

# **Reports from the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 6 November 2007.**

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## **APOLOGIES**

## **DECLARATIONS OF INTEREST**

**Pecuniary Interests**

**Non Pecuniary Interests**

## **PART ONE**

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**Minutes of the Planning and Environment Committee held on 6 November 2007**

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**Present**

Councillor R Matheson (Chairperson)  
Councillor J Bourke  
Councillor R Kolkman  
Councillor M Oates  
General Manager - Mr P Tosi  
Director Planning and Environment - Mr J Lawrence  
Manager Environmental Planning - Mr P Jemison  
Manager Development Services - Mr S Phillips  
Acting Manager Development Services - Mr B Leo  
Manager Compliance Services - Mr A Spooner  
Manager Waste and Recycling Services - Mr P Macdonald  
Manage Executive Services - Mr N Smolonogov  
Manager Community Resources and Development - Mr B McCausland  
Corporate Support Coordinator - Mr T Rouen  
Executive Support - Mrs K Peters

**Apology (Kolkman/Oates)**

That the apology from Councillor Lake and Thompson be received and accepted.

**CARRIED**

**Also in Attendance**

Senior Strategic Environmental Planner - Ms R Haddad  
Acting Coordinator Development Services Unit - Mr J Baldwin  
Environmental Planning Coordinator - Mr I Curtis

**DECLARATIONS OF INTEREST**

There were no Declarations of Interest at this meeting.

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## 1. WASTE AND RECYCLING SERVICES

### 1.1 Waste and Recycling Services - Quarterly Statistical Report

#### Reporting Officer

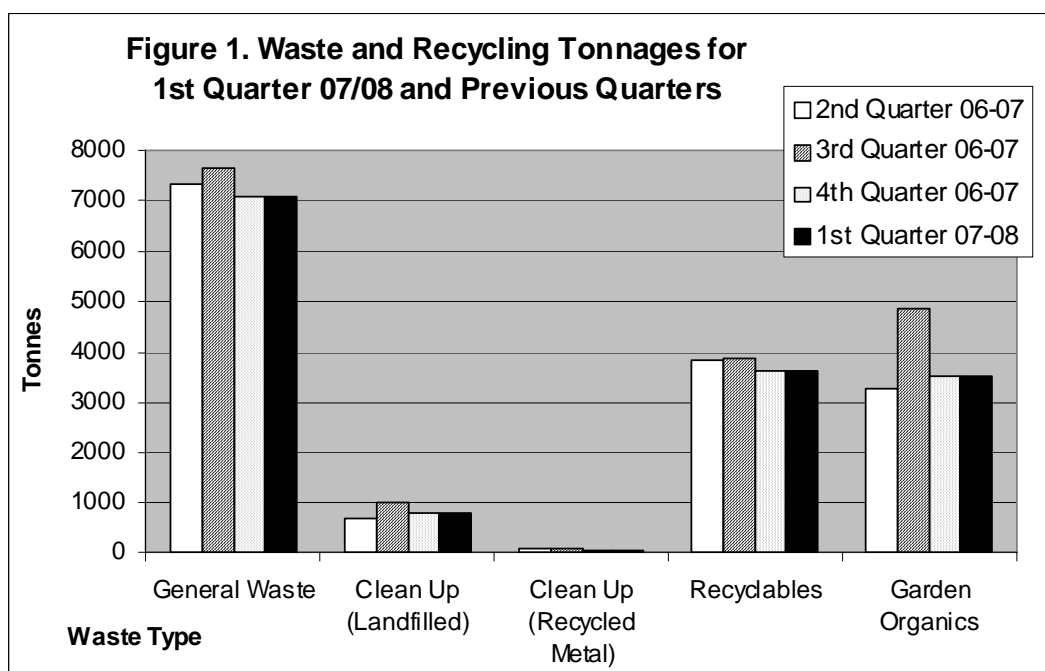
Manager Waste and Recycling Services

#### Attachments

Nil

#### Purpose

The following report provides a quarterly update of the domestic waste and recycling tonnages, costs, and number of services provided for the first quarter of 2007/2008, which is the period from 1 July to 30 September 2007.



“General Waste” refers to the material collected from garbage bins and “clean up” refers to the materials collected through the kerbside clean up service. “Recyclables” refers to the materials collected in the recycling bin and includes paper, cardboard, plastics, glass, aluminium, and steel. “Garden Organics” refers to the materials sourced from the garden organics bins, including grass clippings, leaves, flowers, prunings, small branches, weeds and untreated timber.

Figure 1 shows that tonnages for all waste types have remained steady since the previous quarter. The overall ratio of materials recycled to materials landfilled has also remained steady, with 48% of material recycled and 52% landfilled this quarter.

Figure 2 shows the disposal costs for the first quarter of 2007/2008 and previous quarters. Despite similar tonnages to the previous quarter, waste disposal costs for general waste and clean up waste have increased this quarter. This is attributed to an increase in charges at the waste disposal facility, in line with new financial year pricing.

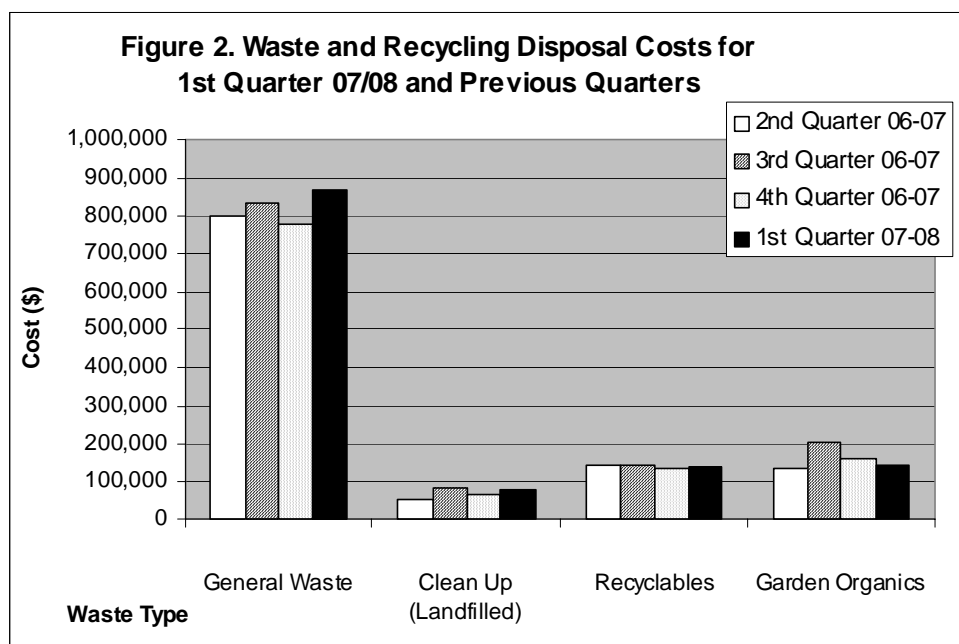
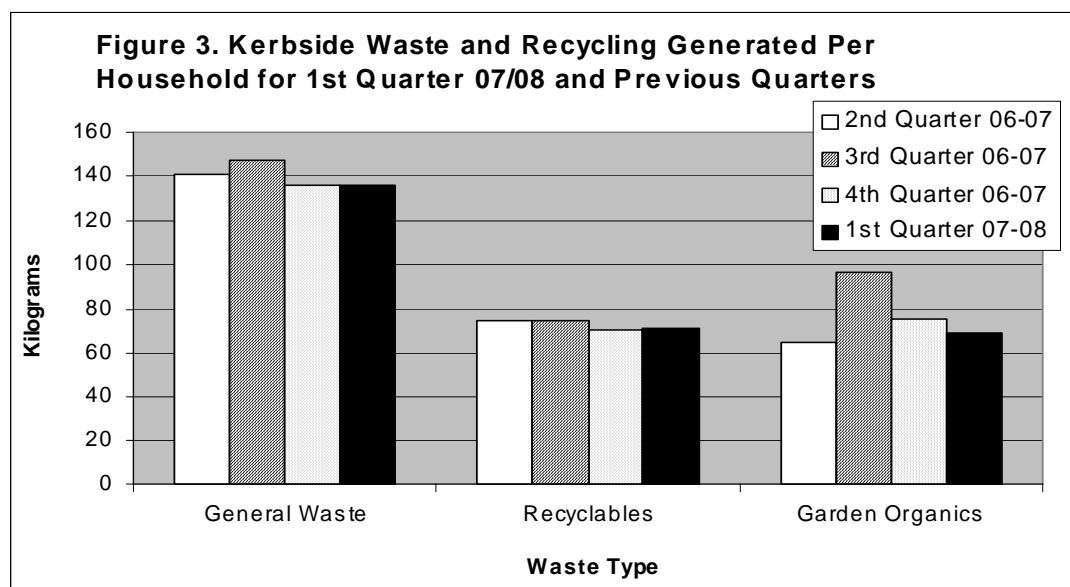


Figure 3 shows the amount of kerbside waste and recycling generated per household for the first quarter of 2007/2008 and previous quarters. The amount of waste and recyclables generated per household this quarter compared to the previous quarter has remained consistent with a slight reduction in garden organics.

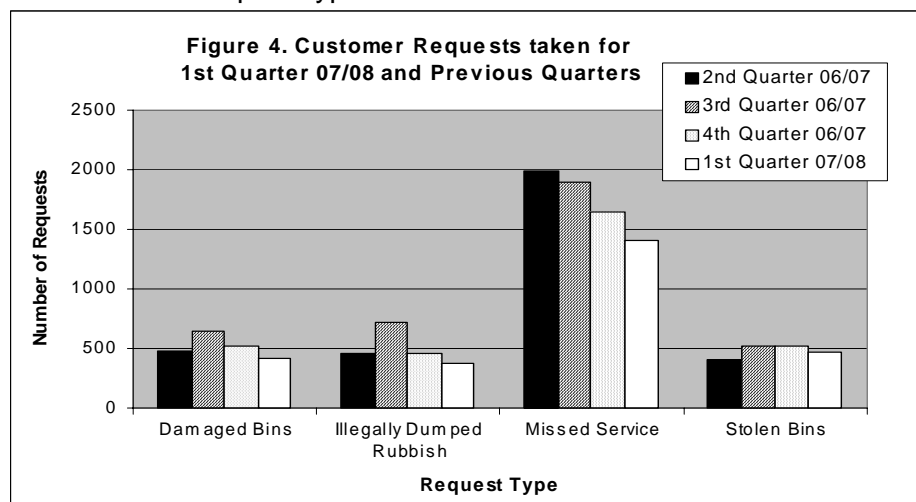


The number of services provided in the first quarter 2007/2008 and previous quarters are detailed in Table 1. The number of domestic services has decreased from the previous quarter due to a number of factors. As residents receive rate instalments for the new financial year, charges against properties that do not have services are identified, and as a result services are formally cancelled, reducing the total number of services.

Further, inspections are carried out to identify commercial properties that are recorded erroneously as having a domestic service. In rectifying these records the number of domestic services decreases and the number of commercial services (including garden organics) increases, as shown in the table. The number of clean up services, both general and recycled metal, has increased since the previous quarter. This may be attributed in part to the promotion of the service through Council's waste and recycling arch sign located on the corner of Kellicar and Narellan Roads.

<b>Table 1. Total Number of Services for 1st Quarter 07/08 and Previous Quarters</b>				
<b>Service</b>	<b>2nd Quarter 06-07</b>	<b>3rd Quarter 06-07</b>	<b>4th Quarter 06-07</b>	<b>1st Quarter 07-08</b>
1 Domestic Service (Garbage, Recycling, Garden Organics)	50,272	50,329	50,398	50362
2 Additional Domestic Garbage	568	591	598	611
3 Additional Domestic Recycling	251	273	278	278
4 Additional Domestic Garden Organics	139	146	151	151
5 Clean Ups (General)	6,144	6,906	5,048	5,617
6 Clean Ups (Recycled Metal)	1,893	1,902	1,631	1,941
7 Commercial Service (Garbage, Recycling)	822	833	837	834
8 Commercial Service Including Garden Organics	168	171	167	183
<b>Total Number of Services</b>	<b>60,067</b>	<b>61,151</b>	<b>59,108</b>	<b>59,977</b>
<b>Total Number of 'Garbage' Services (1+2+7+8)</b>	<b>51,830</b>	<b>51,924</b>	<b>52,000</b>	<b>51,990</b>
<b>Total Number of 'Recycling' Services (1+3+7+8)</b>	<b>51,513</b>	<b>51,606</b>	<b>51,680</b>	<b>51,657</b>
<b>Total Number of 'Garden Organics' Services (1+4+8)</b>	<b>50,579</b>	<b>50,646</b>	<b>50,716</b>	<b>50,696</b>

Figure 4 shows the number of customer service requests received by request type for the first quarter 2007/2008 and previous quarters. The graph shows there has been a decrease in calls received for all request types.

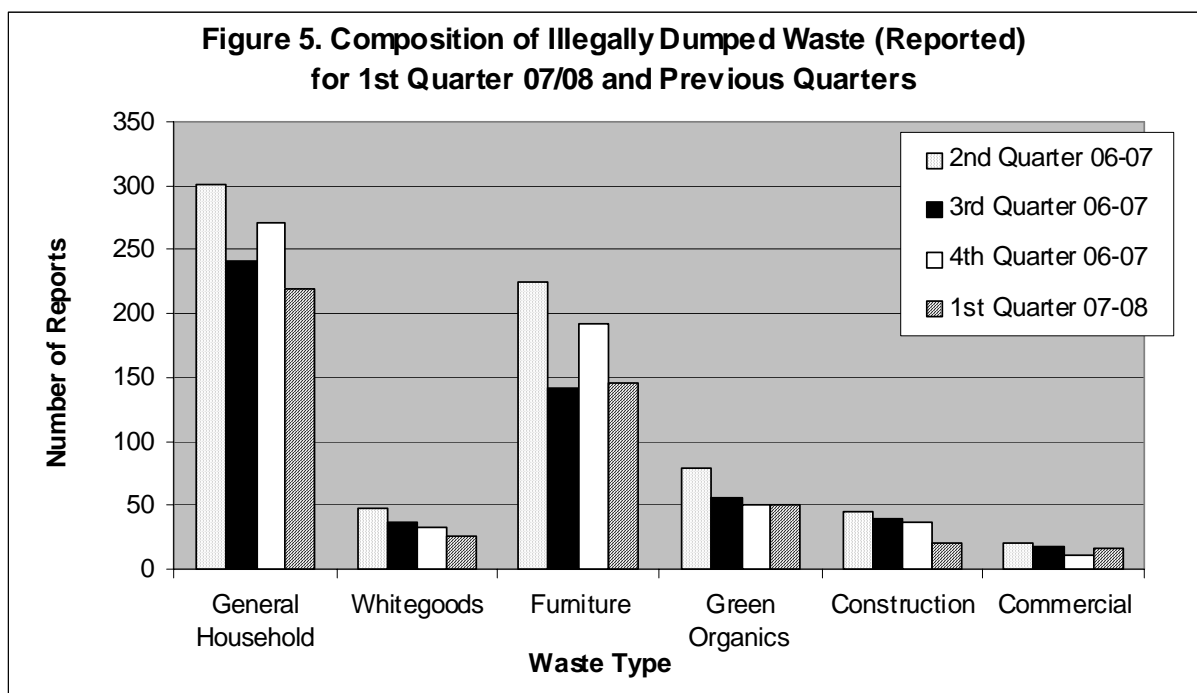


“Damaged bins” refers to requests taken regarding damaged bins requiring repairs or replacement. “Stolen bins” refers to bins that are missing and requiring replacement.

“Illegally dumped rubbish” refers to reports received over dumped rubbish. Depending on the circumstance, these reports are dealt with by Council’s Cleansing Unit, Compliance Services Section, or City Works Division for removal and/or further investigation. It is of some interest that reports of illegally dumped waste this quarter are the lowest for the last 12 months. As this coincides with a significant increase in clean up bookings compared to the previous quarter, it is possible that the reduction in illegally dumped waste may be attributable to the active promotion of Council’s clean up service and the media profile recently assigned to the dumping incident at Wedderburn.

“Missed Services” refers to bins that were reported as not collected as scheduled. Whilst this statistic appears high, it equates to a missed service rate of approximately 0.1 of a percent (approximately 30 bins missed out of a total of 21,000 collected per day). Further, anecdotal information suggests that a substantial proportion of these incidents are in fact cases where residents have forgotten to put their bins out for collection. Some “missed services” may also be attributed to residents attempting to obtain a free second collection service where they have excess garbage.

Of the calls received regarding illegally dumped waste, Figure 5 shows the most common items reported to be dumped. The most popular items dumped continue to be general household waste and furniture.





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 results for the quarter remained stable with no significant changes in the amount of waste generated for each waste type. The ratio of recyclables to non-recyclables generated was also steady, with residents diverting 48% of recyclables from landfill.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Kolkman/Bourke)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 13 November 2007 (Oates/Banfield)**

That the Officer's Recommendation be adopted.

### **Council Minute Resolution Number 212**

That the Officer's Recommendation be adopted.

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## **1.2 'No Butts About It, It's Litter' - Anti Cigarette Butt Littering Promotion**

### **Reporting Officer**

Manager Waste and Recycling Services

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### **Attachments**

Nil

### **Purpose**

This report provides details of the 'No Butts About It, It's Litter' Anti Cigarette Butt Littering Promotion proposed to be undertaken by Council.

### **Report**

With the introduction of new anti-smoking legislation forcing more smokers outdoors the 'No Butts About It, It's Litter' Anti Cigarette Butt Littering Promotion hopes to remind smokers to dispose of their cigarette butts in an appropriate manner.

The campaign will involve the development of promotional posters, which will be distributed to all CBD areas, including Macquarie Fields, Glenfield, Ingleburn, Minto, and Queen Street, for display in shop windows. This will be supported by advertising in local newspapers, the Macarthur Chronicle and the Macarthur Advertiser, and on local radio station C91.3.

'No Butts About It, It's Litter' promotional posters will also be placed in Council owned bus shelters across Campbelltown City on community noticeboards, and displayed at Council facilities, such as libraries and leisure centres.

Due to the timing of Council events and opportunities available for advertising and promotion the initiative will be implemented in December 2007, which will also coincide with the Christmas shopping period.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Bourke/Matheson)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 13 November 2007 (Oates/Banfield)**

That the Officer's Recommendation be adopted.

### **Council Minute Resolution Number 212**

That the Officer's Recommendation be adopted.

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## **1.3 Impacts of the Disposal of Fluorescent Lamps in the Domestic Waste Stream**

### **Reporting Officer**

Manager Waste and Recycling Services

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### **Attachments**

1. Letter from Mr Paul Bainton, Acting Assistant Secretary, Environment Standards Branch, Department of the Environment and Water Resources.
2. Letter from Mr Luke Clarke, Policy Adviser, Office of the Minister for Climate Change, Environment and Water.

### **Purpose**

To update Councillors on issues surrounding the safe disposal of fluorescent lamps.

### **History**

The Australian Government has introduced a programme to phase out the use of incandescent light globes, and to replace them with the more energy-efficient compact fluorescent lamps by June 2010. This initiative has environmental benefits in respect of lower energy consumption during the operation of these lamps. However, as fluorescent lamps contain traces of mercury, Councillors have recently expressed concern over the possible adverse environmental effects of disposal of these products to landfill. Concerns have also been expressed at how disposal of fluorescent lamps through the domestic garbage stream may affect the advanced waste treatment facility currently under construction at Jacks Gully. Requests have been received from a number of Councillors for information on future initiatives regarding appropriate disposal of fluorescent lamps, as they become more widely used by households.

### **Report**

In August 2007 Council wrote to both the State and Federal Governments on this issue, seeking information on future plans for the safe disposal of fluorescent lamps.

Councillors will note from the attached copy of the response from the Federal Government, that at a national level the Environment Protection and Heritage Council (EPHC) is currently undertaking work to identify the nature and extent of the problems posed by landfill disposal of fluorescent lamps. If the EPHC finds the problem to be significant, it will then consider whether there is a need for a national measure to improve the end of life management of fluorescent lamps.

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### 1.3 Impacts Of The Disposal Of Fluorescent Lamps In The Domestic Waste Stream

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Councillors would be aware that one of the key objectives of the NSW Government's Waste Avoidance and Resource Recovery Strategy, is to reduce toxic substances in products and materials. The strategy also seeks to increase the environmental responsibility of manufacturers and suppliers of products by implementing programmes of Extended Producer Responsibility (EPR).

The response to Council's letter from the NSW Department of Environment and Climate Change (DECC), a copy of which is attached, provides in summary, the following information:

- Used fluorescent lamps are accepted at annual Household Hazardous Waste Collection events (at Campbelltown's most recent annual Household Hazardous Waste Collection event in August 2007, residents dropped off a total of 32 kilograms of fluorescent lamps);
- As the quantity of fluorescent lamps generated as waste is currently low, there are currently no specific disposal requirements for these items;
- At a national level, the Environment Protection and Heritage Council is currently investigating fluorescent lamp end-of-life management issues; and
- Fluorescent lamps are included as a 'waste of concern' in the NSW Government's '2005-06 NSW Extended Producer Responsibility Priority Statement' (the 'EPR Priority Statement'). A copy of this document is available upon request from Council's Manager Waste and Recycling Services, or may be downloaded directly from:

[www.environment.nsw.gov.au/resources/2005624\\_prioritystatement2005\\_06.pdf](http://www.environment.nsw.gov.au/resources/2005624_prioritystatement2005_06.pdf)

A number of industry sectors, including the fluorescent lamp manufacturing/supply industry, are involved in initiatives to either develop or improve implementation of EPR schemes. If voluntary EPR schemes fail to produce acceptable results the Minister for the Environment, under the *NSW Waste Avoidance and Resource Recovery Act, 2001*, may make regulations to implement compulsory EPR schemes.

The industry body responsible for the manufacture/supply of fluorescent lamps is the 'Australian Electrical and Electronic Manufacturers Association' (AEEMA). In November 2005 the Minister for the Environment wrote to AEEMA, requesting that it report by March 2006 on initiatives to reduce the levels of hazardous substances in lighting products and to establish systems to improve the collection and recycling of these products. Further, the EPR Priority Statement states that AEEMA was asked to report on "*specific proposals or current actions on focussing the attention of the commercial sector on improving the recovery and recycling of fluorescent tubes and other vapour lamps, with a further report on implementation by 31 October 2006*".

In its response, AEEMA advised of its efforts to reduce the levels of mercury in fluorescent lamps. These efforts include working to remove 38mm high mercury lamps from the market, and setting an immediate maximum limit of 15mg of mercury for 25mm lamps, reducing to a limit of 5mg in two years. While this response addresses the first part of the Minister's request, it does not address the important second part of the request that relates to the establishment of systems to improve collection and recycling. Council officers are currently pursuing this matter further with the Department of the Environment and Water Resources.

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### 1.3 Impacts Of The Disposal Of Fluorescent Lamps In The Domestic Waste Stream

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As reported to its meeting on 21 August 2007, Council is engaging in a pilot fluorescent lamp drop-off programme, where residents may drop used lamps to Council's Civic Centre. From here, they will be transported to a recycling centre in Melbourne. This program is due to commence by mid-November, and will continue to the end of January 2008, after which it will be reviewed and possibly extended indefinitely.

Councillors would be aware that the advanced waste treatment facility, currently under construction at Jacks Gully, is due to commence operation during 2008. The contractor building and operating the facility has estimated that at least 70% of the contents of domestic garbage bins will be recovered for reuse or recycling, in lieu of being landfilled. The contractor advises that the mercury contained in fluorescent lamps will manifest itself either in the residual waste fraction, which is the unusable portion intended for landfill, or in the digester sludge, which is the residual fraction left after the microbial digestion of the organic waste. Subject to approval from DECC, the contractor intends using the digester sludge as landfill rehabilitation material. The Jacks Gully landfill has a leachate management system that captures leachate within the landfill boundary, and prevents it from coming into contact with groundwater. In addition, the contractor operating the landfill is required to undertake regular monitoring of groundwater and waterways adjacent to the landfill, to detect leachate break-out. The risk of hazardous substances (such as mercury) entering surrounding water tables is therefore low.

At this point the contractor is confident that mercury from fluorescent lamps will not adversely affect the operation of the new facility, as scientific modelling conducted to date indicates that the levels will be well below DECC's requirements for both landfill disposal and landfill rehabilitation material. The contractor's licence to operate the advanced waste treatment facility, (including its proposed use of waste residue and digester sludge), includes a requirement to regularly monitor each of these by-products for levels of a wide range of hazardous substances, including mercury.

Councillors would be aware that Campbelltown City Council's Manager Waste and Recycling Services manages the regional waste processing contract on behalf of the 4 participating councils. This role includes monthly formal meetings with the contractor. The issue of disposal of fluorescent lamps has already been discussed at contract meetings, and will continue to be tabled as a formal agenda item as the domestic use (and therefore disposal) of fluorescent lamps increases. Should mercury approach a level that threatens to exceed DECC's requirement, the contractor and the 4 councils involved in the contract will consider joint strategies for diverting fluorescent lamps from the normal domestic garbage stream.

#### **Officer's Recommendation**

1. That Council, through its regular contract management meetings, continue to liaise with its waste-processing contractor to monitor mercury levels in the domestic waste stream.
2. That should mercury levels in the domestic waste stream increase to a point that threatens to exceed acceptable levels under the requirements of the NSW Department of Environment and Climate Control, a further report be provided on the proposed strategies for reducing mercury content in the domestic waste stream.

#### **Committee's Recommendation: (Oates/Bourke)**

That the Officer's Recommendation be adopted.

**CARRIED**

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### **Council Meeting 13 November 2007 (Oates/Banfield)**

That the Officer's Recommendation be adopted.

#### **Addendum: (Hawker/Rowell)**

3. That a further report be presented on this matter with particular attention on strategies being developed to eliminate these lamps from being disposed of into landfill and the general waste stream.

**WON** and became part of the Motion.

### **Council Minute Resolution Number 212**

That the Officer's Recommendation incorporating the Addendum be adopted.

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## ATTACHMENT 1



**Australian Government**

**Department of the Environment and Water Resources**

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

Dear Mr Tosi

Thank you for your letter of 14 August 2007 to the Minister for the Environment and Water Resources, the Hon Malcolm Turnbull MP, concerning the phase out of incandescent lamps and appropriate disposal of their mercury containing replacements. I have been asked to respond.

I agree that this is an important issue and the Department of the Environment and Water Resources is keen to ensure that appropriate disposal of fluorescent lamps, which may include recycling, is considered within any overall strategy for phasing out incandescent light globes.

On 2 June 2007, the Environment Protection and Heritage Council (EPHC), which is chaired by Minister Turnbull, agreed to investigate issues associated with the end-of-life management of compact fluorescent lamps and possible policy solutions.

In the first instance, the Department is working with industry and government stakeholders, including the Australian Council of Recyclers, to gather available information. This will help us to identify the nature and extent of the problem posed by landfill disposal of mercury containing fluorescent lamps. The EPHC will then consider whether there is a need for a national measure such as a recycling scheme to improve the end of life management of fluorescent lamps.

A significant proportion of the used fluorescent and compact fluorescent lamps in Australia are currently being disposed of at landfill. However, recycling is possible through a number of companies. Information about disposal and recycling, developed with the assistance of the states and territories, is available on our website at <http://environment.gov.au/settlements/waste/lamp-mercury.html>.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Bainton'.

Paul Bainton  
Acting Assistant Secretary  
Environment Standards Branch

10 September 2007



GPO Box 787 Canberra ACT 2601 Telephone 02 6274 1111 Facsimile 02 6274 1666  
[www.environment.gov.au](http://www.environment.gov.au)



## ATTACHMENT 2



### Minister for Climate Change, Environment and Water

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In reply please quote: MD07/3673

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

Dear Mr Tosi

Thank you for your letter of 14 August 2007 to the Hon Phil Koperberg MP, Minister for Climate Change, Environment and Water, regarding the safe disposal of fluorescent light globes. I am replying on the Minister's behalf.

I acknowledge Council's concerns about this important environmental issue. The Department of Environment and Climate Change organises regular Household Chemical Cleanout events throughout the Sydney, Central Coast, Hunter and Illawarra regions. Fluorescent lamps are accepted at these events as advertised. Lamps returned through these collections are sent for recycling and the mercury is recovered.

There are currently no special disposal requirements in any State or Territory regarding the disposal of fluorescent lamps by households. This is because the quantities currently generated are regarded as safe and householders may dispose of them as part of household waste.

Fluorescent lamps are also covered in the 2005-06 NSW Extended Producer Responsibility Priority Statement under the category of 'Other Electricals'. I enclose a copy of the Statement for Council's information. Producers of the "wastes of concern" listed in the Statement must identify actions that will be taken to reduce the environmental impacts of those products, for example through the choice of materials and manufacturing processes or through more efficient product or material recovery, reuse and recycling.

In November 2005 the former NSW Environment Minister wrote to the industry association responsible for fluorescent lamps and requested that it report on initiatives to reduce the levels of hazardous substances in lighting products and to establish systems to improve the collection and recycling of these products. In response, the Australian Electrical and Electronic Manufacturers Association advised of its efforts to reduce the levels of mercury in fluorescent lamps. The Association is working to remove 38mm high mercury lamps from the market. It has also set an immediate maximum limit of 15mg of mercury for 25mm lamps, reducing to a limit of 5mg in two years. The Association has also participated in developing a standard Australian test method for determining the mercury content in fluorescent lamps. This standard test is a world first, and has attracted interest from other countries.



1.3 Impacts Of The Disposal Of Fluorescent Lamps In The Domestic Waste Stream


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At the national level, the Environment Protection and Heritage Council, comprising Environment Ministers from all Australian States and Territories as well as the Commonwealth, recently discussed the issue of the potential impact of increased numbers of fluorescent lamps as a result of the Australian Government's initiative to phase out inefficient lamps by June 2010. At its June meeting, Council agreed to investigate fluorescent lamp end-of-life management issues. Information on this and other Council initiatives is available on the Council website at [www.ephc.gov.au](http://www.ephc.gov.au).

If you would like further information, please contact Mr Alex Young, Manager Product Stewardship, Sustainability Programs Division on (02) 8837 6025.

