

PART ONE

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 7 December 2010.

APOLOGIES

ACKNOWLEDGEMENT OF LAND

DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

ITEM	TITLE	PAGE
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PART ONE

1. WASTE AND RECYCLING SERVICES

1.1 Quarterly Statistical Report - First Quarter 2010/2011

2. ENVIRONMENTAL PLANNING

2.1 Council's involvement with ICLEI - Council's for Sustainability

2.2 Public exhibition of the Environmental Assessment for the Camden Gas Project

2.3 Submission to the Public Exhibition of the Metropolitan Strategy Review and the Metropolitan Transport Plan

2.4 Sanitary Facilities in Non-Residential Development

PART TWO

3. DEVELOPMENT SERVICES

3.1 Development Services Section Application Statistics - November 2010

3.2 Shop 21 Nos. 25-35 Dumaresq Street, Campbelltown - Use of premises for retail sale of aerosol spray paints and clothing

3.3 Nos. 16-26 Dumaresq Street, Campbelltown - Use of Level 1 as an internet gaming café, section 96 modification application

3.4 No. 4 Karuah Street and No. 12A Caroola Street, Campbelltown - Construction of three dwellings on a single allotment and three lot torrens title subdivision

4. COMPLIANCE SERVICES

4.1 Legal Status Report

ITEM	TITLE	PAGE
4.2	Compliance Services Section Quarterly Activity Summary Report July to September 2010	
4.3	Feasibility of Designating all School Zones as Alcohol Free Zones	
4.4	Ranger's Patrolling on Bicycles	
5.	GENERAL BUSINESS	
18.	CONFIDENTIAL ITEMS	
18.1	Confidential Information relating to items on the Planning and Environment Agenda 7 December 2010	

Minutes of the Planning and Environment Committee held on 7 December 2010

Present Councillor R Kolkman (Chairperson)
Councillor J Bourke
Councillor G Greiss
Councillor P Hawker
Councillor R Thompson
General Manager - Mr P Tosi
Director Business Services - Mr M Sewell
Director Planning and Environment - Mr J Lawrence
Manager Environmental Planning - Mr P Jemison
Manager Development Services - Mr J Baldwin
Manager Community Resources and Development - Mr B McCausland
Executive Assistant - Mrs D Taylor

Apologies (Thompson/Hawker)

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

CARRIED

Acknowledgement of Land

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

DECLARATIONS OF INTEREST

There were no Declarations of Interest at this meeting.

1. WASTE AND RECYCLING SERVICES

1.1 Quarterly Statistical Report - First Quarter 2010/2011

Reporting Officer

Manager Waste and Recycling Services

Attachments

Nil.

Purpose

To provide a quarterly update of the domestic waste and recycling tonnages, diversion rates and requests received for waste-related services during the first quarter of 2010/2011, which is the period from 1 July to 30 September 2010.

History

Quarterly statistical reports have been provided to Council for a number of years. Due to an anomaly with tonnage information provided by Council's processing and disposal contractor, no reports have been available for some time. With the anomaly now resolved and accurate data now available, the quarterly statistical reports have now been reinstated.

Report

For the purpose of this report, 'domestic waste' refers to waste disposed of in household general waste, recyclables and garden organics bins, as well as waste collected at booked kerbside clean ups.

Figure 1 illustrates the tonnage of domestic waste collected during the first quarter of 2010/2011, compared with the tonnages collected during the first quarters of 2007/2008, 2008/2009 and 2009/2010.

It is disappointing to note that the amount of general waste produced for the first quarter has increased in 2010/2011, with recyclables tonnages decreasing for the quarter. However, with the Advanced Waste Technology facility now operational at the Macarthur Resource Recovery Park (MRRP), recyclable materials are now extracted from the general waste stream and recycled, which increases resource recovery and results in a reduced proportion of the general waste stream being sent to landfill. More information about the MRRP is provided later in this report.

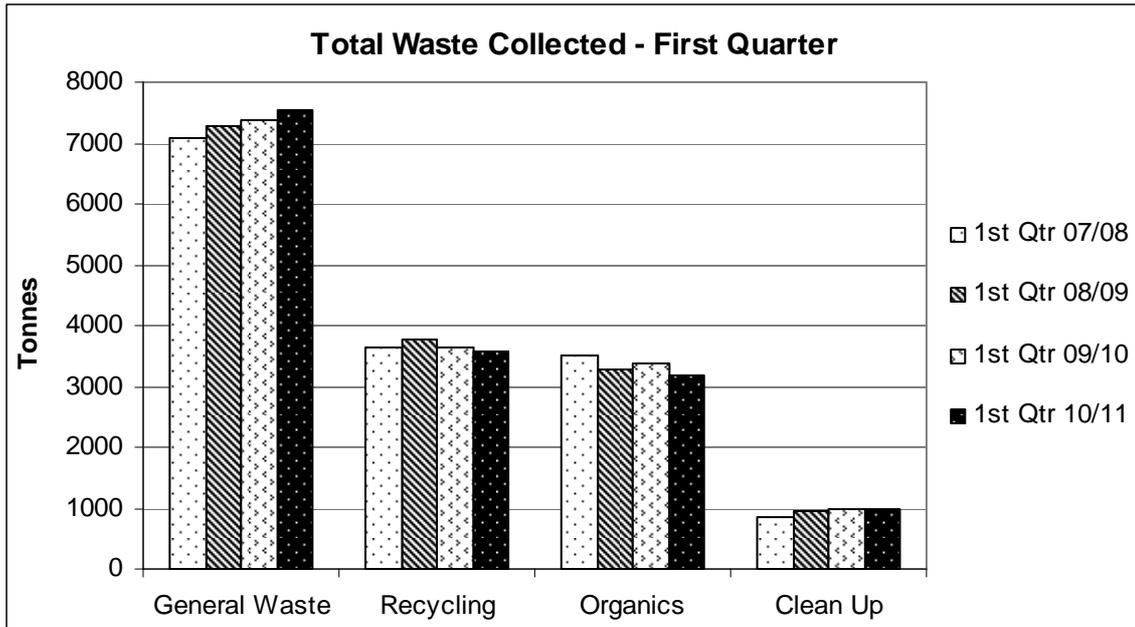


Figure 1: Comparison of tonnages collected during the first quarters of 2007/2008, 2008/2009, 2009/2010 and 2010/2011

The NSW Government, under the Waste Avoidance and Resource Recovery Strategy 2007, has set a target for NSW Councils to divert 66% of municipal waste from landfill by 2014. At the end of the first quarter, Council's total diversion rate across all waste streams was 61%, with nearly 9300 tonnes of waste diverted from landfill for the quarter.

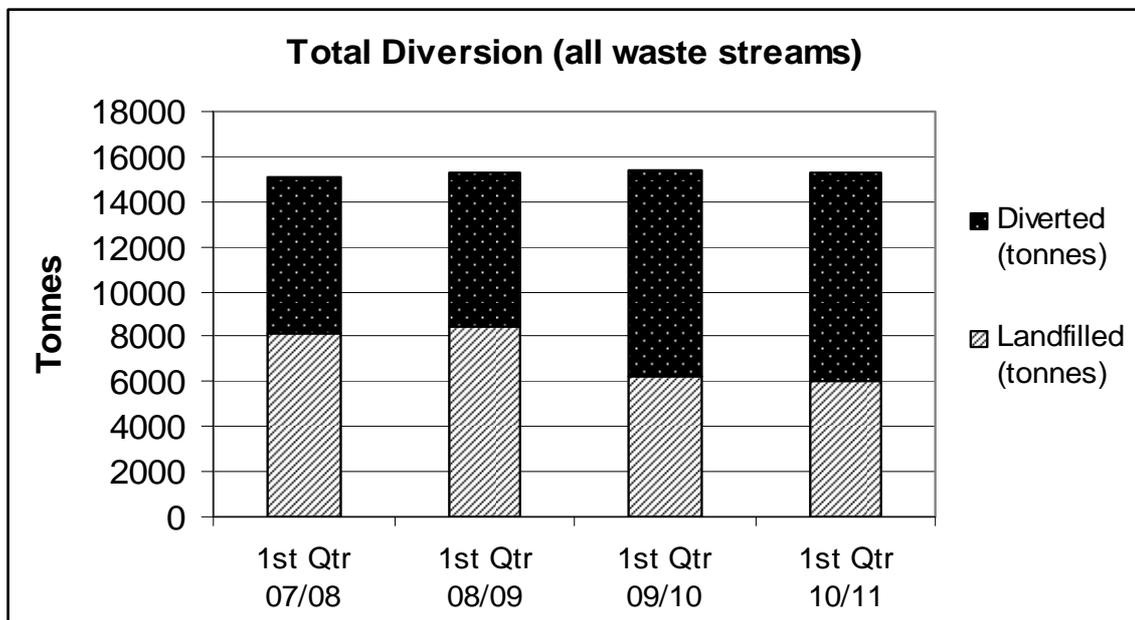


Figure 2: Comparison of total diversion rates

Figure 2 shows the improvement in total diversion rates seen over the past four years. The increase in diversion rates seen in 2009/2010 and 2010/2011 is a result of the Advanced Waste Technology facility at the MRRP becoming operational. This facility increases capacity for resource recovery by using the 'Arrowbio' process to treat general waste.

The 'Arrowbio' process uses anaerobic digestion to convert organic material in the general waste stream into fertiliser and methane gas, which is used to generate green electricity. The waste also undergoes a mechanical separation process, which extracts recyclable materials such as plastic bottles and aluminium cans from the waste stream for recycling.

Figure 3 illustrates the diversion rate for general waste for the first quarter of 2010/2011, in comparison with the first quarter of 2007/2008, 2008/2009 and 2009/2010.

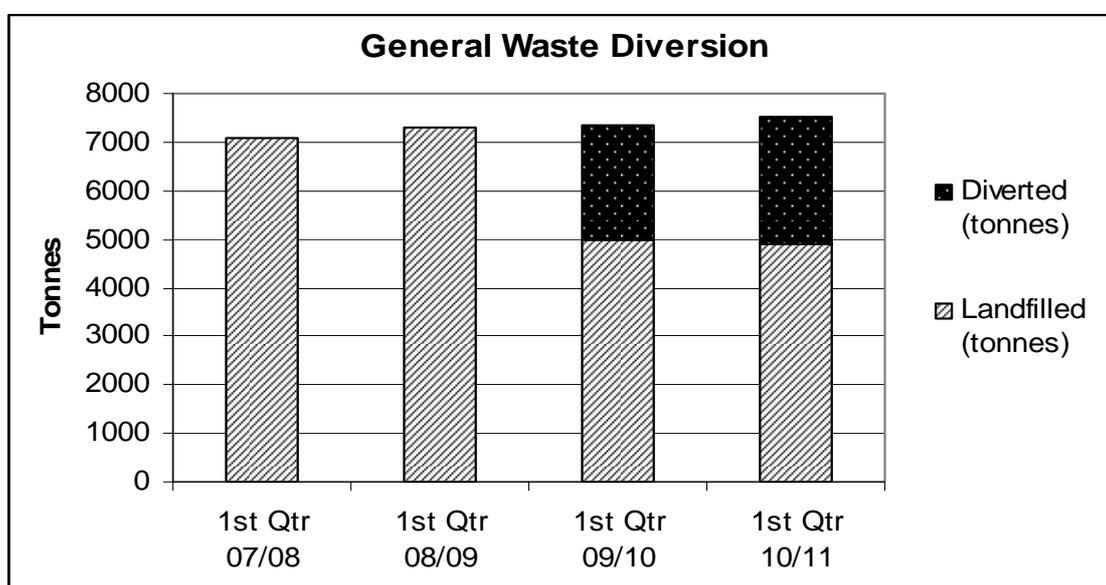


Figure 3: Comparison of diversion rates for general waste

As mentioned above, June 2009 saw the 'Arrowbio' facility at the MRRP become operational, which has significantly improved diversion rates for general waste. Prior to the construction of the 'Arrowbio' facility, all general waste delivered to the site was sent to landfill as shown in 07/08 and 08/09 in the above graph. The diversion rate for general waste during the first quarter of 2010/2011 was approximately 35%.

