

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 24 June 2014.

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 24 June 2014

Present

- Councillor G Greiss (Chairperson)
- Councillor R Kolkman
- Councillor D Lound
- Councillor M Oates
- Councillor T Rowell
- Councillor R Thompson
- General Manager - Mr P Tosi
- Director Planning and Environment - Mr J Lawrence
- Acting Director Planning and Environment – Mr J Baldwin
- Manager Community Resources and Development - Mr B McCausland
- Acting Manager Compliance Services - Mr P Curley
- Manager Waste and Recycling Services - Mr P Macdonald
- Acting Manager Development Services - Mr B Leo
- Manager Sustainable City and Environment - Mr A Spooner
- Acting Manager Governance and Administration - Mr T Rouen
- Executive Assistant - Mrs K Peters

Apology (Rowell/Thompson)

That the apology from Councillor Matheson be received and accepted.

CARRIED

Also in Attendance

Following the conclusion of the City Works Committee meeting, His Worship the Mayor attended the Planning and Environment Committee for part of the meeting.

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 Kolkman - Item 3.5 - Subdivision into two Torrens title allotments - No 182 Raby Road Varroville - Councillor Kolkman advised that two parties are known to him.

1. WASTE AND RECYCLING SERVICES

1.1 Grant allocations under the Better Waste and Recycling Fund

Reporting Officer

Manager Waste and Recycling Services

Attachments

Nil

Purpose

To provide Council with information regarding proposed expenditure of NSW Government funding under the 'Better Waste and Recycling (BWRf)' program.

History

It was originally intended that grants under the BWRf would be distributed to Councils in July 2013, however due to delays at a State Government level, distribution of funds was delayed by 10 months.

Campbelltown City Council's allocation for 2013-2014 is \$377,245.22 (this amount was paid to Council on 13 May 2014). Council's allocation for 2014-2015 is estimated to be approximately \$338,170 (scheduled to be paid to Council during mid-July 2014). Due to the delay in payment of the 2013-2014 funding, the EPA has permitted carry-over of the 2013-2014 funding to 2014-2015. In essence, Council has approximately \$715,400 in funding to be spent or committed to spending on initiatives by June 2015.

As a condition of funding under the BWRf, each Council must submit to the EPA by 30 June 2014 a completed 'Project Reporting Table'. This table must provide the following details for each initiative:

- initiative title
 - short description
 - key result area (see below for more detail)
 - background/context
 - alignment with Regional Waste Strategy
 - key performance indicators
 - amount of BWRf funding allocated
-

The key result areas that each Initiative must target include one or more of the following:

- avoid and/or reduce waste generation
- increase recycling/diversion from landfill
- manage problem wastes better
- reduce litter
- reduce illegal dumping
- supporting better practice (the EPA's guidance notes advise that this may include projects that improve the delivery of the other key result areas, and may include waste education officers, waste composition audits, strategy development, behaviour/attitude research, and feasibility studies).

Councillors would be aware of the current long-term domestic waste processing contract SITA Australia Pty Limited. In this joint initiative with Camden, Wollondilly and Wingecarribee Councils, this contract provides for a range of technologies and practices to be applied to the Councils' kerbside-collected garbage, recyclables, garden organics and clean-up waste. With the application of the various technologies and practices to these four waste streams, Council achieves a diversion-from-landfill rate of approximately 70%. This is one of the highest diversion rates in Australia for the domestic waste stream, and one which already meets the NSW Government's 2022 target of 70%. For this reason, it is proposed that most of the funding under the BWRP be directed towards initiatives associated with illegal dumping, litter and community behavioural change, with a lesser emphasis on increased landfill diversion rates in the domestic waste streams.

As the BWRP program is for a five year period only, it is considered important that, where possible, funds are utilised on initiatives that will not incur ongoing costs to Council after the funding period ends.

The following table provides a summary of the proposed expenditure of the first two years' funding.

Initiative	Estimated Funding Allocation
Year One (2013-2014):	
Design and construct Mobile Interactive Display Centre (MIDC):	
Stage 1: Purchase of iPads (20 @ \$700 each):	\$14,000
Contribution to regional App development:	\$29,000
Stage 2: Design and construct trailer and install fittings	\$100,000
Schools education, (incl. use of apps and MIDC). Themes include:	\$15,000
<ul style="list-style-type: none"> • litter • illegal dumping • food waste avoidance/reduction • recycling 	
Anti-litter and anti-dumping signage: parks, schools, laneways, etc	\$20,000
Supply and install barrier fencing preventing dumping in isolated bushland areas and urban areas	\$131,500

Purchase of three surveillance cameras and 20 relocations @ \$14,500 each	\$43,500
Purchase of five covert surveillance cameras, security peripherals and data transfer equipment @ \$1000 each	\$5000
Multi-unit, vacated and rented premises initiative	\$19,000
Sub-total:	\$377,000
Year Two (2014-2015):	
Purchase additional vehicle for collection of illegally dumped waste	\$220,000
Conduct MIDC events at schools	\$25,000
Anti-litter and anti-dumping campaign (local newspapers and local radio station)	\$93,500
Sub-total:	\$338,500
TOTAL FOR 2013-2014 and 2014-2015 FUNDING PERIODS:	\$715,500

Details of the above initiatives are as follows:

Design and construct mobile interactive display centre (MIDC):

The proposed MIDC would comprise a large double-axle box-trailer with an enclosed body. The trailer would be towed to and parked in school playgrounds and at relevant Council events. The trailer would be designed as a 'walk-through' display centre for primary school students, with a series of interactive touch-screens (probably 'iPads') running 'off-the-shelf' apps where appropriate, and purpose-designed educational 'apps'. In keeping with the funding requirements, the apps would carry themes promoting anti-littering, anti-dumping, waste-avoidance/reduction and recycling.

Stage 1 of the funding would include development of 'apps' and purchase of iPads. Stage 2 of the funding would include design and construction of the trailer and installation of fittings, including the iPads. Roll-out of this project in this order would enable the community's use of the apps and iPads at Council stalls during community events such as Riverfest, Ingleburn Alive and Fisher's Ghost Festival, pending construction and fit-out of the trailer.

Schools education (including use of apps and MIDC):

Upon development of apps and procurement of iPads, and pending construction of the MIDC trailer, the Macarthur Centre for Sustainable Living would be contracted to develop and commence a schools education program using the iPads and apps using the schools' classrooms.

Anti-litter and Anti-Dumping Signage: parks, schools, laneways:

The NSW EPA recently commenced a statewide anti-litter advertising campaign with the theme 'Hey Tosser'. The campaign uses the slogans 'Hey Tosser! You know it's wrong' and 'Hey Tosser! It's a dirty look'. To supplement the EPA's campaign, Council is currently in the process of introducing its own anti-litter and anti-dumping campaign. The slogans are 'This is our place. Respect it. Protect it. Please don't litter', and 'This is our place. Respect it. Protect it. Please don't dump rubbish'. The slogans will appear on posters with photographs of people in a range of local settings, for example children in a playground, a young person with a skateboard, and an adult with a fishing rod in a local bushland/river setting. The aim of the theme is to take a positive approach by engendering a sense of connection with one's local community. Under the current campaign, the posters will appear on the four arch-way signs currently located around the city, in bus shelters and in local newspapers.

The EPA funding will enable Council to expand the advertising campaign to the installation of posters in parks, schools (subject to the approval of the NSW Department of Education and private school operators), laneways and other targeted areas.

Supply and install barrier fencing (preventing dumping in isolated bushland and urban areas; eg. supply and install wire cable fencing, end-stops and gates):

It is proposed to purchase and install fencing and gates, including wire cable and chain-wire fencing in targeted bushland areas to make it more difficult for offenders to deposit bulky waste items in areas from which it is difficult to retrieve, for example in Wedderburn, Hansens Road and Mercedes Road. Chain-wire fencing would be used in urban areas, for example in Richmond Avenue, where waste is regularly dumped down the embankment along Smith's Creek.

Purchase three surveillance cameras and 20 relocations:

Portable unhidden surveillance cameras would be located in dumping 'hot-spots' in urban and industrial areas. The purchase price of each unit includes up to 20 camera relocations.

Purchase of five covert surveillance cameras, security peripherals and data transfer equipment:

Portable covert surveillance cameras would be located in secluded bushland dumping 'hot-spot' areas. The use of multiple cameras to monitor one area will increase the likelihood of identifying offenders. Security peripherals include high tensile steel cable to reduce the likelihood of cameras being stolen and remote transfer and storage of data from cameras.

Multi-unit, vacated and rented premises initiative:

Councils across Australia experience ongoing problems with illegally dumped waste outside multi-unit dwellings, rented and vacated premises. The proposed funding would be used to work with Housing NSW, strata managers, real estate agents and community housing corporations to:

- create and distribute 'welcome' packages for new residents
 - install signage on premises encouraging residents to book kerbside clean-ups before placing items on the kerb
-

- encourage Housing NSW, real estate agents and community housing corporations to advise Council of tenants' impending departures from properties. In these cases Council could contact the residents to remind them of the availability of Council's kerbside clean-up service
- arrange community education activities in conjunction with local agencies, targeting tenanted properties.

Purchase additional vehicle for collection of illegally dumped waste:

Council currently operates one 'crane-truck' for the collection of illegally dumped waste. The vehicle is a tipper-truck with a 6-metre long body and a crane with a 'clam-shell' bucket used to lift bulky items into the body. The first priority in the working day is to respond to illegal dumping requests reported by members of the public, staff and Councillors. Once all formal requests are completed, staff then patrol well known dumping 'hot-spots' across the LGA to collect dumped waste that has not been reported. Unfortunately, the number of reported incidents are such that staff's time is spent largely on reactive work, with very little time left for 'proactive' work. The purchase of an additional truck with similar specifications to the existing truck, would enable staff to patrol dumping 'hot-spots' far more frequently, dramatically reducing the time between dumping and collection. Experience shows that the presence of dumped waste appears to attract more dumped waste. It therefore anticipated that the more rapid removal of dumped waste will result in less dumping incidents.

In recent years Council's crane-truck operation was changed from a one-person function to a two-person function, due largely to employee safety concerns over traffic monitoring and the risk of the crane coming into contact with overhead power-lines. The second employee is provided as an observer to minimise these two risks. Since the change to a two-person operation, all city cleansing staff have been provided formal training in working near overhead powerlines and traffic control. A work health and safety consultant will be engaged in the near future to assess the work function and advise Council on the measures required to revert this business operation to a one-person function. Once these measures are undertaken, the second employee allocated to the current vehicle would be assigned to the additional vehicle, thus avoiding any additional labour costs.

Conduct MIDC events at schools:

Funding would be allocated to continue the schools education program described earlier in this report. The Macarthur Centre for Sustainable Living would be contracted to set up the MIDC at primary schools across the Campbelltown LGA.

Anti-Litter and Anti-Dumping Campaign (local newspapers and local radio station):

During the second year of funding, promotion of the 'Respect it. Protect it' campaign and other similarly themed campaigns, would be increased in local newspapers, and commenced on local radio.

It is anticipated that Council will benefit from a further three years of funding under the 'Better Waste and Recycling Fund'. As these funds become available, further reports will be provided to Council on the proposed expenditure of the funds.

It should be noted that the funding allocation provided in this report are estimates only, and the EPA acknowledges that even after the proposed Project Reporting Table is submitted, variations may take place as actual costs are incurred. The EPA also acknowledges that during the term of the Better Waste and Recycling Fund grant program, Councils may propose variations to or cancellations of originally proposed initiatives, and/or the addition of new initiatives. Further reports would be provided to Council on any proposed significant changes to the original Project Reporting Table.

Officer's Recommendation

That Council endorse the initiatives proposed in this report for inclusion in the Project Reporting Table to be submitted to NSW Environment Protection Authority for funding under the Better Waste and Recycling Fund for the 2013-2014 and 2014-2015 years.

Committee's Recommendation: (Kolkman/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 1 July 2014 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 105

That the Officer's Recommendation be adopted.

2.1 Additional Proposed Road Name - Bardia Sub-Precinct Of The Edmondson Park Urban Release Area

2. SUSTAINABLE CITY AND ENVIRONMENT

2.1 Additional Proposed Road Name - Bardia Sub-Precinct of the Edmondson Park Urban Release Area

Reporting Officer

Manager Sustainable City and Environment

Attachments

Nil

Purpose

To seek Council approval to add 'Ray Simpson Avenue' as a new road name for use in the Bardia Sub-Precinct of the Edmondson Park Urban Release Area.

History

Council at its meeting of 18 October 2011, considered a report on Proposed Road Names - Bardia Sub-Precinct of the Edmondson Park Urban Release Area. Council subsequently approved a number of road names for use in this new residential development. As an addendum to this resolution, Council also resolved:

- "5. That consideration also be given to honouring Ray Simpson VC and the Education Unit and the Malaria Research Unit.

Council at its meeting of 11 March 2014, considered a report on Proposed Road Names for use within the Airs/Bradbury Renewal Project, and resolved:

- "4. That Council be provided with a further report providing for the inclusion of a further street name of Rayene Stewart Simpson V.C in the Bardia Precinct."

Report

Rayene "Ray" Stewart Simpson (1926-1978) was born on 16 February 1926 at Redfern. On 15 March 1944 he enlisted in the Australian Imperial Force. He served on Morotai and at Tarakan, Borneo and Rabaul, New Guinea. He was demobilised on 20 January 1947. After taking various jobs, he joined the Australian Regular Army in January 1951. Five months later he was sent to Korea as a reinforcement for the 3rd Battalion, Royal Australian Regiment (RAR). On 16 January 1953 at Kure, Japan, he married Shoko Sakai. Returning to Australia in April 1954, he served with the 2nd Battalion, RAR, in Malaya (1955-57), then with the 1st Special Air Service (SAS) Company near Perth. In July 1962, promoted to warrant officer class two, he flew to Saigon for duty with the Australian Army Training Team Vietnam (AATTV).

2.1 Additional Proposed Road Name - Bardia Sub-Precinct Of The Edmondson Park Urban Release Area

On his second tour with the AATTV in September 1964 he was badly wounded at Ta Ko. He was awarded the Distinguished Conduct Medal (DCM) for that action, then after his recovery he returned to Vietnam as a civilian and was uniquely signed up 'in country' for his third and longest tour. He was awarded the Victoria Cross for his gallantry in two actions on the 6 May and 11 May 1969 involving the recovery of two badly wounded comrades. He was also awarded the US Silver Star and Bronze Star for these actions.

He was discharged from the army on 4 May 1970 and obtained an administrative post in the Australian Embassy, Tokyo. Survived by his wife, he died of cancer on 18 October 1978 at the University of Tokyo medical clinic.

The Bardia Sub-Precinct of the Edmondson Park Urban Release Area comprises part of the former Ingleburn Army Camp and records indicate that Ray Simpson was stationed here on a number of occasions. From 30 May 1951 to 21 June 1951 he was stationed at Ingleburn with 1st RAR before being sent as a reinforcement for 3rd RAR in Korea. Between 14 August and 28 October 1961 he was staff on an SAS Cadre (Selection) course at Ingleburn and from 5 February to 26 May 1964 he was at the Infantry Centre while attending his warrant officer class two promotion course. It is therefore considered appropriate that the street name 'Ray Simpson Avenue' be approved for use in the Bardia Sub-Precinct of the Edmondson Park Urban Release Area.

The proposed road name has been checked to ensure compliance with the Geographical Names Board's NSW Road Naming Policy. In accordance with Clause 3.6 of this policy in relation to commemorative road names, Council staff have contacted and gained the consent of Ray Simpson's brother, Mr Robert "Bob" Simpson, and also his stepdaughter, Harumi Nanao, for the use of this proposed road name. Council staff would like to acknowledge the valuable assistance provided by Mr Peter Lutley (who is currently co-authoring a biography on Ray Simpson) in contacting the relatives of Ray Simpson and providing information about his military service at Ingleburn. In accordance with Clauses 3.4 and 3.5 of this policy in relation to uniqueness and the use of given or first names, the road name 'Ray Simpson Avenue' is proposed to avoid duplication with the existing road name Simpson Place in Leumeah. In addition, Mr Bob Simpson indicated in correspondence with Council staff a preference for the use of Ray Simpson in any proposed road name as he could not recall his brother ever using the name Rayene.

Council's original resolution requested that the term VC be included after the name Ray Simpson in order to acknowledge this distinguished award. Unfortunately however this is not considered possible after a review of Clause 3.2 (Principle 2 – Language) of the GNB's NSW Road Naming Policy which states:

"1.8. A road name shall not be abbreviated or contain an abbreviation, initial or acronym (eg Mount, not Mt) except that St shall be used for Saint."

Staff at the GNB also advised Council Staff in a telephone conversation that the use of "VC" in any proposed road names would not be supported. Concern was raised that although it would be imagined that most people would understand the term VC for in such a road name, there was a possibility of confusion between this abbreviation and the street suffix abbreviation when used on road signs etc. (e.g. Ray Simpson VC Ave).

2.1 Additional Proposed Road Name - Bardia Sub-Precinct Of The Edmondson Park Urban Release Area

The primary purpose of a road name is to provide a clear, concise and unambiguous name to the road to aid in its location and the properties addressed to that road. Principle 1 of the NSW Road Naming Policy requires that "Road names shall not risk public and operational safety for emergency response, or cause confusion for transport, communication and mail services." Therefore, this primary purpose of any road name should always take priority over any secondary role it may have in commemorating a person, place or event.

Division 2 of Part 2 of the Roads Regulation 2008 outlines the procedure that Council must follow when naming public roads under its control. In accordance with these procedures, Council is required to advertise this proposed road name in local newspapers and notify Australia Post, the Registrar General, the Surveyor General and the various emergency services of its intention to use this road name. Should no objections be received during the exhibition period, it is recommended that Council then complete the road naming process by publishing a notice of this new road name in the NSW Government Gazette.

With regard to Council's resolution of 18 October 2011 and the consideration of the Education Unit and the Malaria Research Unit as possible road names for use within this precinct, UrbanGrowth NSW have indicated that those military units formerly located at Ingleburn Army Camp whose names do not lend themselves readily to use as road names will be commemorated as part of the overall place making strategy of this development. This may take the form of the future use of commemorative plaques situated in footpaths at the former locations of these units within the camp.

Officer's Recommendation

1. That Council approve the proposed road name 'Ray Simpson Avenue' for use in the Bardia Sub-Precinct of the Edmondson Park Urban Release Area.
2. That Council advertise its proposal to use this road name in local newspapers for a period of one month and notify the authorities prescribed by the Roads Regulation 2008.
3. That should no objections to the proposal to use this road name be received during the exhibition period, Council publish notice of this new road name in the NSW Government Gazette.

Committee's Recommendation: (Oates/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 1 July 2014 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 105

That the Officer's Recommendation be adopted.

2.2 Camden Gas Community Consultative Committee Minutes

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Minutes of the Camden Gas Community Consultative Committee meeting, held on 21 November 2013 (contained within this report)
2. Location of new groundwater monitoring site (contained within this report).

Purpose

To inform Council on the outcomes of the Camden Gas Community Consultative Committee meeting held on 21 November 2013.

History

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

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

Report

A meeting of the CGCCC was held at the Rosalind Park Gas Processing Plant on 21 November 2013. The minutes of this meeting, which were formally endorsed at the CGCCC meeting held on 7 May 2014, are presented in attachment 1. Copies of presentations referred to in the minutes are available from the Manager Sustainable City and Environment (Manager SCE) on request.

This report provides a broad summary of the outcomes of the CGCCC meeting held on 21 November 2013 and highlights issues of relevance to Council.

1. Presentation on the Environmental Health Impact Assessment

Environmental Risk Science and Audit consultants (En Risk) were engaged by AGL to prepare an Environmental Health Impact Assessment (EHIA) for the CGP Stage 3 Application. Despite the suspension of the Stage 3 Application, AGL were determined to proceed with an EHIA in response to concerns regarding the potential impacts on human health by this Project Application.

The EHIA and associated Appendices were publicly released on 28 October 2013 and can be viewed on AGL's website at: <http://www.agl.com.au/about-agl/how-we-source-energy/natural-coal-seam-gas/camden-gas-project/environment>. In summary the document concluded:

“Assuming that the Northern Expansion Project is carried out in accordance with best practice, as well as the current policies and codes of practice, the risks posed to the health of the community and to air, noise, groundwater and surface water by all aspects of the project have been found to be low and acceptable”.

An En Risk representative delivered a presentation on the following key components of the EHIA at the CGCCC meeting:

- The identification and collation of the hazards and risk issues of concern associated with the project application
- The review of the site-specific and project information available and issues of concern raised by the community
- The consideration of a range of worst-case scenarios for impacts (associated with the project application) that may occur to air, groundwater and surface water.

2. Presentations by AGL

(i) Location of wells and pipelines

Following an enquiry at a previous meeting, AGL advised that 89 gas wells were located on privately owned land and 55 gas wells were located on government land within CGP Stage 1 and 2 Areas.

(ii) Operational Summary

There were no drilling activities at gas extraction well sites within the CGP Area between September and November 2013. Maintenance work has been carried out at a number of well sites within the Mt Taurus gas field near Menangle Park.

Quarterly monitoring of air emissions and noise levels at the Rosalind Park Processing Plant was undertaken in the September 2013 quarter. All collected data complied with the permitted levels specified in the EPA licence for the facility.

(iii) Update on the AGL groundwater monitoring program

AGL advised that a previously proposed groundwater monitoring site near Currans Hill had been replaced by a site north of the Menangle Park Village (see attachment 2) on land owned by NSW State Rail for site access reasons. AGL further advised that three bores had been inserted to depths of approximately 100 metres, 150 metres and 300 metres at this site during January 2014.

(iv) Launch of “Your Say AGL” website

AGL advised that a website that provides information on its operations and news associated with the coal seam gas industry in general had been established. The website also contains an open on-line forum that provides answers to questions from the community. The website can be viewed at <http://www.yoursayagl.com.au/welcome-to-agls-online-community>.

3. Next meeting

The next meeting of the CGCCC will be held on 30 July 2014, where the minutes of the meeting held on 7 May 2014 are scheduled to be endorsed. A report providing a summary of the minutes of the 7 May 2014 meeting will be presented to the next available Council meeting following their endorsement.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 1 July 2014 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 105

That the Officer's Recommendation be adopted.

ATTACHMENT 1

COMMUNITY CONSULTATIVE COMMITTEE AGL – CAMDEN GAS PROJECT

MEETING NO.38

Held in the RPGP Conference Room, Menangle on 21 November 2013 at 5.30pm

MINUTES

Member / Guest	Attendance Type
Mrs Margaret MacDonald-Hill (MM) Chair	Present
Mr Brad Staggs (BS)	Apology
Mrs Diane Gordon (DG)	Apology
Mr Fred Anderson (FA)	Present
Ms Jacqui Kirkby (JK)	Apology
Ms Nea Makowski (attending on behalf of JK) (NM)	Present
Mr Michael Hingley (MH)	Apology
Mr Peter Bloem (PB)	Apology
Mr Simon Hennings (SH)	Apology
Mr Troy Platten (TP)	Apology
Mr Paul Reynolds (PR)	Apology
Cr Lara Symkowiak (LS)	Apology
Mr Aaron Clifton (AC)	Present
Ms Jenny O'Brien (JO)	Present
Mr Adam Lollback (AL)	Present
Ms Sara Olivier (SO)	Present
Mr Andrew Spooner (AS)	Present
Mr David Henry (DH)	Present
Mr Geoff Green (GG)	Apology
Ms Nicole Magurren	Apology
Ms Jackie Wright (JW)	Present
Ms Therese Manning (TM)	Present

Meeting Opened at: 5.30pm

ITEM	ACTION
<p>1.0 Welcome</p> <p>MM - Welcome and introduction of presenter Jackie Wright – EnRisk and observer Therese Manning - EnRisk</p> <p>MM also welcomed Nea Makowski who was attending on behalf of Jacqui Kirkby.</p> <p>Declaration made by MM - MM - Advised that she is engaged by AGL as an independent chair, approved by the Director General of Planning and Infrastructure. She is also a member of the Mine Subsidence Board and the Minister's Arbitration Panel.</p>	
2.0 Apologies	

<p>As above.</p>	
<p>3.0 Confirmation of Previous Minutes</p> <p>MM indicated some minor corrections had been received by JK and PB for meeting #37 minutes. These corrections largely included clarifications to statements they had made during the meeting.</p> <p>No further corrections were made by members.</p> <p>Moved: Andrew Spooner Seconded: David Henry</p>	
<p>4.0 Invited Speakers</p> <p>Jackie Wright, Environmental Risk Sciences Pty Ltd (EnRiskS)</p> <p>Presentation on Environmental Health Impact Assessment – Camden North Expansion Project</p> <p>AC – Introduced JW and TM. Explained that the Environmental Health Impact Assessment (EHIA) was carried out following a commitment AGL made in late January 2013. This commitment was made following comments received from the community about concerns of potential health impacts from the proposed Camden North Expansion Project.</p> <p>AGL met with NSW Health and Department of Planning and Infrastructure and committed to undertaking the EHIA despite the project being suspended. AGL thought the EHIA was still an important process to complete to meet the expectations of NSW Health and the community.</p> <p>Key government agencies including NSW Health have been consulted with prior to the release of the EHIA and JW and TM have shared the findings of the report with Camden, Campbelltown and Wollondilly Shire Councils. AC confirmed the report is now available on the project website.</p> <p>MM – Confirmed a copy of the presentation would also be made available to members.</p> <p>DH – Did you discuss the outcomes of the HIA with the Chief Scientist?</p> <p>JW - Yes the Chief Scientist’s office was briefed on the outcomes and they were involved in the process.</p> <p>NM – Will pass on the information to JK. NM asked what the definition of low and acceptable risk was and how it was determined?</p> <p>JW- The definition of acceptable risk is what a community can accept without undue concern. The NSW Health determines this. Acceptable risk is defined when policy is developed, For example in the drinking water guidelines, air guidelines and recreational water guidelines. These</p>	<p>JO to send EHIA presentation to CCC members</p>

guidelines were adopted in the EHIA to determine the level of risk and to demonstrate if the project fell below these levels.

MM – Asked JW to clarify if these guidelines were also based on national and international guidelines and standards.

JW – Confirmed that NSW guidelines are consistent with national guidelines and some international guidelines eg. From the WHO, EPA.

NM - Asked if most of the information used to complete the assessment was gathered from the Environmental Assessment (EA)?

JW – Confirmed the bulk of data was taken from the specialist study reports in the EA. Some additional data collection and studies were undertaken including studies on fugitive emissions. During the EHIA analysis was undertaken down to a very low level to know if there were any detects. In particular, no detections of benzene or were found.

FA – Would you expect the same fugitive emission results from the existing project?

JW - Yes a very similar composition of emissions would be expected.

AS – Have NSW Health endorsed the document?

AC – No NSW Health haven't publicly endorsed it. They have been very cooperative throughout the development of the document and have provided a lot of resources. Ideally, it would be great to have a statement on the front page of the report signed by Minister for Health.

AL – AGL have gone back to NSW Health on three occasions and each time they have provided questions and comments. Following each of these meetings AGL has gone back to address these.

AS – Have NSW Health provided comment on the final version?

AC – No not yet.

JO –Where changes or further work were suggested by NSW Health, these matters and changes have been made.

MM – Commented that it is unlikely that government will endorse the report. This report will form another study and provide information that will go in the melting pot for the community and government to consider.

AS – Understood AGL worked closely with Wayne Smith, was he happy with the report? Has he stated that concerns have been covered?

JO – Have not been advised at this stage

AS – Agrees that NSW Health endorsement would provide confidence to community.

AS – Understood that the information contained within the report and the findings are not transferrable to any other CSG project. Asked whether this was because EnRiskS was only commissioned to look at the Northern Expansion? Council is looking at another issue in Menangle Park and wondered if the information was transferable to similar operations and places of similar geology?

JW – Explained that within this existing Camden Gas Project area most of the results are transferable because of similar geology. The reason the report states that the results are only relevant to the Camden Northern Expansion project is the risk someone tries to transfer the results to other operations in other areas such as QLD or the Hunter where there is different geology. The results are transferable within existing operational areas in Camden.

FA – If powers at the top were in disagreement with this report would it have been issued?

JW – If representatives from NSW Health, Planning and other government departments were concerned or identified gaps in information, then this report would not have been released until these gaps or concerns were addressed. Feedback received to date has been positive from representatives of government agencies and questions asked has enabled EnRiskS to clarify information or find additional information to provide further explanation.

AC –AGL made it known publicly that this report was being prepared and would be reported on. If benzene was found that could have had a health impact AGL would have had to release the report regardless of findings.

JO – AGL made a commitment to the community to share the results and findings of the EHIA and the fugitive emissions report. JO explained her job and the role of the CCC is to share information and to be open and transparent. JO explained this was the only way to develop trust and credibility with community.

FA – Commented about moral responsibility for people at the top of organisations to disagree with the publishing of findings of this type of report - not only in relation to emotional issues but also in regards to the substance of the science.

MM – There is often debate between experts and technical report findings. This provides for a dynamic process. A report such as this stands in the public and can be commented on. This process should bring confidence as it drives best practice. Others may read the information, conduct their own research, put papers out publicly for discussion.

AC – AGL have been cautious about the release of report to ensure the community understand that the Camden Northern Expansion Project is still suspended.

<p>JO – Explained that the Northern Expansion project is suspended. AGL made public commitments to conduct a health impact assessment. Aware there may be some members of the community who may perceive the EHIA as a way for the project to push ahead. AGL briefed the local papers about the report via phone and media releases and reiterated that the project remains on hold however the story depicted was that AGL won't rule out the project. The messages about the EHIA have been unclear in the media. AGL are trying to deliver on promises made to the community and be transparent.</p> <p>NM – Is there community confusion that the Northern Expansion Project is going ahead?</p> <p>JO – There are some sections of the community who are concerned about this. This can't be said for all sections of the community though.</p> <p>AL – AGL committed to doing the EHIA and that is why AGL pushed ahead with it.</p> <p>JO – AGL cannot go ahead with the Northern Expansion Project because of the current exclusion zones.</p> <p>AL – AGL needs to formalise intentions now the SEPP is released.</p>	
<p>5.0 Correspondence</p> <p>In 14/10/13 letter from Wollondilly Council advising Council Committee representation 2013/14.</p> <p>22/10/13 email from JO with link to AEMR</p> <p>28/10/13 email from JO with link to Environmental Health Impact Assessment - Camden Northern Expansion</p> <p>Out None</p>	
<p>6.0 AGL Update - Chair confirmed -most matters in Business Arising were included in updates.</p> <p>AL - PowerPoint presentation containing recent policy developments</p> <p>AL provided an overview of recent policy developments and DOPI exhibition of maps outlining CSG exclusion zones, locations of Strategic Agricultural Land and Critical Industry Clusters.</p> <p>More mapping had to be formalised. 8 November submission period closed.</p> <p>New policy is in place now just the mapping has to be finalised.</p>	

<p>AL – Addressed query JK raised from last meeting regarding the percentage breakdown of wells on public and private land and the percentage breakdown of pipeline infrastructure on public and private land. Public and government land has been considered the same category.</p> <p>There are 144 wells in total – 89 wells are on private land and 55 wells are on government land (including Sugar Loaf field, Gundungurra Reserve and Elizabeth Macarthur Agricultural Institute). This equates to approximately 62% of wells located on private properties and 38% of wells located on government land.</p> <p>Gathering line infrastructure is largely contained within the property boundaries of the wells however it does briefly cross into public roads in certain locations into the road easements. There is a therefore a similar breakdown for the gathering line infrastructure however slightly higher proportion of infrastructure on government property because of crossings along the road easements. Breakdown of gathering line infrastructure is 60% on private property and 40% on government land.</p> <p>NM - Will pass on to JK.</p> <p>FA – Is there any difference in the depth or type of pipe between the gas delivered for domestic use and for the gas gathering line infrastructure for this operation?</p> <p>AC – There are different Australian Standards for domestic gas supply and for the gas gathering lines. Expects differences because the gas is at different pressures in the pipes. AGL’s pipeline is under a lower pressure than the supply of gas for domestic and industrial use. The depth of AGL’s gas gathering lines is at a minimum of 75cm below ground level.</p> <p>FA – When the gathering pipeline crosses private land does it only impact the land that the well is located on or can it go across other neighbouring properties?</p> <p>AC – Access agreements can be developed for gathering lines not just wells. AGL has some flexibility with where the pipeline can be positioned. If a landowner doesn’t want the gas gathering line across their property, alternate locations can be investigated.</p> <p>AL – Some landowners only have pipelines eg. Council land has some pipelines linking different parts of the gas field but doesn’t have a well.</p> <p>FA- Is there a government regulation that requires you to put the pipeline in the road easement?</p> <p>AL – No, it is a matter of finding the best routes.</p> <p>AC – Telstra and other communications will commonly take the shortest and easiest path. Sometimes it is easy to put this infrastructure into the road easement but it is not always the case.</p>	<p>NM to confirm with JK that her query has been answered.</p> <p>AC to confirm pipe depths and sizes of domestic gas pipelines.</p> <p>JO to send email about percentage breakdown of wells and gathering line</p>
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JO – Explained information about the percentage breakdown of wells and pipeline infrastructure will be documented and sent in an email to the CCC.

AC – Powerpoint presentation on Well Summary , HSE and Field Investigations

AC - provided overview of well summary, field operations including new water monitoring bores to be drilled at Glenlee/Menangle Park in January 2014 and HSE.

JO sent out a link to the annual environmental report. This is an important document for AGL not just completed as a requirement for Planning and OCSG. It is an important resource for AGL and covers all non-compliance, air emissions exceedances, consultation work, CCC meetings and actions, information on recycling, Aboriginal Heritage, audits, visits from government agencies etc. This link is now on the website.

The corrective actions register to be updated in December 2013.

AS left meeting at 6.35pm.

Results for quarterly air emissions testing in September came back today so they will go up on website shortly.

JO – Powerpoint presentation on recent community activities.

JO – Provided overview of a noise complaint received, the community open day on July 18, 2013 and other community events.

JO introduced the “YourSay AGL” website. One stop shop to find out about all AGL operations and a portal to find out general information about CSG. Trying to provide information to community. Community can register and ask questions. This site is updated nearly daily. A weekly blog will also be published. Trying to engage with community in different ways. The YourSay site has been live for about 2 months. 120 people have registered and there have already been about 10,000 visits to the site.

AC – Responded to a question raised by JK in the previous meeting about the names of groundwater wells. In particular why some wells are referred to as Raby when they are not located in this area. The groundwater monitoring bores are located in Denham Court which has been called Raby Field.

Raby Monitoring Bore (RMB) 01-4 are within Raby Field however to ease confusion they will be referred to as RMB in Denham Court Field moving forward. The wells cannot be renamed at this stage because a lot of data has been collected and is assigned to these names.

Any future wells will be named more appropriately. For production wells and monitoring wells the names can't be changed because they are

infrastructure on public and private land.

AC to upload September quarterly air emissions monitoring results.

<p>already on record.</p> <p>An action for AGL was to review existing maps on the project website. AGL has now updated the maps with clearer labels - produced, plugged and abandoned, suspended. Maps should be uploaded onto the website within the next 24 hours.</p> <p>JO – To send a link to the CCC to the updated maps.</p>	<p>JO to send link to updated maps.</p>
<p>7.0 Business arising</p> <p>NM – JK raised an issue with page 6 of the previous minutes which possibly has been answered in presentations..</p> <p>NM - To confirm if information presented tonight addresses JK’s query.</p> <p>AC – Addressed TP suggestion from previous meeting to seek a report on repair works conducted on the cracked engine mount. Contractor will be providing letter to keep on file to provide date and scope of repair works. Expect to receive within next week and will be kept on internal file.</p> <p>AC – Didn’t receive any direct emails from JK regarding the activity in Mt Annan. JK to forward email to AC if follow up is required.</p>	<p>NM to follow up with JK</p>
<p>8.0 General Business</p> <p>DH – Asked about the status of the fugitive emissions report.</p> <p>AC – This report is still being reviewed. It is a big job with a lot of data. AGL have reviewed, Pacific Environment have made changes which should come back this week. Once received it will go to CSIRO for their review.</p> <p>Have formed a small internal committee to take main report and consolidate it into a summary report that is user friendly. The full report will be made available on the website as well but for those who want a quick summary there will be a shorter version. It is unlikely that this will be ready before Christmas.</p> <p>JO – The public consultation group will be brought back before the public release of the report and before going to government as per commitments made.</p>	
<p>9.0 Next meeting date</p> <p>MM – Proposed March 20 2014 but an extraordinary meeting can be held earlier if needed.</p> <p>JO- Will continue to provide CCC updates.</p>	

<p>MM - Thanked committee for efforts and thanked NM for attending. Thanked AC, AL and JO for all the information provided. Merry Christmas and happy new year.</p> <p>JO - On behalf of AGL wanted to thank the committee for their time and efforts over the last year.</p>	
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Meeting Closed at: 6.55pm

Acronym Index

CCC Community Consultative Committee
EHIA Environmental Health Impact Assessment
SEPP State Environmental Planning Policy
OCSG Office of Coal Seam Gas
DP&I Department of Planning and Infrastructure
HSE Health, Safety and Environment
WHO World Health Organisation

ATTACHMENT 2



2.3 Proposed Naming of Reserve within Englorie Park

Reporting Officer

Manager Sustainable City and Environment

Attachments

Locality Plans (contained within this report)

Purpose

To seek Council's approval to name an unnamed reserved in Englorie Park as 'Eggleton Reserve'.

History

At its meeting on 18 October 2005, Council resolved to endorse the name 'Eggleton Reserve' as the name for one of the reserves in the Macarthur Gardens estate, Menangle Road, Campbelltown. A naming proposal to assign Eggleton Reserve as a geographical name was submitted to the Geographical Names Board (GNB) on 3 March 2006. This name was formally assigned by the GNB on 30 June 2006.

Due to changes in the development pattern of Macarthur Gardens, the reserve proposed to be named Eggleton Reserve will no longer be created, as its originally proposed location is now within the grounds of the Macarthur Gardens Retirement Village.

Council has received a number of requests from the Eggleton family to assign the name Eggleton Reserve to an alternate location. As a result, Council staff have been seeking opportunities to utilise the reserve name. An unnamed reserve has been identified within the suburb of Englorie Park (Lot 50 DP 845826), located near the original proposed Reserve where the name was to be used and still within the original land grant of William Eggleton.

The location of this alternate reserve is shown on the locality plan included as an attachment to this report and is considered a suitable reserve for the use of this name.

Report

Proposed reserve name

Council's policy on the naming of parks and reserves states that new parks and reserves are to be named after past residents, land grantees or using Aboriginal words from the local dialect.