I trust this information has been of assistance

Yours sincerely



**Luke Clarke**  
**Policy Advisor**

**05 OCT 2007**

Encl.

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## **2. ENVIRONMENTAL PLANNING**

### **2.1 Big Switch Projects**

#### **Reporting Officer**

Acting Manager Environmental Planning

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#### **Attachments**

Nil

#### **Purpose**

The purpose of this report is to provide Council with information on the Big Switch Programme currently being operated in the Illawarra Area (The *Woonona-Bulli Home Energy Challenge*). The report also discusses the potential of a similar project being implemented within the Campbelltown Local Government Area.

#### **History**

Council, at its meeting held on 21 August 2007, resolved that:

*"A report be presented to Council for a pilot programme of the Big Switch Programme aimed at residential properties in the area"*

The resolution was made following the launch of the Campbelltown Energy Challenge, in which Council was a major participant. The Energy Challenge, whilst instigated by Integral Energy, was facilitated by Big Switch Projects, a specialist energy consultancy firm. During the launch, Big Switch highlighted a number of projects they had been involved with, including the *Woonona-Bulli Home Energy Challenge*.

This report provides a brief summation of the Home Energy Challenge, and how a similar project could potentially be implemented within the Campbelltown Local Government Area (LGA).

#### **Report**

##### **1. The Woonona-Bulli Home Energy Challenge**

###### **a) Background**

The *Woonona-Bulli Home Energy Challenge* (the Home Energy Challenge) is a residentially focused energy efficiency pilot programme managed by Big Switch Projects in association with Wollongong City Council, Bulli Workers Club and *The Advertiser*. The programme, supported with \$400,000 from the NSW Government's Energy Savings Fund, offers discounts on the prices compact fluorescent lamps (CFLs) and low-flow showerheads, as well as subsidies for converting

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household energy needs from electricity to gas, and the purchase of ceiling insulation, energy-efficient fridges, solar hot water and photovoltaic panels. In this regard, the programme aims to:

- Reduce residential household energy bills and subsequent greenhouse gas emissions;
- Reduce peak electricity demand on the energy supply network;
- Provide residents with affordable energy efficient appliances; and,
- Create jobs and promote environmentally sustainable contractors/suppliers and technologies.

b) The Home Energy Challenge

The challenge commenced in late May 2007 and is due to conclude in March 2008. Although it is too early to gauge the overall effectiveness of the programme, there has been a high level of interest from residents within the pilot area. In particular, residents have shown a high level of interest in ceiling insulation compared to CFLs and low-flow showerheads, where the market is already saturated by discounted subsidy providers (e.g. Easy Being Green).

To take advantage of the subsidies available, residents within the pilot area are encouraged to contact Big Switch Projects, where their energy needs are assessed against the products that are available through the programme. If a product or service is required, the resident's details are referred to a 'programme supplier' (a third party supplier with whom Big Switch Projects has formed a commercial relationship for the supply of products to customers) for quotation and installation of the respective product. The resident must also agree to a list of terms and conditions, which in part includes:

- The product acquired will be kept installed and running for the duration of the programme (until at least 31 March 2008); and
- Any major product (refrigerators, gas cookers, gas space heaters and gas continuous flow hot water units) acquired, will replace an existing product (an existing functionally similar electronically powered product), and in doing so the resident will permanently and irrevocably transfers all rights and title of the existing, or replaced product to Big Switch Projects.

To ensure that the product has been installed correctly and a subsidy can be offered, Big Switch Projects requests a copy of the quote and signed verification of product installation. Further, within the terms and conditions of the programme, the resident also agrees to participate in quality assurance and measurement surveys.

c) Issues Encountered

To date, issues associated with the programme have primarily related to internal resourcing and competition with existing service providers. Preliminary results have identified that CFLs and low-flow showerhead products, as well as home energy consultation packages are under-performing (i.e. poor uptake by the community). A plausible reason for this, is the market's current saturation with these and similar services.

In addition, Big Switch Projects obtain revenue from trading NSW Greenhouse Abatement Certificates (NGACs). NGACs are created from facilitating/implementing project-based greenhouse gas emission reduction activities. These activities are defined within the NSW Greenhouse Gas Reduction Scheme (GGAS) as "Rules". Of relevance, the programme utilises Rule 3 - Demand Side Abatement activities, which reduce greenhouse gas emissions on the customer side (demand side). In general, the scheme creates an opportunity where participating

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parties can buy and sell, either permits for emissions, or credits for emission reductions. In terms of the Home Energy Challenge, Big Switch Projects is able to sell credits for emission reductions following the installation of the more energy efficient products. However, the recent decline in the price of credits is likely to have resulted in a decline in revenue that can be obtained from the programmes tradable NGACs. Specifically, as at July 2007 a NGAC equated to \$10.00, compared to January 2007 where a NGAC equated to \$13.00.

## **2. Relationship of the Home Energy Challenge to Council's existing greenhouse gas initiatives**

To date, Council has focused on reducing the energy consumption of its own assets, primarily through the *Integral Energy Campbelltown Energy Challenge*, the *Energy Efficient Street Lighting Programme*, the *Energy Savings Action Plan (ESAP)*, the *Fleet Management and Fuel Savings Initiatives* and the *Cities for Climate Projects Programme*. Council has also committed significant resources to tree planting. In this regard, Council has begun to establish a platform of community leadership based on the implementation of these projects, which are considered to be an integral component of promoting greenhouse gas reduction, and broader issues associated with climate change, within the wider community. It is important to note that Council has also implemented a number of successful community education initiatives including, the *Environment Review Programme*, the *Schools Climate Change Initiative* and the *Sustainable Blitz* workshops. These initiatives were the subject of a previous report to Council in September 2007.

Of the various projects Council has committed to implementing, the Home Energy Challenge may assist in achieving some of the milestones associated with the Cities for Climate Protection Programme. The Cities for Climate Protection (CCP) Programme originated from a declaration made at the United Nations Summit in 2002, which called for the establishment of a worldwide movement to reduce greenhouse gas emissions, improve air quality, and enhance urban sustainability. Council recently received formal notification from the International Council for Local Environment Initiatives (ICLEI) (who administer the programme) that its application to participate in the programme had been successful. Having been accepted into the programme Council will now analyse greenhouse gas emissions throughout the entire LGA, and further facilitate practical energy reduction measures within Council and the general community (including residential, business and industrial sectors).

Of relevance, the programme involves achieving five (5) strategic milestones, including:

1. Conducting a baseline emissions inventory and forecast for the respective local government area;
2. Adoption of an emissions reduction target for the local government area for the forecast year;
3. Development of a Local Action Plan that describes the policies and measures that participating councils will follow to reduce greenhouse gas emissions and achieve their emissions reduction targets;
4. Implementation of policies and measures outlined in the Local Action Plan; and
5. Monitoring and verification of the implementation of measures to reduce greenhouse gas emissions.

Given that the successful achievement of these milestones requires extensive community acceptance and participation, a similar programme to that of the *Woonona-Bulli Home Energy Challenge* may be of benefit. However, it is recommended that Council endorsement and subsequent implementation of such a programme should not be considered until at least the commencement of Milestone 3, where Council will need to establish a Local Action Plan to

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achieve the defined greenhouse gas emission reduction target. In this regard, Council will be in a better strategic position to identify programmes more suited to achieve the Milestones and engage the varying community groups within the LGA.

### **3. Requirements to participate**

#### **a) Funding**

As previously stated, the Home Energy Programme received funding of \$400,000 from the NSW Energy Savings Fund, which represents sufficient funding to support an 18 month programme within only two (2) suburbs. Consequently, if Council were to institute a similar programme, consideration would need to be given to the suburbs targeted, bearing in mind that if more than two (2) suburbs were targeted, the funding amount required would need to increase.

In addition, recent amendments to the *Energy and Utilities Administration Act 1987* has resulted in changes to the primary funding body i.e. the Energy Savings Fund. Specifically, both the Water and Energy Savings Funds have been consolidated into the recently established Climate Change Fund. The Fund will comprise of \$340 million available over five years for:

- Residential Rebate Programmes;
- NSW Green Business Programmes;
- Public Facilities Programmes;
- Recycling and Stormwater Harvesting Programmes;
- Renewable Energy Development Fund;
- School Energy Efficiency Programmes; and,
- Rainwater Tanks in Schools Programmes.

Proposed funding applications will need to be directed to the Department of Climate Change who administer the fund.

#### **b) Resourcing**

Although the Home Energy Challenge Programme is primarily managed and driven by Big Switch Projects, consideration would need to be given to Council's internal resourcing capabilities, to ensure that the programme is targeted and executed in a way that recognises Campbelltown's unique and diverse community. Accordingly, given Council's intimate knowledge of the LGA, Council would need to consider whether it will only provide programme support, or whether it would drive/ lead the programme.

Further, The *Woonona-Bulli Home Energy Challenge* utilises the support of a number of local businesses (including Wollongong City Council, Bulli Workers Club and *The Advertiser*) to promote the programme. Accordingly, Council would need to have regard to attaining suitable and effective business and media partners.

### **4. Conclusion:**

Council is currently implementing a number of practical measures to minimise energy consumption and reduce greenhouse gas emissions, both within Council and the broader community. Council's recent acceptance into the CCP programme will enable Council to effectively strengthen these initiatives through a more strategic and coordinated approach. Whilst the Home Energy Challenge may integrate well with the CCP Milestones, it is very expensive and has a small target area. In addition, it is still at the pilot stage and hence the success of the

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programme cannot be fully understood at this time. In this regard, it is considered more appropriate that Council focus on the further development and implementation of Council's existing initiatives. Notwithstanding, depending upon the availability of future funding and a more defined assessment of the programme's success, Council could consider participating in a project similar to that of the Home Energy Challenge.

### **Officer's Recommendation**

That this information be noted.

### **Committee's Recommendation: (Kolkman/Bourke)**

1. That the information be noted.
2. That Council issue a media release to inform residents that Council now belongs to Cities for Climate Change Program and that the media release should also indicate the milestones we will strive for and summarise our initiatives to date.

### **CARRIED**

### **Council Meeting 13 November 2007 (Oates/Banfield)**

That the Committee's Recommendation be adopted.

### **Council Minute Resolution Number 212**

That the Committee's Recommendation be adopted.

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## **2.2 Public Exhibition of Draft Campbelltown (Sustainable City) DCP 2007 - Volumes 1&2**

### **Reporting Officer**

Manager Environmental Planning

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### **Attachments**

1. A summary of received submissions (under separate cover)
2. Copy of amended Draft Campbelltown (Sustainable City) Development Control Plan 2007 (Volumes 1 and 2) (under separate cover).
3. Comparison between the adopted DCP, the Draft DCP 2007 and the amended Draft DCP 2007 (under separate cover)
4. Map illustrating the parcels of land within Macarthur that is the subject of the BBC Consulting submission (under separate cover).
5. A summary of DCPs to be repealed (under separate cover)

### **Purpose**

The purpose of this report is to:

- inform Council of the outcome of the public exhibition of the draft Campbelltown (Sustainable City) Development Control Plan 2007 Volumes 1 & 2 (Draft DCP 2007);
- advise Council of recommended changes to the Draft DCP 2007 in light of issues raised from the public exhibition;
- recommend that Council formally adopt Draft DCP 2007 in accordance with the relevant statutory provisions; and
- seek Council's endorsement to repeal a number of development control plans that have been reviewed and incorporated as part of the Draft DCP 2007.

### **History**

On 29 May 2007, Council considered a report on the Draft DCP 2007 and resolved:

1. *That Council publicly exhibit Volume 1 Draft Campbelltown (Sustainable City) Development Control Plan Parts 1,2,3,4,5,6 and, 10 generally as shown as Attachment 1 and Volume 2 Draft Engineering Design for Development generally as shown as Attachment 2, for a period of one (1) month in accordance with the provisions of Part 3 of the Environmental Planning and Assessment Regulations 2000.*
  2. *That Council conduct two (2) community information sessions for the general public and one (1) information session for industry groups during the exhibition period.*
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3. *That a report be presented to Council following the exhibition process detailing all submissions and the outcomes of the public information sessions.*
4. *That a clause be inserted into the Draft DCP that requires all specified communal and recreational facilities within residential apartment building developments to be finalised prior to the issue of an interim occupation certificate for any residential unit.*
5. *That clause 4.4.2 be amended to require a minimum site area of 2,500sqm for the construction of a residential apartment building development.*

Prior to the commencement of the public exhibition, the Draft DCP 2007 was amended in accordance with points 4 and 5 of Council's resolution. Thereafter, the Draft DCP 2007 was publicly exhibited from 6 June 2007 until 6 July 2007.

## **Report**

### **Public consultation**

The public exhibition of Draft DCP 2007 commenced on 6 June 2007 and concluded on 6 July 2007. The Draft DCP 2007 was made available for inspection by the public at the following locations:

- Council's Civic Centre;
- H.J. Daley Central Library;
- Ingleburn Branch Library;
- Minto Community Library;
- Eagle Vale Branch Library;
- Glenquarie Branch Library; and
- Council's website.

At the time that the Draft DCP 2007 was on exhibition, Council conducted two public briefing sessions, and one industry briefing session at the Civic Centre on 14, 20 and 22 June 2007 respectively. The two public briefing sessions were advertised twice in local newspapers. Notice of the industry session was by written invitation to industry stakeholders including customers of Council.

In addition to the above briefing sessions, Council officers conducted two workshops with representatives from the Civil Contractors Federation (CCF), the Earthmovers and Contractors Association NSW (ECA) and the Golden Buckets Association (GBA). These two workshops focused exclusively on Part 10 - *Parking of Commercial Vehicles on Private Land* of the Draft DCP 2007, which deals with specific controls for truck and commercial vehicle parking on private land.

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A number of public authorities were also notified of the timing and location of the public exhibition, including the NSW Department of Planning, the NSW Heritage Office, the NSW Department of Environment and Climate Change, the NSW Department of Housing and the NSW Rural Fire Service.

Copies of the Draft DCP 2007 were made available at Council's Customer Service Centre and a number of documents were posted to individuals and organisations upon request.

A copy of the Draft DCP 2007 was also provided to Marsdens Law Group and three local planning consultancies for review. Following the reviews, Council officers conducted separate meetings with Marsdens' solicitor and the consultant planners and received feedback on the document.

### **Outcome of the Public Exhibition of Draft DCP 2007**

Council has received feedback on the Draft DCP 2007 by means of the following:

1. written submissions;
2. comments made at two community briefing sessions;
3. comments made at industry group briefing session;
4. comments made at a workshop with Council's solicitor; and
5. comments made at workshops with local planning consultancies.

A summary of matters raised as part of the feedback is discussed in detail in the following section of this report.

#### **1. Written Submissions**

Council received a total of 19 written submissions regarding the Draft DCP 2007. These are grouped in 4 categories as follows:

Category 1: Submissions received from Public Authorities (5 submissions)

Category 2: Submissions received from Industry groups (8 submissions)

Category 3: Submissions received from Community Groups (1 submission)

Category 4: Submissions received from Residents (5 submissions)

A summary of all submissions received is presented as Attachment 1 to this report. A discussion of the main issues raised in each category is presented below:

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- **Category 1: Submissions Received from Public Authorities**

Five (5) public authorities made a submission to Council regarding the Draft DCP 2007 as follows:

i) NSW Department of Planning - Sustainability Unit

The Department of Planning (DoP) has brought to Council's attention the fact that the proposal to mandate rain-water tanks for residential development under section 2.4.1 *Rain Water Tanks* has no effect as it would be overridden by State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (the BASIX SEPP).

*Comments/Recommendations:*

Under the provisions of Clauses 8 and 9 of the BASIX SEPP, 'competing provisions' in an environmental planning instrument or development control plan are of no effect in relation to a residential development proposal required to be assessed by BASIX. BASIX constitutes the one assessment system for the specified aspects of residential building design.

As such, it is recommended that:

- Section 2.4.1 *Rain Water Tanks* be amended to encourage the use of rain water tanks for residential development; and
- any reference to mandate the installation of rain water tanks for residential development be removed from this clause.

ii) NSW Heritage Office

The NSW Heritage Office (HO) has recommended that a reference to the significance of the 'setting' of a Heritage item be added to section 2.11 Objectives of Part 2.11 of the Draft DCP 2007. In addition, the HO has recommended that a definition for the "Heritage Impact Statement" be included.

*Comments/Recommendations*

It is believed that the HO recommendations would enhance the consideration of the 'setting' of the heritage item in the planning assessment process. Therefore, it is recommended that the Draft DCP 2007 be amended in accordance with the HO submission.

iii) The NSW Department of Primary Industry

The Department of Primary Industry (DoPI) has recommended that Council make a reference to "*Fish Passage Requirements for Waterway Crossing (NSW Fisheries, 2003)*" under section 3.3 of Volume 2 Engineering Design for Development (V2EDD) of the Draft DCP 2007.

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*Comments/Recommendations*

It is recommended that a reference been included in the relevant section of V2EDD of the Draft DCP 2007 in accordance with the DoPI submission.

## iv) Department of Housing

The NSW Department of Housing (DOH) has stated that it does not wish to lodge a formal submission. However, the DOH has requested that Council continue to exempt any future DOH renewal estates from the provisions of the Draft DCP 2007.

*Comments/Recommendations*

Under Section 1.1.3 *Land to Which the Plan Applies* of the Draft DCP 2007, the Minto Renewal Project is exempt from Volume 1 of the Draft DCP 2007 as Council has separately adopted the Minto Renewal DCP.

It is recommended that Council only exempt other DOH estates from Volume 1 of the Draft DCP 2007, in the event that a separate and place specific development control plan is prepared and adopted by Council. Notably, all new DOH estates are subject to V2EDD of the Draft DCP 2007.

## v) The Road and Traffic Authority (RTA)

The RTA has raised no objection to the Draft DCP 2007. However the Authority has indicated the need for Council to consider the potential impacts expected on some of the classified and local road networks, due to additional traffic likely to be generated by additional development, in particular the following locations:

- Intersection of Narellan Road and Blaxland Road/Gilchrist Drive;
- Intersection of Gilchrist Drive and Kellicar Road;
- Queen Street;
- Moore-Oxley By Pass;
- Hurley Street - Broughton Street; and
- Intersection of Oxford Road and Cumberland Road.

The RTA has also recommended that Council consider ways (eg. Section 94 contributions) for implementing necessary road improvements that may be required as a result of new development.

*Comments/Recommendations:*

Council is aware of the need to upgrade the abovementioned intersections. In addition to Council contributed capital funds, as well as grant funding from State and Federal Government agencies, Council has also made provision for a part funding source from development contributions generated via the "Campbelltown City Council Section 94A Development Contributions Plan". This Contributions Plan specifically lists a number of the facilities identified in the RTA's submission.

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- **Category 2: Submissions Received from Industry Groups**

Council received 8 submissions from the following industry groups:

1. *Ingleburn Chamber of Commerce;*
2. *New Plan* on behalf of The Northern CBD Group of Ingleburn;
3. *New Plan* on behalf of the Glenfield Visionary Group;
4. *Aztex Real Estate;*
5. *BBC Consulting Planners* on behalf of Australian Prime Property and General Property Trust as joint owners of Macarthur Square;
6. *Lend Lease Retail;*
7. *Housing Industry Association (HIA);*
8. A joint submission from the *Civil Contractors Federation, the Transport Workers Union, and the Golden Buckets Association.*

The HIA submission has raised one concern similar to the matter raised by the DoP in relation to mandating rainwater tanks for residential development and the inconsistency with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (the BASIX SEPP). In this regard, the Draft DCP is proposed to be amended to remove the inconsistency with the BASIX SEPP. Clause 2.4.1 Rain Water Tanks has been amended to only encourage the installation of water tanks for residential development.

A number of industry group submissions raised similar matters and requested similar planning responses. To avoid repetition, the submissions have been summarised into three groups as follows:

**Group 1**

Group 1 includes submissions from the *Ingleburn Chamber of Commerce, New Plan* (on behalf of The Northern CBD Group of Ingleburn, the Glenfield Visionary Group) and *Aztex Real Estate*.

Group 1 submissions raised similar issues relating to current height limits and housing densities for the Ingleburn and Glenfield business centres. A summary of the main issues raised for each centre is presented below:

(i) **Ingleburn Business Centre**

Concern was expressed over the current 4 storey height limit for residential apartment buildings located within the Ingleburn business centre. It was submitted that the height limit is not economically viable for developers and is unaffordable for the market.

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In addition, it has been requested that Council encourage higher densities for areas immediately adjacent to Ingleburn, encourage the establishment of a large discount retail store in the centre and utilise Council's car park for ground floor retail and car parking above.

*Comments/Recommendations*

The Draft DCP 2007 does not propose to modify the currently adopted height limits within the DCP. The proposed amendments to the adopted DCP primarily address minor shortcomings that have become apparent in its day-to-day implementation since its original adoption in August 2005. It is not recommended, as part of this review, that Council modify the adopted height limits, housing densities nor land use maps.

The suitability of existing height limits across all business centres is currently being examined as part of Council's Local Planning Strategy (LPS) and Council's Residential Strategy, which are both currently being prepared. Councillors would be aware from previous briefing nights that the Department of Planning are likely to specify increased dwelling numbers in and around a number of business centres over the next 25 years. The LPS work will address the means available (options) to Council to address these dwelling targets.

It is anticipated that the LPS and the Residential Strategy will be finalised in draft form for public exhibition early next year. Any recommendations/outcomes of these studies that relate to housing densities and height limits could then be investigated and considered by Council as to whether they be addressed as part of Council's forthcoming comprehensive Local Environmental Plan.

In addition, Council has engaged a consultant to prepare a draft Masterplan for the Ingleburn and Campbelltown/Macarthur and Ingleburn business centres. The Masterplan will further assess the development potential for these areas and address height controls.

Given the above, it is recommended that Council not modify the currently adopted height limits of buildings in Ingleburn as part of the DCP process at this time.

(ii) Glenfield Centre

Submissions from Group 1 generally advocate that Council prepare a masterplan for the Glenfield business centre and increase densities and height limits of buildings within and around the centre. The submissions have also suggested that the preparation of a masterplan for the area around the Glenfield Railway Station would be timely given the NSW State Government's proposed expansion of the railway and the proposed new transport link to Leppington.

*Comments/Recommendations*

The need to prepare detailed and specific masterplans for the City's business centres is recognised. To date, Council has prepared a draft Structure Plan for Macarthur/Campbelltown and Ingleburn Centres. It is intended that the Structure Plan will soon be reported to Council for adoption. The Structure Plan will inform the preparation of a detailed master plan for the respective centres.

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In regard to the Glenfield business centre, Council is currently in discussion with the Department of Planning and the Transport Infrastructure Development Corporation to prepare a masterplan for the areas surrounding the Glenfield Railway Station. Council will be kept informed on progress made with this important project which may commence before the end of this calendar year.

## **Group 2**

BBC Consulting Planners have made a submission on behalf of Australian Prime Property and General Property Trust (as joint owners of Macarthur Square) and Lend Lease Retail made a separate submission.

### **(i) Macarthur Map**

The Group 2 submission relates to certain parcels of land located within the Macarthur area (refer Attachment 2). These parcels originally formed part of Macarthur Gardens Residential Estate, and as such, were exempted from the existing Sustainable City DCP because they are subject to a specific place-based Draft DCP-Masterplan. However, these parcels have been subdivided and sold to the owners of Macarthur Square, and will not be part of the Macarthur Gardens Residential Estate.

The submission requested that Council amend *Map 1 Macarthur* of *Schedule 1* of the Draft DCP 2007 to include these parcels of land on the Map.

#### *Comments/Recommendations*

The subject parcels of land previously formed part of the Macarthur Gardens Estate. This site is exempt from Volume 1 of the existing Sustainable City DCP as the site was subject to a separate (draft) DCP applying to the land. However, since August 2005 these parcels have been sold and are now excluded from the Macarthur Gardens development project. In this regard, it is recommended that Council rationalise *Map 1 Macarthur* of *Schedule 1* of the Draft DCP 2007 to include these parcels of land, making future development thereon, subject to the new DCP 2007.

### **(ii) Agreement Between the Owners of Macarthur Square and Stockland**

The BBC submission has also requested that Council note the agreement between the owners of Macarthur Square and Stockland to allow for a 2 metre separation between the common boundary of the Macarthur Gardens Estate and the land owned by Lend Lease. Notably the Draft DCP 2007 requires a separation of 3 metres between commercial and residential properties.

#### *Comments/Recommendations*

Council has yet to receive a development application for the subject land following the various land-swaps between owners. Accordingly, it is considered premature to speculate whether the proposed 2 metre separation between commercial and residential developments would be appropriate and it is recommended that the draft DCP 2007 not be amended (in accordance with the submission) at this time.

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### Group 3

Group 3 comprises a joint submission from the Civil Contractors Federation (CCF), the Earthmovers and Contractors Association NSW (ECA), the Golden Buckets Association NSW (GBA), the Construction Plant Machinery Association NSW (CPMA), Demolition Contractors Association NSW (DCA) and other supporting organisations and individuals.

As a part of the public consultation process, Council officers conducted three workshops with representatives from CCF, ECA and GBA to discuss *Part 10 The Parking of Commercial Vehicles on Private Land* (Part 10) of the Draft DCP 2007, which culminated in a draft and final joint submission.

Table 1 details a summary of the recommendations of this group:

**Table 1: Recommendations of the Heavy Vehicles Industry Groups**

Recommendations of the Heavy Vehicles Industry Groups	Comments/Recommendations
<ul style="list-style-type: none"> <li>Recommendation that a provision be added that enables existing operators to seek approval for exemptions from the need to comply with <i>Part 10</i> where the operation is reasonable (based on evidence supplied) and meets the objectives of section 10.3 <i>Number of commercial Vehicles-Permissibility by the Zone</i> of the Draft DCP 2007.</li> <li>Recommendation that an addition to the description of the class of commercial vehicle types to make provision for a rigid tip truck and dog trailer or tip truck and pig trailer. In addition, a recommendation that a third type of commercial vehicle be added to include prime-mover and semi trailer in combination and "B" double with combination.</li> <li>Table 10.3.1 <i>Maximum Number of Commercial Vehicles Permissible on an Allotment</i> is not supported. The submission has requested that Council amend this table to allow up to: <ul style="list-style-type: none"> <li>two commercial vehicles (one Type 1 and one Type 2) within Residential zones for allotments larger than 500sqm and less than 1000sqm (without a trailer);</li> <li>four commercial vehicles within</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Existing operators are currently required to satisfy Council's current <i>DCP 120 Truck Parking Policy</i>. DCP 120 enables the parking of one truck within residential zones without Council's consent, if it is ancillary to the use of the dwelling and the parking of the truck has minimal impact on the residential amenity of neighbouring properties. However, DCP 120 does not contain specific controls in relation to the parking of the truck on the property. In this regard, it is considered reasonable to provide current operators, who do not satisfy the requirements of Part 10 of Draft DCP 2007, with the opportunity to submit a DA to Council for assessment based upon merit.</li> <li>Adding another two types of heavy vehicles and a third type of commercial vehicles is not considered necessary, as these types are currently part of the definition of Type 2 Commercial Vehicles.</li> <li>It is considered unreasonable to permit more than one heavy vehicle to park on any residential allotment within the residential neighbourhood without development consent.  However, given that the size of allotments within environmental protection areas is significantly larger than that of residential allotments, it is recommended that the number of commercial vehicles permitted to parked on environmental protection zoned properties be amended to allow for 3 commercial vehicles</li> </ul>

Recommendations of the Heavy Vehicles Industry Groups	Comments/Recommendations
<p>Environmental Protection zones larger than 4000sqm (with one additional trailer) depending on the size of the allotment; and</p> <ul style="list-style-type: none"> <li>▪ four commercial vehicles within Rural zones, (with one additional trailer) depending on the size of the allotment.</li> </ul> <ul style="list-style-type: none"> <li>• Type 1 vehicle definition to be revised to include up to 17 tonnes in lieu of 15 tonnes.</li> <li>• Add a definition for “Commercial Business Activity” to clearly exclude the parking of heavy vehicles from being considered as a commercial use.</li> <li>• Amend paragraph 10.4 a) i) requiring the operator of the commercial vehicle(s) parked on the allotment to reside on the allotment or be a family member of the allotment owner or the resident of the allotment.</li> <li>• Delete the requirement within environmental protection and rural areas that requires commercial vehicles to be parked no closer than 5 metres from any side or rear property.</li> <li>• Amend paragraph 10.4 a) viii) to state that, in a Residential 2b allotment a hard surface driveway must be made of a non permeable / all weather surface such as concrete or asphalt and that in environmental/scenic protection or rural zones a hard surface driveway can be made of gravel, road base, asphalt concrete or other suitable material to maintain the aesthetic and visual amenity and prevent dirt/mud being transferred on to the roadway.</li> <li>• Amend paragraph 10.4 a) x) to provide that, prior to the parking of any commercial vehicle on the property, a heavy vehicle access crossing is required in any residential, environmental/scenic protection or rural zone where a concrete kerb, gutter or footpath exists at the point of vehicular crossing/entry to the</li> </ul>	<p>(two Type 1, and one Type 2) on allotments larger than 5 hectares.</p> <ul style="list-style-type: none"> <li>• The request to vary the maximum GVM from 15 tonnes to 17 tonnes without the need to obtain development consent is not recommended, as it may result in the parking of excessively large commercial vehicles on residential allotments.</li> <li>• The definition of a ‘Commercial Business Activity’ and land use permissibility are matters that are specified by a local environmental plan and not a development control plan. As such, it is not considered appropriate to include such a definition in Part 10 of the Draft DCP 2007.</li> <li>• The standard that requires the owner (of the commercial vehicle) to reside on the property is proposed to ensure that the property would not be used primarily for a commercial activity.</li> <li>• The 5 metre setback is considered appropriate, given the potential impact of the parking of commercial vehicles on the amenity of adjoining residents.</li> <li>• It is recommended that Part 10 of Draft DCP 2007 be amended to permit commercial vehicles within rural and environmental protection zoned areas to be parked on an all weather surface with suitable treatment to prevent tracking of material onto the roadway.</li> <li>• It is recommended that Part 10 of the Draft DCP 2007 be amended in a manner that the operator/owner of a commercial vehicle is only required to construct an approved heavy vehicle access crossing where kerb and gutter is in existence, as per this submission.</li> </ul>



