

14. ANSWERS TO QUESTIONS WITH NOTICE

14.1 Answers to Questions With Notice

The following answers are provided to questions that were raised at Council's previous Ordinary meeting held 19 May 2015:

Councillor Kolkman - Traffic Study

Councillor Kolkman referred to the Traffic Study of the Campbelltown CBD and nearby street network recently presented to Council. This item was discussed in the Council Chamber and Councillor Kolkman made two specific requests to be included in the study when it was being undertaken:

- a. with the significant growth in the number of residents living within the study area as a consequence of apartment developments and to protect the amenity of residents who continue to reside in more traditional stand-alone houses, should Council contemplate introducing a resident parking permit system
- b. in light of the decision of the JRPP to permit the overdevelopment of apartments in Tyler Street with the anticipated consequence of log jamming the local street network could the Traffic Study please assess the load (volume) bearing capacity of local streets in the study area so that consideration can be given to how local planning controls might be modified to ensure that the local street network is not overloaded.

I do not recall seeing any reference to the above information when Councillors recently considered the Traffic Study. Could I please be advised when I might receive the information sought all those months ago?

Answer: The Traffic Study that was undertaken for the Campbelltown CBD was strategic in nature and included consideration of significant future residential and commercial development as identified in previous Councillor briefings and based on assumptions relating to development estimates that underpinned Council's exhibited Draft CLEP 2014.

Councillors are advised that the CBD Traffic Study considered the potential impacts of additional traffic generation arising from an additional 3,000 dwellings in the area generally bounded by the rail corridor, Moore Oxley Bypass and Broughton Street.

The CBD Traffic Study suggests that the local street network will have the capacity to accommodate the traffic generated by the estimated additional development, subject to a series of upgrade works being undertaken. These works will be included in a CBD traffic works strategy which will be funded by developer contributions and a cash contribution by Council.

Going forward, should it appear as though the overall development estimates for the area are likely to be exceeded, Council would undertake a review to identify any required additional upgrade works.

The CBD Traffic Study was not was not intended to consider parking. A separate Parking Study is currently in course of being commissioned and will be co-ordinated by Council's Planning and Environment Division with the assistance of Council's City Works Division. The project brief for that study includes consideration of parking demand management including the possibility of resident parking schemes, which must conform to RMS requirements.

The Parking Study will also examine parking generation rates for different types of development; the proportion of on-site versus public parking requirements relating to new development, the location of future public parking facilities, and a range of other strategic parking issues confronting the future of the Campbelltown CBD.

Council's Compliance Section have worked with the developers and builders of new apartment developments to encourage workers involved in CBD building projects to minimise the take-up of available on-street parking spaces. This pro-active approach will continue to be applied as the City Centre continues to develop.

Councillor Hawker - Campbelltown Stadium

1. What were the operational expenses associated with Campbelltown Stadium for the 2013-2014 financial year?
 - Please provide a detailed breakdown of all operational expenses including (but not limited to) turf maintenance, cleaning, electricity, contractor charges, internal-external security, employee cost, booking costs as well as indirect costs incurred in the operation of the Stadium.

Answer:

Contractor costs	\$38,781
Building maintenance	\$103,136
Ticketing	\$3,144
Cleaning	\$48,952
Employee costs	\$104,387
Event costs	\$55,194
Insurance	\$36,501
Marketing	\$12,225
Office expenses	\$5,534
Plant and equipment	\$12,764
Security	\$25,933
Turf maintenance	\$128,000
Utilities	\$46,405
Waste	\$4,261
Water consumption	\$30,582
	\$655,799

2. What was the operational income received from the activities and functions of Campbelltown Stadium for the 2013-2014 financial year?

- Please provide a detailed breakdown of operational income including (but not limited to) facility hire income, catering commission and ticket sales.

Answer:

Commissions	\$105,493
Sales and hire	\$168,015
	\$273,508

Overall subsidy of Council 2013-2014 \$382,291

The following answers are provided to questions that were raised at Council's Ordinary meeting held 21 April 2015.