William Eggleton arrived with the first fleet on the ship 'Alexander' as a convict, with a seven year sentence for stealing clothing worth 39 shillings. Later, he was granted 60 acres (Portion 21 in the Parish of St Peter) by Governor Macquarie and by 1814 William, his second wife, daughter Elizabeth and son William Junior were farming this grant that was formally gazetted on 18 January 1817. The reserve in Englorie Park which is now proposed to be named Eggleton Reserve lies close to the centre of this land grant. All of William Junior's six children were born on the farm between 1815 and 1828 and he was appointed as a Constable at Campbelltown Police Station on 16 January 1825.

Process for naming reserves

Reserves and parks are defined as 'places' under Section 2 of the *Geographical Names Act 1966* (the Act) and the names of these places are defined as 'geographical names' under the same section of the Act. The GNB, who is largely responsible for the administration of the Act is charged with the role of assigning names to these places.

The GNB encourages local councils to undertake consultation with the community prior to submitting any naming proposals to the GNB and the procedure adopted by Council for the naming of parks and reserves is, therefore, as follows:

1. Council staff assess the naming proposal against current GNB guidelines.
 2. If the proposed name conforms to these guidelines, a report to Council is prepared recommending that the proposed name be publicly exhibited for 28 days to allow for community comment.
 3. If the proposal is approved for exhibition, a notice is published in local newspapers and 28 days are allowed for the receipt of any submissions. Any submissions received during the exhibition period are then considered and where objections are received, a report to Council is prepared recommending that either the naming proposal not be continued, or that an application be made to the GNB to have the proposed name assigned as the geographical name for the reserve or park. Where no objections are received, an application is made to the GNB to have the proposed name assigned.
 4. If an application is made, the GNB assesses the proposal at a meeting of the GNB and recommends that either the naming proposal be rejected, or that the naming proposal be advertised in accordance with Section 8 the Act to give the community further opportunity to comment.
 5. If approved for advertising, notice of the proposal is published by the GNB in a local newspaper and the NSW Government Gazette. The GNB then considers any submissions and either does not proceed with the proposal, or assigns the name as a geographical name for the feature. If the name is assigned, it is entered into the Geographical Names Register and notification of this is published in the NSW Government Gazette.
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Council staff have assessed the proposed reserve name and consider that it conforms with current GNB guidelines and Council's policy on park and reserve names. It is therefore recommended that the proposed reserve name be publicly exhibited by Council for 28 days to allow for community comment.

Officer's Recommendation

1. That Council approve the name 'Eggleton Reserve' for the unnamed reserve within Englorie Park (Lot 50 DP 845826).
2. That this naming proposal be advertised in local newspapers and placed on exhibition for a period of 28 days to allow the community to comment on the proposed reserve name.
3. That should no objections regarding this naming proposal, be received during the public exhibition period, Council submit an application to the Geographical Names Board of NSW requesting they assign 'Eggleton Reserve' as the geographical name for this reserve in accordance with the *Geographical Names Act 1966*.

Committee's Recommendation: (Kolkman/Oates)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 1 July 2014 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 105

That the Officer's Recommendation be adopted.

2.4 No. 194 Campbelltown Road, Denham Court - Proposed Amendment to LEP 2002

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. copy of the revised draft planning proposal (contained within this report)
2. an aerial photo of the subject site (contained within this report)
3. a copy of the report that was submitted to Council in October 2013 (contained within this report)
4. a map illustrating the proposed road access configuration to and from the site (contained within this report)
5. aerial Photo of the site while it was used by the RTA (contained within this report)

Purpose

The purpose of this report is to seek Council's endorsement to proceed with a draft Planning Proposal to Gateway Determination and public exhibition thereafter, to allow the site (known as No.194 Campbelltown Road, Denham Court) to be used for the purpose of a service station.

History

Council at its meeting on 10 December 2013 considered a recommendation of the Planning and Environment Committee and resolved as follows:

1. That Council support in principle a proposed amendment to Campbelltown (Urban Areas) Local Environmental Plan 2002 for Lot 100 DP1176622 (No. 194 Campbelltown Road) Denham Court, to include an additional use (service station) to Schedule 2 – Additional Development subject to its consideration of the outcomes of further required investigations as detailed in the above report.
 2. That additional requirements, as recommended by the legal advice sought by Council be included as part of any proposed amendment to Campbelltown (Urban Area) Local Environmental Plan 2002 to ensure that the service station would not be allowed to provide onsite truck parking and servicing.
 3. That the applicant be requested to prepare additional studies, as identified by this report, in support of a possible amendment to Campbelltown (Urban Area) Local Environmental Plan 2002.
 4. That this matter be reported back to Council following an assessment of the additional required investigations.
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On 19 December 2013, the applicant was advised of Council's above resolution.

On 19 May 2014, Council received a formal draft Planning Proposal from the applicant including associated preliminary studies as required by Council.

Report

Property Description: Lot 100 DP 1176622 (known as No. 194 Campbelltown Rd, Denham Court)

Owner: Press Australia PTY LTD

Applicant: Smyth Planning

Site Description

The subject site is located within the suburb of Denham Court and is bounded by major roads on all sides. Campbelltown Road lies to the west, the South Western Freeway (F5) to the east and south and the Ingleburn F5 exit off-ramp to the north. An aerial photo of the site is shown as Attachment 2 to this report.

The site is irregular in shape and has a frontage of approximately 240 metres to Campbelltown Road, 192 metres to the F5 and 116 metres to the F5 off-ramp and has an area of 1.241 hectares. The site is relatively flat with a slight slope to the north.

There is a single dwelling house on the site that is currently occupied.

The southern part of the site was previously used by the former Roads and Traffic Authority (RTA) as a storage area for road works material and equipment associated with the F5 Freeway upgrade.

Current Zoning

The site is currently zoned Zone 7 (d5) - Environmental Protection 1 hectare Minimum Zone under LEP 2002 and is proposed to be rezoned to E4 Environmental Living under draft Campbelltown Local Environmental Plan 2014 (draft CLEP 2014).

Under the provisions of LEP 2002, service stations are not permissible on land within Zone 7 (d5) - Environmental Protection 1 hectare Minimum Zone. The same provisions apply in draft CLEP 2014 as service stations are not proposed to be permissible under the proposed E4 Environmental Living Zone.

The draft Planning Proposal

The draft Planning Proposal submitted by the applicant seeks to amend Campbelltown (Urban Areas) Local Environmental Plan 2002 (LEP 2002) by creating a 'scheduled use' for the subject site to allow it to be used for a service station. Council staff revised the applicant's draft Planning Proposal and included an additional proposed amendment to LEP 2002 to ensure that a service station on the subject site would not be utilised for refuelling parking and servicing of trucks/heavy vehicles. The revised draft Planning Proposal is shown as attachment 1 to this Report.

The proposed development, as described by the applicant, would be a typical service station with a cashier for the fuel bowsers located within a building. The building is also proposed to include a convenience store component, a car wash and a small food area, with a small cafeteria and seating to service customers driving cars and trucks.

It is proposed that the service station would service traffic travelling on the Campbelltown Road in both directions and would be screened so as not to be visible from the F5 Freeway.

Given the close proximity of the site to the Ingleburn industrial precinct, it is anticipated by the applicant that the service station would be providing refuelling services to trucks entering the Ingleburn industrial precinct. This is reflected in the design of the proposed service station, as a special fuelling bay for heavy vehicles is planned as part of the proposed development.

It is not considered unusual for a service station to provide refuelling services for trucks, however, it is important that a service station at this location not be permitted to refuel trucks and not provide additional services that include parking, washing, greasing, storing, repairing, installing accessories or mechanically servicing heavy vehicles. A specialised service station for heavy vehicles is not considered suitable for this site for the following reasons:

1. It would adversely impact on the residential amenity of nearby rural residential properties in terms of noise
2. It would adversely impact on the aesthetic and scenic values of the locality
3. It would generate large volumes of heavy traffic which would adversely impact on the road network within the locality.

To ensure that a service station on this site would not be designed and used for providing services to trucks/heavy vehicles, Council's solicitors (Marsdens Law Group) suggested that Council include an additional clause under LEP 2002 to that effect. The legal advice was discussed in detail in the report that was submitted to Council's meeting dated 10 December 2013, a copy of which is shown as Attachment 3 of this report.

The additional proposed clause under Schedule 2 of LEP 2002 reads:

Development for the purpose of a service station that is not used and is not so constructed or adapted as to be capable of being occupied or used for refuelling, parking, washing, greasing, storing, repairing, installing accessories or servicing of motor vehicles or trailers that have a maximum loaded mass of more than 4.5 tonnes (as specified by the manufacturer or by the Roads and Maritime Services constituted under the *Transport Administration Act 1988*).'

Draft CLEP 2014

Council's draft CLEP 2014 will be placed on public exhibition on 12 June 2014 for a period of two months and subject to the outcome of its public exhibition the draft plan may be in place early next year.

It is anticipated that this proposed amendment to LEP 2002 (the subject of this report) would be finalised ahead of the gazettal of the draft CLEP 2014. As such, it is recommended that Council proceed with this draft Planning Proposal as an amendment to LEP 2002 (so as not to delay the proposal). This proposed amendment should also be included under the draft CLEP 2014 prior to the time of its gazettal. Council will seek clarification from the Department on the legal mechanism to do so.

Outcome of Studies

A number of studies have been prepared by the applicant, the findings of which are summarised below:

1. Traffic Report

A traffic report was prepared by Colston Budd Hunt and Kafes Pty Ltd on behalf of the applicant. The Traffic Report has primarily examined two main aspects as follows:

Traffic Generation

The traffic report found that the proposed development would generate an additional 40 trips each way. An analysis of the nearby intersections shows that the road network would be able to cater for the additional traffic from the proposed development.

Access to and from the proposed service station

The applicant is proposing that traffic on both directions of Campbelltown Road be able to access the proposed service station. The proposed road access configuration is shown as attachment 4 of this report.

The traffic report found that subject to detailed design, the proposed access from Campbelltown Road to the proposed service station is appropriate. This matter will be further assessed at the development application stage.

Council's Technical Services reviewed the Traffic Report and advised that the proposed traffic control measures included in the proposal are considered adequate to address the impact of traffic to and from the site should the service station use be allowed. However, the traffic plans as proposed will require some adjustment that can be addressed at development application stage.

2. Arboriculture Impact Assessment

The applicant has submitted to Council an Arboriculture Impact Assessment for the site. The report has examined all trees located on the land and of the 136 trees assessed, 91 are proposed to be retained and protected.

The majority of trees on the site are highly fragmented and modified bushland which have been largely disturbed and impacted by past land use activities, particularly the use of the site by RMS while upgrading the M5. An aerial photo showing the site while it was used by the RMS is included as attachment 5 to this report.

Advice from the Council's Environmental Unit indicated that the subject site is mapped as containing Cumberland Plain Woodland under the 2013 Native Vegetation of the Sydney Metropolitan Area. Cumberland Plain Woodland is listed as a critically endangered ecological community (CEEC) under the *Threatened Species Conservation Act 1995* (TSC Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Although the site has been largely disturbed by previous land use activity, the applicant would be required prior to placing the Planning Proposal on Public Exhibition to undertake a Flora and Fauna Assessment Report prepared in accordance with the Office of Environment and Heritage's Threatened Species Survey and Assessment Guidelines and Field Survey Methods.

3. Landscape Plan

A preliminary landscape Plan has been prepared by RFA Landscape Architects on behalf of the applicant. The preliminary landscape plan demonstrated how the visual presentation of the site would be enhanced. The Landscape Plan would be further assessed at the development assessment stage.

4. Visual Impact Assessment

A Visual Impact Assessment (VIA) has been prepared by Mosca Pserras Architects that examined the anticipated visual impact of the proposed service station when viewed from Campbelltown Road and the M5 Motorway. The VIA found that there would be minimal visual impacts arising from the proposed development when viewed from Campbelltown Road as the large trees located along the boundary of the site would screen the majority of the building. In addition, the proposed development would not be visible from the F5 because of the large embankment and existing mature trees located at the F5 site boundary.

5. Acoustic Report

Acouras Consultancy on behalf of the applicant has prepared an acoustic assessment to support the planning proposal. The report made a number of recommendations to ensure that the proposed development and ancillary activities do not produce noise levels above what is considered acceptable by the relevant Australian Standards. The recommendations were in relation to hours of operation, type of glazing and the like which are matters for consideration at the development assessment stage.

The report concluded that the traffic noise generated by the development would comply with the NSW Industrial Noise Policy and the Road Noise Policy prepared by the NSW Environmental Protection Authority.

6. Preliminary contamination assessment

A preliminary contamination assessment has been prepared by SMEC Testing Services Pty Ltd to establish if any remediation is required for the future use of the land as a service station. The assessment included soil sampling from seven locations across the site. The results of the sampling show that the concentrations of chemical contaminants measured in the soils across the site are generally low and below criteria that are protective of human-health for a commercial/industrial land use setting. During the testing, asbestos fibres were identified in one soil sample which would require remediation in order to make the site suitable for redevelopment into commercial/industrial land use.

In summary, the report found that the site is suitable for use as a service centre provided that the asbestos contaminated soil is appropriately remediated including removal by a licenced contractor.

7. Stormwater and Flooding

The applicant did not include information in relation to stormwater and flooding. Council's Technical Services section have advised that this matter should be further investigated as part of the development application stage as the subject property is a Flood Control Lot and object to flooding from a 1% Annual Exceedance Probability (AEP) flood event.

In this regard additional work as part of a development application will be needed to determine the minimum fill and floor level controls for any further development on this site.

Comments on the findings of the studies

Based on the findings of the above studies and internal advice from Council's Technical Services section, the site is generally considered suitable for a service station type development subject to design consideration and further assessment of the vegetation on site.

In addition, a service station with a car wash, cafeteria and a convenience store will provide a number of local jobs.

It is therefore recommended that Council support the progression of the proposed draft planning proposal to Gateway Determination.

Plan making delegation

It is recommended that Council use its delegation pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979* for this draft Planning Proposal. This will enable Council to streamline the processing of the draft Planning Proposal. The request for delegation will be made as part of the Gateway submission. This would allow Council to deal directly with Parliamentary Counsel for making of the plan rather than through NSW Planning and Environment. The General Manager is Council's nominated officer.

Public Exhibition and consultation with public authorities

Subject to the conditions of the Gateway Determination, it is recommended that Council upon receipt of the Gateway Determination, proceed to public exhibition without reporting this matter back to Council. Councillors would be advised of the outcome of the Gateway Determination and the dates of the public exhibition via a Councillors Weekly Memo. However, if the Gateway Determination included an unexpected advice from the Department, this matter would be reported back to Council, prior to the commencement of the public exhibition.

It is recommended that subject to the issue of a positive Gateway Determination the draft Planning Proposal be placed on public exhibition for 28 days at a Council's Civic Centre, HJ Daley Library, Greg Percival Library Ingleburn and on Council's website, in accordance with the legislative requirements of the Environmental Planning and Assessment Regulation 2000. It is also recommended that consultation with the following public authorities occurs while the draft Planning Proposal is on public exhibition:

- Office of Environment and Heritage (Environment Branch);
- Sydney Catchment Authority;
- Roads and Maritime Service (RMS);
- Liverpool City Council;
- Rural Fire Service;
- Sydney Water; and
- Dam safety Committee

A public notice would be placed in the two local papers advising of the public exhibition of the draft Planning Proposal. Letters would also be sent to adjoining owners advising of the public exhibition.

Where to from here

Should Council resolve to support the request to create a 'scheduled use' to allow the site to be used as a 'typical service station', and to include an additional clause to ensure that the service station would not accommodate heavy vehicles/trucks, the next step would be to submit the attached draft Planning Proposal for Gateway Determination.

If Council chooses not to support the draft Planning Proposal the applicant would be entitled to, within 40 days of Council's notification of its decision, make a written application and pay a fee to the Department for a pre-gateway review. An applicant may also request a pre-gateway review if Council has not made a determination after 90 days from the date of submission of the LEP amendment request. The pre-gateway review is informed by advice from the relevant Joint Regional Planning Panel.

Notably, Council or a proponent may also request a review of a gateway determination within 40 days of being notified by the Department.

Conclusion

It is considered that the draft Planning Proposal to add an additional permitted use to allow a 'typical service station' at No. 194 Campbelltown Road, Denham Court has sufficient merit to progress to Gateway Determination and public exhibition thereafter. The site is considered suitable for the proposed type of development subject to future development consent. In this regard, additional clauses, as recommended by the advice sought from Marsdens, are proposed under LEP 2002 to ensure that the site would not accommodate heavy vehicle parking, refuelling, mechanical servicing nor repairing.

Officer's Recommendation

1. That Council support the draft Planning Proposal shown as attachment 1 to his report for referral to the Department Planning and Environment for Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979*;
2. That subject to the conditions of the Gateway Determination, Council place the draft Planning Proposal and associated studies on public exhibition for 28 days.
3. That Council undertaken any required consultation with public authorities while the draft Planning Proposal is on public exhibition.
4. That at the conclusion of the public exhibition, a report be submitted to Council on the submissions received.

Committee's Recommendation: (Rowell/Lound)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: nil.

Council Meeting 1 July 2014 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 106

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Greiss, Hawker, Kolkman, Lake, Lound, Mead, Oates, Rowell and Thompson.

Voting against the Council Resolution was Councillor: Borg.

ATTACHMENT 1

PLANNING PROPOSAL

To include a (Service Station) as a Scheduled Use in the
Campbelltown (Urban Area) LEP 2002

At

194 Campbelltown Road, Denham Court NSW, 2565
Lot 100 in DP 1176622



Prepared by:

Smyth Planning

Amended by Campbelltown City Council

June- 2014

Draft Planning Proposal
 Service Station– 194 Campbelltown Road, Denham Court

CONTENTS

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Annexures

INDEX	PLANS AND DOCUMENTATION	PREPARED BY	DATED
Annexure 1	Site Plan	J. Wyndam Prince	February 2014
Annexure 2	Traffic Report	Colston Budd Hunt & Kafes Pty Ltd	March 2014
Annexure 3	Landscape Plan	RFA Landscape Architects	March 2014
Annexure 4	Visual Impact Statement	Mosca Pserras Architects	February 2013
Annexure 5	Acoustic Assessment	Mott MacDonald	March 2014
Annexure 6	Preliminary Contamination Assessment	SMEC Testing Services Pty Ltd	March 2014
Annexure 7	Arboricultural Impact Assessment	Urban Tree Management Australia Pty Ltd	July 2013
Annexure 8	Proposed Service Station – Vehicle Turning Paths	J.Wyndham Prince	December 2013

1. INTRODUCTION

- 1.1 Smyth Planning has been engaged by Mr. Mark Bassal of Xpress Group Pty Ltd to prepare a Planning Proposal for Lot 100 in DP 1176622, (No. 194 Campbelltown Road, Denham Court).
- 1.2 The Planning Proposal provides a description and justification for the proposed amendment to the Campbelltown (Urban Areas) Local Environment Plan 2002 (LEP 2002), to permit the development of a 'service station' as a scheduled use on the subject site and provides an additional clause to ensure that the service station will not be utilised for the refuelling and servicing of heavy vehicles.
- 1.3 The Planning Proposal has been prepared in accordance with the requirements of Section 55 of the Environmental Planning and Assessment Act 1979 and the relevant Department of Planning and Infrastructure Guidelines including 'A Guide to Preparing Planning Proposals 2012', and 'A Guide to preparing Local Environment Plans'.
- 1.4 It is considered that the proposed development has local strategic merit without causing any unreasonable environmental, social and economic impacts and would service the needs of the surrounding community and visitors to the area.

2. SITE DESCRIPTION AND LOCATION

2.1 Locality Description

The site is located on the eastern side of Campbelltown Road at Denham Court within the Campbelltown City Council Local Government Area. It is situated between McCormack Place to the north and Williamson Road to the south. The M5 Motorway is east of the site. There is a northbound off-ramp from the M5 adjacent to the site's eastern and northern boundaries. The off-ramp intersects Campbelltown Road at a signalised intersection adjacent to the site (Refer to **Figure 1**)

Adjacent to the site, Campbelltown Road provides for one traffic lane in each direction, with sealed shoulders. It has a 70 kilometre per hour speed limit and carries moderate traffic volumes. Campbelltown Road passes over the M5, south of the site. Further south it intersects Williamson Road, which provides access to the Ingleburn Industrial Estate. There is a roundabout at the Campbelltown Road/Williamson Road intersection. The fourth leg of the roundabout provides a southbound on-ramp to the M5.

There is a right turn bay for southbound traffic on Campbelltown Road, near the southern end of the site. It provides access to a horse riding ranch. Campbelltown Road is a classified Road and as such, requires the concurrence of Roads and Maritime Services (RMS) for access.



Figure 1: Site Location Map showing subject site and surrounding land. Source - <http://www.street-directory.com.au/>

2.2 Site Description

The site is legally described as Lot 100 DP 1176622 and is known as 194 Campbelltown Road, Denham Court. The site is currently zoned 7(d5) Environmental Protection 1ha Minimum. The site is irregular in shape and has a frontage of approximately 240 metres to Campbelltown Road, 192 metres to the Hume Highway freeway and 116 metres to the off ramp from the north bound freeway lane to Campbelltown Road (Refer to **Figure 2**). The site has an approximate area of 1.241 hectares and is relatively flat. The site includes a brick cottage and associated metal garage and shed and swimming pool. There are a number of trees on the site. Currently on the site is a dwelling which appears to be occupied. Vehicular access to the site is via a crossover from Campbelltown Road.



Figure 2: Aerial photo showing subject site and surrounding land. Source -<http://maps.six.nsw.gov.au/>

3. BACKGROUND

3.1 In accordance with the recommendations of the Department of Planning and Environment (the Department) outlined in 'A Guide to Preparing Planning Proposals 2012', a planning proposal request was submitted to Council on 9 July 2013 to enable the subject site to be used as a service station with a small convenience store and a small food area, with a cafeteria on the subject site. Council believed there was merit in a 'typical service station' that did not provide any on-site heavy vehicle refuelling, parking nor servicing. Amended plans (Refer to **Figure 3**) were submitted to Council and were considered at a Council meeting on 10 December 2013 and resolved as follows:

1. That Council support in principle a proposed amendment to Campbelltown (Urban Areas) Local Environmental Plan 2002 for Lot 100 DP1176622 (No. 194 Campbelltown Road) Denham Court, to include an additional use (service station) to Schedule 2 – Additional Development subject to its consideration of the outcomes of further required investigations as detailed in the above report.
2. That additional requirements, as recommended by the legal advice sought by Council be included as part of any proposed amendment to Campbelltown (Urban Area) Local Environmental Plan 2002 to ensure that the service station would not be allowed to provide onsite truck parking and servicing.
3. That the applicant be requested to prepare additional studies, as identified by this report, in support of a possible amendment to Campbelltown (Urban Area) Local Environmental Plan 2002.

4. That this matter be reported back to Council following an assessment of the additional required investigations.

- 3.2 The requested studies have been prepared by the respective consultants and support the Planning Proposal at **Annexure 2 – 7**.

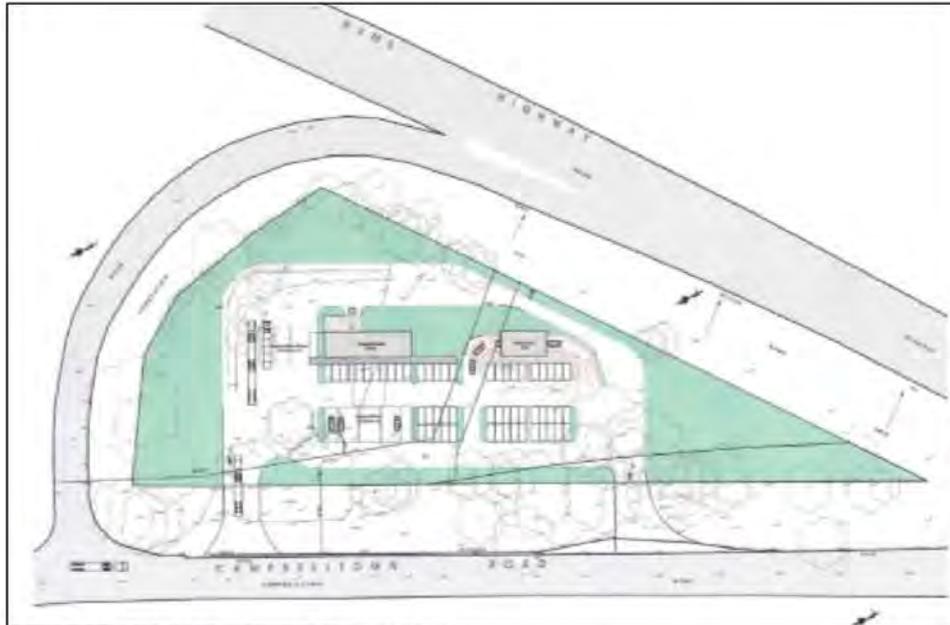


Figure 3: Site Plan. Source – Mosca Pserras Architects

4. Part 1 – Objectives or Intended Outcomes

- 4.1 The objectives and intended outcomes for this planning proposal are as follows:
- To enable the development of Lot 100 DP 1176622, (No. 194 Campbelltown Road, Denham Court) for the purpose of a service station.
 - To ensure that the service station is not designed nor used for the refuelling and servicing of vehicles larger than 4.5 tonnes in GVM.

5. Part 2 – Explanation of Provisions

- 5.1 The proposed outcome, namely the development of a service station on the subject site, can/ will be achieved by amending the Campbelltown (Urban Areas) Local Environment Plan 2002 as follows:
- Amend *Schedule 2 Additional Development* of the LEP 2002 to include the following:
 - 12** *Development for the purpose of a service station*
 - Lot 100 DP 1176622, 194 Campbelltown Road, Denham Court*
 - Add a clause under *Schedule 2 Additional Development* of the LEP 2002 that reads:
 - Development for the purpose of a service station that is not used and is not so constructed or adapted as to be capable of being occupied or used for refuelling, parking, washing, greasing, storing, repairing, installing accessories or servicing of motor vehicles or trailers that have a maximum loaded mass of more than 4.5 tonnes (as specified by the*

manufacturer or by the Roads and Maritime Services constituted under the Transport Administration Act 1988).

6. Part 3 – Justification

6.1 Section A – Need for planning proposal

Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of any strategic planning study or report undertaken by the Council. The proposal to create a scheduled use to allow for a 'service station' is a result of an owner initiated Press Australia PTY LTD rezoning application in response to research that shows that the site is suitable for use as a service station. It is noted that Council has provided in principle support in response to the submission of a planning proposal request to Council on 9 July 2013.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The planning proposal represents the best means of achieving the objectives and intended outcomes, as the current zoning of the site under LEP 2002 of 7(d5) Environmental Protection 1ha Minimum, prohibits the use of the land for a service station with a small convenience store, a car wash and a small food area, with a cafeteria.

6.2 Section B – Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions contained within applicable Regional and sub-regional strategies?

The planning proposal is generally consistent with the relative objectives and actions contained within the following Strategic Plans:

NSW 2021 State Plan

The planning proposal is consistent with Goal 1 of the NSW 2021 State plan "Improve the performance of the NSW economy" as it will encourage employment growth. Employment will be created during the construction phase and throughout the ongoing operation of the future development.

Metropolitan Plan for Sydney 2036

The planning proposal is consistent with the following strategic directions of the Metropolitan Plan for Sydney 2036 including the following:

- Strategic Direction C- Transport for a Connected City, as the development will provide fuel and services related to efficient and effective road based transportation.
- Strategic Direction E- Growing Sydney's Economy, as the development will encourage employment growth throughout the construction and continued operation.

Draft Metropolitan Strategy for Sydney to 2031

The planning proposal is not inconsistent with the following key outcomes within the Draft Metropolitan Plan for Sydney 2036 including the following:

- A liveable City;
- Productivity and Prosperity; and
- Accessibility and connectivity

Draft South West Sub-Regional Strategy 2007

The planning proposal is consistent with the following key directions within the Draft South West Sub – regional including the following:

- Key Direction 2 - Plan for Major Employment Growth;

The proposed development will contribute to future employment growth and provide services for residents and visitors to the area in an accessible location.

Is the planning proposal consistent with the local council's community plan or other strategic Plan?

The planning proposal is generally consistent with the long term town planning strategy plan 'Campbelltown 2025, looking forward'. In particular, the proposal is consistent with the following strategic directions:

- Strategic Direction 6.2 – Growing the Regional city;
- Strategic Direction 6.4 – Getting around the city; and
- Strategic Direction 6.6 – Creating Education, employment and entrepreneurial opportunities.

Furthermore, the subject site is considered suitable to be developed for a service station type development as it is an isolated parcel of land that is bounded by major roads on all sides, and it is located within close proximity to Ingleburn Industrial Precinct. In addition, the small convenience store would provide services for nearby rural areas and reduce the number of trips to major centres.

Is the planning proposal consistent with applicable state environmental planning policies?

Consideration has been given to the State Environmental Planning Policies that are relevant to this planning proposal.

The following table provides an assessment of the planning proposal against the State Planning Environment Planning Policies that may be relevant to the proposed development on the site:

State Environment Planning Policy	Consistency
State Environmental Planning Policy No. 33 – Hazardous and Offensive Development	Any development lodged for a 'service station' would include fuel storage and therefore require an assessment against the criteria under Clause 13 of SEPP 33 – Hazardous and Offensive Development. The proposal is considered consistent subject to the assessment of any development application.
State Environmental Planning Policy No. 44 – Koala Habitat Protection	<p>The subject site is <u>not</u> affected by this SEPP. There is no Koala habitat or 'potential koala habitat' on the subject site.</p> <p><i>"potential koala habitat means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component."</i></p> <p>The arboricultural study did not identify any of the native vegetation listed in Schedule 2 on the subject site (Refer to Annexure 7)</p>

Draft Planning Proposal
Service Station- 194 Campbelltown Road, Denham Court

State Environmental Planning Policy No. 55 – Remediation of Land	SEPP 55 requires that a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination. A preliminary contamination assessment has been prepared in support of the application (Refer to Annexure 6). The report concluded that concentrations of chemical contaminants measured in the soils across the site are generally low and below criteria that are protective of human health for a commercial/ industrial land use setting. Some asbestos fibres were identified a soil sample which would require appropriate remediation including removal by a licenced operator prior to development. In summary, the results of the contamination study determined the site to be suitable for the redevelopment into a commercial/ industrial use provided the asbestos contaminated soil is appropriately remediated. The planning proposal is considered consistent with this SEPP subject to the appropriate recommendations occurring.
State Environmental Planning Policy No. 64 – Advertising and Signage	Any development application for signage is subject to the provisions of this SEPP. The aim of this policy is to ensure that signage erected is compatible with the desired amenity and visual character of the area it is located in. Any signage would be assessed against this SEPP and regulated by way of conditions of development consent. It is considered that the planning proposal is consistent in this regard.
State Environmental Planning Policy (Infrastructure 2007)	<p>Pursuant to Clause 104 – Traffic generating development, of the Infrastructure SEPP, an application for a service station (including ones which have retail outlets) must be referred to the Roads and Maritime Services (RMS) if the site has direct vehicular access or pedestrian access to a classified road or to a road that connect to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection.</p> <p>The subject site has direct access to a classified road, therefore any development application for a service station would be referred to the RMS in accordance with the provisions of SEPP Infrastructure 2007.</p>

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table provides an assessment of the planning proposal against the relevant Section 117(2) Ministerial Directions:

Section 117 Direction No. and title	Consistency
1. Employment and Resources	
Direction 1.1 - Business and Industrial Zones	Whilst the proposed planning proposal is not located within a 'Business Zone', Objective (1)(a) of this direction is to "Encourage employment growth in suitable locations". It is considered that the proposal is consistent with this direction as the site is considered suitable for a 'service station' type use and it will encourage employment growth during the construction phase and throughout the continued operation of the development.

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<p>Direction 2.1 - Environment Protection Zones</p>	<p>This direction applies to the subject site as the land is currently zoned 7(d5) Environmental Protection 1ha Minimum. The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>This Direction states what a relevant planning authority must do if this direction applies: :</p> <p style="padding-left: 40px;">A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p style="padding-left: 40px;">planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".</p> <p>It is considered that the draft planning proposal is consistent with the terms of this direction as it is not proposing to reduce or change the environmental protection standards that currently apply to the land.</p>
<p>Direction 6.3 - Site Specific Provisions</p>	<p>This direction applies to the planning proposal as it amends an Environmental Planning Instrument (CLEP 2002) to create a scheduled use to permit a service station.</p> <p>The main objective of this Direction states:</p> <p><i>The objective of this direction is to discourage <u>unnecessarily</u> restrictive site specific planning controls.</i></p> <p>The proposal is considered consistent with the above objective as it is necessary for this particular site to include additional provisions to ensure that the service station would not be utilised for the refuelling and servicing of trucks.</p> <p>A service station that would provide services and refuelling for heavy vehicles is not considered suitable for this site for the following reasons:</p> <ol style="list-style-type: none"> 1. It would adversely impact on the residential amenity of nearby rural residential properties in terms of noise. 2. It would adversely impact on the aesthetic and scenic values of the locality. 3. It would generate large volumes of heavy traffic which would adversely impact on the road network within the locality. <p>To ensure that a service station on this site would not be designed and used for providing refuelling and services to trucks/heavy vehicles, additional clause under LEP 2002 is proposed to that effect.</p> <p>Given that the proposed clause is not inconsistent with the objective of this Direction, the inconsistency is considered of minor nature.</p>
<p>Direction 7.1 – Implementation of the Metropolitan Strategy</p>	<p>This proposal is consistent with this direction as it achieved the overall intent of the Metropolitan Plan for Sydney 2036 and will encourage employment growth throughout the construction and ongoing operation of the development and provide fuel and services related to efficient and effective road based transportation.</p>

6.3 Section C – Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject site is identified as containing some trees which form part of an area identified as Cumberland Plain Woodland which is listed as a critically endangered ecological community (CEEC) under the Threatened Species Conservation Act 1995 (TSC Act) and the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). An arboricultural assessment was prepared by Urban Tree Management on behalf of the applicant (refer to **Annexure 7**) and found that the majority of trees are highly fragmented and modified bushland which have been impacted by previous land uses (Refer to Figure 3A). The main observations of the study are as follows:

- *The trees were determined to be of self-sown (remnant) & planted origin, locally indigenous, indigenous & exotic, evergreen specimens which all form part of the local canopy.*
- *The planted specimens were mostly located around the perimeters of the site which provide visual screening to and from the surrounding arterial roads. These are all considered common taxa and determined to be approximately between 5-10 years of age. Collectively only do they provide prominence and significant visual amenity.*
- *The remnant trees were considered prominent when viewed from various directions within the landscape. These formed various stands within the site which formed part of the Cumberland Plain Woodland which is listed as a critically endangered ecological community under the Threatened Species Conservation Act 1995.*
- *The CEEC was highly modified with predominantly only trees remaining of the Cumberland Plain Woodland. These also were fragmented in parts subjecting some trees to recent and past impacts affecting condition and vigour. The floristic diversity for the community was very poor.*
- *Only one tree was observed to support hollows for wildlife habitat (to be retained).*
- *Current land use surrounding the trees of this community currently incorporates grazing animals which are likely to have been present for several years.*

The study determined that of the 136 trees assessed, 91 are proposed to be retained and protected with potential development. A total of 45 trees are proposed to be removed, of which 18 are of high retention value, 7 of medium and 20 of low retention value.

Forty one (41) trees formed part of the Cumberland Plain Woodland with 14 proposed for removal and 27 retained. Trees of the CEEC within the centre of the site only are proposed for removal, with all trees of the CEEC towards the perimeters retained and protected by tree sensitive construction methods. In summary the arboricultural assessment study made the following conclusions:

“Plant selection should be based on taxa of the Cumberland Plain Woodland with trees obtained of local provenance.

If all the recommendations and procedures detailed herein are adhered to, the subject tree/s to be retained will continue to grow and develop as important landscape component/s providing element/s of long term amenity for the property and its owners or occupants, and the local community”

The arboricultural assessment has identified that the trees within the site are highly fragmented and have been severely impacted and disturbed by previous land uses as shown on Figure 3A.

As recommended in the study, the future development of the site presents an opportunity to provide additional landscaping of Cumberland Plain Woodland species which will improve the floral diversity and have positive amenity impacts for both the property and surrounding community.



Figure 3A: Aerial photo illustrating the extent of site disturbance while the site was used by RMS

Although the site has been largely disturbed by previous land use activity (Figure 3A) above, the applicant at this stage is required to undertake the following studies, given that the site contains some trees which form part of an area identified as CPW:

- A Flora and Fauna Assessment Report prepared in accordance with the Office of Environment and Heritage's Threatened Species Survey and Assessment Guidelines and Field Survey Methods is required to be lodged as part of the Planning Proposal.
- As part of the Flora and Fauna Assessment, for any threatened species and/or ecological communities found onsite an Assessment of Significance is required to be undertaken for each species, population and ecological which is likely to be directly or indirectly impacted, by the proposal. The results of which will be used to determine any further studies and management plans required as part of the gateway determination.

Are there any other likely environmental effects as a result of the planning proposal and how they are proposed to be managed?

The key environmental impacts of the proposal are addressed below:

Traffic

A detailed traffic report has been prepared by Colston Budd Hunt & Kafes Pty Ltd on behalf of the applicant (Refer to **Annexure 2**) to investigate the extent of traffic generated by the proposed service station.

Vehicular access to the site is proposed from Campbelltown Road, with driveways near the northern and southern ends of the site with a right hand turn bay proposed in Campbelltown Road for access to the site (Refer to **Figure 4**). The key findings of the report are as follows:

- The proposed access arrangements will have appropriate capacity, and should operate with no unusual safety issues;
- The internal circulation and layout will be appropriate for cars and trucks and should be designed in accordance with Australian Standards at the detailed stage;
- The proposed right hand turn bay into the site is considered appropriate as Campbelltown Road is straight in the vicinity of the site and there are good site lines for northbound traffic turning into the site, as well for traffic in both directions turning from the site. Vehicles will be able to readily turn into the site in gaps due to the modest southbound through traffic volumes on Campbelltown Road, and in gaps created by the upstream traffic signals. The report found that given the anticipated number of vehicles, it would be appropriate to facilitate right runs to and from the site.
- There is no access proposed from the M5 Motorway or the exit ramp to or from the site. It is therefore anticipated that most traffic arriving at the site will be passing traffic on Campbelltown Road or traffic already exiting the M5. It is not anticipated that a significant volume of through traffic on the M5 will exit the freeway to visit the site before re-joining the freeway.
- The majority of traffic to and from the site is expected to be passing trade, i.e. traffic already using, Campbelltown Road and the M5 Motorway exit ramp. It is predicted that the additional traffic on Campbelltown Road north and south of the site would be small at some 40 vehicles per hour two –way. Such a low volume would not have noticeable effects on the signalised intersection adjacent to the site. Further from the site, traffic volumes would dissipate further and would not generally be noticeable.