While major changes occurred to the method of processing of general waste in 2009, the method of processing of recyclables has remained much the same. As a result, the recyclables diversion rate remains consistent at approximately 95%. During the first quarter of 2010/2011, more than 3400 tonnes of recyclable materials were diverted from landfill and sent to third parties for recycling.

As part of the construction of the MRRP, an 'Ecolibrium' organics processing facility was constructed on the site to accept the garden organics that were previously delivered to Camden Soil Mix. The 'Ecolibrium' facility utilises an enclosed 'tunnel composting' method, which reduces odour emissions and speeds up the composting process by ensuring that material is kept at optimum temperature and moisture levels throughout the process.

The 'Ecolibrium' organics processing facility has been operational and accepting garden organics since 2008. Diversion rates have not changed significantly as a result of the change in processing facility and remain consistent at approximately 97%.

During the first quarters of 2007/2008 and 2008/2009, all general clean up waste was sent to landfill. The tonnes diverted during these quarters represent recyclable metals, such as whitegoods, which are collected as part of the kerbside clean up service and sent to a third party for recycling. As of June 2009, some sorting of clean up waste has occurred, which has resulted in an increase in the diversion of clean up waste from landfill. It should be noted that the figures for the first quarter of 2009/2010 and 2010/2011 do not include the tonnages for recyclable metals collected as part of the kerbside clean up service, as accurate data is no longer collected by Council's collection contractor for metals collections. The comparison of diversion rates for clean up material during these periods is shown at Figure 4.

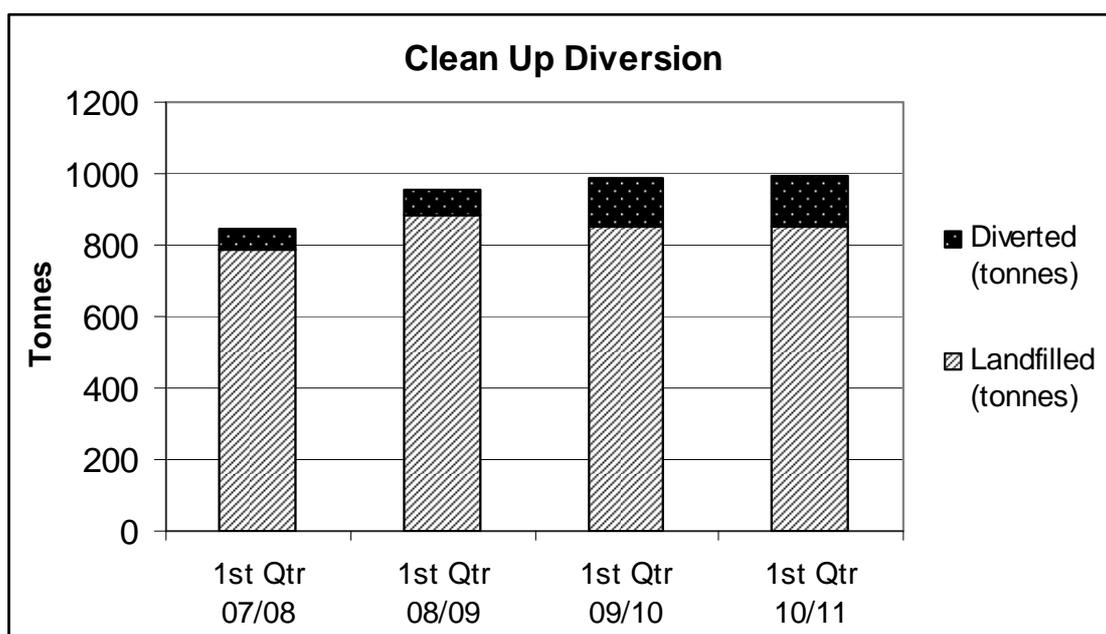


Figure 4: Comparison of diversion rates for kerbside clean up waste

Figure 5 shows the amount of kerbside waste and recycling generated per capita for the first quarter of 2010/2011, in comparison with the first quarters of the previous three financial years. While the total amount of waste generated per capita has remained constant at approximately 95kg per person since 2007/2008, generation of recycling and organics has declined slightly, while generation of general waste has increased. This is in line with the waste generation trends illustrated in Figure 1.

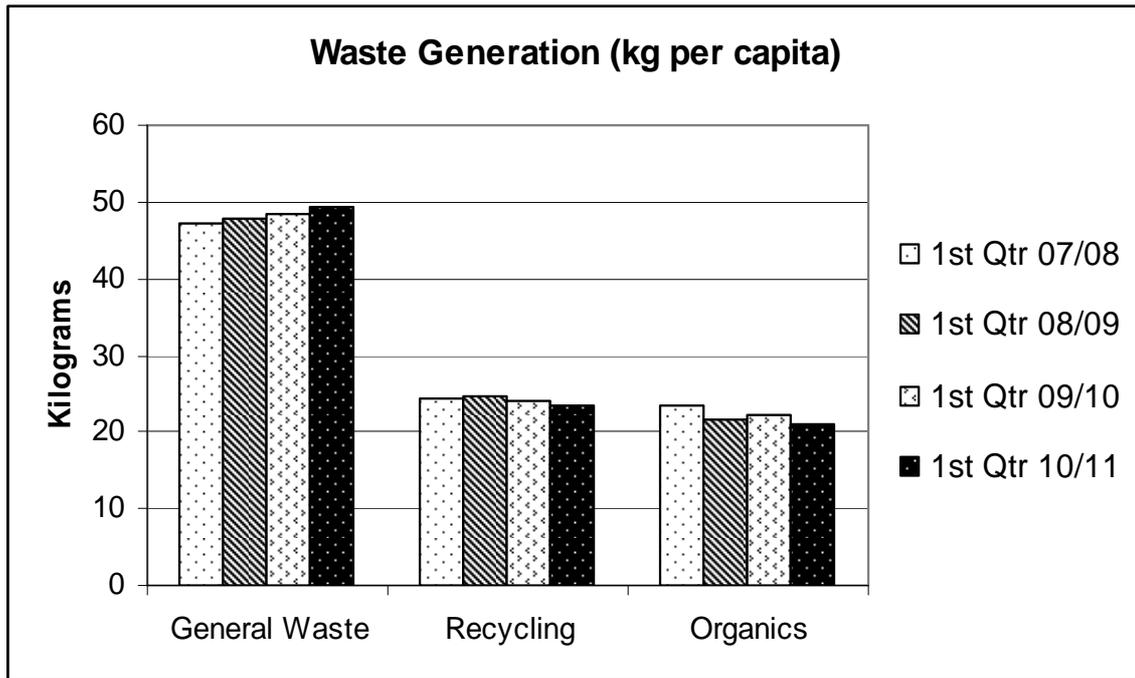


Figure 5: Comparison of waste generation rates

Figure 6 shows the number of customer service requests received by request type for the first quarter of 2010/2011.

Due to the decline in bookings for kerbside clean up services, regular, ongoing advertising will be carried out to ensure that residents are aware of the clean up service. The first phase of this advertising campaign was carried out between August and November 2010, and included articles in Compass, the Macarthur Advertiser and Macarthur Chronicle, inclusion in 'Council Hour' on 2MCR and advertising on C91.3. Further advertising will be carried out in early 2011.

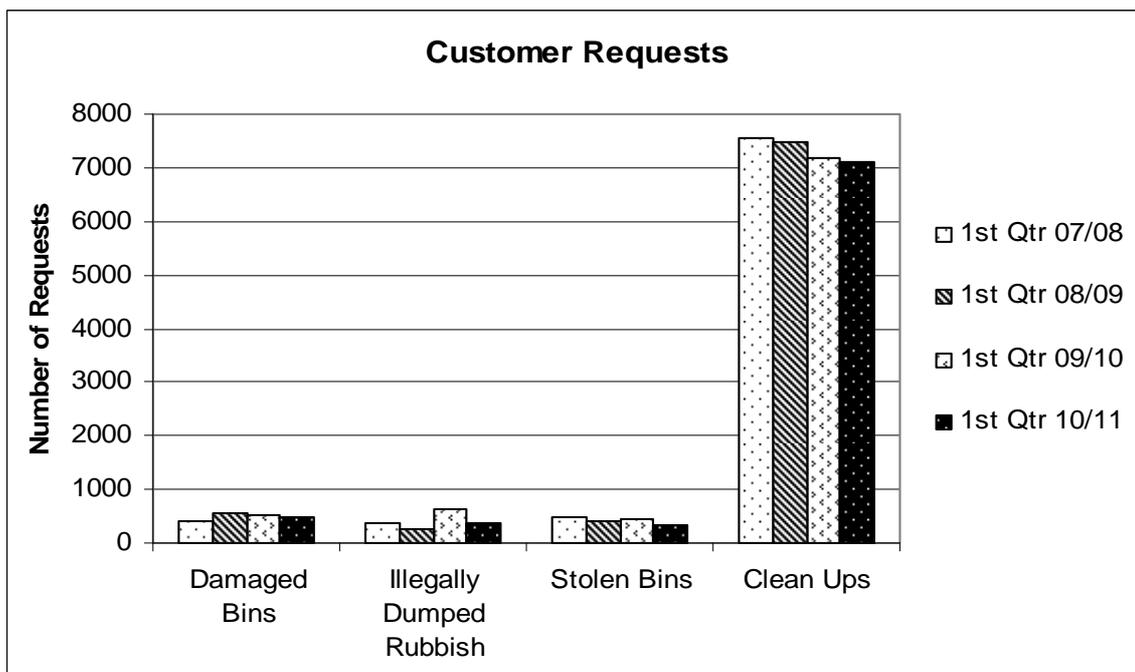


Figure 6: Comparison of customer requests

Conclusion

Council's Waste Management Strategy includes two major objectives:

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

The information contained in this report indicates that the amount of general waste produced by residents continues to increase gradually each year, which highlights the importance of ongoing community education in relation to waste management. In addition to increased resource recovery from the general waste stream that now takes place at the Macarthur Resource Recovery Park, Council continues to develop campaigns and programs to educate residents about correct recycling practices, and reducing overall waste generation.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Hawker/Bourke)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 December 2010 (Kolkman/Rule)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 240

That the Officer's Recommendation be adopted.

