------|-------------|---|-------------|
| | 1 | 2 | 3 | 4 | |
| Impounding | | | | | |
| Abandoned Vehicles | 8 | 5 | 7 | | 20 |
| Shopping Trolleys | 43 | 0 | 0 | | 43 |
| | | | | | |
| Dogs (Incoming) | | | | | |
| Impounded | 417 | 354 | 324 | | 1095 |
| Surrendered | 119 | 134 | 109 | | 362 |
| | | | | | |
| Dogs (Outgoing) | | | | | |
| Released to Owner | 254 | 197 | 256 | | 707 |
| Sold | 134 | 94 | 75 | | 303 |
| Released to rescue organisation | | 23 | 30 | | 53 |
| Euthanased – Surrendered by Owner | 63 | 78 | 76 | | 217 |
| Euthanased – Restricted Dog | 2 | 1 | 3 | | 6 |
| Euthanased – Health/temperament | 54 | 69 | 89 | | 212 |
| Euthanased – Unable to re-home | 38 | 26 | 32 | | 96 |
| Total | 545 | 488 | 561 | | 1594 |
| | | | | | |
| Cats (Incoming) | | | | | |
| Impounded | 152 | 163 | 172 | | 487 |
| Surrendered | 39 | 82 | 62 | | 183 |
| | | | | | |
| Cats (Outgoing) | | | | | |
| Released to Owner | 8 | 11 | 7 | | 26 |
| Sold | 18 | 25 | 40 | | 83 |
| Released to rescue organisation | 0 | 2 | 0 | | 2 |
| Euthanased – Surrendered by Owner | 6 | 19 | 35 | | 63 |
| Euthanased – Health/temperament | 100 | 138 | 129 | | 367 |
| Euthanased – Unable to re-home | 153 | 40 | 26 | | 209 |
| Total | 285 | 235 | 227 | | 753 |
| | | | | | |
| Penalty Notices | | | | | |
| Companion Animals | 115 | 206 | 190 | | 626 |
| Environmental – includes litter and waste dumping | 22 | 26 | 26 | | 74 |
| General – includes Public Health and Food Safety | 13 | 22 | 18 | | 53 |
| Land Use | 7 | 1 | 2 | | 10 |
| Parking (car parks) | 400 | 398 | 547 | | 1345 |
| Parking (on street) | 227 | 305 | 494 | | 1026 |
| Total | 784 | 958 | 1277 | | 3134 |
| | | | | | |
| Compliance Programs | | | | | |
| Illegal Parking in School Zones | | | | | |
| Patrols | 14 | 25 | 29 | | 68 |
| Warnings | 0 | 1 | 1 | | 2 |

| Activity | 2012-2013 Quarter Results | | | | YTD |
|----------------------------------|------------------------------|----|-----|---|-----|
| | 1 | 2 | 3 | 4 | |
| Penalty Notices | 18 | 19 | 46 | | 83 |
| Illegal Signs | | | | | |
| Complaints – Council property | 2 | 3 | 5 | | 10 |
| Complaints – Private property | 0 | 0 | 2 | | 2 |
| Letters sent | 7 | 0 | 1 | | 3 |
| Cautions issued | 0 | 0 | 0 | | 0 |
| Fines issued | 0 | 0 | 0 | | 0 |
| Removed (posters from poles) | 302 | 40 | 167 | | 509 |
| Illegal Trail Bike Riding | | | | | |
| Join Patrols | 0 | 0 | 0 | | 0 |
| Bikes Seized | 0 | 0 | 0 | | 0 |
| Penalty Notices (Police) | 0 | 0 | 0 | | 0 |
| Penalty Notices (Council) | 0 | 0 | 0 | | 0 |
| Charges | 0 | 0 | 0 | | 0 |
| Juvenile Cautions | 0 | 0 | 0 | | 0 |
| Litter from Vehicles | | | | | |
| Patrols | 0 | 1 | 0 | | 1 |
| Penalty Notices | 0 | 8 | 0 | | 8 |
| Shopping Trolleys | | | | | |
| Patrols | 3 | 0 | 0 | | 3 |
| Trolley's Tagged | 64 | 0 | 0 | | 64 |
| Trolleys Impounded | 43 | 3 | 0 | | 46 |
| Contractor Notified | 43 | 0 | 0 | | 43 |
| Truck Parking | | | | | |
| Patrols | 2 | 0 | 1 | | 3 |
| Penalty Notices | 12 | 0 | 1 | | 13 |

4.3 Boarding Houses Act 2012

Reporting Officer

Acting Manager Compliance Services

Attachments

Boarding Houses Public Notice

Purpose

To inform Council of the outcome of the public notification of Council's proposed inspection program under the requirements of the *Boarding Houses Act 2012* (the Act) and the inspection fees associated with the program.

History

The Act represents the NSW Government's response to long-standing concerns about the condition and operation of boarding houses and associated risks to the health, safety and well-being of residents.

The Act introduces a number of key reforms which amongst other things includes compulsory registration and inspection by Councils of registrable boarding houses.

Under the Act, Boarding Houses fall into two categories being:

1. a general boarding house is a boarding house accommodating five or more residents for fee or reward, which does not fall within a list of exclusions in the Act, such as hotels and motels, backpacker's hostels and aged care homes
2. an assisted boarding house is a boarding house which accommodates two or more persons with additional needs.

Council's role under the Act is to:

- inspect registered general boarding houses and assisted boarding houses, for compliance with relevant standards relating to planning, building and fire safety
 - inspect general boarding houses for compliance with standards relating to places of shared accommodation in the *Local Government (General) Regulation 2005*
 - carry out initial compliance inspections within 12 months of registration or re-registration (unless the boarding house has been inspected in the preceding 12 months) and within 12 months of a change of proprietor.
-

In conducting these inspections of registered boarding houses:

- Councils are able to charge an inspection fee for the initial compliance inspections
- Councils may issue penalty notices for offences relating to the registration of boarding houses.

