

Reports from the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 24 May 2011.

APOLOGIES

ACKNOWLEDGEMENT OF LAND

DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

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Minutes of the Planning and Environment Committee held on 24 May 2011

Present

Councillor R Kolkman (Chairperson)
Councillor J Bourke
Councillor G Greiss
Councillor P Hawker
Councillor M Oates
Councillor R Thompson
General Manager - Mr P Tosi
Director Planning and Environment - Mr J Lawrence
Manager Environmental Planning - Mr P Jemison
Manager Compliance Services - Mr A Spooner
Manager Waste and Recycling Services - Mr P Macdonald
Manager Community Resources and Development - Mr B McCausland
Environmental Planning Coordinator - Mrs R Winsor
Corporate Support Coordinator - Mr T Rouen
Executive Assistant - Mrs D Taylor

Apology (Oates/Hawker)

That the apology from Councillor Matheson be received and accepted.

CARRIED

Acknowledgement of Land

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

DECLARATIONS OF INTEREST

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

Pecuniary Interests

Non Pecuniary – Significant Interests

Councillor Kolkman – Item 2.4 – Lot 3004 DP 1152287 Stowe Avenue, Campbelltown - Six to eight storey mixed-use commercial, retail and residential apartment development proposal - Councillor Kolkman advised that he is a member of the Joint Regional Planning Panel (JRPP) and that he will leave the Chamber and not take part in debate nor vote on the matter.

Councillor Kolkman – Item 3.2 – Minto Urban Renewal Project - Subdivision of Stage 10 - Councillor Kolkman advised that he is a member of the Joint Regional Planning Panel (JRPP) and that he will leave the Chamber and not take part in debate nor vote on the matter.

Councillor Hawker – Item 2.4 - Lot 3004 DP 1152287 Stowe Avenue, Campbelltown - Six to eight storey mixed-use commercial, retail and residential apartment development proposal - Councillor Hawker advised that he is a member of the Joint Regional Planning Panel (JRPP) and that he will leave the Chamber and not take part in debate nor vote on the matter.

Councillor Hawker – Item 3.2 - Minto Urban Renewal Project - Subdivision of Stage 10 - Councillor Hawker advised that he is a member of the Joint Regional Planning Panel (JRPP) and that he will leave the Chamber and not take part in debate nor vote on the matter.

Non Pecuniary – Less than Significant Interests

1. WASTE AND RECYCLING SERVICES

No reports this round

2. ENVIRONMENTAL PLANNING

2.1 New Policy - Sustainable Events Management

Reporting Officer

Manager Environmental Planning

Attachments

Draft Sustainable Events Management Policy

Purpose

To seek Council's endorsement of the draft Sustainable Events Management Policy.

Report

Background

Since 2006, Council has received annual funding under the Office of Environment and Heritage (OEH) Waste and Sustainability Improvement Payments (WaSIP) Program. The Program aims to assist councils to invest in actions and programs that improve waste and sustainability outcomes in their Local Government Area (LGA), and is available to those 72 councils listed under Part 2 of the Protection of the Environment Operations (Waste) Regulation 2005. The 72 councils listed under the Regulation are those who pay a waste levy.

Councils who are eligible to receive funding are required to:

- i. Adhere to annual WaSIP Standards:

These Standards are developed in consultation with a WaSIP Advisory Group comprised of representatives from the OEH, the Local Government and Shires Association (LGSA), council General Managers, Waste Managers and Sustainability Managers. Following recommendation of the draft Standards by the Advisory Group and endorsement by the LGSA, the Standards are signed-off by the Director General of the OEH and forwarded to councils. Council General Managers are required to indicate their intent to comply with the Standards.

ii. Comply with WaSIP Guidelines developed each financial year:

The Guidelines require councils to submit an action plan outlining how the funding will be spent, and a financial year review demonstrating the implementation progress of each project.

The development and implementation of a Sustainable Event Management Policy is in accordance with the 2010/2011 WaSIP standards for councils in the Sydney Metropolitan Areas and Extended Regulated Area. Upon completion, councils are required to submit their Policy to the OEH for approval and provide evidence of compliance with the standard. Other Standards for the 2010/2011 financial year include the development and implementation of a Sustainable Fleet Policy / Program and Sustainable Procurement Policy. The Sustainable Fleet Policy / Program is currently being developed and is anticipated to be presented to Council in the near future. In light of Councils current Procurement Policy, a sustainability component has been included and was endorsed by Council at its meeting on the 10 May 2011. It is important to note that councils who fail to comply with the standards and guidelines risk losing their funding.

The Draft Sustainable Event Management Policy:

Campbelltown City Council has an important role to play in the implementation and achievement of sustainable practices. Council recognises that sustainability is inherently linked to sound decision making and management.

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

Developed by Council's Environment and Planning Section, in consultation with the Communications and Marketing Section, the Sustainable Event Management Policy (provided as an attachment to this report) has been reviewed and endorsed by Council's Sustainability Committee and was presented to Council at its briefing night on the 18 May 2011. The Policy is intended to encourage the consideration and promotion of sustainable event management practices.

In recognising that there are a number of constraints associated with planning an event, the Policy is divided into seven principle areas which aim to provide a broad coverage of potential practices for adoption.

The seven principle areas (including a brief description of each area) is provided below:

- **Venue/Site Selection:**
Provides suggestions on ways to select and secure a sustainable venue/site, for example, considering the venue's proximity to public transport.
 - **Event Promotion:**
Provides suggestions on ways to reduce unnecessary waste associated with the printed promotion of an event.
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- **Catering:**
Provides suggestions on sustainable ways to source food and reduce food waste.
 - **Power:**
Provides suggestions on ways to reduce power usage through the efficient use of equipment.
 - **Water:**
Provides suggestions on ways to reduce water usage.
 - **Waste Management:**
Provides suggestions on ways to apply the waste hierarchy (avoid, reduce, reuse, recycle).
 - **Other:**
Provides suggestions on ways to reduce the overall impact of an event on the environment. For example, include discussions on the achievements and challenges of running a sustainable event at team meetings.

The new Sustainable Events Management Policy has been developed in accordance with Councils Records Management Policy and the adopted procedure for Policy Development and Review and it is recommended that the draft Policy as identified in the attachment be adopted.

Officer's Recommendation

1. That the draft Sustainable Events Management Policy as attached to this report be adopted.
2. That the draft Sustainable Events Management Policy be submitted to the Office of Environment and Heritage.
3. That the Policy review dates be set as 30 June 2014.