Councillor Dobson - Cemetery Planning Proposal for 166-176 St Andrews Road, Varroville (Varroville cemetery proposal) - Pre Gateway Review - Item 2.7 of the Planning and Environment Committee held 14 April 2015.

1. In Council's submission to the JRPP Pre Gateway Review (letter from the General Manager Paul Tosi of 9 April 2014), why did Council officers not include corrections to the errors and omissions in its original report on the Varroville cemetery planning proposal (item 2.6 of the Planning and Environment Committee Meeting agenda of 4 March 2014) raised by the owners of Varroville House in their presentation to that committee?

Answer: The Council's General Manager received a letter from NSW Planning and Infrastructure on 3 April 2014 and Council was 'invited to provide its views about the proposal and/or provide a response detailing why the original request to Council was not progressed'.

Submissions made to the Planning and Environment Committee were not as such endorsed by that Committee. Accordingly the response to the Department's letter was mainly based on the discussion at the Council meeting.

The Council resolved at its meeting on 11 March 2014:

"That Council not support the planning proposal to permit the development of a cemetery on Lot B DP 370979, Lot 22 DP 564065 and Lot 1 DP 218016 known as No. 166-176 St Andrews Road Varroville".

As the Council resolution did not set out the reasons for its decision to not support the planning proposal, the General Manager and I discussed what we recalled were the main issues raised by the Councillors during the debate of the matter at the Planning and Environment Committee meeting (4 March 2014) and at the Council meeting (11 March 2014).

The General Manager and I collectively prepared a response to the Department's letter which conveyed what we both understood to represent concerns held by the elected Council over the matter.

2. Why did the letter of 27 October 2014 from the NSW Department of Planning (Varroville cemetery planning proposal) go straight to the November 2014 Council meeting rather than through the Planning and Environment Committee first?

Answer: The letter was received by Council on 29 October 2014 being after the report deadline (24 October 2014) for the preparation of the Planning and Environment Committee Meeting (4 November 2014) business paper. The letter and a report were submitted to the Council meeting held on 11 November 2014.

3. Why did the letter of 6 March 2015 (Varroville cemetery planning proposal) from the NSW Minister for Planning not go to the March 2015 Council meeting?

Answer: The Planning and Environment Committee (10 March 2015) business paper report deadline closed on 27 February 2015, a week before the letter was received by Council on 6 March 2015.

4. Has a Gateway determination on the Varroville cemetery planning proposal been made?

Answer: I understand that such a determination has not been made.

5. If a Gateway determination on the Varroville cemetery planning proposal has not been made, why did the Council officer suggest in the report at item 2.7 of the Planning and Environment Committee Meeting agenda that it had been made and that the next step would be a public exhibition?

Answer: The officer's report does not make mention of any Gateway determination having been made. The officer has advised me that the report is in error in so far as the suggestion to Council that the 'next step in the planning proposal process is for the relevant planning authority to place the planning proposal on exhibition...'

The officer has offered his apologies but has explained to me that the intent of his statement concerning the public exhibition was to try and highlight at what stage in the planning proposal process Council would have an opportunity to make a submission on the matter.

6. If a Gateway determination on the Varroville cemetery planning proposal has not been made, what steps can Council now take that would be effective in implementing its decision to have this proposal rejected?

Answer: It is understood that Council would be able to make a submission to the public exhibition of a planning proposal, in the event that a Gateway determination approves the public exhibition of the planning proposal.

An officer from NSW Planning and Environment has advised Council's planning staff that the Gateway Panel does not receive direct oral representations from interested parties.

Further, the officer has advised that there is no formal 'step' in the planning proposal process that would provide Council with a formal opportunity to make submissions to the Department of the Gateway Panel prior to determination.

In considering the particular issue, Councillors may wish to note that following the Council resolution of 21 April 2015, written submissions concerning the cemetery planning proposal have been made to the:

- Secretary of NSW Planning and Environment (Attachment 1)
- Sydney West JRPP (Attachment 2)
- Minister for Planning - The Hon Rob Stokes MP (Attachment 3).