Report

Council at its Ordinary Meeting of 26 February 2013 considered a report outlining the introduction of the Act and Council's responsibilities under the Act and resolved:

1. That a public notice be prepared advising of the introduction of an inspection program that is consistent with the requirements of the *Boarding Houses Act 2012* as outlined in the body of the report which incorporates an inspection fee of \$110 per inspection and that this notice be placed on public exhibition for a minimum of 28 days.
2. That at the conclusion of the public exhibition period, a further report be presented to Council consider the adoption of the inspection program, (including the associated inspection fee) and that duly considers any comments received.

In accordance with Council's resolution, the proposed inspection program and fee schedule was placed on public exhibition from 19 March 2013 in the local papers, on Council's website and at Council's Civic Centre and submissions from the community were sought up until 19 April 2013.

In response to the public exhibition, no submissions were received.

Accordingly, it is recommended that the boarding houses inspection program and fee schedule be adopted.

Officer's Recommendation

1. That the information be noted.
2. That the boarding houses inspection program incorporating an inspection fee of \$110.00 per inspection be adopted.

Committee's Recommendation: (Kolkman/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 18 June 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 114

That the Officer's Recommendation be adopted.

ATTACHMENT 1

Public Notice

Boarding Houses Act 2012 – Inspection Program and Fee Proposal

The Boarding Houses Act 2012 ("the Act") became effective on 29 October 2012 and represents the NSW Government's response to concerns about the condition and operation of boarding houses and associated risks to the health, safety and well-being of residents.

The Act introduces a number of key reforms including the compulsory registration and inspection of boarding houses. A general boarding house is a boarding house accommodating 5 or more residents for fee or reward, which does not fall within exempt premises such as hotels, motels, backpackers hostels and aged care homes.

All registrable boarding houses will be required to register with NSW Fair Trading for a one-off fee of \$100.

Council must inspect registered boarding houses for compliance with relevant standards relating to planning, building and fire safety and standards relating to places of shared accommodation as defined in the Local Government (General) Regulation 2005.

A compliance inspection must be carried out within 12 months of registration or re-registration (which occurs within 12 months of a change of proprietor).

Campbelltown City Council proposes to conduct inspections to satisfy the above requirements of the Act and to charge proprietors of registered premises an inspection fee of \$110 (including GST) per inspection.

The abovementioned inspection program and fee proposal is on public exhibition for a minimum period of 28 days and written submissions are invited and will be received up until 4.30pm on 19 April 2013 from any person who wishes to comment on the inspection program and fee proposal.

Written submissions may be addressed to the:

General Manager
Campbelltown City Council
PO Box 57
Campbelltown NSW 2560

Further enquiries relating to this matter may be directed to Council's Compliance Services Section on 02 4645 4604.

4.4 Companion Animals Taskforce Reports Submission

Reporting Officer

Acting Manager Compliance Services

Attachments

1. Division of Local Government Circular No.13-11 – Consultation on Companion Animals Taskforce Reports
2. Community Response Feedback Form submitted to the Division of Local Government containing Council's response to the Taskforce recommendations as set out in the on-line questionnaire
3. Additional comments to the Taskforce recommendations provided to the Acting Chief Executive, Division of Local Government under covering letter enclosing those additional comments.

Purpose

The purpose of this report is to update Council about the NSW Government's process for Consultation on Companion Animals Taskforce Reports in respect of the management of cats and dogs in NSW and seek endorsement of the submission made to the Division of Local Government in response to the Taskforce Reports.

History

The Companion Animals Taskforce was established by the Minister for Local Government and the Minister for Primary Industries to provide advice on key companion animal issues, including strategies to reduce the rate of companion animal euthanasia. Specifically, the Ministers asked the Taskforce to inquire into:

- euthanasia rates and re-homing options for surrendered or abandoned companion animals
 - the breeding of companion animals including the practices of "puppy farms"
 - the sale of companion animals
 - the microchipping and desexing of companion animals
 - current education programs on "responsible pet ownership"
 - dangerous dogs
 - any other high priority companion animal issues that become apparent to the Taskforce.
-

The Taskforce has completed its work after consulting widely on the above range of issues and has produced two reports providing recommendations for the consideration of the Ministers. The main report was completed in October 2012 and deals with the majority of companion animal issues that the Taskforce was asked to consider. The second report was completed in February 2013 and deals with specific issues relating to dangerous and restricted dogs. The reports combined are quite extensive and are available for viewing at the Companion Animals Taskforce webpage which can be found at:

http://www.dlg.nsw.gov.au/dlg/dlghome/dlg_generalindex.asp?sectionid=1&areaindex=CATASK&documenttype=8&mi=9&ml=10

Report

On 25 March 2013, the Department of Premier & Cabinet - Division of Local Government (DLG) issued a circular No. 13-11 to NSW Councils seeking their views to the two reports from the Companion Animals Taskforce on the Taskforce's recommendation for review of the *Companion Animals Act 1998* (the Act), in respect of the key companion animals issues within the Taskforce's terms of reference. Councils were directed to an on-line Community Response Feedback form and encouraged to review the reports and complete the feedback form by 10 May 2013.

In response to the Taskforce reports, meetings were held between the Acting Manager Compliance Services, Acting Coordinator Animal Care Facility and Legal and Policy Officer to consider the Taskforce reports and formulate Council's response to the key recommendations contained within the reports.

A copy of Council's responses to the Community Response Feedback is attached for Councillors attention. Also attached is a separate letter sent to the Acting Chief Executive of the DLG including Council's additional comments clarifying and/or elaborating on Council's submission that unfortunately were not able to be included as part of the online response due to content limitations.

It is considered that the Taskforce reports represent a positive step toward strengthening the Act in respect of: better identification, recording and ownership transfer procedures for companion animals; encouraging responsible ownership of cats and dogs, particularly incentives directed toward desexing their pets; the introduction of a potentially dangerous dog category for dogs whose behaviour, although falling within the definition of an attack, has not caused injury or harm; and, better information exchange and tracking mechanisms in respect of restricted and dangerous dogs.

One of the major recommendations put forward by the Taskforce is the reintroduction of annual registration for all cats and dogs not lifetime registered before amendment is made to the Act. Council supports the continuation of lifetime registration, particularly for desexed animals, and has expressed concern about the proposal to reintroduce annual registration, as it is seen as a disincentive toward responsible pet ownership and possible bar to pet ownership for people on lower incomes will impose an additional administrative and human resource burden on councils that may well outweigh any revenue gains from annual registration fees.