Committee's Recommendation: (Oates/Bourke)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 31 May 2011 (Kolkman/Oates)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 104

That the Officer's Recommendation be adopted.

ATTACHMENT 1

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

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

Objectives

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

Policy Statement

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

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

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

Scope

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

Definitions

1. Sustainability:

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

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

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

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

2. Event:

This policy defines an event to include:

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

Legislative Context

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

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

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

Principles

1. Venue/site selection:

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

2. Event promotion:

- Reduce printed material where possible by communicating electronically through emails, phone messages and Council's website.
- Where printing is unavoidable, print doubled sided and on recycled paper.
- Try to create attendee ownership/stewardship of the event's sustainable principles by promoting your intentions/goals.

3. Catering:

- Encourage the sourcing of food from local providers and businesses. This will in turn reduce associated 'food miles'.
- Where food is unused, consider the possibility of forming a partnership with a local charity that provides meals for the disadvantaged community.
- Consider sustainable and healthy nutritious menus, choosing local produce based on seasonality where possible.
- Avoid using disposable cutlery and crockery, where possible. If there are no other practical alternatives, use biodegradable ones instead of plastic polystyrene.

4. Power:

- Try to utilise natural lighting instead of artificial lighting by opening blinds. Choose meeting rooms where this is possible. Alternatively, try and host small internal meetings outside.
 - Purchase green power from an accredited renewable supplier to offset carbon emissions.
 - Ensure that all equipment, including computers and projectors are turned off or placed on stand by when not in use (eg during question and answer sessions, breaks and other times deemed appropriate).
 - Use well maintained and current equipment that carries a favourable energy rating.
 - Choose low wattage appliances where available.
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5. Water:

- For internal events, ensure that all drinking water is provided in refillable containers for consumption in washable, reusable cups/glasses. Use glasses and jugs of water in preference to bottled water.
- For outdoor events, provide 'refilling stations' and consider using recyclable/biodegradable cups/bottles. In addition, provide and promote the use of recycle bins for unwanted litter.

6. Waste management:

- Apply the 'waste hierarchy' – in order of preference Avoid, Reduce, Reuse, Recycle.
- Prioritise equipment and materials that contain recycled materials and have end-of-life recycling.
- Provide recycling bins at highly visible locations.
- Ensure that all unused or unwanted printing is recycled.
- Where applicable, ensure that all supporting meeting documentation is distributed electronically or printed double sided and in greyscale.
- Use a laptop to take meeting minutes or whiteboards to capture and present ideas and thoughts.
- Where portable toilets are required, consider sourcing toilets that utilise environmentally-friendly chemicals and/or compost waste disposal.

7. Other:

- Consider planting trees to assist with reducing the carbon footprint of the event.
- Select suppliers in accordance with Council's Procurement Policy.
- Reuse name badges and lanyards where possible. Provide a facility for guests/delegates to return them as they leave the event.
- Use table linens that can be washed, rather than disposable alternatives.
- Consider discussing the achievements and challenges of running a sustainable event at team meetings.

Responsibility

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

Effectiveness of this Policy

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

END OF POLICY STATEMENT

DOCUMENT HISTORY AND VERSION CONTROL RECORD

Contact for inquiries and proposed changes

Name	Phil Jemison
Position/Section	Manager of Environmental Planning
Contact Number	4645 4598

Version Number	Revised Date	Authorised Officer	Amendment Details

2.2 Draft Campbelltown Employment Lands Review

Reporting Officer

Manager Environmental Planning

Attachments

Draft Campbelltown Employment Lands Review (distributed under separate cover)

Purpose

1. Present to Council the draft Campbelltown Employment Lands Review Report.
2. To present to Council the findings and recommendations of the draft Campbelltown Employment Lands Review and to make recommendations for further action.

History

In June 2010, Council appointed the specialist consulting firms Strategic Economics and Cox Richardson to undertake a review of Employment Lands within the Campbelltown Local Government Area, to help inform the preparation of Council's new comprehensive Local Environmental Plan (LEP). A presentation on the review was provided to Councillors at its briefing night on 17 May 2011.

The "Employment Prospects for South West Sydney" Report Dated August 2008, that was prepared by Hill PDA on behalf of the Macarthur Regional Organisation of Councils (MACROC), was considered in the preparation of the draft Campbelltown Employment Lands Review.

The draft Campbelltown Employment Lands Review has now been completed, and is the subject of this report.

Report

The Campbelltown Local Government Area (LGA) is likely to experience significant growth in housing and population in the period up to 2036. Increasing employment self-containment within the Campbelltown LGA will become more important from an economic, social and environmental sustainability perspective, as the population increases.

To assist Council in addressing employment related issues in the new comprehensive LEP for the Campbelltown LGA, a draft Employment Lands Review has recently been prepared.

The Metropolitan Plan for Sydney 2036, released in December 2010, defines employment lands as industrial areas and business and technology parks (usually linked to universities).

The objectives of the Campbelltown Employment Lands Review are to:

- Evaluate the current demand for employment lands within the Campbelltown LGA;
- Determine the future demand for employment lands;
- Identify opportunities for meeting current and future employment lands needs;
- Identify opportunities for job creation; and
- Inform the preparation of the new comprehensive Local Environmental Plan.

The following sections of this report provide a detailed summary of the findings and recommendations of the draft Employment Lands Review, for Council's formal consideration.

Findings and Recommendations of the Review

The Employment Lands Review made the following key findings:

- The Campbelltown LGA currently has 741 hectares of zoned employment lands (located in the Ingleburn, Minto, Campbelltown and Leumeah industrial areas).
 - The Campbelltown LGA contains approximately 4% of Sydney's population and provides approximately 5% of Sydney's employment lands.
 - The South West Sydney Subregion (including the LGA's of Campbelltown, Wollondilly, Camden and Liverpool) has a shortage of employment lands, and this will have a significant impact on the future demand for employment lands in the Campbelltown LGA.
 - The majority of the employment lands in the Campbelltown LGA are occupied, with currently, approximately 30 hectares of vacant land (located mainly around the Minto industrial area).
 - The Campbelltown LGA and the South West Sydney Subregion suffer from a severe jobs deficit. Employment lands planning and policy, and other strategic economic development, education and infrastructure initiatives will play an important role in addressing this shortfall.
 - Approximately 33% of the Campbelltown LGA's resident labour force is employed within the LGA, and 66% of this labour force commutes to other areas for work.
 - The South West Sydney Subregion is projected to experience more population and labour force growth than any other metropolitan region by 2036, and this will increase demand for regional employment lands.
 - The NSW Government has given insufficient attention to meeting the future demand for employment lands in the draft South West Sydney Subregion. (As set out in the Metropolitan Plan).
 - The NSW Government has predicted that there will be a significant increase in the local job deficit from 60,000 to almost 150,000 jobs by 2036.
 - Increasing the supply and diversity of well-serviced local employment lands needs to form part of a comprehensive economic development strategy which includes developing the Campbelltown-Macarthur Centre as one of Sydney's most significant regional cities with an expanding commercial office market, building opportunities around health and educational assets and also establishing high value added labour intensive business park capacity within the LGA.
 - The NSW Government's Transport Data Centre estimates that jobs in the Campbelltown LGA will increase by more than 29,000 between 2006 and 2036, with most of these new jobs in serviced based industries located in centres, in and around educational establishments, and in home based businesses. This estimate is considered to be too low and will reduce employment self containment in the Campbelltown LGA and in South West Sydney.
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- Between 1996 and 2006, the Campbelltown LGA experienced total job growth of 7,048 new jobs which is equivalent to a take up rate of approximately 8 hectares of land per year.
 - The Campbelltown LGA has recently experienced solid employment growth in industries linked to employment lands and specifically in manufacturing and transport & storage – between 1996 and 2006, these industry sectors grew by 2,752 jobs.
 - Given current take up rates and location advantages such as the proximity to major transport corridors, it is estimated that the Campbelltown LGA will require approximately 10 hectares of additional land for employment purposes per annum up to 2036 (which equates to approximately 250 hectares of new land zoned for industrial purposes).
 - The Campbelltown LGA needs to plan for a total of approximately 1000 hectares of zoned employment lands for non business park activities, such as manufacturers, transport and logistics.
 - The options for major new employment lands in the Campbelltown LGA are limited, however, previous studies have identified two potential major sites – the Glenlee Coal Washery Site and the Glenfield Waste Disposal site. Both sites have advantages but face infrastructure challenges. In addition, both sites have regional significance and the NSW Government and adjoining councils should be involved in the planning and development of these sites.
 - Council should consider commencing negotiations with Liverpool City Council regarding the rezoning of the Glenfield Waste Disposal site for employment purposes and should aim to have the site rezoned and serviced by 2020.
 - There are currently few opportunities to encourage redevelopment or higher density (jobs) development on existing industrial sites, due to the area's attractiveness for freight intensive industries. The development of a major intermodal facility along the south west corridor, such as that being proposed at Moorebank, will further increase demand for freight related development.
 - The Campbelltown LGA's main retail and business centres (including Campbelltown-Macarthur and Ingleburn) have important links with and impacts on employment lands. The more successful these centres are in attracting employment, the less pressure there is on employment lands to provide the required numbers of new jobs. Many jobs that were traditionally based in firms located in industrial areas (such as design, engineering, finance and marketing) are increasingly being outsourced and located in centre based firms. In addition, new investment in employment lands can stimulate centre activity such as retailing, hospitality and local business services.
 - The Campbelltown-Macarthur Centre was Sydney's most successful centre (apart from Sydney's Global Centre) in generating new jobs between 2001 and 2006 from 10,300 jobs to 14,100 jobs (an increase of 3,800 jobs), and only 900 jobs short of the target set for the centre to be achieved by 2031, as set out in the 2005 Metropolitan Strategy. Most of these new jobs are in retail, health and community services. In contrast the Liverpool Regional Centre grew by only 900 jobs over the same period.
 - Despite the fact that both the previous and current Metropolitan Strategies designate Liverpool as a Regional City and Campbelltown, Penrith and Blacktown as a lower status Major Centres, evidence suggests that the Campbelltown-Macarthur Centre will consolidate its role as the key Regional City for South West Sydney.
 - Planning for and establishing a business park in South West Sydney is one way to address the employment challenges confronting the subregion. By 2036, it is estimated that approximately 250,000 jobs or 10% of Sydney's total jobs, will be based in business parks – an increase from 5% in 2006.
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- Successful business parks that are well planned and serviced and have good amenities (such as childcare centres, convenience shops for workers and entertainment) attract high value businesses and highly skilled workers. This in turn has implications for the provision of executive housing in close proximity to business parks.
- A modern and well located business park (close to good public transport links), and that can accommodate between 12,000 and 15,000 jobs by 2036, is needed in South West Sydney. In determining the most appropriate location for a business park, consideration must be given to the possible implications to Campbelltown City Centre. The business park would need to complement the City Centre as opposed to competing with the City Centre.
- High-growth occupations within the Campbelltown LGA's labour force include business and information professionals, business and administrative associate professionals, science, building and engineering professionals.
- The Campbelltown LGA has important transport linkages, a university and proximity to major hospitals and is therefore well positioned to be a possible location for a new business park. Possible sites for a business park worthy of further consideration in the future include:
 - Residual UWS/TAFE land and the 50ha Bethlehem Monastery site, which could be linked by a pedestrian bridge over Narellan Road. This land has very good access to the F5 and to Macarthur Railway Station; and
 - The Hurlstone Agricultural High School Site (Department of Education and Training land) and the adjoining Department of Planning and Infrastructure land (surrounding the South West Rail Link). The site comprises 200ha (approximately 170ha north and 30ha to the south of the new rail line).

A business park in this location could potentially be integrated with the existing Agricultural High School, and focus on agriculture and food. Opportunity could exist to plan for such a business park to preserve a landscape and visual 'buffer' between urban areas. The South West Growth Centre precincts of Leppington and Edmondson Park will have direct access to this land by road and rail.

Recommendations of the Draft Campbelltown Employment Lands Review

The draft Campbelltown Employment Lands Review makes sixteen recommendations regarding the future of employment in the Campbelltown LGA. Some of the recommendations relate directly to the preparation of Council's new comprehensive local environmental plan and others relate to broader or longer term employment related initiatives.

The sixteen recommendations are provided and discussed below:

Recommendation 1

Given the severe and growing job deficit in the South West Sydney Subregion, Campbelltown City Council should seek the support of other South West Sydney councils and the NSW and Federal Governments to make sustainable economic development and employment growth the highest priority for a comprehensive growth strategy for the South West.

In the first instance, Council should investigate ways to strengthen its in-house local economic development and employment capabilities, including strengthening local business networks, attracting new investment, and ensuring that strategic infrastructure priorities are aligned with economic opportunities.