2. ENVIRONMENTAL PLANNING

2.1 Council's involvement with ICLEI - Council's for Sustainability

Reporting Officer

Manager Environmental Planning

Attachments

Nil

Purpose

To update Council on it's involvement with the International Council for Local Environmental Initiatives (ICLEI) – Councils for Sustainability.

History

In May 2007, Council considered a report on the Cities for Climate Protection (CCP) Program. The report recommended (in part) that Council join and participate in the CCP Program and become a member of the International Council for Local Environmental Initiatives (ICLEI-Councils for Sustainability).

In October 2007, Council received formal notification from ICLEI-Council's for Sustainability, that Council's application to join and participate in the program was successful.

On the 14 May 2009, ICLEI-Councils for Sustainability, received advice from the Australian Government that, as of the 30 June 2009, Federal funding support for the CCP Program would conclude. The decision to cease funding arose as an outcome of the 'Strategic Review of Australian Government Climate Change Programs (the Wilkins Review). The Wilkins Review was conducted in 2008 to determine whether existing climate change programs were efficient, effective and complementary to the Government's proposed Carbon Pollution Reduction Scheme (CPRS). The Wilkins Review considered 62 climate change programs and made recommendations with respect to whether or not they were complementary, transitional or non-complementary to the CPRS.

In the absence of funding support from the Australian Government, ICLEI-Councils for Sustainability subsequently concluded its CCP Milestone support program and projects. In June 2009, Council considered a report which provided information on a refocussed initiative of ICLEI-Councils for Sustainability, i.e. the CCP Partners Program. Following consideration of this report, Council resolved (in part):

“That Council pay \$3,150 to benefit from the CCP Partners Program for the 2009/10 financial year”.

Report

As outlined in the report endorsed by Council in June 2009, the CCP Partners Program espoused to provide support to those who decide and influence policy, budgets and work-plans.

Council's membership with ICLEI-Councils for Sustainability has provided it with quarterly newsletter updates and a network to support Australian and international advocacy on sustainability and climate change. Notwithstanding the value of this service, it is considered that the benefits provided by the program do not significantly complement Council's current activities. Council has a strong commitment to energy management and sustainability which is driven by the elected Council and the Sustainability Committee.

At this point in time, Council's Sustainability Committee is focussed on developing policies and plans to guide the implementation of initiatives in a cost effective and strategic manner. It is recommended that the services provided by ICLEI-Council's for Sustainability be noted in the development of these policies and plans, and those of value be considered by Council when determined to be strategically appropriate.

Officer's Recommendation

1. That Council does not subscribe to the CCP Partners Program in the 2011/2012 financial year.
2. That Council consider the services provided by ICLEI-Council's for Sustainability during the development of sustainability related plans and policies.

Committee's Recommendation: (Thompson/Bourke)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 December 2010 (Kolkman/Rule)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 240

That the Officer's Recommendation be adopted.

2.2 Public exhibition of the Environmental Assessment for the Camden Gas Project

Reporting Officer

Manager Environmental Planning

Attachments

1. Location map of the major components of Stage 3 of the Camden Gas Project (Distributed under separate cover).
2. Summary of Council's previous submissions in regard to the Project and applicable comments from relevant New South Wales State Government Agencies (Distributed under separate cover).
3. Draft submission from Council on the EA placed on public exhibition for the Project (Distributed under separate cover).
4. Details of the requirements for the peer review of the groundwater component of the EA and key findings (Distributed under separate cover).
5. Location map of individual well sites within the Campbelltown LGA (Distributed under separate cover).
6. Summary of issues and constraints associated with each well site (Distributed under separate cover).
7. Location map of urban areas requested to be deleted from the project area within the Campbelltown LGA (Distributed under separate cover).
8. Peer review report prepared for Council by a groundwater specialist consultant (to be tabled).

Purpose

To advise Council of the outcomes of a review of a "Major Project" Application under Part 3A of the Environmental Planning and Assessment Act 1979 for Stage 3 of the Camden Gas Project. The report recommends that Council make a submission to the Department on the Environmental Assessment that is consistent with previous Council submissions in regard to the project, objecting to the project in its current form.

History

At its Ordinary Meeting on 4 May 2010, Council considered a report concerning the outcomes of a review of the draft Environmental Assessment associated with Stage 3 of the Camden Gas Project. Following its consideration of this report, Council resolved to endorse a submission to the Department of Planning (DoP) which objected to the application on a number of grounds.

In September 2010, Council was subsequently provided with a copy of an amended draft EA by the DoP as well as information outlining AGL's response to comments previously made by Council as well as relevant Government Agencies including the New South Wales Office of Water (NOW) and the Department of Environment, Climate Change and Water (DECCW). A presentation on key aspects of the amended EA, applicable comments from Government agencies and Council's proposed submission was provided to Councillors at a briefing session on 5 October 2010. At its Ordinary Meeting on 19 October 2010, Council subsequently resolved to endorse the submission on the draft EA, which again objected to the project on a number of grounds.

On 25 October 2010, Council received notification from the DoP that the EA was to be placed on public exhibition from the 26 October 2010 to 7 December 2010. Council approached the DoP with a request to extend the submission period to enable the full Council to consider the matter at its meeting scheduled for 14 December 2010. Council was granted permission by the Department to lodge its submission by 15 December 2010.

Report

Background information

(i) Details of the Camden Gas Project (Stage 3)

The applicant (AGL) is seeking approval from the New South Wales Department of Planning for Stage 3 of the Camden Gas project (CGP) to extract coal seam methane gas from coal seams in the southern coalfields (the project). Stage 3 of this project (the northern expansion) extends activities associated with Stages 1 and 2 of the CGP approved by the NSW Government in 2002 and 2004 respectively. The major components of the project, as outlined in the original draft EA, were as follows:

- The construction and operation of gas wells at up to twelve (12) locations including six (6) well heads in the Campbelltown Local Government Area (LGA) and five (5) in the Camden LGA;
- The construction of a gas processing plant in the Scenic Hills;
- The construction and operation of associated gas gathering and water lines;
- The construction of access roads and ancillary infrastructure, including storage yard(s) where required; and
- Subsurface drilling of lateral well paths within the boundaries of the Subsurface Project Area.

The location of Stage 3 of the CGP (project area) and its major features is presented in Attachment 1 (Map 1).

(ii) Details of Council's previous submissions on the draft EA and response by AGL

The following discussion summarises the major concerns and requested amendments contained in Council's submissions to the DoP with respect to the original draft EA (dated 31 March 2010) and the subsequent draft amended EA (dated 8 October 2010).

Council's submission on the original draft EA

Council's submission (dated 31 March 2010), outlined a range of issues not considered to have been adequately addressed by the original draft EA, and also requested amendments to the identified prioritisation of issues to be assessed by AGL. The submission to the DoP stated that Council objected to the placement of the EA on public exhibition for the following reasons:

- The proposed location of a Gas Plant in the Scenic Hills, in close proximity to a school currently under construction and water supply canal;
- The project was not considered to be compatible with Council's planning instruments;
- Concerns over the ability of the Department to adequately monitor the preparation and implementation of the wide variety of subsidiary plans required to be prepared by the AGL following project approval;
- Compliance with the Director General's Requirements for the project regarding the:
 - 'assessment of the potential impacts of the project on surface and groundwater resources (including salinity)', and the 'assessment of cumulative impacts on air and water quality and impacts on biodiversity' was considered to be inadequate; and
- The assessment of potential impacts associated with the proposed development on surface and ground waters as well as biodiversity was considered to be inadequate.

Councils' submission on the amended draft EA in response to comments received

The location of a gas processing plant in the Scenic Hills, as proposed in the original EA, received strong opposition from both Council and the community. In response to this opposition, the plant was removed from the revised draft EA provided to Council in October 2010 and replaced with an alternative proposal to utilise the existing Rosalind Park Plant associated with Stage 2 of the CGP. The subsequent Council submission on the draft EA supported the removal of the gas processing plant. However, this submission also advised the DoP that the draft EA had still not adequately addressed the remaining issues outlined in Council's original submission (as detailed above).

The Environmental Assessment placed on public exhibition

Despite Council's objections and concerns, the Department advised Council that the finalised EA was placed on public exhibition on 26 October 2010. The publicly exhibited EA is in a similar format to previous versions and outlines the details of the project, identified impacts in relation to a range of issues and proposed environmental safeguards. It also contains specialist reports relating to flora and fauna, air quality and Aboriginal heritage assessments. During the public exhibition period, the EA can be viewed by the community at Council's Civic Centre and at the DoP's website.

Review of the EA

The timeframe imposed by the DoP for the receipt of comments on the EA has impacted on the ability of Council to undertake a comprehensive review. Notwithstanding, the EA placed on public exhibition has been reviewed in terms of the adequacy of response to Council's previous submissions. In addition, specialist advice has been sought and provided from a suitably qualified consultant in regard to the adequacy of the level of detail and extent of assessment of groundwater related impacts associated with the project application. This is further discussed in a subsequent section of this report.

The DoP has advised that it was unable to supply the submissions on the draft amended EA provided by the relevant State Government agencies as well as details of its correspondence with these Agencies. However, despite this constraint, the review of the EA included previous comments provided by NOW and the DECCW in their capacity as regulatory authorities for water and biodiversity related issues respectively. Within this context, a summary of Council's requested amendments to the draft amended EA and applicable comments from State Government Agencies are outlined in Table 1 (Attachment 3).

AGL's Response to previous Council Submissions

The review of the currently exhibited EA by officers has identified that the inclusion of a statement, "that the Rosalind Park Plant has sufficient capacity for the treatment of the extracted gas to be received as part of Stage 3 of the Camden Gas project without any upgrading", is the only amendment that has occurred to the document (i.e. the project) in response to Council's previous submissions. Council officers also note that AGL's response the NOW and DECCW previous submissions on the draft EA, appears to be inadequate.

Consequently, a submission has been prepared for Council's consideration (presented in Attachment 3) that provides formal objection to a project determination being granted by the Minister for Planning, based on the inadequate response to previous submissions from Council and Government Agencies.

- **Issues associated with the EA and the project in general**

Requested amendments (included in Council's previous submissions) regarding the stated intent of AGL to conduct detail design and prepare sub-plans (e.g. soil and water management plan) post approval, are considered to remain valid given the absence of any amendment to the documentation to respond to Council's concerns. Table 2 summarises each relevant issue, associated comment included in Council's previous submission (dated 8 October 2010), and a suggested further response in light of the currently exhibited EA.