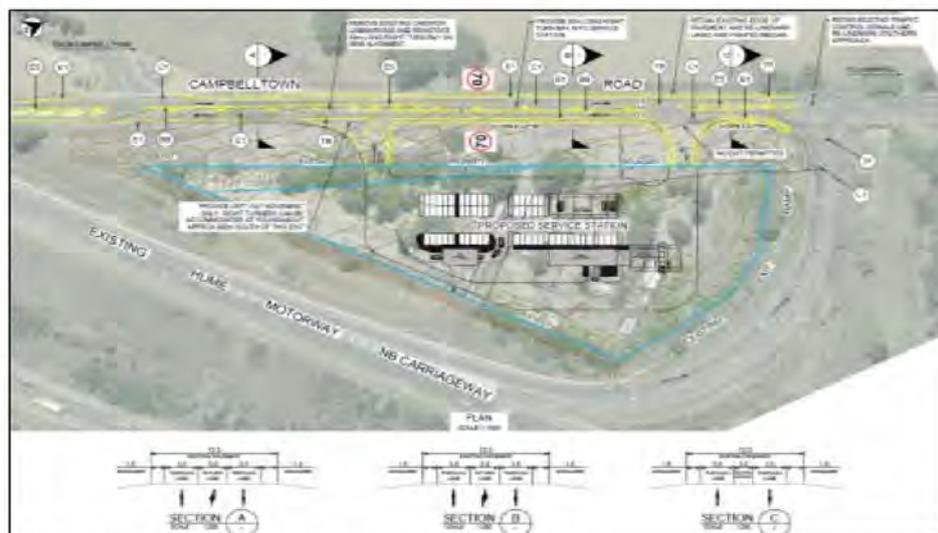


Figure 4 – Concept Layout Site Plan. Source - J. Wyndham Prince

Landscaping and Visual Impact

A Visual Impact Assessment has been prepared by Mosca Pserras Architects (Refer to **Annexure 4**) to illustrate the anticipated visual impact of the service station from Campbelltown Road and the M5 Motorway. The visual impact assessment made the following findings:

- The visual impact of the proposed building from the south bound direction of Campbelltown Road is minimal as it is hidden behind a series of existing trees (Refer to **Figure 5**).
- The visual impact of the proposed building from the north bound direction of Campbelltown Road is minimal as the existing trees along Campbelltown Road create a visual buffer zone (Refer to **Figure 6**).
- The visual impact of the proposed building from the north bound direction of M5 Motorway is minimal as it is hidden behind a large embankment with existing mature trees and proposed screen planting (Refer to **Figure 7**).
- The visual impact of the proposed building from the south bound direction of M5 Motorway is minimal as the existing trees along the M5 boundary create a visual buffer zone (Refer to **Figure 8**).



Figure 5 – View southbound along Campbelltown Road



Figure 6 – View northbound along Campbelltown Road



Figure 7 – View northbound along M5 Motorway



Figure 8 – View southbound along M5 Motorway

A preliminary landscape Plan has been prepared by RFA Landscape Architects (Refer to **Figure 9**) to demonstrate how the visual presentation of the site can be enhanced whilst minimising providing additional vegetative screening from Campbelltown Road and the M5 Motorway to help prevent light spillage. The landscape plan proposes the planting of Cumberland Plain Woodland species on the boundary of the site to compensate for the removal of the existing native species and provide additional screening to the site. Internal garden beds are also proposed within the site between the parking bays and the around the buildings to provide visual relief and break up the expanse of hard paved areas.

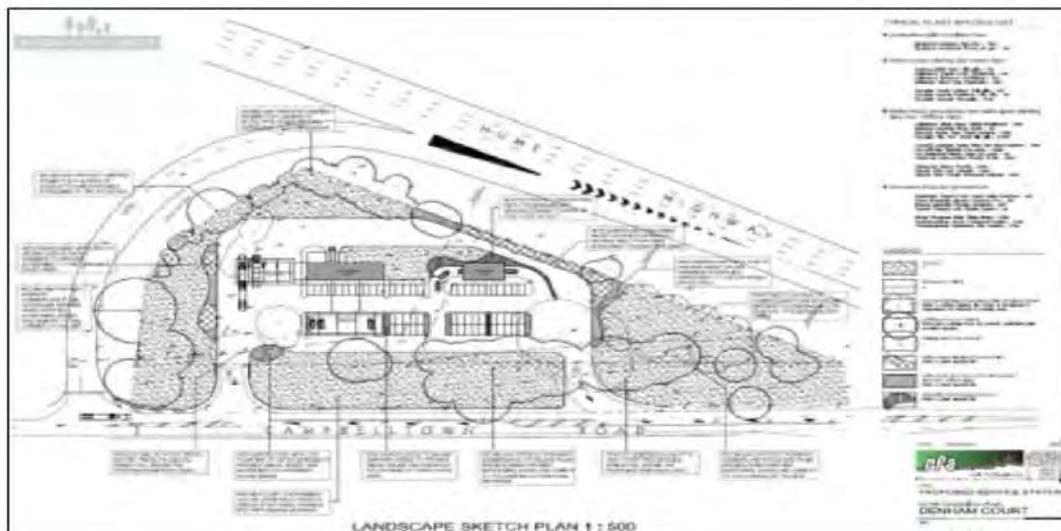


Figure 9 – Landscape sketch plan. Source- by RFA Landscape Architects

Acoustic

Acouras Consultancy on behalf of the applicant has prepared an acoustic assessment to support the planning proposal (Refer to **Annexure 4**). The report made the following recommendations on the following components of any future service station development at the site:

- Operational assessment;
- Vehicle Activity;
- Automatic Carwash;
- Mechanical Plant and Equipment;
- Façade glazing Requirements;
- Building Façade Construction; and
- Assessment of Traffic Noise Generation.

The key findings of the assessment determined that noise emitted from the proposed development and ancillary activities is predicted to comply with the acoustic requirements of the EPA noise limits and relevant Australian Standards, provided the recommendations from the report are implemented.

Preliminary Contamination Assessment

A preliminary contamination assessment has been prepared by SMEC Testing Services Pty Ltd (Refer to **Annexure 5**) to establish if any remediation is required for the future use of the land as a service station. The assessment included soil sampling from seven locations across the site. The results of the sampling show that the concentrations of chemical contaminants measured in the soils across the site are generally low and below criteria that are protective of human-health for a commercial/ industrial land use setting. During the testing, asbestos fibres were identified in one soil sample which would require remediation in order to make the site suitable for redevelopment into commercial/ industrial land use.

In summary, the report found that the site is suitable for use as a service centre provided that the asbestos contaminated soil is appropriately remediated including removal by a licenced contractor.

Stormwater and Flooding

No investigation has been undertaken in relation to stormwater and flooding as part of this draft Planning Proposal. This matter should be further investigated as part of the development application stage as the subject property is a Flood Control Lot with respect to flooding from a 1% Annual Exceedance Probability (AEP) flood from local overland flow adjacent to the M31 Hume Motorway and the local catchment.

In this regard additional work as part of a development application will be needed to determine the minimum fill and floor level controls for any further development on this site.

Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is unlikely to give rise to any adverse social or economic effects. The proposal will have a positive social and economic benefit through the following:

- Creation of employment opportunities during construction and on-going operation of the future use.
- Improving the availability of fuel, convenience goods and food available to the surrounding residential community, the Ingleburn industrial precinct – which lacks these services, and visitors to the area.
- Effective use of an isolated parcel of land that is bounded by major roads on all sides.

6.4 Section D – State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

As discussed in section 6.3 of this report it is likely that there will be the need for some minor modification to Campbelltown Road to facilitate a right turn bay into the site. The findings from the traffic report concluded that the existing road network would be able to cater for the additional traffic from the proposed development.

What are the views of state and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

No consultation with State or Commonwealth authorities has been carried out to date on the planning proposal.

It is proposed to consult with the following public authorities while the draft Planning Proposal is on public exhibition:

- Office of Environment and Heritage (Environment Branch);
- Sydney Catchment Authority;
- Roads and Maritime Service (RMS);
- Liverpool City Council;
- Rural Fire Service;
- Sydney Water; and
- Dam safety Committee

7. Part 4 – Mapping

- 7.1 Given the planning proposal is to include a service station as a scheduled use there are no proposed changes to the current zoning map.

8. Part 5 – Community Consultation

- 8.1 The Gateway determination will stipulate the nature and extent of required community consultation in accordance with the requirements set out in 'A guide to preparing local environment plans'.
- 8.2 It is anticipated that the planning proposal will be placed on public exhibition for a minimum period of 28 days. Notification of the public exhibition will be given to adjacent land owners and residents via:
- A notice in the local newspaper;
 - On Councils website; and
 - In writing to adjoining landowners.

The draft Planning Proposal will be placed on public exhibition at the following locations:

- Council's Civic Centre,
- HJ Daley Library and
- Greg Percival Library Ingleburn

9. Part 6 – Project Timeline

The anticipated draft project timeline has been included in the Table below. The anticipated timeframes and dates have been assigned to each milestone starting from the anticipated date of the Gateway process.

This is a proposed amendment to draft LEP 2002; however, Council wishes to include this amendment as part of draft CLEP 2014 prior to its gazettal so as to avoid the need to undertake an amendment to the forthcoming CLEP 2014. In this regard, Council is seeking advice from the Department on the mechanism to do so. Notably, the draft CELP 2014 will be placed on public exhibition from 12 June 2014 for two months. Is it a matter of including this amendment on the draft CLEP 2014 at the end of the public exhibition and prior to its gazettal, or should the applicant make a formal submission to the draft CLEP 2014 while it is on public exhibition?

Project Timeline Table

Milestone	Date
– anticipated date for Gateway determination)	August 2014
– anticipated timeframe for the completion of any required technical information	September 2014
– commencement and completion dates for public exhibition period – unless merged with the draft CLEP2014	October 2013
– timeframe for the consideration of a proposal post exhibition-report to Council	December 2014
– submission to the department to finalise the LEP	January 2014

10. Conclusion

This report has addressed the requirements set out in the NSW Department of Planning and Infrastructure 'A Guide to Preparing Planning Proposals'.

It has addressed issues such as the intended effect of, and justification for, the proposed amendment to the Campbelltown (Urban Area) Local Environment Plan 2002, to permit the development of a service station with a small convenience store and a small food area, with a cafeteria on the subject site. The planning proposal is considered appropriate for the following reasons:

- The planning proposal is generally consistent or justifiably inconsistent with all of the relevant Regional and sub-regional strategies, State Environmental Planning Policies and Ministerial Directions (s.117 directions) that are relevant to the site.
- The future development of the site presents an opportunity to provide additional landscaping of Cumberland Plain Woodland species which will improve the floral diversity and entail positive amenity impacts for both the property and surrounding community.
- The planning proposal to allow for a 'typical service station' has sufficient merit and is considered to be an appropriate land use having regard to the isolation of the site and that it is bound by major roads on all sides.
- It is necessary, as part of this proposed amendment to LEP 2002, to ensure that the service station would not be designed to cater for the refuelling and servicing of heavy vehicles, as a service station that is specialised for the refuelling and servicing of heavy vehicles is not considered suitable for this location. Subject to this draft Planning Proposal, it is Council's intention to amend Schedule 2 of LEP 2002 to permit an additional use as a service station with the following provision:

'Development for the purpose of a service station that is not used and is not so constructed or adapted as to be capable of being occupied or used for refuelling, parking, washing, greasing, storing, repairing, installing accessories or servicing of motor vehicles or trailers that have a maximum loaded mass of more than 4.5 tonnes (as specified by the manufacturer or by the Roads and Maritime Services constituted under the Transport Administration Act 1988).'

- The proposal will unlikely result in any adverse impacts to the adjoining residential properties in terms of noise levels, excessive traffic generation and visual impact if the recommendations of the respective studies are implemented.
- A preliminary contamination assessment considered the site suitable for redevelopment into a commercial/ industrial use provided the asbestos contaminated soil is appropriately remediated including removal by a licenced contractor.
- A preliminary landscape plan has been prepared which demonstrates how the landscaping of the site can be undertaken to enhance the visual presentation of the site, reflect the sites environmental setting and values and provide additional vegetative screening to prevent light spillage.
- There is need to undertake stormwater assessment work at the development stage. To inform a suitable floor level for the proposed service station.
- The planning proposal is unlikely to give rise to any adverse social or economic effects and will have a positive social and economic benefit through the creation of employment opportunities during construction and the on-going operation and improving the availability of fuel, convenience goods and food available to the surrounding residential community, the Ingleburn industrial precinct.

ATTACHMENT 2



ATTACHMENT 3



Planning and Environment Committee Meeting 03/12/13

TITLE No. 194 Campbelltown Road, Denham Court - A Proposed Amendment to LEP 2002

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Copy of the of the applicant's submission requesting an amendment to LEP 2002 (distributed under separate cover)
2. Copy of the amended site plan (distributed under separate cover)
3. An aerial photo of the subject site (distributed under separate cover)
4. A map illustrating the traffic movement to and from the site to the South Western Freeway (F5) (distributed under separate cover)

To view copies of the attachments distributed under separate cover, contact Council's Corporate Support Coordinator on 4645 4405.

Purpose

The purpose of this report is to seek Council's endorsement in principle of a proposed amendment to Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002) for Lot 100 in DP 1176622 (No. 194 Campbelltown Road), Denham Court to enable the use of the site as a 'typical service station'.

History

A planning proposal request for No. 194 Campbelltown Road, Denham Court was submitted to Council on 11 July 2013 and is provided as attachment 1 to this report. The request was accompanied by an Arboricultural Impact Assessment Report which provided a detailed assessment of the conditions of the vegetation on site. The proposal was to enable the subject site to be used as a service station, which the current environmental planning instrument prohibits.

A close examination of the drawings submitted to Council as part of the original proposal showed that the proposed service station would be servicing trucks and would provide for a number of on-site truck parking spaces, including facilities for B-double trucks.

Council officers were of the opinion that the site would not be suitable for a 'truck oriented service station', given its close proximity to rural-residential properties and potential noise and visual impacts on the environmental and scenic values of the locality.

A report was submitted to Council's Planning and Environment Committee on 3 September 2013, including a recommendation that the proposal for a 'truck oriented service station' not be supported by Council. The report noted that there may be some merit for the site to

accommodate a 'typical service station' that would not provide any on-site heavy vehicle parking nor servicing.

In response to the Officer's Recommendation in the report, the architect working on behalf of the owners contacted Council on the day the report was scheduled to be considered by Council's Planning and Environment Committee (3 September 2013) and provided a covering letter and amended plans for the proposed service station. The amended site plan removed any reference to the parking of trucks on-site. Notably, a diesel pump for truck refueling was retained on the amended plans. A copy of the amended site plan is shown as attachment 2 of this report.

Councillors were advised of the receipt of the amended plans and the insufficient time provided to staff to reconsider in detail the implications of the amended site plan. Accordingly, Council's Planning and Environment Committee resolved to defer this matter pending further information. This recommendation was supported by Council at its meeting on 10 September 2013.

Legal advice was sought from Marsdens Law Group in relation to wording and legal mechanisms to ensure that any future service station on this site would not provide services and on-site parking for trucks/heavy vehicles. This report provides further assessment of the proposal in light of this legal advice, and the additional information submitted by the applicant.

Report

Property Description:	Lot 100 DP 1176622 (known as No. 194 Campbelltown Rd, Denham Court)
Owner:	Press Australia Pty Ltd
Applicant:	Smyth Planning

Site Description

The subject site is located within the suburb of Denham Court and is bounded by major roads on all sides. Campbelltown Road lies to the west, the South Western Freeway (F5) to the east and south and the Ingleburn F5 exit off-ramp to the north. An aerial photo of the site is shown as attachment 3 of this report.

The site is irregular in shape and has a frontage of approximately 240 metres to Campbelltown Road, 192 metres to the F5 and 116 metres to the F5 off-ramp and has an area of 1.241 hectares. The site is relatively flat with a slight slope to the north.

There is a single dwelling house on the site that is currently occupied.

The southern part of the site was recently used by the former Roads and Traffic Authority (RTA) as a storage area for road works material and equipment associated with the F5 upgrade.

Current Zoning of the Site

The site is currently zoned Zone 7 (d5) - Environmental Protection 1 hectare Minimum Zone under Campbelltown (Urban Area) CLEP 2002 and is proposed to be rezoned to E4

Environmental Living under draft Campbelltown Local Environmental Plan 2013 (draft CLEP 2013).

Under the provisions of CLEP 2002, service stations are not permissible on land within Zone 7 (d5) - Environmental Protection 1 hectare Minimum Zone. The same provisions apply in draft CLEP 2013 as service stations are not permissible under the proposed E4 Environmental Living Zone.

The proposal

The initial planning proposal sought to amend Campbelltown LEP 2002 by creating a 'scheduled use' for the subject site that allows the site to be used for the additional purposes of a service station.

The proposed development, as described by the applicant, would be a typical service station with a cashier for the fuel bowsers located within a building. The building is also proposed to include a convenience store and a small food area, with a small cafeteria and seating to service customers driving cars and trucks.

It is proposed that the service station would service traffic travelling on the Campbelltown Road in both directions and would be screened so as not to be visible from the F5 Freeway.

Given the close proximity of the site to the Ingleburn industrial precinct, it is anticipated by the applicant that the service station would be providing services to trucks entering the Ingleburn industrial precinct. This is reflected in the design of the proposed service station, as a special fuelling bay for heavy vehicles is planned as part of the proposed development. A copy of the original planning proposal request is shown as attachment 1 of this report.

As mentioned earlier, the applicant has recently submitted to Council a covering letter and an amended site plan for the proposed service station, as shown in attachment 2 of this report. The amended site plan removed any reference to the parking of trucks on-site. Notably, a diesel pump for truck refueling was retained on the proposed amended plans.

The removal of the truck parking bays from the proposed site plan is considered a major alteration to the proposal and the following observations are made:

- the footprint of the proposed car park is now smaller compared to that originally proposed, which included on-site truck parking
- the area for landscaping has increased, thus providing enhanced outcomes for the screening of the proposal from the F5 and Campbelltown Road
- the prevention of parking of trucks on the site would also likely alter the noise impacts on neighboring rural residential properties.

Site suitability and traffic movement

Based on the information provided, the site is considered suitable for a service station type development, as it is an isolated parcel of land that is bounded by major roads on all sides carrying significant traffic volumes. In addition, it is located within proximity to the Ingleburn industrial precinct.

The site has a number of mature trees. The applicant has submitted a detailed Arboriculture Impact Assessment, the findings of which will be later discussed as part of this report.

Although the intention of the proposed service station is to provide services to vehicles travelling on Campbelltown Road, there is still a potential that some vehicles travelling north on the F5 would utilise the service station. In this regard, a map showing the anticipated traffic movement to and from the site for those vehicles is shown in attachment 4. Such vehicles would enter the site via the Ingleburn F5 exit ramp. To re-enter the F5 and continue travelling in the same direction, vehicles would have to loop back through Williamson Road, then turn left to Brooks Road. In doing so, the vehicles would traverse through the industrial area of Ingleburn. Given that the traffic would not navigate through any residential suburbs, such traffic movement in itself is not considered unreasonable.

The extent of vehicular traffic generated by the proposed development as opposed to that travelling past the subject site to access the Ingleburn industrial area would need to be investigated.

Legislative framework

LEP 2002

Under the provisions of LEP 2002 a 'service station' is defined as:

'Service station means a building or place used for the fuelling of motor vehicles, the sale by retail of petrol, oil and other petroleum products, the ancillary sale of a limited range of food items for the convenience of patrons, and also used for any one or more of the following:

- (a) the sale by retail of spare parts and accessories for motor vehicles
- (b) the washing and greasing of motor vehicles
- (c) the installation of accessories for motor vehicles
- (d) the repairing and servicing of motor vehicles involving the use of hand tools (other than repairing and servicing which involves top overhaul of motors, body building, panel beating, spray painting, or suspension, transmission or chassis restoration).'

The term 'truck depot' is not separately defined under LEP 2002. In addition, the term 'motor vehicles' is not defined. As such, it could be argued that a 'heavy vehicle/truck' is a type of a 'motor vehicle'. Consequently, allowing a 'service station' on the site would not provide certainty for Council that a future service station would not include the parking, refuelling and servicing of trucks, thus potentially creating a 'truck depot' on the subject site.

In this regard, legal advice was sought from Council's solicitors, Marsdens Law Group, which will be discussed in detail later in this report.

Draft CLEP 2013

Under the provisions of the forthcoming draft CLEP 2013, a service station is defined as:

'Service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles
 - (b) the cleaning of motor vehicles
 - (c) installation of accessories
 - (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration)
 - (e) the ancillary retail selling or hiring of general merchandise or services or both.'
-

Notably, a truck depot is separately defined under draft CLEP 2013 as:

'Truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.'

The above definition more clearly distinguishes between a 'service station'; and a 'truck depot', unlike the provisions under LEP 2002, where there is no definition for a 'truck depot'.

Accordingly, if Council was of a mind to grant a consideration of support for an amendment to CLEP 2002 to permit a service station on the land, staff would strongly recommend the inclusion of a special clause in the LEP that would prevent the fuelling, servicing and parking of any heavy motor vehicles on the land.

Notwithstanding, if Council chooses to support the proposal to enable a 'service station' to be developed on the subject site, then additional prohibitions on the fuelling, servicing and parking of heavy motor vehicles would need to be included in any future amendment to LEP 2002 or draft CLEP 2013. The inclusion of such additional provisions would ensure that the site would be developed for a 'typical service station' only, and not for truck related purposes.

Legal advice

As discussed above, there is a need to provide additional prohibition clauses to any future amendments to LEP 2002 or draft CLEP 2013 to ensure that the subject site would be developed for a 'typical service station' and not a 'truck depot'. In this regard, Council sought legal advice in relation to two main questions as follows:

1. If Council permits a 'service station' use on the site, what options would it have to ensure that any future service station on the site would not provide services and on-site parking for trucks/heavy vehicles?
2. Are there any legal mechanisms that Council may be able to implement/utilise under the draft CLEP 2013 to ensure that the site would not provide services and on-site parking for trucks/heavy vehicles?

In response to Question 1 above, Marsdens advised:

'If the Council wanted to exclude trucks and trailers from the kinds of vehicles that could be accommodated by the service station on the subject land, it would be necessary for Schedule 2 of LEP 2002 to be amended to include a provision to the following effect in respect of the land:

Development for the purpose of a service station that is not used and is not so constructed or adapted as to be capable of being occupied or used for refuelling, parking, washing, greasing, storing, repairing, installing accessories or servicing of motor vehicles or trailers that have a maximum loaded mass of more than 4.5 tonnes (as specified by the manufacturer or by the Roads and Maritime Services constituted under the *Transport Administration Act 1988*).'

In response to Question 2 Marsdens advised that for Council to achieve the same outcome under its draft CLEP 2013, the following is recommended:

1. 'the Land Use Table for the Zone in which the land is situated should specifically prohibit 'service stations' and
-

2. Schedule 1 of draft CLEP 2013 should include the same recommended clause suggested for Question 1 one above.¹

The above legal advice indicates that Council would be able legally, by means of a specific provision under its LEP 2002 or draft CLEP 2013, to restrict the subject site from being developed for a service station that would provide services to heavy vehicles.

Arboriculture Impact Assessment

The applicant has submitted to Council an Arboriculture Impact Assessment for the site. The report has examined all trees located on the land and of the 136 trees assessed, 91 are proposed to be retained and protected.

The majority of trees on the site are highly fragmented and modified bushland which have been impacted by past land use activities. Some of the trees are identified as being remnant trees of Cumberland Plain Woodland. In this regard, further investigation is required to ascertain whether the vegetation on site is representative of Cumberland Plain Woodland. If this is the case, the applicant would need to undertake a flora and fauna assessment.

Required studies

A number of matters have been identified by Council staff for further investigation and the preparation of detailed studies/reports should Council support in principle the proposed amendment as follows:

1. Traffic study

A detailed traffic study is required to be prepared as part of this proposal. The traffic study should as a minimum investigate the extent of traffic generated by the proposed service station as well as the following:

- the appropriateness of the proposed right turn to and from Campbelltown Road, including road design
- the impacts of vehicle movements to and from the site, including access to and from the F5
- impacts on traffic movements in the wider locality as a result of the proposed development .

2. Landscaping and visual impact assessment

The proposal should provide information on landscaping and the anticipated visual impacts from the F5 and Campbelltown Road. It is considered important that should Council decide to support the proposal, that the landscaping of the site be undertaken in a manner that enhances the visual presentation of the site and reflects the site's environmental setting and values.

In addition, the Landscape and Visual Impact Assessment should assess the potential impact of any light spillage and include recommendations on the species of vegetation to be used on the site for screening purposes and to help minimise the impacts.

3. Noise levels and mitigation measures

The site is within close proximity to large-lot rural residential properties. It is recommended that should Council decide to support the proposal, that the applicant undertake an acoustic impact assessment to determine whether the proposed

development would generate acceptable noise levels from vehicle movements to, from and within the site. Noise mitigation measures should also be investigated to address any impacts on nearby residences.

4. Preliminary contamination assessment

The history of the land uses of the site is not known, however, in recent times parts of the site were used by the RTA as a storage area for road works. The applicant to prepare a preliminary land contamination report should Council wish to progress the matter. The outcome of the preliminary contamination report would inform whether a more detailed contamination investigation is required and whether any remediation is necessary.

Where to from here

Should Council resolve to support the request to create a 'scheduled use' to allow the site to be used as a 'typical service station', the next step would be for the applicant to prepare further studies in relation to visual impact, traffic management, land contamination, and noise.

Council officers would then prepare a draft planning proposal based on the findings of the studies prepared by the applicant. A report would subsequently be submitted to Council seeking its endorsement of the draft planning proposal, prior to submitting it to the Department of Planning and Infrastructure for gateway determination and future public exhibition.

If Council chooses not to support the request to prepare an LEP amendment, the applicant would be entitled to, within 40 days of Council's notification of its decision, make a written application and pay a fee to the Department of Planning and Infrastructure for a pre-gateway review. An applicant may also request a pre-gateway review if Council has not made a determination after 90 days from the date of submission of the LEP amendment request. The pre-gateway review is informed by advice from the relevant Joint Regional Planning Panel.

Notably, Council or a proponent may also request a review of a gateway determination within 40 days of being notified by the Department.

Conclusion

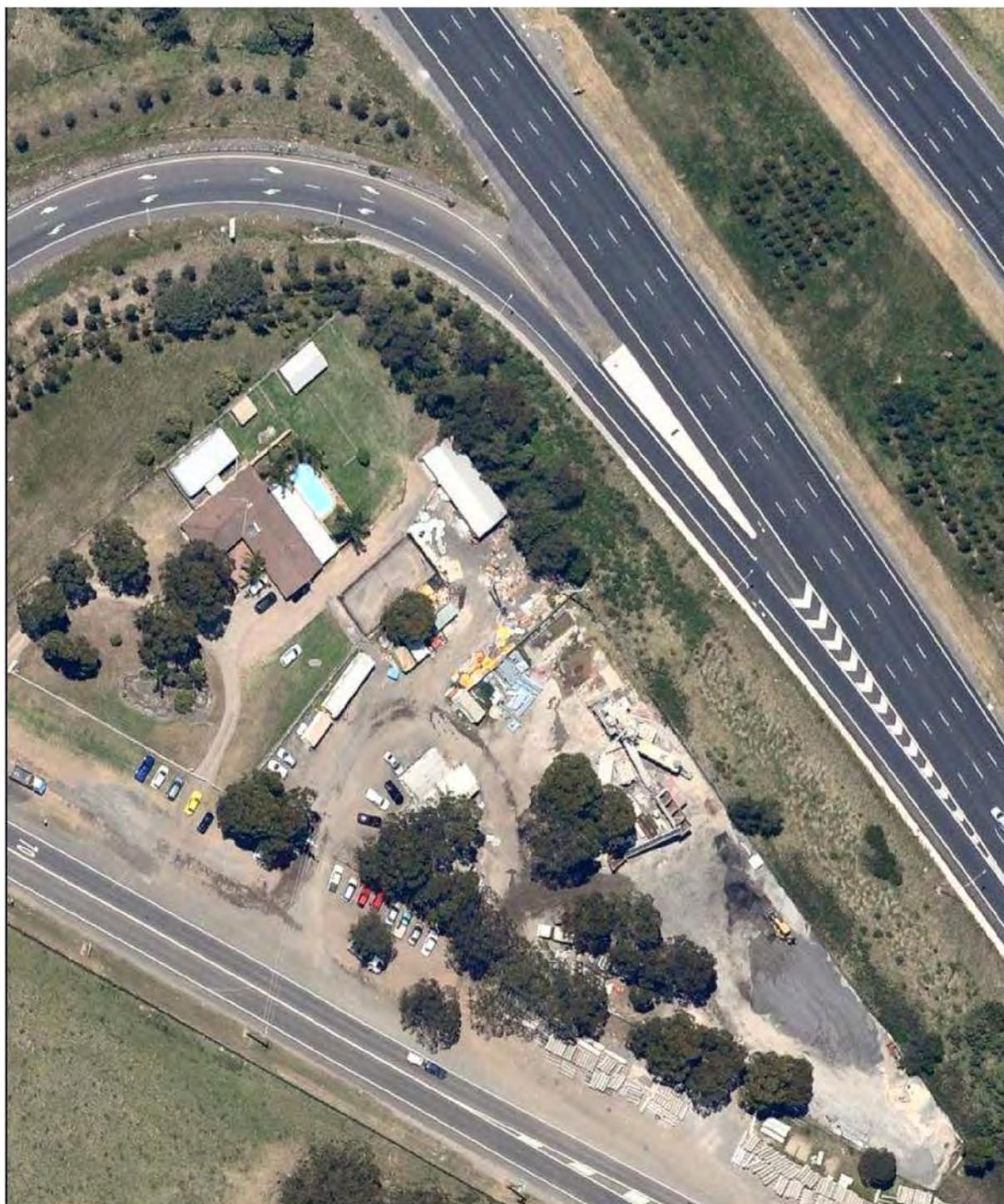
It is considered that the proposal to add an additional permitted use to allow a 'typical service station' at No. 194 Campbelltown Road, Denham Court has sufficient merit to progress the matter further. The site is considered suitable for the proposed type of development subject to future development consent. In this regard, additional clauses, as recommended by the advice sought from Marsdens, would need to be included as part of any future amendment to LEP 2002 or draft CLEP 2013 to ensure that the site would not accommodate truck fuelling, parking nor servicing/repairing.

Should Council resolve to support the proposal at this stage, the applicant would need to be requested to undertake a number of additional studies to further investigate issues relating to visual impact, traffic management, land contamination, and noise impact. The outcome of these studies would be further reported to Council together, with a recommendation as to whether Council should prepare a formal planning proposal.

Officer's Recommendation

1. That Council support in principle a proposed amendment to Campbelltown (Urban Areas) Local Environmental Plan 2002 for Lot 100 DP1176622 (No. 194 Campbelltown Road) Denham Court, to include an additional use (service station) to Schedule 2 – Additional Development subject to its consideration of the outcomes of further required investigations as detailed in the above report.
 2. That additional requirements, as recommended by the legal advice sought by Council be included as part of any proposed amendment to Campbelltown (Urban Area) Local Environmental Plan 2002 to ensure that the service station would not be allowed to provide onsite truck parking and servicing.
 3. That the applicant be requested to prepare additional studies, as identified by this report, in support of a possible amendment to Campbelltown (Urban Area) Local Environmental Plan 2002.
 4. That this matter be reported back to Council following an assessment of the additional required investigations.
-

ATTACHMENT 5



2.5 Trial Indian Myna Bird Action Program

Reporting Officer

Manager Sustainable City and Environment

Attachments

Nil

Purpose

To seek Council support for a trial 'Indian Myna Bird Action Program' which focuses on the control of Indian Myna birds in the Campbelltown Local Government Area (LGA) through community education and access to Indian Myna bird traps.

History

At its meeting on 11 March 2008, Council considered a report on the results of an 'Indian Myna Bird Trial Trapping Program' undertaken in 2007-2008. During this trial Council published a media release in local newspapers which resulted in over 500 phone calls from members of the public expressing an interest in participating in the trial.

The report advised that the effectiveness of the trial trapping program in reducing the numbers of the local Indian Myna bird population was unclear, however in response to community interest Council resolved:

1. That the Indian Myna Bird Trial Trapping Program continue on an informal basis as an activity in community participation and stewardship.
2. That Council publish the results of the Trial Trapping Program in the local media.
- 3 That Council advertise in a local newspaper the availability of the bird traps for use by interested residents.
4. That Council provide on its website relevant information relating to 'best practice' and humane methods of trapping and euthanising Indian Myna birds.

Report

In implementing the above resolutions Council offered Indian Myna bird traps for loan to the Campbelltown community. Community engagement and awareness of the invasive nature upon Council of this species has continued to increase and has resulted in pressure for further action in reducing numbers of the species. This report reviews the effectiveness of the current program and proposes alternative opportunities for the future of Indian Myna bird control and community education in the Campbelltown LGA.

Review of the current program

The current operational requirements of the program are significant when compared to the overall outcome in reducing Indian Myna bird numbers throughout the LGA.

Council receives on average five calls a week in regard to Indian Myna birds. This interest has resulted in the extraordinary expansion of the waiting list to hire traps, at present waiting periods of one year are common. Residents are also referred to the internet to research options for the purchase of a trap or to seek designs to build a trap of their own.

The community members who have accessed council's traps reported trapping 295 Indian Myna birds across the 2012 and 2013 calendar years. During this same period Council staff allocated over 900 hours in coordinating the trapping program through administration duties, resident trap orientations and meetings with residents to collect and subsequently return their traps. This equates to around three hours of council staff labour per bird caught.

Therefore whilst the demand for additional traps is apparent, the cost-efficiency is not, and expansion of the existing program would cause essential resource allocation to increase to a level far exceeding current staff resources.

Research and Evaluation

In light of the above resource challenge, Council staff have been investigating alternative opportunities for Indian Myna bird control and community education. Council staff recently conducted extensive consultation with other Sydney and regional councils in regard to Indian Myna bird control and education programs.

Results varied across the state with the majority of councils either undertaking no action due to the lack of legislative obligation or providing community education and trap lending programs similar to Council's existing program. Notwithstanding this, the councils surveyed overwhelmingly agreed that, unless trapping programs were undertaken on a regional basis, trapping programs were highly labour intensive, very costly and largely ineffective in reducing numbers of the species.

The following is a summary of the programs offered by some of the Councils surveyed:

Sutherland Shire Council:

- trap building workshops are held on a monthly basis at the Council's community nursery
- education is provided at the workshops on the environmental impacts of Indian Myna birds and humane euthanasia
- 15 traps are available for loan from the council.

Camden Council:

- 7 traps are available for loan from the council
 - traps are available for purchase from the local Men's Shed
 - education on minimising the species impact and the humane euthanasia of birds is provided through the Council's website and in material distributed with traps on loan.
-

Tamworth City Council:

- Main Street Myna bird reduction programs have previously been undertaken which included elements such as changes to landscaping species, use of plastic snakes in trees, cotton webbing in trees, high intensity lights, strobe lights, light crystals, acoustic devices, water cannons and commercially available caricatures
- despite some initial positive results the birds quickly adapted to all of the above strategies. Council has since ceased all efforts in Indian Myna bird control.

Shoalhaven City Council:

- traps are distributed to interested community groups, who are advised of current best practice for humane euthanasia of birds
- community groups then coordinate a trap loaning program
- during 2010 Shoalhaven Council was criticized by its community for its perceived lack of education in regard to humane euthanasia, subsequently education is now a key component of the program.

The Canberra Indian Myna Action Group Inc:

- a self-initiated community-action group who have distributed over 900 traps which have in turn resulted in the euthanasia of an estimated 38,000 Indian Myna birds
- these figures are in huge contrast to trapping programs undertaken within other regions
- success of the program is attributed to Canberra's geographical isolation, surrounding mountainous terrain and significant amount of community input and management.

Wollongong City Council:

- An Indian Myna Bird Action Program has been running since 2011
- program is run in partnership with the local Men's Shed who produce and distribute traps at a profit for the shed, this in turn funds materials and equipment for more traps and other programs offered by the Men's Shed.
- local residents must attend a one hour training and education workshop in order to purchase a trap from the Men's Shed
- training focuses on effective trapping methods, humane euthanasia and the impacts of Indian Myna birds on the environment
- workshops also provide Council and the Men's Shed with an opportunity to promote other programs
- 544 traps have been constructed, 59 workshops have been held with 783 residents attending and 3736 Indian Myna birds reportedly trapped and euthanised.

Wollondilly Shire Council and Liverpool City Council currently undertake no action to control Indian Myna birds.

Based on the aforementioned research Council staff identified that the Wollongong City Council Indian Myna Birds Action Program appeared to be the most effective and appropriate for use within the Campbelltown LGA.

Subsequently Council staff conducted further investigations into the Wollongong Council program and advise of the following:

- training workshops are held on an alternate Friday and Saturday every fortnight with up to 25 places available
- the Men's Shed is responsible for the purchase of all materials, construction and sale of the traps
- the traps unique design is reportedly very effective in not only attracting the birds but holding them
- both Wollongong Council and the Men's Shed are very supportive of Council initiating a similar program and have agreed to provide copies of trap designs and conduct training for Men's Sheds located within Campbelltown
- hundreds more Indian Myna birds have been trapped but not reported.

Council staff have undertaken preliminary consultation with the coordinators of Campbelltown's local Men's Shed's to ascertain their interest in trap production and distribution. The Men's Shed's located at Macquarie Fields, Ambarvale/Rosemeadow and Airds/Bradbury have all expressed their interest and are enthusiastic about the potential partnership with Council.

Proposed Trial Indian Myna Bird Action Program

It is therefore proposed to initiate a trial Indian Myna Bird Action Program within the Campbelltown LGA. Under the program Council staff would organise and facilitate educational workshops on an initial monthly basis to gauge interest from the community. The proposed one hour workshops would focus on the impacts of Indian Myna birds on the environment, ways to limit food sources, encouraging native birds, using traps and euthanasia of trapped birds.

Participants would be provided with a practice demonstration on humane euthanasia in accordance with a 'Standard Operating Procedure' for the trapping of pest birds, as prepared by NSW Department of Primary Industries. Indian Myna birds are an introduced invasive species that can be legally destroyed in Australia, but are protected by law from cruelty under the *Prevention of Cruelty to Animals Act 1979*.

At the end of the workshop residents will be required to confirm that they understand all the information provided in the workshop and agree to Council's trial Indian Myna Bird Action Program procedure. This declaration will then allow them to purchase a trap from one of the Men's Sheds within Campbelltown.