Recommendations of the Heavy Vehicles Industry Groups	Comments/Recommendations
<p>property and that any such heavy vehicle access crossing be constructed by the owner / operator of the commercial vehicle at their own cost, to Council's specification.</p> <ul style="list-style-type: none"> <li>Amend Part 10 to permit minor general maintenance of commercial vehicles within rural and environmental protection areas, such as oil changing, and greasing.</li> </ul>	<ul style="list-style-type: none"> <li>It is recommended that Part 10 of the Draft DCP 2007 be amended to allow for minor maintenance of the commercial vehicles on land within environmental protection and rural areas, subject to environmental controls being implemented such that no contaminants are discharged from the site.</li> </ul>

### Category 3: Submissions Received from Community Groups

Council received one submission from the Ingleburn Community Association (ICA)

The ICA submission raised specific issues relating to several aspects of the Draft DCP 2007. The table below summarises the main issues raised in the submission:

**Table 2: Matters raised by the Ingleburn Community Association**

	Issue/Concern Raised	Comments/Recommendations
ICA	<ul style="list-style-type: none"> <li>Concern that residents were not aware of the public exhibition of Draft DCP 2007 and therefore, Council should send individual letters to all residents advising of the public exhibition of the Draft DCP 2007. The submission also suggested that the one month public exhibition period is insufficient and requested that the public exhibition period be extended to two months.</li> <li>The side and rear boundary setbacks for residential apartment buildings have been removed from the Draft DCP, and the reference to the Residential Flat Buildings Design Code is considered insufficient.</li> <li>The reduction in Deep soil planting from 30% to 20% of the site area is not supported.</li> </ul>	<ul style="list-style-type: none"> <li>The public exhibition of the Draft DCP 2007 has been conducted in accordance with the statutory requirements of <i>Part 3 of the Environmental Planning and Assessment Regulation 2000</i> (the Regulation). The Draft DCP 2007 was made available at all Council Libraries, Council's website and Council's Civic Centre. Advertisements were placed in local papers for two consecutive weeks. In addition, two community consultation workshops were conducted. Accordingly, it is considered that adequate notification and opportunity to make a submission has occurred.</li> <li>It is recommended that Section 4.4.3 <i>Building Envelope</i> of the Draft DCP 2007 be amended to include appropriate numerical controls for the rear and side setbacks of RABs (see section 4 below).</li> <li>It is recommend that the control for deep soil planting be revised in accordance with the requirements of the RFDC, which requires deep soil planting to be provided at a rate of 25% of the required open</li> </ul>

	Issue/Concern Raised	Comments/Recommendations
	<ul style="list-style-type: none"> <li>The amendment relating to the rear setback for dwelling houses from 5 metres to 1.5 metres for the ground floor is of concern.</li> <li>The reduction in the percentage of one bedroom apartments from 10% to 5% is of a concern.</li> </ul>	<p>space.</p> <ul style="list-style-type: none"> <li>The proposed amendment to the rear setback development standard from 5 metres to 1.5 metres would enable a more flexible approach to the design of dwelling houses that would potentially facilitate opportunities for increased solar access. In many circumstances, the "L" or "U" shaped dwelling designs, provide increased solar access to rooms, compared with the more traditional "box" design. Notably, the 1.5 metres setback, would only apply to the ground level of a dwelling. The upper floor would be required to maintain a 6metre setback from the rear boundary.</li> </ul> <p>Notably, under the provision of SEPP 60 <i>Exempt and Complying Development</i>, single and double storey dwelling housing development is considered complying development providing it meets certain criteria including being erected on land not less than 450sqm. SEPP 60 requires that:</p> <p><i>The external wall of each structure is:</i></p> <ul style="list-style-type: none"> <li><i>(i) at least 1350 mm from the side and rear boundaries where the house is two storeys, or</i></li> <li><i>(ii) at least 900 mm from the side and rear boundaries where the house is one storey, or</i></li> <li><i>(iii) at least 450 mm from the side and rear boundaries for all related development.</i></li> </ul> <p>As such the reduction from the 5.0 meters rear setback to 1.5metres is considered reasonable.</p> <ul style="list-style-type: none"> <li>The reduction from 10% to 5% one-bedroom apartments has been introduced to rationalise the provision of the one-bedroom dwellings across the LGA. Notably, the number of one-bedroom dwellings has recently increased, as newly established residential estates at Park Central and the Glenfield Urban Release area include a number of one bedroom dwellings.</li> </ul>

	Issue/Concern Raised	Comments/Recommendations
	<ul style="list-style-type: none"> <li>Incomplete documentation - lack of map for Ingleburn land use.</li> </ul>	<ul style="list-style-type: none"> <li>A copy of CLEP (Amendment No. 8) Map will be inserted into the Draft DCP 2007.</li> </ul>

• **Category 4: Submissions Received from Residents**

Council received a total of 5 submissions from residents. All submissions relate to *Part 10 Parking of Commercial Vehicles on Private Properties (Part 10)* of the Draft DCP 2007 and raise similar issues.

The issues raised included:

1. noise impacts;
2. health and odour impacts from diesel fumes;
3. the cumulative impacts of heavy vehicles should more than one resident in a given residential street drive a truck of this size;
4. safety and traffic congestion issues;
5. increase in cars parking on the streets because they can not practically share a residential driveway;
6. the visual blight of the trucks and the unsightly enclosure for the residents; and
7. the size of the heavy vehicle proposed to be permissible to park within residential area is considered excessive (15 tonnes/9metres).

*Comments/Recommendations*

The number of registered trucks that park within the City (as published by the RTA Local Government Area Vehicle Registrations 2006) is provided below:

Vehicle Type	Number of heavy vehicles
<b>Heavy Trucks</b>	1,012
<b>Prime Movers</b> (vehicles constructed for load carrying and weigh over 4.5 tonnes)	285
<b>Heavy Plant</b> (vehicles fitted with special purpose equipment with min load carrying capacity over 4.5 tonnes)	86
<b>Trailer</b> (including caravan trailers over 410 kg tare and other	3,411

Vehicle Type	Number of heavy vehicles
trailers over 250 kg tare)	
<b>Total heavy tucks</b>	<b>1,383</b>
<i>Note: The number of vehicles by LGA are estimates based on the count of vehicles by postcode in which the vehicle is usually garaged. The estimate is derived from figures obtained from the Australian Bureau of Statistics.</i>	

The above figures indicate that there were 1,383 heavy trucks and 3,411 medium to large trailers parked within private and business properties in Campbelltown LGA in 2006. Based on these figures, there are potentially over 1,400 private properties within Campbelltown LGA where a large vehicle and/or trailer are being parked.

To determine whether the parking of heavy vehicles is creating a substantial adverse effect on adjoining neighbours, Council officers have reviewed the truck parking complaints received by Council for the last two financial years (2005 to 2007). During this period, Council received 337 truck parking complaints, of which 148 complaints related to heavy vehicles being parked on private properties and on the footpath. The remaining complaints related to heavy trucks parked on the road. (Complaints relating to any one property were counted only once i.e. any recurring complaints were not counted).

The number of complaints received over the last two years is considered substantial. It indicates that within Campbelltown LGA, there were in the order of 150 residential properties that were potentially adversely affected by the parking of heavy trucks on adjoining residential properties.

Council's current policy DCP 120 allows for the parking of one heavy vehicle providing it is ancillary to the use of the dwelling.

The proposed controls within Part 10 of the Draft DCP 2007 would not result in more than one heavy vehicle being parked on a single residential property. However, in addition to continuing this restriction, Part 10 proposes a set of development standards to maintain acceptable level of amenity for residential neighbourhoods.

## 2. Outcomes of the Industry Group Briefing Session

Representatives from the Department of Housing, Australand, Landcom, GHD, Competitive Constructions and JMD attended the industry group briefing session. The industry groups raised the following issues:

- **Rural Residential Dwellings**

A concern was raised that Draft DCP 2007 lacked development standards for rural residential dwellings.

### *Comments/Recommendations*

The concern is acknowledged. Development controls for non-urban land will be included as part of Stage 3 of the Draft DCP 2007. Stage 3 will be presented to Council early next year.

- **Private Certification**

An issue was raised during the industry group session regarding the ability for private certifiers to issue construction certificates for existing or future work on public roads.

*Comments/Recommendations*

It is recommended that the Draft DCP be amended to make clear that accredited certifiers can issue construction and compliance certificates for development works and construction certificates for subdivision works in accordance with the Act

- **The Use of Sandstone and Crushed Concrete as Materials Used in Road Pavements**

Sandstone and crushed sandstone may provide cheaper materials for use in the subgrade of roads than the more conventional gravel products. There have been issues with these materials being too stiff for the local conditions and causing cracking of the bitumen seal, thus leading to early failure of the road pavement. The use of these materials is appropriate if the pavement design has explicitly taken into account the engineering properties of the materials and the road constructed in accordance with that design.

*Comments/Recommendations*

The Draft DCP 2007 has been amended to address this issue.

### **3. Outcome of the Review by Marsdens Law Group**

Marsden's has reviewed Volume 1 of the Draft DCP 2007 and recommended that additional definitions be provided and that the terminology used across the document, be consistent.

*Comments/Recommendations*

It is recommended that the Draft DCP 2007 be amended to address these issues.

### **4. Outcome of the Review by Town Planning Experts**

Two workshops were conducted with three locally practicing consultant town planners. The matters that were recommended to be reviewed are detailed below:

- **Solar Access Requirement**

Draft DCP 2007 proposed to amend the minimum required solar access for private outdoor space within residential developments from 4 hours to 2 hours. It was recommended that the proposed reduction in the requirements for the minimum solar access be reviewed having regard to the 'planning principles of the Land and Environment Court'.

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*Comments/Recommendations*

The NSW Residential Flat Design Code (NRFC), which applies to apartment buildings of three storeys and over, recommends 3 hours of sunlight to the living rooms and private open spaces of 70% of apartments between 9am and 3pm, reducing it to 2 hours in dense urban areas.

The Australia-wide resource document for residential development, AMCORD, recommends that a development should not reduce the sunlight received by the north-facing windows of living areas of neighbouring properties to less than 3 hours between 9am and 5pm at the winter solstice.

Having regard to the above, it is recommended to amend the solar access provisions within the Draft DCP 2007 to require at least three (3) hours of sunlight access between 9:00am and 3:00 pm on 21 June.

- **Consistency with the NSW Residential Flat Design Code**

It was noted that a number of the requirements within Part 4 *Residential Apartment Buildings and Mixed Use Development* are inconsistent with the NSW Residential Flat Design Code (RFDC). The following development standards should be revised to reflect consistency with the RFDC, which is the primary design guide for apartment buildings in NSW:

- Clause 4.4.4c): The floor space occupied by each dwelling within residential apartment building should be amended as follows:
  - For a one bedroom apartment - the total floor space to be reduced from 55sqm to 50sqm;
  - For a two bedroom apartment - the total floor space to be reduced from 80sqm to 70sqm
  - For 3 bedroom apartments - the total floor space to be reduced from 100sqm to 95sqm; and
  - For 4 bedroom apartments - the total floor space to be reduced from 120sqm to 110sqm.
- Clause 4.4.4 e): The maximum number of dwellings accessible from a common lobby area or corridor on each level of a residential apartment building should be reduced from 10 dwellings to 8 dwellings.

*Comments/Recommendations*

The Draft DCP 2007 requires that residential apartment buildings and mixed-use developments satisfy the requirements of the RFDC. It is therefore recommended that Part 4 *Residential Apartment Buildings and Mixed Use Development* be reviewed to ensure general consistency with the RFDC including the abovementioned floor space requirements and the maximum number of dwellings able to be accessed from a lobby/corridor as well as attention to other matters discussed below.

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- **Building Envelope for Residential Apartment Buildings**

The Draft DCP 2007 requires that setbacks for residential apartment buildings be in accordance with the NSW Residential Flat Code. However, as these controls refer to separation between buildings and not setbacks, it is appropriate that relevant development standards be included.

*Comments/Recommendations*

It is recommended that the Draft DCP 2007 be amended to include specific numerical development standards for rear and side setbacks for residential apartment buildings. The new clause is proposed to read:

*Residential apartment buildings shall be setback a minimum of:*

- 5.5 metres from any street boundary; and
- 6 metres from any other boundary.

This also addresses the concern raised by the Ingleburn Community Association in relation to the lack of numerical controls for Residential Apartment Buildings within the exhibited Draft DCP 2007 (discussed earlier in Table 2 of this report).

- **Deep Soil Planting**

The requirement for deep soil planting in the Draft DCP 2007 refers to a percentage of the whole site. Notably the RFDC requirements refer to a percentage of the required open space in lieu of the total site area.

*Comments/Recommendations*

To reflect consistency with the RFDC, it is recommended that the deep soil planting be amended, to be in accordance with the development standards of the RFDC, i.e. 25% of total required open space on the site.

- **Communal Recreation Facilities for Residential Apartment Buildings**

The requirements for the communal facilities to include a swimming pool, a gymnasium and a communal garden is considered excessive, given the number of recreation facilities that have been recently developed within Campbelltown. This requirement is claimed by the consultants as having an effect of reducing the affordability of housing for residents (due to cost and the ongoing impost on owners corporation levies).

*Comments/Recommendations*

Councillors would be aware of the growing provision of gymnasiums, fitness centres and swimming facilities that have been developed and which are generally available to the public in the Campbelltown Local Government Area.

It is therefore not considered unreasonable to reduce the standard of communal recreational facilities provision to exclude swimming pools. Therefore, it is proposed that Clause 4.4.9 a) Communal recreation facilities be amended to read:

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*Each residential apartment building shall be provided with communal recreation facilities for the use of all the occupants of the building comprising:*

*a recreation room with a minimum area of a 40sqm per 50 dwellings (or part thereof);*

*b gymnasium with a minimum area of 20sqm;and*

*c bbq/outdoor dining area with a minimum area of 40sqm per 50 dwellings (or part thereof).*

The revised clause would achieve a satisfactory balance between the need for quality community facilities within a high quality development and housing affordability.

### **Proposed Amendments to the Draft DCP 2007**

As a result of the public consultation process addressed in this report, and ongoing review of the Draft DCP 2007, a number of amendments are proposed. A comprehensive comparison between the adopted DCP (Parts 1, 2, 3 & 4), the exhibited Draft DCP 2007 and the revised Draft DCP 2007, is held at Attachment 4 of this report.

The amended Draft DCP 2007 that is recommended for endorsement by Council is held at Attachment 3 of this report.

### **Existing Development Control Plans to be Repealed**

As part of the preparation of the Draft DCP 2007, a number of current development control plans (DCPs) have been reviewed and incorporated into the new DCP. Accordingly, these DCPs would no longer be required and are recommended to be repealed upon adoption of the new DCP.

A detailed assessment of each of these DCPs, addressing why they are recommended to be repealed is held at Attachment 5. The DCPs to be repealed are:

<b>DCP No.</b>	<b>DCP Title</b>
DCP No 20	Motor vehicle wreckers, metal recyclers, waste material depots and junk yards
DCP No 23	Ambarvale Local Centre
DCP No 25	Certain industrial land at Minto
DCP No 26	Eagle Vale Neighbourhood Centre
DCP No 29	Applies to land at the corner of Dumaresq Street and Hurley Street
DCP No 33	Glen Alpine Neighbourhood
DCP No 46	Motor Vehicle Smash Repair Policy
DCP No 57	Certain industrial land at Minto

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DCP No.	DCP Title
DCP No 65	St Helens Park Neighbourhood
DCP No 68	Macarthur Regional Centre
DCP No 70	Bulky Goods Retailing
DCP No 85	Business and Comprehensive Centre Zones
DCP No 88	Identification of Land in Campbelltown Regional Centre For an Accommodation Style Hotel/Motel Development.
DCP No 111	Sidewalk Café Policy
DCP No 120	Truck Parking Policy
SC DCP (2005)	Campbelltown (sustainable City) Development Control Plan

In addition to the above, a number of Council's other DCPs have been superseded by the adopted DCP, and/or the introduction of a number of State Environmental Planning Policies. Other DCPs are no longer required as they relate to certain roads or residential subdivisions that have been completed. These DCPs were the subject of separate and recent report to Council.

### **Procedure to Repeal a Development Control Plan under the Environmental Planning and Assessment Regulation 2000**

Pursuant to Clause 22(2)(a) of the Environmental Planning and Assessment Regulation 2000, a development control plan may be repealed by a subsequent development control plan. Accordingly, it is recommended that a notation of the repeal of the above DCPs be undertaken in the prescribed manner.

### **Stage 3 - Campbelltown (Sustainable City) Development Control Plan 2007**

Council officers are currently preparing Stage 3 of the Campbelltown (Sustainable City) Development control Plan 2007. It is proposed that Stage 3 include:

- Part 7: Child Care Centres
- Part 8: Public Consultation
- Part 9: Advertising and Signage
- Part 11: Telecommunications
- Part 12: Trees

It is anticipated that these Parts will be finalised in draft form in the near future, and it is intended to provide Councillors with a briefing on the next round of the proposed DCP changes before a report is formally submitted to Council's Planning and Environment Committee in early 2008.

**Conclusion**

Council has undertaken an extensive public consultation process. A number of public and industry workshops and briefing sessions have been conducted with the industry groups, private consultants, Marsdens Law Group and the community. The Draft DCP 2007 (Volumes 1 & 2) should be amended as appropriate, in consideration of the outcomes of the public exhibition process.

It is recommended that Council adopt Campbelltown (Sustainable City) DCP 2007, subject to the amendments outlined in this report, to guide residential, mixed use development, commercial and industrial development in the City. DCP 2007 would provide certainty for the community, developers and government agencies and would ensure that Campbelltown remains an attractive City, which achieves the aims of Campbelltown 2025 - *Looking Forward*.

**Officer's Recommendation**

1. That Council adopt draft Campbelltown (Sustainable City) Development Control Plan Volume 1 and Volume 2 Engineering Design for Development as attached to this report.
2. That Council give public notice of its decision in a local newspaper in the prescribed manner.
3. That Campbelltown (Sustainable City) Development Control Plan Volume 1 and Volume 2 come into effect on the date of the public notice.
4. That the following Development Control Plans be repealed effective from the date of operation of Campbelltown (Sustainable City) Development Control Plan 2007 (V1&V2):

DCP No 20	Motor vehicle wreckers; metal recyclers; waste material depots and junk yards;
DCP No 23	Ambarvale Local Centre;
DCP No 25;	
DCP No 26	Eagle Vale Neighbourhood Centre;
DCP No 29;	
DCP No 33	Glen Alpine Neighbourhood;
DCP No 46	Motor Vehicle Smash Repair Policy;
DCP No 57	Certain industrial land at Minto;
DCP No 65	St Helens Park Neighbourhood;
DCP No 68	Macarthur Regional Centre;
DCP No. 70	Bulky Goods Retailing;
DCP No 85	Business and Comprehensive Centre Zones;
DCP No 88	Identification of Land in Campbelltown Regional Centre For an Accommodation Style Hotel/Motel Development;
DCP No 111	Sidewalk Café Policy; and
DCP No 120	Truck Parking Policy; and Campbelltown (Sustainable City) Development Control Plan.

5. That all persons who made a submission to the Draft DCP be advised of Council's decision.
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**Committee Note:**

Mr Craig Long, Mr John McMilian and Ms Renate Pacione addressed the Committee in objection to this item.

**Committee's Recommendation: (Bourke/Kolkman)**

1. That Council adopt draft Campbelltown (Sustainable City) Development Control Plan Volume 1 and Volume 2 Engineering Design for Development as attached to this report subject to:
    - a. the withdrawal of Section 10 (parking of commercial vehicles on residential land) while further consideration is given to determining suitable parking arrangements outside residential areas.
    - b. Clause 4.4.8 (a)(i) being amended to allow for a communal recreational room with a minimum area of 50sqm per 50 dwellings (or part thereof).
    - c. Clause 4.4.8 (a)(iii) being amended to allow for a bbq/outdoor area with a minimum area of 50sqm per 50 dwellings (or part thereof).
    - d. That the gymnasium be deleted as part of the communal recreational facilities.
  2. That Council give public notice of its decision in a local newspaper in the prescribed manner.
  3. That Campbelltown (Sustainable City) Development Control Plan Volume 1 and Volume 2 come into effect on the date of the public notice.
  4. That the following Development Control Plans be repealed effective from the date of operation of Campbelltown (Sustainable City) Development Control Plan 2007 (V1&V2):
 

DCP No 20	Motor vehicle wreckers; metal recyclers; waste material depots and junk yards;
DCP No 23	Ambarvale Local Centre;
DCP No 25;	
DCP No 26	Eagle Vale Neighbourhood Centre;
DCP No 29;	
DCP No 33	Glen Alpine Neighbourhood;
DCP No 46	Motor Vehicle Smash Repair Policy;
DCP No 57	Certain industrial land at Minto;
DCP No 65	St Helens Park Neighbourhood;
DCP No 68	Macarthur Regional Centre;
DCP No. 70	Bulky Goods Retailing;
DCP No 85	Business and Comprehensive Centre Zones;
DCP No 88	Identification of Land in Campbelltown Regional Centre For an Accommodation Style Hotel/Motel Development;
DCP No 111	Sidewalk Café Policy; and
DCP No 120	Truck Parking Policy; and Campbelltown (Sustainable City) Development Control Plan.
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5. That all persons who made a submission be provided with a copy of the report to the draft DCP advising of Council's decision.

**CARRIED**

**Council Meeting 13 November 2007 (Oates/Banfield)**

That the Committee's Recommendation be adopted.

**Addendum: (Kolkman/Chanthivong)**

1. (e) That the rear setback for Dwelling Houses, Garden Flats and Outback Buildings remain at 5 metres.

**WON** and became part of the Motion.

**Further Addendum: (Bourke/Kolkman)**

1. (f) Part 3.7 - Dwelling Houses and Part 3.8 - Narrow Lot Dwellings include the following development Standards:
- (i) No more than 30% of the area forward of the building alignment shall be surfaced with impervious materials; and
  - (ii) A minimum of 20% of the total site area shall be available for deep soil planting.
1. (g) Part 5.3.2 - Commercial Development Floor Area include the following development Standards:
- (i) Bulky goods retail development be required to have a minimum floor area of 200 square metres; and
  - (ii) Bulky goods retail development be permitted to have a floor area greater than 500 square metres.

**WON** and became part of the Motion

**Council Minute Resolution Number 212**

That the Committee's Recommendation incorporating the Addendum be adopted.

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## 2.3 Guidelines For Biodiversity Certification Of Environmental Planning Instruments (Working Draft)

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### 2.3 Guidelines for Biodiversity Certification of Environmental Planning Instruments (Working Draft)

#### Reporting Officer

Acting Manager Environmental Planning

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#### Attachments

Nil

#### Purpose

The purpose of this report is to inform Council about the Department of Environment and Climate Change Draft Working Guidelines for Biodiversity Certification of Environmental Planning Instruments (EPIs). The report also discusses the implications of the Guidelines on the preparation of Council's forthcoming Comprehensive Local Environmental Plan (LEP), and the development assessment process.

#### History

The *Threatened Species Legislation Amendment Act 2004* which commenced in October 2005, set in place a number of reforms which provide new tools for biodiversity conservation and the protection of threatened species. One of the key reforms was the certification of EPIs. To assist with the implementation of this reform the Department of Environment and Climate Change (DECC) have prepared a document entitled "*Guidelines for Biodiversity Certification of EPIs (Working Draft)*".

#### Report

##### Biodiversity Certification of EPIs

Biodiversity certification of EPIs is a new reform that aims to integrate biodiversity conservation and the protection of threatened species into the strategic planning process. Obtaining biodiversity certification of an EPI is a voluntary process initiated by a planning authority (e.g Council). In general, any development (or activity) requiring consent in areas subject to certification will be taken to be development that is not likely to significantly affect any threatened species, population or ecological community, or its habitat (as described in Sections 126 [1] and [2] of the *Threatened Species Conservation [TSC] Act 1995*). This means that in the certified areas there will be no need to undertake threatened species assessments at subsequent development application stages (currently required under Section 5A of the *Environmental Planning and Assessment [EP&A] Act 1979*) or prepare

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## 2.3 Guidelines For Biodiversity Certification Of Environmental Planning Instruments (Working Draft)

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Species Impact Statements for developments that comply with the conditions of the certification (unless the certification is limited to only certain species, communities or areas).

It should be noted that other environmental matters will still need to be considered at the development application stage to satisfy the broad set of requirements of Section 79C of the *EP&A Act 1979*. Biodiversity certification also does not reduce survey and assessment requirements under other legislation such as for example, the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

### **Guidelines for Biodiversity Certification of EPIs (Working Draft)**

The *Guidelines for Biodiversity Certification for EPIs (Working Draft)* provide a framework for the preparation of an EPI for biodiversity certification under the *TSC Act 1995*, and are designed to be used by all parties involved in the certification process. However, the Guidelines are general and biodiversity certification is a new process. In this regard, specific requirements for achieving certification to reflect different local and regional circumstances will be necessary, and these should be "fine tuned" based on discussions between the DECC and planning authorities. As a result, the Guidelines are expected to be progressively updated to reflect the lessons and experiences learnt from the certification process once it comes into practice. The Guidelines will remain as a working draft for a period of 12 months.

In summary, the Guidelines describe the factors that need to be considered by the Minister for Climate Change, Environment and Water when granting certification, and hence factors that should be addressed by a planning authority (eg Council) when developing an EPI for which it will seek certification. The Guidelines also outline those steps (procedural requirements) that should be followed by a planning authority when preparing an EPI for certification. These factors and steps, and their implications for Council are briefly discussed in this report.

### **Factors for Consideration**

An EPI, supported by any associated package of measures, would be considered for certification if its implementation is expected to improve or maintain biodiversity values. This is the primary test for certification. To meet this condition areas of high biodiversity value must be protected and any other loss in biodiversity must be offset. Under amendments to the Act, 'biodiversity values' include composition, structure and function of ecosystems, as well as (but not limited to) threatened species, populations and ecological communities, and their habitats.

Generally, an EPI that permits development, which will have an impact on or degrade viable patches of habitat with high biodiversity, will not be able to meet the "improve or maintain" threshold and will therefore be unable to be certified. In this regard, planning authorities, which are preparing an EPI for certification, will need to ensure that areas of high biodiversity value are protected from degradation by applying appropriate zoning and planning controls.

In contrast, development may be able to proceed in areas where biodiversity values are not deemed to be of high conservation value. However, planning authorities will need to balance any losses sustained, by taking positive actions elsewhere to sustain the "improve or maintain" objective.

Planning authorities will have flexibility in demonstrating how they propose to offset any loss in biodiversity value to meet the "improve or maintain" requirements of certification. For example, there may be some cases where a reduction in the extent of areas of biodiversity value can be offset with measures to improve condition, connectivity and security of remaining areas. It may

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### 2.3 Guidelines For Biodiversity Certification Of Environmental Planning Instruments (Working Draft)

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be determined that these improvements balance the losses of areas of biodiversity value and satisfy the requirements of certification. Improvements could be located within or outside the EPI area. The DECC is currently developing quantification tools to measure perspective gains and losses in biodiversity values. This will be an essential element of the process.

Whilst the Minister must be satisfied that the overall outcome improves or maintains Biodiversity, a range of options and mechanisms is available to achieve this including:

- clear conservation aims, objectives and desired outcomes in an EPI, such as targets for vegetation retention and restoration;
  - land-use zonings and/or affectations that identify areas of high biodiversity value, including areas targeted for rehabilitation, and limit the types of permissible land uses and development in these zones;
  - development controls that protect biodiversity, such as restrictions on native vegetation clearing, development densities, lot sizes, building envelopes, vegetation retention targets, application of covenants, protection of specific habitat features (e.g. feed trees), water sensitive design treatments, etc;
  - requirements to prepare and implement management plans with specified outcomes, supported by clear resource commitments;
  - reservation of land in public ownership or agreements;
  - specifying matters that must be considered and/or satisfied prior to the granting of development consents;
  - planning incentives, such as rewarding the protection of areas of biodiversity value with bonus density or lot yields, reduced parking and landscaping requirements, reducing development contributions, etc;
  - development or planning agreements that establish management structures and funding mechanisms;
  - auditing and reporting mechanisms;
  - offset schemes that enable impacts on biodiversity to be counter-balanced by actions taken elsewhere, such as those through the Biodiversity Offsets and Banking Scheme; and
  - owner incentive schemes to protect biodiversity on private land, such as tax incentives, training and education, conservation agreements, stewardship payments, etc.
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### 2.3 Guidelines For Biodiversity Certification Of Environmental Planning Instruments (Working Draft)

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Once the Minister is satisfied that an EPI demonstrates an overall improvement or maintenance of biodiversity values, he or she must then consider the following matters (as outlined in the TSC Act) before granting certification:

1. The likely social and economic consequences of the implementation of the EPI;
2. The most efficient and effective use of available resources for the conservation of threatened species, populations and ecological communities;
3. The principles of ecologically sustainable development;
4. Conservation outcomes resulting from the reservation or proposed reservation of land under Part 4 of the *National Parks and Wildlife Act 1974*, or the entering into of a conservation agreement relating to land under that Act, which results from any other action to secure the protection of land for conservation purposes;
5. Conservation outcomes resulting from the operation outside the area of the EPI of strategies, plans, agreements and other instruments (whether or not they are EPIs);
6. The objectives of the TSC Act; and
7. The conservation benefits that will result from a voluntary action that is being undertaken as part of a concurrence granted by the Director General (as if those benefits would result from the implementation of the EPI).

In addition to the above, a range of other matters that are relevant to the certification proposal may also be taken into account. These include any public submissions received during exhibition of the EPI, possible conditions that may be placed on certification, past performance of a planning authority implementing conservation initiatives, aims and objectives of any applicable regional conservation plan, as well as statewide standards and targets for natural resource and catchment action plans.