Table 2: Suggested Council response concerning to previously raised issues relating to the project and EA in general

Issue	Comment in Council's previous submission	Suggested response by Council to current EA
Potential for modification of the design of the project.	The draft EA be further amended to more clearly define the location of the gas wells and pathways of the gas gathering pipelines.	Request the DoP to require AGL to conduct the intended detailed design process prior to the finalisation of the EA.
Reliance on sub-plans	All sub-plans referred to in the EA should be provided to the Department prior to project determination.	Request the DoP to require the preparation of all sub-plans and in particular, a detailed Soil and Water Management Plan specifically related to Stage 3 of the CGP prior to project determination.

- **Issues associated with specific aspects of the project**

- (i) Issues associated with the deletion of the Gas Plant from the project

In supporting the alternative proposal by AGL to utilise the existing Rosalind Park Gas Plant facility (RPGP), Council's October 2010 submission requested clarification in regard to any requirements for the upgrading of the existing Plant (to receive increased extracted gas from Stage 3) and clarification on the in-field processing aspects (within Stage 3). The officer review has identified that the amendment of the EA to include a statement that the RPGP has sufficient capacity to receive the additional gas (from Stage 3) without any requirements for expansion, has adequately addressed this comment. Consequently, no further action by Council in regard to this particular issue is recommended.

However, an AGL representative has advised Council officers that in-field processing would be required in the northern section of Stage 3 (e.g in the vicinity of Denham Court), for the purposes of enhancing the pressure of the gas within the pipeline to compensate for the increase in distance that the gas has to travel before its processed. AGL have advised that this matter would be the subject of a separate Part 3A application to the DoP. However, Council Officers consider 'in-field processing' to be a component of the amendment project application. Consequently, it is considered appropriate that Council require the inclusion of details of the required 'in-field processing' in terms of operation and construction as well as assessment of any associated impacts as part of the EA.

Suggested recommended Council response

- Council request the DoP require the amendment of the EA as follows prior to project determination, to include the following:
 - The nomination of the sites within the project area where in-field processing will be required;
 - The inclusion of construction and operational details associated with the in-field processing; and
 - The assessment of any potential impacts associated with any in-field processing on a site specific basis and nomination of appropriate associated site specific environmental safeguards.
- (ii) Surface water related impacts
 - **Impacts on surface waters associated with the installation of gas wells and pipelines**

Council's previous submissions to the DoP identified deficiencies in the assessment of impacts on surface waters associated with the construction and operation of well sites and the installation of the various supply pipelines. In addition, The NSW Office of Water (NOW), which has statutory responsibilities relating to both surface and groundwaters, included the following statement in its submission to the draft EA:

"As the EA fails the test of adequacy with regard to the NOW's statutory regulatory role, the proposal should not be placed on public exhibition until such time as this deficiency is addressed".

The Council officer review has disagreed with the justification provided by AGL that no amendment to the EA (in response to previous submissions) was necessary, due to the intention to prepare sub-plans specifically related to Stage 3 and due to the conclusion contained within the draft EA that "the potential for impacts on surface waters was minimal". Consequently, it is considered appropriate that in reiterating its previous requested amendments, Council express both its concern and disappointment that the EA has not been amended and that a meeting with the DoP and the NOW be pursued to discuss this matter.

- **Issues associated with salinity related impacts**

Council's previous submission on the draft EA identified a number of significant discrepancies in the Salinity Assessment associated with the project. These included inaccurate interpretation and utilisation of broad scale mapping produced by the Department of Infrastructure, Planning and Natural Resources (now incorporated into the NOW) in 2002 and an inaccurate assessment of the depths of recorded saline water in the project area. A more detailed review of the EA currently on public exhibition has also revealed that the EA has not adequately assessed the potential for impacts on both surface and groundwaters associated with interaction of groundwater aquifers at various depths, that could potentially occur during drilling activities.

Suggested Council response:

The following response by Council to these concerns (outlined in the attached draft submission) is recommended below:

- Council request the DoP to require the amendment of the EA in accordance with Council's October 2010 submission and to address as well, the additional identified issue regarding the potential interaction of groundwater aquifers during well construction, prior to determination;
- Council request a meeting with representatives of both the NOW and DoP to discuss issues raised (in both submissions), particularly given the above comment from the NOW that the EA should not be publicly exhibited until identified deficiencies have been addressed.

(iii) Groundwater related impacts

Council's submission on the draft amended EA identified the need for comprehensive assessment of impacts on both surface and ground waters, associated with the operation of well sites, following reports in the media of this key issue (in a series of articles that appeared in the Sydney Morning Herald, a Channel 9 '60 Minutes' Program as well as a recently released film regarding similar matters in the USA). This issue is also likely to receive increased publicity following the announcement of the imminent commencement of a program for the exploration for coal seam gas in the Sydney suburb of Petersham.

In particular, Council's previous submission requested further amendments to the draft EA to discuss the implications of the Metropolitan Water Sharing Plans (reported to Council in July 2010) as well as specifying the names and volumes of chemicals to be used as additives for drilling and 'fracking'. This process (as outlined in the Councillor Briefing session conducted on 5 July 2010) involves the fracturing and injection of chemicals into the coal seam to, in effect, increase the area of accessible gas resource. This submission also incorporated Council's position that it opposes the use of potentially harmful chemicals without adequate scientific advice regarding the validity of the conclusions of the EA regarding this matter. In addition, Council's previous submission requested assessment of impacts on both surface and ground waters as well as associated health impacts as a consequence of the potential contamination of aquifers by released methane from the fracking process not extracted at the well sites.

In the absence of any amendment to the EA in response to three previous submissions, the services of a groundwater specialist has been obtained to review the adequacy of the EA in terms of the description of groundwater resources, identification of the impacts (during both the construction and operational components of the gas extraction wells) within a localised and regional context and intended mitigation measures. A detailed description of the requirements for the peer review outlined in the Project Brief and the report provided to Council regarding the outcomes of the review is presented in Attachment 4. However, in summary, the specialist report concluded that the EA contained limited information in regard to aspects of the description of the existing groundwater environment and the assessment of impacts of the project on groundwater and the proposed environmental safeguards. The specialist report also concluded that the EA contained insufficient information to allow for an accurate assessment of the compliance with a requirement of the DoP that the EA include 'a description of the potential impacts of the project on the quantity and quality of surface and groundwaters'.

Consequently, Council's commissioned specialist report recommends that Council require further information and clarification concerning the following items in the EA to allow for a more comprehensive review by stakeholders concerning the risks to groundwaters.

- The definition of key aspects of the existing groundwater environment and clarification of the baseline data used to inform the hydrogeological conceptual model in the existing environment description;
- A more comprehensive description of the proposed fracking process, in particular, the chemical additives intended for injection;
- A more comprehensive description of the specific measures intended to minimise potential wellbore pathways during the drilling and construction program;
- The (cumulative) impact assessment to neighbouring aquifers, groundwater users and environmental receptors from the dewatering of the coal measures, and any proposed environmental safeguards (including any current and proposed groundwater monitoring program, trigger levels and investigation and response process).

The findings of specialist consultant peer review support the comment from the N.S.W Office of Water (NOW) in its submission on the original draft EA (as outlined in the Briefing session) that the document fails to address key water management issues. Accordingly, officers recommend that Council adopt the above recommendations and support their inclusion in the attached draft submission to be sent to the DoP. Officers also recommend that Council request the DoP to provide it with details of its determination to publicly exhibit the EA, given the previous advice of the NOW.

Suggested Council response:

- That Council express its strongly held concerns that the EA has not been amended in response to previous submissions, and request the DoP require the amendment of the EA in accordance with Council's October 2010 submission (as presented in Item 6 of Attachment 2) prior to the project determination;
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- Request the DoP to require the amendment of the EA to address all items in Council's commissioned specialist peer review report requiring additional information or clarification and to provide Council with a written explanation of the reasons for exhibiting the document contrary to the recommendation of the New South Wales Office of Water.
- Request that the issue of impacts on groundwaters associated with the use of drilling additives and for fracking operations (and interaction with surface waters) be discussed in the requested meeting with the NoW and DoP; and
- Request that the DoP require the independent and regular auditing of the use of chemicals, by an authority with sufficient regulatory powers to obtain such information and that the outcomes be made publicly available as a condition of any approval that may be potentially granted.

(iv) Biodiversity related impacts

The following section of the report outlines what officers consider to be outstanding deficiencies relating to the assessment of biodiversity related impacts, arising from the project.

- **Issues associated with the assessment of potential impacts on biodiversity**

The original submission from the Department of Environment, Climate Change and Water (DECCW) requested that the EA be amended to comply with the draft Threatened Biodiversity Survey and Assessment Guidelines that DECCW produced in 2004, rather than the Guidelines developed in 2005 that specifically apply to applications lodged under Part 3A of the Environmental Planning and Assessment Act 1979. In addition, that submission reiterated previously expressed concerns over the approach adopted in the flora and fauna assessment for the project and the absence of a detailed assessment of the impacts arising from development on all potential receiving environments.

Whilst amendment of the EA regarding these previous matters has not occurred, the pursuit of further action to obtain the requested amendment is considered difficult, due to the refusal of the DoP to provide details of any submission by the DECCW on the revised draft EA. Consequently, officers recommend that Council lodge a Freedom of Information (FOI) Request with the DoP to obtain this information to ensure that any requested amendments to the EA were consistent with those provided by the DECCW.

- **Issues associated with vegetation clearance**

Council's submission to the DoP on the revised draft EA also requested an amendment to include the accurate assessment of all intended vegetation clearance in accordance with an item specified in the Director General's Requirements. Following the review of the response provided by AGL concerning this requested amendment, the provision of such information is recognised as being potentially difficult, due to operational constraints such as the need for the well bore to be situated at a precise locality that maximises the volume of recovered gas. Consequently, it is recommended that Council adopt the following position in regard to its previously requested amendment of the EA:

- The EA specify the range of intended minimum and maximum vegetation clearance for each relevant well site and pipeline; and
- The DoP require that site specific surveys and assessment of impacts be required as a condition of any project approval, and that no approval be issued for drilling until such time as the DECCW are satisfied that such vegetation clearance is acceptable.

Suggested Council responses

- That Council request a meeting to be convened between Council and the DECCW to discuss the outstanding biodiversity related issues in the event that details of correspondence between the DoP and the DECCW can not be obtained via a FOI application.
- That Council advise the DoP its view that no project approval should be issued until such time as the DECCW has expressed satisfaction in regard to the intended vegetation removal.

(v) Impacts of the amended project on the values of the Scenic Hills

The section of the project area located in the Campbelltown LGA is situated almost entirely within the Scenic Hills district. The following summarises concerns over the potential impacts on the values of the Scenic Hills.

- Assessment on the values of the Scenic Hills

Council's previous submissions referred to the significant landscape, natural, and cultural values of the Scenic Hills which provide the "setting" for the City of Campbelltown. These values are referenced in a copy of a letter sent to the DoP by the Scenic Hills Association seeking an extension to the deadline for the lodgement of their submission (presented in Attachment X).