Comment

This recommendation does not relate directly to the preparation of the new comprehensive LEP for the Campbelltown LGA. However, Council may decide that it wishes to pursue this recommendation taking account of organisational and resource implications.

Recommendation 2

Campbelltown City Council should establish a target to increase employment in the LGA from 46,000 in 2006 to 106,000 in 2036, or by 60,000 jobs. This is more than double the 29,000 projection of the NSW Government's Transport Data Centre.

A high proportion of metropolitan Sydney's population growth is expected to be accommodated in South West Sydney. Given the NSW Government's ambitious population target, and hence workforce growth predictions for South West Sydney, it is imperative that economic development and employment growth are aligned with workforce growth. Without a realistic job target, employment self-containment will decline resulting in an increase in commuting and underemployment. This is unacceptable from an economic, social and environmental sustainability perspective.

Due to its infrastructure, dynamic business centre and established and well located employment lands, Campbelltown is emerging as the major economic and employment centre for South West Sydney. Council should prepare a submission to the State and Federal Governments setting out why stronger economic and employment growth in South West Sydney, and Campbelltown in particular, is central to ensuring that metropolitan Sydney is transformed into a City of Cities. All tiers of government need to support a more realistic employment target, develop and implement strategies to achieve this target and monitor progress to ensure that jobs and urban growth are closely aligned.

Comment

This recommendation relates to the preparation of the new comprehensive LEP, but not directly. It is considered appropriate for Council to write to the State and Federal Governments asking them to support economic and employment growth in the Campbelltown LGA and South West Sydney, and to adopt higher employment targets for both Campbelltown (106,000 additional jobs by 2036) and the South West Subregion. This action should be undertaken with the support of MACROC and other Councils within the South West sub region.

Recommendation 3

Campbelltown City Council, with its South West Sydney partners including MACROC, recognising the central importance of economic development, should take a proactive leadership role in developing and implementing economic development strategies to accelerate job growth and the continuous transformation towards a high value added economy.

Campbelltown Council, recognising the increasing role of the City as an economic and employment centre, should prepare a Campbelltown Economic Development Strategy. The strategy should focus on practical initiatives that build on industry and community strengths and improvements in health, education and transport infrastructure to accelerate the transformation and growth of the local economy.

Comment

This recommendation does not relate directly to the preparation of the new comprehensive LEP for the Campbelltown LGA. However, Council may decide that it wishes to pursue this recommendation.

Recommendation 4

Campbelltown City Council should establish the following realistic and achievable spatial employment targets to guide economic development and land use planning:

Campbelltown-Macarthur Centre	35,000 (Metropolitan Strategy target 25,000)
Campbelltown Business Park	10,000 (current target 0)
Campbelltown Employment Lands	30,000 (current projection around 20,000)
Other	31,000 (current 30,000)
Total	106,000 (current 75,000)

The need to substantially increase economic and employment growth is a key theme of the Campbelltown Employment Lands Review. The table above is a guide to the spatial allocation of employment. The arguments supporting these targets are as follows:

- The Campbelltown-Macarthur Centre, along with Wyong-Tuggerah, has been the best performing strategic centre in the Greater Metropolitan Region (GMR) over this decade, and new targets need to be adopted to support Campbelltown's higher growth trajectory.
- The fastest growing employment areas in the GMR are business parks (such as Macquarie Park and Norwest), which are growing at three times the rate of traditional centres. Campbelltown has transport, education and health advantages and urgently needs to identify and pursue new opportunities to establish a business park to support knowledge based economic and employment growth.
- Employment lands supply in the Campbelltown LGA needs to be expanded to accommodate projected growth in demand, particularly for manufacturing and logistics.
- To support the strategic objectives of Campbelltown 2025 –Looking Forward, Council needs to limit employment growth outside of centres and employment lands.

Comment

This recommendation sets important targets for future jobs in the Campbelltown LGA, and it is considered appropriate for Council to recognise a target of 106,000 jobs within the Campbelltown LGA by 2036, distributed spatially as proposed in Recommendation 4 of the draft Campbelltown Employment Lands Review.

Recommendation 5

Campbelltown City Council should establish a target of 1,000 hectares of general industrial (IN1 or IN2) employment lands by 2036 (currently 741 hectares). This would mean that Council should seek to provide an additional 259 hectares of employment lands to accommodate growth in demand for local industry and freight oriented businesses.

Comment

This recommendation relates to the preparation of the new comprehensive LEP, in both its initial form and, as it will be reviewed every five years, once it is in place. It is considered appropriate for Council to adopt a target of 1,000 ha of non-business park employment lands in the Campbelltown LGA by 2036, however, this could be difficult to achieve due to land supply issues. The Glenlee Coal Wash Site and the Glenfield Waste Disposal Site are being considered as potential future industrial areas that could provide some of the additional land required for future employment lands. Potential for some additional employment land also exists as part of the future Menangle Park Urban Release Area.

Recommendation 6

Campbelltown City Council should recognise the metropolitan significance of existing employment lands along the major rail and road corridors, and should ensure that larger sites remain available to meet the long term demands of the logistics industry.

Comment

This recommendation relates to the preparation of the new comprehensive LEP. While preparing the new draft comprehensive LEP, Council staff will consider whether or not it is possible to place a large minimum lot size over employment lands within the Campbelltown LGA that are located along major rail and road corridors.

Recommendations 7, 8 and 9

- Recommendation 7

Campbelltown City Council should establish target dates for the operation of two proposed industrial areas – Glenfield Waste Disposal site by 2020 and Glenlee Coal Plant by 2026.

- Recommendation 8

Campbelltown City Council should approach the NSW Government's Employment Lands Development Program (and Liverpool City Council) with a proposal to have a general industrial area operational within the Glenfield Waste Disposal Site by 2020.

- Recommendation 9

Campbelltown City Council should approach the NSW Government's Employment Lands Development Program and Camden Council with a proposal to work collaboratively to have a general industrial area operational at Glenlee by 2026.

Comment

Recommendations 7, 8 and 9 relate to longer-term amendments that may be made to the new comprehensive LEP in the future. It is recommended that Council undertake further investigations and discussions with land owners, adjoining councils and the NSW State Government before committing to rezoning and specific operational dates for these two proposed future industrial areas. As a first step, it is considered appropriate for Council to forward a copy of the adopted Campbelltown Employment Lands Review to the NSW Government's Employment Lands Development Program Division for its consideration.