#### **Steps for Preparing an EPI for Certification**

In broad terms, the certification process involves five key steps, which are briefly outlined below:

**Step 1:** *Determine the feasibility of preparing or reworking an EPI for an area suitable for biodiversity certification.*

In general, the DECC will consider the following as being high priority for certification:

- Areas where the planning authority is willing to seek and meet the requirements of certification;
  - Areas which are experiencing or are likely to experience development pressure/growth in the future that will impact on significant biodiversity values;
  - Areas where the Department of Planning (DoP) is requiring implementation of the Standard LEP or some other EPI within the next two or three years;
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### 2.3 Guidelines For Biodiversity Certification Of Environmental Planning Instruments (Working Draft)

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- Areas with good data/information on the biodiversity values or where councils are willing to obtain this through survey and assessment work; and
- Areas where the certification process provides clear strategic opportunities to streamline the planning process, and increase efficiencies for landowners, the council and regulatory authorities.

Certification may be undertaken in areas where an EPI process is yet to commence, where it is already well advanced, and in some cases where an EPI has already been gazetted. Additionally certification may apply at varying scales, from EPIs that cover whole local government areas or large parts of LGAs, to EPIs applying to large-scale development projects that meet the criteria for certification.

***Step 2: Determine and assess the information needed to prepare an EPI suitable for biodiversity certification***

Biodiversity certification will generally be supported by data and assessments undertaken at two interrelated levels, being regional and local biodiversity assessments. Regional assessments use broad regional data regarding species distribution and vegetation composition, extent, condition and connectivity to determine the biodiversity values of areas across a region. Targeted surveys for threatened or regionally significant species or key habitat elements may also be required to supplement existing information. In addition, Regional Conservation Plans (RCPs) will be prepared in some areas by DECC to support regional strategies being developed by the DoP. These will include vegetation community assessments, regional corridor and habitat analysis, and the identification of conservation and investment opportunities in the region. RCPs will define conservation goals that must be achieved by EPIs in order to meet the "improve or maintain" test.

Local assessments will provide the means to confirm and verify biodiversity values that are identified at a regional scale. Data layers used at the regional level cannot, for reasons of accuracy and scale, be applied at the local level where more detailed land-use planning and development decisions are made. This is particularly the case for threatened species, populations and ecological communities. Local biodiversity assessments will provide information on the losses in biodiversity that will result from the proposed development footprint, and the gains in biodiversity from proposed actions to offset this loss.

In areas, where a regional assessment has not been undertaken, the local assessment will need to be expanded to consider key issues that would have otherwise been addressed at a regional scale. In this situation, the local assessments will provide basic data on biodiversity values and also draw on the best available regional information to set the conservation goals that will apply to the area covered by the EPI.

In general, EPIs that cover small and/or less biologically complex areas will require less local assessment effort compared with those covering large areas. An EPI for a whole LGA, for example, is likely to require considerable assessment work to support certification compared with for example an EPI covering an urban release area. The DECC and the DoP will work with planning authorities that are progressing through the certification process to identify specific biodiversity assessment requirements that are needed to support the development of an EPI for certification. This process will consider options for resourcing, including opportunities to establish joint council/agency project teams.

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## 2.3 Guidelines For Biodiversity Certification Of Environmental Planning Instruments (Working Draft)

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To support consistency in the assessment process the DECC will also progressively prepare guidance material addressing matters such as the "improve or maintain" test, and biodiversity assessment methodologies.

### ***Step 3: Identify and evaluate land use planning options***

Planning authorities will need to evaluate the land use planning options available to ensure the optimal planning package is presented for certification. There are a number of mechanisms to support this process, including decision support systems being developed by the DECC and other organisations. The DECC and the DoP will work with councils to determine the best approach for assessing land options in a given area, taking into account such factors as the availability of data, resources and timing.

### ***Step 4: Prepare and gazette the EPI***

EPIs must be prepared following the requirements of the EP & A Act 1979. An EPI cannot be certified unless the proposal to certify has been publicly exhibited and submissions considered. Information on biodiversity assessments and any supporting and strategies should be made available during the exhibition period. Existing consultation processes under the EP & A Act (Sections 34A and 62) provide mechanisms to formalise certification arrangements and obtain in-principle agreement for certification.

### ***Step 5: Submit the EPI to the Minister for certification***

The draft EPI must be submitted to the Minister for Climate Change, Environment and Water, and should include:

- A response to the conservation goals of any applicable regional planning strategy, RCP or local biodiversity assessment;
  - A clear indication of how mapping was conducted and the areas of biodiversity value that will be lost due to development;
  - The decisions and trade-offs that are proposed to improve biodiversity values in other areas;
  - Clear justification and rationale for any differences between what is proposed in the EPI and any conservation goals relevant to the area;
  - The mechanisms in the EPI that will be used to conserve biodiversity values (i.e. the zoning and development controls);
  - Proposals for public management of areas of biodiversity value, including plans of management;
  - Proposed offset schemes (e.g. the Biodiversity Offsets and the Biobanking Scheme),
  - Mechanisms for funding conservation outcomes, including incentive schemes for private landowners, proposed levies etc;
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### 2.3 Guidelines For Biodiversity Certification Of Environmental Planning Instruments (Working Draft)

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- Any other information that supports the proposed land-use planning outcomes;
- Information addressing the matters listed in Sections 126G(1), (2) and (3) and 126N(3) of the TSC Act and the Certification Guidelines;
- Information addressing any specific assessment requirements that were agreed to by the local planning authority, DECC and DoP, including outcomes from any land-use planning considerations;
- Copies of any public submissions on the EPI and assessments thereof; and
- Copies of the gazetted EPI.

The Minister will consider the submission and may refuse or grant certification. The granting of certification may include conditions, and may be for a period of up to 10 years. Notification of certified EPIs will be listed on a public register. The Minister may revoke or suspend certification of an EPI if he or she believes that the EPI fails to make appropriate provision for the conservation of threatened species, populations or ecological communities, or if the authority responsible for administering the EPI has failed to adequately comply with a direction by the Minister to review an EPI in response to new threatened species listings or discoveries.

#### **Implications for Council**

The release of the Guidelines is timely for Council, given that it is working towards the completion of its Comprehensive LEP. In this regard, Council may consider certifying strategic areas within the LGA, as part of the preparation of the Plan.

To date, Council has undertaken a Biodiversity Study for the Campbelltown LGA and is in the process of preparing a Local Planning Strategy. Both these studies provide baseline information of relevance to the certification process. However, more detailed surveys are likely to be required in order to meet the DECC survey requirements, particularly given the lack of a Regional Conservation Plan for the Macarthur area. Given the likely costs associated with detailed local biodiversity assessments it is recommended that Council consider focusing its certification efforts on highly developed areas such as existing urban areas, or urban release areas. With regard to the latter, costs associated with local assessments would be borne by the applicant(s) as part of the preparation of local environmental studies, which are required for both the development of an EPI and the rezoning process.

An important consequence of having certified urban areas would be a streamlined development assessment process that would not require any environmental assessment beyond the heads of consideration described under Section 79C of the EP&A Act. In essence, this would mean that simple straightforward developments within residential areas would not require costly, and in many instances, unnecessary environmental assessment.

In order to achieve a maintain or improve of biodiversity values a range of offset options are available as discussed previously in this report, including but not limited to, the Biobanking Scheme. The potential application of such offsets by Council, both within and outside certificated areas requires further clarification with relevant agencies but could prove to be a valuable tool for offsetting any loss in biodiversity resulting from the certification process.

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### 2.3 Guidelines For Biodiversity Certification Of Environmental Planning Instruments (Working Draft)

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However, due to the broad nature of the existing Biodiversity Certification Guidelines, Council Officers intend to hold discussions with the DECC and the DoP in order identify the specific requirements for achieving certification, and undertaking the necessary biodiversity assessments within the Campbelltown LGA.

Notwithstanding these issues, the DoP through its Planning Reform Fund, may be able to assist Council in completing any survey, or other works specified by the either the DECC or the DoP.

#### **Conclusion**

Biodiversity certification of EPIs is a new process and tools to measure perspective gains and losses in biodiversity values are still being refined. However, given that Council is in the process of preparing a Comprehensive LEP for the Campbelltown LGA there is an opportunity for Council to consider biodiversity certification as part of this process. Whilst the Guidelines for Biodiversity Certification of EPIs (Working Draft) outline the key factors for consideration and steps for preparing an EPI for certification, they are currently very broad in nature. In this regard, Council officers intend to meet with the DoP and the DECC to discuss options for certification within the Campbelltown LGA, the level of survey work likely to be required based on the existing level of information, as well as the application of offset methodology. The outcomes of these discussions, and any implications they may have on securing certified areas within the LGA (as reflected in its Comprehensive LEP) and will be reported to Council in early 2008.

#### **Officer's Recommendation**

That the information be noted.

#### **Committee's Recommendation: (Kolkman/Bourke)**

1. That the information be noted.
2. That once this issue is finalised the matter be presented to Council at a briefing night prior to its inclusion in Council's Business Paper.

#### **CARRIED**

#### **Council Meeting 13 November 2007 (Oates/Banfield)**

That the Committee's Recommendation be adopted.

#### **Council Minute Resolution Number 212**

That the Committee's Recommendation be adopted.

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## **2.4 Campbelltown Draft Local Environmental Plan 2002 (Amendment No. 15) - Public Exhibition**

### **Reporting Officer**

Acting Manager Environmental Planning

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### **Attachments**

1. Draft Campbelltown Local Environmental Plan (Amendment No 15) (Distributed under separate cover).
2. Public Meeting Report – prepared by Michael Green QC (Distributed under separate cover).
3. Copies of all submissions made (Distributed under separate cover)

### **Purpose**

The purpose of this report is to inform Council of the outcomes of the public exhibition of draft Campbelltown Local Environmental Plan (Amendment No 15) (draft LEP), which aims to rezone and reclassify certain land in the vicinity of the John Therry High School, Rosemeadow (see Attachment 1).

### **History**

At its meeting held on 3 May 2005, Council resolved to prepare a Local Environmental Study (LES) and a draft LEP which aims to:

- rezone the southern portion of the John Therry High School site from 5(a) Special Uses to part 2(b) Residential and part 6(c) Private Open Space (to incorporate an existing stand of Shale Hills Woodland);
- rezone eleven privately owned allotments adjoining the school site from 7(d6) Environmental Protection (0.4 hectare minimum) to 2(b) Residential Zone (to provide for infill residential development), and
- rezone a small portion of Council owned land fronting Anthony Drive from 6(a) Public Open Space to 5(a) Special Uses School and to reclassify this land from community to operational.

This proposed rezoning aims to provide for the development of approximately 170 new dwellings in the area.

A LES and draft development control plan for the whole of the subject site was prepared by the consultants Siteplus and was considered in the preparation of the draft LEP.

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## Report

The draft LEP, which aims to rezone certain land within the vicinity of John Therry High School, Rosemeadow from part 5(a) Special Uses and 7(d6) Environmental Protection to 2(b) Residential and part 6(c) Private Open Space was placed on public exhibition for a period of 35 days from 21 August 2007 to 24 September 2007. The exhibition was publicly notified in the local papers, as well as by mail to affected land owners.

During this period a public hearing was also held with regard to the reclassification of Lot 4035, DP 790757 being open space land owned by Council, located in the north west corner of the site (see Sheet 2 of Attachment 1).

The Local Government Act 1993 (the Act) requires the classification of all Council owned land as either community (e.g parks) or operational (e.g depot sites). In addition the Act does not allow councils to sell/dispose of any land that is classified as community land. Should a council wish to dispose of land classified as community, it must first reclassify the land to operational through the preparation of an LEP. As a result of this change in classification, the land can then be developed or used in accordance with the requirements of the LEP rather than a plan of management, which guides the management of all community land.

The land proposed to be reclassified as part of this draft LEP, is a thin strip of open space located between the John Therry High School and Anthony Drive (see Sheet 2 of Attachment 1). At present, the site does not provide for any community use and does not have any unique environmental features that would justify it remaining as community land. Residents have indicated that they have witnessed anti-social behaviour on the site.

The purpose of the reclassification is to facilitate the transfer of the subject open space into the John Therry school property, should Council decide to approve this option.

As part of the reclassification process, Council is also required by the Act to hold a public hearing. This hearing was held on 19 September 2007. The outcomes of the hearing are discussed further in this report.

A total of fifteen (15) submissions (four (4) from the public, eleven (11) from public authorities), were received with regard to the public exhibition of the draft LEP, and nine (9) people attended the public hearing, which was held on 19 September 2007.

## Public Submissions

The table below summarises the submissions made by both the public, government agencies and surrounding councils. A comment in regard to each has been included.

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## 2.4 Campbelltown Draft Local Environmental Plan 2002 (Amendment No. 15) - Public Exhibition

**TABLE 1: Submission received during the Public Exhibition Period**

	Issue	Comment
Public Submission 1	Concern over the increasing impacts of traffic on the surrounding neighbourhood. Traffic already an issue with large amounts of traffic in the am peak. Prefer a left exit option to leave the new development area.	The LES included a Traffic Impact Assessment. The result of this assessment indicated that while there will be an increase in the overall number of traffic movements within the local area, the increase would not negatively impact on the local network.
	Concern that the remnant parcel of land resulting from the proposed location of the junction between the access road to the subject land and Anthony Drive will increase anti-social behaviour in the area. This area is already a site for anti-social behaviour.	This could be landscaped and designed in such a way so as to provide an entrance focus and thus discourage anti-social behaviour.
	The site has problems with excessive overland flow during heavy rain events.	It is considered that the development of the site should reduce local flooding issues through improvements to the existing storm water system up stream of the affected properties.
	Concern over disturbances during the construction phase.	Controls can be put in place to mitigate dust, noise etc as part of any DA conditions.
Public Submission 2	Concern over the loss of habitat and wildlife.	The draft LEP provides for the development of a portion of the site that is currently vegetated. However, any loss in this area is proposed to be offset by regeneration work to be undertaken on a specific portion of the site. The area to be retained is also proposed to be rezoned from 5 (a) special Uses School to 6 (c) Private Open Space. This approach has received support from the Department of Environment and Climate Change (DECC).
	Councillors invited to view the land from their property	The site has previously been the subject of a Council inspection.

## 2.4 Campbelltown Draft Local Environmental Plan 2002 (Amendment No. 15) - Public Exhibition

	Issue	Comment
	Concern over the loss of play areas within the school	The school has informed Council that the proposal will not negatively impact on the recreational amenity of the students.
Public Submission 3	Concern over the manner in which the Diocese has liaised with the community.	Noted, however Council has exhibited the draft LEP in accordance with the requirements of the Environmental Planning and Assessment Act 1979.
	Concern over the increasing impacts of traffic on the surrounding neighbourhood. The am peak already is an issue for the local residents.	The LES included a Traffic Impact Assessment. The result of this assessment indicated that, while there will be an increase in the overall number of traffic movements within the local area, the increase would not negatively impact on the network.
	Concern over the negative impact on the school because of the close proximity of the proposed housing.	Given that schools are traditionally located with residential areas and within the LGA a number of schools are already in operation within close proximity to houses (with no known impact) it is not considered that this (residential) development will impact negatively on the school.



## 2.4 Campbelltown Draft Local Environmental Plan 2002 (Amendment No. 15) - Public Exhibition

	Issue	Comment
Public Submission 3	Concern over the impact of 140 new homes in the area in terms of increased demand for community facilities and on going environmental impacts such as an increase in the use of trail bikes etc.	<p>It is anticipated that the proposed housing will not require the provision of additional services. The area currently has a number of areas of open space, and is within close proximity to services at Rosemeadow, Campbelltown and Macarthur. It should be noted however that the development falls within the Rosemeadow Section 94 district and as such would be liable to make Section 94 contribution to Council. This is in addition to the regional infrastructure levy that has been imposed by the State Government.</p> <p>It is considered that the formalising of boundaries of the school (as proposed by the draft LEP) should help to reduce the incidents of illegal trail bike riding.</p>
	Concern over the loss of habitat and wildlife	<p>The draft LEP provides for the development of a portion of the site that is currently vegetated. However any loss in this area is proposed to be offset by regeneration work to be undertaken on a specific portion of the site. The area to be retained is also proposed to be rezoned from 5 (a) special Uses School to 6 (c) Private Open Space. DECC supports this proposal.</p>

## 2.4 Campbelltown Draft Local Environmental Plan 2002 (Amendment No. 15) - Public Exhibition

	Issue	Comment
	Lack of justification for amending the zoning. The area was originally preserved for scenic values. Why is it now appropriate to remove this protection?	One of the aims of the environmental protection zoning is to "conserve the rural landscape". The LES shows that the proposed development would have negligible impact on the scenic value of the area. In addition, given that residential development is the predominate use that currently surrounds the subject land, it is considered that, to a large extent, the rural character has already been compromised and no longer requires the environmental protection zoning. It should be noted that the Heritage Office did not raise an objection in regard to the loss of any 'potential cultural landscapes'.
Public Submission 4	Concern over the retention of a laneway in Sebastian Ave that is currently causing flooding issues. Increased prevalence of anti-social behaviour in the neighbourhood.	Council has sought to close this lane, but to date; the Department of Planning (DoP) has raised an objection stating that the laneway was still required. Council is currently liaising with the DoP in this regard. Council's Property Support Services Section will be notified of the latest correspondence. With regard to the remaining concerns, the proposed rezoning is considered unlikely to exacerbate existing anti social issues within the area. It is considered that the proposed rezoning will reduce the local flooding issues through improvements to the existing storm water system up stream of the affected properties undertaken as part of the development of the land subject to the draft LEP.
Ministry of Transport (MoT)	Need to address a number of issues in greater detail for example: Improve pedestrian connection, Improve access to public transport.	MoT has subsequently informed Council that the issues raised can be considered as part of the finalisation of the DCP/ Masterplan should the proposal proceed, and do not need to be

## 2.4 Campbelltown Draft Local Environmental Plan 2002 (Amendment No. 15) - Public Exhibition

	Issue	Comment
		considered further as part of the proposed rezoning.
Liverpool City Council	No issue or objection raised.	Noted
Sydney Water	No issue or objection raised, however, will consider further at DA stage.	Noted
RTA	No issue or objection raised.	Noted
NSW Department of Housing	No issue or objection raised.	Noted
Department of Education and Training	No issue or objection raised.	Noted
Department of Primary Industries	No issue or objection raised.	Noted
AGL	No issue or objection raised.	Noted
Busways	Need to improve pedestrian access to existing bus network.	This issue can be addressed as part of the discussion with MoT during the finalisation of the DCP/Masterplan.
NSW Heritage Office	No issue or objection raised.	Noted
Sydney Catchment Authority	No issue or objection raised.	Noted
Rural Fire Service	Future development must comply with Planning for Bushfire Protection 2006.	Noted
Department of Environment and Climate Change	Supportive of the Cumberland Plan Woodland being protected via the proposed 6 (c) Private Open Space zoning. No further comment will be required in regard to the proposed amendment.	

**Public Meeting**

On 19 September 2007, Council held a public hearing with regard to the reclassification of Lot 4035, DP 790757, which is currently zoned 6 (a) Open Space and located in the north west corner of the site (see Attachment No. 4) on Anthony Drive. This public hearing was held in accordance with the requirements of the *Local Government Act 1993*, and was facilitated by Michael Green QC on behalf of Council.

Nine (9) members of the public attended the hearing. The issues raised were primarily in relation to the proposed rezoning of the subject land, rather than the reclassification of Lot 4035, DP 790757. A copy of the report prepared by Mr Michael Green QC is attached (see Attachment 2). It should be noted that this report also includes details of the concerns raised at the hearing in relation to both the reclassification and the proposed rezoning of the subject land. In this regard,

## 2.4 Campbelltown Draft Local Environmental Plan 2002 (Amendment No. 15) - Public Exhibition

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members of the public who raised issues relating to the proposed rezoning were invited to make a formal submission to Council.

Nonetheless, the attendees did not specifically object to the proposed reclassification of Lot 4035, DP 790757. Indeed, some attendees considered the proposal an opportunity to reduce the incidence of anti-social behaviour that currently occurs within the area.

### Discussion

A number of submissions raised the issue of localised flooding and increased traffic volumes. To ensure that these issues were addressed to Council's satisfaction, the LES was referred to Council's Technical Services section for assessment. Advice from Technical Services indicates that the flooding issues should be improved by the incorporation of a number of storm water treatments (such as bio-ribbon swales and offline detention) upstream of the properties.

The advice received from the Technical Services section also supports the conclusions made in the LES concerning traffic. The increases in traffic will not have a significant impact on the local road network and should not increase traffic delays in the vicinity of the development. The Ministry of Transport (MoT) did raise a number of issues such as the need to improve pedestrian permeability through the site. Following further discussions with the MoT, advice has been received that these issues can be addressed during the detailed design, which will occur during the finalisation of the Masterplan/DCP and should not delay the rezoning of the site.

The loss of the land zoned for environmental protection (EP zone) was also raised as an issue during the public exhibition. The EP zone allows:

*"for intensive rural-residential living on land which can be provided with sewage reticulation (but, because of scenic quality or for other reasons, has not been zoned residential) and some diversity of development, but only where it is unlikely to have a detrimental effect on the quality or character of the locality or the amenity of any existing or proposed development in the locality."*

A review of the factors has shown that the subject land does not contribute to the scenic landscape of Campbelltown. The areas surrounding the subject land have or are currently being developed for residential development. As such the need to protect this area has been extinguished. It should be noted that the NSW Heritage Office did not raise an objection in regard to the loss of any 'potential cultural landscapes'.

The incorporation of this land into the proposed rezoning of land within John Therry High School would allow for the holistic development of the subject land, which will allow for a better design/built outcome for the site. It should be noted that the proposed development would also assist Council in meeting the State Government Metropolitan Strategy housing targets for the region.

### Conclusion

The submissions received by Council, following the public exhibition of the draft LEP are mainly concerned with issues relating to anti-social behaviour and flooding. Several submissions also raised issues with regard to a perceived increase in the volume of traffic within the area. However, it is considered that these issues have been adequately addressed by the LES, and as such should not require the draft LEP to be amended.

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It should be noted that the issues raised by the Ministry of Transport will need to be considered further, but this can be undertaken during the DCP/Masterplan process that will be reported to Council in due course, should Council decide to proceed with the draft LEP.

This being the case, it is recommended that the draft LEP be referred to the Department of Planning under S68 of the *Environmental Planning and Assessment Act 1979* for approval by the Minister for Planning and subsequent gazettal.

### **Officer's Recommendation**

1. That draft Campbelltown Local Environmental Plan (Amendment No 15) be referred to the Department of Planning under S68 of the *Environmental Planning and Assessment Act 1979* for the Minister of Planning's approval and subsequent gazettal.
2. That Council notify all those who made a submission informing them of Council's decision with regard to this matter.
3. That a further report on a draft development control plan pertaining to the site be presented to Council in early 2008.

### **Committee's Recommendation: (Bourke/Matheson)**

That the Officer's Recommendation be adopted.

**CARRIED**

### **Council Meeting 13 November 2007 (Oates/Banfield)**

That the Officer's Recommendation be adopted.

### **Council Minute Resolution Number 212**

That the Officer's Recommendation be adopted.

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## **2.5 Minutes of the Heritage Protection Sub Committee Meeting held on 13 September 2007**

### **Reporting Officer**

Acting Manager Environmental Planning

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### **Attachments**

Minutes of the Heritage Protection Sub Committee Meeting held on 13 September 2007

### **Purpose**

The purpose of this report is to advise Council of the outcomes of the Heritage Protection Sub Committee meeting held on 13 September 2007.

### **Report**

The minutes of the Heritage Protection Sub Committee meeting held on the 13 September 2007 are presented as Attachment 1.

Council officers have considered the recommendations of the Sub Committee and those actions that require specific consideration by Council are discussed below and are included in the Officer's recommendation.

### **Business Arising from the Previous Meeting**

When Council, at its meeting on 21 August 2007, considered a report on the minutes of the Heritage Protection Sub Committee meeting held on 12 July 2007, Council endorsed an additional resolution made by the Planning and Environment Committee relating to the heritage item "Richmond Villa" located in Lithgow Street, Campbelltown:

*That the Heritage Protection Sub Committee consider options to improve the façade of Council's multi-deck car park to protect the view of Richmond Villa by improving the backdrop to the heritage property.*

Time was set aside during the Heritage Protection Sub Committee meeting held on 13 September 2007 to discuss Council's resolution. After considering the business arising from the previous meeting and the additional resolution, the Sub Committee recommended:

1. *That the information be noted.*
  2. *That in regard to the additional resolution of Council which asks the Heritage Protection Sub Committee to consider options to protect the view of Richmond Villa by improving the backdrop to the heritage property:*
    - a. *That Council be asked to plant trees along the fence line to deter people from jumping the fence.*
-

- b. That the Manager Property Services be asked to investigate ways to improve the aesthetics of the area surrounding the heritage item, and the feasibility of providing landscaping to screen the view of Council's multi-deck car park.*

The Manager Property Services was present at the meeting and undertook to investigate the possibility of planting trees along the fence line, and to provide a report on possible options to improve the aesthetics of the area surrounding Richmond Villa, to a future meeting of the Heritage Protection Sub Committee.

**Item 6.1 No. 2 Lithgow Street, Campbelltown: Commercial Redevelopment of Former RSL Club (Adjoining the heritage item "Glenalvon")**

At its meeting on 13 September 2007, the Sub Committee considered a report on a development application to redevelop the site of the former RSL Club in Lithgow Street for a six storey commercial development and to provide background information for a presentation by the developer, Mr Andrew Gould and his Heritage Consultant, Mr Peter Lonergan.

The development site at No. 2 Lithgow Street (Lot 2 DP 607229) is located on the corner of Lithgow Street and Anzac Lane, Campbelltown, with its main street frontage to Lithgow Street. On 6 June 2006, Council issued Development Consent 4195/2005 to convert the vacated building into strata retail and commercial suites with on-site parking. The approved works were generally within the existing building envelope of 3 storeys.

Demolition/building works have since commenced on site in accordance with Development Consent 4195/2005. The applicant has since lodged another development application for the site for an additional 3 levels above the existing height. The new development application proposes to create two (2) retail tenancies with at grade access directly to Lithgow Street, and sixty (60) commercial suites over six levels. On site parking for fifty four (54) vehicles would be provided in the basement and in the rear portion of the ground level. It is also proposed to subdivide the development into 62 strata allotments. This development application is currently being assessed by Council Officers.

Mr Gould and Mr Lonergan addressed the Committee in favour of the development during the meeting.

Comments from Council's Heritage Advisor, Conybeare Morrison were also discussed. Comments previously sought by Council from the NSW Heritage Office had not been received at the time of the meeting.

After considering the report and presentation, the Sub Committee recommended:

1. *That Council be asked to defer consideration of the development application to seek further clarification of:*
    - a. *The height of the proposed building in relation to Glenalvon and the trees located within the curtilage of Glenalvon; and*
    - b. *The shadows that would be created by the proposed building throughout the year at 9:00am, 12:00noon and 3:00pm; and*
    - c. *The visual impact that the proposed development will have on Glenalvon and its existing setting.*
-

2. *That Council be asked to complete a site inspection, in the presence of Council's Heritage Advisor, prior to determining the development application.*
3. *That Council be requested to limit the height of any development proposed on the site to a maximum of four storeys.*

Subsequent to the Sub Committee meeting, the Director Planning and Environment has discussed the Sub Committee's concerns with the applicant, and has requested additional information relating to the height, shadows and visual impact of the proposed building. This additional information (which is currently being prepared) will assist Council to determine the development application.

In addition, comments from the NSW Heritage Office have also been received. The Heritage Office advises that while it does not have a statutory role in this development application, it is concerned about the scale of the proposed development and its impacts on the Glenalvon property and requests that the height, bulk and mass of the development be substantially reduced, and that consideration be given to restoring view corridors and vistas surrounding the heritage item. The Heritage Office advises that attention should be given to the selection of colours, materials and landscaping, and recommends that an archaeological assessment be undertaken as part of the proposal.

As the site is located in the centre of the Campbelltown CBD, in close proximity to Queen Street, consideration of the potential impacts of the proposed development on the heritage item "Glenalvon" needs to be balanced against the potential to provide opportunities for businesses (and particularly office developments) to establish within the CBD. Council is aware that the retail component of the existing Campbelltown CBD is suffering as a result of competition from other large enclosed retail developments in close proximity to the Main Street. An economically viable future focus for the Queen Street area could potentially include a proportion of retail development (at ground level) interspersed with and supported by office development. This is not inconsistent with the proposals set down in Council's draft Structure Plan for the Campbelltown CBD precinct. The close proximity of the Main Street to Campbelltown Railway Station is also likely to support and encourage this type of development in the future.

A further report will be provided to Council, in due course, to assist it to determine the development application.

**Item 6.2 Development Application 1551/2007/DA-DEM - Lot 1, DP 247902, 'Maryfields', Narellan Road, Campbelltown - Application for the demolition of 'The Novitiate' buildings.**

At its meeting on 13 September 2007, the Sub Committee considered a report on a development application for the demolition of 'The Novitiate' buildings at the Maryfields Monastery located on Narellan Road. The buildings were constructed to provide accommodation for the Poor Clare Nuns and Franciscan Friars that have lived at the property since the early 1930s. Several outbuildings and associated structures, such as an ablution block, halls, storage sheds and a greenhouse are located within 'The Novitiate's' surrounds, and are also proposed for demolition as part of the application.

A structural integrity report (for the Novitiate) prepared by G.J. McDonald Consulting Engineers in August 2004, revealed that both buildings that form the Novitiate are afflicted by major structural defects, including movement in external walls and footings, cracked brick walls and extensive damage to ground timber floors.

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The Maryfields Monastery contains the “*Stations of the Cross*” statues, which are also located on the site. The statues are of regional heritage significance and have subsequently been added to Council's Heritage Register, and listed as a heritage item in *Campbelltown (Urban Area) Local Environmental Plan 2002*. The ‘*Stations of the Cross*’ statues will not be affected by the application to demolish ‘The Novitiate’ and associated buildings.

The likely future use of the site is understood to involve an application to construct a new monastery building. It is anticipated that this application will be lodged during 2008, with the new clergy accommodation building to be incorporated into the existing gardens reinstating the relationship between the clergy and the 14 statues.