Council and the respective Men's Sheds will enter into a partnership in the form of a Memorandum of Understanding. Traps will be constructed by the partnered local Men's Sheds in Campbelltown using materials that will be purchased in bulk by the Men's Sheds' and produced using equipment already available at the Men's Sheds. As trap sales will generate income Council will endeavour to promote sale equity between the various Men's sheds within the LGA. Residents will be referred to their local shed based on an equitable division of the suburbs within Campbelltown. The sale price of traps has been briefly discussed during initial meetings, however it will be finalised at a meeting between Council staff and the Men's Shed coordinators, however it is expected to be below \$30.

Council officers will design and prepare an operational protocol for the trial Indian Myna Bird Action Program, which formalises the procedures for education workshops, trap production, sale of traps and the relevant responsibilities for Council and all project partners.

Workshops will also be used as an avenue to promote other Council and Men's Sheds programs.

Program Launch

It is proposed that the trial Indian Myna Bird Action Program will be launched at the beginning of spring 2014, when Indian Myna birds are most active and Council receives the highest numbers of enquiries. To launch the program, it is proposed that Council will donate the materials (at a total cost of \$300) for the first initial 30 traps amongst the three local Men's Sheds with these traps being used to create interest in the program through a 'trap giveaway' to the first 30 residents to register. The trial Indian Myna Bird Action Program will be launched through a media release in the local newspapers, on Council's website as well as an article in the spring release of Compass.

Council staff will also seek to increase public awareness of the impacts of Indian Myna birds on native bird populations through a public education campaign aimed at limiting the spread of the species. This will involve the production of a brochure and an update of Council's website.

Conclusion

Council's current Indian Myna Bird Trapping Program is resource intensive and ineffective in controlling the local Indian Myna bird population. Council staff have conducted investigations into alternative programs and have identified Wollongong City Council's Indian Myna Bird Action Program as a viable option.

Council staff are therefore proposing to run a trial Indian Myna Bird Action Program within the Campbelltown LGA for a 12 month period commencing in September 2014. The program will involve the delivery of educational workshops on the environmental impacts of Indian Myna birds, reducing feeding and breeding opportunities and effective trapping methods and humane euthanasia of the birds. Completion of an educational workshop will be essential to enable residents to purchase a trap made available through the services of the local Men's Sheds network. Council will work in partnership with the local Men's Sheds who will produce and sell the traps to the community.

It is envisaged that the proposed program will greatly reduce internal resource requirements compared with Council's current Indian Myna Bird Trapping Program. It is hoped that the potential success of Campbelltown's proposed Indian Myna Bird Action Program will act as a catalyst for neighbouring Council's to participate in a more regional approach to community education and management of this pest species.

Officer's Recommendation

That a trial Indian Myna Bird Action Program, as outlined in the report, be initiated for a 12 month period from September 2014, and at the conclusion of the trial a further report be presented to Council outlining the results of the trial program.

Committee's Recommendation: (Thompson/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 1 July 2014 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Amendment: (Thompson/Borg)

1. That a trial Indian Myna Bird Action Program, as outlined in the report, be initiated for a 12 month period from September 2014, and at the conclusion of the trial a further report be presented to Council outlining the results of the trial program.
2. That the funds allocated for the Myna Bird Traps be \$600.

Council Resolution Minute Number 105

That the above amendment be adopted.

2.6 Revised Policy - Sustainable Planting

Reporting Officer

Manager Sustainable City and Environment

Attachments

Revised Policy - Sustainable Planting Policy

Purpose

To seek Councils endorsement of the revised policy - Sustainable Planting

History

This policy was first adopted by Council at its meeting on 17 November 2009 and is now due for review.

Report

The abovementioned policy has been revised in accordance with Council's Record Management Policy and the adopted procedure for Policy Development and Review.

Following a review of the Sustainable Planting Policy, it is recommended that this Policy be retained in its existing form with an update made to the applicable Development Control Plan.

Since the adoption of this Policy, Council staff have sourced appropriate locally endemic native species for planting on Public Land within the Campbelltown Local Government Area, including parks, reserves, car parks and special interest areas. This Policy aims to maximise the planting of locally endemic species on public land within the Campbelltown Local Government Area, in order to enhance local biodiversity.

It is therefore recommended that the revised Sustainable Planting Policy be adopted without amendment.

Officer's Recommendation

1. That the revised Sustainable Planting Policy as attached to this report be adopted.
2. That the Policy review date be set at 30 June 2017.

Committee's Recommendation: (Lound/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 1 July 2014 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 105

That the Officer's Recommendation be adopted.

ATTACHMENT 1

		POLICY	
Policy Title	Sustainable Planting Policy		
Related Documentation	Native Gardening Guide for the Campbelltown Local Government Area, Campbelltown Neighbourhood Tree Disputes Fact Sheet, Campbelltown Residential Tree Planting Guide		
Relevant Legislation/ Corporate Plan	Campbelltown (Sustainable City) Development Control 2012		
Responsible Officer	Coordinator Environmental Planning		

Policy details may change prior to review date due to legislative changes etc, therefore this document is uncontrolled when printed.

Objectives

To maximise the planting of locally endemic species on public land within the Campbelltown Local Government Area, in order to enhance local biodiversity.

Policy Statement

1. Council will use local endemic species when planting on public land, where appropriate.
2. Plant species, where possible, should be propagated from seedstock collected within the Campbelltown LGA.
3. The guidelines in Table 1 will be used to guide plant selection in this process.
4. Council will give consideration to using non endemic species when situations warrant such an approach, such as works already undertaken at Mawson Park, Civic Centre Grounds, City Entrance Plantings, Ingleburn CBD, Hallinan Park, Raby Road landscaping, Macquarie Fields CBD, Glenfield CBD, Marsden Park, Rose Payten Drive, Englorie Park Drive, Glen Alpine Hall, Blair Athol Community Centre, Campbelltown CBD area (which covers Hurley and Dumeresq Street), Lithgow Street Mall, HMAS Sydney Place, Queen Street, Lithgow Street Mall and Cordeaux Street.

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Table 1 – Guidelines supporting the Campbelltown Sustainable Planting Policy.

Guideline	Purpose	Focus
Native Gardening Guide for the Campbelltown Area	To provide a list of locally endemic species, and to promote planting of these species within the LGA	Council, residents, developers
Campbelltown Tree Planting Guide	To provide guidelines for planting trees	Residents, developers
Removal of Fallen Trees and Branches Following Storm Events Fact Sheet	To provide information on the topic of removal of fallen trees and branches following storm events	Residents
Neighbourhood Tree Disputes Fact Sheet	To provide advice in relation to the topic of neighbourhood tree disputes	Residents

Scope

The scope of the Policy is planting undertaken by Council on public lands within the Campbelltown Local Government Area. This includes parks, reserves, car parks, and special interest areas.

Definitions

Public land means land managed by Council designated as Public Land.

Endemic native species means plant species naturally found within the Campbelltown area.

Seed stock means the seed from which plants are grown.

Legislative Context

Campbelltown (Sustainable City) Development Control Plan 2012

Principles

Council should source appropriate locally endemic native species for planting on Public Land within the Campbelltown LGA. Where possible, these should be propagated from seed collected in, or, as close as possible to, the Campbelltown LGA.

It is acknowledged that different public land uses have differing requirements for plants. Consideration was made in the development of the policy to the various types of public land managed by Council. Plants suitable for a bush rehabilitation area may not be suitable for a public carpark, or a heritage precinct. Council also recognises that there are instances where native plants may not be suitable to be planted. The Japanese Garden at the Campbelltown Arts Centre is one such example. In circumstances such as this, Council staff should make an effort to source species appropriate to the site.

Responsibility

The position responsible for the appropriate implementation of this Policy is the Director of City Works.

Effectiveness of this Policy

The policy will be evaluated based on the amount of locally endemic native species planted by Council on public land in ratio to the planting of non-endemic species.

END OF POLICY STATEMENT

2.7 Revised Policy - Sustainable Events Management

Reporting Officer

Manager Sustainable City and Environment

Attachments

Revised Policy - Sustainable Events Management

Purpose

To seek Councils endorsement of the revised policy - Sustainable Events Management

History

This policy was first adopted by Council at its meeting on 31 May 2011 and is now due for review.

Report

The abovementioned policy has been revised in accordance with Council's Record Management Policy and the adopted procedure for Policy Development and Review.

Following a review of the Sustainable Events Management Policy, it is recommended that this Policy be retained in its existing form.

Since the adoption of this Policy, Council staff have implemented the requirements of the Policy in order to minimise the environmental impact of Council events. This Policy is intended to encourage the use and promotion of Sustainable event practices where possible.

It is therefore recommended that the revised Sustainable Events Management Policy be adopted without amendment.

Officer's Recommendation

1. That the revised Sustainable Events Management as attached to this report be adopted.
 2. That the Policy review date be set at 30 June 2017.
-

Committee's Recommendation: (Kolkman/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 1 July 2014 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 105

That the Officer's Recommendation be adopted.

ATTACHMENT 1

 POLICY	
Policy Title	Sustainable Events Management Policy
Related Documentation	Sustainability Action Plan
Relevant Legislation/ Corporate Plan	Protection of the Environment Operations (Waste) Regulation 2005 Procurement Policy
Responsible Officer	Manager of Environmental Planning

Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.

Objectives

1. To minimise the environmental impact of Council events.
2. To provide guidance and encourage Council employees to adopt sustainable practices as part of their events.

Policy Statement

Like all other Local Governments, Campbelltown City Council has an important role to play in the implementation and achievement of sustainable practices. For this reason, Council recognises that sustainability is inherently linked to sound decision making and management. In its representation of the community of Campbelltown, Council is committed to ensuring that the principles of Ecologically Sustainable Development (ESD) are considered and effectively incorporated into the strategic vision and direction of the organisation.

Events, whether they are small team meetings or large festivals, include internal stakeholders, external stakeholders or community members/representatives, provide an opportunity for Council to lead by example and to demonstrate its commitment to sustainable practices. Sound and sustainable event management can assist Council to minimise its ecological footprint and associated financial costs by reducing energy and water consumption, greenhouse gas emissions and waste.

This policy is intended to encourage the use and promotion of sustainable event practices, where possible. The policy recognises that there are a number of constraints associated with planning an event, and that in some cases implementing all sustainable practices may not be possible.

Scope

This policy is provided for consideration and implementation by all Council employees.

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Definitions

1. Sustainability:

The concept of 'sustainability' was first introduced in the 1987 Brundtland Commission report titled '*Our Common Future*'. In the report, 'sustainability' was defined to include:

"Development that meets the needs of the present without compromising the ability of future generations to meet their own needs".

Subsequent to the Brundtland Commission report, in 1992 The Australian Government's *National Strategy for Ecologically Sustainable Development* further defined Ecologically Sustainable Development (ESD) to include:

"Using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased".

2. Event:

This policy defines an event to include:

- Any gathering of internal and/or external stakeholders (including general public).
- Gatherings ranging from small team meetings and Council meetings to large festivals (eg Festival of Fisher's Ghost, Riverfest). This also includes special events, such as art exhibitions and award ceremonies.

Legislative Context

Council receives annual funding under the Office of Environment and Heritage (OEH) *Waste and Sustainability Improvement Payments* (WaSIP) program. Waste and Sustainability Improvement Payments are available to 72 councils listed under Part 2 of the *Protection of the Environment Operations (Waste) Regulation 2005*.

In order to receive these payments, councils are required to adhere to annual WaSIP standards. These standards are developed in consultation with the WaSIP Advisory Group comprised of representatives from the OEH, the Local Government and Shires Association (LGSA), council General Managers, Waste Managers and Sustainability Managers.

This policy has been developed by the Sustainability Committee to demonstrate its compliance with the 2010/11 WaSIP standards, as well as demonstrate its commitment to sustainability.

Principles

1. Venue/site selection:

- When selecting a venue outside of Council offices, consider its proximity to public transport.
 - Consider whether an electronic meeting can be undertaken.
 - Where external stakeholders or community members/representatives are commuting, promote the use of public transport by providing directions, relevant train timetables and details of bus services. Alternatively, encourage car pooling.
 - To avoid excessive use of lighting and air conditioning, ensure that the venue is suitable in size.
 - Where stakeholders are required to stay overnight, recommend accommodation that is within walking distance and operates in an environmentally conscious manner.
 - Try to reduce/restrict traffic (motor vehicle and people) through environmentally sensitive areas, such as bushland. Where these areas are affected, encourage restoration works to be undertaken.
-

Campbelltown City Council

- Select venues that have existing infrastructure to limit the amount of additional equipment being brought in such as lighting, ablution blocks, etc.
2. Event promotion:
- Reduce printed material where possible by communicating electronically through emails, phone messages and Council's website.
 - Where printing is unavoidable, print doubled sided and on recycled paper.
 - Try to create attendee ownership/stewardship of the event's sustainable principles by promoting your intentions/goals.
3. Catering:
- Encourage the sourcing of food from local providers and businesses. This will in turn reduce associated 'food miles'.
 - Where food is unused, consider the possibility of forming a partnership with a local charity that provides meals for the disadvantaged community.
 - Consider sustainable and healthy nutritious menus, choosing local produce based on seasonality where possible.
 - Avoid using disposable cutlery and crockery, where possible. If there are no other practical alternatives, use biodegradable ones instead of plastic polystyrene.
4. Power:
- Try to utilise natural lighting instead of artificial lighting by opening blinds. Choose meeting rooms where this is possible. Alternatively, try and host small internal meetings outside.
 - Purchase green power from an accredited renewable supplier to offset carbon emissions.
 - Ensure that all equipment, including computers and projectors are turned off or placed on stand by when not in use (eg during question and answer sessions, breaks and other times deemed appropriate).
 - Use well maintained and current equipment that carries a favourable energy rating.
 - Choose low wattage appliances where available.
5. Water:
- For internal events, ensure that all drinking water is provided in refillable containers for consumption in washable, reusable cups/glasses. Use glasses and jugs of water in preference to bottled water.
 - For outdoor events, provide 'refilling stations' and consider using recyclable/biodegradable cups/bottles. In addition, provide and promote the use of recycle bins for unwanted litter.
6. Waste management:
- Apply the 'waste hierarchy' – in order of preference Avoid, Reduce, Reuse, Recycle.
 - Prioritise equipment and materials that contain recycled materials and have end-of-life recycling.
 - Provide recycling bins at highly visible locations.
 - Ensure that all unused or unwanted printing is recycled.
 - Where applicable, ensure that all supporting meeting documentation is distributed electronically or printed double sided and in greyscale.
 - Use a laptop to take meeting minutes or whiteboards to capture and present ideas and thoughts.
 - Where portable toilets are required, consider sourcing toilets that utilise environmentally-friendly chemicals and/or compost waste disposal.
7. Other:
- Consider planting trees to assist with reducing the carbon footprint of the event.
 - Select suppliers in accordance with Council's Procurement Policy.
 - Reuse name badges and lanyards where possible. Provide a facility for guests/delegates to return them as they leave the event.
 - Use table linens that can be washed, rather than disposable alternatives.
-

Campbelltown City Council

- Consider discussing the achievements and challenges of running a sustainable event at team meetings.

Responsibility

This policy is provided for consideration and implementation by all Council employees. The Manager of Environmental Planning is responsible for its monitoring and review.

Effectiveness of this Policy

This policy will be reviewed in accordance with Council's adopted procedure for policy development.

END OF POLICY STATEMENT

2.8 Revised Policy - Pesticide Use Notification

Reporting Officer

Manager Sustainable City and Environment

Attachments

Revised Policy - Pesticide Use Notification

Purpose

To seek Councils endorsement of the revised policy - Pesticide Use Notification

History

This policy was first adopted by Council at its meeting on 8 May 2012 and is now due for review.

Report

The abovementioned policy has been revised in accordance with Council's Record Management Policy and the adopted procedure for Policy Development and Review.

Following a review of the Pesticide Use Notification Policy, it is recommended that this Policy be retained in its existing form.

Since the adoption of this Policy, Council staff have implemented the requirements of the Pesticide Use Notification Plan in applying pesticides in public places in a safe and effective manner. This Policy supports the Pesticides Use Notification Plan for prescribed public spaces and aims to assisting Council's Environmental Planning Section and Operations Services Section in notifying the public about details of planned pesticide application.

It is therefore recommended that the revised Pesticide Use Notification Policy be adopted without amendment.

Officer's Recommendation

1. That the revised Pesticide Use Notification Policy as attached to this report be adopted.
2. That the Policy review date be set at 30 June 2017.

Committee's Recommendation: (Lound/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 1 July 2014 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 105

That the Officer's Recommendation be adopted.

ATTACHMENT 1

 POLICY	
Policy Title	Pesticide Use Notification
Related Documentation	Pesticide Use Notification Plan Location Map of Reserves adjacent to Sensitive Places
Relevant Legislation/ Corporate Plan	<i>Pesticides Act 1999</i> <i>Pesticides Regulation 2009</i>
Responsible Officer	Manager Environmental Planning

Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.

Objectives

To ensure Council uses pesticides in prescribed public spaces in a safe and effective manner and in accordance with relevant legislation and policy.

Policy Statement

Council is committed to the safe and effective use of pesticides that minimises risks to human health, the environment, property and trade.

1. Council will follow the guidelines set out in its Pesticide Use Notification Plan for the use of pesticides in prescribed public spaces.
2. Council will undertake appropriate record keeping and training in regard to the use of pesticides in prescribed public spaces.

This policy supports the Pesticides Use Notification Plan for prescribed public spaces and aims to assisting Council's Environmental Planning Section and Operational Services Section in notifying the public about details of planned pesticide application. The policy is particularly relevant when the use of pesticides is scheduled adjacent to pre-defined 'sensitive places'.

Scope

The Policy applies to Council operational and environmental works which require the application of pesticides.

Definitions

'Pesticide' as per the definition within the *Pesticides Act 1999* or as amended.

'Pesticide Use Notification Plan' as per the definition within the *Pesticides Regulation 2009* or as amended.

'Prescribed public space' as per the definition within the *Pesticides Regulation 2009* or as amended.

'Sensitive places' as per the definition within the *Pesticides Regulation 2009* or as amended.

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Legislative Context

The *Pesticides Act 1999* regulates the use of pesticides after the point of sale and promotes the protection of human health, the environment, property and trade by minimising risks from pesticide use.

The *Pesticides Regulation 2009* prescribes measures required for the notification and record keeping of the use of pesticides in public places. In response Council was required to develop a Pesticide Use Notification Plan for pesticide use in prescribed public places.

Principles

Procedures outlining measures taken to comply with the policy are detailed in the Notification Plan for the use of Pesticides in Public Spaces.

Responsibility

This policy is provided for implementation by all Council's Environmental Planning and Operational Services Sections involved in the planning and/or application of pesticides. The Manager of Environmental Planning is responsible for its monitoring and review.

Effectiveness of this Policy

This policy will be reviewed in accordance with Council's adopted procedure for policy development.

END OF POLICY STATEMENT

3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics May 2014

Reporting Officer

Manager Development Services

Attachments

Development Services application statistics for May 2014 (contained within this report)

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 May 2014 as they affect the Development Services section.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Thompson/Oates)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 1 July 2014 (Greiss/Thompson)

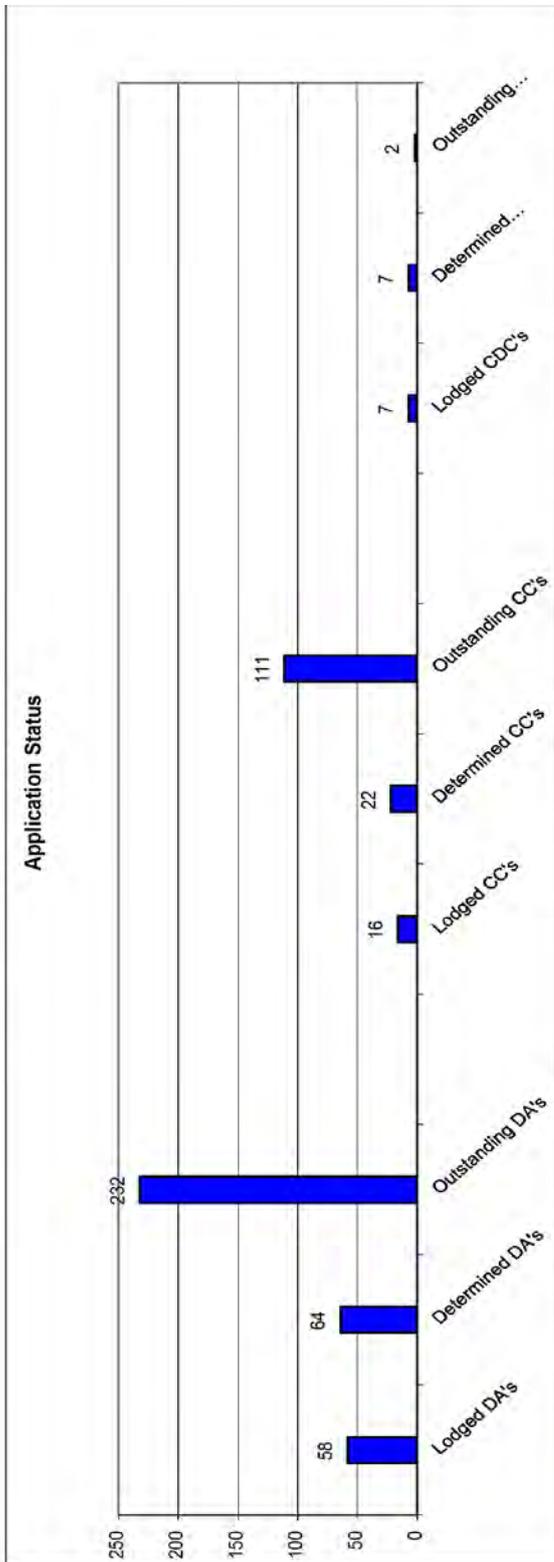
That the Officer's Recommendation be adopted.

Council Resolution Minute Number 105

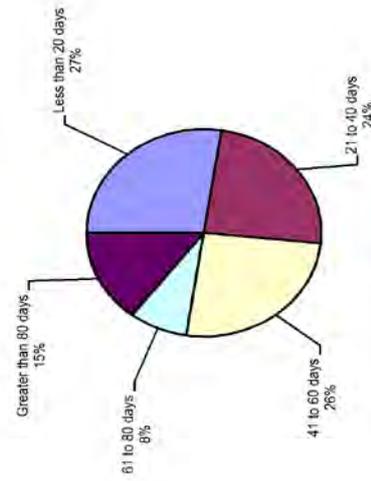
That the Officer's Recommendation be adopted.

ATTACHMENT 1

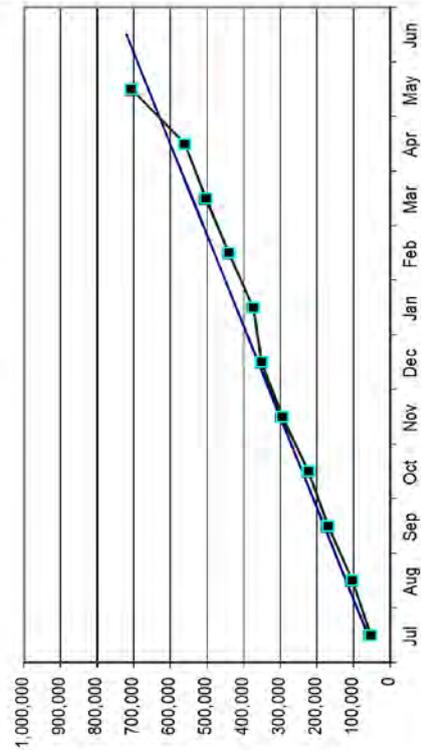
DEVELOPMENT SERVICES SECTION MONTH AT A GLANCE – May 2014



Development Application Monthly Processing Times



Development Application Income



3.2 Reconstruction of bridge and road restoration into property - Beulah, No. 767 Appin Road Gilead

Reporting Officer

Manager Development Services

Attachments

1. Recommended Conditions of Consent (contained within this report)
2. Site Plan (contained within this report)
3. Photograph of bridge in current condition (contained within this report)
4. Photograph of road in current condition (contained within this report)
5. Response from Heritage Council of NSW (contained within this report)
6. Heritage Impact Statement excerpt (contained within this report)

Purpose

The purpose of this report is to assist Council in its determination of the subject development application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EPA Act).

Property Description	Lot 23 DP 1132437, Lot 20 DP 1132444, Lot 21 DP 1132464, Lot 22 DP 1132531 Beulah, 767 Appin Road, GILEAD NSW 2560
Application No	2002/2013/DA-CW
Applicant	Historic Houses Trust of New South Wales
Owner	Historic Houses Trust of New South Wales
Provisions	Interim Development Order No. 15 – City of Campbelltown Development Control Plan No. 83 – Heritage Policy Campbelltown (Sustainable City) Development Control Plan 2012 Campbelltown 2025 – Looking Forward
Date Received	25 September 2013

Report

Introduction

Council is in receipt of a development application proposing the restoration of the original bridge, across Woodhouse Creek, and road from Appin Road to Beulah homestead, at 767 Appin Road, Gilead.

3.2 Reconstruction Of Bridge And Road Restoration Into Property - Beulah, No. 767 Appin Road Gilead

The subject site is zoned 1 Non-Urban under the provisions of Interim Development Order No. 15 – City of Campbelltown (IDO 15). An assessment of the proposed development against IDO 15 is contained within this report.

The Site

The subject site is legally described as Lot 23 DP 1132437, Lot 20 DP 1132444, Lot 21 DP 1132464, Lot 22 DP 1132531 with the bridge located on Lot 21 DP 1132464 and Lot 23 DP 1132437. The site is owned by Historic Houses Trust (HHT) New South Wales, and is currently being managed within the HHT as an Endangered Houses Fund project.

The bridge provides access across Woodhouse Creek from Appin Road to Beulah Homestead through Cumberland Plains Woodland which surrounds the approaches to the Homestead.

The Proposal

The development application proposes the restoration of the bridge across Woodhouse Creek.

A description of the proposed bridge works is as follows:

- Replacement of collapsed timber beam structure with concrete beams to the same size and configuration as the original, with the exception of a timber beam retained at each outer edge
- New timber deck with pedestrian pathways and handrails would be reinstated on both sides of the bridge.

The proposal also includes the following road works:

- Reinstatement of the roadway to allow access to the back areas of the property. This work would not involve the construction of new sections of road. The proposed road would follow the same alignment as the existing track and would not involve any grading of the current road surface. A new layer of crushed sandstone (150mm thick) would be compressed onto the roadway to form the new surface. The reinstatement would include minor cutting and filling to level out the existing road surface
- 10 metre easement along the line of the road and across the bridge to allow for the reinstatement of the road which would include removing 95 trees

It is noted that the proposal initially included the clearing of 0.14ha of Cumberland Plain Woodland to reinstate the horse yard at the front of the Beulah Homestead. The applicant submitted an ecological survey to determine the presence of any State or Nationally listed threatened species, migratory species and/or threatened ecological communities within the historic horse yard. Council's Environmental Planning Section reviewed the ecological survey. The clearing of 0.14ha of Cumberland Plain Woodland was not supported for the following reasons:

3.2 Reconstruction Of Bridge And Road Restoration Into Property - Beulah, No. 767 Appin Road Gilead

- It is unclear how the proponent has followed the mitigation hierarchy of – avoid, minimise, offset
- The report states that the vegetation on the property is regrowth. However, under the NSW legislation it is irrelevant whether or not vegetation is regrowth. If the vegetation is representative of CPW (Cumberland Plain Woodland), then it is classified as CPW. Furthermore this vegetation has been regenerating since the 1960's, as such it is reasonably established. One hollow-bearing tree has also been recorded on site, loss of which is a Key Threatening Process under NSW legislation
- The proposal also states that in addition to restoring the heritage values of the site, the clearing would also serve to reduce the bushfire risk to the built heritage structures on-site. This reason is not permissible under the Bush Fire Environmental Assessment Code for New South Wales (Page 7)
- The Cumberland Plain Land Snail was found to occur within three locations on-site. Although mitigation measures have been suggested, it is not ideal to disturb the habitat at all
- The Assessment of Significance, part (f) for the Cumberland Plain Woodland and Cumberland Plain Land Snail states that:

The four recovery principles are that recovery efforts concentrate in the largest remaining intact remnants (priority lands or PCLs) that a representative sample of all target threatened species, populations and ecological communities is conserved, active management to best practice standards is required, and offsetting is to be used where impacts cannot be avoided.

The site is not a PCL under the Plan and as such there are no recovery objectives, actions or key performance targets in the plan directly relevant to the site or proposal.

However the approved Cumberland Plain Recovery Plan states 'The identification of the PCLs as priorities should not be misinterpreted as underrating the significance of other remnant vegetation'. Therefore it is Council's opinion that the part (f) of the AoS, for both the Cumberland Plain Land Snail and the CPW has not been addressed adequately

- The proponent has not attempted to prove how the proposal to improve the heritage value of the horse yard has avoided clearing the native vegetation. This development proposal is problematic in the fact that the proposal in itself is clearing. The Cumberland Plain Recovery Plan has not been properly considered as part of the AoS for both the CPW and the Cumberland Plain Land Snail.

In light of the above, the applicant has amended the application to remove the horse yard vegetation clearing component from the Development Application. As such, this application is solely for the restoration of the bridge and road.

History

The Beulah Homestead is a State Heritage Item and also a registered Bio-bank site (Bio-bank ID No. 058), created under Part 7A Division 2 of the Threatened Species Act 1995. It is noted that the bridge itself falls outside the curtilage for the state listing.

The Heritage Council of New South Wales considers the bridge to be one of the oldest surviving bridges on the Australian mainland and is believed to be the only example of its type constructed by a private owner in colonial times.

Assessment

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

1. Vision

Campbelltown 2025 – Looking Forward

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

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

The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are a result of Council's consideration of extensive community consultation and public input. Relevant strategic directions include:

- Growing the Regional City
- Building a distinctive Campbelltown sense of place
- Protecting and enhancing the City's key environmental assets.

Relevant desired outcomes of the strategic directions 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
-

3.2 Reconstruction Of Bridge And Road Restoration Into Property - Beulah, No. 767 Appin Road Gilead

- Development and land use that matches environmental capacity and capability.

In addition, the Vision states that the City's cultural heritage, Indigenous and European, is respected. The proposal to reinstate the original bridge across Woodhouse Creek and road, from Appin Road to Beulah Homestead, is considered to contribute positively to the long term sustainability and environmental heritage of the Region. As such, it is to be considered favourably, subject to the result of assessment under Section 79C of the *Environmental Planning and Assessment Act 1979*.

2. Planning Provisions

Section 79C(1)(a) of the EPA Act requires Council to consider environmental planning instruments and development control plans that apply to the site.

2.2 *Threatened Species Conservation Act 1995* – Bio-banking Agreement

The 'Beulah' property is subject to a Bio-banking agreement (Bio-bank ID number 058) created under Part 7A Division 2 of the *Threatened Species Conservation Act 1995*. The proposed works include reinstatement of the original road and bridge which was anticipated in the application of the Bio-banking agreement, and explicit provision for this work and the future vehicular use of the road and bridge is stated in the Agreement under clause 3.5 permissible development.

The application was referred to Councils Environmental Planning Section which commented that the proposed works would be carried out in accordance with the Bio-banking Agreement. A discussion with the Office of Environment and Heritage confirmed the Office did not require referral of the subject Development Application, they would however require notification of Council's decision. A condition has been recommended to ensure that the works respect the sensitivity of the site.

2.3 Interim Development Order No. 15

The subject site is zoned 1 Non Urban (100 ha. Minimum) under the provisions of Interim Development Order No. 15 (IDO 15). The site contains Items of Environmental Heritage listed in Schedule 4 of IDO 15 which includes 'Beulah' homestead, outbuildings and timber bridge and 'Humewood Forest'.

Clause 19(1) of IDO 15 states the following:

A person shall not, in respect of a building, work, relic or place that is an item of the environmental heritage –

- a) Demolish, renovate or extend the building or work
 - b) Damage or despoil the relic or place or any part of the relic or place
 - c) Excavate any land for the purpose of exposing or removing the relic
 - d) Erect a building on the land on which the building, work or relic is situated or on the land which comprises that place
 - e) Subdivide the land on which the building, work or relic is situated or the land which comprises that place
-

3.2 Reconstruction Of Bridge And Road Restoration Into Property - Beulah, No. 767 Appin Road Gilead

Except with the consent of the Council.

The proposal is defined as 'renovation' and is permissible with Council consent.

Renovation, in relation to a building or work, means the following:

- a) The making of structural changes to the inside or outside of the building or work
- b) The making of non-structural changes to the fabric or appearance of the outside of the building or work, including changes that involve the repair or the painting, plastering or other decoration of the outside of the building or work.

Clause 19(2) of IDO 15 states the following:

That Council shall not grant consent as referred to in subclause (1) unless it has made an assessment of –

- a) The significance of the item as an item of the environmental heritage of the City of Campbelltown
- b) The extent to which the carrying out of the development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item and its site
- c) Whether the setting of the item and, in particular, whether any stylistic, horticultural or archaeological features of the setting, should be retained
- d) Whether the item constitutes a danger to the users or occupiers of the item or to the public.

The application has been accompanied by a heritage impact statement which includes an assessment of the impact of the proposed works on the heritage values of the bridge, the entry drive and on the approach and setting to Beulah homestead. The heritage impact statement is discussed in detail later in the report.

2.4 Development Control Plan No. 83 – Heritage Policy

Development Control Plan No. 83 – Heritage Policy (DCP 83) applies to the development as "Beulah" is listed as a local heritage item in Appendix 1 of the Plan. Beulah homestead, outbuilding and gazebo are listed in Appendix 2 of the Plan as a State Heritage item. The bridge over Woodhouse Creek and the road from Appin Road to Beulah homestead do not form part of the State Heritage Listing.

Relevant objectives of DCP 83 are listed below:

- To assist in the conservation of Campbelltown's heritage items;
- To encourage an awareness and understanding of local heritage conservation; and
- To provide guidelines for the development, change and use of a heritage item.

DCP 83 requires that a development application be made for rebuilding a heritage item. The Plan also specifies that applications to rebuild a heritage item are to be accompanied by a Heritage Report which has been prepared in accordance with the Heritage Council guidelines. The heritage impact statement is discussed in further detail later in the report.

2.5 Campbelltown (Sustainable City) Development Control Plan 2012

Council's (Sustainable City) Development Control Plan 2012 (DCP 2012) applies to the subject land. Relevant parts of the DCP 2012 are discussed below:

Part 2.11 Heritage Conservation

Part 2.11 of DCP 2012 specifies the following relevant objectives:

- Respect the City's Indigenous and non-Indigenous heritage resource;
- Promote the protection or conservation of those resources wherever possible; and
- To conserve the environmental and cultural heritage of the City in accordance with the principles contained within the Burra Charter.

Part 2.11 requires that a Statement of Heritage Impact be provided that assesses the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item. The application has been accompanied by a heritage impact statement, which addresses the guidelines published by the Department of Environment and Heritage, discussed in detail later in the report. As such, the applicable provisions of Campbelltown (Sustainable City) Development Control Plan 2012 are satisfied.

3. Environmental Heritage Assessment

As part of the application, a heritage impact statement was prepared to assess the impact of the repair, and conservation of the entry drive to Beulah homestead and the associated c1840s sandstone and timber bridge. The heritage impact statement was prepared by Design 5 Architects, dated May 2013.

The heritage impact statement contains the following Statement of Cultural Significance:

- The house was built c. 1835 by an emancipated convict, Connor Boland. Neighbouring property to the east, containing the Cumberland Woodland, was granted in 1823 to Francis Rawdon Hume. The 90-hectare property was consolidated with its purchase by members of the Hume family in 1846 and remained in the family until 1936. The house is now in disrepair, along with two timber outbuildings also on the site. The property is significant for having retained its original landscape setting intact since it was first established.
 - The bridge and entry drive to Beulah retain a high degree of intactness and authenticity as the only vehicular approach to Beulah from the 1840s onwards. This is inseparable from its setting and context within a rare and intact surviving area of Cumberland Plain woodland with its spotted gums.
 - The bridge and its approaches retain a high degree of intactness from its original construction and subsequent additional 20th century layer using steel rail tracks.
-

3.2 Reconstruction Of Bridge And Road Restoration Into Property - Beulah, No. 767 Appin Road Gilead

- The stone and timber bridge (with stone abutments) is a rare surviving example of this early 19th century bridge type, retaining intact fabric and details from its original construction. The bridge is a rare remnant of Australia's oldest surviving form of bridge construction, similar to some early bridges on the Great Northern Road.
- The construction of the bridge and approaches are unusually well made with details and configuration more typical of a public road than a private driveway.

The heritage impact statement concludes the following, however it must be noted that the application does not include the removal of the regrowth in the horse-yard.

The proposed repair and resurfacing of the entry road to Beulah and the repair and upgrade of the original bridge on this entry, and removal of regrowth trees in front of the house, will reinstate this highly significant and picturesque quality of the property.

The work will retain and protect remnants of the original road surface and retain intact but fragile timber elements of the bridge. The work is interpretive in character, retaining the scale, simplicity and original structure of both the road and the bridge.

Overall, the heritage impact statement concludes that that the proposal would acknowledge the original design and fabric of the bridge and allow access to Beulah Homestead.

4. Heritage Protection Sub-Committee (HPSC)

A report on the development application to reconstruct the original bridge, across Woodhouse Creek, and road from Appin Road to Beulah homestead was considered by the HPSC meeting on 22 May 2014. Mr Ian Innes, Assistant Director Heritage at Sydney Living Museums provided the HSPC with a photographic and oral presentation in support of the Development Application.

The HSPC advised Council that it had no concerns with the application progressing for further consideration.

5. NSW Heritage Council

The 'Beulah' Homestead is listed on the State Heritage Register (Permanent Conservation Order No. 368). The bridges itself falls outside the curtilage for the State Heritage Listing. The applicant referred the proposal to the New South Wales Heritage Council. The following comments were made regarding the proposed bridge reconstruction:

- The proposal is considered appropriate and would support the tenancing of Beulah Homestead while acknowledging and referencing the Bridges original design and fabric
 - The upgrade of the approach roads to the bridge is necessary to provide for its ongoing use. Any upgrade must ensure that the sandstone retaining walls or the original stone road surfacing are not negatively impacted and will be protected, and if possible, restored, as part of the works
-

3.2 Reconstruction Of Bridge And Road Restoration Into Property - Beulah, No. 767 Appin Road Gilead

- The roadway to be resurfaced, from Appin Rad to the Beulah Homestead, with a 300mm thick layer of crushed sandstone, contains small areas where the original packed stone surfacing is evident and is currently in a dilapidated state. The proposed sandstone treatment is considered appropriate. The original packed stones (cobblestones) are to be covered with geo-fabric underneath the new sandstone layer for protection and to provide separation between old and new fabric.