Recommendation 10

Given the strategic location of Campbelltown's existing employment lands on the F5 and the Sydney-Melbourne Rail Line, Council should not seek, at least in the short to medium term, to subdivide large parcels of employment lands.

Some densification is likely to occur over time. One opportunity for greater densification is in the area on the western side of Ingleburn Railway Station linked to the broader Ingleburn industrial area. Council should consider opportunities for general higher industrial density developments that will support the growth of the Ingleburn Centre.

Comment

This recommendation relates to the preparation of the new comprehensive LEP. While preparing the new draft comprehensive LEP, Council staff will consider whether or not it is possible to place a large minimum lot size over employment lands within the Campbelltown LGA to prevent subdivision and fragmentation of larger land holdings.

Recommendation 11

Campbelltown City Council should seek clarification of the timing and commitment to the proposed Moorebank Intermodal Facility before giving consideration to new intermodal facilities in the Campbelltown LGA.

Comment

The latest information available to Council regarding the proposed Moorebank Intermodal Facility is that the development will proceed, although the timing is unclear. Council staff will continue to seek updates on the status of this matter.

Recommendation 12

Campbelltown City Council should approach the South West Sydney Institute of TAFE with a proposal to develop the old Austool site at Ingleburn into a metropolitan leading centre, with strong participation from the building and construction industry, for sustainability and affordable residential construction.

Comment

This recommendation does not relate directly to the preparation of the new comprehensive LEP. However, it could assist Council in achieving its target for the provision of additional jobs. It should be noted that this recommendation has already been addressed and the former Austool site is currently being used for this purpose.

Recommendation 13

Campbelltown City Council should give high priority to the establishment of one or two business parks in the Campbelltown LGA. Council should consider commissioning an investigation of options to expand its business park capacity, including possible sites, infrastructure requirements, economic and commercial potential, and in the event of a positive evaluation, possible partners to move the project forward.

Given the growing professionalism and advanced technical skills of the labour force, health and education institutions and strategic location, the Campbelltown LGA is well placed to establish a business park with the potential to develop as a specialised centre. Given the target of 10,000 jobs (with the potential of 15,000 when fully developed) it is possible that more than one site would be needed, although employment densities in business parks are increasing all the time. The two potential sites that have been identified for a business park are the:

- Residual UWS/TAFE land and the Bethlehem Monastery site; and
- The Hurlstone Agricultural High School Site (Department of Education and Training land) and the adjoining Department of Planning and Infrastructure land (surrounding the South West Rail Link).

Comment

Identifying land for the establishment of new business parks within South West Sydney, and the Campbelltown LGA in particular, is a matter that needs to be considered by both local and regional planning. It is considered appropriate for Council to adopt the subject sites as potential sites for consideration for future business parks, subject to consultation with the owners of the sites, and discussion with the NSW Government's Employment Lands Development Program staff. Due to time restrictions, this process may need to be undertaken separately to the preparation of the new comprehensive LEP. However, a copy of the endorsed Campbelltown Employment Lands Review can be forwarded the Employment Lands Development Program once it has been adopted by Council.

Recommendation 14

Campbelltown City Council should make a business case to the NSW Government to designate the Campbelltown-Macarthur as a Regional City with an employment target of 35,000 jobs by 2036.

The point needs to be emphasised that a 35,000 jobs target for the centre is based on a continuation of the current trend which has seen the centre emerge as the natural regional centre for South West Sydney.

Comment

Council has already made numerous written representations to the NSW Government (former) about recognising the Campbelltown-Macarthur CBD as a Regional City. Sending a further letter, which also identifies a revised job target (of 35,000) to the NSW Minister for Planning and Infrastructure is considered appropriate. The recently elected NSW Government may be prepared to review this critical matter.

Recommendation 15

Campbelltown City Council should continue to develop and implement strategies to build Campbelltown-Macarthur as the major knowledge based centre of South West Sydney and take steps to strengthen the centre's commercial office market. The boundaries of the centre need to incorporate the University of Western Sydney, the South Western Sydney Institute and the Bethlehem Monastery. All land uses in this broader catchment should support the long term employment target of 35,000 jobs by 2036.

Comment

This recommendation relates to the preparation of the new comprehensive LEP. The boundaries of the Campbelltown-Macarthur Centre, its future zoning, height limits, lot sizes, floor space ratios for buildings, heritage considerations and overall design are being considered as part of the preparation of the new LEP. The LEP provisions for this area will also be based on the endorsed Campbelltown-Macarthur Structure Plan and the yet to be finalised Development Control Plans. The specific matter of the footprint of the Campbelltown - Macarthur Centre will be further reported to Council as the draft comprehensive LEP progresses.

Recommendation 16

Campbelltown City Council should request that the NSW State Government adopt and fund a priority infrastructure project to strengthen access to and from the city's employment lands. Key priorities include:

- Better east-west road access from the South West Growth Centre to the Campbelltown-Macarthur Centre through the extension of Badgally Road;
- Four way intersections with Raby Road and Brooks Road to give better access to the Minto and Ingleburn Employment Areas.

Comment

The provision of essential infrastructure and transport linkages is essential for the Campbelltown LGA to be able to achieve its employment targets and a greater proportion of employment self-containment for its labour force. Therefore, it is considered appropriate for Council to write to the NSW Minister for Planning and Infrastructure requesting that the NSW Government adopt and fund priority infrastructure projects to strengthen access to and from Campbelltown's employment areas.

Officer's Recommendation

That Council notes the findings of the draft Campbelltown Employment Lands Review and undertakes the following actions:

- i. That Council request the State Government to formally recognise the Campbelltown - Macarthur Business Centre as the Regional City Centre for South West Sydney.
 - ii. That Council write to the State and Federal Governments requesting support for economic and employment growth in the Campbelltown LGA and South West Sydney, and to adopt higher employment targets for both Campbelltown and the South West Subregion.
 - iii. That Council recognise a target of 106,000 jobs to be provided for within the Campbelltown LGA by 2036 to be distributed spatially as proposed in Recommendation 4 of the draft Campbelltown Employment Lands Review.
 - iv. That Council recognise a target of a total of 1,000 hectares of non-business park employment land within the Campbelltown LGA by 2036.
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- v. That as part of the preparation of the new comprehensive LEP for the Campbelltown LGA, Council investigates the appropriateness of placing large minimum lot sizes over employment lands that are located along major rail and road corridors or that have good access to the F5 and the Sydney-Melbourne Rail Line to preserve opportunities for the development of transport and logistics based enterprises.
 - vi. That Council forward a copy of the Campbelltown Employment Lands Review to the NSW Government's Employment Lands Development Program Division for its consideration in the identification of sites for new employment lands and business parks for the Campbelltown LGA and the South West Subregion.
 - vii. That Council write to the NSW Minister for Planning and Infrastructure:
 - (a) Seeking recognition of the Campbelltown-Macarthur CBD as a Regional City, and requesting an increase in the job target for the centre to 35,000 jobs by 2036; and,
 - (b) Requesting that the NSW Government adopt and fund priority infrastructure projects to strengthen access to and from Campbelltown's employment areas.
 - viii. That Council examine in further detail the feasibility of the establishment of a business park facility in the vicinity of the Hurlstone Agricultural High School, UWS and the Bethlehem Monastery Site at Campbelltown.