After considering the Council report, the Sub Committee recommended:

*That if Council grants development consent to the proposed demolition, that Council be asked to include conditions within that consent to:*

- a. Ensure that the Heritage Item, known as “The Stations of the Cross” is protected and not damaged or otherwise adversely affected during, or as a result of, the demolition works; and*
- b. Ensure that the landscaping and water feature, located between “The Novitiate” building and Narellan Road, are retained, as these elements are an important part of the setting of “The Stations of the Cross”.*

At its meeting on 16 October 2007, Council considered a report to assist it to determine the above development application. Council resolved to approve the application for demolition.

In this regard, it should be noted that the demolition works are not in the vicinity of “*The Stations of the Cross*” or the vegetation and water feature near Narellan Road. However, the demolition plan that accompanied the application for demolition demonstrates the methods that will be used to protect the heritage item “*The Stations of the Cross*”, and this plan has become part of the development consent. In addition, the consent includes an advisory note requiring separate development consent for the removal of any trees.

### **Item 6.3 2008 Heritage Week Programme**

At its meeting on 13 September 2007, the Sub Committee considered a report on the proposed programme for the 2008 Heritage Forum, the proposed dates for the 2008 Heritage Medallion selection process, and a review of the current eligibility criteria.

Council's Heritage Week programme will be presented from 5 – 20 April 2008 as part of the annual National Trust Heritage Festival. The theme of the Festival in 2008 is “Our Place” with a focus on the sharing of individual and collective stories about the people and events that have shaped the diverse communities in which Australians live.

In 2008, Campbelltown Arts Centre will engage an emerging filmmaker or digital media artist to produce a short film that explores the concept of “Our Place” with two or three diverse community groups within the Campbelltown area. The filmmaker would work with these groups to uncover personal and collective stories within the group that communicate a sense of place. The short film, and all other heritage week activities, will be funded through Council's existing annual Heritage Week budget.

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The presentation of the 2008 Heritage Medallion will also be a key component of the 2008 Heritage Forum. Nominations for the 2008 Heritage Medallion will open in October 2007. The closing date for nominations will be Friday 1 February 2008. The Heritage Protection Sub Committee can then assess the nominations at its February 2008 meeting and make a recommendation to Council in March 2008.

In view of the issues arising from the selection process for the 2007 Heritage Medallion (the medallion was awarded to a non-resident of Campbelltown), it is recommended that the conditions of eligibility for the medallion be reviewed. The eligibility criteria currently states:

*"The award is open to individuals, businesses, community groups, schools and tertiary institutions in the Campbelltown Local Government Area".*

Following the decision of the Heritage Protection Sub Committee to award one of the 2007 Heritage Medallions to a former Campbelltown resident, it is recommended that the eligibility criteria be amended to the following:

*"The award is open to individuals, businesses, community groups, schools and tertiary institutions in the Campbelltown Local Government Area, or individuals, businesses, community groups, schools and tertiary institutions from outside the area that have made a significant contribution within the Campbelltown Local Government Area."*

After considering the report, it was resolved:

1. *That the Heritage Protection Sub Committee endorse the proposed dates and events for Heritage Week 2008.*
2. *That Council be requested to ensure that each of the groups chosen to participate in the short film that explores the concept of "Our Place":*
  - a. *Has a demonstrated, well established and long standing connection to the Campbelltown area and the development of its character and sense of place; and,*
  - b. *Represents a separate and distinctive aspect of the local community and the development of Campbelltown as a place; and,*
  - c. *Has made or is likely to make a significant contribution to the cultural diversity and heritage of the Campbelltown Local Government Area over time.*
3. *That the Heritage Protection Sub Committee endorse the proposed new eligibility criteria for nominations for the 2008 Heritage Medallion.*

#### **Item 6.4 Location and Condition of Warby's Dams**

At the Heritage Protection Sub Committee Meeting held on 17 May 2007, members of the Sub Committee raised concerns that Warby's Dams were eroding and in urgent need of repair. A report on the Minutes of the Heritage Protection Sub Committee meeting held on 17 May 2007, was considered by Council at its meeting on 26 June 2007. In that report, Council was advised that no sources of funding are currently available for restoration works.

At its meeting on 13 September 2007, the Sub Committee considered a report on the progress made in investigating the condition of the heritage item "Warby's Dams" and in clearly identifying the location of the four dams along Leumeah Creek.

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After considering the report, the Sub Committee recommended:

*That Council staff be requested to:*

- a. *Record the current state of the Warby's Dams and archive the information; and*
- b. *Actively seek funding for the possible restoration (or at least to prevent further deterioration) of the Warby's Dams, when such sources of funding are available.*

Prior to the Sub Committee meeting on 13 September 2007, Council staff photographed the current state of the Warby's Dams. This information will be a useful addition to any archival information that is prepared on the dams.

#### **Item 6.5 Maintenance of signage within the Campbelltown Local Government Area**

At the Heritage Protection Sub Committee Meeting held on 17 May 2007, the Sub Committee recommended:

*"That a report be presented detailing what actions Council takes to ensure the maintenance of heritage related signs within the Local Government Area."*

The requested report was presented to the Sub Committee at its meeting on 13 September 2007. The report advised that Council's Operational Services Section, which is part of the City Works Division, has an annual programme for the repair and replacement of all signage within the Campbelltown Local Government Area that is located on land owned by Council.

The report also advised that if there are particular signs on Council owned land which the Sub Committee believes require maintenance, replacement or urgent attention, Council's Operational Services Division would be pleased to receive the details and factor these signs into Council's maintenance programme.

After considering the report, the Sub Committee recommended:

*"That the information be noted."*

#### **Item 6.6 Etchells Name Reserve Investigation**

At its meeting on 17 May 2007, the Sub Committee was advised that the spelling of the surname "Etchells" on the sign at Etchell's Reserve in Minto may be incorrect. The Sub Committee requested that Council amend the sign with the spelling of the name "Etchells", and to replace any other incorrect references to the name with the correct spelling.

At its meeting on 13 September 2007, the Sub Committee considered a report of the results of an investigation into the correct spelling of the surname "Etchells". The report also sought the advice of the Sub Committee on further action that is considered appropriate.

The report advised that an investigation into the spelling of the surname Etchells in historic documents and name registers was undertaken by Council Officers in order to determine which version of the spelling of the name ("Etchell" or "Etchells") was correct. Some historic photos that show the name spelled as "Etchells", however the War Register includes the name spelled as "Etchell". Both the spelling "Etchells" and "Etchell" appear throughout historic documents, however, "Etchells" is the most common spelling used.

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After considering the Council report, the Sub Committee recommended:

1. *That Trevor Rhodes of the Heritage Protection Sub Committee be asked to investigate the spelling of the family name "Etchell's" or "Etchells" through the Register of Births, Deaths and Marriages.*
2. *That the Heritage Protection Sub Committee decide whether or not to pursue changing the spelling the name "Etchell's" to "Etchells", in light of the evidence that both spellings have been used historically, once Trevor Rhodes has undertaken an investigation into the history of the name.*

Additional information about the correct spelling of the surname has since been provided to Council Officers by the Campbelltown and Airds Historical Society. The information is currently being reviewed and a further report on the matter will be presented to the Heritage Protection Sub Committee at a future date.

**Item 6.7 Request for additional information to assist in the investigation of potential heritage items**

At its meeting on 13 September 2007, the Heritage Protection Sub Committee was asked to consider a report seeking additional information on some of the items that it had previously nominated for investigation for possible heritage listing.

After considering the report, the Sub Committee resolved:

*That the Heritage Protection Sub Committee provide additional details regarding the issues detailed below as soon as possible, to assist Council staff in undertaking an initial desktop assessment of the significance of the following items and places:*

- a. *The KO Jones Baby Memorial Health Centre;*
- b. *The Beverly Park House, in the grounds of Beverly Park Special School;*
- c. *The Old Soldier's Settlements in and near Waminda Avenue, Chisolm Avenue and Macquarie Avenue; and*
- d. *The House in Waminda Avenue whose owner would like to have it heritage listed.*

Council staff will use the information provided to further investigate the items previously nominated for investigation for possible heritage listing to be considered by Council.

**Item 6.8 Plans for future car parking facilities in the vicinity of the heritage item "Glenalvon"**

The Heritage Protection Sub Committee has previously requested that it be advised of Council's future plans for car parking facilities in the vicinity of the heritage item "Glenalvon", which is located in Lithgow Street, Campbelltown. The Sub Committee sought this advice so that it can make appropriate submissions in regard to any proposals and the likely impacts on Glenalvon and views of Glenalvon from the Moore-Oxley Bypass.

The requested report was presented to the Sub Committee at its meeting on 13 September 2007. The report advised that the *Section 94 Contributions Plan - Public Car Parking Facilities in Campbelltown and Ingleburn Business Centres* proposes the extension of two existing car parks in the Campbelltown CBD - one located at Broughton Street/Browne Street (behind the Mobil Petrol Station, and the other at Carberry Lane (near Glenalvon). The report also advised that the

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timing for the car park extensions is not known and is dependent on sufficient funds being available to undertake the works.

After considering the Council report, the Sub Committee recommended:

*"That the information be noted."*

## **7.1 Maps**

Jenny Goodfellow, President of the Campbelltown and Airds Historical Society, provided the members of the Heritage Protection Sub Committee with copies of a map of the *"Soldiers' Settlement - Subdivision of the Cransley Estate and adjacent properties 1920"*, and a map of the 1000 acres of land granted to Robert Townson that became the *"Varroville Estate"*.

The Sub Committee agreed that this information would be useful for undertaking further research into these places and recommended:

*"That the information be noted."*

The assistance of the Campbelltown and Airds Historical Society in providing the information is acknowledged and appreciated. The information is currently being used to undertake further research into existing heritage items and potential future heritage items, and heritage conservation areas.

## **7.2 Campbelltown Railway Station - Investigation of Paint Finishes**

A draft report titled *"Campbelltown Railway Station - Investigation of Paint Finishes"* was presented to the members of the Heritage Protection Sub Committee for discussion during the meeting on 13 September. The report has been prepared for the Rail Corporation of New South Wales' Asset Management Group (Railcorp), by Donald Ellsmore Pty Ltd Heritage and Conservation Services.

The draft report investigates the history of colour schemes used at Campbelltown Railway Station and puts forward a possible palette of colours to be used in the repainting of the station buildings in the near future.

After considering the draft report, the Sub Committee recommended:

*That Council be requested to ask Railcorp to provide a visual representation or an artist's impression of how the final colour scheme would be applied to the buildings and structures at Campbelltown Railway Station, before the work is undertaken.*

Should Council endorse the Sub Committee's recommendation, correspondence will be sent to both Railcorp and Donald Ellsmore, requesting that a visual representation or an artist's impression, of how the final colour scheme would be applied to the Campbelltown Railway Station buildings and structures, before the work is undertaken.

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### 7.3 NSW Heritage Act Submissions

At its 13 September 2007 meeting, the Sub Committee members were advised that the Minister for Planning, Frank Sartor MP, had announced the appointment of an independent panel of experts to conduct a review of the *NSW Heritage Act 1977*, and that written submissions from the public were invited by Monday 8 October 2007.

After considering the information provided, the Sub Committee recommended:

1. *That Council be requested to include the following matters in its submission on the Review of the NSW Heritage Act:*
  - a. *Amending the Act so that the requirement for minimum standards of maintenance and repair apply to both local and State listed items; and,*
  - b. *Ensuring that nominations to list items on the State Heritage Register are dealt with promptly by the NSW Heritage Office and NSW Heritage Council; and,*
  - c. *Appropriate penalties are included in the Act for persons who demolish, wilfully damage, or undertake unauthorised works to both local and State listed items.*
2. That members of the Heritage Protection Sub Committee advise the Executive Planner, by no later than close of business on Thursday 20 September 2007, of any additional matters they would like addressed in Council's submission on the review of the NSW Heritage Act.

No further suggestions about matters to be included in Council's submission were provided by members of the Sub Committee.

As the deadline for submissions was Monday 8 October 2007, which was prior to the October meeting of Council, Councillors were advised about the Review of the Heritage Act (through an item in the Planning and Environment Weekly Memo to Councillors dated 21 September 2007) and invited to put forward in writing any suggestions for inclusion in the submission from Council by Friday 28 September 2007. No suggestions were received.

Council staff prepared a submission and forwarded it to the Heritage Act Review Panel, via the NSW Department of Planning. The submission was consistent with the Sub Committee's recommendation.

At its meeting on 16 October 2007, Council considered a report regarding Council's submission from the Director Planning and Environment. Council resolved to note the information contained within that report and to endorse the submission on the Review of the *NSW Heritage Act 1977*.

### Officer's Recommendation

1. That in regard to the Business Arising from the Previous Meeting about the setting of the heritage item "Richmond Villa":
    - a. That Council investigate the possibility of planting trees along the fence line to deter people from jumping the fence; and
    - b. That the Manager Property Services investigate ways to improve the aesthetics of the area surrounding the heritage item and the feasibility of providing landscaping to screen the view of Council's multi-deck car park; and
    - c. That a report detailing the findings of the above investigations be presented to the Heritage Protection Sub Committee at a future meeting.
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2. That in regard to Item 6.1 (No. 2 Lithgow Street, Campbelltown: Commercial Redevelopment of Former RSL Club - Adjoining the heritage item "Glenalvon") that Council defer consideration of the development application until:
    - a. Further information is provided by the applicant regarding:
      - (i) The height of the proposed building in relation to Glenalvon and the trees located within the curtilage of Glenalvon; and
      - (ii) The shadows that would be created by the proposed building throughout the year at 9:00am, 12:00noon and 3:00pm; and
      - (iii) The visual impact that the proposed development will have on Glenalvon and its existing setting; and
    - b. That Council complete a site inspection, prior to determining the development application.
    - c. That Council consider both the potential impacts on the heritage item Glenalvon and the likely economic benefits of encouraging more office development in the vicinity of Queen Street, when determining the development application.
    - d. That Council note that a further report will be prepared to assist it to determine the development application in due course.
  3. That in regard to Item 6.2 (Development Application 1551/2007/DA-DEM - Lot 1, DP 247902, 'Maryfields', Narellan Road, Campbelltown - Application for the demolition of 'The Novitiate' buildings) that the information be noted.
  4. That in regard to Item 6.3 (2008 Heritage Week Programme) that Council:
    - a. Endorse the proposed dates and events for Heritage Week 2008;
    - b. Ensure that each of the groups chosen to participate in the short film that explores the concept of "Our Place":
      - (i) Has, or will in future have, a demonstrated, well established and long standing connection to the Campbelltown area and the development of its character and sense of place; and,
      - (ii) Represents a separate and distinctive aspect of the local community and the development of Campbelltown as a place; and,
      - (iii) Has made or is likely to make a significant contribution to the cultural diversity and heritage of the Campbelltown Local Government Area over time.
    - c. Endorse the proposed new eligibility criteria for nominations for the 2008 Heritage Medallion.
  5. That in regard to Item 6.4 (Location and Condition of Warby's Dams) that Council staff:
    - a. Record the current state of the Warby's Dams and archive the information; and,
    - b. Actively seek funding for the possible restoration (or at least to prevent further deterioration) of the Warby's Dams, when such sources of funding are available.
  6. That in regard to Item 6.5 (Maintenance of signage within the Campbelltown Local Government Area) that the information be noted.
  7. That in regard to Item 6.6 (Etchells Name Reserve Investigation) that the Heritage Protection Sub Committee make a recommendation to Council, about whether or not to pursue changing the spelling of the surname "Etchell's" to "Etchells", once it has considered a report on the further investigations into the history of the name.
  8. That in regard to Item 6.7 (Request for additional information to assist in the investigation of potential heritage items) that the information be noted.
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9. That in regard to Item 6.8 (Plans for future car parking facilities in the vicinity of the heritage item "Glenalvon") that the information be noted.
10. That in regard to Item 7.1 (Maps) that the information be noted and Council acknowledge (via written correspondence) the assistance of the Campbelltown and Airds Historical Society in accessing additional data on existing heritage items and potential future heritage items and heritage conservation areas.
11. That in regard to Item 7.2 (Campbelltown Railway Station – Investigation of Paint Finishes) that Council endorse the Heritage Protection Sub Committee's recommendation and write to both Railcorp and Donald Ellsmore, requesting that a visual representation, or an artist's impression of how the final colour scheme would be applied to the Campbelltown Railway Station buildings and structures be provided, before the work is undertaken.
12. That in regard to Item 7.3 (Review of the *NSW Heritage Act 1977*), that the information be noted.

### **Committee's Recommendation: (Bourke/Oates)**

1. That in regard to the Business Arising from the Previous Meeting about the setting of the heritage item "Richmond Villa":
    - a. That Council investigate the possibility of planting trees along the fence line to deter people from jumping the fence; and
    - b. That the Manager Property Services investigate ways to improve the aesthetics of the area surrounding the heritage item and the feasibility of providing landscaping to screen the view of Council's multi-deck car park; and
    - c. That a report detailing the findings of the above investigations be presented to the Heritage Protection Sub Committee at a future meeting.
  2. That in regard to Item 6.1 (No. 2 Lithgow Street, Campbelltown: Commercial Redevelopment of Former RSL Club - Adjoining the heritage item "Glenalvon") that Council:
    - a. request the applicant to address the following matters as part of the development application:
      - (i) The height of the proposed building in relation to Glenalvon and the trees located within the curtilage of Glenalvon; and
      - (ii) The shadows that would be created by the proposed building throughout the year at 9:00am, 12:00noon and 3:00pm; and
      - (iii) The visual impact that the proposed development will have on Glenalvon and its existing setting; and
    - b. That Council complete a site inspection, prior to determining the development application.
    - c. That Council consider both the potential impacts on the heritage item Glenalvon and the likely economic benefits of encouraging more office development in the vicinity of Queen Street, when determining the development application.
    - d. That Council note that a further report will be prepared to assist it to determine the development application in due course.
    - e. That as part of the development application process Council bring the above issues to the attention of the applicant.
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## 2.5 Minutes Of The Heritage Protection Sub Committee Meeting Held On 13 September 2007

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3. That in regard to Item 6.2 (Development Application 1551/2007/DA-DEM - Lot 1, DP 247902, 'Maryfields', Narellan Road, Campbelltown - Application for the demolition of 'The Novitiate' buildings) that the information be noted.
  4. That in regard to Item 6.3 (2008 Heritage Week Programme) that Council:
    - a. Endorse the proposed dates and events for Heritage Week 2008;
    - b. Ensure that each of the groups chosen to participate in the short film that explores the concept of "Our Place":
      - (i) Has, or will in future have, a demonstrated, well established and long standing connection to the Campbelltown area and the development of its character and sense of place; and,
      - (ii) Represents a separate and distinctive aspect of the local community and the development of Campbelltown as a place; and,
      - (iii) Has made or is likely to make a significant contribution to the cultural diversity and heritage of the Campbelltown Local Government Area over time.
    - c. Endorse the proposed new eligibility criteria for nominations for the 2008 Heritage Medallion.
  5. That in regard to Item 6.4 (Location and Condition of Warby's Dams) that Council staff:
    - a. Record the current state of the Warby's Dams and archive the information; and,
    - b. Actively seek funding for the possible restoration (or at least to prevent further deterioration) of the Warby's Dams, when such sources of funding are available.
  6. That in regard to Item 6.5 (Maintenance of signage within the Campbelltown Local Government Area) that the information be noted.
  7. That in regard to Item 6.6 (Etchells Name Reserve Investigation) that the Heritage Protection Sub Committee make a recommendation to Council, about whether or not to pursue changing the spelling of the surname "Etchell's" to "Etchells", once it has considered a report on the further investigations into the history of the name.
  8. That in regard to Item 6.7 (Request for additional information to assist in the investigation of potential heritage items) that the information be noted.
  9. That in regard to Item 6.8 (Plans for future car parking facilities in the vicinity of the heritage item "Glenalvon") that the information be noted.
  10. That in regard to Item 7.1 (Maps) that the information be noted and Council acknowledge (via written correspondence) the assistance of the Campbelltown and Airds Historical Society in accessing additional data on existing heritage items and potential future heritage items and heritage conservation areas.
  11. That in regard to Item 7.2 (Campbelltown Railway Station – Investigation of Paint Finishes) that Council endorse the Heritage Protection Sub Committee's recommendation and write to both Railcorp and Donald Ellsmore, requesting that a visual representation, or an artist's impression of how the final colour scheme would be applied to the Campbelltown Railway Station buildings and structures be provided, before the work is undertaken.
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12. That in regard to Item 7.3 (Review of the *NSW Heritage Act 1977*), that the information be noted.

**CARRIED**

**Council Meeting 13 November 2007 (Oates/Banfield)**

That the Committee's Recommendation be adopted.

**Council Minute Resolution Number 212**

That the Committee's Recommendation be adopted.

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## **ATTACHMENT 1**

### **Minutes of the Heritage Protection Sub Committee**

**Held 13 September 2007 in Committee Room 3**

#### **1. Attendance and Apologies**

**Attendance:** Councillor Julie Bourke  
Jenny Goodfellow  
Trevor Rhodes  
James Gardner  
Robert Wheeler

**Also in Attendance:** Jeff Lawrence - Director Planning and Environment  
Caroline Puntillo - Executive Planner  
Petra Kovacs - Environmental Officer on Site Waste Water  
John Milicic - Manager Property  
Narelle Fletcher - Executive Support  
Peter Lonergan - Redevelopment of Former RSL Club site  
Andrew Gould - Redevelopment of Former RSL Club site

**Apologies:** Councillor Meg Oates  
Ray Gardner  
Julie Medana

#### **Sub Committee's Recommendation (Goodfellow/Rhodes)**

That the above apologies be received and accepted.

**CARRIED**

#### **2. Declarations of Interest**

Declarations of interest were made in respect to the following items:

Jenny Goodfellow - Item 6.1 - No. 2 Lithgow Street, Campbelltown: Commercial Redevelopment of Former RSL Club (Adjoining the heritage item "Glenalvon") - Jenny Goodfellow is the President of the Campbelltown and Airds Historical Society, and the Society is a tenant of Glenalvon House.

Trevor Rhodes - Item 6.1 - No. 2 Lithgow Street, Campbelltown: Commercial Redevelopment of Former RSL Club (Adjoining the heritage item "Glenalvon") - Trevor Rhodes is the Vice President of the Campbelltown and Airds Historical Society , and the Society is a tenant of Glenalvon House.

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### **3. Confirmation of the Minutes of the Previous Meeting**

#### **Purpose**

The minutes of the meeting held on 12 July 2007 are presented for confirmation.

#### **Officer's Recommendation**

That the minutes of the meeting held on 12 July 2007, copies of which have been circulated to each Sub-Committee member, be taken as read and confirmed.

#### **Sub Committee's Recommendation (Goodfellow/Rhodes)**

1. That the minutes of the Heritage Protection Sub Committee meeting held on 12 July 2007 be taken as read and confirmed.
2. That in regard to Item 6.5 - Workshop - Preparation of a Leaflet About Heritage, Council be requested to prepare a media release and promote the publication of the new Heritage Brochure/Leaflet.

#### **CARRIED**

### **4. Business Arising from the Previous Minutes**

#### **Purpose**

To report on business arising from the minutes of the Heritage Protection Sub Committee meeting held on 12 July 2007.

#### **Report**

#### **Item 6.1 Varroville House (Lot 21, DP 564065, St Andrews Road) and the Scenic Hills**

At its meeting on 12 July 2007, the Sub Committee considered a report on the heritage item "Varroville" and the Scenic Hills, and a presentation by Ms Jacqui Kirkby, who is one of the current owners of "Varroville". The Sub Committee made the following recommendations:

1. *That Council be asked to write to the NSW Heritage Office to request that it:*
    - (a) *Progress Council's 2001 request to extend the curtilage of the heritage item "Varroville" to include the outbuildings in the listing of the item on the State Heritage Register; and,*
    - (b) *Give consideration to further increasing the curtilage of the heritage item "Varroville" to include other significant aspects of the original Townson Estate, including the dams, the driveway, the terracing related to the use of the land as a vineyard, and the remnant Cumberland Plain Woodland; and,*
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- (c) *Give consideration to preserving the physical link between Bunbury Curran Hill and Varroville house and the important visual linkages, views and rural setting of the property, having regard to the report "Colonial Landscapes of the Cumberland Plain and Camden, NSW" by Colleen Morris and Geoffrey Britton, that was prepared for the National Trust in 2000.*
2. *That during the preparation of the Local Planning Strategy and the new Local Environmental Plan for the Campbelltown Local Government Area, and in considering any development proposals for land in the vicinity of the heritage item "Varroville", that Council be requested to ensure that any future development proposals for the land respect and do not detract from the scenic, heritage, environmental and cultural values of the Scenic Hills.*
3. *That Council be asked to include a visit to the heritage item "Varroville" (which would include arranging access across the original Townson Estate), on Council's inspection list, and that members of the Heritage Protection Sub Committee and relevant Council staff be invited to attend.*

A report on the minutes of the Heritage Protection Sub Committee meeting (12 July 2007) was presented to Council on 21 August 2007. Council resolved to endorse the Sub Committee's recommendation.

**Item 6.2 Potential Impacts of the proposed Glass Recycling and Waste Management Facility (Lot 201, DP 752062, Badgally Road, Campbelltown, on the Blair Athol Group.**

At its meeting on 12 July 2007, the Sub Committee considered a report on a development application for an indoor processing facility for glass recycling and waste management. After considering the report, the Sub Committee raised no concerns on any aspects of the proposed development and noted the information provided.

A report on the minutes of the Heritage Protection Sub Committee meeting (12 July 2007) was presented to Council on 21 August 2007. Council resolved to endorse the Sub- Committee's recommendation and noted that a further report would be provided to Council in due course to assist in the determination of the development application.

**Item 6.3 Seating in Lithgow Street**

The Sub Committee has previously requested that the coloured seats near Glenalvon in Lithgow Street be relocated and replaced with seats in neutral tones. At its meeting on 12 July 2007, the Sub Committee considered a report on the cost of relocating the seats, and the Sub Committee resolved not to pursue the relocation of the coloured seats in Lithgow Street at this time.

A report on the minutes of the Heritage Protection Sub Committee meeting (12 July 2007) was presented to Council on 21 August 2007. Council resolved to endorse the Sub- Committee's recommendation to take no further action at this stage.

**Item 6.4 Ingleburn Street Names**

At its meeting on 12 July 2007, the Sub Committee considered a submission from a resident requesting that Council consider naming streets after two former Mayors of Ingleburn, J.H Whitehouse (1912-1913) and H.Chivers (1921-1931). The Sub Committee recommended:

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**2.5 Minutes Of The Heritage Protection Sub Committee Meeting Held On 13 September 2007**

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1. *That the information be noted.*
2. *That Council be requested to forward the information to its Land Information Unit for inclusion on the list of potential street and place names.*
3. *That Council be requested to consider using the names J.H Whitehouse and H. Chivers to name streets or reserves in the Ingleburn area, if the opportunity arises.*

A report on the minutes of the Heritage Protection Sub Committee meeting (12 July 2007) was presented to Council on 21 August 2007. Council resolved to endorse the Sub- Committee's recommendation and the information has been forwarded to Council's Land and Information Unit.

**Item 6.5 Workshop - Preparation of a Leaflet about Heritage**

The Sub Committee has previously requested that a leaflet be prepared to provide information to residents on heritage matters. The Sub Committee considered the first draft of the leaflet at its meeting on 17 May 2007, and a revised draft on 12 July 2007. The Sub Committee recommended:

*That minor formatting changes be made to the Draft Heritage Leaflet and that Council then be asked to endorse the Draft Heritage Leaflet.*

A report on the minutes of the Heritage Protection Sub Committee meeting (12 July 2007) was presented to Council on 21 August 2007. Council resolved to endorse the Sub Committee's recommendation and to place copies of the endorsed leaflet on Council's website.

**Item 7.1 Resignation and Membership**

The Sub Committee was advised of the resignation of Ms Valerie Patterson (the National Parks Association representative on the Sub Committee). The Sub Committee accepted Ms Patterson's resignation and asked that a letter of appreciation be forwarded to her. The Sub Committee also endorsed Robert Wheeler as the new representative from the National Parks Association (Macarthur Branch).

A report on the minutes of the Heritage Protection Sub Committee meeting (12 July 2007) was presented to Council on 21 August 2007. Council resolved to endorse the Sub Committee's recommendation.

**Additional Resolution of Council**

When Council, at its meeting on 21 August 2007, considered a report on the minutes of the Heritage Protection Sub Committee meeting - 12 July 2007, it endorsed an additional resolution made by the Planning and Environment Committee:

*That the Heritage Protection Sub Committee consider options to improve the façade of Council's multi-deck car park to protect the view of Richmond Villa by improving the backdrop to the heritage property.*

Time has been set aside to discuss this resolution at the Heritage Protection Sub Committee Meeting on 13 September 2007.

**Officer's Recommendation**

That the information be noted.

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**Sub Committee's Recommendation (Gardner/Goodfellow)**

1. That the information be noted.
2. That in regard to the additional resolution of Council which asks the Heritage Protection Sub Committee to consider options to protect the view of Richmond Villa by improving the backdrop to the heritage property:
  - (a) That Council be asked to plant trees along the fence line to deter people from jumping the fence.
  - (b) That the Manager Property Services be asked to investigate ways to improve the aesthetics of the area surrounding the heritage item and the feasibility of providing landscaping to screen the view of Council's multi-deck car park.

**CARRIED**

## **5. Correspondence**

**Purpose**

To inform the Sub Committee of correspondence received.

**Report**

Correspondence has been forwarded to Community Organisations within the Campbelltown Local Government area to inform them of the nominations for 2008 Australia Day Awards and that entries close on Friday 2 November 2007.

A flyer has been distributed within the Campbelltown Local Government area informing of Fisher's Ghost Historical Coach Tour on Sunday 4 November 2007.

**Officer's Recommendation**

That the information be noted.

**Sub Committee's Recommendation (Gardner/Goodfellow)**

That the information be noted.

**CARRIED**

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## **6. Reports**

### **6.1 No. 2 Lithgow Street, Campbelltown: Commercial Redevelopment of Former RSL Club (Adjoining the heritage item "Glenalvon")**

#### **Purpose**

To inform the Sub Committee of a development application to redevelop the site of the former RSL Club in Lithgow Street for a six storey commercial development and provide background information for a presentation by the developer, Mr Andrew Gould.