It is recommended that Council endorse the content of the online submission made to the DLG shown at attachment 2 and 3.

Officer's Recommendation

1. That Council endorse the online submission made to the Division of Local Government shown as attachment 2 of this report and the additional comments made to Acting Chief Executive of the Division shown at attachment 3 of this report.
2. That Council write to the Division of Local Government advising it of Council's resolution.

Committee Note: The Acting Director Planning and Environment advised that page 3 of Attachment 3 was omitted and tabled a copy of this page for the information of Councillors.

Committee's Recommendation: (Oates/Kolkman)

1. That Council endorse the online submission made to the Division of Local Government shown as attachment 2 of this report and the additional comments made to Acting Chief Executive of the Division shown at attachment 3 of this report.
2. That Council write to the Division of Local Government advising it of Council's resolution
3. That a report be presented providing information on current prevention and control measures available for dangerous and aggressive dogs.

CARRIED

Council Meeting 18 June 2013 (Greiss/Thompson)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 114

That the Committee's Recommendation be adopted.

4.5 Operation of Council's Animal Care Facility

Reporting Officer

Acting Manager Compliance Services

Attachments

1. Report to Council's Planning and Environment Committee of 6 December 2011 relating to the operations of Council's Animal Care Facility
2. Draft Animal Care Facility (ACF) Operational Change Action Plan
3. 'Pals of Unwanted Neglected Dogs and Cats Campbelltown' (POUNDCC) submission recommending the de-sexing of all female dogs

Purpose

To provide Council with an update of matters raised by the community and from an external operational review of the Animal Care Facility (ACF) and to endorse a plan of action to address these matters.

History

Council at its meeting on 27 July 2010 resolved that a report be provided on the investigation of:

- (i) the provision of suitable bedding to keep animals off the concrete floor at the Animal Care Facility
- (ii) the establishment of a volunteer group to provide support services to the Animal Care Facility.

In response to Council's resolution, a review of bedding arrangements and kennel cleaning procedures at the ACF was undertaken resulting in minor amendment to cleaning procedures. Bedding arrangements were considered satisfactory and were therefore maintained.

With reference to the second part of the above resolution, Council conducted an investigation into the feasibility of engaging a volunteer group to assist at the ACF. Considerations such as risk management, Work Health and Safety (WHS) and disease prevention were closely examined as part of this process.

Following Council's resolution, staff became aware of a resident action group known as 'Pals of Unwanted Neglected Dogs and Cats Campbelltown' (POUNDCC). A meeting with representatives of POUNDCC was subsequently initiated by Council staff and was held on 26 August 2011 to discuss the matters raised by the group regarding the operation of the ACF.

Staff advised the POUNDCC representatives that a number of the matters raised were of a policy nature and would require reporting to Council.

All matters raised by POUNDCC and other members of the broader community in relation to the operation of the ACF were reviewed in detail as part of a report presented to Council's Planning and Environment Committee on 6 December, 2011. Councillors were provided with a briefing on these matters on 22 November 2011.

Council, in considering the recommendations of the Planning and Environment Committee in relation to the report on the operations of the ACF, resolved at its Ordinary Meeting on 13 December 2011, to adopt a series of 28 recommended actions aimed at improving facility operations.

Progress made on the implementation of the 28 recommended actions is a primary focus of discussion in this report and are discussed in detail in part one – Progress on Adopted Recommendations.

In addition, it is of significance to Council's consideration of these matters to take account of a number of events that have taken place at the ACF over the last 12-15 months, which gave rise to the need for the General Manager to undertake further investigations concerning the operation of the facility

In July 2012, a Golden Labrador in which an approved rescue group had expressed some interest, was euthanized. Subsequently, a number of animal welfare groups and individuals expressed dissatisfaction over the death of the animal, and resulted in a number of adverse reports appearing in local media. Further, in excess of 100 emails and items of correspondence were received by Council expressing criticism over the unnecessary euthanasia of the Labrador.

In response, Council's General Manager engaged a specialist consultant to undertake an independent investigation and prepare a report ("investigation report") on the incident. The consultant's report identified that procedural issues were largely responsible for the incident however, that there was insufficient evidence to establish that a breach of Council's Code of Conduct had occurred. The report made a number of recommendations, including that a comprehensive independent review of the operations of the ACF be undertaken.

In February 2013 an independent review was undertaken by consultant Mr Cliff Haynes, who has now submitted a report ("Audit Report") identifying 21 recommendations to improve the operations of the ACF. The audit report and its recommendations were the subject of a briefing to Councillors on 9 April, 2013.

Accordingly, this report (part two – External Review relating to ACF Operations) also addresses the Audit Report (and its recommendations contained therein) in the overall context of providing a range of options dealing with the ACF, for further consideration by Council which is included in the final part of this report (part three – Operational Change Action Plan).

Report

PART ONE - Progress on Adopted Recommendations

Subsequent to Council's resolution on 13 December 2011, significant progress has been made in relation to the 28 adopted recommendations. Comment on the progress made in relation to each adopted recommendation is itemised below:

| | | |
|-----------|---|---|
| 1. | That Council work with rescue organisations approved by the Division of Local Government and subject to a written agreement between Council and the rescue organisation | |
| | Comment: | <p>Recommendation completed. Council has received 22 applications from rescue organisations to work with Council to assist in the reduction of the number of animals euthanized at the ACF. Of these applications, 18 have been approved, three refused and one application is in the process of assessment.</p> <p>In addition a Standard Operating Procedure which outlines processes for dealing with rescue organisations and the rescue of impounded animals, has been prepared in draft form and will be referred to the approved rescue organisations for their comment. Any feedback received through this process will be taken into account prior to adoption of the Procedure.</p> |
| | Proposed Further Action: | That ACF staff work with approved rescue organisations in accordance with the Standard Operating Procedure. |
| | Please also see part two of this report for further information relevant to this item. | |
| 2. | That Council write to the Division of Local Government requesting that it consider the matters of animal hoarding and location of temporary carers at the next review of the "Guidelines for Approval to be an Organisation Exempt from Companion Animal Registration under Clause 16 (D) of the <i>Companion Animals Regulation 2008</i>" | |
| | Comment: | <p>Recommendation completed. A letter was forwarded to the Division of Local Government. A reply was received acknowledging Council's correspondence and indicating matters raised will be considered at the next review of the Guidelines.</p> |
| 3. | That the price of male dogs sold from the Animal Care Facility include de-sexing as a trial until 30 June 2012 | |
| | Comment: | <p>Recommendation completed. The de-sexing of male dogs was initially trialled from 1 February to 30 June 2012. During the initial trial period, 31 male dogs were de-sexed prior to their sale. Council resolved to extend the trial to 31 December 2012 and a further 61 male dogs were de-sexed and sold during this period.</p> <p>Please also see part two of this report for information relevant to this item.</p> |
| 4. | That Council's voucher system of de-sexing remains in place for kittens and puppies sold at the Animal Care Facility | |
| | Comment: | <p>Recommendation completed. De-sexing vouchers continue to be issued with all puppies and kittens sold.</p> |