The report provided to Council in October 2010 on the revised draft EA advised that impacts on the values of the Scenic Hills district will be significantly reduced as a consequence of the removal of the Gas Plant from the project. However, officers support the viewpoint expressed in the attached correspondence from the SHA that impacts associated with the gas extraction process such as fracturing of coal seams and injection of chemicals has the potential to continue to impact on natural and cultural values. Consequently, it is considered appropriate that this matter be raised in the recommended discussions with the DoP and the NoW.

Suggested Council response

- Council request that the DoP require the EA to assess the impacts of the amended project on the landscape, cultural and natural values of the Scenic Hills.

Council's previous submissions on the draft EA requested amendments on a range of other issues associated with the project. A summary of suggested recommended amendments to the EA that is currently on public exhibition, or further action by the DoP in response to these matters are outlined in Table 3.

Table 3: Other issues and recommended Council response

Issue	Previous requested amendments	Recommended further action by Council
Air quality	AGL provide clarification in regard to any air quality impacts as a consequence of utilisation of the Rosalind Park Plant to process received gas.	No further action by Council in relation to this matter is recommended in light of AGL's comment that no expansion work at the facility would be required.
Aboriginal heritage	The EA be amended to include prescriptive measures to protect potential subsurface Aboriginal deposits from impacts associated with the project.	Council reiterate its previous position that it would oppose any activity that potentially harms Aboriginal objects as part of the project and that an Aboriginal Cultural Heritage Plan specifically related to Stage 3 of the CGP be prepared and considered by DECCW and DoP prior to project determination.
European heritage	The DoP provide a copy of the independent review of the assessment of impacts on items of European Heritage conducted by the EA.	Whilst there are not any locally listed items potentially impacted, Council should reiterate its previous comment to the DoP and request notification in regard to the details and timing of any work that potentially impacts on listed items.

C) Overall Summary of the recommended Council response

From the above discussion, it is evident that AGL has not adequately addressed comments contained in Council's previous submissions except confirm that the Rosalind Park plant will now be used to process received gas. Council should continue with its objection to the project. Significant concerns over the assessment of biodiversity and water related impacts remain. Consequently, the following summarises the recommended action by Council as an approach to obtain the requested amendments to the EA prior to its finalisation, and prior to determination of the project application:

- That Council express its concern and disappointment to the DoP and the NSW Minister for Planning that the EA has been placed on public exhibition without being amended in response to previous submissions received;
 - That Council require that all of its previously requested amendments (apart from the comments referred to above) occur prior to the finalisation of the EA, and that it be provided with details of the Department's and proponent's response; and
 - Council lodge a FOI application to obtain the review by the DoP of comments on the draft EA (and EA placed on public exhibition) received from all relevant Government agencies.
-

In addition, given that significant issues remain that are considered to have not been adequately addressed, it is also recommended that Council request the Minister for Planning establish a Planning Assessment Commission to investigate the project application and that Council be involved in the Terms of Reference development process.

Additional issues

(i) Location of well sites

Previous submissions have not provided comment in regard to site specific issues associated with the proposed location of individual well sites due to the potential for these sites to be amended during the preparation of the draft EA. In this regard, a summary of identified environmental constraints and implications associated with each proposed site are now outlined in Table 3 (Attachment 6) and illustrated in Map 3 (Attachment 7).

- None of the proposed sites are on or have the potential to impact on Council owned land or land for which Council has care and control responsibilities.
- The proposed site of well site number 1 (near Eschol Park) needs to be modified due to its location near an eroded bank of a watercourse;
- Four (4) of the six (6) proposed sites contain Cumberland Plain Woodland (a Critically Endangered Ecological Community) that may be impacted as a consequence of up to One (1) hectare of land adjacent to sites being required for construction purposes. Consequently, it is recommended that Council request the DoP to require AGL to amend Section 24.3 of the EA to state it will conduct comprehensive surveys and assessment of impacts in accordance with the agreed guidelines for the project for these sites prior to any disturbance occurring.
- The installation of additional wells beyond the twelve (12) specified is not permitted under the current project application submitted to the DoP. In the event of AGL determining additional wells are needed, a 'Modification for Consent' application would be submitted to the DoP providing details of the proposed wells and an environmental assessment. Council would ordinarily be provided with a copy of this environmental assessment by the DoP prior to any work commencing. In relation to this matter, it is recommended that Council express the view to the DoP that the location of any well sites in residential areas within the Campbelltown LGA would not be acceptable.

(ii) Potential land sterilisation

Council's October 2010 submission to the DoP required the EA to consider potential implications associated with land sterilisation (for a period of 15 to 20 years over the lifespan of the wells) in terms of impact on future development and any restrictions on such use, as a consequence of drilling operations.

Following a more comprehensive review, officers have identified potential adverse implications associated with the inclusion of two (2) urban areas in the overall project area indicated on Map 3 (presented as Attachment 8). These two (2) areas have been identified in the recently approved Campbelltown-Macarthur Structure Plan as future higher density urban areas, and therefore their property values are significant. Council's Property Services Section has expressed the following views regarding this matter:

- The presence of gas wells on these sites would significantly reduce their value when compared to loss in value from sites on rural lands in the project area; and
- The presence of a gas well and associated infrastructure would prevent respective landowners from fully realising their full property value given that future development of some sites could be sterilised by the existence of a gas well for a period up to twenty (20) years, or until the well is decommissioned.

There is considered potential for the future lodgement of 'modification of consent' applications by AGL to obtain approval from the DoP to install future wells in these areas. Consequently, it is recommended that Council request the deletion of these locations from the project area to protect land values and ensure that the presence of gas wells is restricted to rural areas.

(iii) Potential impacts associated with the potential seepage of methane gas to the surface

The recently prepared US film titled 'Gas land' is understood to provide evidence of methane gas seeping to the surface (with associated odour impacts) as a consequence of the operation of coal seam gas wells. Officers are unaware of any odour related impacts directly attributable to well sites associated thus far with the CGP and the potential for the seepage of gas through the geological stratum is uncertain. However, it is considered appropriate that Council require the amendment of the EA to assess all potential impacts related to this matter (including odour).

(iv) Impacts associated with lateral drilling activities in the subsurface project area

The project area includes a sub-surface area (located under urban areas) where activities associated with the project are restricted to lateral drilling. There is considered to be some potential for impacts associated with fracturing of geological strata as part of this process to extend to the surface. For this reason alone, it is considered appropriate that Council require the amendment of the EA to consider the potential for subsidence-related impacts on urban areas within the subsurface project area as a consequence of any lateral drilling activities.

Conclusion

Council's submission on the original draft EA provided formal objection to the project on a number of grounds including the proposal to locate a Gas Processing Plant in the Scenic Hills, inconsistencies with items of the Director General's Requirements and Council's Local Planning Instruments, and the considered inadequacy of the assessment of impacts on air quality, water (both groundwaters and surface waters) and biodiversity. Council's submission in October 2010 on the revised draft EA advised the DoP that the deletion of the Gas Plant from the project had adequately addressed a number of comments contained in its original submission. However, the submission also stated the EA had not satisfactorily responded to issues raised in Council's original submission regarding other aspects of the project. The submission also raised additional issues in regard to potential impacts on groundwater associated with the construction and operation of well sites and requested clarification in regard to the alternative proposal by AGL to utilise the existing Rosalind Park Processing Plant.

A detailed review of the exhibited EA by Council's officers has identified that the only amendment to the EA placed on public exhibition in response to previous submissions, is the inclusion of a statement indicating the Rosalind Park facility has sufficient capacity to receive the additional supply of the gas without requiring expansion. In addition, while constrained by the refusal of the DoP to provide recent submissions from relevant Government agencies, the review also identified that the EA has not responded to previous submissions from relevant Government Departments that also identified significant deficiencies with the project.

The outstanding deficiencies of the EA that must be addressed prior to finalisation of the EA and determination of the project relate to:

- The assessment of impacts on both ground and surface waters, and biodiversity,
- The reliance of environmental safeguards to be specified in sub-plans intended to be prepared after project approval,
- An absence of detail regarding in-field processing (within Stage 3) as a consequence of utilising the Rosalind Park facility; and
- Insufficient assessment of potential impacts of the project on the landscape quality and values of the Scenic Hills.

With regard to the groundwater assessment, this report details the outcomes of specialist consultant advice obtained, whose key recommendations confirm the need for additional comprehensive assessment on water resources. This must occur prior to any project application determination.

Accordingly, it is recommended that Council endorse the attached detailed submission to the DoP stating that Council strongly objects to the EA and the project application and is extremely concerned and disappointed that the EA placed on public exhibition has failed to address the majority of issues outlined in previous submissions from Council and relevant State Government agencies. Key recommendations contained in the attached draft Council submission include that Council require the EA be amended to address all identified deficiencies in previous submissions prior to its finalisation and that the DoP require AGL to obtain independent scientific studies regarding impacts on ground and surface waters.

This report also recommends that Council pursue a meeting between the DoP and the NoW to discuss the outstanding issues. It also recommends that Council lodge a formal FOI application with the DoP to obtain copies of submissions from relevant State Government agencies and correspondence between the DoP and these agencies as well as AGL regarding its review of these submissions. In addition, this report also recommends that Council request the establishment of a Planning Assessment Commission to investigate the project given the significant outstanding issues and that Council be involved in the development of the Terms of Reference for such a Commission.

Officer's Recommendation

1. That Council object to the EA and project application associated with Stage 3 of the Camden Gas Project and formally lodge the submission with the Department of Planning.
2. Pursuant to recommendation (1), Council endorse and formally lodge the submission (presented in Attachment 6) to the Department of Planning.
3. That Council pursue meetings with the Department of Planning and the New South Wales Office of Water to discuss issues identified in previous submissions and the specialist advice received regarding the groundwater assessment.
4. That Council lodge a Freedom of Information application with the Department of Planning to obtain submissions provided by relevant State Government agencies and correspondence between the DoP and these agencies as well as AGL regarding its review of these submissions.
5. That Council request the Minister for Planning to establish a Planning Assessment Commission to investigate the Camden Gas Project - Stage 3.

Committee's Recommendation: (Thompson/Bourke)

1. That Council object to the EA and project application associated with Stage 3 of the Camden Gas Project and formally lodge the submission with the Department of Planning.
 2. Pursuant to recommendation (1), Council endorse and formally lodge the submission (presented in Attachment 6) to the Department of Planning.
 3. That Council pursue meetings with the Department of Planning and the New South Wales Office of Water to discuss issues identified in previous submissions and the specialist advice received regarding the groundwater assessment.
 4. That Council lodge a Freedom of Information application with the Department of Planning to obtain submissions provided by relevant State Government agencies and correspondence between the DoP and these agencies as well as AGL regarding its review of these submissions.
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5. That Council request the Minister for Planning to establish a Planning Assessment Commission to investigate the Camden Gas Project - Stage 3.