#### **History**

The development site (formerly occupied by the Campbelltown RSL Club) is located on the corner of Lithgow Street and Anzac Lane, Campbelltown, with its main street frontage to Lithgow Street. The RSL Club relocated in 2000 to nearby Carberry Lane, and consequently the premises became available for redevelopment.

On 6 June 2006, Council issued Development Consent 4195/2005 to convert the vacated building into strata retail and commercial suites with on-site parking. This application involved internal and external alterations to the vacated building, to create a 3 storey strata titled retail and commercial premises with on-site ground level and basement parking. The approved works were generally within the existing building envelope, except for the rebuilding of the Lithgow Street façade, which was to be increased in height to match the main roof-line of the building.

'Glenalvon' is a two storey Georgian sandstone residence adjoining the development site on the eastern side. It is a heritage item of State Significance. Although no works were proposed to the heritage item, the assessment of the application included an assessment of the potential heritage impacts on Glenalvon given the shared boundary with the subject development. For this purpose, a statement of heritage impact was submitted by the applicant, prepared by Rod Howard and Associates P/L, and was assessed as part of the development application. Council's Heritage Sub-Committee was also provided with a report on the development application and given the opportunity to comment on the proposed development prior to the development application being determined by Council.

#### **Report**

The site is known as No. 2 Lithgow Street, Campbelltown, and is located approximately 60 metres south-east of the Queen Street Mall. The legal description is Lot 2 DP 607229. The land is rectangular with a total area of 1630sqm, width of 19.5 metres and depth of 79.5 metres. The property is bounded by Lithgow Street to the south, Anzac Lane to the west and north, and Glenalvon to the east. The site slopes from the rear towards Lithgow Street, with a fall of approximately 3m, and a slight cross fall to the south-west.

The former RSL building was of masonry construction and was 3 storeys in height. The footprint of the building generally extended to all boundaries. The main pedestrian entrance to the site is from Lithgow Street and there is a service vehicle entrance located along the western side of the site from Anzac Lane.

Demolition/building works have commenced on site in accordance with Development Consent 4195/2005. However, the applicant has lodged another development application for the site with Council and this development application is currently being assessed.

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The development application that is currently being assessed by Council proposes to create two (2) retail tenancies with at grade access directly to Lithgow Street, and sixty (60) commercial suites over six levels. The development would result in an additional 3 levels above the existing height. On site parking for fifty four (54) vehicles would be provided in the basement and in the rear portion of the ground level.

It is also proposed to subdivide the development into 62 strata lots.

A general description of the extent of works is as follows:

- Conversion of the basement level (Level 1) and north end of the ground floor (Level 2) to car parking;
- Insertion of a new ramp providing vehicular access to the basement level from Anzac Lane (western elevation);
- Part demolition of the southern end of the building (Lithgow Street) and rebuild to provide for provide street level access to the 2 retail tenancies;
- A new ground level lobby off the corner of Lithgow Street and Anzac Lane;
- New awning to Lithgow Street façade;
- Addition of internal third floor level and an additional 3 levels above are proposed.
- Partial demolition of the eastern elevation (adjoining Glenalvon property) to provide for a recessed terrace at level 3, and large tinted glass windows and pre-finished sunscreens would be provided over the 5 upper levels;
- Rendering and painting of the external brickwork.

A Heritage Impact Statement was prepared by Rod Howard and Associates, and lodged as part of the development application.

Comments from Council's Heritage Advisor, Conybeare Morrison and from the NSW Heritage Office had not been received at the time of writing.

Mr Andrew Gould has requested the opportunity to present the details of the latest development proposal for the site with the Sub-Committee as part of the agenda for this meeting.

The development application will be determined once all comments from referrals have been received and all necessary assessments have been completed.

#### **Officer's Recommendation**

That the information be noted.

#### **Sub Committee Note:**

Peter Lonergan and Andrew Gould addressed the Committee in favour of the development.

#### **Sub Committee's Recommendation (Gardner/Wheeler)**

1. That the information be noted.
  2. That Council be asked to defer consideration of the development application to seek further clarification of:
-

- (a) the height of the proposed building in relation to Glenalvon and the trees located within the curtilage of Glenalvon; and
  - (b) the shadows that would be created by the proposed building throughout the year at 9:00am, 12:00noon and 3:00pm.
  - (c) the visual impact that the proposed development will have on Glenalvon and its existing setting
3. That Council be asked to complete a site inspection, in the presence of Council's Heritage Advisor, prior to determining the development application.
4. That Council be requested to limit the height of any development proposed on the site to a maximum of four storeys.

### **CARRIED**

### **6.2 Development Application 1551/2007/DA-DEM - Lot 1, DP 247902, 'Maryfields', Narellan Road, Campbelltown - Application for the demolition of 'The Novitiate' buildings**

#### **Purpose**

To provide information to the Heritage Protection Sub Committee with regard to a development application recently received by Council for the demolition of the 'The Novitiate' buildings.

#### **History**

A report that discussed the structural integrity of 'The Novitiate' buildings, its heritage significance and a local environmental study for the entire Maryfields Monastery site (as part of a rezoning request), was presented to the Sub Committee's meeting held on 17 March 2005. At that meeting, amongst other matters it was recommended that:

*The Sub-Committee support the relocation of the Poor Clare nuns from Bethlehem Monastery to a purpose built building within the site, replacing the Novitiate building.*

The Sub Committee was presented with a heritage study (the study), prepared in 2004 by Conybeare Morrison and Partners. The study made several recommendations relating to the relocation of the Poor Clare Nuns and remaining Franciscan Friars at the site, with reference to the proposed residential rezoning and development of the surrounding land. The heritage study recommended that the older (1935) portion of the Novitiate building be retained, whilst the later (1956) remainder of the building was not as significant.

This recommendation was inconsistent with that made in an earlier heritage assessment report prepared by Perumal Murphy and Wu as part of the '*Campbelltown Heritage Study Built Environment 1994*', which did not recommend a heritage significance listing for the Novitiate buildings and made a comment to the effect that retention of the buildings on site was not considered essential.

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Both heritage studies did agree that the "*Stations of the Cross*" statues located on the site are of regional heritage significance and they have subsequently been added to Council's Heritage Register, and listed as a heritage item in *Campbelltown (Urban Area) Local Environmental Plan 2002*.

A structural integrity report (for the Novitiate) was also undertaken as part of the rezoning and heritage significance reporting in 2004/2005. The report, prepared by G.J. McDonald Consulting Engineers in August 2004, revealed that both buildings that form the Novitiate are afflicted by major structural defects, including:

- movement in external walls and footings
- cracked brick walls
- displacement of brickwork by movement in roof trusses
- extensive damage to ground floor timbers.

The estimated cost of repairing and reconfiguring the 1935 portion of the building to accommodate the nuns was estimated to be \$300,000 in 2004.

## **Report**

A development application has been received for the demolition of 'The Novitiate' buildings at the Maryfields Monastery located on Narellan Road.

'The Novitiate' comprises two buildings, constructed separately and approximately twenty years apart (in 1935 and 1956), that are attached. As such, they are considered as one building for the purposes of this application. The buildings were constructed to provide accommodation for the Poor Clare Nuns and Franciscan Friars that have lived at the property since the early 1930s following its donation to the Catholic Church.

Several outbuildings and associated structures, such as an ablution block, halls, storage sheds and a greenhouse are located within 'The Novitiate's' surrounds and are also proposed for demolition as part of the application.

Following 'The Novitiate's' cessation of use as accommodation for the Nuns and Friars, the buildings were utilised for the purposes of a drug and alcohol rehabilitation centre, a counselling service and a child care/minding centre aligned to the Catholic Church. In recent times, the buildings have been vacant.

The buildings have not been regularly used and their state of repair has declined. As part of a comprehensive review of heritage and environmental matters at the Maryfields site in 2004, a detailed structural assessment of 'The Novitiate' was undertaken. As mentioned in this report's preamble, the structural adequacy inspections found several major issues with regard to the structural integrity of the building and detailed that in 2004, structural repairs to the 1935 portion of the building were valued at approximately \$300,000. This value exceeds a likely cost of a new building needed to accommodate the Sisters, which has been mooted in the application for demolition.

'The Novitiate' complex is not listed as being of heritage significance within Council's statutory planning instrument, however *Campbelltown (Urban Area) Local Environmental Plan 2002* does list the '*Stations of the Cross*' statues (located on the same site), as having regional heritage significance. The '*Stations of the Cross*' statues will not be affected by the application to demolish 'The Novitiate' and associated buildings.

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The application provides details regarding the likely future use of the site, which would involve an application to construct a new monastery building. It is anticipated that this application will be lodged during 2008, with the new clergy accommodation building to be incorporated into the existing gardens and with a relationship to the 14 statues.

The application for demolition is consistent with previous discussions and reports to the Sub Committee, which occurred in 2005.

The matter of the proposed rezoning is still held in abeyance with Council having requested further information from the proponent.

A report on the proposed demolition of 'The Novitiate' and surrounding buildings will be submitted to Council's Planning and Environment Committee at a future date to assist Council in determining the development application.

#### **Officer's Recommendation**

That the Heritage Protection Sub Committee note that:

- (a) A development application has been received for the demolition of 'The Novitiate' and surrounding buildings; and
- (b) A report will be prepared for the Planning and Environment Committee in due course to assist the determination of the development application.

#### **Sub Committee's Recommendation (Gardner/Wheeler)**

1. That the Heritage Protection Sub Committee note that:
  - (a) A development application has been received for the demolition of 'The Novitiate' and surrounding buildings; and
  - (b) A report will be prepared for the Planning and Environment Committee in due course to assist the determination of the development application.
2. That if Council grants development consent to the proposed demolition, that Council be asked to include conditions within that consent to:
  - (a) Ensure that the Heritage Item, known as "The Stations of the Cross" is protected and not damaged or otherwise adversely affected during or as a result of the demolition works; and
  - (b) Ensure that the landscaping and water feature, located between "The Novitiate" building and Narellan Road, are retained, as these elements are an important part of the setting of "The Stations of the Cross".

**CARRIED**

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### **6.3 2008 Heritage Week Programme**

#### **Purpose**

To inform the Heritage Protection Sub-Committee of the proposed programme for the 2008 Heritage Forum, confirm dates for the 2008 Heritage Medallion selection process and review the current eligibility criteria.

#### **Report**

Council's Heritage Week program will be presented from 5 – 20 April 2008 as part of the annual National Trust Heritage Festival. The theme of the Festival in 2008 is "Our Place" with a focus on the sharing of individual and collective stories about the people and events that have shaped the diverse communities in which Australians live.

Campbelltown City Council's Heritage Week program will contain events presented by Campbelltown Arts Centre, Library Services and Campbelltown Visitor Information Centre, Quondong.

The key event of Council's Heritage Week program will be the 2008 Heritage Week Forum, to be held on Thursday 10 April at 7pm. Campbelltown Arts Centre will continue to use community oral histories as the foundation for the content of the Heritage Forum. In 2008, Campbelltown Arts Centre will engage an emerging filmmaker or digital media artist to produce a short film that explores the concept of 'Our Place' with two or three diverse community groups within the Campbelltown area. Suggested groups for the project could include: a class of students from Sarah Redfern Primary School, a migrant womens group, the Campbelltown TAFE Aboriginal art group or the Macarthur Singers. The filmmaker would work with these groups to uncover personal and collective stories within the group that communicate a sense of place. Starting points for this discussion could include the physical and cultural environment of the group or the sense of community provided by the group itself. The combination of audio and visual images provided by the media of film will combine to create a unique portrayal of Campbelltown's contemporary cultural heritage. It is envisaged that copies of the film could be distributed to schools for use in English, Humanities and Creative Arts studies in addition to being made available in the local studies collection of the Campbelltown Library. In this way the project will have an ongoing impact beyond the Heritage Forum event.

The presentation of the 2008 Heritage Medallion will also be a key component of the 2008 Heritage Forum. Nominations for the 2008 Heritage Medallion will open in October 2007. The closing date for nominations will be Friday 1 February 2008. The Heritage Protection Sub Committee can then assess the nominations at its February meeting and make a recommendation to Council in March 2008.

In view of issues arising from the selection process for the 2007 Heritage Medallion, it is recommended that the conditions of eligibility for the medallion be reviewed. The eligibility criteria currently states:

"The award is open to individuals, businesses, community groups, schools and tertiary institutions in the Campbelltown Local Government Area".

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Following the decision of the Heritage Protection Sub Committee to award one of the 2007 Heritage Medallions to a former Campbelltown resident, it is recommended that the eligibility criteria be amended to the following:

“The award is open to individuals, businesses, community groups, schools and tertiary institutions in the Campbelltown Local Government Area, or individuals, businesses, community groups, schools and tertiary institutions from outside the area that have made a significant contribution within the Campbelltown Local Government Area.”

#### **Officer's Recommendation**

1. That the Heritage Protection Sub Committee endorse the recommendations of this report.

#### **Sub Committee's Recommendation (Gardner/Rhodes)**

1. That the Heritage Protection Sub Committee endorse the proposed dates and events for Heritage Week 2008.
2. That Council be requested to ensure that each of the groups chosen to participate in the short film that explores the concept of "Our Place".
  - (a) has a demonstrated, well established and long standing connection to the Campbelltown area and the development of its character and sense of place; and,
  - (b) represents a separate and distinctive aspect of the local community and the development of Campbelltown as a place; and,
  - (c) has made or is likely to make a significant contribution to the cultural diversity and heritage of the Campbelltown Local Government Area over time.
3. That the Heritage Protection Sub Committee endorse the proposed new eligibility criteria for nominations for the 2008 Heritage Medallion.

#### **CARRIED**

### **6.4 Location and Condition of Warby's Dams**

#### **Purpose**

The purpose of this report is to inform the Sub Committee of progress made in investigating the condition of Warby's Dams and to clearly identify the location of the dams.

#### **History**

At the Heritage Protection Sub Committee Meeting held on 17 May 2007, members of the Sub Committee raised concerns that Warby's Dams were eroding and in urgent need of repair. It was also suggested that funding be obtained to assist with the restoration of the dams.

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A report on the Minutes of the Heritage Protection Sub Committee meeting held on 17 May 2007, was considered by Council at its meeting on 26 June 2007. In that report, Council was advised that no sources of funding are currently available for restoration works. Council resolved that staff advise the Sub Committee if and when funding for restoration works becomes available.

## Report

There are four dams located along Leumeah Creek that are listed as "Warby's Dams" and they are identified as heritage items in Council's Heritage Register and in *Campbelltown (Urban Area) Local Environmental Plan 2002*. The dams are named after local pioneer John Warby, who is thought to have built the dams on his property known as "Leumeah". The dams were built after 1823 but before 1840. They were constructed for agricultural and domestic water supplies.

A study of Warby's Dams was undertaken in December 1996 by Edward Higginbotham & Associates Pty Ltd entitled *Conservation Plan for the Historical Sandstone Dams, Fitzroy (Leumeah) Creek, Campbelltown, NSW*.

During recent site visits, the Dams were difficult to locate even with the aid of a map due to the state of disrepair and encroachment by vegetation and roots. Only the baseline of Warby's Dam No. 2 was found to be in a fit structural state and part of the stonework on the left side of Warby Dam No. 4 was found to be intact.

Warby's Dam No. 1, located near Fitzroy Crescent, was found to be completely covered by a mass of vegetation root growth and river sediment. It was only identified by its shape and by some of the baseline stonework showing through the front.

Warby's Dam No. 2, located near Fitzroy Crescent, was found to be in a fit structural state. Like Warby's Dam No. 1, there is only one row of stonework visible and this is taken to be the surviving basework of the dam. There is some erosion evident between the stonework, but the structure is intact.

Warby's Dam No. 3, located south of the intersection of Lindesay and Dan Streets, heading approximately 80 metres down Valley Walk. Warby's Dam No. 3 was found to have only a few large blocks present to the front and right of the Dam and some carved step-work present.

Warby's Dam No. 4, is located another 100 metres to the south of Warby's Dam No. 3. This dam was found to have some of the stonework, approximately 5 stones high, still intact. Large loose boulders were in the river and one or two large carved blocks were located to the right of the Dam.

The Warby's Dams are in very poor condition with few of the original stones surviving, therefore reconstruction of the dams to any level is not likely to be possible. Dam No. 2 and Dam No. 4 provide the best examples of intact stonework.

Recording the current state of the Dams and actively seeking funding for their possible restoration (or to prevent further deterioration) are considered to be the most appropriate means for trying to preserve what remains of these historic structures.

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**Officer's Recommendation**

That Council staff be requested to:

1. Record the current state of the Warby's Dams and archive the information; and
2. Actively seek funding for the possible restoration (or at least to prevent further deterioration) of the Warby's Dams, when such sources of funding are available.

**Sub Committee's Recommendation (Gardner/Goodfellow)**

That Council staff be requested to:

1. Record the current state of the Warby's Dams and archive the information; and
2. Actively seek funding for the possible restoration (or at least to prevent further deterioration) of the Warby's Dams, when such sources of funding are available.

**CARRIED****6.5 Maintenance of Signage within the Campbelltown Local Government Area****Purpose**

To advise the Sub Committee about Council's programmes for maintaining heritage related signage within the Campbelltown Local Government Area.

**History**

At the Heritage Protection Sub Committee Meeting held on 17 May 2007, the Sub Committee recommended:

*That a report be presented detailing what actions Council takes to ensure the maintenance of heritage related signs within the Local Government Area.*

Council endorsed the Sub Committee's recommendation and advised that a report on the matter would be provided to the Sub Committee at a future meeting.

**Report**

Council's Operational Services Section, which is part of the City Works Division, has an annual programme for the repair and replacement of all signage within the Campbelltown Local Government Area that is located on land owned by Council. As there are approximately 17,000 signs on Council land within the LGA, this is an ongoing task.

Operation Services also undertakes emergency maintenance of signage on Council owned land, when required.

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If there are particular signs on Council owned land which the Sub Committee believes require maintenance, replacement or urgent attention, Council's Operational Services Division would be happy to receive the details and factor these signs into Council's maintenance programme.

**Officer's Recommendation**

That the information be noted.

**Sub Committee's Recommendation (Gardner/Wheeler)**

That the information be noted.

**CARRIED****6.6 Etchells Reserve Name Investigation****Purpose**

To advise the Sub Committee of the results of an investigation into the correct spelling of the name "Etchells", and to seek its advice on further action that is considered appropriate.

**History**

At its meeting on 17 May 2007, the Sub Committee was advised that the spelling of the name "Etchells" at Etchell's Reserve in Minto may be incorrect. The Sub Committee resolved:

1. *That Council be asked if it is possible to amend the sign at Etchell's Reserve in Minto so that the name is spelled correctly as "Etchells".*
2. *That all other references to "Etchell's" be replaced with the correct spelling "Etchells".*

**Report**

An investigation into the spelling of Etchells in historic documents and name registers was undertaken by Council Staff in order to determine which version of the name is correct. Council's Local Studies Librarian, Annette Gleave, has obtained historic photos that show the name spelled as "Etchells". However, the War Register includes the name spelled as "Etchell". Both the spelling "Etchells" and "Etchell" appear throughout historic documents. Annette Gleave has indicated that "Etchells" is the most common spelling used.

It is therefore considered appropriate for the Heritage Protection Sub Committee to determine whether or not to pursue changing the spelling of the name on the sign at the Reserve in Minto and all other references to the name.

**Officer's Recommendation**

That the Sub Committee decide whether or not to pursue changing the spelling the name "Etchell's" to "Etchells", in light of the evidence that both spellings have been used historically.

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**Sub Committee's Recommendation (Gardner/Goodfellow)**

1. That Trevor Rhodes of the Heritage Protection Sub Committee be asked to investigate the spelling of the family name "Etchell's" or "Etchells" through the Register of Births, Deaths and Marriages.
2. That the Heritage Protection Sub Committee decide whether or not to pursue changing the spelling the name "Etchell's" to "Etchells", in light of the evidence that both spellings have been used historically, once Trevor Rhodes has undertaken an investigation into the history of the name.

**CARRIED****6.7 Request for additional information to assist in the investigation of potential heritage items****Purpose**

To request additional information from members of the Heritage Protection Sub Committee on potential heritage items that were nominated for investigation at the Sub Committee meeting on 17 May 2007.

**History**

At its meeting on 17 May 2007, the Heritage Protection Sub Committee considered a report on the Review of Council's Heritage Study and Register and was provided the opportunity to suggest a further eight items (in addition to the KO Jones Baby Memorial Health Centre and the Beverly Park House) for Council to consider investigating as potential heritage items.

The Sub Committee recommended:

1. That Council be asked to consider the potential for heritage listing the following items and places:
    - *The KO Jones Baby Memorial Health Centre*
    - *Beverly Park House, in the grounds of Beverly Park Special School*
    - *The Scenic Hills/Central Hills*
    - *The Georges River, or if not the whole River, then specific important sites along the River, which could potentially include the Ingleburn Weir, Simmo's Beach, The Woolwash, and The Basin*
    - *Any historic dams within St Helens Park that are not already listed, and possibly other places where people swam*
    - *Mawson Park (in its entirety)*
    - *Water canal (in its entirety, not just the Upper Canal that is already listed)*
    - *St Barnabas Church at Ingleburn*
    - *Smiths Creek, from Ruse to the Warby's Dams*
    - *House known as "The Castle" - 16 Dowling Street, Leumeah*
    - *Houses and buildings that were part of the Old Soldier's Settlements in and near Waminda Avenue, Chisolm Avenue and Macquarie Avenue*
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- *House in Waminda Avenue whose owner would like to have it listed (Ray Gardner to provide details)*
- 2. That following completion of the Heritage Leaflet, Council be requested to investigate the nominated items further and provide the Heritage Protection Sub Committee with a report or separate reports:
  - a. *Clarifying the location of listed items in St Helens Park*
  - b. *Identifying specific sites along the Georges River for investigation as potential future heritage items*
  - c. *Outlining, step by step, the process that will need to be undertaken for identifying each of the items or places nominated for potential listing*
  - d. *Investigating each of the other items identified for potential listing*

On 26 June 2007, Council considered a report on the minutes of the Heritage Protection Sub Committee meeting - 17 May 2007, and Council resolved that it consider reports on:

1. *A preliminary “desktop review” of the items and places nominated for investigation by the Heritage Protection Sub Committee, at its meeting on 17 May 2007, before approaching relevant property owners to determine whether or not they would be supportive of potential listing, and,*
2. *Proposals to identify “whole localities” for potential heritage listing as nominated by the Heritage Protection Sub Committee at its meeting on 17 May 2007.*

## Report

Council staff have commenced research into the significance of a number of items and places that were nominated by the Heritage Sub Committee as potential additional heritage items. There is limited information available on several of the items and places nominated by the Sub Committee. Therefore, Council staff request that further details and advice from members of the Sub Committee be provided with respect to the items and places listed below:

- The KO Jones Baby Memorial Health Centre – Any information about the history of this building and its use would be appreciated and would assist Council staff in establishing its significance.
  - Beverly Park House, in the grounds of Beverly Park Special School – Any information about the history of this building and its use would be appreciated and would assist Council staff in establishing its significance.
  - The exact addresses of the houses that were part of the Old Soldier's Settlements in and near Waminda Avenue, Chisholm Avenue and Macquarie Avenue, or any historic maps that clearly identify the locations of these settlements. Any other information about the history of these settlements would also be appreciated, and would assist in establishing their significance.
  - The House in Waminda Avenue whose owner would like to have it heritage listed - The exact address of this property and any information about its history would be appreciated and assist in establishing its significance.
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**Officer's Recommendation**

That the Heritage Protection Sub Committee provide additional details regarding the issues detailed below as soon as possible, to assist Council staff in undertaking an initial desktop assessment of the significance of these items and places.

- a. The KO Jones Baby Memorial Health Centre;
- b. The Beverly Park House, in the grounds of Beverly Park Special School;
- c. The Old Soldier's Settlements in and near Waminda Avenue, Chislm Avenue and Macquarie Avenue; and
- d. The House in Waminda Avenue whose owner would like to have it heritage listed

**Sub Committee's Recommendation (Gardner/Rhodes)**

That the Heritage Protection Sub Committee provide additional details regarding the issues detailed below as soon as possible, to assist Council staff in undertaking an initial desktop assessment of the significance of the following items and places:

- a. The KO Jones Baby Memorial Health Centre;
- b. The Beverly Park House, in the grounds of Beverly Park Special School;
- c. The Old Soldier's Settlements in and near Waminda Avenue, Chislm Avenue and Macquarie Avenue; and
- d. The House in Waminda Avenue whose owner would like to have it heritage listed

**CARRIED****6.8 Plans for future car parking facilities in the vicinity of the heritage item "Glenalvon"****Purpose**

To advise the Sub Committee of Council's future plans for car parking facilities in the vicinity of the heritage item "Glenalvon", which is located in Lithgow Street, Campbelltown.

**History**

At its meeting on 17 May 2007, the Sub Committee recommended:

1. *That Council be requested to advise the Heritage Protection Sub Committee if there are any plans to upgrade the car parks or provide new decked car parking between Lithgow Street, Allman Street and Dumaresq Street, Campbelltown.*
2. *That if in the future this issue is considered, the Heritage Protection Sub Committee request that it be advised so that it can make appropriate submissions in regards to the proposal and its likely impacts on Glenalvon and views of Glenalvon from the Moore-Oxley Bypass.*

When considering a report on the minutes of that Heritage Protection Sub Committee meeting, Council endorsed the Sub Committee's recommendations and agreed to provide a report on plans for changes to the car parks to the Sub Committee at a future meeting.

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**Report**

Council's Principal Strategic Infrastructure Planner, Bruce Dunlop, has advised that Council has identified the need for the future expansion of car parking facilities in the Campbelltown CBD area.

In the *Section 94 Contributions Plan -Public Car Parking Facilities in Campbelltown and Ingleburn Business Centres*, the extension of two existing car parks in the Campbelltown CBD is proposed to address the likely future demand for car parking facilities. The first proposal is an extension to the existing ground level car park located at Broughton Street / Browne Street (behind the Mobil Petrol station). Extending this car park would create an additional 57 car spaces. The estimated construction cost is \$142,000 (2004 figures).

The second proposal is an extension to the existing multi-deck car parking facility at Carberry Lane. This would create an additional 267 car spaces over 4 levels (including the ground level and three decks) at an estimated cost of \$4,320,000 (2004 figures).

The timing for the development of these additional and enhanced car parking facilities is uncertain. It is largely dependent upon funding through the collection of Section 94 developer contributions.

In addition, the Campbelltown CBD Structure Plan and Master Plan (which are currently being prepared) will identify opportunities and constraints in relation to car parking within the CBD.

**Officer's Recommendation**

That the information be noted.

**Sub Committee's Recommendation (Gardner/Rhodes)**

That the information be noted.

**CARRIED****7. General Business****7.1 Maps**

Jenny Goodfellow provided the members of the Heritage Protection Sub Committee with copies of a map of the "Soldiers' Settlement - Subdivision of the Cransley Estate and adjacent properties 1920", and a map of the 1000 acres of land granted to Robert Townson that became the "Varroville Estate".

The Sub Committee agreed that this information would be useful for undertaking further research into these places.

**Sub Committee's Recommendation (Goodfellow/Rhodes)**

That the information be noted

**CARRIED**

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## **7.2 Campbelltown Railway Station - Investigation of Paint Finishes**

A draft report titled "Campbelltown Railway Station - Investigation of Paint Finishes", was presented to the members of the Heritage Protection Sub Committee for discussion. The report has been prepared for the Rail Corporation of New South Wales' Asset Management Group (Railcorp), by Donald Ellsmore Pty Ltd Heritage and Conservation Services.

The draft report investigates the history of colour schemes used at Campbelltown Railway Station and puts forward a possible palette of colours to be used in the repainting of the station buildings in the near future.

The Sub Committee examined and discussed the proposed colour palette and did not raise any concerns regarding the report. However, the Sub Committee requested that a visual representation/artist's impression of how the colours would be applied to the buildings and structures be prepared.

### **Sub Committee's Recommendation (Wheeler/Rhodes)**

That Council be requested to ask Railcorp to provide a visual representation or an artist's impression of how the final colour scheme would be applied to the buildings and structures at Campbelltown Railway Station, before the work is undertaken.

### **CARRIED**

## **7.3 NSW Heritage Act Submissions**

The Executive Planner advised the Heritage Protection Sub Committee that the Minister for Planning, Frank Sartor MP, had announced the appointment of an independent panel of experts to conduct a review of the NSW Heritage Act 1977, and that written submissions from the public were invited by Monday 8 October 2007.

During the discussion, it was requested that the following matters be included in Council's submission on the review of the NSW Heritage Act:

- Amending the Act so that the requirement for minimum standards of maintenance and repair apply to both local and State listed items; and,
- Ensuring that nominations to list items on the State Heritage Register are dealt with promptly by the NSW Heritage Office and NSW Heritage Council; and,
- Appropriate penalties are included in the Act for persons who demolish, wilfully damage, or undertake unauthorised works to both local and State listed items.

Sub Committee members were also requested to provide any further issues to the Executive Planner by no later than close of business on Thursday 20 September 2007.

### **Sub Committee's Recommendation (Wheeler/Rhodes)**

1. That Council be requested to include the following matters in its submission on the review of the NSW Heritage Act:
    - (a) Amending the Act so that the requirement for minimum standards of maintenance and repair apply to both local and State listed items; and,
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- (b) Ensuring that nominations to list items on the State Heritage Register are dealt with promptly by the NSW Heritage Office and the NSW Heritage Council; and,
  - (c) Appropriate penalties are included in the Act for persons who demolish, wilfully damage, or undertake unauthorised works to both local and State listed items.
2. That members of the Heritage Protection Sub Committee advise the Executive Planner, by no later than close of business on Thursday 20 September 2007, of any additional matters they would like addressed in Council's submission on the review of the NSW Heritage Act.

**CARRIED**

The next meeting of the Sub Committee will be held on Thursday 29 November 2007 at 6.30pm in Committee Room 3.

Councillor Julie Bourke  
**Chairperson**

## 2.6 Naming of Sporting Fields and Parks After Local Heroes

### Reporting Officer

Acting Manager Environmental Planning

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### Attachments

1. Geographical Names Board Guidelines on Commemorative Naming
2. Geographical Names Board Guidelines for the Determination of Placenames

### Purpose

The purpose of this report is to present to Council the existing guidelines of the Geographical Names Board and Council regarding the naming of public places, to assist Council in recognising local heroes in the naming of sporting fields and parks.