These submissions clearly set out Council's objections and concerns relating to the cemetery planning proposal. A copy of Council's correspondence is attached for Councillors' information.

7. What assistance, professional or administrative, has any Campbelltown Council officer or Councillor provided to the NSW Department of Planning and Environment or JRPP in relation to the Varroville cemetery planning proposal since the December Council meeting of 2014?

Answer:

- i. I am aware that some of Council's planning staff, including myself, have had discussions with officers of NSW Planning and Environment over this matter, relating to the formal status of the planning proposal. I consider this not to be 'assistance' as implied by the question.
- ii. I am not aware of whether any particular Councillor has provided any assistance (professional or administrative) to the NSW Department of Planning and Environment or JRPP, in relation to the Varroville cemetery planning proposal since the December Council meeting of 2014.

That may be a matter for each Councillor to consider.

8. Since Council's March 2014 meeting, has any Council officer or any Councillor acting in an official capacity for Campbelltown Council told anyone in the Department of Planning that Campbelltown Council staff still support the Varroville cemetery planning proposal proceeding?

Answer:

- i. I am aware that the relevant planning staff involved with the preparation of the report to the Council's Planning and Environment Committee considered at the Committee meeting on 4 March 2014, continue to publicly stand by that report and the recommendations contained therein.

I am also aware that a number of other Council planning staff members, have expressed their view to me that they also support the merits of the Varroville cemetery planning proposal.

In discussing matters associated with the Varroville cemetery planning proposal, with officers of NSW Planning and Environment, I have when and where necessary, always distinguished between the Council's position on the matter and those views of my own as the Director (which are consistent with the content and recommendations expressed in the Council officer's report mentioned above).

- ii. I am not aware of whether any particular Councillor has told anyone in the Department of Planning that Campbelltown Council staff still support the Varroville cemetery planning proposal proceeding.

That may be a matter for each Councillor to consider.

9. Why has nothing been recorded on any government website in relation to this proposal since September 2014, and why has Council not requested greater transparency?

Answer: The matter of maintenance of government websites is a matter for the relevant government authority/agency.

If I could be advised of which government websites are of specific concern I will arrange for enquiries to be made of those government authorities/agencies responsible, and report back to Council on the outcome.

10. When is the proposal expected to go on public exhibition?

Answer: Neither I nor my relevant staff know when this planning proposal will go on public exhibition.

As suggested above, my understanding is that the planning proposal must first be referred to the Gateway Panel for determination before any consideration can be given to any arrangements for public exhibition.

11. How will Councillors, affected landowners and the community be informed about the public exhibition?

Council is not the Relevant Planning Authority with respect to the Varroville cemetery planning proposal. The former Minister for Planning, The Hon Pru Goward MP had advised Council that the Sydney West Joint Regional Planning Panel had been selected as the alternate Relevant Planning Authority for this matter. The Minister stated in a letter to Council dated 4 March 2015 that the Panel has:

"been instructed to prepare and administer the planning proposal on my behalf."

Accordingly, it is understood that the Panel would be responsible for exhibition of the planning proposal. Should the matter proceed past the Gateway, Council will make contact with the Panel Secretariat to identify the proposed means of notification of any public exhibition.

Notwithstanding, Council's recent correspondence to the Secretary of NSW Planning and Environment and the Sydney West JRPP (please see Attachment 1) has raised the concerns of Council and requested that certain arrangements be put into place with respect to any future public exhibition, including a request for a public hearing to take place.

Further, once Council is made aware of any public exhibition and notification arrangements, Councillors will be advised by Weekly Memorandum and/or report to Council, dependent upon timing of the public release of any exhibition details. In addition, it is intended that the following notification arrangements will be put into place:

- Announcement of public exhibition details on Council's website
- Preparation and circulation of a media release concerning public exhibition details
- Advertisements taken out in both local newspapers announcing the exhibition details
- Notification details exhibited at the Civic Centre, HJ Daley Library and at the Ingleburn Library.