Addendum: (Hawker/Thompson)

6. That the submission address the storage and treatment of waste water arising from the operation.
7. That the submission also address the concerns of the range of chemicals used during the fracking process.
8. That in early 2011 Councillors be provided with a briefing detailing the nature and implications of the fracking process.

CARRIED

Council Meeting 14 December 2010 (Kolkman/Rule)

That the Committee's Recommendation incorporating the above addendum be adopted.

Council Resolution Minute Number 240

That the Committee's Recommendation incorporating the above addendum be adopted.

2.3 Submission to the Public Exhibition of the Metropolitan Strategy Review and the Metropolitan Transport Plan

Reporting Officer

Manager Environmental Planning

Attachments

1. Copy of "Review of Sydney's Metropolitan Strategy and Metropolitan Transport Plan – Submissions Summary Report" (Distributed under separate cover).
2. Copy of Campbelltown City Council's Submissions on the Metropolitan Strategy Review and the Metropolitan Transport Plan (Distributed under separate cover).

Purpose

To inform Council on the feedback received by the NSW Department of Planning (DoP) and Transport NSW relating to the public exhibition of the Sydney Metropolitan Strategy Review and the Metropolitan Transport Plan.

History

The Sydney Metropolitan Strategy Review (Sydney Towards 2036 Discussion Paper) and the Metropolitan Transport Plan were placed on public exhibition on 17 March 2010 and 21 February 2010 respectively, until 28 May 2010. A total of 225 submissions were received on the Metropolitan Strategy Review and 135 were received in regards to the Metropolitan Transport Plan. Additional feedback was provided through on-line forums which were undertaken in April 2010. It is interesting to note that a large proportion of submissions (10%) on the Metropolitan Strategy Review were from the South West region of Sydney.

Campbelltown City Council made a detailed submission on the Metropolitan Strategy Review, and its comments on the Metropolitan Transport Plan were included in the submission prepared by the Macarthur Regional Organisation of Councils (MACROC).

Specialist consulting firm Urbis were commissioned to analyse and review the submissions and to prepare a summary report. On 22 September 2010, the DoP released the document "Review of Sydney's Metropolitan Strategy and Metropolitan Transport Plan – Submissions Summary Report", dated 25 June 2010.

Report

Introduction

The Submissions Summary Report, prepared by Urbis, lists eight (8) key suggestions that were made through the submissions and the on-line forums. These key suggestions are as follows:

1. If Sydney is to continue to support population growth, the State Government needs to commit to the provision of key infrastructure. Other options such as decentralisation should also be considered.
2. A key challenge to getting the best value for money from existing infrastructure is the provision of adequate public transport infrastructure.
3. There is general support for medium to higher density development around transport hubs but this was qualified by the need to consider proposals on a case by case basis and take into account heritage, lifestyle and health considerations.
4. There should be flexibility in planning laws to allow for a range of uses in centres, including ways to foster small scale creative business.
5. Transport connections to the growth areas of the North West and South West are vital, including connections to employment lands and services, and should include inter-regional connections.
6. Key transport infrastructure, including freight infrastructure and identification of the area for the second Sydney airport, is vital for the economic development of Sydney as a global city.
7. Increased use of public transport and active transport should be encouraged for the benefit of the environment, health and lifestyle, but this requires commitment from Government for provision of relevant infrastructure.
8. There are mixed views on funding commitments to further road infrastructure, with one view indicating this is essential to meet demands of the growing population and other views suggesting this will further encourage car use.

The Metropolitan Strategy Review

The Metropolitan Strategy is a broad, State level, strategic planning framework to promote and manage the future growth of metropolitan Sydney. The Metropolitan Strategy Review (Sydney Towards 2036) is a discussion paper about updating the "Metropolitan Strategy – City of Cities: A Plan for Sydney's Future" which was released in 2005.

The Review sets out eleven (11) proposed directions for the future planning and development of the Sydney Metropolitan Area:

1. Planning for a growing population;
 2. Making Sydney climate change ready;
 3. Integrating land use with transport;
 4. More jobs in the Sydney Region;
 5. Growing Sydney's value;
 6. Strengthening a City of Cities;
 7. Meeting changing housing needs;
 8. Balancing land uses on the city fringe;
 9. Achieving renewal;
-

10. Implementation; and,
11. What else? (Other matters to consider).

Each of the submissions received in relation to the Metropolitan Strategy Review were analysed in light of the eleven (11) proposed future directions. A brief summary of the responses received to each proposed direction is provided below:

1. Planning for a growing population

- If Sydney is to accommodate much of the State's population increase, much of the growth should be accommodated in the existing urban footprint.
- If Sydney is to accommodate the predicted population (6 million persons by 2036), commitment for key infrastructure is required from the State Government.
- Sydney's population growth needs to be considered in the context of a National policy on population sustainability.
- Regular evidence based reviews of population growth are required.
- On-going consultation is required with councils regarding housing and employment targets.
- Decentralisation can be encouraged by providing additional infrastructure in regional areas including fast transport links.

2. Making Sydney climate change ready

- The potential impacts of climate change for coastal areas could include rising sea levels, erosion and possible displacement of housing, while in western areas of Sydney they could include hotter temperatures, increased demand for air conditioning and health impacts on the young and elderly.
- A whole of government approach is required to address climate change impacts.
- Climate change mitigation should be given equal consideration to adaptation.
- Ensuring solar access and extension of the BASIX scheme could be key considerations for future planning.
- Adequate funding is required to ensure maintenance of open space and green space.
- Infrastructure should be carbon neutral.

3. Integrating land use with transport

- Higher density and mixed land use, including residential and commercial, is appropriate around transport nodes, but heritage and the character of areas need to be considered.
 - Improved cycle connections are required as well as funding commitments for improved pedestrian movements.
 - Sustainable, self-contained communities will reduce car kilometres by reducing the need to travel for employment and services.
 - A challenge in getting best value from transport infrastructure was identified as a lack of sufficient transport infrastructure.
-

- It was also suggested that access paths known as “rail trails” or “multi-user trails” for walking, cycling or jogging could be provided adjacent to railway lines and separated from roads. These are reportedly proving to be popular in other states such as Victoria.

4. More jobs in the Sydney Region

- Employment areas should be located close to home.
- Employment lands should be in areas well serviced by transport.
- Increased employment opportunities are needed in the South West Region.
- Development of employment lands should be co-ordinated with land release.
- Opportunities to make better use of currently under-utilised existing industrial lands should be investigated, including reforming zoning laws to remove constraints on redevelopment.
- Recognise the importance of agriculture to employment in the Sydney Basin.
- It was also suggested that the NSW Government should designate an area on the fringe of the Sydney CBD (in the vicinity of UTS) as a “Creative Knowledge Precinct”. This could help boost job growth by attracting businesses from the expanding creative industry in Australia and provide an opportunity to revitalise this area, improve the design of public spaces, encourage affordable facilities for small and creative businesses within walking distance from public transport and enhance Sydney’s role as a global city.

5. Growing Sydney’s value

- Investment in infrastructure can be a driver for economic growth.
- Encourage inclusiveness for all sections of society in economic development.
- Flexibility to allow for the development of small scale creative businesses close to centres.
- The economy and skills base of Western Sydney needs reform to reduce reliance on manufacturing.
- Identify the location of Sydney’s second airport.

6. Strengthening a City of Cities

- Development of mixed use centres, with medium density residential, could facilitate improved utilisation of transport and community infrastructure. Live, work and play in the region.
- Health, lifestyle and community services should be key considerations.
- Accessibility and connectivity of public spaces should be ensured.

The Submissions Summary Report specifically notes that “Campbelltown City Council also suggests that the opportunity exists for Campbelltown to become a Regional City.” (page 23).

7. Meeting changing housing needs

- Providing affordable housing is a major challenge to meeting housing needs.
- There needs to be a range of dwelling types in each area, and there is a need to take into account family types and cultural backgrounds.
- There were mixed views on the appropriateness of high density residential developments.

8. Balancing land uses on the city fringe

- Protecting productive agricultural land in the Sydney Basin is a high priority due to the need for a supply of fresh food for the population of Sydney; the important economic contribution of the industry to the region; and increasing conflicts between agricultural land uses and residential land uses.
- Some submissions indicated more land release areas need to be identified in order to meet the demand for housing the growing population and to ease housing price pressures. Some submissions stated that unproductive lands should be released as a priority. Other submissions favoured development in existing areas rather than in greenfield areas.
- Further fragmentation of bushland needs to be avoided.
- It was also suggested that legislation could be used to introduce a system of development rights (in effect transferrable development rights) to allow farmers producing commercial quantities of produce to sell rights on the open market to intensify residential/commercial development anywhere in the Metropolitan Plan area to protect agricultural land for twenty-five (25) years. The transferrable development rights would be attached to productive agricultural land (and associated with the value of production and biodiversity assets).

9. Achieving renewal

- There were mixed views on whether urban renewal should take precedence over land release in greenfield areas.
- Heritage and character should be retained.
- There could be a whole of government approach to urban renewal.
- Partnerships with local stakeholders are required.
- Implement planning practices to ensure urban renewal areas are attractive places to live and work, with access to services and transport.

10. Implementation (of the Metropolitan Strategy Review)

- There were mixed views regarding the establishment of an authority to drive urban renewal, with councils and council organisations suggesting they required more information. It was suggested that an authority may further impact on the ability of councils and local communities to influence planning decisions in their areas. Industry bodies were more likely to support a single authority for urban development.
 - Sub-regional plans should be finalised.
 - COAG criteria need to be adhered to.
-

11. What else? (Other matters to consider)

In terms of other issues that should be considered as part of the Metropolitan Strategy Review, the following suggestions were made:

- Upgrading infrastructure and the provision of social infrastructure and community services.
- Health and wellbeing.
- Heritage considerations.
- Environmental considerations.

The Metropolitan Transport Plan

The “Metropolitan Transport Plan – Connecting the City of Cities” sets out a vision for the provision of transport and related infrastructure for the Sydney metropolitan area. It supports the Metropolitan Strategy and the two (2) documents will be further integrated in the future.

The submissions received regarding the Metropolitan Transport Plan were analysed based on the eleven (11) discussion areas which were outlined in the draft Plan and which are reiterated as follows:

1. New Express Rail Services for Western Sydney – supporting jobs and housing growth;
2. An expanded Light Rail Network – providing an effective and sustainable option for the inner city;
3. Rail to match the demands of growth – servicing the North West and South West Growth Centres;
4. Better bus connections – to get buses out of traffic and back on schedule;
5. Getting Sydney moving – promoting a happy, healthy and active lifestyle;
6. Sydney’s iconic ferries – providing safe and smooth travel on Sydney’s waterways;
7. Increasing the efficiency of the road network – making the most out of the system we have;
8. Key freight projects – boosting the economy with efficient freight movements;
9. A better customer experience – helping to encourage public transport use;
10. Planning the future transport network – providing the right transport as Sydney grows and changes; and
11. Next steps – comments, feedback and implementation.