### History

Council, at its meeting of 21 August 2007 resolved that:

*"A report be presented outlining the existing guidelines to assist in recognising our local heroes and in the naming of local sporting fields and parks after these heroes".*

### Report

#### Assigning Names under the Geographical Names Act (1966)

Reserves, parks and sportsgrounds are defined as a "place" under Section 2 of the Geographical Names Act (1966) (the Act) and the names of these places are defined as "geographical names" under the same section of the Act. The role of assigning names to these places therefore lies with the Geographical Names Board of New South Wales (GNB), who is largely responsible for the administration of the Act.

The GNB have issued guidelines to assist local councils and the public when submitting naming proposals to the Board (Attachments 1 and 2). With regard to the naming of parks after local heroes, the sections of the guidelines that may be the most limiting are those that relate to the use of names of living people. The guidelines state that "the GNB strongly recommends that local councils do not prepare proposals to name features to honour living persons" and that it "will not approve the naming of a feature after a person still holding public office." They go on to recommend that councils use the alternatives of commemorative plaques or the naming of a particular community facility such as a building or oval (which are not considered as places under the Act) in these circumstances. The guidelines also state, however, that the Board may approve a feature name that honours a living person if the person's contribution to the local community was of "outstanding benefit". Whether or not a proposed name fulfils these criteria remains at the discretion of the Board.

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Council has in the past used the naming of individual ovals and sporting facilities within reserves and sportsgrounds to honour a number of local sporting icons and administrators. However, in keeping with the GNB's recommendations, this has been done following the death of the individual, which is considered by the Board the most appropriate way to continue to honour local heroes from the sporting world. If a person has a particular connection with a specific area, Council staff endeavours to find a suitable feature within the area for naming in their honour.

Council also has a policy on the naming of parks and reserves that provides additional guidance on the selection of proposed names. Whilst this policy does state that new parks and reserves are to be named after past residents, land grantees or aboriginal names from the local dialect, or after the street from which the park or reserve achieves access, if there are insufficient names available from these themes, part 1(e) of the policy provides for the naming and renaming of parks and reserves "to mark an important occasion or relationship." It is considered that the use of the names of local heroes in the naming of parks and reserves would comply with this part of the policy.

#### **Procedure for Naming a "Place" or "Facility"**

Regardless of the name, the GNB encourages local councils to undertake consultation with the community prior to submitting a proposal to the Board. The procedure adopted for the naming of parks, reserves and sportsgrounds is, therefore, as follows:

- (i) Council staff assess the naming proposal against current GNB guidelines.
- (ii) If the proposed name conforms to these guidelines, a report to Council is prepared recommending that the proposed name be exhibited for 28 days to allow for community comment.
- (iii) Any submissions received during the exhibition period are considered and a report to Council is prepared recommending that either the naming proposal not be continued, or that a naming proposal be submitted to the GNB.
- (iv) The GNB assess the naming proposal at a meeting of the Board and recommends that either the naming proposal be rejected, or that the naming proposal be advertised to give the community further opportunity to comment.
- (v) The Board considers any submissions received during a period of 28 days from the advertising of the naming proposal and either does not proceed with the proposal, or assigns the name as a geographical name for the feature. If the name is assigned, it is entered into the Geographical Names Register and notification of this is published in the Government Gazette.

In contrast, the procedure for the naming of community facilities, not defined as a "place" under the Geographical Names Act 1966, is as follows:

- (i) Council staff assess the naming proposal.
  - (ii) If the proposed name is considered appropriate, a report to Council is prepared recommending that the proposed name be exhibited for 28 days to allow for community comment.
-

- (iii) Any submissions received during the exhibition period are considered and a report to Council is prepared recommending that either the naming proposal not be continued with or that the proposed name be allocated to a particular community facility.

### **Community Participation in the Naming of "Places" or Facilities" after Local Sporting Heroes**

To encourage community participation in the identification of appropriate sporting heroes, after which "places" or "facilities" may be named, Council could place an advertisement in the local media, which briefly describes the naming requirements of the GNB. In particular, this should focus on the GNB procedures for "places" to be named after deceased persons.

Members of the community could then be invited to submit an appropriate "place" or "facility" name, and any supporting information regarding the names they have proposed. This information could then be considered by Council when allocating appropriate "place" or "facility" names in the future.

### **Officer's Recommendation**

1. That Council encourage the community to make submissions of naming proposals for parks, reserves and other community facilities that comply with existing Geographical Names Board (GNB) guidelines and council policies.
2. That Council continue to assess any naming proposals against existing GNB guidelines and council policies before making any submissions to the Board.

### **Committee's Recommendation: (Kolkman/Bourke)**

That the Officer's Recommendation be adopted.

**CARRIED**

### **Council Meeting 13 November 2007 (Oates/Banfield)**

That the Officer's Recommendation be adopted.

### **Council Minute Resolution Number 212**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1

### Geographical Names Board guidelines on Commemorative Naming



## Commemorative naming

The Geographical Names Board of NSW (GNB) has the role of assigning names to places and natural features. The GNB's guidelines and procedures are aimed at ensuring community input, giving all interested parties a say in a naming decision and minimising duplication of names.

The end result is a clear community identification of what name applies to which place or feature and to enable clear communication in times of emergency, for delivery of services and, in many cases, as a reminder of our history.

The GNB seeks to recognise outstanding achievement in the community by commemoratively naming relevant geographical features. Acts of bravery, community service and exceptional accomplishment by both individuals and groups are grounds for this recognition.

The GNB has bestowed honours of this nature on many individuals and groups. Returned service men and women, famous sporting identities, educators, industry leaders, former elected civic officials, famous Aboriginals, community leaders and everyday Australians have all been commemorated in this fashion.

The most vexing naming decisions arise when features are named after people, especially those still living. The GNB's experience is that proposals of this kind invariably lead to division in the community.

Most jurisdictions around the world prohibit the use of names of living persons and apply severe restrictions to the use of the name of any deceased person. For example, the United States Board on Geographic Names "will not consider names that commemorate or may be construed to commemorate living persons".

The Australian guidelines talk of ascribing names of living persons "only in very exceptional

circumstances". These guidelines were born from long experience.

Therefore, the GNB strongly recommends that local councils do not prepare proposals to name features to honour living persons. Alternatives are to use commemorative plaques or naming a particular community facility such as a building or oval after the person to be commemorated.

The GNB's primary directive is to give precedence in using names of Aboriginal origin associated with the feature or a name with an historical background in the area of the feature. Local councils are encouraged to use these long standing practices wherever possible.

In all naming proposals, local councils are encouraged to undertake consultation with the community prior to submitting a proposal to the GNB. This is no different to existing participative procedures adopted by councils on a wide range of issues aimed at achieving an equitable solution brokered by the local council for the benefit of the community.

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## ATTACHMENT 2

### Geographical Names Board Guidelines for the determination of placenames



# Guidelines for the determination of placenames

These guidelines were endorsed by the Geographical Names Board of New South Wales (GNB) on 17 October 1996.

1. A name suggested for any place that owes its origin to the peculiarity of the topographic feature designated such as shape, vegetation, animal life etc., may be accepted but, in doing so, care should be exercised in avoiding duplication of names already used for other features.  
  
The GNB prefers to avoid the repetition of commonly used names. Sugar Loaf, Sandy, Back, Bald, Deep, Long, Kangaroo, Reedy, Rocky, Spring and Stony are examples of such names.
2. Easily pronounced names should, as far as possible, be used.
3. Names of Aboriginal origin or with a historical background are preferred.
4. Names acknowledging the multicultural nature of our society are encouraged.
5. The changing of long established placenames is generally not preferred, except where necessary to avoid ambiguity or duplication.
6. If considered appropriate, placenames may perpetuate the names of eminent persons, particularly those of early explorers, settlers and naturalists.
7. Names of persons should normally only be given posthumously but the GNB, at its discretion, may approve a feature name which honours a living person. Such a person's contribution to the local community should have been of outstanding benefit to the community. Ownership of the land is not sufficient reason for the application of the owner's name to a geographical feature. The GNB will not approve the naming of a feature after a person still holding public office.
8. The GNB may approve a first or given name as part of a geographical name only where it is necessary to appropriately honour the person referred to or where it is necessary to avoid ambiguity.
9. Long and clumsily constructed names and named composed of two or more words should be avoided.
10. The multiplication of names for different parts of the same topographical feature such as a stream or mountain range will be avoided whenever possible and the one name applied to a stream or mountain range throughout its entire length.
11. The naming of forks, arms and branches of a river as North Branch and South Branch is not favoured. Generally, it is preferable to assign independent names to river branches.
12. The use of cardinal points of the compass as a prefix or suffix to an existing name is not favoured. However, well-established names which carry such a prefix or suffix may be approved.
13. Where names have been changed or corrupted by long established local usage, it is not usually advisable to attempt to restore the original form; that spelling which is sanctioned by general usage should be adopted.
14. When a choice is offered between two or more names for the same place, locality or feature, all sanctioned by local usage, the GNB may adopt one of such names as is considered appropriate in accordance with the rules outlined above.



15. The possessive form should be avoided whenever possible without destroying the sound of the name or changing its descriptive application e.g. Howes Valley should be written without the apostrophe.
16. The use of hyphens in connecting parts of names should, as far as possible be avoided.
17. Names considered offensive or likely to give offence will not be approved.

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## **2.7 Proposed South West Business Park - Submission of a Strategic Planning Overview**

### **Reporting Officer**

Director Planning and Environment

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### **Attachments**

1. Letter from Cornish Group
2. Location Map
3. Extract from Campbelltown LEP - District 8 (Central Hills Lands)

### **Purpose**

The purpose of this report is to present to Council the officer's assessment of a submission that seeks Council's support for the concept of a proposed business park on a site located in the Scenic Hills (Varroville) locality.

### **Report**

<b>Property Description</b>	Scenic Hills (Varroville), Lot DP541916 (off Campbelltown Road), Lot B DP370979 St Andrews Road, Lot 22 DP564064 St Andrews Road Lot 1 DP18016 St Andrews Road Lot 4 DP239557 St Andrews Road
<b>Owners</b>	Cornish Investments, Mrs RJ Collison, Mrs CJ Sweeney and Mr DJ Sweeney
<b>Applicant</b>	Cornish Group
<b>Date Received</b>	28 August 2007

### **History**

Councillors received a briefing on a proposal for a business park located on certain land at the Scenic Hills on 31 July 2007.

Council has now received a submission (albeit noted by the applicant as being conceptual work at this stage) seeking Council's support for the development concept, and expressing a desire for Council to work with the proponent to masterplan the site. A copy of the covering letter from the Cornish Group is held at Attachment 1.

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## 2.7 Proposed South West Business Park - Submission Of A Strategic Planning Overview

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The submission includes a report entitled *Proposed Employment Lands - South West Business Park - Varroville (Strategic Planning Overview)* prepared on behalf of the Cornish Group by Lean and Hayward Pty. Ltd. That report provides preliminary supporting documentation for the proposed Business Park concept and includes a report prepared by SGS Economics and Planning (Assessment of Future Business Park in SW Region) as well as a Landscape and Ecological Mapping Assessment.

The proponent has also invited Councillors to a site inspection.

### **The Site**

The land subject to the Business Park proposal comprises 5 allotments with a total area of approximately 320 hectares. The site has frontage to St Andrews Road, the Hume Highway and has direct access to Campbelltown Road.

The submission states that the site is currently occupied by:

- The Scenic Hills Riding Ranch (which includes a function centre; outdoor theatre; a number of dwellings; sheds, stables and other and outbuildings, as well as a trail system and camp retreat) accommodating approximately 250 horses;
- Veterinary Research Station; and
- Rural residential premises.

The neighbourhood is characterised by a range of uses including the Mount Carmel High School and Mt Carmel Retreat, the Serbian Orthodox School site where it is understood that construction has recently commenced, rural-residential development on allotments ranging in size from approximately 1 hectare to 40 hectares and other large rural holdings from 56 hectares to 299 hectares. The Varroville House heritage property occupies an area of 3.16 hectares and is surrounded by land that comprises the site of the proposed development. It is fair to say that the precinct generally has an open rural landscape character with pockets of indigenous and exotic vegetation.

### **The Proposal**

#### **1. Land Uses**

The documentation submitted to Council indicates that the proposal constitutes a Business Park (employment lands) that would provide for a total of 18,500 jobs. Importantly, the submission implies that the proposal could be likened to a:

*"Norwest style business park in a scenic, campus style environment which maintains and improves the landscape"*

Although particular land uses are not specified in any detail for the proposed Business Park, the submission puts forward two possible Business Park options/models for the site. i.e. a Norwest model and a Norwest model adjusted to take account of the local economic structure.

The Norwest Business Park is a specialised centre that is located between Castle Hill and Blacktown located in the north-western suburbs of Sydney.

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- **Option 1 - Norwest Model**

This option is claimed to generate 12,500 jobs on the site and another 8,200 jobs elsewhere in the Campbelltown Local Government Area. Most of the jobs would be created in Property and Business Services; followed by Retail Trade; Personal and Other Services; Accommodation, Cafes and Restaurants; Finance and Insurance and Health and Community Services.

- **Option 2- Adjusted Norwest Model**

This option is presented to reflect Campbelltown's manufacturing sector specialisation and would result in 11,700 jobs on site and 6,500 jobs elsewhere in the Campbelltown Local Government Area. Most of these jobs would be created in Property and Business Services followed by Retail Trade, Finance and Insurance and Health and Community Services.

Employment forecasting is submitted to have predicted that overall, approximately 18,500 on-site jobs would be created during the construction phase with an additional 11,800 flow on jobs.

The submission does not conclude with an expressed preference for either business park model, although the comment in the covering letter to the submission that refers to a total employment yield of 18,500 would seem to suggest that Option 2 is the preferred option at this stage.

The submission claims that:

- *"the proposed business park models would be likely to provide high-end industrial operations (i.e. significant research functions and high office component) and head office functions to the manufacturing industry".*
- *"Both business park models would have the potential for links with the manufacturing industry by providing research and development support for the manufacturing industries in the area such as Medicinal and Pharmaceutical Product manufacturing, Fabricated Metal Product Manufacturing., Basic Iron and Steel Manufacturing and Plastic Injection Moulded Product Manufacturing. The potential to attract research and development activity would create opportunities for collaboration with universities and other education sectors"*
- *"The university provides education in the medical sciences as well as in other faculties having the potential to create synergies with business park occupants such as those involved in the medical supply or medical research industries)."*
- *"The business park would also support existing and future inter-modal activity in the region particularly at Ingleburn and Minto by providing space for head office and logistics functions."*

It is also put forward that future tenants would be seeking large floor plate development opportunities in high amenity areas within direct arterial road access.

A report prepared by specialist economic consulting firm SGS Economics and Planning, has been included as part of the submission to Council.

That report makes predictions for future land allocations and job generation for the two business park options/models contemplated for the subject site, and based upon assumptions relating to industry sectors that are claimed to be typical of a Business Park like Norwest.

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The predictions for the Adjusted Norwest Model (Option 2) appear to suggest the following:

- Retail Trade as having the highest potential developable area (230,000m<sup>2</sup>) and job generation (3,683)
- Wholesale Trade as having 172,650m<sup>2</sup> developable area and 192 jobs generated on site
- Property and Business Services as having 171,791m<sup>2</sup> developable area and 3,272 jobs generated on site
- Personal and other services as having 88,013m<sup>2</sup> developable area and 1,676 jobs generated on site
- Accommodation, cafes and restaurants as having 69,060m<sup>2</sup> developable area and 1,105 jobs generated on site
- Health and Community Services as having 57,550m<sup>2</sup> developable area and 1,096 jobs generated on site
- Communication services as having 17,414m<sup>2</sup> developable area and 122 jobs generated on site
- Finance and insurance as having 10,119m<sup>2</sup> developable area and 193 jobs generated on site.

It is observed that the extent and proportion of predicted retail trade in this model is significant and it is important to note that the SGS Report states:

*"...Retail Trade in Norwest is dominated by bulky goods retailing and large homewares and furniture outlets with showrooms and display facilities".....*

The report also notes about the existing Norwest Business Park that it includes a:

*"shopping centre (Coles Supermarket, 35 specialty stores and a food court) medical facilities; drive thru business post office; IT, communication and energy infrastructure; and a working and living residential environment."*

The submission does not specifically discuss the possibility of residential development as part of the Business Park proposal, however the abovementioned reference to "living residential environment" made in the SGS report is of relevance, especially as the submission implies that the proposal could be likened to a Norwest Business Park style of development.

Also importantly, information in the SGS report suggests that the number of jobs generated under Option 2, in (petroleum and coal products; other machinery and equipment; basic metals and products; paper, printing and publishing) would only be in the order of 150.

## **2. Built Form and Setting**

The 'form' of the proposed Business Park could be likened to a series of low-medium rise 'landmark' buildings in a campus style arrangement placed in a landscape or park like setting. Councillors were presented with a computer-generated visualisation of a proposed development concept at the briefing session held in July. The submission recognises the significance of the Scenic Hills landscape setting and its scenic values and commits:

*"the subject site must be able to demonstrate that it does not impact significantly on the scenic quality and visual aspects of the relevant view corridors, and in addition, that there is an environmental dividend."*

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## 2.7 Proposed South West Business Park - Submission Of A Strategic Planning Overview

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The proponent has included a landscape and visual assessment as part of the submission. That assessment finds that there are opportunities across the site to accommodate carefully controlled developments in such away as to not diminish key elements of landscape quality. These would generally be lower lying areas. It is stated that up to 50% of the site could be retained as open space for public benefit (and access) in perpetuity. Site coverage by buildings is estimated at approximately 25% of the total site area.

### 3. Environmental Enhancement

The submission also raises a potential environmental benefit to the site that would arise from significant rehabilitation work associated with the removal of invasive exotic plants and appropriate indigenous woodland and riparian conservation/reafforestation.

There is also a commitment to the preparation of a Conservation Management Plan for the heritage significant Varroville property. Importantly, the covering letter to the submission notes that further work has been commissioned on a Heritage Impact Statement and would be submitted to Council as soon as completed. At the time of writing this report the Statement had not been received although a check with the office of the proponent indicated that the report would be finalised in the near future.

### 4. Transport and Access

The location of the site in terms of proximity to Sydney Airport (30 mins.), the M5 Freeway, the South West Growth Centre, the Main Southern Railway Line, and the proposed Edmondson Park Railway Station are seen as important advantages for the site as a future Business Park.

The submission identifies existing connections to the site from the M5 being via Brooks Road, Campbelltown Road and Williamson Road, and mentions the benefit to the site of the future provision of additional lanes to the M5. The submission also mentions the opportunity (but does not make any specific commitment) to the upgrade of St Andrews Road to provide direct access from the site to the M5, and thereby potentially creating a direct and relatively low cost link to the South West Growth Centre, indirectly decreasing long-term impacts on Denham Court Road.

The site is not serviced by established public transport however the submission notes that options would be available to provide a bus route connection to the proposed Edmondson Park Railway Station as well as an extension of the feeder bus route along Campbelltown Road to service the Business Park. Options are also presented to connect the Business Park with buses to Ingleburn and Glenfield railway stations.

The covering letter to the submission also notes that further work has been commissioned by the proponent to address Regional Transport. The report had not been submitted to Council at the time of preparation of this report however it is understood that it should be available in the near future.

### 5. Existing Planning Controls (Local Planning Instrument)

The subject land and is mostly zoned 7(d1) Environmental Protection (Scenic) under LEP District 8 (Central Hills Lands) [LEP-D8] which provides for a restricted range of development opportunities. An extensive list of prohibitions exists, including - but not limited to:

- *commercial premises,*
  - *industries (other than home industries or rural industries),*
  - *shops,*
-

2.7 Proposed South West Business Park - Submission Of A Strategic Planning Overview

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- *transport terminals,*
- *bulk stores,*
- *clubs,*
- *hotels,*
- *motels,*
- *recreation facilities*
- *refreshment rooms,*
- *service stations,*
- *tourist facilities, and*
- *warehouses.*

A complete list of prohibitions that apply in the 7(d1) zone is held at **Attachment 3**

The objectives of the 7(d1) zone as prescribed by LEP D-8 are:

- (a) *to set aside certain land as protected scenic environment,*
- (b) *to ensure that land will remain a rural environment providing visual contrast to the urban areas of Campbelltown, Camden and Liverpool,*
- (c) *to ensure that the inhabitants of Campbelltown will continue to have views of and access to a rural environment,*
- (d) *to maintain a stock of land that is capable of being developed for the purpose of providing recreation establishments of the kind that require large areas of open space, and*
- (e) *to preserve existing farming and agricultural research activities.*

It is clear that many of the proposed uses for the site (implied in the submission by the reference to a Business Park) are not permissible, nor likely to be consistent with the relevant objectives under the currently applicable planning instrument. Accordingly, Council would need to secure an amendment to LEP-D8 in order to be able to consider a development application for a Business Park proposal.

A small portion of the site is zoned 6c (Open Space Regional).

In addition, LEP - D8 provides for a minimum subdivision size of 100 hectares, and a standard dwelling house entitlement that requires a minimum site area of 100 hectares, it being noted that dwelling house entitlements exist for some smaller allotments that satisfy certain requirements. This has gone some way to influencing the rural and semi-rural spatial character of the Varroville locality as it exists today.

The entire site is also subject to a special clause in LEP- D8 that relates to a declared "Escarpment Preservation Area". That clause relates to vegetation conservation and management; a height restriction on all new buildings, and restrictions on the external surfaces to ensure new buildings 'blend with the landscape'. This affectation on the subject land recognises its landscape and scenic value in particular, which then calls up special planning controls seeking to maintain its landscape and scenic character.

LEP - D8 also makes provision for the recognition of certain items of environmental heritage in the Central Hills locality, including Varroville (Lot 21, DP 564065) that is located on land adjacent to the site subject of the Business Park proposal.

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It is also important for Council to note that Varroville and a portion of its setting is subject to Permanent Conservation Order No. 737. It was also listed on the State Heritage Register in 1993. The NSW Heritage Office has recently written to Council, following representations made to it raising concern over proposals being mooted for certain lands surrounding Varroville. The Heritage Office has requested Council to examine the curtilage of Varroville as part of any future amendment to the LEP it might contemplate.. The Heritage Office has also indicated that a number of outbuildings and the landscape setting of Varroville, some of which falls across adjoining land (being part of the land subject to the Business Park proposal) require investigation for inclusion within an expanded curtilage for Varroville.

Council responded to the Heritage Office and in accordance with its resolution of 21 August 2007, requested the Office to extend the curtilage of Varroville to include the outbuildings; give consideration to the further increasing the curtilage of Varroville to include other significant aspects of the original historic Townson estate; and give consideration to preserving the physical link between Bunburry Curran Hill and Varroville house and the important visual linkages, views, and rural setting of the property. These points demonstrate the heritage significance of Varroville and its setting and the need for any future development proposal to take appropriate account of same.

## **6. Strategic Planning Context**

In considering any proposal for a Business Park at a scale similar to that envisaged by the Cornish Group at the Scenic Hills, it is important for Council to be aware of the broader strategic (economic, social and environmental) planning context.

There is little doubt that the magnitude of potential outcomes from a project such as this would be significant as well as diverse, and would be likely to have far reaching consequences not just for the project site and its immediate surrounds, but also for the wider local, regional and metropolitan areas.

### **(a) Metropolitan Strategy**

The Metropolitan Strategy was published in December 2005 and sets out the NSW Government's approach to integrated strategic land use, transport and infrastructure planning for the Sydney Metropolitan Area. The Strategy seeks to support and manage future economic growth whilst balancing social and environmental outcomes.

One of the key challenges to be addressed by the Metropolitan Strategy seeks to:

*"increase the share of jobs going to centres in the rapidly growing areas of Western and South West Sydney".*

At the same time the Strategy seeks to:

*"establish new business parks to generate business opportunities while increasing the share of public transport use for trips to these centres."*

Importantly, the Metropolitan Strategy notes that Sydney has experienced strong growth in technology and business parks including precincts such as Macquarie Park, Rhodes and the Norwest Business Park.

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The Strategy states that:

*"Business tenants are attracted by spacious and attractive work environments, ample parking, multi-purpose facilities integrating factory, warehouse and office functions and competitive rents compared to the city office locations.....and*

*Business Parks are competing with traditional high density centres .....and their success is making it difficult for centres in rapidly growing sub-regions to attract office based jobs. The movement of businesses from traditional office markets into business park environments reflects the recent disparity between employment growth in 'traditional centres' and business park locations."*

The Metropolitan Strategy sees business parks as having a role to play in the overall economic competitiveness of Sydney, and assigns them a special place in the City's business centre typology as *"Specialised Centres"* that are designated places of high economic value with the potential to offer:

- A-grade office space at competitive prices
- purpose designed buildings for long tenancy
- prestige and marketable image for occupants
- clean suburbs and proximity to a skilled labour pool,
- opportunities for large corporations to custom build their headquarters,
- modernised facilities with premium office space, flexible floor plates, high level communication technology and recreational amenities and
- opportunities to collocate business administration and warehouse needs.

Notwithstanding the benefits for employment and enterprise development that business parks can bring, the Metropolitan Strategy emphasises the importance of ensuring that::

- they are well serviced by sustainable forms of public transport,
- support existing centres,
- have high quality design outcomes,
- reduce environmental impacts, and
- build on existing knowledge hubs such as universities and hospitals.

The Metropolitan Strategy suggests a number of criteria for the location of business parks including:

- Location on public transport routes,
- Accessibility to Sydney's Orbital Motorway Network and economic gateways,
- Complementing established centres,
- Attaining a minimum warehouse component,
- Demonstrating a contribution to sub-regional economic and jobs growth, and providing for recreational, cultural and/or learning facilities.

The Metropolitan Strategy calls up a specific planning action that has direct relevance to business parks being:

*Establish a framework for the development of Business Parks and develop guidelines to encourage local government to plan for future business parks in select locations.*

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It is noted that these guidelines have not yet been released.

**Comment**

Councillors would be aware that Campbelltown has been recognised as a "major centre" in the Metropolitan Strategy, however Council continues to lobby both the Minister for Planning and The Department of Planning for recognition of Campbelltown as a Regional City Centre. This 'claim' is validated by the centre's current and now strengthening economic and social positioning in the Macarthur region, and demonstrated by the centre's employment base and a wide range of existing and future city level facilities including:

- The University of Western Sydney (incorporating the newly establishing School of Medicine);
- Campbelltown Hospital;
- Campbelltown TAFE College;
- Macarthur Square Shopping Centre;
- Campbelltown Arts Centre;
- Campbelltown and Macarthur Railway Stations (incorporating future station and bus-rail interchanges and express/clearway commuter service upgrades); and
- Proposed retail factory outlet.

Council awaits the imminent release of the South West Regional Planning Strategy to confirm the Government's response to its claim for Regional City Centre status.

Notwithstanding, Council has participated with the Department of Planning over the preparation of a Structure Plan for the Campbelltown Business Centre, and a final draft plan will be presented to Council for consideration in December later this year.

Importantly, that structure plan recognises and seeks to encourage Council to pursue zoning and development controls to guide the future development of the Campbelltown business centre, focussing on making available appropriately zoned land, subject to relevant planning controls, to accommodate substantial future in-centre jobs growth and housing opportunities. This is consistent with the overall philosophy that underpins 'centres planning' in the Metropolitan Strategy. i.e. to strengthen business centres located at strategic rail and public transport nodes.

Although details concerning future employment targets are not yet available (given a delay in the publication of the Department's South-West Regional Planning Strategy) the allocated targets are likely to be significant (in the order of 'thousands' of jobs) to underpin the future prosperity and growth of the Campbelltown Regional City Centre. It is anticipated that the Department's South West Regional Planning Strategy will provide for most of these jobs to be office and retail/service based.

The draft structure plan recognises the opportunities located in the Campbelltown CBD 'core' where an extensive area could be made available for future large floorplate offices to develop (ie., public car parking areas). This land is located adjacent to the Campbelltown Railway Station. Further, these sites are also located in close proximity to the Queen Street retail strip and are seen as potential catalysts for future office development that would re-energise the "Main Street" when taken up. Retention and expansion of car parking would be essential requirements.

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## 2.7 Proposed South West Business Park - Submission Of A Strategic Planning Overview

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The establishment of a Business Park in the Scenic Hills locality would provide an opportunity to 'grow' significant employment that could, to some significant degree otherwise, establish in the Campbelltown Regional Centre. This opportunity has some potential to:

- Directly influence market decisions concerning future investment in the Campbelltown Regional Centre, and hence future job generation, as well as possibly
- Discourage the take up of development opportunities that have excellent accessibility to public transport and other infrastructure that Local and State Governments have invested in (and intend to invest in) with an expectation of yielding a maximum community benefit there from.

Therefore, Council in considering whether to support the progress of the Scenic Hills Business Park proposal, would need to be satisfied that the development would not discourage the potential take up of opportunities for Campbelltown to attract future retail and office as well as other employment that would assist it to grow into a true Regional Centre, and facilitate a maximum 'community' return on investment by Government in key regional infrastructure in and around Campbelltown. Any business park must not only be complementary to the existing centre but, importantly, bolster the future growth and development of Campbelltown as a true Regional City Centre.

Whilst it is fair to say that many enterprises attracted to business parks would be seeking high quality office environments in a park-like setting and may not be attracted to the Campbelltown CBD, the availability and future take-up of sites able to accommodate large floorplate office developments located adjacent to a major railway node and bus/rail interchange and established retailing and other services/infrastructure, is seen on balance, to present a more positive outcome for the Campbelltown community.

Accordingly, the significance of providing for, and then attracting high quality office and retail development into the Campbelltown Regional Centre in the future, cannot be understated.

In addition, the submission does not appear to test the economic impact of the Business Park proposal (including such a significant retail component) on:

- The proposed Macarthur UWS business precinct (potentially research and development focussed and relating to medical/pharmaceutical and related business developments) as expressed in the currently exhibited draft development control plan for the UWS site; and
- Future business centres proposed for the South West Growth Centre including Edmondson Park and Leppington, as well as future proposed employment lands within the Growth Centre.