| | | |
|------------|---|--|
| 5. | That Council follow up new owners of kittens and puppies to ensure they have their new pet de-sexed | |
| | Comment: | Recommendation completed. New owners of puppies and kittens have six months to use their de-sexing voucher. Council's vet contacts new owners five months after the date of purchase to remind new owners of the need to de-sex their animal. |
| 6. | That adult cats and male dogs sold at the Animal Care Facility be transferred to Council's contracted veterinarian for de-sexing | |
| | Comment: | Recommendation completed. This occurs as standard practice for all adult cats and male dogs to be de-sexed to ensure de-sexing does occur prior to the animal's release to their new owners. |
| 7. | That the tender specification for Veterinary Services include prices for de-sexing all dogs sold from the Animal Care Facility should Council wish to adopt this option in the future. | |
| | Comment: | Recommendation completed. The renewed contract for veterinarian services includes prices for de-sexing cats and dogs and these have been considered in an adjustment of the animal purchase fees proposed for 2013-2014. |
| 8. | That volunteers only be used in off-site locations subject to further investigation and where all risk, liability and OHS matters are mitigated. | |
| | Comment: | Recommendation completed. Throughout 2012 Council engaged with a group of volunteers, coordinated through the POUNDCC group that assisted with the transport of animals to the Sydney University Vet Hospital (Camden campus) as part of the CAWS subsidised dog and cat de-sexing program. This arrangement has since ceased in 2013 as Council is now able to transport the animals. Council continues to communicate regularly with the POUNDCC group regarding ACF operations. |
| | Please also see part two of this report for further information relevant to this item. | |
| 9. | That Council endorse the current kennel cleaning practices undertaken at the Animal Care Facility | |
| | Comment: | Recommendation completed. The current kennel cleaning process involves taking the animals out of the kennels (where safe to do so) whilst the pens are being cleaned. ACF staff have been made aware of the cleaning practice endorsed by Council. |
| 10. | That the floor of each kennel at the Animal Care Facility be treated with an impervious sealant. | |
| | Comment: | Recommendation completed. All kennel floors were all sealed in July 2012. |
| 11. | That Council endorse the current use of suitable bedding materials, blankets and dog jackets at the Animal Care Facility. | |
| | Comment: | Recommendation completed. Bedding, blankets and dog jackets are provided for impounded animals, particularly during the cooler months. Staff routinely monitor the state of these items and ensure they are replaced as and when required. |

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| 12. | That Council work with POUNDCC to source consumable items for use at the Animal Care Facility, from business within the community on an anonymous and obligation free basis. | |
| | Comment: | Recommendation completed. ACF staff continue to work with the community to help an adequate supply of bedding, blankets and dog jackets, particularly during the cooler months. Council's web site provides guidance to community members who wish to assist by the donation of suitable items. |
| 13. | That Council continue to use an off-site veterinary surgery (as part of the Contract for Veterinary Services) for the treatment of animals from the Animal Care Facility. | |
| | Comment: | Recommendation completed. Council's current contracted veterinarian continues to provide off site treatment. |
| 14. | That Council Rangers continue to conduct random inspections of the Boot Hill Markets and surrounds to deter the unlawful sale of kittens and puppies. | |
| | Comment: | Recommendation completed. Council Rangers continue to monitor activity at the Boot Hill Markets as part of their regular parking patrols in the area. Council has also responded to complaints it has received in relation to the unlawful sale of companion animals at the Boot Hill Markets, however the sale of companion animals is not a regular practice as it is actively discouraged by Council and market organisers. |
| 15. | That Council endorse the proposed upgrades to the "Dogs and Cats For Sale" and "Lost Dogs and Cats" sections of Council's website | |
| | Comment: | Recommendation completed. Council's website is updated a minimum of three days per week to display lost dogs and animals for sale. |
| | Please also see part two of this report for further information relevant to this item. | |
| 16. | That Council endorse the development of a self-assessment "Pre-Purchase Checklist" for use by prospective customers at the Animal Care Facility. | |
| | Comment: | Recommendation ongoing. A pre-purchase checklist to assist potential animal owners to make responsible and informed animal purchase decisions is in draft form. A review of similar checklists used by other impounding agencies, together with the suggestions made by the POUNDCC group, has formed the basis of the checklist which it is anticipate to be introduced during June 2013. |
| 17. | That Council consider a proposal to refurbish the cattery at the Animal Care Facility as part of its 2012/2013 budget. | |
| | Comment: | Recommendation completed. \$15,000 has been allocated in the current budget to refurbish the cattery. Refurbishment plans and quotations, including the purchase of cat cages to enable individual housing of cats and improvement of natural lighting to the cattery will be finalised prior to 30 June 2013. |
| 18. | That Council note the provision of additional information on Council's website relating to stray animals and included on Council's after hours call out system. | |
| | Comment: | Recommendation completed. Additional information has been included about strays and the after-hours call out system on Council's website. |