The following answers are provided to questions that were provided with notice for Council's Ordinary meeting held 9 June 2015.

Councillor Dobson - Mt Gilead Urban Release Area - Request Public Exhibition - Planning Meeting - Item 2.2 - Planning and Environment Committee held 14 April 2015.

1. Does this report cover all the important material/research available to date in a holistic factual way that Councillors can make an informed decision in the best interests of Campbelltown and Appin communities?

Answer: Yes.

2. Is it correct the RMS and Transport for NSW approved the Appin Road Study going on Public Exhibition? Provided a variable planning agreement (VPA) was in place with the Proponents?

Answer: RMS did not raise any objection to the plan being publicly exhibited subject to the following being addressed:

"the development shall be set back a minimum of 20 metres from the existing Appin Road western boundary along the full length of the development frontage (maintaining a 40 metre corridor). The land is to be dedicated at no cost to Government through an appropriate agreement. This land shall be shown as SP2 Infrastructure 'Classified Road' on the LEP land acquisition and zoning maps."

RMS also advised that it would not enter into negotiations on the Regional VPA until it had received formal referral from Council of the planning proposal as part of the formal public exhibition and agency consultation process.

3. Has a VPA been signed for the Appin Road upgrade?

Answer: Council is not aware of any VPA having been signed regarding State infrastructure.

4. Are there any Written Signed Agreements from the relevant State authorities (VPAs) in place for the funding of the entire required Infrastructure for the Mount Gilead Development?

Answer: Not that Council is aware of.

5. Has provision been made with the NSW Government (VPA) for a corridor through this development so wildlife including koalas can travel between the Georges and Nepean Rivers?

Answer: No, but provision has been made to zone the land to provide for a wildlife movement corridor from Noorumba Reserve through the site and ultimately to the Nepean River and Beulah Forest. This land within the release area is proposed to be dedicated to Council. It should be noted that the planning proposal has been referred to NPWS for its consideration as part of the formal exhibition process.

6. Given the State Significance of Mt Gilead's Heritage and Environmental position being the shortest point between two major river sources the Georges and Nepean Rivers are there any written Agreements in place for the Wildlife corridor between the developer and the National Parks and Wildlife Services if not what are the reasons given the position of Mt Gilead?

Answer: Council officers are not aware of any such agreements. However it is noted that the shortest point between the Georges and Nepean Rivers is actually through the Beulah site which lies south of the subject land and is not part of this planning proposal.

7. Including the signing over of the corridor/corridors to the State Government National Parks and Wildlife Services for their ongoing care and control and maintenance?

Answer: Council's internal environment staff have reviewed the proposed wildlife movement corridor and have raised no objections. Also the planning proposal has been forwarded to NPWS for comment.

8. Has any negotiations taken place to decide the size position width of an appropriate corridor by independent experts that are not aligned to this development?

Answer: Council's internal environment staff have reviewed the proposed wildlife movement corridor and have raised no objections. Also the planning proposal has been forwarded to NPWS for comment.

9. Is it true that for this development to be connected just to potable water from the Rosemeadow Reservoir the costs will be about Forty Million Dollars?

Answer: Council has been advised by Sydney Water that water supply to the proposed released area can be provided from the Rosemeadow water system. Council officers are unaware of the cost.

10. The Department of Planning has told this Council that there is no funding available for South Campbelltown from this State Government. On that statement who would be providing the funding for the totality of the entire infrastructure that is necessary?

Answer: The developer would be responsible for liaising with Sydney Water and Transport for NSW with regard to the provision of infrastructure to service any proposed urban development at Mt Gilead.

All service authorities have advised that the site can be serviced.

11. Didn't the majority of Councillors present, at the February Council meeting agree that there should be a holistic approach to the development of South Campbelltown?