Committee's Recommendation: (Oates/Bourke)

That the Officer's Recommendation be adopted subject to the addition of the following actions:

- ix. That Council write to the Premier requesting the NSW Government to urgently consider relocating government departments and agencies to the Campbelltown Local Government Area to stimulate and provide employment to the local economy.
- x. That Council write to the Federal Government seeking ways in which Council can access the \$100m fund to help attract employment hubs for city councils with high jobless rates.

CARRIED

Council Meeting 31 May 2011 (Kolkman/Oates)

That the Committee's Recommendation be adopted.

Amendment (Rule/Hawker)

That the Committee's Recommendation be adopted subject to the removal of the references to Hurlstone Agricultural High School and the Bethlehem Monastery Site in item viii.

Council Resolution Minute Number 104

That the above amendment be adopted.

2.3 Adopted Recovery Plan for the Cumberland Plain

Reporting Officer

Manager Environmental Planning

Attachments

1. Adopted Cumberland Plain Recovery Plan – Executive Summary (distributed under separate cover).
2. Council owned or managed priority conservation lands (distributed under separate cover).

Purpose

To inform Council that the Recovery Plan for the Cumberland Plain has been adopted and to highlight those actions for which Council is responsible.

History

The Draft Cumberland Plain Recovery Plan was placed on public exhibition from the 9 November to the 18 December 2009. On 15 December 2009, Council considered a report on the Draft Plan and resolved to endorse some, but not all of the Recovery Plan's actions. The outcome of these considerations was reflected in Council's submission on the Draft Recovery Plan to the NSW Office of Environment and Heritage (OEH) dated 17 December 2009. Subsequently, Council has been identified as a responsible agency for the implementation of such actions within the final Cumberland Plain Recovery Plan.

Report

The NSW Office of Environment and Heritage (formerly known as the Department of Environment, Climate Change and Water) adopted the Cumberland Plain Recovery Plan in January 2011 under the NSW Threatened Species Conservation Act 1995. The purpose of this Plan is to provide for the long-term survival of the Cumberland Plain's threatened biodiversity and to inform land use planning decisions. The Recovery Plan addresses six (6) threatened flora species, one (1) threatened fauna species, four (4) threatened populations and nine (9) endangered ecological communities (EECs) listed under the Threatened Species Conservation Act, 1995 (TSC Act). Five (5) of the threatened flora species and two (2) of the EECs are also listed under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (EPBC Act).

The Plan's executive summary is provided as Attachment 1. The full Recovery Plan can be viewed at: <http://www.environment.nsw.gov/resources/threatenedspecies/20100501CumberlandPlain.pdf>.

The Recovery Plan identifies recovery actions for implementation by all levels of government including Councils. These actions are grouped under the following themes:

- Building the protected area network;
- Delivering best practice management;
- Promoting awareness, education and engagement; and
- Enhancing information, monitoring and enforcement.

In accordance with Section 69(1) of the NSW TSC Act 1995, Ministers and public authorities (including local Councils) are to take any appropriate action available to them to implement those measures included in a Recovery Plan for which they are responsible and must not make decisions that are inconsistent with the provisions of a Recovery Plan.

Under the Plan Council, has been identified as a responsible authority for the implementation of those recovery actions which it has previously endorsed (as reflected in Council's submission to the OEH dated 17 December 2009). These actions are as follows:

- Action 1.4: Local Councils will have regard to the priority conservation lands in identifying areas for inclusion in environmental protection and regional open space zones.
 - Action 2.1: Preferentially target any future investment associated with the management of the Cumberland Plain's threatened biodiversity to the priority conservation lands where practicable.
 - Action 2.2: Support and promote the adoption of best practice standards for bushland management and restoration (as specified in Appendix 2 of the Recovery Plan) on public and private lands within the Cumberland Plain.
 - Action 3.4: Work collaboratively with local government authorities and other organisations to inform communities about the value and role of remnant vegetation on the Cumberland Plain, the best practice standards for its management, and any opportunities to participate in the recovery program.
 - Action 3.5: Work with Aboriginal communities, landholders, community groups and students to deliver best practice management in priority conservation lands, and to identify opportunities for involvement in the recovery program.
 - Action 3.7: Develop interpretative programs for key local reserves that contain examples of threatened biodiversity addressed in the Recovery Plan.
 - Action 4.3 (formerly Action 4.4 with the Draft Recovery Plan): The Office of Environment and Heritage will encourage local councils to prepare or review biodiversity strategies to be consistent with the Recovery Plan that guide protection, management and strategic investment in threatened biodiversity, both within and outside of priority conservation lands.
 - Action 4.4 (formerly Action 4.5 within the Draft Recovery Plan): The Office of Environment and Heritage will work collaboratively with local Councils to enhance the compliance and enforcement program with regard to unauthorised clearing of bushland on the Cumberland Plain.
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In regards to actions 1.4 and 2.1 four priority conservation areas either occur or partially occur within the Campbelltown Local Government Area at Macquarie Fields (93.2 ha), Kentlyn (93.4ha), Mt Annan (40ha) and Gilead (233.4ha). Two of these areas comprise Council owned or managed land. One of these areas consists of Simmos Beach Reserve and surrounding lands and the other is located in the vicinity of Peters Meadow Creek, Kentlyn (Attachment 2).

Whilst Council will aim to effectively implement the above actions, any investment towards their implementation will need to be prioritised in light of other local conservation priorities and projects, as well as existing responsibilities under other relevant State and Commonwealth Recovery Plans, threat abatement plans and priority action statements. It is anticipated that the Campbelltown Biodiversity Strategy once completed, will help prioritise the implementation of such actions and responsibilities. This will, in turn, assist in Council's consideration of the allocation of resources to biodiversity related activities.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Bourke)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 31 May 2011 (Kolkman/Oates)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 104

That the Officer's Recommendation be adopted.