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| 19. | That Council note the after sales service offered by the Animal Care Facility and Council's contracted veterinarian | |
| | Comment: | Recommendation completed. Each dog and cat sold has a check-up by Council's contracted veterinarian. At this time, all owners are provided with a package that contains important information relating to the ongoing care of their new pet. |
| 20. | That Council monitor the effectiveness of the other recommendations contained in this report prior to considering the extension of weekend operating times at the Animal Care Facility. | |
| | Comment: | Recommendation completed. The ACF is currently open to the public from 9.00am – 12.00pm on a Saturday and is not open on Sundays or public holidays. |
| | Please also see part two of this report for information relevant to this item. | |
| 21. | That Council continue to work with the Macarthur Chronicle to promote the "Find a Pet" initiative on a regular basis | |
| | Comment: | Recommendation completed. Council continues to work with the Chronicle to feature a 'Find a Pet' promotion on a regular basis. 'Find a Pet' features have occurred on the following dates: 2012 12 June 10 July 7 August 18 September 4 December 2013 22 January 19 March 14 May |
| 22. | That Council note that Council's website and kennel display boards have been refined to advise of the date and time when an animal becomes available for sale | |
| | Comment: | Recommendation completed. Regular updates of information are provided on Council's website, along with kennel signage to inform the public of when lost animals are available for sale. |
| 23. | That Council endorse the recommendations of the RSPCA inspection and that follow up action be undertaken | |
| | Comment: | Recommendation completed. An initial health check has been incorporated into the standard operating procedure for impounding animals. In addition, a shade structure has been installed in the exercise yard, and temporary measures put into in place to separate kittens from adult cats until the cattery upgrade is completed. Therefore, three RSPCA inspection items have been addressed. |

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| 24. | That Council monitor any change implemented by Wollondilly Council, not to charge impounding fees where a stray dog (not restricted or dangerous nor previously impounded) is retrieved within 24 hours of impounding | |
| | Comment: | <p>Recommendation completed.</p> <p>Contact has been made with Wollondilly Shire Council which confirms that the policy remains in place. Wollondilly Shire Council staff consider that the policy, together with the charging of daily sustenance fees, is successful in encouraging owners to promptly retrieve their animals. However the level of success of this policy is constrained to some degree by that facility's opening hours which are restricted to between 3.00pm-4:30pm weekdays only.</p> <p>Council's ACF is currently open for longer hours during the week (being open from 9.00am – 3:30pm Mondays and 9.00am – 3.00pm Tuesday to Friday) and does charge daily sustenance fees, to encourage early retrieval of animals by their owner.</p> |
| 25. | That Council amend its sale process where more than one person wishes to purchase the same animal by introducing an "equal chance" system as outlined in the attachment to the report | |
| 26. | That the "equal chance" system commence following the introduction of the "pre-purchase checklist" | |
| 27. | That Council's Standard Operating Procedures be amended to reflect the "equal chance" system for the purchase of animals where there is more than one prospective purchase | |
| | Comment: | <p>Recommendation completed.</p> <p>Recommendations 25, 26 and 27 relate to the introduction of an equal chance system and therefore these recommendations have been grouped for ease of commentary purposes.</p> <p>Council's Standard Operating Procedure for the sale of animals has been amended to include an equal chance draw system for the purchase of companion animals from the ACF, where there is more than one person interested in purchasing any particular animal. An equal chance system is now in place whereby each interested person is given a number for the particular draw with a corresponding number put in a bag and a draw is held with a mutual person from those gathered drawing a number from the bag.</p> <p>It should be noted however that this process has been criticised by persons who are unsuccessful when a "draw" occurs</p> <p>Please also see part two of this report for further information relevant to this item</p> |
| 28. | That a further report be provided to Council within 12 months of the implementation of the recommendations contained in this report. | |
| | Comment: | <p>Recommendation completed.</p> <p>This report is presented in response to Council's recommendation.</p> |

PART TWO - External Review relating to ACF Operations

Subsequent to Council's resolution of 13 December 2012, an audit report has been prepared by a specialist consultant, Mr Cliff Haynes, who was engaged by Council's General Manager to review the operational effectiveness of the ACF. This work was commissioned in light of an investigation of previous complaints concerning the facility. A summary of the consultant's recommendations and related comments are set out below.

Audit Report Recommendations

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| 1. | Documentation be introduced to justify reasons for euthanising an animal | |
| | Comment: | A standard form can be prepared to identify each animal euthanised and the reason for it and this can be signed off by the attending vet and the ACF staff member present during euthanasia. The ACF impounding register and other impounding records can then be updated accordingly. In addition a behavioural assessment checklist would also be completed by the ACF Coordinator to provide additional justification for euthanasia of an animal for behavioural reasons. |
| | Proposed Action: | That a euthanasia record form and behavioural assessment checklist be developed and implemented (as a standard operating procedure) to document the justification for euthanising animals. |
| 2. | The standard procedure for Assessing Behaviour of Impounded Animals be amended to include criteria to establish a need for euthanasia due to behavioural circumstances. | |
| | Comment: | A behavioural assessment checklist is used by ACF staff to assess the behaviour of impounded animals and this will be referenced in, and attached to the procedure. |
| | Proposed Action: | The standard operating procedure for Assessing the Behaviour of Impounded Animals shall be amended to include reference to the behavioural assessment checklist to justify the need for euthanasia of an animal due to behavioural circumstances. |
| 3. | Scan ACF hard copy records onto Councils electronic records system. | |
| | Comment: | Arrangements are to be made for this to occur both in terms of records currently stored on site at the ACF and for all future records to be created. |
| | Proposed Action: | Scan existing and routinely scan all future ACF hard copy records onto Councils electronic records system. |
| 4. | Consult with the Animal Rescue Groups regarding the development of the Rescue Organisation Procedure. | |
| | Comment: | A draft standard operating procedure has been prepared and is currently under review by relevant staff. The draft procedure will then be distributed to all approved rescue groups for comment. Comments received will be taken into account prior to finalising the procedure. |
| | Proposed Action: | Consult with approved animal rescue groups regarding the development of the Rescue Group standard operating procedure. |
| 5. | That Council's web site be updated daily | |
| | Comment: | The ACF currently updates its web site to display lost animals and animals for sale, three days per week, based on existing staff resources. A review of available resources and the web site updating process will need to occur to enable this requirement to be implemented. |
| | Proposed Action: | Review the web site listing process and the feasibility of updating Council's web site on a daily basis. |