Each of the submissions received in relation to the Metropolitan Transport Plan were analysed in light of the eleven (11) discussion areas. A brief summary of the responses received to each discussion area is provided below:

1. New express rail services for Western Sydney

- There was some support for a City Relief Line* and a Western Express**, but there was some questioning of feasibility.
 - The Western Express Proposal is likely to better connect people in Western Sydney with employment and services.
 - The proposal may enable better utilisation of the existing network.
-

- The proposal continues the CBD centric approach to the provision of transport in Sydney.
- Some submissions questioned whether costs are justified in terms of deliverables.

The City Relief Line is a railway line designed to deliver additional capacity directly into the heart of the City (of Sydney). It will enable the introduction of express services that will slash travel times for commuters who travel from the western suburbs of Sydney. Western Line trains will be diverted via the central business district Relief Line, thereby releasing capacity for additional services from other lines into the CBD. As a result, the Western Express and City Relief Line will provide capacity for more services into the City on the Bankstown Line, the Main Southern Line, and the Illawarra Line, the Inner West local services and the Main Northern Line (via Strathfield).

The Western Express refers to new train services from Penrith to Richmond.

2. An expanded light rail network for the Inner City

- There was general support for the extension of light rail services from Circular Quay to Dulwich Hill.
- Other areas of Sydney may benefit from light rail services.
- Fare structures and ticketing should be better integrated with other transport modes.

Notwithstanding, a number of the issues raised by Campbelltown City Council in its submission to the Metropolitan Strategy Review and in its joint submission (through MACROC) on the Metropolitan Transport Plan, were included in the Submissions Summary Report. These issues include:

- The need to finalise the South West Subregion Draft Subregional Strategy, in consultation with local government;
- Ensuring that the expected growth in the South West is supported by adequate transport and other infrastructure, which will also assist in planning for climate change;
- The view that Campbelltown be identified as a Regional City;
- The need to focus new growth around centres and transport;
- Concern over the introduction of a Metropolitan Development Authority;
- The need for Heritage (both environmental and cultural) to be addressed in future growth strategies; and,
- The need to integrate the Metropolitan Strategy and the Metropolitan Transport Plan.

However, more specific regional and local issues such as the extension of Badgally Road, the need for regional roads to connect to the South West Freeway such as the Spring Farm Parkway and the proposed Georges River Parkway, and the widening of Narellan Road, were not specifically mentioned in the Submissions Summary Report. This was disappointing.

Other matters raised by Council and MACROC that were not specifically highlighted or addressed in detail in the Submissions Summary Report include:

- The need for both the Metropolitan Strategy and the South West Sub-Regional Strategy to identify specific locations to accommodate future employment growth and to provide guidance on how future employment targets can be met;
- The importance of the accessibility of Campbelltown to major centres of economic activity within Sydney and its strategic importance for future employment opportunities;
- The need to identify specific sites for business parks in South West Sydney to prevent speculation on inappropriate land;
- Council's concern about committing to, and the difficulty of achieving, additional housing and population growth without adequate transport (including roads, rail and strategic bus corridors), other critical infrastructure and jobs;
- Working with local councils to achieve balanced growth on the urban fringe that protects important agricultural, rural, environmentally sensitive and scenic lands;
- The impacts of the Leaf's Gully Gas Fired Power Plant on further development in the South West;
- The need for clear direction in the Metropolitan Strategy and the South West Sub-Regional Strategy about whether or not non-urban and environmental protection areas should ever be considered as potential areas for future growth;
- The need for both the Metropolitan Strategy and South West Sub-Regional Strategy to address the findings of the Department of Planning's review of its surplus land holdings;
- The need for additional cemetery and crematorium facilities to cater for the increasing population;
- The need to rectify all inconsistencies between the Metropolitan Strategy and South West Strategy;
- The need to integrate the Metropolitan Strategy and the Metropolitan Transport Plan with the South West Sub-Regional Strategy;
- The need for investment in the Rail Clearways Program to ensure express services from Campbelltown to the Sydney CBD;
- The need for the Metropolitan Transport Plan to focus on providing better transport linkages within the Greater Sydney Region to improve access to jobs; and
- The need for funding and implementation strategies, with timeframes and guarantees, to ensure the delivery of major transport links.

3. Rail to match the demands of growth and service the Growth Centres

- There is support for the North West and South West Rail Links, however the prevailing view is that these need to be commenced and finished in a shorter timeframe.
 - There is a need for improved inter-regional connections, particularly between the North West and South West regions.
 - There is support for the reinstatement of the Epping to Parramatta Rail Link as a priority.
 - A second rail crossing for Sydney Harbour should be investigated.
-

While a number of submissions commended the proposal for the South West Rail Link, some suggested that this should be in conjunction with providing additional services in this area. Several submissions suggested that the North West and South West Rail Links should connect and that the Epping to Parramatta Line could assist in linking these regions, as could reinstating additional services on the Cumberland Line. It was also suggested that a corridor be reserved for a line from Campbelltown to Penrith via the Smeaton Grange industrial area.

It is also of concern that the Submissions Summary Report does not provide a clear indication of how the Department of Planning and Transport NSW will deal with the comments received to the public exhibition of the Metropolitan Strategy Review and the Metropolitan Transport Plan, and whether these strategic planning documents will be revised in light of the comments that have been received.

4. Better bus connections

- There is general support for additional strategic bus corridors.
- Improved infrastructure and bus priority measures are required to ensure the effectiveness of bus corridors.
- Connectivity between bus corridors, local networks, other transport modes and employment and social infrastructures needs to be ensured.

5. Getting Sydney moving

- There is support for the incorporation of Active Transport* into the Metropolitan Transport Plan.
- Greater detail on the Cycleway Network and funding commitments is necessary.
- The development of a NSW Walking Strategy is desirable.

Active Transport refers to modes of transport in which the commuters are physically active while travelling, and includes activities such as walking and cycling.

6. Sydney's iconic ferries

- Commitment for funding of the Parramatta Service should extend beyond November 2011.
- Improved services are needed in areas of increasing residential density such as Cabarita and around Sydney Harbour.
- There should be more ferry stops to better service the University of Western Sydney.
- Investment is needed to upgrade infrastructure and the ageing fleet.
- Ferry services need to better integrate with other forms of transport, in terms of both timetables and fares (ticketing).

7. Increasing the efficiency of the road network

- There are mixed views on additional funding for road infrastructure, with some suggesting additional funding is needed to accommodate traffic growth generated by population increase and others suggesting funds would be better spent on public transport infrastructure to discourage additional car use.
-

- Funding commitments beyond the 10 year funding period are required for motorways.
- Improvements and upgrades are required on arterial roads.
- Pinch points and bottlenecks need to be addressed.

8. Key freight projects (supporting efficiency for economic reasons)

- Road freight movements cause congestion.
- Expanding rail freight could interfere with passenger services.
- Support was expressed for separating the passenger and freight rail networks.
- The Freight Strategy could be integrated with the Metropolitan Transport Plan.
- Intermodal terminals should be linked to employment lands in the West and South West, and road connections between terminals and distribution centres are required.
- There is a need to investigate new methods of moving freight from the airport and ports, such as inter-regional and cross-regional road connections.
- A higher proportion of the transport budget should be allocated to freight projects.

9. Better customer experience to help encourage public transport use

- There is widespread support for the MyZone ticketing initiative, but this could be further extended.
- Better connectivity within transport modes and between different transport modes is required.
- Provision of additional infrastructure such as commuter parking would encourage more people onto public transport.

10. Planning the future transport network

- A move away from a CBD centric approach is required to provide better connections particularly within and between the growth areas of Sydney.
- Land use planning and transport planning need to be integrated.
- National and international best practice could be examined to find innovative transport planning approaches that could be considered for metropolitan Sydney.

11. Next steps - comments, feedback and implementation

- Funding commitments need to have a longer timeframe and could be more aligned to the Metropolitan Strategy Review 2036 timeframe.
 - Environmentally sustainable transport options should receive further consideration.
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Comments on the Feedback

The submissions to the public exhibition of the Metropolitan Strategy Review and the Metropolitan Transport Plan highlight a range of significant issues that need to be considered in planning for the future of the Sydney Metropolitan Area.

While it is considered useful that the Department of Planning has published a summary of the submissions from the public exhibition of these metropolitan planning documents, it is disappointing that the summary does not include all of the matters that were raised by Campbelltown City Council and by MACROC.

Officer's Recommendation

That Council note the information regarding the content of the submissions to the Sydney Metropolitan Strategy Review and the Metropolitan Transport Plan.

Committee's Recommendation: (Bourke/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 December 2010 (Kolkman/Rule)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 240

That the Officer's Recommendation be adopted.

2.4 Sanitary Facilities in Non-Residential Development

Reporting Officer

Manager Environmental Planning

Attachments

Extract from Building Code of Australia – Table F2.3 Sanitary Facilities in Class 3, 5, 6, 7, 8 and 9 Buildings.

Purpose

To provide Councillors with information concerning the provision of appropriate sanitary facilities in non-residential development, for possible incorporation into the Campbelltown Sustainable City DCP.

Report

Background

At its ordinary meeting on 24 August 2010, Council considered a report on the fit out and use of the premises as a religious establishment at Unit 3 No.6 Cary Grove, Minto. Following the consideration of this item, Council resolved (in part):

“That a report be presented to Council which addresses the provision of more appropriate sanitary facilities in non-residential development for possible incorporation into the Campbelltown Sustainable City DCP”.

Existing Standards covering Sanitary Facilities

For non-residential development within New South Wales, the provision and design of sanitary facilities is regulated by a number of separate Codes, Standards and/or Acts. Under current practice, the primary controls that regulate the provision of these sanitary facilities are the Building Code of Australia, The Disability Discrimination Act, and the Australian Standards.

- **The Building Code of Australia (BCA)**

The BCA provides a uniform set of technical building provisions for the design and construction of buildings and other structures throughout Australia. The BCA is a national document that is maintained by the Australian Building Codes Board (ABCB) on behalf of the Commonwealth Government and each State and Territory Government.

With respect to the design and provision of sanitary facilities within buildings, the BCA provides the primary statutory controls as well as addressing associated access and mobility issues. This includes the number of toilets to be provided within buildings, generally based upon occupancy rates.

Clause 98 of the Environmental Planning and Assessment Regulation 2000 prescribes as a condition of development consent, and a condition for a complying development certificate, for building work that work must be carried out in accordance with the BCA. In this respect, the BCA provisions (including NSW variations) are the minimum requirements that must be complied with in any development.

- **Australian Standards (AS)**

The BCA specifies the relevant Australian Standards as the mandatory requirement with respect to the design and provision of sanitary facilities within buildings. AS 3500 provides general technical requirements for plumbing and drainage design, whereas AS 1428 provides the design requirements for the provision of disabled sanitary facilities within a wide range of commercial and shared accommodation buildings.