2.4 Lot 3004 DP 1152287 Stowe Avenue, Campbelltown - Six To Eight Storey Mixed-Use Commercial, Retail And Residential Apartment Development Proposal

2.4 Lot 3004 DP 1152287 Stowe Avenue, Campbelltown - Six to eight storey mixed-use commercial, retail and residential apartment development proposal**Reporting Officer**Director Planning and Environment

Attachments

1. Locality plan
2. Context plan
3. Basement plans
4. Floor plans
5. Elevation plans
6. Landscape plan
7. Perspective views
8. Independent social and economic impact assessment report (distributed under separate cover)

If you require a copy of the Attachments to this report please contact Council's Planning and Environment Section on 02 4645 4833

Purpose

To advise Council of a development application that has been received for a residential apartment building that qualifies for determination by the Joint Regional Planning Panel for Western Sydney. Council is also requested to authorise the Director Planning and Environment to make a submission to the Joint Regional Planning Panel over a number of issues relating to the proposed development.

Property Description	Lot 3004 DP 1152287, Stowe Avenue, Campbelltown
Application No	15/2011/DA-RA
Applicant	Blue CHP Limited
Owner	Blue CHP Limited
Statutory Provisions	State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development Campbelltown (Urban Area) Local Environmental Plan 2002
Other Provisions	Macarthur Regional Centre Master Plan Campbelltown (Sustainable City) Development Control Plan 2009
Date Received	6 January 2011

History

A report was prepared and submitted to Council at its Ordinary Meeting held on 8 March 2011 to discuss Council's submission to the Joint Regional Planning Panel regarding the subject application. At the meeting, it was resolved that an independent social and economic impact assessment of the development be undertaken in order to allow for a more detailed assessment of the proposal. The independent assessment has now been received and is contained as Attachment 8 to this report.

Report

Introduction

Council has received a development application (15/2011/DA-RA) for the construction of commercial and residential mixed use buildings at Lot 3004 DP 1152287, Stowe Avenue, Campbelltown (Macarthur Gardens).

The site is zoned 10(a) Regional Comprehensive Centre Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP). The proposal is consistent with the objective of the zone to encourage higher density housing in locations which are accessible to public transport and services.

The application will be determined by the Western Sydney Joint Regional Planning Panel, (JRPP), as the capital investment value of the project (\$28.26m) exceeds the \$10m threshold to qualify as regionally significant development. In this respect, Campbelltown Council is not the determining authority for the application.

The application was publicly exhibited during January and until 25 February 2011. The purpose of this report is to provide Council the opportunity to consider the proposal and endorse a submission to the JRPP.

The Site

The subject site is located within the 'Macarthur Gardens Estate' and has a direct frontage to three roads, being Stowe Avenue, Tailby Street and Kellicar Road. The property is located approximately 500 metres from Macarthur railway station and Macarthur Square shopping centre.

The land is irregular in shape and has an area of approximately 3,728 square metres. It slopes to the north and north west. The site is currently vacant and has been cleared of vegetation as part of the 'Macarthur Gardens' subdivision release.

Development surrounding the site in its immediate vicinity at present is sparse and includes the recently completed Macarthur Station commuter car park. As mentioned earlier, Macarthur railway station and Macarthur Square shopping centre are also in relatively close proximity. The closest existing residential dwelling is approximately 160 metres from the site to the west along Stowe Avenue.

Proposed Development

The application seeks approval for:

- excavation of the site and site preparation works;
- construction of 3 buildings comprising:
 - Building A – a 7 storey mixed retail/commercial and residential building within the northern most portion of the site fronting Tailby Street and Stowe Avenue;
 - Building B – a 6 and 7 storey residential building fronting Stowe Avenue;
 - Building C – an 8 storey mixed retail/commercial/residential building within the southern-most portion of the site, and fronting both Stowe Avenue and Kellicar Road;
- 75 residential apartments;
- a Gross Floor Area (GFA) of 8,767.67 square metres comprising 6,824.35 square metres of residential space and 1,943.32 square metres of retail/commercial space;
- vehicular access from Stowe Avenue;
- parking for 127 cars (including 8 disabled spaces) within two basement levels; and
- landscaping works.

The basement car parking area is contained in two levels which are connected underneath the three above ground towers.

The proposed development provides a reasonably high level of articulation on all facades through wall projections and recesses, layering effects of screening, and a number of different materials and wall finishes. These finishes include exposed and rendered brickwork, pre-cast concrete panels, metal cladding and compressed fibre cement panel balustrading. The height of buildings also varies throughout in response to the changes in site topography, which in turn adds visual interest and character. Roof materials comprise steel roof sheeting, with steel fascias and guttering elements. Roof plant and elevator equipment would be shielded by architectural screening. An awning would also be provided in front of the commercial/retail component along Stowe Avenue and Kellicar Roads.

The site would be landscaped at street level, with communal open space areas provided for residents and some deep soil planting areas established for larger trees. Elevators would be provided to access all floors of each building. A 120,000 litre rainwater collection and storage tank would be located in the basement car parking area near Building A and will be used to irrigate lawns and gardens.

The development would contain 75 apartments in the following configurations:

- 15 x 1 bedroom;
 - 48 x 2 bedrooms; and
 - 12 x 3 bedrooms.
-

The applicant has detailed that 37 (approximately 50%) of the apartments would be utilised as 'affordable housing'. In this instance, 'affordable housing' is that which is leased to people on low to moderate incomes (expressed as a percentage of the median income for the area) at or below market rental levels. The rental income for the units would be subsidised by the Federal Government. The 'affordable housing' apartments would remain in the applicant's ownership. The remaining 38 apartments would be sold to owner-occupiers or investors.

It should be noted that there is a clear distinction between 'affordable housing' and 'social housing'. Social housing is generally defined as being rental housing that is owned or managed by the government or a community organisation and let to eligible persons, who are usually on extremely low incomes. It can comprise of public housing, community housing, crisis housing and Aboriginal housing. The applicant has stated that a portion of this development would be utilised for 'affordable housing'.

Statutory Controls

Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 requires the consideration of the following environmental planning instruments and development control plans that apply to the site.

1. State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) applies to the development of new residential flat buildings (clause 4(1)(a)). SEPP 65 defines a residential flat building as:

A building that comprises or includes:

- a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level) and
- b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops).

but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.