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| 6. | Improve communication with rescue groups for the rescue of animals. |
| | <p>Comment: This will be addressed as part of the preparation/finalisation and implementation of the standard operating procedure (item 4 above). Communication processes between Council staff and animal rescue groups shall be defined and the identification of an 'out date' shall be nominated for animals offered for sale. The 'out date' nomination will clearly indicate the date after which an individual animal may no longer be available for release, sale or rescue. Regular daily updating of the web site and the implementation of an expression of interest system (referred to in Item 7 below) will also assist to improve communication and certainty.</p> |
| 7. | An expression of interest and 'first in first served' system be introduced for the purchase of animals from the ACF. |
| | <p>Comment: This process will require staff to record any expression of interest received for animals in the order they are received, with the first suitable owner having first preference for the purchase of any given animal. If adopted, this system will replace the current ballot system that is utilised when there is more than one person interested in an animal available for sale.</p> <p>The expression of interest process should operate effectively in conjunction with daily updating of the web site. This process has the potential to better inform rescue groups of prior interest in any given animal and the prospects of its re-homing.</p> |
| | <p>Proposed Action: That Council's Sale of Animals standard operating procedure be amended to replace the current ballot (equal chance) system with an expression of interest system, to ensure future sale decisions are based on a first suitable owner in, first served basis.</p> |
| 8. | Council adopt a policy that all cats and dogs sold at the facility be de-sexed. |
| | <p>Comment: Should Council adopt a policy that requires compulsory de-sexing of all animals sold from the ACF, adult cats and dogs sold would be de-sexed by Council's vet prior to the animal being collected by the new owner. Purchasers of kittens and pups would continue to receive a voucher in situations where the animal is medically too young to be de-sexed at the time of sale.</p> <p>In addition, a submission (attachment 3) has been received from POUNDCC recommending that Council implement a policy that would require the de-sexing of all female dogs sold from Council's Animal Care Facility.</p> <p>De-sexing of adult male dogs continues to be undertaken by Council's contracted Veterinary Surgeons before sale. In accordance with the Audit Report Recommendation it is proposed to adopt a policy that all cats and dogs sold at the ACF be de-sexed. The cost of the de-sexing will be incorporated into the overall sale price therefore not impacting on budget allocations (see item 9).</p> <p>Adopting a compulsory de-sexing policy for all sold animals would bring Council's de-sexing policy into line with other neighbouring Councils and would be a positive and responsible step towards management of companion animals within the Campbelltown LGA. Therefore adoption of such a policy is recommended.</p> |

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| | Proposed Action: | <p>That Council adopt a policy requiring that:</p> <ul style="list-style-type: none"> a) All adult cats and dogs to be de-sexed by Councils contracted Veterinary Surgeon before sale and collection by the new owner. b) Purchasers of kittens and pups receive an animal de-sexing voucher in situations where the animal is medically too young to be de-sexed at the time of sale; and that appropriate follow up procedures be put in place to ensure de-sexing of the cat or dog takes place. | | | | | | |
| 9. Standard prices be adopted for the sale of cats and dogs. | | | | | | | | |
| | Comment: | <p>To simplify the fee structure it is recommended that a set fee be imposed for the purchase of all cats and dogs, irrespective of age, sex or registration status, in line with other facilities such as Renbury Farm and the Blacktown and Hawkesbury Council facilities.</p> <p>If the de-sexing policy referred to in Item 8 above is adopted by Council, there would also be a need to adjust Council's standard fees and charges for the sale of animals to allow for the recovery of the additional cost of de-sexing by Council's vet.</p> | | | | | | |
| | Proposed Action: | <ul style="list-style-type: none"> a) Therefore, the following fee structure is recommended for the purchase of all cats (including kittens) and dogs (including puppies):- <table border="0" style="margin-left: 40px;"> <tr> <td style="padding-right: 20px;">Dogs</td> <td style="padding-right: 20px;">\$320</td> <td>Includes de-sexing, micro-chipping, registration (for adult dogs only), vet check, vaccination and heartworm</td> </tr> <tr> <td>Cats</td> <td>\$200</td> <td>Includes de-sexing, micro-chipping and registration (for adult cats only)</td> </tr> </table> <p>Note: The above recommended fees are comparable with neighbouring facilities such as Renbury Farm which charges \$350 for Dogs (Puppies \$310) and \$250 for cats (\$210 for kittens).</p> b) In addition it is considered appropriate that Council apply a 5 % discount to the above fees for pensioners, in line with other facilities considered in the review. c) That the published sale prices be annually reviewed and adjusted as necessary. | Dogs | \$320 | Includes de-sexing, micro-chipping, registration (for adult dogs only), vet check, vaccination and heartworm | Cats | \$200 | Includes de-sexing, micro-chipping and registration (for adult cats only) |
| Dogs | \$320 | Includes de-sexing, micro-chipping, registration (for adult dogs only), vet check, vaccination and heartworm | | | | | | |
| Cats | \$200 | Includes de-sexing, micro-chipping and registration (for adult cats only) | | | | | | |
| 10. The practice of returning stray micro-chipped dogs back to their owners where convenient be introduced. | | | | | | | | |
| | Comment: | <p>This practice can be implemented selectively (as a benefit to owners of having their dog micro-chipped), where owners can be contacted and the dog can be returned immediately. This practice would not be used in repeat offender situations or where it is not convenient to return the dog. This practice may act to reduce the number of animals impounded and housed at Council's ACF.</p> | | | | | | |
| | Proposed Action: | <p>The practice of immediately returning stray micro-chipped dogs back to their owners (where appropriate) shall be introduced.</p> | | | | | | |