Answer: Council resolved at its meeting held 17 February 2015 that:

1. This matter be deferred until Councillors have received all reports in relation to this matter.
2. Council be provided with a briefing highlighting the holistic approach that is required for this development and further developments in Campbelltown South to proceed.
 - A copy of the Mt Gilead technical studies were provided to all Councillors.
 - A briefing was given to Councillors by the Mt Gilead consultants on behalf of the proponents on Tuesday 24 March 2015.
 - Another briefing to Councillors was given by Mr Brendan O'Brien (representative of NSW Planning and Environment) on Tuesday 31 March 2015 with regard to the Greater Macarthur Investigation Area.

Councillors subsequently resolved to permit the public exhibition of the Mt Gilead Planning Proposal and associated documentation at its meeting held 21 April 2015.

12. Why didn't the planning report on Mt Gilead reflect those Councillors concerns and cover all the monumental issues in a complete and holistic approach in the best interests of the Campbelltown Community and Communities across our region before any consideration is given to putting Mt Gilead on Public Exhibition until a holistic approach to Developing South Campbelltown is achieved?

Answer: It is considered that the report requesting approval for the public exhibition of the planning proposal was sufficient for the Councillors to make a decision. Also it is noted that Council will receive formal comment from a wide range of government agencies and potentially from the community as a result of the public exhibition and these comments will be reported to Council in due course.

13. Councillors need to be fully informed to what is going on south of the Campbelltown border. Has any further Development of the Appin area been put on hold for a number of years?
14. If so Why?

Answer: Investigative work has already commenced within the Department of Planning and Environment with regard to developing a strategic position on the future of the Greater Macarthur Investigation Area. However, a number of planning proposals for the area are currently under consideration by Wollondilly Council. Of these, two have already received a Gateway determination (one for 340 residential lots and the other for 32 residential lots).

15. Old Mill Company Consultants said to Councillors on a recent briefing night the Developer would put twenty million dollars into the Appin Road directly in front of the development site. Wouldn't the owners have to agree to do this in a formalised planning agreement first with the RMS?

Answer: Any upgrade to Appin Road would require the concurrence and approval of the RMS. This process is part of current negotiations taking place between the proponents and RMS with regard to the Regional VPA.

16. How many owners own the Mt Gilead property who are they?

Answer: The owners are listed in the report to Council dated 14 April 2015.

17. Are there any other disputes or conflicts between owners with in this development that have not been brought to Councillors attention?

Answer: If there are any disputes between the owners (and we do not know) they are not relevant to Council's assessment of planning and environmental issues.

18. Are the consultants for Mt Gilead working on a no win no fee basis if so how much can Councillors rely on the reports they have presented?

Answer: We are not aware of the fee arrangements for the consultants. All reports will be assessed by Council officers or where necessary by the appropriate public agency.

19. Whom is the actual developer is it the consultants of Old Mill Pty Ltd or some other body waiting behind presented events?

Answer: The proponents for the rezoning are identified in the report. If the land is rezoned development applications can then be made. Any development consent will not be personal to the applicant for consent but will run with the land in accordance with the law.

20. Can I have a full copy of Brendan O'Brien's briefing to Council titled Great Macarthur Urban Investigation area dated March 31 2015. I have already asked verbally for the same on the night of the briefing continued verbal requests. If I cannot have a copy please explain the reasons?

Answer: Mr Brendan O'Brien of NSW Planning and Environment has been requested to provide Council with a copy of his powerpoint presentation briefing.

21. Shouldn't Council make certain detailed comprehensive evaluations of the environmental impacts of this development are undertaken in the following key headings?

- Air Quality
- Soils Geology and Groundwater
- Visual Assessments
- Traffic and Transport
- Noise and Vibration
- Flora and Fauna
- Power.

Answer: Council officers have reviewed the information submitted with the application for the proposed rezoning of the subject land, and further expert review will take place as part of the government agencies' consideration of the planning proposal whilst it is on formal public exhibition.

22. Are we turning our Planning Drafts into a process line so we can just march through ticking the boxes?

Answer: No, the process undertaken with this planning proposal is exactly the same as that undertaken for the rezoning of the much larger Edmondson Park, East Leppington and Menangle Park Urban Release Areas and is in accordance with the provisions of the Environmental Planning and Assessment Act and Regulation.