Following an assessment of the comments supplied by the Heritage Council, it is agreed that the proposal would acknowledge the original design and fabric of the bridge and allow access to Beulah Homestead. A condition has been recommended for the proposal to be carried out in accordance with the comments received from the Heritage Council.

6. NSW Office of Water

Given the proposed bridge works over a watercourse, the application was also referred to the Office of Water pursuant to Section 91A of the *Environmental Planning and Assessment Act 1979* and the *Water Management Act 2000*. A response from the Office of Water was received which included its General Terms of Approval. A condition has been recommended for the application to obtain a Controlled Activity Approval from the NSW Office of Water.

7. Public Participation

Section 79C(1)(d) of the *EPA Act* requires Council to consider submissions made with regard to the proposal.

The proposed development is defined as Nominated Integrated Development in accordance with Section 90 of the *Environmental Planning and Assessment Act 1979* due to the proximity to Woodhouse Creek. In accordance with Council's Public Notification Policy, the application was placed on public exhibition from 24 February 2014 to 28 March 2014.

Council did not receive any submissions.

Conclusion

A development application has been lodged to reconstruct the bridge over Woodhouse Creek and the road restoration from Appin Road to the Beulah Homestead at Lot 23 DP 1132437, Lot 20 DP 1132444, Lot 21 DP 1132464, Lot 22 DP 1132531 Beulah, 767 Appin Road, Gilead.

The Beulah Homestead is listed on the State Heritage Register, however the bridge itself falls outside the curtilage for the State Heritage Listing. The subject site also contains Items of Environmental Heritage listed in Schedule 4 of IDO 15 which includes the 'Beulah' homestead, outbuildings and timber bridge and 'Humewood Forest'.

A heritage impact statement has been provided with the application and concludes that the proposal would acknowledge the original design and fabric of the bridge and allow access to Beulah Homestead.

3.2 Reconstruction Of Bridge And Road Restoration Into Property - Beulah, No. 767 Appin Road Gilead

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

Officer's Recommendation

1. That development application 2002/2013/DA-CW for the restoration of the bridge over Woodhouse Creek and road from Appin Road to Beulah Homestead at 767 Appin Road, Gilead, be approved subject to the conditions detailed in attachment 1 of the report.
2. That Council notify the NSW Heritage Council of Council's decision.
3. That Council notify the Office of Environment and Heritage of Council's decision.

Committee's Recommendation: (Kolkman/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: nil.

Council Meeting 1 July 2014 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 107

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Greiss, Hawker, Kolkman, Lake, Lound, Mead, Oates, Rowell and Thompson.

Voting against the Council Resolution were: 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. Tree Removal

Trees to be removed shall be in accordance with the approved plan, prepared by Hill & Blume (Ref. No. 52439 Issue A), containing Council's approved development stamp.

During the tree removal a suitably qualified ecologist shall be present to brief construction workers and monitor the works being carried out.

A suitably qualified ecologist shall inspect all vegetation proposed to be removed to reinstate the drive and bridge to inspect for any fauna. If fauna is present then the vegetation cannot be removed until such time as the fauna has moved on or been suitably relocated within the property.

Note: The vegetation within the horse yard at the front of the Beulah Homestead shall not be removed.

3. Heritage Conservation

The restoration, or upgrade, of the bridge over Wood House Creek and the road from Appin Road to Beulah Homestead is to be carried out in accordance with the following documentation:

- Letter received from the Heritage Branch, as delegate of the NSW Heritage Council, dated 23 January 2013; and
- Bridge deck option 2: Concrete beams supporting 13.7 Tonne vehicle referred to in report titled 'Structural design advice for upgrade of bridge over Wood House Creek on access roadway to property known as "Beulah", Appin Road, Appin', prepared by Partridge, dated 10 October 2012.

Note: The vegetation within the horse yard at the front of the Beulah Homestead shall not be removed.

4. Construction Certificate

3.2 Reconstruction Of Bridge And Road Restoration Into Property - Beulah, No. 767 Appin Road Gilead

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

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

5. Controlled Activity Approval

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

Note: Any changes required to the design/approved plans as a result of this process, shall require consideration of a modification (Section 96) application by Council.

6. 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.

7. 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.

8. Erection of Construction Sign

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

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

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

9. Toilet on Construction Site

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

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

10. 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.

3.2 Reconstruction Of Bridge And Road Restoration Into Property - Beulah, No. 767 Appin Road Gilead

11. 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.

12. 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.

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".

13. Structural Engineering Certificate

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

14. Heritage Consultant

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit a letter from a suitably qualified heritage consultant certifying that the bridge and road restoration has been erected in accordance with the following documentation:

- Letter received from the Heritage Branch, as delegate of the NSW Heritage Council, dated 23 January 2013; and
- Bridge deck option 2: Concrete beams supporting 13.7 Tonne vehicle referred to in report titled 'Structural design advice for upgrade of bridge over Wood House Creek on access roadway to property known as "Beulah", Appin Road, Appin, prepared by Partridge, dated 10 October 2012.

Note: The vegetation within the horse yard at the front of the Beulah Homestead shall not be removed.

15. Council Fees and Charges

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

ADVISORY NOTES

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

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

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

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

- a. EROSION AND SEDIMENT CONTROL –
 - i. Direction/confirmation of required measures.
 - ii. After installation and prior to commencement of earthworks.
 - iii. As necessary until completion of work.
-

3.2 Reconstruction Of Bridge And Road Restoration Into Property - Beulah, No. 767 Appin Road Gilead

- b. STORMWATER PIPES – Laid, jointed and prior to backfill.
- c. VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.
- d. FINAL INSPECTION – All outstanding work.

Advice 4. Environmental Protection and Biodiversity Conservation (EPBC) Act 1999

The Commonwealth *Environmental Protection and Biodiversity Conservation (EPBC) Act 1999* requires actions that will have or are likely to have, a significant impact on a matter of national environmental significance to be referred to the Department of the Environment, Water, Heritage and the Arts for assessment and approval. Referral under the EPBC Act is required in addition to any State or Local Government approval or determination. There are seven matters of national significance including nationally listed threatened species, ecological communities and heritage items. Further information on the EPBC Act can be found at <http://www.environment.gov.au/epbc/index.html>. Guidelines for determining if an impact is likely to be significant under the Act are available at: <http://www.environment.gov.au/epbc/guidelines-policies.html>.

Advice 5. 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.

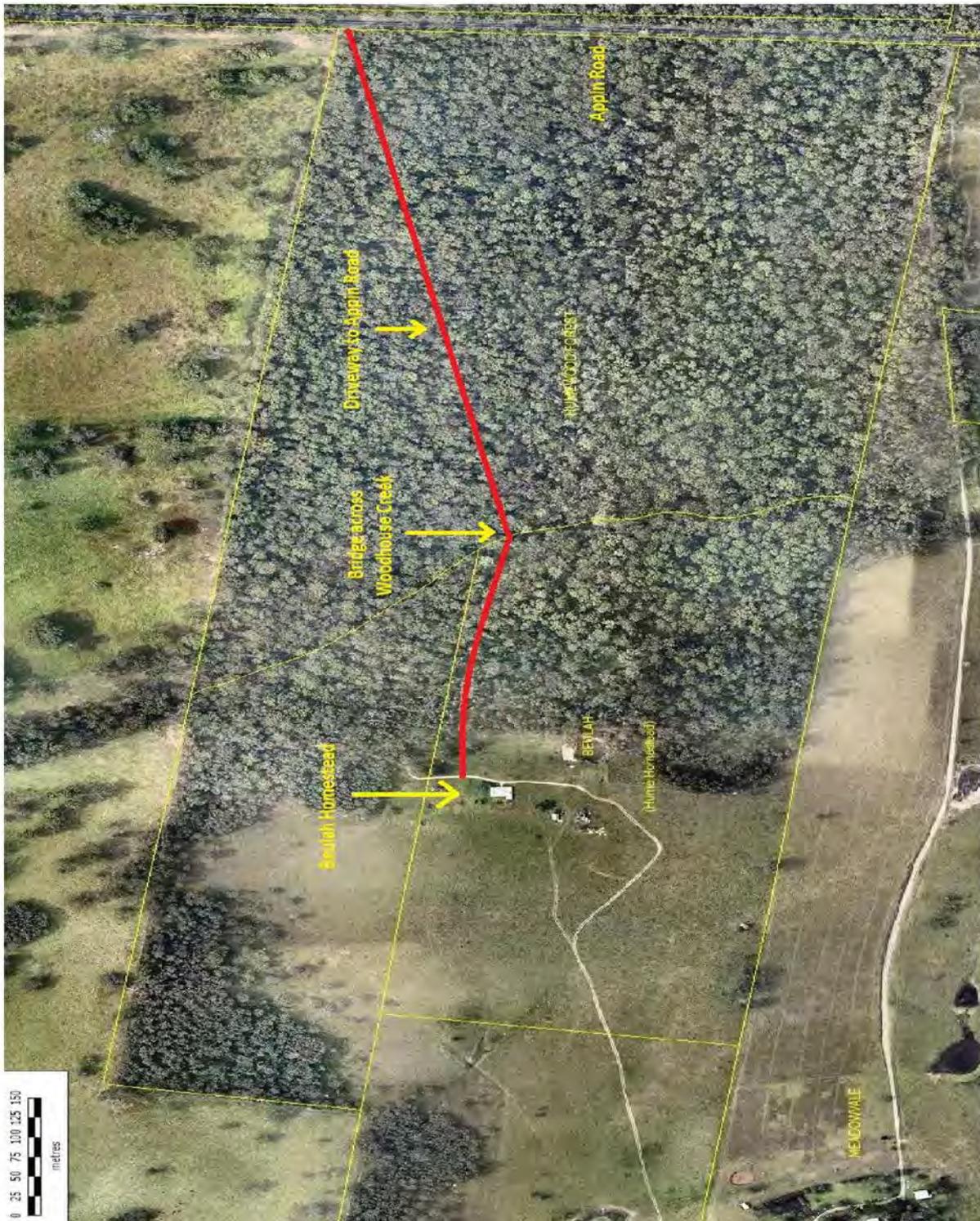
Advice 6. Telecommunications Act 1997 (Commonwealth)

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



ATTACHMENT 3



ATTACHMENT 4



3.2 Reconstruction Of Bridge And Road Restoration Into Property - Beulah, No. 767 Appin Road Gilead

ATTACHMENT 5

Heritage Council



of New South Wales

3 Marist Place
Parramatta NSW 2150Telephone: 61 2 9873 8500
Facsimile: 61 2 9873 8599Locked Bag 5020
Parramatta NSW 2124
DX 8225 PARRAMATTAheritage@heritage.nsw.gov.au
www.heritage.nsw.gov.auContact: Katrina.Stankowski
Phone: (02) 9873 8669
Fax: (02) 9873 8550
Email: Katrina.Stankowski@heritage.nsw.gov.auYour ref: N/A
Our Ref: A1299077
File: 11/17810Richard Taylor
Historic Houses Trust of New South Wales
The Mint
10 Macquarie Street
SYDNEY NSW 2000

Dear Mr Taylor

RE: TIMBER BRIDGE ON ACCESS ROAD and ROUND YARD – “BEULAH”, APPIN NSW

Reference is made to your email dated 11th January 2013 requesting the Heritage Branch's comments on the revised design for the proposed upgrade of the stone and timber bridge over Wood House Creek at the property of Beulah, Appin Road, Campbelltown.

Accompanying your email was a copy of a Report titled *Structural Design Advice for Upgrade of Bridge over Wood House Creek on Access Roadway to Property known as "Beulah", Appin Road, Appin* by Partridge Structural Engineers, dated October 2012.

It is noted that while Beulah Homestead is listed on the State Heritage Register (Item No. 00368) the bridge itself falls outside the curtilage for this listing. However, the Bridge is considered to be contemporary with the construction of Beulah; to be one of the oldest surviving bridges on the Australian mainland and is believed to be the only example of its type constructed by a private owner in colonial times. The National Trust considers this Bridge to be a rare remnant of Australia's oldest surviving form of bridge construction and likens it to some early bridges on the Great North Road.

This Bridge provides access across Wood House Creek from Appin Road to Beulah Homestead through the forest which surrounds the approaches to the Homestead (endangered Cumberland Plains Woodland subject to a Biobank agreement with the Office of Environment & Heritage).

Our records indicate that the Heritage Branch, as Delegate of the Heritage Council, has previously provided comment on this proposal in September 2011 and staff from the Heritage Branch have undertaken two site visits to this property to discuss the proposed works with Historic Houses Trust (HHT) staff, in September 2011 and in November 2012.

Based on the documentation from Partridge Structural Engineers it is clear that the proposed design for the upgrade of the Bridge has changed significantly from when the Heritage Branch initially provided comment in 2011. The current preferred proposal, (called Bridge Deck Option 2 -Concrete Beams supporting 13.7 Tonne vehicle) allows for:

1. A Bridge deck which will support a maximum vehicle load of 13.7 Tonnes suitable to support a rural fire truck using 5 reinforced concrete beams spaced to match the

3.2 Reconstruction Of Bridge And Road Restoration Into Property - Beulah, No. 767 Appin Road Gilead

original beam spacing and spanning the length of the bridge. These beams are supported on a concrete bearing padstone supported on top of the original abutments and have hardwood timber decking planks spanning between them.

This creates a 3.6m wide vehicle zone and allows for a pedestrian zone 900mm wide along each side of the vehicle zone.

The deck structure spanning between beams will be of seasoned hardwood planks with an original timber beam reinstalled along each outer edge of the bridge.

Timber handrails will be re-installed to the edges of the Bridge to guide pedestrians as per their original placement.

In addition, to prevent heavy vehicle loads surcharging the original abutment and wing walls, a reinforced concrete slab will be cast beneath the roadway extending at least 3m behind the face of the abutment walls.

- As Delegate of the Heritage Council, it is considered that the option known as *'Bridge Deck Option 2 – Concrete Beam supporting 13.7 Tonne vehicle'* if undertaken to the specifications in the Partridge Report, is appropriate and will allow this Bridge to continue to be used in a way that supports the tenancing of Beulah Homestead whilst acknowledging and referencing the Bridges original design and fabric.
2. As part of the Bridge upgrade the approach road to the east and west will need to be upgraded in anticipation of increased vehicle loads.

It is noted that for approximately 10-15m in each direction the natural ground has been raised using imported fill to construct the approach with random rubble sandstone retaining walls (approx 250-1000mm high in varying locations) supporting the raised soil – these walls are in poor condition. This road also contains small areas of original packed stone surfacing.

It is proposed that this fill will need to be compacted to be able to support the vehicle loads and a clear delineation of the roadways centre trafficable zone (2.7-3m wide) must be provided, otherwise surcharging and collapse of the stone walls or side slopes of the approaches may occur. This will require proof rolling the existing road way to determine soft spots and placement of geo-fabric or geo-grid across the surface followed by a 200mm layer of crushed sandstone sub-base with a surface wearing course. Consideration will also be given to removing trees and vegetation which are damaging the stone retaining walls and locally rebuilding the walls where they have collapsed.

- As Delegate of the Heritage Council it is considered that upgrade of the approach roads to the bridge is necessary to provide for its ongoing use; but any upgrade must ensure that the sandstone retaining walls or the original stone road surfacing are not negatively impacted and will be protected, and if possible restored, as part of the works.
3. In a later email dated 21st January 2013 you have requested comment on the proposal by HHT to clear out the tree regrowth which is currently extending through the round training yard and around the dam to the east of Beulah Homestead. This regrowth was observed by Heritage Branch staff on the site visit of November 2012 to present a fire hazard and to obscure an important landscape feature associated with the use of Beulah by past owners.
-

3.2 Reconstruction Of Bridge And Road Restoration Into Property - Beulah, No. 767 Appin Road Gilead

It is considered that the removal of this regrowth would be a positive change as it would enhance the significance of Beulah Homestead by allowing its landscape to be interpreted more easily and it would be prudent from a hazard reduction standpoint.

4. Additionally, in the same email discussed under point 3 you have requested comment on the proposal by HHT to resurface the length of the roadway from Appin Road to the Homestead with a 300mm thick layer of crushed sandstone (without any seal coat).

It has been noted above that this roadway contains small areas where the original packed stone surfacing is evident and is currently in a dilapidated state. The roadway would require resurfacing with some urgency if it is to be the main in and out access for persons accessing the Homestead.

The proposed sandstone treatment is considered appropriate as it would provide a much more sympathetic interpretation of what the road originally would have looked like than a more modern, sealed treatment such as bitumen. It is noted that areas of original packed stones (cobble) are to be covered with geo-fabric underneath the new sandstone layer for protection and to provide separation between old and new fabric.

Thank you for referring these matters for comment.

If you have any questions regarding the above advice, please feel free to contact Katrina Stankowski at Katrina.Stankowski@heritage.nsw.gov.au.

Yours sincerely



23-01-2013

Dr Siobhan Lavelle OAM
Acting Manager – Conservation Team
Heritage Branch
Office of Environment & Heritage
Department of Premier & Cabinet

As Delegate of the NSW Heritage Council

ATTACHMENT 6

8.0 SUMMARY CONCLUSION

The entry approach to Beulah, through a mature spotted gum forest, crossing the creek via a simple and understated timber bridge and then rising to the cleared ground in front of and around the house remained unchanged from the 1840s until the 1990s, when deterioration of the bridge prevented its use.

The proposed repair and resurfacing of the entry road to Beulah and the repair and upgrade of the original bridge on this entry, and removal of regrowth trees in front of the house, will reinstate this highly significant and picturesque quality of the property.

The work will retain and protect remnants of the original road surface and retain intact but fragile timber elements of the bridge. The work is interpretive in character, retaining the scale, simplicity and original structure of both the road and the bridge.

In January 2013 SLM requested comments on the proposal from the Heritage Branch. These comments were provided in a letter dated 24th January, in which it was stated that the upgrade to the bridge, including a new concrete beam structure, is considered appropriate as a means of allowing the bridge to continue to service the Beulah property, while referencing the structure's original design and fabric. The Heritage Branch also considers the upgrade to the road to be necessary for the ongoing use of the property. The regrowth in the horse-yard is considered to be a fire hazard and its removal a positive change for both safety reasons and the enhancement of the significance of Beulah.

The impact of the proposed works on the Biobank area (Cumberland Woodland) should be negligible. However, care will be required with the bridge works, road, drainage and associated works to ensure the natural character of the finished product is retained and any damage is short term and minimised. The drainage should avoid use of pipes and pits or should be as natural as possible in its form and function.

All work should avoid contamination of the environment, particularly near the creek line.

It is recommended that a suitably experienced conservation specialist is involved in briefing the contractors at the commencement of the works, and provides advice as required throughout the project to completion.

Alan Croker

May 2013

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

3.3 Proposal to increase student population from 260 to 570 students, including ancillary building and car park work at the Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

Reporting Officer

Manager Development Services

Attachments

1. Recommended Conditions of Consent (contained within this report)
2. Locality Plan (contained within this report)
3. Site Plan (contained within this report)
4. Floor Plans (confidential - for privacy reasons these are not available to the public)
5. Elevations (contained within this report)

Purpose

The purpose of this report is to assist Council in its determination of the subject development application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

Property Description	Lot 11 DP 853422 and Lot 78 DP 718794, No.12 Victoria Road, Macquarie Fields
Application No	2921/2013/DA-C
Applicant	Seventh Day Adventist School
Owner	Australasian Conference Association Ltd
Statutory Provisions	Campbelltown 2025 - Looking Forward State Environmental Planning Policy (Infrastructure) 2007 Campbelltown (Urban Area) Local Environmental Plan 2002 - Zone 2(b) Residential B Campbelltown (Sustainable City) Development Control Plan 2012
Date Received	16 December 2013

Introduction

Council has received a development application seeking an increase in student numbers and associated building works at Macarthur Adventist College which caters for students between Preparatory (pre-Kindergarten) and Year 12.

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

The proposed works will provide additional classroom area and increase the number of car parking spaces in response to the current and projected expansion of the school. The facilities proposed have been designed to cater for a maximum student population of 570 students. The school has experienced growth in student numbers over recent years and is expecting the growth in student numbers to continue through to 2020.

The school is located on land within a 2(b) Residential Zone and 5(a) Special Uses School/Church Zone and is accessible from Victoria Road, Macquarie Fields. The proposed works will be undertaken on Lot 11 DP 853422 which is zoned 5(a) Special Uses.

The construction works are within the existing footprint of the school buildings, include minor external changes and some additional floor area. There will be no changes to the existing building height.

The construction works also seek the expansion of the existing car parking area and to provide a 'kiss and ride' zone within the internal car park area.

The Site

Lot 11 DP 853422 has an area of 12,100 square metres. Lot 78 DP 718794 has an area of 7690 square metres with the total area of the school being 19,790 square metres. The land on which the school is located has an unusual shape. The land has a street frontage of 171 metres to Victoria Road.

The school buildings and car parking area are located at the south eastern portion of the site with the school's open space and playing fields located at the northern part.

The school is surrounded by residential land uses on all sides with a mixture of low and medium density housing. Atchison Reserve abuts the school on its south western boundary.

The land is located approximately 550 metres from Macquarie Fields Rail Station in a straight line to the east or 2100 metres by road. Macquarie Fields TAFE and Glenquarie Shopping Centre are located approximately 700 metres to the west of the subject land.

The Proposal

The proposed development seeks to:

- Increase the number of students from 260 to 570
 - Expand the number of on-site car parking spaces from 34 to 90
 - Provide 1 space for mini bus parking
 - Alterations and additions to existing class rooms to provide three new general learning areas (GLAs);
 - Erection of signage that is exempt development pursuant to Campbelltown (Urban Area) Local Environmental Plan 2002.
-

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

Development consent 3218/2007/DA-C was issued by Council on 13 November 2008 and places a limit on the number of students at the school to 260 as well requiring 37 on-site car parking spaces. The school is currently operating at 340 enrolled students.

The subject development application is seeking to formalise the increase as well as allow capacity for future growth in student numbers. The school is envisaging to reach 570 students by 2020.

The expansion of the existing parking and bus loading area will require the development to remove three trees, provide a new entry vehicle crossing and pedestrian access from Victoria Road, alterations to the existing car park layout to integrate with the new on-site parking scheme, provide two accessible spaces, one school bus parking space, an internal 'kiss and ride' zone, and the provision of a new dedicated bus stop area on Victoria Road.

Classroom alterations and additions includes a new enclosed travel area including withdrawal spaces (open learning area/practical activities area) and storages areas, three new GLAs each having an area of approximately 75 square metres, new WC facilities and storeroom. The development will provide an additional 442 square metres of facilities for the school.

The collected stormwater for the proposed additions are proposed to be captured and discharged into the existing stormwater system.

Assessment

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

1. Campbelltown 2025 - Looking Forward

'Campbelltown 2025 Looking Forward' is a vision statement of broad town planning intent for the longer-term future of the City of Campbelltown. 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 (Local Environmental Plan) for the city. A desired outcome and a list of relevant focus areas are described for each strategic direction.

The subject application has been considered in accordance with Campbelltown 2025 – Looking Forward, and specifically against the strategic directions. In this respect, the following strategic directions are considered relevant for the subject application:

- Growing the regional city
- Creating education, employment and entrepreneurial opportunities.

The application is generally compatible with the above strategic directions. An increased level of local education and community services within the City is considered to be beneficial in facilitating its orderly development and operation, particularly with respect to satisfying the demands of the existing and future populations.

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

The proposed development is consistent with the relevant subsidiary desired outcomes contained in 'Campbelltown 2025 - Looking Forward'. It is considered that the application presents a development that integrates into the surrounding locality and contributes to achieving Council's goal of 50% of residents employed locally. The proposal is also consistent with the stated focus areas "Growing the regional population" and "Identify and provide opportunities... for employment generating enterprises to locate within the Regional City Centre precinct and business centres".

It is anticipated that the development would have a positive economic impact upon the Campbelltown local government area, which is also a stated desired outcome of the Vision statement. Expanding education facilities available to the northern part of the local government area has the potential to provide lifestyle benefits for families by reducing commuter travel times and distances.

Having regard to the above strategic directions, the social benefits resulting from an increased level of education and community facilities must be balanced with the protection of the environment and the quality of life of people nearby.

2. State Environmental Planning Policy (Infrastructure) 2007

The proposal is defined as a "Schedule 1" development pursuant to State Environmental Planning Policy (Infrastructure) 2007, as the proposed school would accommodate more than 50 children. This requires Council to refer the application to the Roads and Maritime Services (RMS) and not determine the application until it has received and considered advice from the Authority.

Council has referred the application to the RMS, pursuant to Section 104 of SEPP (Infrastructure) 2007 for comment.

The Sydney Regional Development Advisory Committee (SRDAC) considered the traffic impact of the proposal. The SRDAC provided advisory comments to Council to take into consideration in its determination of the development application.

These included:

- The layout of the proposed car parking areas associated with the development shall be in accordance with the relevant standards
 - The number of car and bicycle spaces to be provided to Council's satisfaction
 - The proposed extension of existing bus stops and bus zones should be designed in accordance with Austroads, RMS supplement, and State Transit Bus Infrastructure Guide. Any proposed regulatory signage should be referred to Council's Local Traffic Committee for consideration
 - The swept path of the longest vehicle entering and existing the subject site, as well as manoeuvrability through the site, shall be in accordance with Austroads
-

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

- A Construction Traffic Management Plan (TMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to issue of Construction Certificate
- Landscaping, signage, fencing, parked vehicles to not impede sight lines
- The developer shall be responsible for all public utility adjustment/relocation works necessitated by the development. All works associated by the development shall be undertaken at no cost to RMS.

Should Council approve the development application, relevant conditions of consent would address the concerns raised by the RMS.

3. Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP)

The land is located within the 2(b) Residential B Zone and 5(a) Special Uses A Zone (School/Church). The proposal is defined as an “*educational establishment*” and is permissible with Council’s development consent within both zones.

The development sought will be undertaken within the portion of the site zoned 5(a) Special Uses A Zone.

The 5(a) zone objectives are:

- (a) to provide land for special uses which would otherwise be prohibited by the zoning of the surrounding area
- (b) to identify land used or required for railway purposes.

Except as otherwise provided by this plan, consent must not be granted for development on land within this zone unless the consent authority is of the opinion that carrying out the proposed development would achieve the objective of this zone stated in paragraph (a).

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

The proposed development is consistent with the objective (a) as well as the as the ongoing use of the site as an educational establishment.

Clause 15 of CLEP requires Council to only grant development consent where the proposal is consistent with one or more objectives of the zone. In that regard, Council may approve the application if it is deemed appropriate.

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

4. Campbelltown (Sustainable City) Development Control Plan 2012 (SCDCP)

Campbelltown (Sustainable City) Development Control Plan (SCDCP) applies to the subject land. The aims of the SCDCP 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 proposed development is consistent with the relevant aims of the SCDCP.

The assessment against the relevant components of Part 2 Requirements Applying to all Types of Development of the SCDCP is provided below:

4.1 Views and Vistas

The proposed works to the existing school will be confined within the existing building footprint.

Given the location the existing school building and proposed work, it is considered that the proposed development will not have a detrimental impact on views and vistas and not have a negative impact on the amenity of residents in the locality.

4.2 Sustainable Building Design

The proposed development has not included the use of any measures to encourage the use of water recycling. Should Council approve the development application, a condition of consent would be included for the installation of a water tank of a suitable size to encourage the re-use of captured stormwater on the land.

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

4.3 Landscaping

The proposed development does not require additional landscaping to be provided on the land. Three trees are proposed to be removed as part of this development. The land is landscaped with mature trees along the Victoria Road boundary.

4.4 Erosion and Sediment Control

An erosion and sediment control plan shall be provided to the certifying authority prior to the commencement of any construction activity on the land.

4.5 Heritage Conservation

The land does is not an item of heritage significance and is not located within a heritage conservation area.

4.6 Waste Management

The applicant has provided an adequate Waste Management Plan to accompany the development application.

5. Environmental Impacts

Section 79C(1)(b) of the Act requires Council to consider the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The assessment has considered noise, stormwater impacts, traffic, parking and access as well as the site's suitability for the proposed development. The assessment of the environmental impacts are detailed below.

5.1 Noise

Council has considered the proposed development's potential for noise generated impacts on the local area. Adjoining the subject site is the school's playing fields to the north, low density housing to the east and south, and Atchison Reserve to the west.

Given the school's hours of operation, locality, and proximity to residences as well as location of outdoor play areas, it is considered that the increase in student numbers will not have a significantly adverse impact on the amenity of the locality.

5.2 Stormwater

Notwithstanding the presence of rainwater tanks for the collection and reuse of rainwater, the development would connect to the existing internal drainage infrastructure and dispose stormwater into Council's existing stormwater system. It is considered that the development would not have an unreasonable impact on the existing drainage system.

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

5.3 Traffic, Parking and Access

The applicant has submitted a Traffic Impact Assessment Report prepared by Thompson Stanbury and Associates in consideration of projected traffic movement and pedestrian safety with the expansion of student numbers through to the proposed maximum of 570 students.

The traffic report considered the following:

- Existing road network conditions within the vicinity of the school site including traffic and pedestrian volumes and general traffic safety
- Possible alterations to existing traffic distributions resulting from the proposed development
- The ability of the adjoining road network to accommodate any alterations to the existing traffic distributions projected to be generated by the proposed development
- Accessibility to and from the site under the existing and future conditions and its impacts on the adjoining road network
- Suitability and safety of the internal circulation and parking arrangements as relevant to the site and local conditions.

Having regard to the on-site parking, the development has sought the following:

- 90 car parking spaces
- 1 school mini bus parking
- A formal internal set-down and pick-up area
- Separate ingress and egress driveways
- A series of internal pedestrian pathways linking Victoria Road and the internal parking and circulation areas to the school buildings.

The proposed development also includes the extension of the existing bus bay on Victoria Road by 50 metres to accommodate a new on road bus stop to separate the existing bus service adjoining the site.

Given the layout of the car parking area, location of the 'kiss and ride' zone and manoeuvring required, it is considered acceptable to remove proposed car parking spaces numbered 65, 70, 75 and 80 to allow additional room for manoeuvring and overtaking in the 'kiss and ride' zone.

Based on a maximum student population of 570 by 2020, it is considered that 86 car parking spaces is ample to meet the school's requirements in the future. Based on an ultimate staffing level of 45 employees, 86 car parking spaces and one mini bus parking is considered acceptable in this instance.

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

The Traffic Impact Assessment Report concludes that the proposed on-site parking is ample to cater for the additional number of students. It goes further to say that the movement of vehicles at the intersection of Atchison Road and Victoria Road is capable of accommodating the additional traffic generated, and that the additional demand associated with the increased school population can be managed with the proposed site access, internal circulation, queuing lane and additional parking areas.

5.4 Suitability of the Site

Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979* requires Council to consider the suitability of the site to accommodate the development.

The subject site is currently operating as an educational establishment

Having regard to the absence of any significant environmental impacts that would likely result from the proposed development, it is considered that the site is suitable for the proposed development.

Public Exhibition and Notification

The proposed development was notified to adjoining and nearby landowners between 30 December 2013 and 31 January 2014 in accordance with SCDCP. During this period Council did not receive any submissions objecting to the proposed development.

Conclusion

The subject development application is seeking an increase in student numbers and associated building and car parking works. The proposed increase to student numbers will be from the current approved number of 260 students to 570 students over the next six years. The building works will provide three new learning areas as well as increase the number of on-site car parking spaces from 34 to 86 and one mini bus parking space.

The building works are considered acceptable having regard to the site and scale of the existing school.

The application has been referred to the RMS for comment and have raised no objection to the increase in student numbers, and consider the traffic increase would have a negligible impact on the surrounding road network.

The development is permissible under CLEP 2002 and is generally consistent with the aims and objectives of SCDCP 2012. Having regard to the matters for consideration under Section 79C of the Act, it is considered the development can be supported by Council.

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

Officer's Recommendation

That development application 2921/2013/DA-C for the increase in student numbers at the school from 260 to 570 and associated building and car park works be approved subject to conditions contained in attachment 1.

Committee's Recommendation: (Thompson/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: nil.

Council Meeting 1 July 2014 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 108

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Greiss, Hawker, Kolkman, Lake, Lound, Mead, Oates, Rowell and Thompson.

Voting against the Council Resolution were: 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 be carried out in accordance with the approved plans prepared by stanton dahl architects (and others), listed below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Plans prepared by stanton dahl architects (architectural) job number 1529.13:

Drawing No. A100, Issue 2, dated 17.12.2013
Drawing No. A101, Issue 2, dated 17.12.2013
Drawing No. A101A, Issue 2, dated 22.05.2014
Drawing No. A200, Issue 2, dated 17.12.2013
Drawing No. A201, Issue 2, dated 17.12.2013
Drawing No. A300, Issue 2, dated 17.12.2013

Plans prepared by AJ Whipps Consulting Group (concept stormwater design) project number 2009-0304:

Drawing No. HDA01, Issue 3, dated 21.05.2014
Drawing No. HDA02, Issue 3, dated 21.05.2014
Drawing No. HDA03, Issue 3, dated 21.05.2014

2. Building Code of Australia

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

3. External Finishes

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

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

4. 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.

5. Driveway

The gradients of driveways and manoeuvring areas shall be designed in accordance with Australian Standards *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.

6. Deliveries

Vehicles servicing the site shall comply with the following requirements:

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

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

7. Graffiti Removal

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

8. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements detailed in the Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended).

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

9. Car Parking Spaces

86 car parking spaces and 1 mini bus parking space shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended). Car parking spaces numbered 65, 70, 75 and 80 on the approved plans shall be deleted to allow for improved manoeuvrability in this aisle.

10. Rubbish/Recycling Bin Storage

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

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

11. Rain Water Tank(s)

A minimum 5000L 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), collected from the roof of the new development.

12. Construction Certificate

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

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

13. 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.

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

14. 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.

15. Waste Management Plan

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

16. 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.

17. Road Construction (New)

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit engineering details to Council for approval of the proposed road pavement construction associated with the bus stop extension.

Construction of the road pavement shall be undertaken in accordance with Council's Specifications for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements detailed in the Campbelltown (Sustainable) City DCP - Volumes 1 and 3 (as amended).

The proposed car park shall be constructed with a hardstand all weather surface.

All inspections are to be undertaken by Council, and the principal certifying authority shall not issue an occupation certificate until Council has issued a compliance certificate for the road construction.

18. Traffic Committee

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans and obtain approval from Council's Local Traffic Committee for any proposals for the construction of prescribed traffic control devices and traffic control facilities and all associated line marking and/or sign posting.

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

19. Traffic Control Plans

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and obtain approval from an accredited person, a Traffic Control Plan (TCP) in accordance with the RMS manual "Traffic Control at Work Sites" and Australian Standard AS 1742.3 (as amended). A copy of the approved TCP shall be kept on site for the duration of the works in accordance with Work Cover Authority requirements. A copy shall be submitted to Council for its records.

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 to the existing stormwater systems/connections located within the property boundary as specified on the approved plans. All proposals shall comply with the Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended).

21. 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.

22. 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 shall be submitted to Council for approval. All works shall comply with requirements detailed in the Campbelltown (Sustainable City) DCP – Volumes 1 and 3 (as amended), 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.

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

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

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

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

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

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

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

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

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

24. Design for Access and Mobility

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

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

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.

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

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. Demolition Works

Demolition works shall be carried out in accordance with the following:

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
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3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

- b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
- c. The handling or removal of any asbestos product from the building/site must be carried out by a NSW WorkCover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW WorkCover requirements.
- d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
- e. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and WorkCover NSW prior to the commencement of any works.

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.

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.

34. 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.

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

35. 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.

36. 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.

37. Protection of Existing Trees

During construction, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council unless those trees are within three metres of the footprint of a building that has been approved by Council.

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

All useable trees and shrubs shall be salvaged for re-use, either in log form, or as woodchip mulch for erosion control or garden beds or site rehabilitation. Non-salvable materials such as roots and stumps shall be disposed of to a waste management centre or other approved form.

38. Dust Nuisance

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

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

39. Excess Material

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

40. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times. In 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 Australian Standard AS 1742.3, the requirements set out in the RMS manual "Traffic Control at Work Sites" (as amended), all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all WorkCover 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.

41. Compliance with Relevant Specifications

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. Council's Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended)
- c. Soils and Construction (2004) (Bluebook)
- d. Relevant Australian Standards and State Government publications.

42. Footpath Kerb and Gutter

The applicant shall re-construct all damaged bays of concrete path paving and kerb & gutter, adjacent to the site, in Victoria Road. Areas not concreted shall be re-graded, topsoiled and turfed. All works shall be in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements of the Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended).

43. Pavement Thickness Determination

A road pavement design and pavement thickness report prepared by a N.A.T.A. registered laboratory and appointed by the applicant, shall be submitted to the principal certifying authority for approval, a minimum of 2 working days prior to the inspection of the exposed sub grade.

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

The pavement design shall be prepared in accordance with the details shown in Section 3.6 of the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

44. Industrial/Commercial Driveway and Layback Crossing

The applicant shall provide a reinforced concrete footpath crossing and layback at the entrance to the property, in accordance with Council's Industrial/Commercial Vehicle Crossing Specification and the Campbelltown (Sustainable City) DCP - Volume 3 (as amended).

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

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 in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the design requirements detailed in the Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended).

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.

48. Completion of External Works Onsite

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

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

49. Final Inspection – Works as Executed Plans

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements detailed in the Campbelltown (Sustainable City) DCP Volume 2 (as amended).

The applicant shall also submit a copy of the Works as Executed information to Council in an electronic format in accordance with the following requirements:

Survey Information

- Finished ground and building floor levels together with building outlines.
- Spot levels every five metres within the site area.
- Where there is a change in finished ground levels that are greater than 0.3m between adjacent points within the above mentioned 5m grid, intermediate levels will be required.
- A minimum of fifteen site levels.
- If the floor level is uniform throughout, a single level is sufficient.
- Details of all stormwater infrastructure including pipe sizes and types as well as surface and invert levels of all existing and/or new pits/pipes associated with the development.
- All existing and/or new footpaths, kerb and guttering and road pavements to the centre line/s of the adjoining street/s.
- The surface levels of all other infrastructure.

Format

- MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System
- All level information to Australian Height Datum (AHD)

AutoCAD Option

- The "etransmit" (or similar) option in AutoCAD with the transmittal set-up to include as a minimum:

Package Type zip
File Format AutoCAD 2004 Drawing Format or later
Transmittal Options Include fonts
Include textures from materials
Include files from data links
Include photometric web files
Bind external references
The drawing is not to be password protected.
MapInfo Option

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

- Council will also accept either MapInfo Native format (i.e. .tab file) or MapInfo mid/mif.