### **(b) Employment Lands for Sydney Action Plan**

The NSW Government published the Employment Lands for Sydney Action Plan in 2007. A relevant key recommendation of the Government's Employment lands Taskforce included in the Plan is to establish criteria and identify a preferred location for a new business park (similar to Norwest) in South West Sydney. Council is not aware of any such criteria/report having yet been released.

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## 2.7 Proposed South West Business Park - Submission Of A Strategic Planning Overview

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The Action Plan makes a specific point for the NSW Government to identify strategic employment lands through sub-regional planning. This process will identify strategic employment lands and will guide councils to identify the future role of employment land in local planning instruments.

As Councillors would be aware, the Department's South West Regional Planning Strategy has not yet been released.

### (c) Campbelltown 2025 - Looking Forward

Council's overall strategic planning philosophy is set out in *Campbelltown 2025 - Looking Forward* which was adopted by Council in 2005. It is a statement of broad town planning intent for the longer term future of the City of Campbelltown that is based on local community input.

#### *Campbelltown 2025 Looking Forward:*

- Identifies what people value about Campbelltown
- Nominates those issues the community sees as impacting on the future and
- Articulates what the community would like to change about Campbelltown.

Of importance to Council's consideration of the Business Park proposal is the identification by the community of the:

*"special environmental character of Campbelltown and its distinctive landscape setting that helps define the City boundaries (Scenic Hills, eastern bushlands, Nepean and Georges River corridors)".*

Equally of importance, the community identified concern over the :

*"perceived high level of unemployment, not enough local employment opportunities, extended travel times to employment located outside of Campbelltown, and a mismatch employment opportunities with local workforce skills".*

Campbelltown 2025 - Looking Forward identifies a number of key themes for change that should be addressed as part of Council's overall planning philosophy, including:

- *Protection of the environmental setting and environmental attributes of the City,*
- *Strengthening the Campbelltown Regional Centre to maintain city facilities and amenities*
- *Business centre revitalisation*
- *Local employment development*
- *Better integration of transport and new development"*

These are most relevant considerations in the assessment of the proposed Business Park proposal as is the "Vision" for the future of Campbelltown contained within Campbelltown 2025-Looking Forward. The following extract is worthy of special note:

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## 2.7 Proposed South West Business Park - Submission Of A Strategic Planning Overview

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*"In 2025.....there is an emphasis on self-containment and sustainable community living. More than 50 % of the people who live in Campbelltown City that are employed, work in Campbelltown.... Business centres are a focus for community amenity and interaction, not just shopping centres .....The City has grown to be the 'urban hub' of the Greater South Western Sydney Region.....this has been a major conduit for employment development, as has been the Campbelltown campus of the University of Western Sydney and the Campbelltown Hospital..... has a distinctive landscape quality incorporated into the design and treatment of urban environments including the preservation of indigenous vegetation and other natural landscape features....our cultural heritage is respected.....The Scenic Hills, rural landscape settings the bushland.....are protected wherever possible, in recognition of the valuable contribution they make to our quality of life, and the City's identity....we have maintained our natural environmental qualities .....new economic development opportunities have been secured".*

Four strategic directions are included in Campbelltown 2025 - Looking Forward which are relevant to this assessment:

- Protecting and Enhancing the City's Key Environmental Assets (including specifically the Scenic Hills)
- Growing the Regional City (which specifically refers to the investment and jobs growth in the Campbelltown Regional Centre to maintain and grow its viability)
- Building a Distinctive Campbelltown Sense of Place
- Creating Education, Employment and Entrepreneurial Opportunities (including a reference to the challenges of dealing with the shortage of industrial and business park development opportunities and facilitating new enterprises within the City)

### **Comment**

Clearly, the Business Park proposal, whilst presenting an opportunity to realise significant employment and enterprise development and contribute to the future economic well being of the City, is located within the Scenic Hills, an area identified by the community and Council as having iconic landscape value that contributes much to the definition of Campbelltown's sense of place and community.

At face value, the proposal is at odds with Council's overall strategic goal to protect the Scenic Hills. However, it is submitted by the proponents that the Business Park development could be carried out in such a way to maintain the landscape and scenic qualities of the site and enhance its environmental values, and at the same time open up public access to the Scenic Hills for passive recreation.

Further, there is a concern that the proposed Business Park (of a type similar to Norwest) and as presented in Option 2 of the submission, would be likely to include uses such as significant retailing and some commercial office operations that have a potential to otherwise be attracted to the Campbelltown business centre in the future.

Job opportunities taken up by the proposed Business Park therefore, are considered to pose a risk to the prospects of success for Campbelltown business centre to strengthen its role as a Regional City Centre in the medium to longer term. The report by SGS Economics and Planning examines the impacts on existing businesses and on existing business centres and claims that:

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*"The likely impact on the existing employment areas of the Campbelltown CBD and Ingleburn is considered to be positive"*

That report also notes:

*"Significant numbers of retail jobs will be created as the site will attract bulky goods retailers whose demand for bulky goods retail space will match the space requirements for a business park"*

It is considered that there is insufficient evidence to assure Council that the future growth and development of the Campbelltown Regional Centre (which has been a central strategic focus for Council) would not be compromised by the Business Park proposal.

**(d) Draft Local Planning Strategy and Draft Biodiversity Study**

Council is currently engaged in the preparation of a draft Local Planning Strategy that will act as a policy basis to underpin the preparation of the forthcoming comprehensive local environmental plan. This process has already involved a series of community and Government agency consultations and is nearing completion. The work of the consultants preparing the draft local planning strategy is including an examination of the interface between urban development and the Scenic Hills environmental lands to better define the boundary as it relates to identified physical characteristics. The project is also examining land uses in the Scenic Hills and acknowledges the scenic and heritage characteristics of the area.

Council's draft Biodiversity Study has identified some areas of high biodiversity value within the Scenic Hills (Central Hills area) including the Varroville locality. These areas have been mapped according to NPWS Vegetation Mapping criteria, however would need to be confirmed by further survey. Some of these areas fall across the subject land and are likely to include remnant Cumberland Plain Woodland. Some of these high value areas have the potential to form part of wildlife habitat corridors.

**7. Community Interest**

Other than receiving a briefing on the Business Park development concept on 31 July 2007, Councillors have not dealt with this matter. The proposal has not been publicly exhibited nor have copies of the submission, subject of this report, been made available to the public.

Council's Heritage Protection Sub-Committee did receive representations by one of the owners of the Varroville House heritage property at its meeting on 12 July 2007. That presentation did refer to the mooted Business Park development concept. The minutes of that Sub Committee meeting were reported to Council on 21 August 2007 when it was resolved inter alia:

- (b) *That during the preparation of the Local Planning Strategy and the new Local Environmental Plan for the Campbelltown Local Government Area, and in considering any development proposals for land in the vicinity of the heritage item Varroville, that Council ensures that any future development proposals for the land respect and do not detract from the scenic, heritage, environmental and cultural value of the Scenic hills.*
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## 2.7 Proposed South West Business Park - Submission Of A Strategic Planning Overview

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Councillors may also be aware of a number of community-based meetings that have considered the Business Park development concept. These have included:

- Two resident group meetings, the last conducted at the Bow Bowling Community Hall on Wednesday 31 October 2007 where approximately 70 people attended. The Director of Planning and Environment was invited to and attended that meeting to explain the Council's planning processes; and
- A presentation to the Campbelltown Chamber of Commerce by the proponent, at its meeting held on 19 September 2007 at the Wests Leagues Club.

Council has also received a total of 5 written submissions. These letters are from local residents (3), the Campbelltown and Airds Historical Society and the Australian Garden History Society (Sydney and Northern NSW Branch) respectively. The letters from local residents have expressed objection or concern over the proposed development. The Historical Society is concerned that should the development proceed it will set a precedent for the Scenic Hills and for other areas protected under Local Environmental Plans and expresses a view that the optimum outcome would be for the whole area to be declared a Reserve or regional park. The Australian Garden History Society submits that the land surrounding Varroville should remain in rural use and urges Council to retain the Scenic Hills zoning around Varroville. It recommends that the rural landscape in the vicinity of Varroville should be conserved for heritage and other reasons.

Councillors may also be aware of a number of articles and letters that have appeared in local newspapers concerning the proposal over recent months.

Accordingly, it is fair to suggest that the proposal has generated some level of community interest.

### 8. Next Steps (Options)

Rezoning and other amendments to LEP D8 (and subsequently the adoption of a development control plan) would be required prior to Council being in a position to consider a development application for the Business Park proposal.

It is noted that the proponent has indicated:

*"a strong desire to work with Council to thoroughly masterplan the site and resolve any community concerns"*

Council has a number of options available to it, in terms of dealing with this matter. These options are:

1. Not proceed and advise the applicant that it does not support the proposal.
  2. Note the proposal.
  3. Defer the matter for further investigation concerning issues including:
    - More certainty over the specific nature and extent of land uses proposed for the Business Park,
    - Impacts on the future growth and development of the Campbelltown Regional City Centre and other centres/employment lands including the proposed UWS Employment Precinct,
    - Implications of and for the South-West Regional Planning Strategy,
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## 2.7 Proposed South West Business Park - Submission Of A Strategic Planning Overview

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- Heritage,
  - Transport and Access,
  - Landscape,
  - The position of the Department of Planning, and
  - The position of the Growth Centres Commission
4. Invite the proponent to make a formal application to Council for it to prepare a draft amending local environmental for the land to accommodate a Business Park (in consultation with the Department of Planning).
  5. Decide to prepare an amending draft local environmental plan and local environmental study (based on the already submitted information) for the land to accommodate a Business Park.

Importantly, Council is advised that the Minister for Planning has recently made statements to the effect that encourage Councils to be "as certain" as can be possible and as early in the planning process as is possible, in responding to development proposals. This is seen by the Minister as being in the best interest of all stakeholders.

### Conclusion

It is considered that the Business Park proposal has the potential to generate a number of positive outcomes for the Campbelltown community and environment in the longer term. These include:

- Significant job generation and economic investment,
- The establishment of some level of economic support infrastructure for potentially developing business clusters such as the Minto Intermodal/Freight Hub,
- Rehabilitation of a significant part of the Scenic Hills bio-physical environment which is currently degraded, and
- The provision of public access to a part of the Scenic Hills for passive recreation purposes.

It is clear that the Campbelltown Local Government Area suffers from an impending shortfall of employment land and the proposal would offer up an opportunity to redress this issue.

However, based on information included in the submission, Council cannot be satisfied that the Business Park would not directly compete with the Campbelltown business centre for future economic investment and job generation. It would appear that the Business Park would itself develop into a specialised business centre, especially in light of the likely extent of retail development.

Accordingly, it is considered that the Business Park raises a significant risk for Campbelltown not to develop into a Regional City Centre for at least the time the Business Park would take to reach its full development potential. The overall likely scale and nature of development/land use likely to be established in the proposed Business Park, are significant points in reaching this conclusion.

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## 2.7 Proposed South West Business Park - Submission Of A Strategic Planning Overview

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Added to this concern, is the iconic value that the community has assigned to the Scenic Hills as a distinctive landscape backdrop to urban development in Campbelltown. Without any doubt, the Scenic Hills make a significant contribution to Campbelltown's 'sense of place'. This value is reflected in Council's *Campbelltown 2025-Looking Forward* Strategic Plan and the existing planning controls for the land. It is noted that a part of the site for the proposed Business Park is likely to be affected by the rural landscape setting of the Varroville heritage item. Indeed the potential cultural rural landscape value of the Central Hills is a matter for further consideration.

Whilst it is acknowledged that the proponent recognises the challenges to the project that these constraints present, and that there are 'pockets' of land within the site without significant visual exposure, and indeed that there are likely to be means available to restrict the visual impact and heritage impact of the proposed Business Park, the very nature and scale of the proposal have a distinct potential to impact upon existing amenity and create a precedent for other development (currently not permissible) within the Scenic Hills.

The position of the Department of Planning and the Growth Centres Commission are not known. Notwithstanding, consideration of the Metropolitan Strategy and the South West Growth Centre Structure Plan would seem to suggest that there would be a case to prove that the Business Park would complement the future viability of Campbelltown business centre, the proposed Edmondson Park and Leppington business centres and other employment lands, both now and into the future.

Overall, and on balance, it is considered that there is not sufficient merit associated with the Business Park proposal, to recommend that Council support the concept at this stage.

### **Officer's Recommendation**

That Council advise the Cornish Group that the proposal for a Business Park on certain land located at the Scenic Hills, as presented in the submission entitled "Proposed Employment Lands - South West Business Park - Varroville is not supported by Council at this time.

### **Committee's Recommendation: (Kolkman/Oates)**

That Council advise the Cornish Group that the proposal for a Business Park on certain land located at the Scenic Hills, as presented in the submission entitled "Proposed Employment Lands - South West Business Park - Varroville is not supported by Council.

### **CARRIED**

**Note:** The General Manager tabled a letter received from the Cornish Group of Companies with regard to Item 2.7 - Proposed South West Business - Submission of a Strategic a Plan Overview. In the letter the Cornish Group advise that this document was never intended to be a formal application for Development Consent or Rezoning and as such seek its formal withdrawal.

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### **Council Meeting 13 November 2007 (Oates/Banfield)**

That the Committee's Recommendation be adopted.

#### **Amendment: (Kolkman/Chanthivong)**

1. That the tabled letter from the Cornish Group seeking the withdrawal of the Strategic Planning overview - Varroville be received and noted and that Council accede to the request for withdrawal of the proposal.
2. That Council confirms in the strongest possible terms its support for the high value that the Community of Campbelltown and South Western Sydney places on the Scenic Hills as an iconic landscape with distinctive scenic, heritage and environmental qualities.
3. That Council unequivocally commits to continue to maintain and preserve the Scenic Hills for future generations to enjoy.
4. That Council declares it has no intention to amend current overall planning controls that would allow land uses and development with the Scenic Hills, not currently permitted by LEP District 8 (Central Hills Land).

**WON** and became part of the Motion

### **Council Minute Resolution Number 212**

That the Committee's Recommendation incorporating the Amendment be adopted.

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## ATTACHMENT 1



The General Manager  
Campbelltown City Council

Attention: Mr Paul Tosi

Dear Sir,

**RE: Proposed South West Business Park**

We refer to the above matter and our recent presentation to council's senior staff and councillors.

Further to that we now have the pleasure of submitting our formal Strategic planning overview for your consideration.

We have kept the overview document at a strategic level and not attempted to undertake detailed planning of the site. We have also enclosed our DVD which was presented to council and has a more visionary feeling than the Strategic overview.

We once again stress that this work is conceptual at this stage and it would be our strong desire to work with council to thoroughly masterplan the site and resolve any community concerns.

The Strategic Planning overview is underpinned by an economic report prepared by SGS. A preliminary Ecological and Visual amenity analysis has been completed by Conacher Travers ecologists and Context Landscape Architects.

After our presentation and listening to some community concerns it was our considered opinion that Traffic Management and Historical Significance were issues that needed further immediate consideration. In that respect we have commissioned the following reports and will forward them under separate cover as soon as they are received.

- |                              |   |                             |
|------------------------------|---|-----------------------------|
| 1) Regional Transport        | - | Chris Stapleton Consultancy |
| 2) Heritage Impact Statement | - | Rappoport Consultancy       |

suite 45 – upperdeck  
jones bay wharf  
26 – 32 pirrama road  
pyrmont nsw 2009  
po box 258  
pyrmont nsw 2009  
t 02 9571 7400  
f 02 9571 7500  
email@cornishgroup.com.au

In summarising the Strategic Planning overview we would like to present the following key points.

- 1) The proposal will deliver 18,500 full-time jobs to the community and considerably ease traffic on the F5.
- 2) Approximately half the site (400acres) will be given to the community in a fully regenerated state and at no cost to council.
- 3) The Visual landscape and Heritage will be preserved whilst giving public access to the Scenic Hills for the first time.
- 4) The proposal will provide a once in a generation opportunity to change the employment Landscape of Council.

We submit the Strategic Planning Overview in good faith and strongly commend it to council for its support. We would also cordially invite all councillors and senior staff to a site inspection at their earliest convenience.

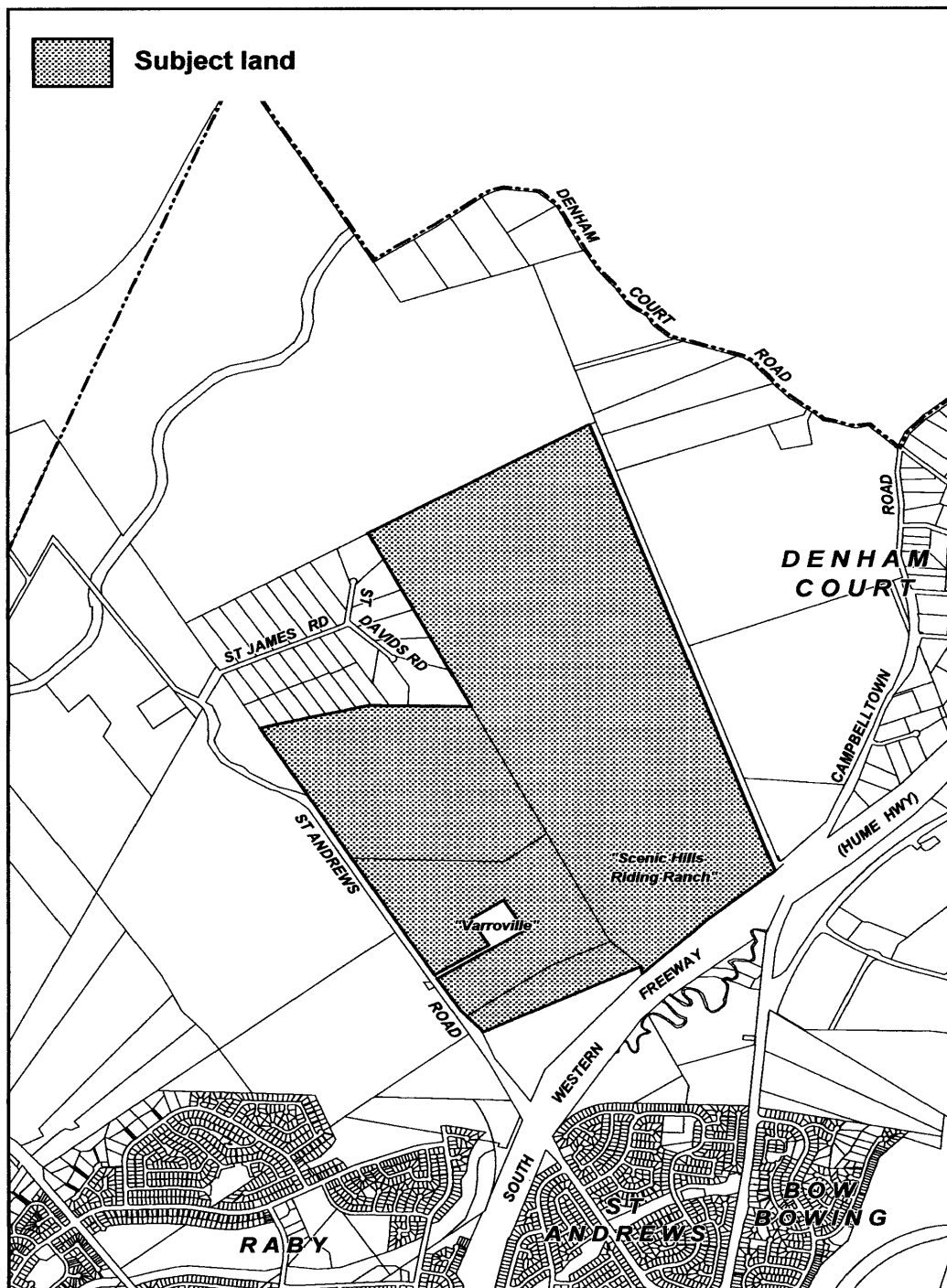
Yours Faithfully,



Brett Cornish  
Managing Director



## ATTACHMENT 2



## **ATTACHMENT 3**

### **Extract from Campbelltown Local Environmental Plan - District 8 (Central Hills Lands)**

#### **2 Without development consent**

Works for the purpose of landscaping, gardening and bushfire hazard reduction.

#### **3 Only with development consent**

Buildings which are used in connection with a purpose referred to in this Item and which are under the care, control and management of the Council; drainage; forestry; recreation areas; refreshment rooms; roads.

#### **4 Prohibited**

Any purpose not included in Item 2 or 3.

### **Zone No 7 (d1) (Environmental Protection (Scenic))**

#### **1 Objectives of zone**

The objectives of this zone are:

- (a) to set aside certain land as a protected scenic environment,
- (b) to ensure that that land will remain a rural environment providing visual contrast to the urban areas of Campbelltown, Camden and Liverpool,
- (c) to ensure that the inhabitants of Campbelltown will continue to have views of, and access to, a rural environment,
- (d) to maintain a stock of land that is capable of being developed for the purpose of providing recreation establishments of the kind that require large areas of open space, and
- (e) to preserve existing farming and agricultural research activities.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Any purpose not included in 4.

#### **4 Prohibited**

Aerodromes; animal boarding or training establishments; airports; boarding-houses; bulk stores; bus depots; car repair stations; caravan parks; clubs; commercial premises; drive-in theatres; entertainment and amusement parks; extractive industries; gas holders; general stores; generating works; hotels; heliports; industries (other than home industries or rural industries); intensive horticulture; intensive livestock keeping; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; recreation facilities; refreshment rooms; residential flat buildings; roadside stalls; sawmills; service stations; shops; tourist facilities; transport terminals; warehouses.

### **Part 3 Special provisions**

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**10 Subdivision**

- (1) Land to which this plan applies shall not be subdivided except with the consent of the Council.
- (2) The council shall not consent to the subdivision of land within Zone No 7 (d1) unless each of the allotments to be created by the subdivision has an area of not less than 100 hectares.

**11 Dwelling-houses**

- (1) The Council shall not consent to the erection of a dwelling-house on an allotment of land that has an area of less than 100 hectares.
- (2) Subclause (1) does not prevent the Council from consenting to the erection of a dwelling-house on an allotment of land that has an area of less than 100 hectares, if the allotment:
  - (a) was in existence immediately before 20 September 1974, and was not then owned by any person who owned any other allotment of land adjacent to or adjoining that allotment, or
  - (b) is identified or described in Schedule 2.
- (3) Not more than one dwelling-house may be erected on an allotment of land within Zone No 7 (d1).
- (4) Notwithstanding subclause (3), one additional dwelling-house may, with the consent of the Council, be erected on an allotment of land within Zone No 7 (d1) for each 40 hectares of the land if the Council is satisfied that each such additional dwelling-house will be occupied by a person employed or engaged by the owner of the land in the use, for the purposes of agriculture (other than intensive animal or horticultural husbandry), of that land or of other land that belongs to that owner and that adjoins or is adjacent to that land.
- (5) Notwithstanding subclause (3), one additional dwelling-house may, with the consent of the Council, be erected on an allotment of land within Zone No 7 (d1) if the Council is satisfied:
  - (a) that the allotment:
    - (i) was, immediately before the appointed day, being used, and
    - (ii) has, since the appointed day, been continually used, for the purposes of market gardening, and
  - (b) that the additional dwelling-house will be occupied by a person employed or engaged by the owner of the land in the use, for the purposes of market gardening, of that land.

**12 Dual occupancy buildings**

- (1) A person may, with the consent of the Council:
    - (a) erect a dual occupancy building, or
-

- (b) alter or add to a dwelling-house so as to create a dual occupancy building,  
on an allotment of land on which a dwelling-house may be erected pursuant to this plan.
- (2) A reference in subclause (1) to a dwelling-house does not include a reference to an additional dwelling-house referred to in section 11 (4).
- (3) The Council shall not consent to the erection or creation of a dual occupancy building on any allotment of land unless it is satisfied that appropriate arrangements have been made for the provision of water, sewerage and drainage services to that land.
- (4) The Council may, as a condition of its consent to the erection of a dual occupancy building on any allotment of land, impose a condition to the effect that:
  - (a) the owner of the allotment shall occupy one of the dwellings in the building, or
  - (b) the dual occupancy building shall be so designed and constructed as to have the appearance of a single dwelling-house,as may impose both of those conditions.
- (5) For the purpose of enabling development to be carried out in accordance with this clause (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, the operation of any agreement, covenant or instrument which purports to impose restrictions on the carrying out of development on land to which this plan applies, to the extent necessary to serve that purpose, shall not apply to any such development.
- (6) Pursuant to section 28 of the Act, the Governor approved of subclause (5) before the making of this plan.

#### **12A Refreshment rooms within existing dwelling-houses—Zone No 7 (d1)**

A person may, with the consent of the Council, carry out development for the purposes of refreshment rooms within existing dwelling-houses within Zone No 7 (d1).

#### **13 Escarpment Preservation Area**

- (1) In this clause:

*Escarpment Preservation Area* means land shown cross-hatched black on the map.

*external surfaces*, in relation to a building, includes the external walls of the building and any cladding thereon and any doors, door and window frames, columns, roofs, fences and any other surfaces of the building visible from the outside of the building.

*prescribed materials* means materials that are:

- (a) dark-coloured and of low reflective quality, or
  - (b) painted or similarly treated with dark-coloured paint of low reflective quality,
- and that blend with the landscape of the site of the building of which they form
-

part.

(2) A person shall not:

- (a) carry out development within an Escarpment Preservation Area, or
- (b) clear vegetation from land within an Escarpment Preservation Area, except with the consent of the Council.

(3) In determining whether to grant consent as referred to in subclause (2), the Council shall have regard to:

- (a) the existing vegetation on the allotment concerned, and
- (b) any provision made in the relevant development application for the planting of vegetation.

(4) A person shall not erect a building on an allotment of land within an Escarpment Preservation Area if the proposed building will have a maximum height above natural ground level of more than 7.6 metres.

(5) A person shall not erect a building on an allotment of land within an Escarpment Preservation Area unless the external surfaces of the building consist of prescribed materials.

#### **14 Development on steep land**

(1) This clause applies to land within Zone No 6 (c) or 7 (d1).

(2) A person shall not carry out any development on land having a gradient of more than 1 in 6 except with the consent of the Council.

(3) Subclause (2) does not require a person to obtain the consent of the Council for the excavation or filling of land if the level of the land to be excavated or filled is not likely, when the excavation or filling has been completed, to vary by more than 0.5 metre from the natural level of the land.

(4) In deciding whether or not to grant consent as referred to in subclause (2), the Council shall have regard to such details regarding:

- (a) the proposed excavation or filling,
- (b) the means whereby the stability of the land will be maintained, and
- (c) the existing vegetation and any proposed plantings in and around the land to be excavated or filled,

as the Council may consider appropriate.

#### **15 Tree preservation**

A person shall not, on land within any zone other than Zone No 5 (g), ringbark, cut down, lop or wilfully destroy any tree except with the consent of the Council.

#### **16 Advertising structures**

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- (1) An advertising structure shall not be erected, and an advertisement shall not be displayed, on land to which this plan applies except with the consent of the Council.
- (2) The Council shall not grant consent as referred to in subclause (1) unless the advertisement appearing on the proposed advertising structure, or the advertisement proposed to be displayed, as the case may be:
  - (a) relates to the land upon which the advertising structure is proposed to be erected, or the advertisement is proposed to be displayed, as the case may be, and
  - (b) specifies one or more of the following particulars:
    - (i) the purposes for which the land is used,
    - (ii) the name of any person occupying, or carrying on business on, the land,
    - (iii) a description of the business carried on on the land,
    - (iv) a description of any goods or services supplied from premises on the land.

#### **17 Retail plant nurseries in Zone No 7 (d1)**

A person shall not, on land within Zone No 7 (d1), use a retail plant nursery for the purpose of selling goods other than plants grown on the land.

#### **18 Items of the environmental heritage**

- (1) A person shall not, in respect of a building, work, relic or place that is an item of the environmental heritage:
    - (a) demolish, renovate or extend the building or work,
    - (b) damage or despoil the relic or place or any part of the relic or place,
    - (c) excavate any land for the purpose of exposing or removing the relic,
    - (d) erect a building on the land on which the building, work or relic is situated or on the land which comprises that place, or
    - (e) subdivide the land on which the building, work or relic is situated or the land which comprises that place,except with the consent of the Council.
  - (2) The Council shall not grant consent as referred to in subclause (1) unless it has made an assessment of:
    - (a) the significance of the item as an item of the environmental heritage of the Central Hills Lands,
    - (b) the extent to which the carrying out of the development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item and its site,
    - (c) whether the setting of the item, and in particular whether any stylistic,
-

- (e) market gardening,
- (f) orcharding,
- (g) the growing of field flowers,

but does not include the growing of produce solely for personal consumption or enjoyment by an owner or occupier of a dwelling on the land on which they are grown.

***intensive livestock keeping*** means the use of land for keeping and nurturing cattle, sheep, goats, poultry, or other livestock by predominantly supplementary feeding methods and, without limiting the generality of the foregoing, includes the use of land for:

- (a) feedlots,
- (b) piggeries,
- (c) poultry farms,
- (d) the farming of fish (including crustaceans),

but does not include the use of land for an animal boarding or training establishment or the use of land for the keeping of livestock intended solely for personal consumption or enjoyment by an owner or occupier of a dwelling on the land.

- (2) The Council in determining an application for consent required for any of the uses defined in this clause shall take into consideration the following matters:
  - (a) the need to protect the quality of downstream watercourses,
  - (b) the need to conserve native vegetation,
  - (c) the need to protect environmentally sensitive land, such as riparian land, land containing an endangered species, population or ecological community or a vulnerable species within the meaning of the *Threatened Species Conservation Act 1995*,
  - (d) the need to protect the amenity of the area from noise, spray drift, odour or any other potentially offensive consequences,
  - (e) the need to limit the impact of development on flood liable land,
  - (f) the cumulative impact of the proposed use of the land for the keeping of livestock or the growing of produce intended solely for personal consumption or enjoyment by an owner or occupier of a dwelling on the land.

#### **Schedule 1 Items of the environmental heritage**

(Clause 5 (1))

“Varro Ville”, lot 21, DP 564065.

“Blairmount”, lot 3, DP 527426.

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