23. Given that Mt Gilead is the narrowest position of land between two Major Rivers the Nepean and Georges shouldn't this application be set aside until more Comprehensive and Collective reports are done by all the relevant Government Bodies that should be involved so the Community has complete access to all the facts?

Answer: Council will review the formal submissions received from government agencies with regard to the planning proposal, as part of the formal exhibition process. As noted above (question 6) the shortest distance between the two rivers is through Beulah south of the land subject to this planning proposal.

- 23b. Have the concerned river committees for the Georges and Nepean Rivers been engaged in the fact that housing development is being proposed at Mt Gilead?

Answer: The planning proposal has been forwarded to GRCCC and Local Land Services for comment.

- 23c. What is their concerns and advice on impacts to the Rivers?

Answer: No comment received yet although the public exhibition period runs until 30 June 2015.

24. Who has signed off on all the Aboriginal sites at Mt Gilead regarding this development?

Answer: Glenda Chalker from Cubbitch Barta Native Title Claimants has been involved in this planning proposal. Also this proposal has been forwarded to Darug Aboriginal Land Care, Darug Aboriginal Cultural Heritage Assessments and to Tharawal Local Aboriginal Land Council for comment as part of the formal public exhibition of the planning proposal.

- 24b. Are the persons who signed off on the Aboriginal Sites on Mt Gilead still the current consenting authority as of the planning meeting held 14 April 2015?

Answer: Please refer to the response to question 24 above.

- 24c. If not, has the current consenting authority changed its position on the protection and long term preservation of Aboriginal sites on Mt Gilead can you please update?

Answer: N/A.

25. Are the developers putting together their own reports through a third party (Old Mill Pty Ltd) to suit this development who are the developers?

Answer: Council requested that all relevant technical studies be prepared by consultants. These studies were then reviewed by Council officers and were amended where they were considered to be deficient. All technical studies have now been referred to relevant government agencies and service providers for their comments.

25b. Shouldn't Councillors know who the developer is; they are dealing with in case any conflict of interests should arise?

Answer: The land owners and applicants for the rezoning have been identified in the reports to Council. Any development applications will also need to identify land owners and applicants for consent.

25c. Why are the Proponents putting in third party consultations for Development at Mt Gilead isn't this giving our Communities poor planning outcomes?

Answer: Please see answer to question 25.

25d. How is this classed as independent reports that anyone can rely on factually?

Answer: Please see answer to question 25. The Land and Environment Court has consistently determined that a Council is entitled to consider and rely upon the reports of the independent consultants. But there must be a proper consideration of those reports. All necessary expert reports have been or will be assessed by appropriately qualified Council staff or by the appropriate public agency.

25e. Who comprehensively checks the reports?

Answer: The reports are reviewed by Council officers and will also be further reviewed by government agencies as part of the formal public exhibition process.

26. Planning and Environment Meeting April 5 2011 Page (93) Campbelltown Heritage Study and Register Review in New Comprehensive LEP to endorse significant levels for Heritage items and groups - this list included the Mt Gilead Group at Mt Gilead.

Answer: No question here.

27a. The report stated that Council write to NSW Department Planning Heritage Branch after undertaking further consultation with owners to request listing, the property is of State significance has this task been completed given the entire Environmental and Historical value of the property and all it encumbers?

Answer: This work was deferred until the CLEP 2014 was finalised. Council staff are about the commence this detailed investigation as required by Council's resolution.

28. If the State Government is looking at Housing Development throughout South Campbelltown shouldn't it be a holistic approach in protecting the impacts on Community, two major River Systems and all the Infrastructure needed to support this proposal is addressed Funded and Planned for prior to going out on any Public Exhibition so that community knows and understands it's just not a systematic exercise to stamp this approval for more profits for an unknown developer who sits in the wings of this proposal?

Answer: Public exhibition provides the community and government agencies with an opportunity to comment on any planning proposal which Council considers is worthy of publicly exhibiting.