All surveyed points will also be required to be submitted in a point format (x,y,z) in either an Excel table or a comma separated text file format.

50. Restoration of Public Roads

Prior to the principal certifying authority issuing an occupation 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.

51. Public Utilities

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

52. Line Marking/Sign Posting Documentation (development)

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council for Local Traffic Committee records two copies of work as executed plans of the line marking/sign posting approved by the Traffic Committee for the development. The plans shall show all works undertaken and the date of installation.

53. Council Fees and Charges

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

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.
-

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

- 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. 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 1993* (NSW).

Advice 3. Provision of Equitable Access

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

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

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

Advice 4. Retaining Walls

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

Advice 5. 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.

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

Advice 6. 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 7. Inspections – Civil Works

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

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

Advice 8. 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 9. 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 10. Salinity

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within the Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended).

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

Advice 11. 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 WorkCover 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 WorkCover Asbestos and Demolition Team on 8260 5885.

Advice 12. 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 13. *Smoke Free Environment Act 2000*

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

Advice 14. 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.

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

Advice 15. Telecommunications Act 1997 (Commonwealth)

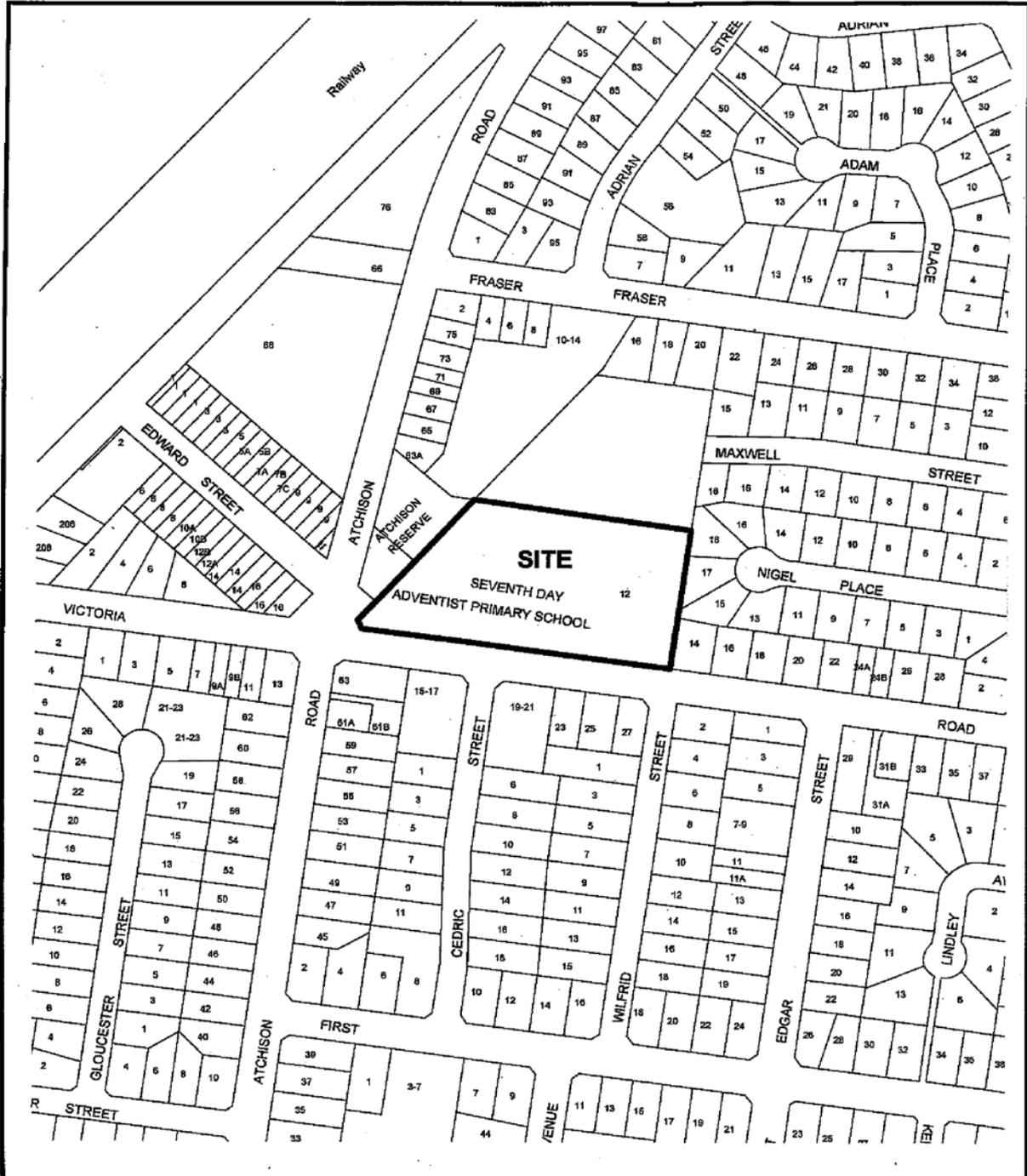
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution.

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 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

ATTACHMENT 2



LOCALITY PLAN

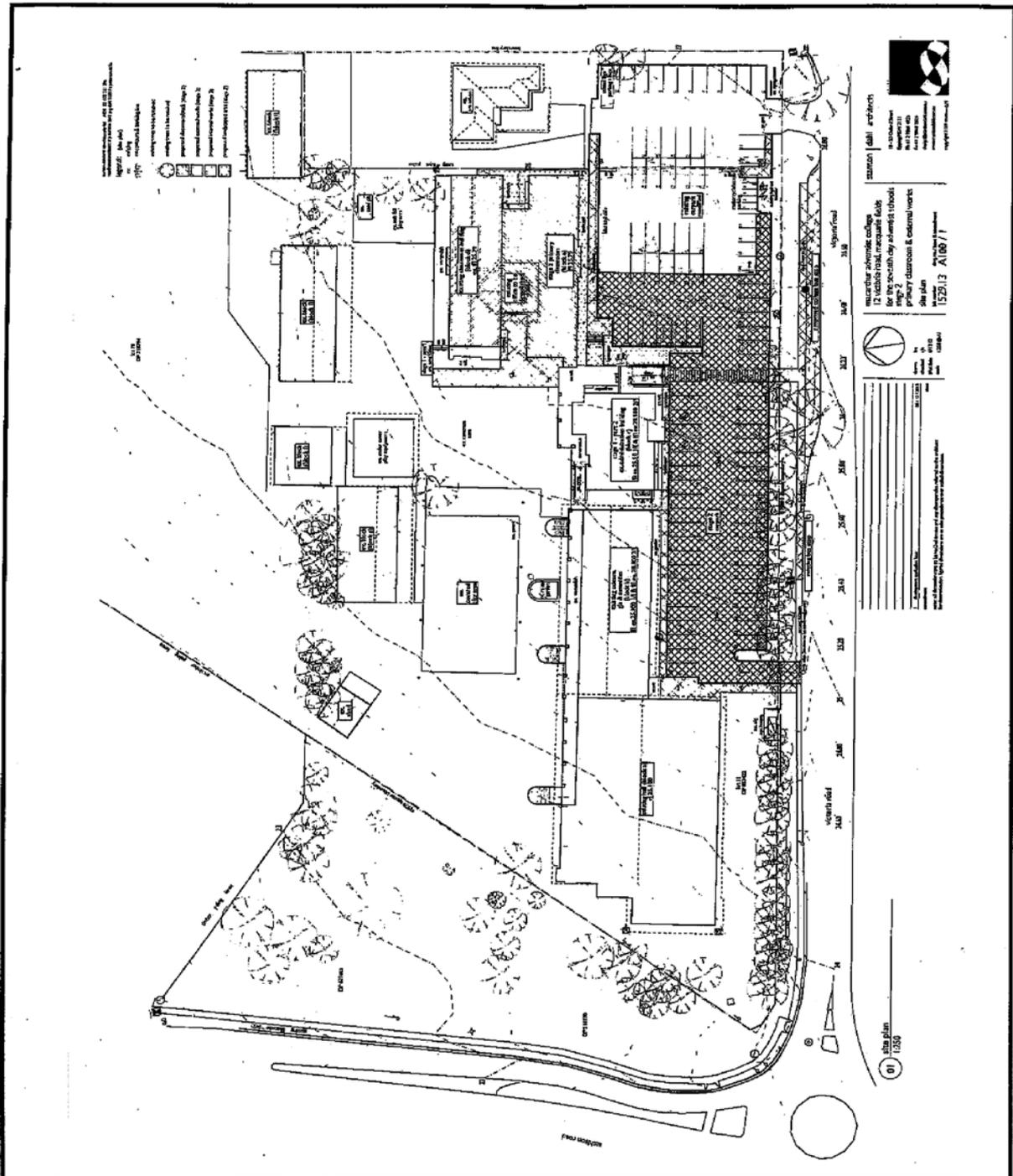


SUBJECT: PROPOSED TO INCREASE STUDENT POPULATION FROM 260 TO 570 STUDENTS, INCLUDING ANCILLARY BUILDING AND CAR PARK WORK

Lot 11 DP 853422 - 12 VICTORIA ROAD, MACQUARIE FIELDS.

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

ATTACHMENT 3



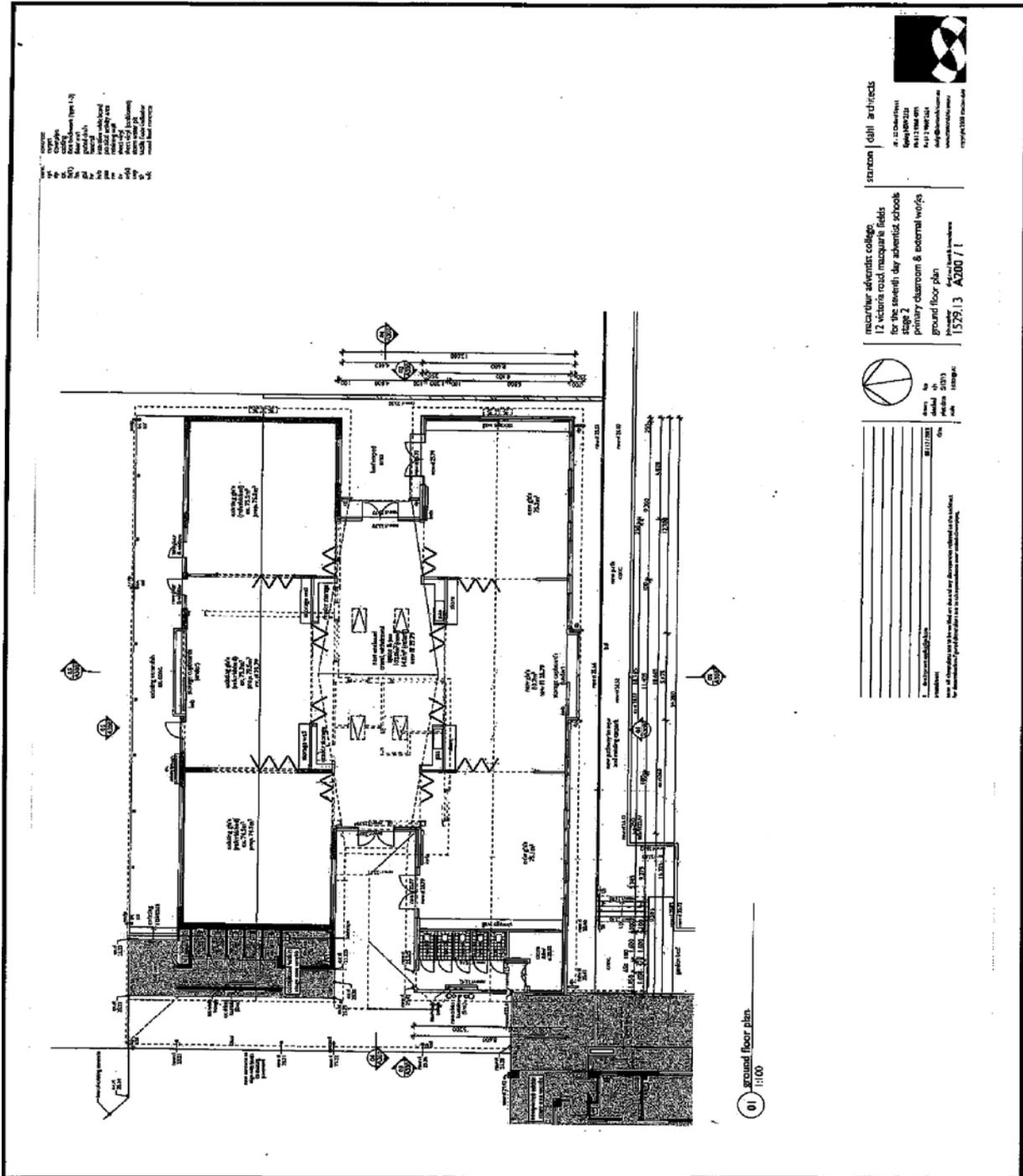
SITE PLAN

SUBJECT: PROPOSED TO INCREASE STUDENT POPULATION FROM 260 TO 570 STUDENTS, INCLUDING ANCILLARY BUILDING AND CAR PARK WORK

Lot 11 DP 853422 - 12 VICTORIA ROAD, MACQUARIE FIELDS.

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

ATTACHMENT 4



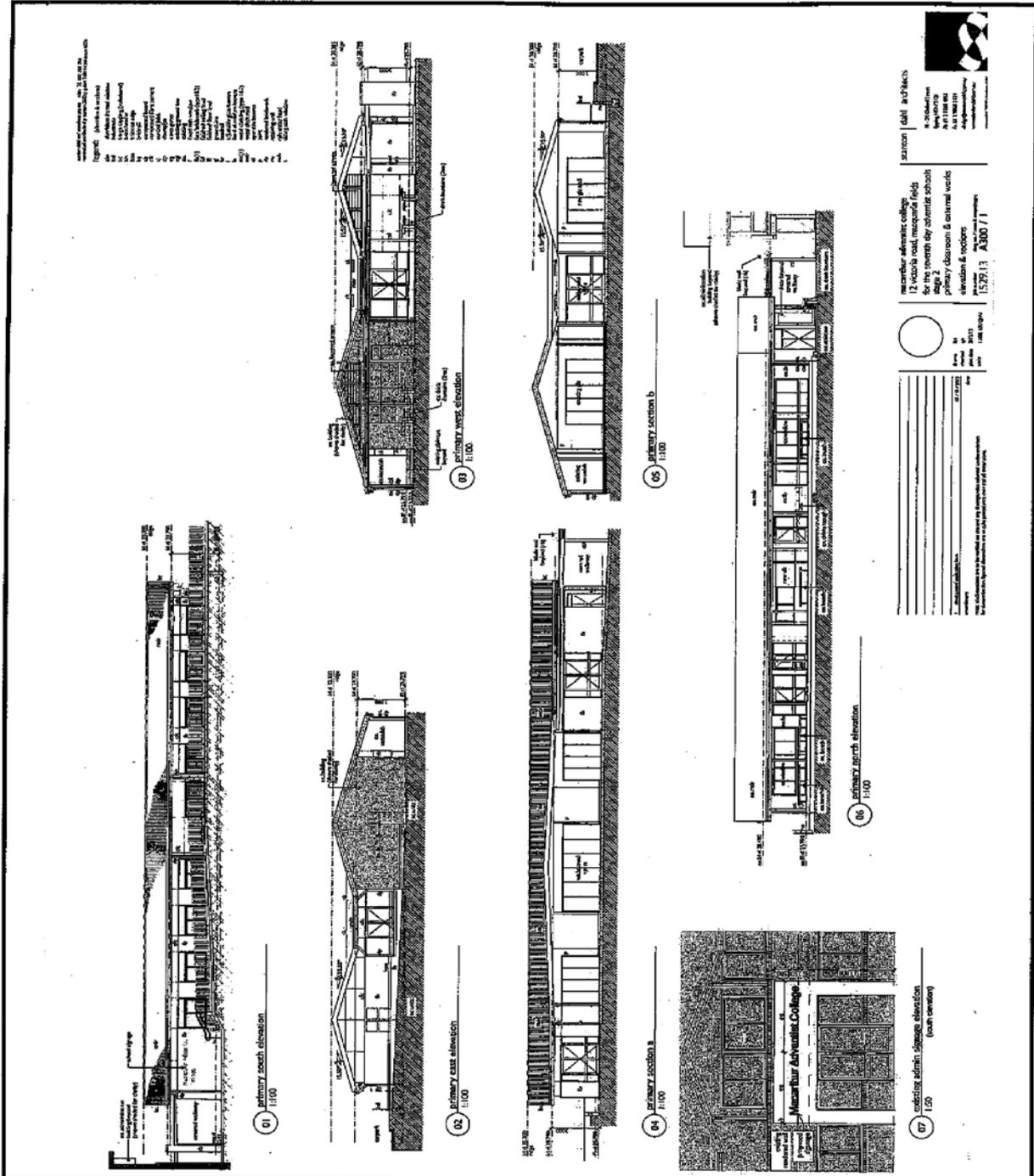
FLOOR PLAN

SUBJECT: PROPOSED TO INCREASE STUDENT POPULATION FROM 260 TO 570 STUDENTS, INCLUDING ANCILLARY BUILDING AND CAR PARK WORK

Lot 11 DP 853422 - 12 VICTORIA ROAD, MACQUARIE FIELDS.

3.3 Proposal To Increase Student Population From 260 To 570 Students, Including Ancillary Building And Car Park Work At The Macarthur Adventist College - No.12 Victoria Road, Macquarie Fields

ATTACHMENT 5



ELEVATIONS

SUBJECT: PROPOSED TO INCREASE STUDENT POPULATION FROM 260 TO 570 STUDENTS, INCLUDING ANCILLARY BUILDING AND CAR PARK WORK

Lot 11 DP 853422 - 12 VICTORIA ROAD, MACQUARIE FIELDS.

3.4 Subdivision Into Two Torrens Title Allotments - Lot 10 DP 1173819 St Andrews Road, Varroville

3.4 Subdivision into two Torrens title allotments - Lot 10 DP 1173819 St Andrews Road, Varroville

Reporting Officer

Manager Development Services

Attachments

1. Recommended conditions of consent (contained within this report)
2. Subdivision plans (contained within this report)
3. Locality Plan (contained within this report)

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* (EPA Act).

This development application is required to be reported to Council due to an objection to a development standard under Clause 10 of Campbelltown Local Environmental Plan – District 8 (Central Hills Lands). An objection to a development standard, pursuant to State Environmental Planning Policy 1 – Development Standards, has been submitted with the application. Despite the fact that this type of development could be determined under delegated authority, the decision on whether to allow a variation to a development standard included in an environmental planning instrument can only be made by the full Council.

Property Description	Part Lot 10 DP 1173819, St Andrews Road, Varroville
Application No	193/2014/DA-S
Applicant	Macarthur Developments
Owner	D & AI Pty Ltd
Provisions	State Environmental Planning Policy 1 – Development Standards Campbelltown Local Environmental Plan – District 8 (Central Hills Lands)
Other Provisions	Campbelltown 2025 - Looking Forward
Date Received	30 January 2014

Report

This application proposes the subdivision of Lot 10 DP 1173819, St Andrews Road, Varroville into two allotments. The site is 149.76 hectares in size and is bounded by Camden Valley Way to the west, Raby Road to the south, St Andrews Road to the North and the Sydney Water Upper Supply Canal to the east. The site is transected by the local government boundary between the Cities of Campbelltown and Camden, and only a relatively small portion of the site (5.232 hectares) is situated within the Campbelltown local government area. This portion of the site is zoned 7(d1) Environmental Protection (Scenic) and has a frontage to St Andrews Road of approximately 125 metres. It is covered with dense vegetation with the exception of a 40 metre wide electrical transmission line corridor that transects the site in a north-south direction.

The application proposes to subdivide the site along the alignment of the local government boundary between Campbelltown and Camden into two allotments. The purpose of the proposed subdivision is to facilitate the orderly development of the planned Emerald Hills estate, which is to take place wholly within the proposed allotment that would be located within the Camden local government area. This will allow the developer of the Emerald Hills estate to deal with one consent authority. The applicant advises that the proposed allotment that would be located within the Campbelltown local government area will be the subject of a bio-banking agreement, and at the completion of the development of the Emerald Hills estate, will be consolidated with adjoining land containing Cumberland Plain Woodland.

As the subject site is transected by the local government boundary between Campbelltown and Camden, a development application for the proposed subdivision was required to be lodged with Camden Council in addition to Campbelltown Council. Camden Council approved the application in April 2014 on a deferred commencement basis, pending development consent being issued by Campbelltown Council.

History

In April 2014, Camden Council resolved to rezone the part of the subject site within Camden local government area to allow the development of a new estate to be known as Emerald Hills. The Emerald Hills estate would contain approximately 1300 residential allotments and a town centre, and would involve the conservation of the remnant Cumberland Plain Woodland in the north-eastern corner of the site.

1. Vision

Campbelltown 2025 - Looking Forward

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

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

3.4 Subdivision Into Two Torrens Title Allotments - Lot 10 DP 1173819 St Andrews Road, Varroville

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

The strategic direction relevant to this application is:

- Protecting and enhancing the City's key environmental assets

The subject site contains Cumberland Plain Woodland, which is listed as a Critically Endangered Ecological Community under the *Threatened Species Conservation Act 1995* and the *Environmental Protection and Biodiversity Conservation Act 1999*. The Cumberland Plain Woodland would not be affected by the proposed subdivision, as no physical works are proposed. Therefore, this key environmental asset will not be threatened.

The relevant desired outcome of the above strategic direction is:

- Development and land use that matches environmental capacity and capability.

As the application proposes no physical works and is in effect a 'paper subdivision' only, the proposed development does not exceed the environmental capacity and capability of the site.

2. Planning Provisions

1. State Environmental Planning Policy 1 – Development Standards (SEPP 1)

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

SEPP 1 applies to this application, as the applicant seeks to vary Clause 10(2) of Campbelltown Local Environmental Plan – District 8 (Central Hills Lands) (LEP D8), which states that Council shall not consent to the subdivision of land within zone No 7(d1) unless each of the allotments to be created by the subdivision has an area of not less than 100 hectares.

The subject site is zoned 7(d1) Environmental Protection (Scenic) and the application proposes to subdivide the site in a configuration under which one of the proposed allotments would have an area of 5.232 hectares, and therefore fails to comply with Clause 10(2) of LEP D8.

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

3.4 Subdivision Into Two Torrens Title Allotments - Lot 10 DP 1173819 St Andrews Road, Varroville

The applicant has submitted a written objection pursuant to State Environmental Planning Policy 1 – Development Standards, arguing that compliance with the minimum allotment size control in question in this case would be unreasonable and unnecessary. The arguments made by the applicant in this regard are the following:

- Compliance with the 100 hectare allotment size standard can not be achieved by the proposed subdivision as only 5.232 hectares of the site is located within the Campbelltown Local Government Area (where LEP D8 applies).
- The proposed subdivision would not be inconsistent with the aim and objective of LEP D8, which is to ensure that the Central Hills Lands District of the City of Campbelltown retains the rural character that was envisaged for it during the planning that preceded the urbanisation of that City, as no physical works are proposed and the scenic quality of the site would not be affected.

In addition, it must be noted that the entire site (including the portion within the Camden Local Government Area) is 56.98 hectares in size, so that even if Council were to apply the subdivision control over the whole of the site (which it is unable to do), no subdivision of the site would be allowed, as the site is already less than 100 hectares.

It also must be noted that should Council resolve to support the application, the newly created 5.232 hectare allotment would not benefit from a dwelling entitlement, as clause 11(1) of LEP D8 specifies that Council shall not consent to the erection of a dwelling-house on an allotment of land that has an area of less than 100 hectares.

Under Clause 7 of SEPP 1, where the consent authority is satisfied that a SEPP 1 objection is well founded and is also of the opinion that granting of consent to that development application is consistent with the aims of the SEPP (outlined in the first paragraph of this section), it may, with the concurrence of the Director General of the Department of Planning and Infrastructure, grant consent to that development application notwithstanding the development standard that is the subject of the objection. It should be noted that consent authorities may assume the Director General's concurrence in relation to all development applications except for some dwelling and subdivision proposals on rural and non-urban land. The subject application is one of the few types of applications where the Director General's concurrence may not be assumed by the consent authority (Council).

Accordingly, the application was referred to the Department of Planning and Infrastructure for concurrence. The Department of Planning and Infrastructure advised that prior to the Director General's concurrence being sought, Council must form a view as to whether it intends to support the application.

This report ultimately recommends that Council allow the applicant's SEPP 1 objection and advise the Department of Planning and Infrastructure that subject to the Director General's concurrence, the Council intends on approving the application.

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

- (a) whether non-compliance with the development standard raises any matter of significance for State or regional environmental planning
-

3.4 Subdivision Into Two Torrens Title Allotments - Lot 10 DP 1173819 St Andrews Road, Varroville

- (b) the public benefit of maintaining the planning controls adopted by the environmental planning instrument

In regard to point (a), the non-compliance does not raise any matters of state or regional planning significance, since it will have no impact upon the rural character of the Central Hills Lands District. In regard to point (b), the public benefit of maintaining the 100 hectare allotment size standard under LEP D8 in this case would be minimal, considering that the size of the allotment within the Campbelltown local government area would not change, and neither the use of the site nor its potential to be developed would change as a result of the proposed variation. It is therefore considered that the greatest public benefit would be achieved by varying the control, as it would allow the orderly development of the Emerald Hills estate by aligning property boundaries with the local government boundary.

Guidelines for varying development standards prepared by the Department of Planning outline a five part test issued by the Land and Environment Court for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development standard is well founded. An assessment of the objection against this five part test is outlined below. It should be noted that not all of the points are necessarily applicable to an application.

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard

In this case, there are no specific objectives that directly relate to the standard in question; however the aim and objective of LEP D8 as well as the objectives of the 7(d1) zone are particularly relevant and are considered to be the underlying reasons for the adoption of the 100 hectare minimum allotment size. The aim/objective of LEP D8 is shown below:

“This plan aims to ensure that the Central Hills Lands District of the City of Campbelltown retains the rural character that was envisaged for it during the planning that preceded the urbanisation of that City.”

Adopting a minimum allotment size of 100 hectares within the Central Hills District has allowed the district to retain its rural character by preventing additional parcels of land from being created that are of a size that could be used for urban purposes.

The objectives of the 7(d1) Environmental Protection (Scenic) zone are as follows:

- (a) to set aside certain land as a protected scenic environment
- (b) to ensure that that land will remain a rural environment providing visual contrast to the urban areas of Campbelltown, Camden and Liverpool
- (c) to ensure that the inhabitants of Campbelltown will continue to have views of, and access to, a rural environment
- (d) to maintain a stock of land that is capable of being developed for the purpose of providing recreation establishments of the kind that require large areas of open space
- (e) to preserve existing farming and agricultural research activities

Adopting a minimum allotment size of 100 hectares within the Central Hills District has allowed the district to achieve these objectives.

3.4 Subdivision Into Two Torrens Title Allotments - Lot 10 DP 1173819 St Andrews Road, Varroville

This application proposes a 'paper subdivision' only and does not proposed any physical works. It seeks to align property boundaries with the local government boundary to allow the orderly development of the Emerald Hills estate within the Camden local government area. The area of the site within the Campbelltown local government area will not change from 5.232 hectares. The application proposes no physical works and would not increase the development potential of the part of the site within the Campbelltown local government area. It would therefore not pose a threat to the rural character of the Central Hills district. It is therefore clear that the aim and objective of LEP D8 as well as the objectives of the 7(d1) zone (which are the objectives most relevant to the standard proposed to be varied) would be achieved notwithstanding non-compliance with the standard.

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.

The purpose of the standard, being to retain the rural character of the Central Hills District, is relevant to the development, however as discussed above, the objectives most relevant to the standard are considered to be satisfied despite the proposed numerical non-compliance.

3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.

The underlying object or purpose of the standard (being to retain the rural character of the Central Hills District) would not be defeated or thwarted if compliance with the standard was required, so this is not a relevant factor in the consideration of this objection.

4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.

It is not considered that the setback standard has been abandoned by continually allowing variations to the standard in question. Council has on occasion granted variations to the 100 hectare minimum allotment standard stipulated under LEP D8 in unique situations where the variation has been justified by a sound objection submitted under SEPP 1.

In the present case, the proposed variation is justified on the basis that the proposal seeks to subdivide the site along the local government boundary between Campbelltown and Camden local government areas to allow the orderly development of the Emerald Hills estate within the Camden local government area, and that strict compliance with the standard in question would prevent this from occurring by requiring the involvement of Campbelltown Council in matters that would not affect the Campbelltown local government area. As the circumstances of the proposed subdivision are unique and the proposed variation is justified, supporting the applicant's objection in this case would not undermine Council's ability to consistently enforce LEP D8's minimum allotment size in the future.

5. Compliance with the development standard is unreasonable or inappropriate due to the existing use of land and the current environmental character or the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.
-

3.4 Subdivision Into Two Torrens Title Allotments - Lot 10 DP 1173819 St Andrews Road, Varroville

The existing use of land and the environmental character of the land is not a relevant factor in the consideration of this objection, and the parcel of land in question is considered to be zoned correctly.

In consideration of the five part test for evaluation of the objection to the minimum allotment size standard in question, it is considered that the circumstances of the case warrant the variation of the standard, and that the proposed variation should be accepted.

2. Campbelltown Local Environmental Plan – District 8 (Central Hills Lands)

The part of the subject site that is located within the Campbelltown local government area is governed by Campbelltown Local Environmental Plan – District 8 (Central Hills Lands), known as LEP D8.

Aims and objectives of LEP D8

Clause 2 of LEP D8 outlines the aim and objective of the plan. The aim/objective is as follows:

“This plan aims to ensure that the Central Hills Lands District of the City of Campbelltown retains the rural character that was envisaged for it during the planning that preceded the urbanisation of that City.”

This application proposes a ‘paper subdivision’ only and does not proposed any physical works. It seeks to align property boundaries with the local government boundary to allow the orderly development of the Emerald Hills estate within the Camden local government area. The area of the site within the Campbelltown local government area will not change from 5.232 hectares. The application proposes no physical works and would not increase the development potential of the part of the site within the Campbelltown local government area. It would therefore not pose a threat to the rural character of the Central Hills district. It is therefore considered that the aim and objective of LEP D8 would not be undermined by the proposed subdivision.

Permissibility

The part of the subject site that is located within the Campbelltown local government area is zoned 7(d1) Environmental Protection (Scenic) under LEP D8. Subdivision is a permissible form of development in the zone, as it is not listed under clause 9 of the plan as a prohibited land use.

Zone objectives

The objectives of the 7(d1) Environmental Protection (Scenic) zone listed under clause 9 of LEP D8 are as follows:

- (a) to set aside certain land as a protected scenic environment
 - (b) to ensure that that land will remain a rural environment providing visual contrast to the urban areas of Campbelltown, Camden and Liverpool
-

3.4 Subdivision Into Two Torrens Title Allotments - Lot 10 DP 1173819 St Andrews Road, Varroville

- (c) to ensure that the inhabitants of Campbelltown will continue to have views of, and access to, a rural environment
- (d) to maintain a stock of land that is capable of being developed for the purpose of providing recreation establishments of the kind that require large areas of open space
- (e) to preserve existing farming and agricultural research activities

The proposed subdivision is consistent with objectives (a), (b) and (c) as it proposes no physical works (nor does it increase the development potential of the part of the site that is located within the Campbelltown LGA), and therefore ensures that the existing scenic rural environment and views thereof are maintained. The proposed subdivision is consistent with objective (d) as the 5.232 hectare allotment proposed to be created within the Campbelltown LGA would be of a size that is capable of being developed for the purpose of providing recreation establishments of the kind that require large areas of open space. Objective (e) is not relevant to the application as the site does not contain existing farming and agricultural research activities. It is therefore considered that the proposed subdivision is consistent with the objectives of the 7(d1) Environmental Protection (Scenic) zone.

Subdivision

The subdivision standards applying to the site are outlined under clause 10 of LEP D8. Clause 10 states:

- “(1) Land to which this plan applies shall not be subdivided except with the consent of the Council
- (2) The council shall not consent to the subdivision of land within Zone No 7 (d1) unless each of the allotments to be created by the subdivision has an area of not less than 100 hectares.”

The application complies with subclause (1) of clause 10, as consent for the proposed subdivision has been sought from Council.

The application does not comply with subclause (2) of clause 10, as it proposes to create an allotment that would have an area of less than 100 hectares. This proposed allotment would be wholly located within the part of the site that is located within the Campbelltown LGA and would have an area of 5.232 hectares.

As discussed earlier in this report, the applicant has submitted a written objection pursuant to State Environmental Planning Policy 1 – Development Standards, arguing that compliance with the minimum allotment size control in question in this case would be unreasonable and unnecessary. The arguments made by the applicant in this regard are the following:

- Compliance with the 100 hectare allotment size standard can not be achieved by the proposed subdivision as only 5.232 hectares of the site is located within the Campbelltown Local Government Area (where LEP D8 applies).
-

3.4 Subdivision Into Two Torrens Title Allotments - Lot 10 DP 1173819 St Andrews Road, Varroville

- The proposed subdivision would not be inconsistent with the aim and objective of LEP D8, which is to ensure that the Central Hills Lands District of the City of Campbelltown retains the rural character that was envisaged for it during the planning that preceded the urbanisation of that City, as no physical works are proposed and the scenic quality of the site would not be affected.

In addition, it must be noted that the entire site (including the portion within the Camden Local Government Area) is 56.98 hectares in size, so that even if Council were to apply the subdivision control over the whole of the site (which it is unable to do), no subdivision of the site would be allowed, as the site is already less than 100 hectares.

It also must be noted that should Council resolve to support the application, the newly created 5.232 hectare allotment would not benefit from a dwelling entitlement, as clause 11(1) of LEP D8 specifies that Council shall not consent to the erection of a dwelling-house on an allotment of land that has an area of less than 100 hectares.

As discussed earlier in this report, in consideration of the Department of Planning's five part test for evaluation of the objection to the minimum allotment size standard in question, it is considered that the circumstances of the case warrant the variation of the standard, and that the proposed variation should be accepted. Accordingly, this report recommends that Council support the applicant's SEPP 1 objection, advise the Department of Planning and Infrastructure of Council's intention to approve the application, and that subject to and upon receipt of the Director General's concurrence, the development application be approved.

Further to the above, this application demonstrates one of the difficulties associated with having a local government boundary that transects properties, instead of being aligned with property boundaries. With regard to this particular application (and many others that Council has assessed for development of properties that are transected by the local government boundary between Campbelltown and Camden) the applicant has been required to lodge separate development applications with both Campbelltown and Camden Councils, which includes the payment of two separate development application fees and twice for the applicable State Government fees. An applicant in this situation also faces the uncertainty of being subject to differing development assessment standards, and the possibility that one Council may approve the application while the other may refuse it.

In addition to difficulties with the consistent handling of cross border development applications, property owners in this situation are also required to pay rates to both Councils, based on the proportion of land within each local government area, whereas in practical terms based on the siting of the property, a resident may predominantly use the services of one Council and not the other. For example, the land on which St Gregory's College exists is for the most part, within the Camden LGA. However, as the only formalised access to the college is through the Campbelltown area, most of the business of the college (including use of public facilities) is undertaken within the Campbelltown LGA.

Whilst not the subject of this report, the nature of the lands existing along the Campbelltown/Camden boundary are experiencing significant change from a predominantly rural context, to a burgeoning higher density residential context in line with the intent of the NSW Growth Centres policy framework.

3.4 Subdivision Into Two Torrens Title Allotments - Lot 10 DP 1173819 St Andrews Road, Varroville

With this in mind, and in light of the abovementioned difficulties experienced with cross-boundary development, it would appear that there is now a need for the rationalisation of the LGA boundary to ensure the practical and orderly development of lands, and the provision of future lands unencumbered with the burden that many cross-boundary allotments currently suffer. In this regard, and so as to provide the Council more detail on this subject, a presentation on matters surrounding cross-boundary development and issues relating to the Campbelltown/Camden boundary will be provided at a future Councillor briefing night.

Tree preservation

Clause 15 of LEP D8 states the following with regard to tree preservation:

“A person shall not, on land within any zone other than Zone No 5 (g), ringbark, cut down, lop or wilfully destroy any tree except with the consent of the Council.”

The application is not inconsistent with this clause, as no removal of trees is proposed.

3. Planning Assessment

The portion of the subject site that is located within the Campbelltown local government area is bushfire prone. A bushfire safety authority under Section 100B of the *Rural Fires Act 1997* is required in respect of the proposed subdivision, as the subject site is land that could lawfully be used for residential or rural residential purposes, given that a dwelling-house is a permissible land use within the 7(d1) Environmental Protection (Scenic) zone. Accordingly, the application was referred to the Rural Fire Service, who issued a bushfire safety authority in respect of the subdivision.

4. Public Participation

As the application proposes a ‘paper subdivision’ only, the application is not required to be notified to adjoining property owners.

5. Conclusion

The application is generally consistent with the applicable environmental planning legislation, with the exception of the proposed variation to the minimum allotment size standard applying to the Central Hills District.

The proposed variation is considered to be justified on the basis that the proposed subdivision seeks to align the boundaries of property holdings with the local government boundary between the Campbelltown and Camden local government areas to enable the orderly development of the Emerald Hills estate within the Camden local government area, and the part of the land that is within the Campbelltown local government area (where the minimum allotment size standard applies) will not be reduced in size or fragmented.

3.4 Subdivision Into Two Torrens Title Allotments - Lot 10 DP 1173819 St Andrews Road, Varroville

Having regard to the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* and the issues raised above, it is considered that the application is satisfactory.

Officer's Recommendation

1. That Council support the applicant's objection pursuant to State Environmental Planning Policy No. 1 - Development Standards to vary Clause 10 of Campbelltown Local Environmental Plan – District 8 (Central Hills Lands) relating to the minimum allotment size to permit the proposed subdivision.
2. That development application 193/2014/DA-S for subdivision into two Torrens title allotments at Lot 10 DP 1173819, St Andrews Road, Varroville be referred to the Director General of the Department of Planning seeking concurrence in accordance with clause 7 of State Environmental Planning Policy No. 1 - Development Standards.
3. That subject to and upon receipt of the concurrence of the Department of Planning, development application 193/2014/DA-S for subdivision into two Torrens title allotments at Lot 10 DP 1173819, St Andrews Road, Varroville be approved subject to the recommended conditions of consent detailed in attachment 1 of this report.

Committee's Recommendation: (Kolkman/Oates)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: nil.

Council Meeting 1 July 2014 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 109

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Greiss, Hawker, Kolkman, Lake, Lound, Mead, Oates, Rowell and Thompson.