- **The Disability Discrimination Act 1992 (DDA)**

This is a Commonwealth Act that applies everywhere in Australia. It is administered by the Australian Human Rights Commission (AHRC). The DDA was introduced by the Federal Government in 1992 and is an anti-discrimination law, which aims to eliminate bias against people with disabilities and protects their rights to equality with the rest of the community. Its broad ranging considerations promote non-discriminatory access to premises, and this includes the equitable and dignified use of sanitary services and facilities within buildings.

Public places that need to be accessible for people with a disability include public footpaths and walkways; educational institutions and libraries; all retail and commercial outlets; recreational venues and public toilets; all types of public transport; medical and paramedical services; entertainment and tourist venues; accommodation facilities; financial and legal services; social and sporting clubs; and government offices and services.

It is noted that the BCA is currently not fully compliant with the requirements of the DDA with respect to disabled access and mobility requirements, however further revisions to the BCA are scheduled in early 2011 to bring greater consistency with the DDA.

Development Control Plan (DCP) Issues

The Environmental Planning and Assessment Act 1979 (the Act) permits Council to provide detailed design provisions within development control plans for a broad range of development types. Given the broad scope of development design provisions permitted within a DCP, Council could consider providing additional design requirements for sanitary facilities in non-residential buildings.

Section 74C of the Act relates to the preparation of development control plans, and allows Council to "prepare a development control plan (or cause such a plan to be prepared) if it considers it necessary or desirable to make more detailed provision with respect to development to achieve the purpose of an environmental planning instrument applying to the land concerned."

As such, if Council was of the view that it was necessary or desirable to impose more stringent requirements for sanitary facilities then it could consider incorporating such requirements as a DCP control. These DCP requirements would then need to be considered (where relevant) for development applications in accordance with S79C of the Act.

However, it is noted that in certain instances, developments can occur without the requirement to comply with Council's DCP requirements. This includes Complying Development (Exempt and Complying Development SEPP) and developments undertaken pursuant to the provisions of the Infrastructure SEPP, where BCA compliance is sufficient for technical building matters such as the design and provision of sanitary facilities. As such, varying Council's DCP controls would not carry through to development outcomes in all scenarios.

Furthermore, it is possible that developers could legally challenge the DCP controls of Council, particularly where Council was imposing more onerous standards than would generally be applied under the BCA. Given the uniform and generally accepted building standards of the BCA, including for those developments carried out under State Environmental Planning Policies, it is unclear as to whether Council could successfully defend against a challenge to an approval including the imposition of more onerous standards with respect to the design and provision of sanitary facilities within non-residential buildings.

Conclusion

The Environmental Planning and Assessment Act 1979 (the Act) prescribes the BCA as the minimum building design requirements that must be complied with for any development. The BCA regulates the minimum number of sanitary facilities to be provided within non-residential buildings based upon occupancy rates, and also specifies access and mobility requirements for disabled persons.

The provisions of the Environmental Planning and Assessment Act 1979 permit Council to provide detailed design provisions within development control plans for a broad range of development types. If considered necessary or desirable, then the Act would allow Council to provide more detailed design requirements for sanitary facilities in non-residential buildings than is provided for in the BCA. To date, no empirical evidence is available to suggest that Council would be justified in providing more onerous requirements within its DCP for the provision of sanitary facilities within non-residential buildings.

However, if there was evidence to demonstrate that the BCA requirements for sanitary facilities in non-residential buildings were inadequate, then it may be more appropriate to lobby the Australian Building Codes Board to amend the BCA rather than trying to remedy the deficiency through a DCP provision. This approach would ensure consistency amongst all developments, whether approved under Council or State Policies, and would also remove any legal challenge that Council may confront in imposing more onerous requirements for the provision of sanitary facilities above the generally accepted standards of the BCA.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Bourke/Hawker)

That the Officer's Recommendation be adopted.

Addendum: (Kolkman/Bourke)

2. That Council make the appropriate representations to the Australian Building Code Board to make them aware of Council's concerns as detailed in this report.

CARRIED

Council Meeting 14 December 2010 (Kolkman/Rule)

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

Council Resolution Minute Number 240

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

ATTACHMENT 1

Extract From Building Code of Australia

Table F2.3 Sanitary Facilities in Class 3,5,6,7,8 & 9 Buildings

SANITARY FACILITIES IN CLASS 3, 5, 6, 7, 8 & 9 Buildings User Group	Closet Pans		Urinals		Washbasins	
	Design Occupancy (People)	Number of Closet Pans	Design Occupancy	Number of Urinals	Design Occupancy	Number of Wash Basins
Class 3, 5, 6 and 9 other than schools						
Male employees	1 — 20	1	1 — 10	0	1 — 30	1
	> 20	Add 1 per 20	11 — 25	1	> 30	Add 1 per 30
			26 — 50	2		
			>50	Add 1 per 50		
Female employees	1 — 15	1			1 — 30	1
	> 15	Add 1 per 15			> 30	Add 1 per 30
Class 7 and 8						
Male employees	1 — 20	1	1 — 10	0	1 — 20	1
	> 20	Add 1 per 20	11 — 25	1	> 20	Add 1 per 20
			26 — 50	2		
			>50	Add 1 per 50		
Female employees	1 — 15	1			1 — 20	1
	> 15	Add 1 per 15			> 20	Add 1 per 20
Class 6 — department stores, shopping centres						
Male patrons	1 — 1200	1	1 — 600	1	1 — 600	1
	> 1200	Add 1 per 1200	>600	Add 1 per 1200	>600	Add 1 per 1200
Female patrons	1 — 300	1			1 — 600	1
	301 — 600	2			601 — 1200	2
	>600	Add 1 per 1200			>1200	Add 1 per 1200
Note:	Sanitary facilities need not be provided for patrons if the building accommodates not more than 600 people.					

Class 6 — restaurants, cafes, bars						
Male patrons	1 — 100	1	1 — 50	1	1 — 50	1
	101 — 300	2	51 — 100	2	51 — 200	2
	>300	Add 1 per 200	101 — 150	3	>200	Add 1 per 200
			151 — 200	4		
			201 — 250	5		
			>250	Add 1 per 100		
Female patrons	1 — 25	1			1 — 50	1
	26 — 50	2			51 — 150	2
	51 — 100	3			>150	Add 1 per 200
	101 — 150	4				
	151 — 200	5				
	201 — 250	6				
	>250	Add 1 per 100				
Note:	Sanitary facilities need not be provided for patrons if the building accommodates not more than 20 people.					
Class 9a — health-care buildings						
Male patients	1 — 16	2			1 — 8	1
	>16	Add 1 per 8			> 8	Add 1 per 8
Female patients	1 — 16	2			1 — 8	1
	>16	Add 1 per 8			> 8	Add 1 per 8
Class 9b — schools						
Male employees	1 — 20	1	1 — 10	0	1 — 30	1
	> 20	Add 1 per 20	11 — 20	1	> 30	Add 1 per 30
			21 — 45	2		
			>45	Add 1 per 30		
Female employees	1 — 5	1			1 — 30	1
	>5	Add 1 per 15			> 30	Add 1 per 30
Male students	1 — 25	1	1 — 50	1	1 — 10	1
	26 — 75	2	51 — 100	2	11 — 50	2
	76 — 150	3	>100	Add 1 per 100	51 — 100	3
	151 — 200	4			> 100	Add 1 per 75
	> 200	Add 1 per 100				

Female students	1 — 10	1			1 — 10	1
	11 — 25	2			11 — 50	2
	26 — 100	Add 1 per 25			51 — 100	3
	> 100	Add 1 per 50			> 100	Add 1 per 75
Class 9b — early childhood centres						
Children	1 — 15	1			1 — 15	1
	> 15	Add 1 per 15			> 15	Add 1 per 15
Note:	Facilities for use by children must be—					
	(a)	junior pans; and				
	(b)	washbasins with a rim height not exceeding 600mm.				

Class 9b — theatres and cinemas with multiple auditoria, art galleries or the like						
Male participants	1 — 20	1	1 — 10	1	1 — 10	1
	> 20	Add 1 per 20	> 10	Add 1 per 10	> 10	Add 1 per 10
Female participants	1 — 10	1			1 — 10	1
	> 10	Add 1 per 10			> 10	Add 1 per 10
Male spectators or patrons	1 — 250	1	1 — 100	1	1 — 150	1
	251 — 500	2	>100	Add 1 per 100	>150	Add 1 per 150
	>500	Add 1 per 500				
Female spectators or patrons	1 — 10	1			1 — 80	1
	11 — 50	2			81 — 250	2
	>51	Add 1 per 60			251 — 430	3
					> 430	Add 1 per 200
Class 9b — Single auditorium theatres and cinemas						
Male patrons	1 — 50	0	1 — 50	0	1 — 50	0
	51 — 250	1	51 — 100	1	51 — 150	1
	251 — 500	2	>100	Add 1 per 100	>150	Add 1 per 150
	>500	Add 1 per 500				
Female patrons	1 — 50	0			1 — 50	0
	51 — 110	3			51 — 150	1
	111 — 170	4			>150	Add 1 per 150

	171 — 230	5				
	231 — 250	6				
	>250	Add 1 per 80				
Class 9b — sports venues or the like						
Male participants	1 — 20	1	1 — 10	1	1 — 10	1
	> 20	Add 1 per 20	> 10	Add 1 per 10	> 10	Add 1 per 10
Female participants	1 — 10	1			1 — 10	1
	> 10	Add 1 per 10			> 10	Add 1 per 10
Male spectators or patrons	1 — 250	1	1 — 100	1	1 — 150	1
	251 — 500	2	> 100	Add 1 per 100	> 150	Add 1 per 150
	> 500	Add 1 per 500				
Female spectators or patrons	1 — 15	1			1 — 60	1
	16 — 60	2			61 — 200	2
	61 — 120	3			201 — 350	3
	> 120	Add 1 per 70			> 350	Add 1 per 150
Class 9b — churches, chapels or the like						
Male patrons	1 — 300	1	1 — 200	1	1 — 250	1
	>300	Add 1 per 500	> 200	Add 1 per 200	> 250	Add 1 per 250
Female patrons	1 — 150	1			1 — 250	1
	> 150	Add 1 per 150			> 250	Add 1 per 250
Class 9b — public halls, function rooms or the like						
Male patrons	1 — 100	1	1 — 50	1	1 — 50	1
	>100	Add 1 per 200	51 — 100	2	51 — 200	2
			101 — 150	3	>200	Add 1 per 200
			151 — 200	4		
			201 — 250	5		
			>250	Add 1 per 100		
Female patrons	1 — 25	1			1 — 50	1
	26 — 50	2			51 — 150	2
	51 — 100	3			>150	Add 1 per 200

	101 — 150	4				
	151 — 200	5				
	201 — 250	6				
	>250	Add 1 per 100				

Note:	Sanitary facilities need not be provided for patrons if the building accommodates not more than 20 people.
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Notes:

1.	Number — means the number of facilities <i>required</i> .
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2.	> — means greater than
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3.	Employees — a reference to employees includes owners and managers using the building.
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4.	A reference to "add 1 per 100 or 150, 250, 500" etc. includes any part of that number.
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