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| 11. | Council consider adopting a volunteer program to assist with ACF operations. | |
| | Comment: | <p>Council has previously been reluctant to implement a program due to the potential liability and risk implications. The audit report acknowledges that a number of other facilities have now implemented volunteer programs with varying degrees of success. Volunteers are utilised to exercise dogs, to provide basic training, caring for and feeding animals, washing bedding and to assist with community education initiatives.</p> <p>The audit report examined the use of volunteers at other shelters where volunteer programs were in place. The audit report concluded that provided adequate measures were in place such as volunteer induction and a policy regarding the use of volunteers, the use of volunteers could be responsibly managed.</p> |
| | Proposed Action: | <p>a) In view of the above it is recommended that Council consider implementing a volunteer program as part of its future plans to introduce operational change at the ACF.</p> <p>Should a volunteer program be implemented, a number of measures would need to be put into place to ensure volunteers are appropriately managed, particularly from a risk management and WHS perspective. These administrative measures would need to include, but not necessarily limited to the following:-</p> <ul style="list-style-type: none"> • Development and implementation of a volunteer policy with the role of volunteers clearly delineated • A dedicated resource to supervise and coordinate the volunteer program • Development and implementation of a volunteer application and selection process • Development and implementation of a volunteer agreement to be signed off by all approved volunteers, which would require amongst other things, compliance with WHS and Council's Code of Conduct • Development and implementation of a volunteer induction process, standard operating procedures and risk assessment documentation particularly for high risk activities involving handling, walking and caring for animals. <p>b) In addition to the above, for a program to be successful, a cooperative and harmonious working relationship and clear lines of communication must exist between staff and the volunteers.</p> |
| 12. | Appropriate Performance Measures be determined for inclusion in the Annual Section Business Plan. | |
| | Comment: | <p>Setting positive performance targets associated with key focus areas such as euthanasia, animal sales, animal rescue and customer satisfaction will assist to drive improvement toward desired performance.</p> |
| | Proposed Action: | <p>That positive targets relating to key ACF performance areas be determined for inclusion in the annual section business plan to focus management and drive desired change.</p> |

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| 13. | Consistent use of the Customer Request System to centrally record all ACF related requests and complaints. | |
| | Comment: | <p>The consultant's audit report identified that not all requests were captured on the customer request system and are not being centrally recorded.</p> <p>It should be noted that the General Manager is currently reviewing the operation of the Customer Service Centre and that this matter will be raised for consideration as part of this review.</p> |
| | Proposed Action: | That the matter of recording related customer service requests and complaints systematically and centrally, be included as part of the current review of the customer service centre. |
| 14. | Council investigate the use of an electronic register offered by Sutherland Shire Council. | |
| | Comment: | <p>Sutherland Shire Council has offered to provide Council with a copy of its electronic impounding register for use by Campbelltown City Council for a token fee of \$1. The system integrates with Council's financial system and therefore should be compatible. Council is currently uploading data to transfer from a manual register to an electronic format and therefore the offer by Sutherland to obtain a copy of its system is timely.</p> <p>Investigation of this matter however revealed that the system was an access database and that it would be more feasible and efficient to implement a Pathway Licence Register system which is currently being developed.</p> |
| | Proposed Action: | That the implementation of Council's Pathway Licence Register continue to be developed with a view to adopting usable aspects of Sutherland Shire Council's electronic impounding register where feasible. |
| 15. | That commentary on the changes made to the operation of the ACF be included in the Compliance Services Quarterly Report to Council's Planning and Environment Committee. | |
| | Comment: | This initiative was recommended in the audit report to document and highlight the progress made with any changes made in response to Council's adopted policies concerning the ACF. This reporting could also be extended to Council's web site, to better inform the public. |
| | Proposed Action: | That reporting on the changes made to the operation of the ACF be included in the Compliance Services Quarterly Report to Council's Planning and Environment Committee and on Council's web site. |

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| 16. | Council consider extending the opening hours of the ACF on weekends. | |
| | Comment: | <p>The ACF is currently open to the public between 9.00am – 12.00pm on Saturdays. The audit report recommends Council consider extending the opening hours of the ACF in line with neighbouring facilities, to be open on Sundays. The consultant's report recognises that this would provide the public greater opportunity to access the facility and purchase or retrieve animals, as young families are often committed on Saturday mornings with other activities such as children's sport.</p> <p>The report concludes that the facility needs to open on Saturday and Sunday and accordingly recommends that Council consider extending its opening hours on weekends</p> <p>The extent of any cost offset generated by additional animal sales arising from extended hours of opening is unknown. Implementation of this action would likely incur additional resourcing requirements.</p> |
| | Proposed Action: | See proposed Action under recommendation 17. |
| 17. | Review ACF resource allocation to accommodate changes proposed in the audit report | |
| | Comment: | <p>There are a number of actions recommended in the audit report aimed at bringing about a series of desired changes. By necessity, some of these changes would require a review of resource allocation as a pre-requisite to their implementation. The more significant of these include the proposed:</p> <ul style="list-style-type: none"> • Introduction of a volunteer program; • Daily updating of the ACF web site; and • Extension of opening hours. |
| | Proposed Action: | That a review of ACF resource allocation be undertaken by the General Manager as part of the organisational review (and with reference to recommendations 19, 20 & 21) to accommodate any necessary changes to be made in the implementation of any adopted operational change or service delivery improvements. |
| 18. | Undertake a review of the training needs of the staff at the ACF and develop a program to address identified skill gaps. | |
| | Comment: | The audit report identifies a number of skill gaps in existing staffing resources in comparison to other facilities, particularly in the areas of customer service and animal care. |
| | Proposed Action: | That a review of training needs and the need to implement a training program to address identified skill gaps be undertaken. |

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| 19. | Council consider an outsourced model at the ACF. | |
| | Comment: | <p>The consultant's audit report recognises the significance for Council of pressures from the community that demand an improvement in service delivery at the ACF. These community expectations include a substantial reduction (approximately 40%) in the facility's euthanasia rate and a significant shift in facility culture to be more focussed on the care and well-being of animals. The consultant indicates that Council cannot expect these pressures and concerns to diminish until desired change is achieved, and therefore the option to outsource the ACF operation warrants serious consideration.</p> <p>The audit report identifies four potential options for the future operation of the ACF:-</p> <ul style="list-style-type: none"> i) Continue as is ii) Continue to employ staff with resourcing changes to realise a clear strategy for desired change, including a dedicated resource to manage a volunteer program iii) An 'outsourced model' at a providers facility (which is not considered viable due to the size of Council's ACF operations) iv) 'Outsourcing' at Council's existing ACF. <p>The audit report concludes that given the issues and challenges faced by Council in managing the change necessary at the ACF, option (iv) is the preferred approach.</p> <p>However, the report identifies that there are potential issues that need to be addressed in proceeding with this option, particularly as there is a need to carefully manage the ACF and its staff through any transition to an outsourced model and examine existing contract arrangements that are currently in place.</p> <p>The audit report has identified there is a market to outsource the existing facility and at least three appropriate service providers are available. In order to afford this option due consideration, it would be necessary to call for tenders for the ACF operation, excluding the provision of animal related regulatory/compliance functions.</p> |
| | Proposed Action: | <p>That subject to endorsement by Council to outsource ACF operations, tenders be called, excluding the animal related regulatory/compliance functions.</p> |