Voting against the Council Resolution were: 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 be carried out in accordance with the approved plans listed below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Drawing/Document No.	Prepared By	Date
59028SUB1 Sheets 1 and 2	Lean Lackenby & Hayward	October 2013 (amended 20 November 2013)

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.

2. 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.

3.4 Subdivision Into Two Torrens Title Allotments - Lot 10 DP 1173819 St Andrews Road,
Varroville

3. 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. Linen Plan and Copies

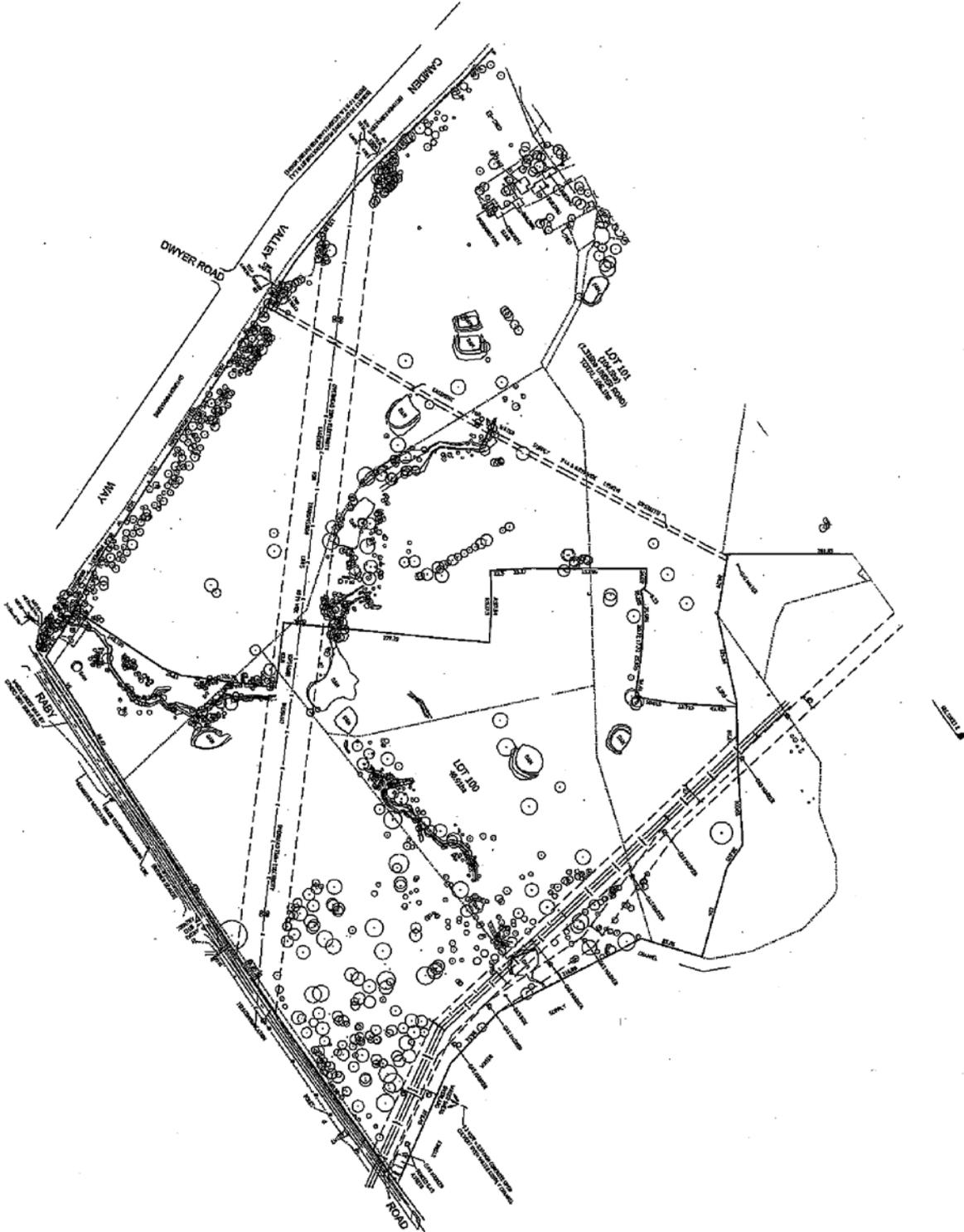
A linen plan and if required an original 88B Instrument together with thirteen copies shall be submitted to Council prior to the release of the subdivision certificate.

Advice 2. 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.

END OF CONDITIONS

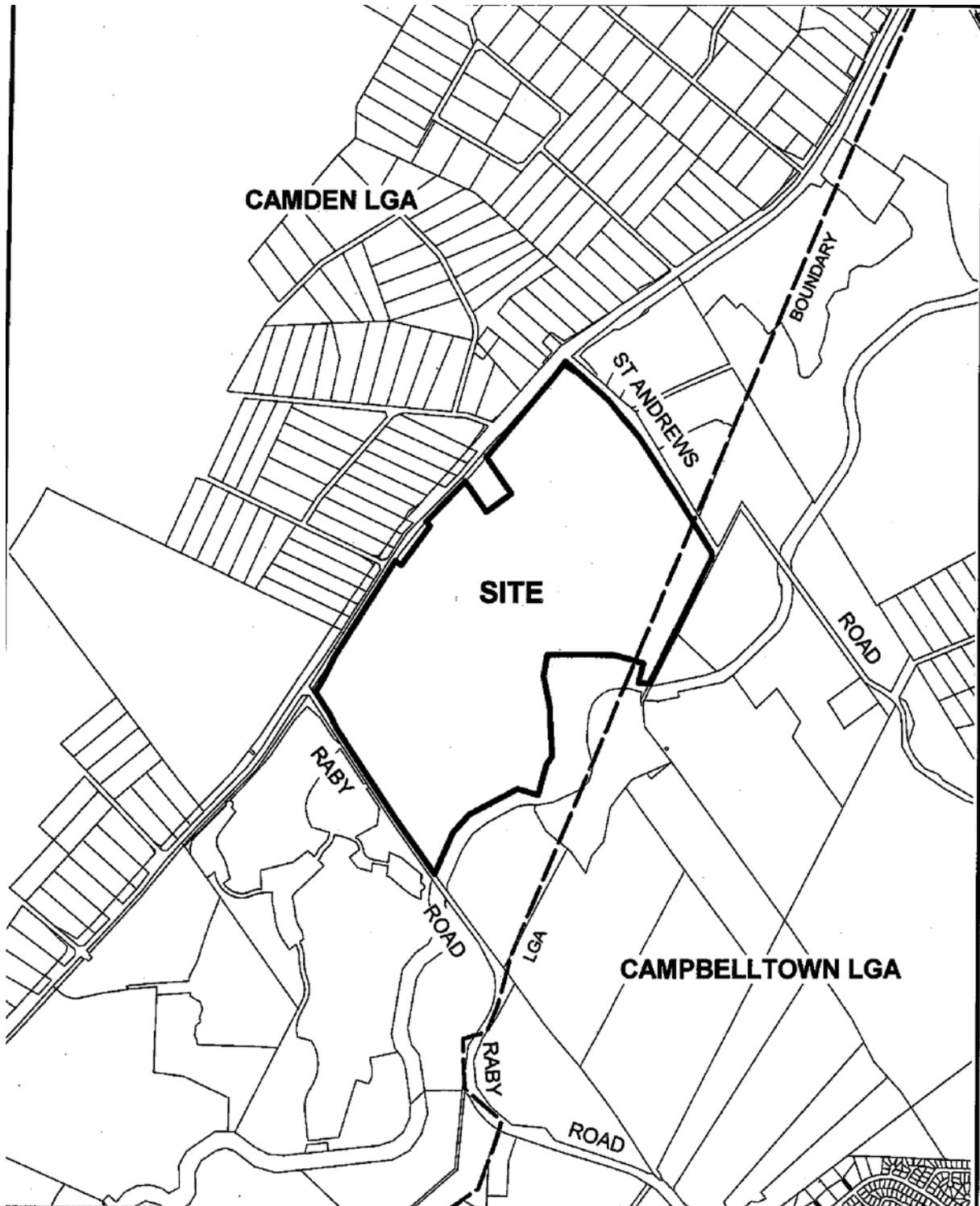
ATTACHMENT 2



3.4 Subdivision Into Two Torrens Title Allotments - Lot 10 DP 1173819 St Andrews Road, Varroville



ATTACHMENT 3



3.5 Subdivision into two Torrens title allotments - No. 182 Raby Rd Varroville

Reporting Officer

Manager Development Services

Attachments

1. Recommended conditions of consent (contained within this report)
2. Subdivision plans (contained within this report)
3. Locality Plan (contained within this report)

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* (EPA Act).

This development application is required to be reported to Council due to an objection to a development standard under Clause 10 of Campbelltown Local Environmental Plan – District 8 (Central Hills Lands). An objection to a development standard, pursuant to State Environmental Planning Policy 1 – Development Standards, has been submitted with the application. Despite the fact that this type of development could be determined under delegated authority, the decision on whether to allow a variation to a development standard included in an environmental planning instrument can only be made by the full Council.

Property Description	Part Lot 1 DP 260703, 182 Raby Road, Varroville
Application No	492/2014/DA-S
Applicant	Mirvac Homes NSW Pty Ltd
Owner	Mrs Elizabeth Pisciueneri and Mr Vincenzo Pisciueneri
Provisions	State Environmental Planning Policy 1 – Development Standards Campbelltown Local Environmental Plan – District 8 (Central Hills Lands)
Other Provisions	Campbelltown 2025 - Looking Forward
Date Received	7 March 2014

Report

This application proposes the subdivision of 182 Raby Road, Varroville into two allotments. The site is 22.6 hectares in size and is bounded by Raby Road to the northeast (from which it gains vehicular access), the Sydney Water Upper Supply Canal to the west, a rural property to the southwest, the Macarthur Grange Golf Club to the south, and a rural-residential property to the east. The site is transected by the local government boundary between the Cities of Campbelltown and Camden, with only a relatively small portion of the site (approximately 7,711m²) situated within the Campbelltown local government area. This portion of the site is located in the south-eastern corner of the development site and is irregularly shaped. It contains part of a dwelling located on the site and the majority of an agricultural shed (the local government boundary between Campbelltown and Camden transects the dwelling and shed). The portion of the site that is located within the Campbelltown local government area is zoned 7(d1) Environmental Protection (Scenic). The development site contains several existing easements, rights of carriageway, and a road reservation, however none of these affect the part of the site that is situated within the Campbelltown local government area.

The application proposes to subdivide the development site into two allotments. Both proposed allotments would have a frontage to Raby Road. The proposed eastern allotment would have an area of 7.219 hectares and would contain the existing dwelling and agricultural shed, while the proposed western allotment would have an area of 14.85 hectares (excluding roads).

The purpose of the proposed subdivision is to facilitate the orderly development of the planned El Caballo Blanco/Gledswood Hills estate, which is to take place within the Camden local government area, by separating the existing dwelling and its curtilage from the remainder of the site. The proposed eastern allotment would be retained by the existing owner, and would contain the part of the site located within the Campbelltown local government area, while the proposed western allotment would be developed as part of the El Caballo Blanco/Gledswood Hills estate. The proposed subdivision boundaries give due consideration to the location of the future access road to the estate from Raby Road.

As the subject site is transected by the local government boundary between Campbelltown and Camden, a development application for the proposed subdivision was required to be lodged with both Camden and Campbelltown Councils. Camden Council approved the application in April 2014 on a deferred commencement basis, pending development consent being issued by Campbelltown Council.

History

Camden Council has rezoned the part of the subject site that is located within Camden local government area to allow the development of the El Caballo Blanco and Gledswood Hills estates. The estates would consist of a mixture of low density residential development and large areas of land zoned private recreation that are to contain golf courses.

1. Vision

Campbelltown 2025 - Looking Forward

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

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

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

The strategic direction relevant to this application is:

- Protecting and enhancing the City's key environmental assets

The part of the site located within the Campbelltown local government area contains a small patch of remnant vegetation/scattered trees, however these would not be affected by the proposed subdivision, as no physical works are proposed. Therefore, this key environmental asset will not be threatened.

The relevant desired outcome of the above strategic direction is:

- Development and land use that matches environmental capacity and capability.

As the application proposes no physical works and is in effect a 'paper subdivision' only, the proposed development does not exceed the environmental capacity and capability of the site.

2. Planning Provisions

1. State Environmental Planning Policy 1 – Development Standards (SEPP 1)

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

SEPP 1 applies to this application, as the applicant seeks to vary Clause 10(2) of Campbelltown Local Environmental Plan – District 8 (Central Hills Lands) (LEP D8), which states that Council shall not consent to the subdivision of land within zone No 7(d1) unless each of the allotments to be created by the subdivision has an area of not less than 100 hectares.

The subject site is zoned 7(d1) Environmental Protection (Scenic) and the application proposes to subdivide the site in a configuration under which the proposed eastern allotment (which would be partly located within the Campbelltown local government area) would have an area of 7.219 hectares (7,711m² or 0.77 hectares of the proposed allotment is located within the Campbelltown local government area), and therefore fails to comply with Clause 10(2) of LEP D8.

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

The applicant has submitted a written objection pursuant to State Environmental Planning Policy 1 – Development Standards, arguing that compliance with the minimum allotment size control in question in this case would be unreasonable and unnecessary. The arguments made by the applicant in this regard are the following:

- Compliance with the 100 hectare allotment size standard cannot be achieved by the proposed subdivision as only 0.77 hectares of the site is located within the Campbelltown Local Government Area (where LEP D8 applies).
- The proposed subdivision would not be inconsistent with the aim and objective of LEP D8, which is to ensure that the Central Hills Lands District of the City of Campbelltown retains the rural character that was envisaged for it during the planning that preceded the urbanisation of that City, as no physical works are proposed and the scenic quality of the site would not be affected. The proposed eastern allotment (which would be partially located within the Campbelltown local government area) would be part of an allotment that is planned to contain a larger rural living precinct within the El Caballo Blanco/Gledswood Hills urban release area.

In addition, it must be noted that the entire site (including the portion within the Camden Local Government Area) is 22.6 hectares in size, so that even if Council were to apply the subdivision control over the whole of the site (which it is unable to do), no subdivision of the site would be allowed, as the site is already less than 100 hectares.

It also must be noted that should Council resolve to support the application, the newly created 7.219 hectare allotment (7,711m² of which would be within the Campbelltown local government area) would not gain any additional dwelling or development entitlements under LEP D8.

Under Clause 7 of SEPP 1, where the consent authority is satisfied that a SEPP 1 objection is well founded and is also of the opinion that granting of consent to that development application is consistent with the aims of the SEPP (outlined in the first paragraph of this section), it may, with the concurrence of the Director General of the Department of Planning and Infrastructure, grant consent to that development application notwithstanding the development standard that is the subject of the objection. It should be noted that consent authorities may assume the Director General's concurrence in relation to all development applications except for some dwelling and subdivision proposals on rural and non-urban land. The subject application is one of the few types of applications where the Director General's concurrence may not be assumed by the consent authority (Council).

Accordingly, the application was referred to the Department of Planning and Infrastructure for concurrence. The Department of Planning and Infrastructure advised that prior to the Director General's concurrence being sought, Council must form a view as to whether it intends to support the application.

This report ultimately recommends that Council allow the applicant's SEPP 1 objection and advise the Department of Planning and Infrastructure that subject to the Director General's concurrence, the Council intends on approving the application.

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

- (a) whether non-compliance with the development standard raises any matter of significance for State or regional environmental planning
- (b) the public benefit of maintaining the planning controls adopted by the environmental planning instrument

In regard to point (a), the non-compliance does not raise any matters of state or regional planning significance, since it will have no impact upon the rural character of the Central Hills Lands District. In regard to point (b), the public benefit of maintaining the 100 hectare allotment size standard under LEP D8 in this case would be minimal, considering that the size of the allotment within the Campbelltown local government area would not change, and neither the use of the site nor its potential to be developed would change as a result of the proposed variation. It is therefore considered that the greatest public benefit would be achieved by varying the control, as it would allow the orderly development of the El Caballo Blanco/Gledswood Hills urban release area within the Camden local government area while allowing the existing landowner to retain their existing dwelling and a significant curtilage.

Guidelines for varying development standards prepared by the Department of Planning outline a five part test issued by the Land and Environment Court for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development standard is well founded. An assessment of the objection against this five part test is outlined below. It should be noted that not all of the points are necessarily applicable to an application.

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard

In this case, there are no specific objectives that directly relate to the standard in question; however the aim and objective of LEP D8 as well as the objectives of the 7(d1) zone are particularly relevant and are considered to be the underlying reasons for the adoption of the 100 hectare minimum allotment size. The aim/objective of LEP D8 is shown below:

"This plan aims to ensure that the Central Hills Lands District of the City of Campbelltown retains the rural character that was envisaged for it during the planning that preceded the urbanisation of that City."

Adopting a minimum allotment size of 100 hectares within the Central Hills District has allowed the district to retain its rural character by preventing additional parcels of land from being created that are of a size that could be used for urban purposes.

The objectives of the 7(d1) Environmental Protection (Scenic) zone are as follows:

- (a) to set aside certain land as a protected scenic environment
- (b) to ensure that that land will remain a rural environment providing visual contrast to the urban areas of Campbelltown, Camden and Liverpool
- (c) to ensure that the inhabitants of Campbelltown will continue to have views of, and access to, a rural environment
- (d) to maintain a stock of land that is capable of being developed for the purpose of providing recreation establishments of the kind that require large areas of open space
- (e) to preserve existing farming and agricultural research activities

Adopting a minimum allotment size of 100 hectares within the Central Hills District has allowed the district to achieve these objectives.

This application proposes a 'paper subdivision' only and does not proposed any physical works. It seeks to subdivide the site into two separate allotments in order to allow the orderly development of the El Caballo Blanco/Gledswood Hills urban release area within the Camden local government area while allowing the existing landowner to retain their existing dwelling and a significant curtilage. The area of the site within the local government area will not change from 7,711m². The application proposes no physical works and would not increase the development potential of the part of the site within the Campbelltown local government area. It would therefore not pose a threat to the rural character of the Central Hills district. It is therefore clear that the aim and objective of LEP D8 as well as the objectives of the 7(d1) zone (which are the objectives most relevant to the standard proposed to be varied) would be achieved notwithstanding non-compliance with the standard.

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.

The purpose of the standard, being to retain the rural character of the Central Hills District, is relevant to the development, however as discussed above, the objectives most relevant to the standard are considered to be satisfied despite the proposed numerical non-compliance.

3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.

The underlying object or purpose of the standard (being to retain the rural character of the Central Hills District) would not be defeated or thwarted if compliance with the standard was required, so this is not a relevant factor in the consideration of this objection.

4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.

It is not considered that the setback standard has been abandoned by continually allowing variations to the standard in question. Council has on occasion granted variations to the 100 hectare minimum allotment standard stipulated under LEP D8 in unique situations where the variation has been justified by a sound objection submitted under SEPP 1.

In the present case, the proposed variation is justified on the basis that the proposal seeks to subdivide the site to allow the orderly development of the El Caballo Blanco/Gledswood Hills urban release area within the Camden local government area while allowing the existing landowner to retain their existing dwelling and a significant curtilage, and that strict compliance with the standard in question would prevent this from occurring. As the circumstances of the proposed subdivision are unique and the proposed variation is justified, supporting the applicant's objection in this case would not undermine Council's ability to consistently enforce LEP D8's minimum allotment size in the future.

5. Compliance with the development standard is unreasonable or inappropriate due to the existing use of land and the current environmental character or the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

The existing use of land and the environmental character of the land is not a relevant factor in the consideration of this objection, and the parcel of land in question is considered to be zoned correctly.

In consideration of the five part test for evaluation of the objection to the minimum allotment size standard in question, it is considered that the circumstances of the case warrant the variation of the standard, and that the proposed variation should be accepted.

2. Campbelltown Local Environmental Plan – District 8 (Central Hills Lands)

The part of the subject site that is located within the Campbelltown local government area is governed by Campbelltown Local Environmental Plan – District 8 (Central Hills Lands), known as LEP D8.

Aims and objectives of LEP D8

Clause 2 of LEP D8 outlines the aim and objective of the plan. The aim/objective is as follows:

“This plan aims to ensure that the Central Hills Lands District of the City of Campbelltown retains the rural character that was envisaged for it during the planning that preceded the urbanisation of that City.”

This application proposes a ‘paper subdivision’ only and does not proposed any physical works. It seeks to subdivide the site to allow the orderly development of the El Caballo Blanco/Gledswood Hills urban release area within the Camden local government area while allowing the existing landowner to retain their existing dwelling and a significant curtilage. The area of the site within the Campbelltown local government area will not change from 7,711m². The application proposes no physical works and would not increase the development potential of the part of the site within the Campbelltown local government area. It would therefore not pose a threat to the rural character of the Central Hills district. It is therefore considered that the aim and objective of LEP D8 would not necessarily be eroded by the proposed subdivision.

Permissibility

The part of the subject site that is located within the Campbelltown local government area is zoned 7(d1) Environmental Protection (Scenic) under LEP D8. Subdivision is a permissible form of development in the zone, as it is not listed under clause 9 of the plan as a prohibited land use.

Zone objectives

The objectives of the 7(d1) Environmental Protection (Scenic) zone listed under clause 9 of LEP D8 are as follows:

- (a) to set aside certain land as a protected scenic environment
- (b) to ensure that that land will remain a rural environment providing visual contrast to the urban areas of Campbelltown, Camden and Liverpool
- (c) to ensure that the inhabitants of Campbelltown will continue to have views of, and access to, a rural environment
- (d) to maintain a stock of land that is capable of being developed for the purpose of providing recreation establishments of the kind that require large areas of open space
- (e) to preserve existing farming and agricultural research activities

The proposed subdivision is consistent with objectives (a), (b) and (c) as it proposes no physical works (nor does it increase the development potential of the part of the site that is located within the Campbelltown LGA), and therefore ensures that the existing scenic rural environment and views thereof are maintained. The proposed subdivision is consistent with objective (d) as the 7.219 hectare allotment proposed to be created (partly within the Campbelltown LGA) would be of a size that is capable of being developed for the purpose of providing recreation establishments of the kind that require large areas of open space. The proposed subdivision is also consistent with objective (e), as it would not prevent the continuation of the operation of agricultural land uses on the site, noting that the grazing of livestock appears to be currently occurring on the part of the site that would comprise the proposed eastern allotment that is to be retained by the existing landowners. It is therefore considered that the proposed subdivision is consistent with the objectives of the 7(d1) Environmental Protection (Scenic) zone.

Subdivision

The subdivision standards applying to the site are outlined under clause 10 of LEP D8
Clause 10 states:

- “(1) Land to which this plan applies shall not be subdivided except with the consent of the Council
- (2) The council shall not consent to the subdivision of land within Zone No 7 (d1) unless each of the allotments to be created by the subdivision has an area of not less than 100 hectares.”

The application complies with subclause (1) of clause 10, as consent for the proposed subdivision has been sought from Council.

The application does not comply with subclause (2) of clause 10, as it proposes to create an allotment that would have an area of less than 100 hectares. This proposed allotment would be partly located within the Campbelltown LGA and would have an area of 7.219 hectares.

As discussed earlier in this report, the applicant has submitted a written objection pursuant to State Environmental Planning Policy 1 – Development Standards, arguing that compliance with the minimum allotment size control in question in this case would be unreasonable and unnecessary. The arguments made by the applicant in this regard are the following:

- Compliance with the 100 hectare allotment size standard cannot be achieved by the proposed subdivision as only 0.77 hectares of the site is located within the Campbelltown Local Government Area (where LEP D8 applies).
- The proposed subdivision would not be inconsistent with the aim and objective of LEP D8, which is to ensure that the Central Hills Lands District of the City of Campbelltown retains the rural character that was envisaged for it during the planning that preceded the urbanisation of that City, as no physical works are proposed and the scenic quality of the site would not be affected. The proposed eastern allotment (which would be partially located within the Campbelltown local government area) would be part of a larger rural living precinct within the El Caballo Blanco/Gledswood Hills urban release area.

In addition, it must be noted that the entire site (including the portion within the Camden Local Government Area) is 22.6 hectares in size, so that even if Council were to apply the subdivision control over the whole of the site (which it is unable to do), no subdivision of the site would be allowed, as the site is already less than 100 hectares.

It also must be noted that should Council resolve to support the application, the newly created 7.219 hectare allotment (7,711m² of which would be within the Campbelltown local government area) would not gain any additional dwelling or development entitlements under LEP D8.

As discussed earlier in this report, in consideration of the Department of Planning's five part test for evaluation of the objection to the minimum allotment size standard in question, it is considered that the circumstances of the case warrant the variation of the standard, and that the proposed variation should be accepted. Accordingly, this report recommends that Council support the applicant's SEPP 1 objection, advise the Department of Planning and Infrastructure of Council's intention to approve the application, and that subject to and upon receipt of the Director General's concurrence, the development application be approved.

Further to the above, this application demonstrates one of the difficulties associated with having a local government boundary that transects properties, instead of being aligned with property boundaries. With regard to this particular application (and many others that Council has assessed for development of properties that are transected by the local government boundary between Campbelltown and Camden) the applicant has been required to lodge separate development applications with both Campbelltown and Camden Councils, which includes the payment of two separate development application fees and twice for the applicable State Government fees. An applicant in this situation also faces the uncertainty of being subject to differing development assessment standards, and the possibility that one Council may approve the application while the other may refuse it.

In addition to difficulties with the consistent handling of cross border development applications, property owners in this situation are also required to pay rates to both Councils, based on the proportion of land within each local government area, whereas in practical terms based on the siting of the property, a resident may predominantly use the services of one Council and not the other. For example, the land on which St Gregory's College exists is for the most part, within the Camden LGA. However, as the only formalised access to the college is through the Campbelltown area, most of the business of the college (including use of public facilities) is undertaken within the Campbelltown LGA.

Whilst not the subject of this report, the nature of the lands existing along the Campbelltown/Camden boundary are experiencing significant change from a predominantly rural context, to a burgeoning higher density residential context in line with the intent of the NSW Growth Centres policy framework.

With this in mind, and in light of the abovementioned difficulties experienced with cross-boundary development, it would appear that there is now a need for the rationalisation of the LGA boundary to ensure the practical and orderly development of lands, and the provision of future lands unencumbered with the burden that many cross-boundary allotments currently suffer. In this regard, and so as to provide the Council more detail on this subject, a presentation on matters surrounding cross-boundary development and issues relating to the Campbelltown/Camden boundary will be provided at a future Councillor briefing night.

Tree preservation

Clause 15 of LEP D8 states the following with regard to tree preservation:

"A person shall not, on land within any zone other than Zone No 5 (g), ringbark, cut down, lop or wilfully destroy any tree except with the consent of the Council."

The application is not inconsistent with this clause, as no removal of trees is proposed.

3. Planning Assessment

The portion of the subject site that is located within the Campbelltown local government area is bushfire prone. A bushfire safety authority under Section 100B of the *Rural Fires Act 1997* is required in respect of the proposed subdivision, as the subject site is land that could lawfully be used for residential or rural residential purposes, given that a dwelling-house is a permissible land use within the 7(d1) Environmental Protection (Scenic) zone. Accordingly, the application was referred to the Rural Fire Service, who issued a bushfire safety authority in respect of the subdivision.

4. Public Participation

As the application proposes a 'paper subdivision' only, the application is not required to be notified to adjoining property owners.

5. Conclusion

The application is generally consistent with the applicable environmental planning legislation, with the exception of the proposed variation to the minimum allotment size standard applying to the Central Hills District.

The proposed variation is considered to be justified on the basis that the proposed subdivision seeks to subdivide the site to allow the orderly development of the El Caballo Blanco/Gledswood Hills urban release area within the Camden local government area while allowing the existing landowner to retain their existing dwelling and a significant curtilage, and the part of the land that is within the Campbelltown local government area (where the minimum allotment size standard applies) will not be reduced in size or fragmented.

Having regard to the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* and the issues raised above, it is considered that the application is satisfactory.

Officer's Recommendation

1. That Council support the applicant's objection pursuant to State Environmental Planning Policy No. 1 - Development Standards to vary Clause 10 of Campbelltown Local Environmental Plan – District 8 (Central Hills Lands) relating to the minimum allotment size to permit the proposed subdivision.
2. That development application 492/2014/DA-S for subdivision into two Torrens title allotments at Lot 1 DP 260703, 182 Raby Road, Varroville be referred to the Director General of the Department of Planning seeking concurrence in accordance with clause 7 of State Environmental Planning Policy No. 1 - Development Standards.
3. That subject to and upon receipt of the concurrence of the Department of Planning, development application 492/2014/DA-S for subdivision into two Torrens title allotments at Lot 1 DP 260703, 182 Raby Road, Varroville be approved subject to the recommended conditions of consent detailed in attachment 1 of this report.

Committee's Recommendation: (Kolkman/Oates)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: nil.

Council Meeting 1 July 2014 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 110

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Greiss, Hawker, Kolkman, Lake, Lound, Mead, Oates, Rowell and Thompson.

Voting against the Council Resolution were: 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 be carried out in accordance with the approved plans listed below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Drawing/Document No.	Prepared By	Date
X13295-S1	Daniel James Hannigan – Brown Consulting (NSW) P/L	21 January 2014

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.

2. 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.

3. 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. Linen Plan and Copies

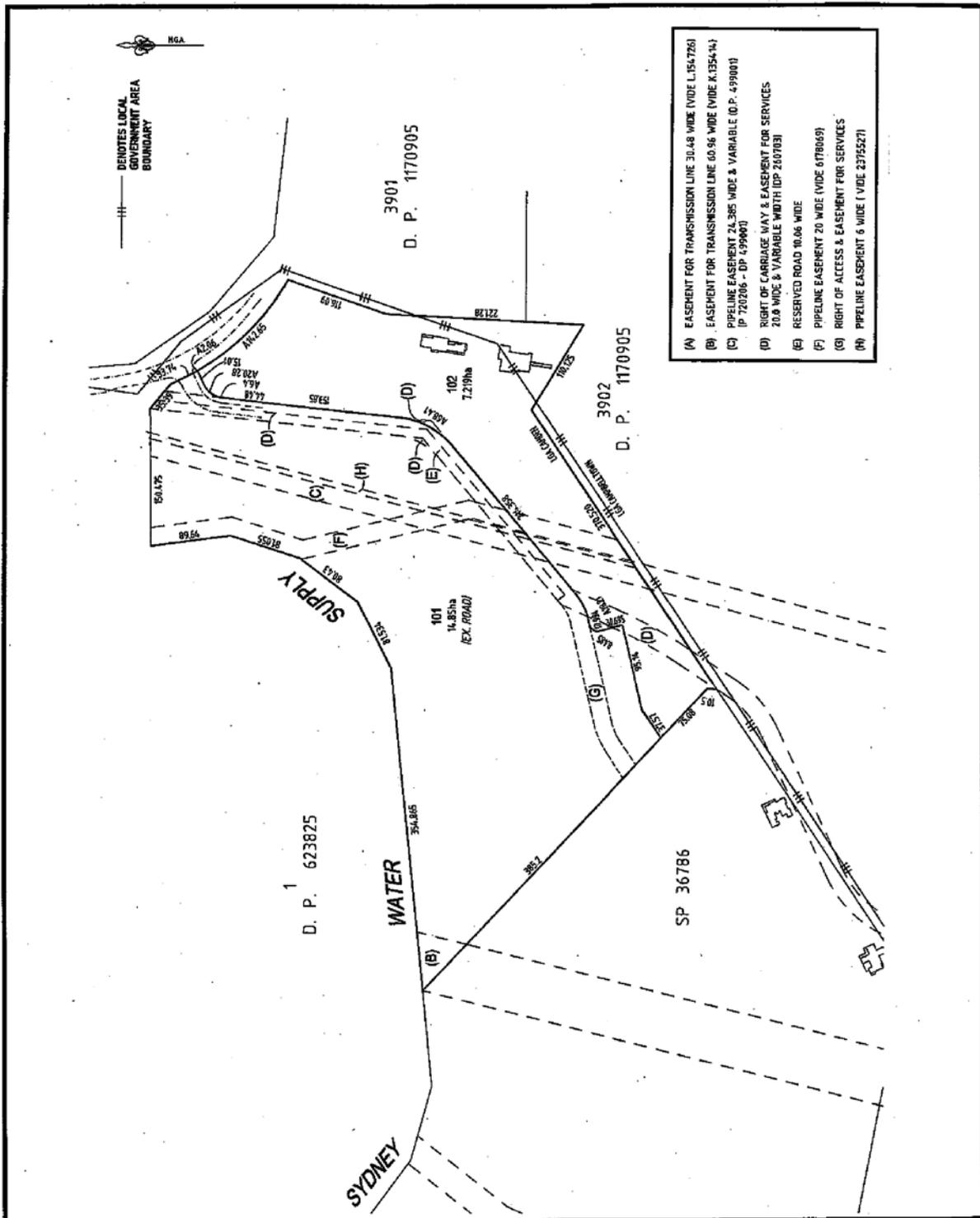
A linen plan and if required an original 88B Instrument together with thirteen copies shall be submitted to Council prior to the release of the subdivision certificate.

Advice 2. 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.

END OF CONDITIONS

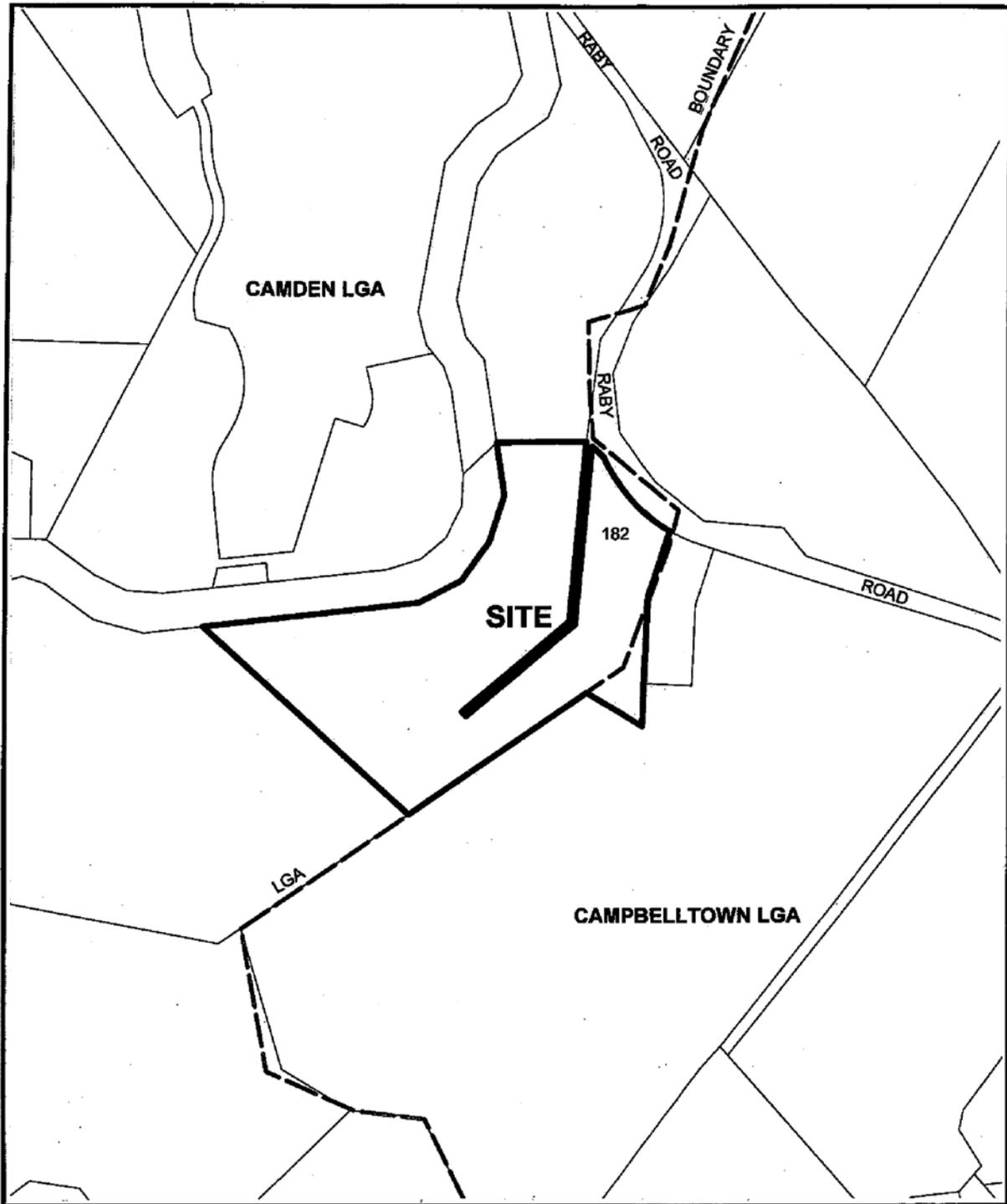
ATTACHMENT 2



SUBDIVISION PLAN

SUBJECT: SUBDIVISION INTO TWO (2) TORRENS TITLE ALLOTMENTS.
 PT LOT 1 DP 260703 - No. 182 RABY ROAD, VARROVILLE.

ATTACHMENT 3



LOCALITY PLAN



SUBJECT:

SUBDIVISION INTO TWO (2) TORRENS TITLE ALLOTMENTS.

PT LOT 1 DP 260703 - No. 182 RABY ROAD, VARROVILLE.

3.6 Request to waive Open Space Contribution - No. 66 Macquarie Road Ingleburn

Reporting Officer

Manager Development Services

Attachments

Locality Plan

Purpose

To assist Council in its decision on the applicant's request for the Council to waive the requirement to pay open space contributions required under Council consent D487/93.

History

On 9 May 1995, Council approved the modification of development consent D487/93 for the erection of a thirty-one dwelling, group-housing development at 66 Macquarie Road, Ingleburn. Generally, the approved modification allowed a number of the previously approved dwellings to be converted from 2 bedrooms to 3 bedroom dwellings.

At the same meeting, Council also considered a separate request from the applicant for the Council to waive condition No. 4 of consent D487/93 (provision of an open space contribution).

With respect to this request, the Council (at its meeting of 9 May 1995) resolved to defer making a decision on the matter and that a further report be provided to the following round of committees, seeking to address questions raised by the Council in response to the applicant request, which comprised specifically:

- a) Legal advice regarding the possible setting of a precedent
- b) any possible precedents already set
- c) the possible implementation of a policy to address any similar situations that may arise in future.

In response to the above resolution, a further report was tabled before the Planning Building and Environmental Protection Committee (the Committee) held on 4 July 1995. The report provided responses to all points of consideration requested by the Council within the previous resolution, and as a result of the findings tabled within that report (restated in this report), the officer's recommendation to the Committee was that the Council resolve to modify development consent D487/93 by deleting condition No.4.

The minutes show that the Committee accepted the officer's recommendation and recommended to the Council that the officer's recommendation be adopted.

However, at the following ordinary Council meeting held on 11 July 1995, the motion for adoption of the whole of the committee's report, as amended, was carried, excepting for the matter of the request to waive condition No. 4 of consent D487/93 (Committee Item 1.3), where it has been recorded that the Council did not make a decision on that Item.

Council resolution 205 is quoted in full below:

'The Motion for adoption of the Planning Building and Environmental Protection Committee Report, as amended, noting that there was no determination in respect of Item 1.3, was the Put and **CARRIED**.'

Given the above, the applicant is now requesting that the Council reconsider their original request for condition No.4 to be waived.

With respect to the current status of the development, as the Council may be aware, the site is yet to be fully developed, and given the time that has passed since its initial approval (approximately 20yrs), the question of whether the application may have lapsed needs to be considered.

However, for the purpose of this report, Council is advised that the consent is deemed to have been activated as the bridge and drainage formalisation works required under the initial consent (approximately \$350,000 at the time the works were undertaken) were commenced prior to the lapsing date of that consent. The applicant has chosen to place the development on hold for the time being and not to continue beyond the bridge and drainage formalisation works.

Notwithstanding this, condition No. 4 of the subject consent compels the applicant to pay the required open space contribution prior to an approval being issued for the commencement of the building of the approved dwellings.

As stated above, the applicant has again formally requested that Council waive condition No. 4 from consent D487/93.

Report

As previously stated, the applicant has requested Council waive condition No. 4 of Development Consent D487/93 which requires the applicant to pay to the Council an open space contribution equivalent to 2171.7m². At the rate for the district applicable at the time of the initial request (1995), the contribution was equivalent to \$70,580.25.

In addition to this contribution, it should be noted that it is also a requirement of the same consent that the applicant construct (at their cost) the part of the Ingleburn main drain that traverses the subject site. As noted previously, this has been constructed at the applicants cost.

A further condition of the same consent requires that the applicant dedicate to the public, the area of land within the subject site (1565m²) affected by the Ingleburn main drain, at no cost to Council.

As per the resolution of Council at its ordinary meeting on 9 May 1995, advice was sought from Council's solicitors regarding the waiving of the subject open space contribution. In this regard, the following comments were provided:

"We understand that it has been submitted on behalf of the applicant that it is unreasonable and onerous to require the applicant to pay the monetary contribution under condition No. 4 in respect of the provision of open space whilst also requiring the applicant to construct that part of the Ingleburn main drain which traverses its site and then to dedicate that land to the Council at no cost (conditions 11 and 22 of the consent). Further, we understand that the applicant has estimated the cost of those drainage works to be in the order of \$350,000.

The applicant maintains that the wider community will benefit from the construction of the main drain.

It seems to us that in considering whether or not condition No. 4 should be deleted from the development consent, it would be relevant to consider the public benefit which is derived by reason of the developer having to construct and dedicate the main drain passing through the site.

In dealing with the question of precedent, it was held in the case of Consolidated and Realities Pty Limited – v – Baulkham Hills Shire Council (1964) 10 LGRA 120 and although it is generally desirable that a consent authority deal with a later development application for similar development, a consent authority if it appears with hindsight that it would have been better not to have given consent to the earlier application or if since the granting of the consent to the earlier application the times and circumstances have changed.

Thus the question of creating a precedent in respect of the particular development subject to this application would be overshadowed by the necessity to consider the merits of the proposed modifications to the development."

In dealing with the question of precedent, Council staff conducted further investigations to identify whether other properties existed in similar circumstances to the subject site. In this regard, investigations revealed that there are no other sites within Campbelltown which have future residential development potential and also require main drain channel formalisation.

Council, at its ordinary meeting of 9 May 1995, also requested advice as to the possible implementation of a policy to address any similar situations that may arise in future. Based on advice received from Council's solicitors and further investigations by Council staff, it has been revealed that the subject site has very unique and specific set of development constraints and requirements.

Having regard to the matters raised in the body of the report and the unique nature of the development site, it would appear that a policy to address any similar situations that may arise in the future, would serve no purpose and be of no future value to the Council as (other than for this instance) there would be no circumstance in which the policy would need to be applied.

In addition to the above, at the Council's ordinary meeting of 26 June 2007, the Council rescinded the Open Space Policy (Resolution No. 139) that the open space contribution required under condition No. 4 of the subject consent was based upon. This policy was considered redundant and therefore rescinded by Council on the basis that other existing higher order contribution plans (approved by Council), more appropriately catered for the adequate provision of open space lands across the whole of the Local Government Area. From that point in time, no open space policy has applied to the subject land.

Further to this, it is noted that from other legal advice received regarding the lawful application of conditions of consent requiring the payment of developer contributions, it is held that the only time in which the consent authority has the power to apply conditions requiring the payment of development contributions, is when the development/site exists within an area subject of an approved and current contributions plan. And only in that instance can a condition requiring the payment of developer contributions be applied in accordance with that plan.

With respect to this development, I can advise that no development contribution plans currently apply to the land other than for Council's s94A Development Contributions Plan (started May 2007). However, as the development on the land was approved prior to 2007, s94A contributions cannot be introduced or retrospectively be applied to this development. As such, no contributions plan (including any open space plan) currently applies to the development.

Conclusion

In consideration of the circumstances of this development and the unlikelihood of any precedent being set if Council was to waive the requirements of condition No.4; and when having regard to the value of the community benefit already provided by the applicant through the formalisation of the section of the Ingleburn main drain traversing the subject land as well as the dedication of the same land at no cost to the Council, it is recommended that Council waive the requirement for the applicant to also provide Council with an open space contribution in accordance with condition No.4 of Development Consent D487/93, by way of allowing the deletion of condition No.4 in its entirety from the subject consent.

Officer's Recommendation

1. That Council allow the deletion of condition No.4 from Development Consent D487/93.
 2. That subject to Council allowing the deletion of condition No.4 from Development Consent D487/93, the applicant be advised in writing to lodge a formal modification application with Council pursuant to s96(1A) of the Environmental Planning and Assessment Act 1979 for the purpose of formally removing condition No.4 from Development Consent D487/93.
-

3. That a future modification application lodged with Council for the removal of condition No.4 from Development Consent D487/93 be dealt with under delegated authority.
4. That the applicant be advised of Council's resolution in writing.

Committee's Recommendation: (Oates/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: nil.

Council Meeting 1 July 2014 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

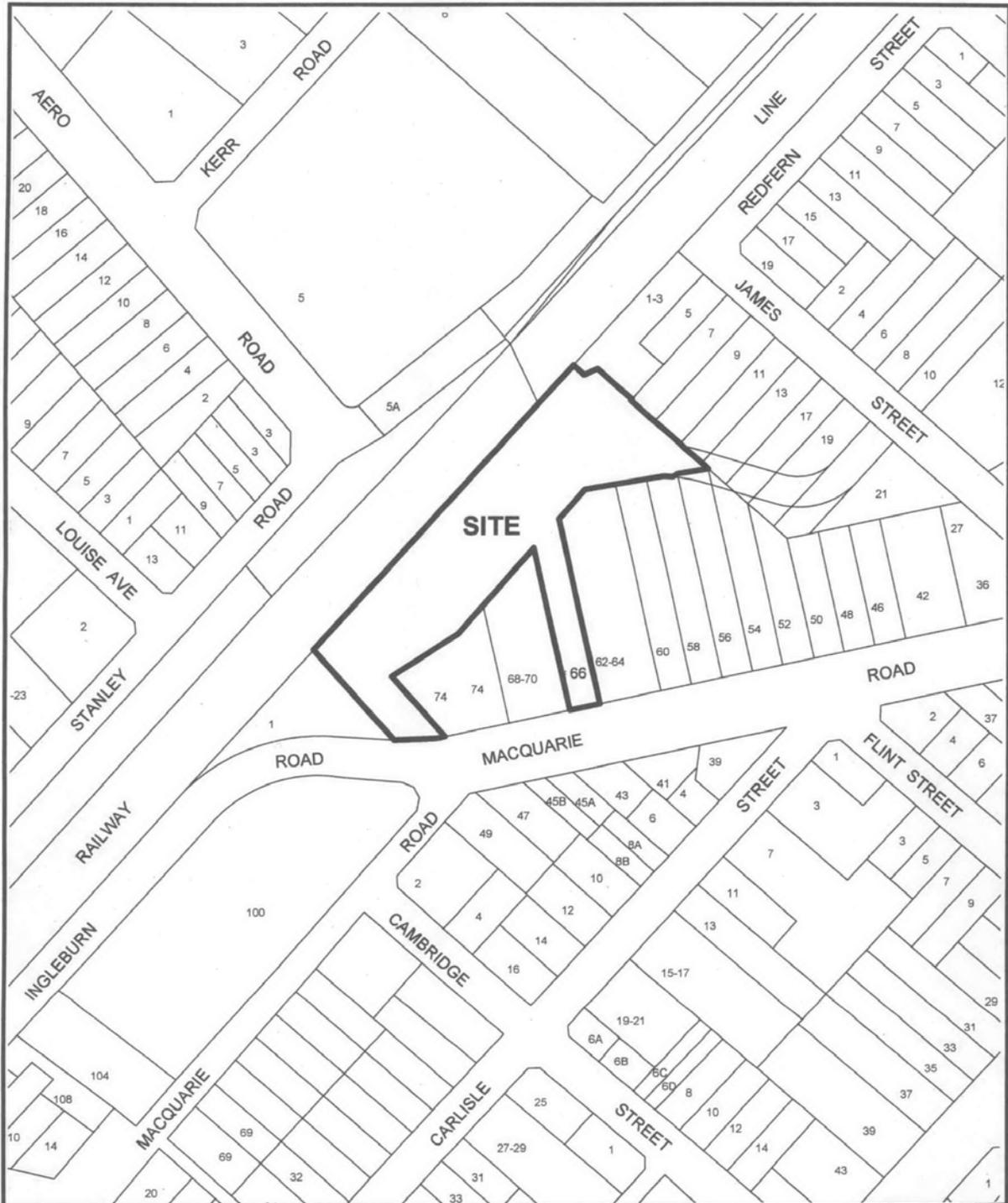
Council Resolution Minute Number 1111

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Greiss, Hawker, Kolkman, Lake, Lound, Mead, Oates, Rowell and Thompson.

Voting against the Council Resolution were: nil

ATTACHMENT 1



LOCALITY PLAN



SUBJECT:

REQUEST FOR COUNCIL TO WAIVE OPEN SPACE
CONTRIBUTIONS UNDER CONSENT D487/93.
LOT 2 DP 859601 - No. 66 MACQUARIE ROAD, INGLEBURN.

4. COMPLIANCE SERVICES

4.1 Establishment of Alcohol Free Zones - Glen Alpine and Minto (Zone 2)

Reporting Officer

Acting Manager Compliance Services

Attachments

1. Map of proposed Alcohol Free Zone - Glen Alpine (contained within this report)
2. Map of proposed Alcohol Free Zone - Minto (Zone 2) (contained within this report)

Purpose

To submit to Council for endorsement, a proposal to establish new Alcohol Free Zones (AFZ) at Glen Alpine and at Minto (Zone 2).

The management and operation of an AFZ is a collaborative approach between Council and Police Local Area Commands. Council's role is to organise for the establishment and sign posting of the zones, while Police are responsible for enforcement.

History

On 4 June 2013, Campbelltown Police Local Area Command (LAC), wrote to Council in response to a proposed liquor licence (for "Little Bottler" retail outlet) at No. 137 Heritage Way, Glen Alpine recommending the establishment of an Alcohol Free Zone in the vicinity of the proposed bottle shop to reduce the incidents associated with public drinking in the area.

Council when considering a report on the proposed fit out of Shop 5 Glen Alpine Shopping Centre for use as a liquor store at its Ordinary Meeting on 13 August 2013, resolved in part:

"That a separate report be prepared relating to the establishment of an Alcohol Free Zone in the vicinity of the Glen Alpine Shopping Centre for the consideration of Council".

Correspondence was forwarded to the Campbelltown Police Local Area Command (LAC) on 6 September 2013 advising the LAC of the proposal for an AFZ in the vicinity of the Glen Alpine Shopping Centre. Campbelltown LAC forwarded a written response on 11 September 2013 confirming their support for the proposed zone including the shopping centre car park. Subsequently the owner of the Glen Alpine Shopping Centre submitted an Alcohol Free Zone application confirming support for the proposed zone to incorporate the shopping centre car park.

4.1 Establishment Of Alcohol Free Zones - Glen Alpine And Minto (Zone 2)

Furthermore, Council received a request in the form of a petition from local residents requesting that Redfern Park, Minto be declared an AFZ. In response, Council wrote to Macquarie Fields LAC on 26 August 2013 seeking their support for the establishment of a proposed AFZ in the vicinity of Redfern Park and also including the Minto Marketplace (formerly Minto Mall) car park areas.

Council received a written response from the Macquarie Fields LAC supporting the establishment of the proposed AFZ given the history of alcohol related events (eg assaults, vandalism and anti-social behaviour) in the vicinity and the proposed BWS liquor outlet to be located within the Minto Marketplace. Macquarie Fields LAC advise that an analysis of Alcohol Associated Events indicate a total of 57 linked events in the general vicinity within the past 12 month period to August 2013 and that similar events can be expected to increase with further development of the surrounding area.

The proposed zone is also extended to include roads adjoining Sarah Redfern Primary and High Schools, based upon the recommendation of the Macquarie Fields LAC. The owner of the Minto Marketplace also confirmed support, by submitting an AFZ application to Council, for the zone to incorporate the Marketplace car park areas.

Council at its Ordinary Meeting on 12 November 2013 considered a recommendation from its Planning and Environment Committee regarding the proposal to establish a new Alcohol Free Zone at Glen Alpine and Minto (Zone 2) and resolved:

1. That a notice be placed in the local paper inviting submissions from any person or group of Council's intention to establish Alcohol Free Zones over the reserves, car park areas, streets and footpaths detailed in Attachment 1 and 2 of this report for the proposed Glen Alpine and Minto (Zone 2) Alcohol Free Zones as outlined in the report.
2. That all submissions received during the exhibition period be reported to Council.
3. That should no submissions be received during the exhibition period advice be given that Council intends to establish Alcohol Free Zones over the areas specified in Recommendation 1 above to:
 - (a) The Anti Discrimination Board
 - (b) The officer in charge of the Police Station nearest the zones
 - (c) The liquor licensees and secretaries of registered clubs whose premises border on or adjoin or are adjacent to the proposed zones
 - (d) Any known group that might be affected by the creation of the AFZ's.
4. That a further report be provided to Council on the establishment of the Alcohol Free Zones specified in Recommendation 1 upon completion of the period for comment by the organisations/groups listed in Recommendation 3 above.

Report

In accordance with Council's previous resolution of 12 November 2013, advertisements were placed in local papers on 21 and 22 January 2013 advising of Council's intention to establish new Alcohol Free Zones at Glen Alpine and Minto (Zone 2) and inviting comments from the public.

4.1 Establishment Of Alcohol Free Zones - Glen Alpine And Minto (Zone 2)

In accordance with the Ministerial Guidelines and Council's previous resolution, Council wrote to the following organisations seeking written comment on the proposal:

- The Anti-Discrimination Board
- The Officer in Charge of Campbelltown and Macquarie Fields Police Stations
- Liquor Licensees and registered clubs whose premises are adjacent to any of the affected zones.
- Any known group that might be affected by the establishment of the Alcohol Free Zones.

Council received a written reply from the Anti-Discrimination Board and the Campbelltown Police Local Area Command raising no concerns over Council's intention to establish the abovementioned Alcohol Free Zones. A minor variation to the Minto (Zone 2) Alcohol Free Zone reducing the extent of the zone by deleting the section bounded by Guernsey Avenue, Ellery Street, Gawler Avenue, Trickett Street, Curruthers Street and Longhurst Road was discussed with Macquarie Fields Police who raised no objection to removal of this section. Accordingly the zone has been modified to reflect this change. No other related responses were received.

In view of the above, Council is now in a position to declare the establishment of an Alcohol Free Zone over the following streets, footpaths and car park areas:-

Glen Alpine

Copperfield Drive (from Crispsparkle Drive to Englorie Park Drive)
Englorie Park Drive (from No. 79 to No. 97 Englorie Park Drive)
Heritage Way (from Englorie Park Drive to No. 144 Heritage Way)
Glen Alpine Drive (from Heritage Way to Rossiville Place)
Car Park of Glen Alpine Community Hall and Tennis Courts
Car Park of Glen Alpine Shopping Centre (137 Heritage Way)

Minto AFZ (Zone 2)

Ben Lomond Road (from Pembroke Road to Selwyn Avenue)
Selwyn Avenue
Perisher Circuit
Snowy Avenue
Longhurst Road (from Selwyn Avenue to Ben Lomond Road)
Gawler Avenue (from Ellery Street to Woodroffe Street)
Edward Edgar Street
Blane Street
Norman Dunlop Crescent
Jenner Street
Lind Street
Lemon Tree Crescent
Harrison Place
Ellery Street
Woodroffe Street
Guernsey Avenue (from Longhurst Road to Durham Street)
Durham Street (from Guernsey Avenue to Pembroke Road)
Pembroke Road (from Durham Street to Ben Lomond Road)

4.1 Establishment Of Alcohol Free Zones - Glen Alpine And Minto (Zone 2)

Monaghan Street
Brookfield Road
Car Parks of Minto Marketplace

Having regard to the above, it is recommended that Council proceed to publicly notify its intention to establish the Glen Alpine AFZ (to expire on 24 December 2017) and the Minto AFZ - Zone 2 (to expire on 24 December 2015) and establish the zones as indicated in the recommendations of this report.

Officer's Recommendation

1. That Council establish Alcohol Free Zones over the streets, footpaths and car park areas detailed in Attachment 1 and 2 to this report for the Alcohol Free Zones at:
 - (a) Glen Alpine
 - (b) Minto (Zone 2)
2. That the Alcohol Free Zones referred to in Recommendation 1 commence on 4 August 2014 and that an advertisement advising of Council's decision be placed in a local paper at least seven days in advance.
3. That the Alcohol Free Zones referred to in Recommendation 1 be sign posted in accordance with Council's standard Alcohol Free Zone sign template including a contact phone number of the appropriate Police Local Area Command.
4. That the Alcohol Free Zones referred to in Recommendation 1 be reviewed prior to the completion of their establishment period, being 24 December 2015 (Minto Zone 2) and 24 December 2017 (Glen Alpine).

Committee's Recommendation: (Thompson/Oates)

That the Officer's Recommendation be adopted.

Amendment: (Lound/Kolkman)

1. That a decision on the establishment of an Alcohol Free Zone in the Minto Zone 2 area be deferred until the next meeting of the Planning and Environment Committee and the Minto District Soccer Club be consulted in regard to the proposal to establish an Alcohol Free Zone surrounding its playing fields.
 2. That Council establish an Alcohol Free Zone over the streets, footpaths and car park areas within Glen Alpine as detailed in attachment 1 to this report.
 3. That the Alcohol Free Zone referred to in Recommendation 2 commence on 4 August 2014 and that an advertisement advising of Council's decision be placed in a local paper at least seven days in advance.
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4.1 Establishment Of Alcohol Free Zones - Glen Alpine And Minto (Zone 2)

4. That the Alcohol Free Zone referred to in Recommendation 2 be sign posted in accordance with Council's standard Alcohol Free Zone sign template including a contact phone number of the appropriate Police Local Area Command.
5. That the Alcohol Free Zone referred to in Recommendation 2 be reviewed prior to the completion of its establishment period, 24 December 2017 (Glen Alpine).

CARRIED

Council Meeting 1 July 2014 (Greiss/Thompson)

That the Committee's Recommendation be adopted.

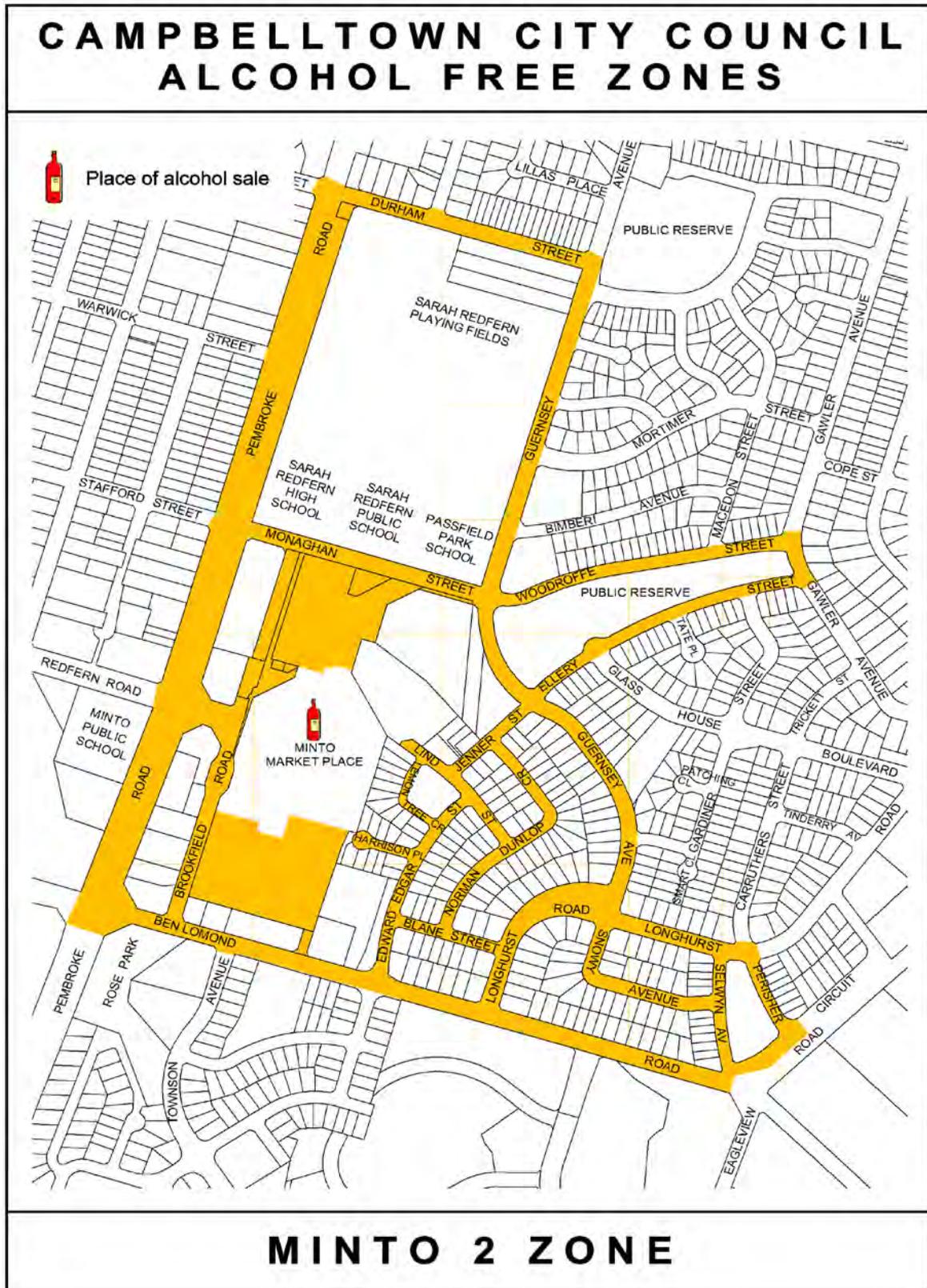
Amendment: (Lound/Greiss)

1. That Council establish Alcohol Free Zones over the streets, footpaths and car park areas detailed in Attachment 1 and 2 to this report for the Alcohol Free Zones at:
 - (a) Glen Alpine
 - (b) Minto (Zone 2)
2. That the Alcohol Free Zones referred to in Recommendation 1 commence on 4 August 2014 and that an advertisement advising of Council's decision be placed in a local paper at least seven days in advance.
3. That the Alcohol Free Zones referred to in Recommendation 1 be sign posted in accordance with Council's standard Alcohol Free Zone sign template including a contact phone number of the appropriate Police Local Area Command.
4. That the Alcohol Free Zones referred to in Recommendation 1 be reviewed prior to the completion of their establishment period, being 24 December 2015 (Minto Zone 2) and 24 December 2017 (Glen Alpine).

Council Resolution Minute Number 105

That the above amendment be adopted.

ATTACHMENT 2



4.2 Revised Policy - Access To The NSW Roads And Maritime Service's Driver And Vehicle Information System (DRIVES)

4.2 Revised Policy - Access to the NSW Roads and Maritime Service's Driver and Vehicle Information System (DRIVES)

Reporting Officer

Acting Manager Compliance Services

Attachments

Revised Access to the NSW Roads and Maritime Service's Driver and Vehicle Information System (DRIVES) Policy (contained within this report)

Purpose

To seek Council's endorsement of the revised Policy, Access to the NSW Roads and Maritime Service's Driver and Vehicle Information System (DRIVES).

Report

The Access to the NSW Roads and Traffic Authority's Driver and Vehicle Information System (DRIVES) Policy needs to be revised due to Council's Records Management Policy and the adopted procedures for Policy Development and Review.

The DRIVES Policy was first adopted by Council at its meeting on 2 September 2003, with the most recent review of the Policy being approved by Council at its meeting of 10 May 2011. It is a condition of Council's licence agreement with the NSW Roads and Maritime Service (RMS), (formerly NSW Roads and Traffic Authority), that in order to access vehicle registration details, that Council have a policy that addresses the access, storage and use of records obtained under the licence agreement.

The changes to the policy consist of amending references from NSW Roads and Traffic Authority (RTA) to the RMS and updating the responsible Manager details. It is proposed that the policy be retained in its existing form with the exception of minor editing as indicated above that does not effect the operation of the Policy.

It is therefore recommended that the changes outlined in the report, and highlighted in the attached draft Access to the NSW Roads and Maritime Service's Driver and Vehicle Information System (DRIVES) Policy, be adopted.

4.2 Revised Policy - Access To The NSW Roads And Maritime Service's Driver And Vehicle Information System (DRIVES)

Officer's Recommendation

1. That the revised Access to the NSW Roads and Maritime Service's Driver and Vehicle Information System (DRIVES) Policy as attached to this report be adopted.
2. That a policy review date be set as 30 June 2017.

Committee's Recommendation: (Lound/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 1 July 2014 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 105

That the Officer's Recommendation be adopted.

ATTACHMENT 1

		<h3>POLICY</h3>
Policy Title	Access to the NSW Roads and Maritime Service's Driver and Vehicle	
Related Documentation	Code of Conduct	
Responsible Officer	Manager Compliance Services	

Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.

Objectives

To ensure confidential information obtained as part of Council's Terms of Access Agreement with the New South Wales Roads and Maritime Services (RMS) on its Driver and Vehicle Information System (DRIVES) is obtained and used only for purposes authorised by the agreement.

Policy Statement

1. Only those staff authorised ("authorised user") under the Terms of Access Agreement with the (RMS), shall access data from DRIVES.
2. Access to DRIVES information is only for those Council law enforcement purposes specified in the Terms of Access Agreement, which includes vehicle owner (registration and licence) details for the following matters:
 - a) Abandoned Motor Vehicles
 - b) Rubbish Dumping from Motor Vehicles
 - c) Insecure loads giving rise to Littering
 - d) Load Weight Restrictions
 - e) Parking Offences
3. Staff requesting an authorised user to access DRIVES information for purposes other than those specified in (2) above will be deemed to have breached Council's Code of Conduct and will be subject to disciplinary action.
4. An authorised officer who accesses DRIVES information for purposes other than those specified in (2) above will be deemed to have breached Council's Code of Conduct and will be subject to disciplinary action.
5. An authorised officer who shares access details, passwords or user identification details for the DRIVES database will be deemed to have breached Council's Code of Conduct and will be subject to disciplinary action.

4.2 Revised Policy - Access To The NSW Roads And Maritime Service's Driver And Vehicle Information System (DRIVES)

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6. All information obtained from DRIVES is confidential and must only be used for the purpose(s) for which it is obtained. The use of this information for another purpose will constitute a breach of Council's Code of Conduct and the person responsible will be subject to disciplinary action.

Scope

This Policy applies to all Council staff, however the main users of information obtained from the DRIVES system are staff from the Compliance Services Section.

Definitions

authorised user means the Council officer who is appointed to access information from the Roads and Maritime Service's Driver and Vehicle Information System.

Legislative Context

This Policy was first adopted by Council at its meeting on 2 September 2003. It is a condition of Council's licence agreement with the Roads and Maritime Services (RMS) that Council has a policy that addresses the access and use of records obtained under the licence agreement.

This Policy is a mandatory requirement to maintain the licence agreement with the RMS.

Principles

The main principle behind this Policy is the confidential maintenance of personal information in order to maintain the licence agreement with the RMS.

Responsibility

Staff from Council's Compliance Services Section will access data via DRIVES and are therefore responsible for complying with this Policy.

Rangers are responsible for ensuring that requests for data are only made for matters covered by the Terms of Access Agreement.

A designated Technical Service Officer (TSO) from the Compliance Services Section is allocated to work with the Rangers Team and this person becomes the Authorised User for the purpose of the Terms of Access Agreement. This TSO is responsible to ensure that access to the system is only obtained for the purposes detailed in the Terms of Access Agreement and for the confidential maintenance of access details, passwords or user identification details.

The Manager Compliance Services is Council's System Administrator in accordance with the Terms of Access Agreement and as such is the authorised point of contact between Council and the RMS for the ongoing operation of the agreement. This position has the responsibility of authorising changes to the authorised users and supplying an annual compliance audit certificate to the RMS at the end of each financial year.

Effectiveness of this Policy

As part of the Terms of Access Agreement with the RMS, Council is required to submit to the RMS an independent compliance audit certificate to confirm that Council has complied with the terms of the agreement. Therefore the effectiveness of this Policy will be measured by the achievement of a satisfactory annual compliance audit certificates and hence the continuation of the Terms of Access Agreement with the RMS.

END OF POLICY STATEMENT

4.3 Revised Policy - Trading in Public Places

Reporting Officer

Acting Manager Compliance Services

Attachments

Revised Policy - Trading in Public Places (contained within this report)

Purpose

To seek Council's endorsement of the revised Trading in Public Places Policy.

Report

The Trading in Public Places Policy has been revised given due consideration of Council's Records Management Policy and the adopted procedures for policy development and review. The existing policy is due for review by 1 July 2014.

Following a review of the Trading in Public Places Policy it is recommended this policy be retained essentially in its existing form with some minor changes as highlighted in the attachment.

This Policy was first adopted by Council at its meeting on 29 November 1994, with the most recent review of the Policy being approved by Council at its meeting of 10 May 2011. This Policy prohibits trading activity (without the consent of Council) for the purpose of selling any article in a public place. This policy decision followed the tragic death of a toddler associated with a mobile food vendor operating in the Campbelltown area in 1994.

Since the adoption of the Policy, Council's Rangers have actively worked to prevent all types of trading on public land including roadside flower and fruit sellers, ice cream vendors and home made goods/crafts sales.

Under the policy trading by commercial operators is generally prohibited except for Council or special approved events. Trading by not for profit organisations is permitted with Council's written approval.

More recently Council has received some feedback to suggest the Trading in Public Places Policy is too restrictive and therefore a new policy (ie a draft Street Trading Policy) is currently being developed. An outline of the terms of this new policy was presented to Councillors at a briefing on 25 February 2014 and a draft policy will be presented to Council later in the year. At this time it is envisaged that the current Trading in Public Places Policy will be rescinded upon adoption of the proposed Street Trading Policy.

In the interim however, the Trading in Public Places Policy is intended to continue to operate and be retained in its existing form with the exception of minor editing that does not effect the intent or operation of the policy.

It is therefore recommended that the changes outlined in the report, and highlighted in the attached revised Policy for Trading in Public Places be adopted.

Officer's Recommendation

1. That the revised Trading in Public Places Policy as attached to this report be adopted.
2. That a policy review date be set at 30 June 2017, unless the policy is rescinded beforehand.

Committee's Recommendation: (Rowell/Lound)

That the Officer's Recommendation be adopted.

Amendment: (Mead/Rowell)

1. That the revised Trading in Public Places Policy as attached to this report be adopted.
2. That a policy review date be set at 30 June 2017, unless the policy is rescinded beforehand.
3. That the draft revised policy be presented to Council at the August 2014 Planning and Environment Committee Meeting.

CARRIED

Council Meeting 1 July 2014 (Greiss/Thompson)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 105

That the Committee's Recommendation be adopted.

ATTACHMENT

		POLICY	
Policy Title	Trading in Public Places		
Related Documentation	Requirements for the Operation of the One Day Food Stalls		
Relevant Legislation/ Corporate Plan	Local Government Act, Section 68 - Approval of Activities		
Responsible Officer	Manager Compliance Services		

Policy details may change prior to review date due to legislative changes etc, therefore this document is uncontrolled when printed.

Objectives

1. To control trading in public places within the City area.
2. To preserve the amenity of the City area.

Policy Statement

1. The use of a standing vehicle, or any article, including a stand or the like for the purpose of selling any article in a public place without the written approval of the Council is not permitted.
2. Applications to Council for approval shall be made in writing stating the details of the applicant, the purpose for which the trading is required, the type of articles to be sold; the day, date and times that trading is proposed; and the location in which trading is proposed to be conducted.
3. Applications for approval will only be received from non-profit charitable and community organisations with the exception of those applications relating to those locations designated for the Fishers Ghost Festival, Ingleburn Alive Festival, Riverfest, Australia Day, New Years Eve or for other special events for which applications will be received from commercial operators.
4. Applications for approval to trade in public places will only be considered by Council at the following events/locations:
 - a) Fishers Ghost Festival - Street Fair;
 - b) Fishers Ghost Festival - Carnival at Bradbury Oval;
 - c) Ingleburn Alive Festival - Various sites in Ingleburn;
 - d) Riverfest - Koshigaya Park Campbelltown;

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- e) New Years Eve celebrations - Koshigaya Park Campbelltown;
 - f) Australia Day Celebrations - Koshigaya Park Campbelltown & Hallinan Park Ingleburn;
 - g) The pedestrian mall between Lithgow Street and Queen Street Campbelltown; and
 - h) At other locations/events approved by Council.
5. Any food preparation, handling, storage, display, labelling and distribution (including sale) must at all times comply with the provisions of the Food Act 2003 and the Food Regulation 2010.
6. Details of the types of food, where it is proposed to sell food, method of storage, handling, preparation, display protection and labelling methods must be provided with the application. Council's Environmental Health Officer should be contacted for any advice concerning Council's requirements before the application is submitted to Council
7. Any person trading in a public place without Council's written approval will be directed to cease trading and to leave the area when directed by an authorised Council Officer.
8. Authorised Council Officers may, without prior warning issue a penalty notice under the Local Government Act 1993 (penalty may exceed \$220.00) to any person trading in a public place, without Council's written approval.

Scope

This policy applies to all land that is a public place within the Campbelltown Local Government Area.

Definitions

application means an application made under Section 68 of the Local Government Act 1993.

approval means an approval issued by the Council pursuant to section 68 of the Local Government Act 1993

public place means:

- (a) a public reserve, public bathing reserve, public baths or public swimming pool, or
- (b) a public road, public bridge, public wharf or public road-ferry, or
- (c) a Crown reserve comprising land reserved for future public requirements, or
- (d) public land or Crown land that is not:
 - (i) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)), or
 - (ii) a common, or
 - (iii) land subject to the Trustees of Schools of Arts Enabling Act 1902, or
 - (iv) land that has been sold or leased or lawfully contracted to be sold or leased, or
- (e) land that is declared by the Local Government regulations to be a public place for the purposes of this definition.

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public reserve means:

- (a) a public park, or
- (b) any land conveyed or transferred to the council under section 340A of the Local Government Act 1919, or
- (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919, or
- (d) any land dedicated or taken to be dedicated under section 49 or 50 of the Local Government Act 1993, or
- (e) any land vested in the council, and declared to be a public reserve, under section 37AAA of the *Crown Lands Consolidation Act 1913*, or
- (f) any land vested in the council, and declared to be a public reserve, under section 76 of the *Crown Lands Act 1989*, or
- (g) a Crown reserve that is dedicated or reserved:
 - (i) for public recreation or for a public cemetery, or
 - (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the *Crown Lands Act 1989*,
 - (iii) being a Crown reserve in respect of which a council has been appointed as manager of a reserve trust for the reserve or for which no reserve trust has been established, or
- (h) land declared to be a public reserve and placed under the control of a council under section 52 of the *State Roads Act 1986*, or
- (i) land dedicated as a public reserve and placed under the control of a council under section 159 of the *Roads Act 1993*,

and includes a public reserve of which a council has the control under section 344 of the Local Government Act 1919 or section 48, but does not include a common.

public road means a road which the public are entitled to use.

public wharf means a wharf, boat ramp, jetty or other structure that is situated in, on or over water and that the public are entitled to use.

selling includes to barter, trade, offer, display for sale/auction any article, including the distribution of pamphlets or the collection of donations.

special event means a community event coordinated by Campbelltown Council that is similar to Fishers Ghost Festival, Ingleburn Alive Festival or Riverfest.

Legislative Context

The Local Government Act 1993 gives Council the ability to regulate activities such as street trading and makes it an offence to conduct street trading without the prior approval of Council. Whilst applications may be made to Council to trade in public places under Section 68 of the Act, Council's Policy limits applications to those from non-profit charitable and community organisations with the exception of special events where commercial operators are permitted with Council's approval.

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Since the adoption of Policy -Trading in Public Places, Council's Rangers have actively worked to prevent all types of trading on public land including Roadside Flower and Fruit Sellers, Soft Serve Ice Cream vendors and Home Made Goods/Crafts sales.

Principles

The main principle underpinning this Policy is public safety. Council first adopted this policy on 29 November 1994 following the tragic death of a toddler relating to a mobile food-vending operation in the Campbelltown area.

Other guiding principles include the protection of community health and the economic well being of business centres

By limiting trading in public places to organised events it is Council's intention to minimise negative impacts on local amenity and protect the safety of its residents while engaging in the purchase of goods from mobile traders.

Responsibility

Rangers from Council's Compliance Services Section are responsible for the enforcement of this Policy. Rangers are responsible for enforcing the provisions of the Policy in relation to unauthorised trading in public places, while staff from the Compliance Land Use Team are responsible for assessing applications for approval.

Effectiveness of this Policy

The Policy will only be effective if it actively enforced by Council. Therefore the effectiveness of the Policy will be measured by the number of complaints received from members of the public regarding unauthorised trading in public places.

END OF POLICY STATEMENT

5. GENERAL BUSINESS

Nil.

Confidentiality Motion: (Oates/Thompson)

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 8.21pm.

G Greiss
CHAIRPERSON