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| 20. | Council consider the appropriate management structure if an outsourced model for the delivery of the ACF is pursued. | |
| | Comment: | <p>In considering the option to outsource the operation of the ACF, the General Manager has indicated that arrangements could be put into place to ensure that no existing employees would be required to leave Council's employ. For instance:</p> <ul style="list-style-type: none"> • Council would retain the animal related compliance/regulatory function and related staff within the Compliance Services Section. Compliance staff (for example restricted dog officer, animal control officers and the companion animal advisory officer) would continue to perform their current compliance roles within the Compliance Services Section. • Technical Support Officers (TSO) within the ACF would be redeployed as part of the Compliance Services TSO team and the remaining two ACF operational staff would be redesignated to alternate roles similar to their current level of responsibility within the Council organisation. • Transfer the management of the ACF facility contract to specialist procurement staff within the Assets and Supply Section. It would be likely that the Compliance Services Manager would remain responsible for managing the technical aspects of service delivery under the contract arrangements. |
| | Proposed Action: | <p>That the General Manager as part of the organisational review, determine the appropriate management structure if an outsourced model for the delivery of the ACF is adopted by Council.</p> |
| 21. | Council consider the inclusion of special provisions within any outsourced model at the ACF. | |
| | Comment: | <p>There are certain matters that have been raised throughout this report, and also highlighted in the consultant's audit report, that would be directly relevant to the negotiation of any contract concerning an outsourced model of management at the ACF.</p> <ul style="list-style-type: none"> • The proposed extension of hours across Saturday, Sundays and some public holidays • Engagement with volunteers as part of a comprehensive volunteer program associated with the operation of the facility • Daily updating of the ACF website concerning lost dogs, animals for sale etc. |
| | Proposed Action: | <p>That Council include in any tender specification relating to the future outsourcing of the operation of the Animal Care Facility, appropriate provisions to accommodate:</p> <ul style="list-style-type: none"> • An extension of facility opening hours across Saturday, Sundays and some public holidays • Engagement with volunteers as part of a comprehensive volunteer program associated with the operation of the facility • Daily updating of the ACF website concerning lost dogs, animals for sale etc. |

PART THREE – Operational Change Action Plan

Following determination by Council as to the way forward, a comprehensive project management approach is considered essential to ensure the successful implementation of any agreed actions.

It is therefore recommended that a detailed project management plan (Draft Operational Change Action Plan – please see attachment 2) be adopted for implementation and that progress be reported on a quarterly basis on Council's web site and to Council's Planning and Environment Committee through the Compliance Services Section Quarterly Activity Report.

The implementation of the actions listed in the Draft ACF Operational Change Action Plan (and in particular the extent and nature of such implementation) will vary, depending upon whether Council decides to continue to operate the facility itself or ultimately accepts a tender to outsource the facility operation.

Conclusion

The various recommendations adopted by Council following consideration of a report on the operation of the Animal Care Facility in December 2011 have been implemented or acted upon as discussed in this report, it being noted that some degree of further action is required.

In addition, the recommendations arising from a recent independent consultant review of the operation ACF have been presented in this report.

A series of actions have been identified as part of the consideration of the above matters and have been compiled in the form of a Draft ACF Operational Change Action Plan for consideration by Council as the means to drive and project manage positive operational change at the ACF.

It is recommended the Draft ACF Operational Change Action Plan be adopted for implementation and that progress be reported through Council's web site and the Compliance Services Section quarterly activity reporting process.

The option to outsource the operations of the ACF has been identified as warranting serious consideration. To fully evaluate this option, it is necessary to call for tenders and therefore this approach is recommended.

The report also recommends for policy change to require that all dogs and cats sold at Council's ACF be de-sexed and further, a flat price rate be set for the sale of all dogs and cats (including de-sexing) and that a 5% discounted rate apply to pensioners. Accordingly, recommendations have been made regarding these policy and fee structure changes to bring the ACF more into line with practices implemented at neighbouring facilities.

Officer's Recommendation

1. That the Draft ACF Operational Change Action Plan, as detailed in attachment 2 of this report, be adopted.
2. That progress of the Draft ACF Operational Change Action Plan be reported on a quarterly basis on Council's web site and to Council's Planning and Environment Committee through the Compliance Services Section Quarterly Activity Report.
3. That Council call for tenders for the management and operation of the existing Animal Care Facility (excluding compliance and regulatory functions) and that a further report be submitted to Council to evaluate any tenders received.
4. That Council adopt a policy that all cats and dogs sold at the Animal Care Facility be de-sexed.
5. That Council endorse the following fee structure for the purchase of all cats (including kittens) and dogs (including puppies) from Council's Animal Care Facility:

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| Dogs | \$320 | Includes de-sexing, micro-chipping, registration (for adult dogs only), vet check, vaccination and heartworm |
| Cats | \$200 | Includes de-sexing, micro-chipping and registration (for adult cats only) |

5% discounted rate on the above fees to apply to pensioners.

6. That Council place the above fees on public exhibition for a minimum of 28 days and a further report be submitted to Council to consider adoption of the proposed fees, outlining details of any submissions received, at the conclusion of the public exhibition period.

Committee Note: Ms Richards addressed the Committee.

Committee's Recommendation: (Lound/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 18 June 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 114

That the Officer's Recommendation be adopted.

5. GENERAL BUSINESS

Nil.

Confidentiality Motion: (Lound/Kolkman)

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

CARRIED

18. CONFIDENTIAL ITEMS

18.1 Confidential Report Directors of Companies

Reason for Confidentiality

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

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

There being no further business the meeting closed at 9.17pm.

G Greiss
CHAIRPERSON