The proposed development constitutes a residential flat building for the purposes of SEPP 65.

Accordingly, SEPP 65's 'design quality principles' are discussed below:

Principle 1 – Context

Existing development in the locality ranges from vacant allotments, attached and detached residential dwellings with a maximum of two storeys and the Macarthur Square shopping centre.

The subject application is considered to be an appropriate design response to the desired future character of the precinct as expressed under the zone objectives, although is higher in density and scale than that envisaged by local master planning controls. The building addresses its street frontages and presents an array of articulation measures to create visual interest.

Principle 2 – Scale

The scale of the proposed development is higher in part than the building height and form of development envisaged by relevant master planning. The massing of the building has been articulated in a number of ways in an effort to reduce its perceived "bulk".

Principle 3 – Built Form

The built form of the proposal does not provide for a suitable height transition between existing lower density dwellings in the vicinity. Nearby residences are limited in height to a maximum of two storeys, however, this proposal contains 6, 7 and 8 storey elements.

It is however noted that the façade of the building has architectural merit and would provide for an interesting architectural addition to the precinct.

Separation of the three above-ground towers aids in reducing the development's "bulk" and scale and allows for greater penetration of sunlight throughout the development. However, the proposal is significantly larger in size and stature than surrounding development.

Principle 4 – Density

The density is significantly higher than areas of existing residential development at Macarthur Gardens. Notwithstanding, the proposal is relatively consistent with that intended for this area within the Macarthur Gardens estate and is commensurate with the increased densities required to reinforce the commercial and residential core of Campbelltown's regional comprehensive zone in accordance with the objectives of the 10(a) zoning under LEP 2002.

Principle 5 – Resource, Energy and Water Efficiency

The proposed buildings achieve an acceptable level of energy efficiency. Several of the apartments utilise a design enabling cross-ventilation. Passive solar design principles such as shading and louvres also assist climate control. Energy efficient appliances and water saving devices are to be fitted. The application is supported by a BASIX certificate, which demonstrates that the building reaches the required water and energy usage savings. Further detail is required from the applicant in order to accurately assess the waste management regime at the development.

Principle 6 – Landscape

Landscaping has been provided throughout the site, with a range of planting types and treatments detailed on the submitted landscaping plan. Ground level terrace areas and private open spaces would be adequately screened while allowing for solar penetration during the day.

Deep soil planting at the site is noted as being minimal. Please see discussion below.

Principle 7 – Amenity

The design of the proposed residential units generally provides good internal amenity. Balcony areas are provided to each unit and are directly accessible to living areas and in many instances a second balcony is available to the main bedroom. Given the orientation of the site, the provision of solar access to the majority of units is considered satisfactory. Privacy and solar control measures are also provided by way of recesses into the main building, and strategic placement of external louvres. SEPP 65 also requires a minimum floor to ceiling height of 2.7m, which is standard in all apartments.

Principle 8 – Safety and Security

The building presents an active façade to Tailby Street, Stowe Avenue and Kellicar Road, with good views for residents to and from their particular lobby or unit as they access their dwelling from street level, and active street front retail and commercial areas.

Further detail is required from the applicant in terms of how the basement car parking area will be organised. The submitted plans do not illustrate any particular security features, however, the Statement of Environmental Effects accompanying the application refers to resident parking being segregated and available only via secure means.

Principle 9 – Social Dimensions and Housing Affordability

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. The proposed mix of 1, 2 and 3 bed apartments provides a choice of housing types in close proximity to facilities, services and public transport within the Campbelltown CBD. Further, the applicant is a registered community housing provider and has nominated that approximately 50% of the apartments would be let as 'affordable housing' pursuant to the National Rental Affordability Scheme.

Principle 10 – Aesthetics

The design provides a combination of architectural elements, such as varying wall setbacks, feature walls, balconies, height variations and contrasting materials which make the buildings visually interesting and contribute positively to the streetscape. It is considered that the proposed development has a reasonably high aesthetic value when viewed from the public domain, despite its size and scale.

An assessment of the application against the principles and objectives contained in the Residential Flat Design Code (RFDC) concludes that the development is consistent with the provisions of SEPP 65, and incorporates satisfactory design and liveability elements to ensure a sufficient level of comfort and amenity for residents and the public.

The application has been examined in accordance with the relevant design quality principles of SEPP 65 and an assessment of these principles having regard to the RFDC. The buildings have been assessed to be generally compliant with the Code and complementary to the design quality principles detailed in SEPP 65.

A detailed design statement, prepared by the project's architect, has been submitted with the application and notes the building's relative compatibility with the SEPP's visual amenity and 'liveability' objectives and standards.

Matters of non-compliance with the RFDC or issues recommended for further investigation by the JRPP are detailed below:

Deep soil planting:

Due to the extent of the below ground car parking area, topography and the site's irregular shape, the development provides limited opportunities for deep soil planting. The RFDC recommends that underground car parking areas be contained within the footprint of the building above in order to provide for suitable planting space that would allow trees and shrubs of a suitable size to flourish. The subject development provides for only four limited pockets of deep soil planting (accounting for approximately 3% of total site area), which is not considered to be compliant with the intent of the RFDC, which recommends a minimum of 25%.

Building separation:

The application does not satisfy the RFDC numerical separation distances. It is important to note that the measurements provided for the subject development are an absolute minimum, and do not account for orientation, ground slope, line of sight, screening devices and offsets. Having regard to these particular measures included in the design of the development, it is considered that the building separation distances are acceptable as the amenity of residents within the proposed development is not adversely impacted upon. Therefore on balance, it is considered that although the numerical provisions of the RFDC are not strictly satisfied, the objectives of the separation distance provided by the RFDC are generally acceptable.

Waste management:

The RFDC recommends that a waste management plan be submitted with the development application for consideration. A waste management plan has not been submitted in this instance.

The submitted plans do not readily demonstrate a centralised waste collection system for the building. An area has been set aside in the basement for 'waste holding' however, limited space appears to have been provided within each of the towers for collection and storage of waste and recycling and there appears to be no chute system or similar, which is generally Council's recommended means of collecting recyclables and garbage. In particular, the development does not comply with SCDGP with respect to garbage chutes. All buildings with a rise of more than four storeys must make provision for a household garbage chute on each level which is accessible for all occupants.

Security:

It is recommended that additional information/clarification be sought from the applicant regarding the allocation of car parking within the basement areas. The Statement of Environmental Effects alludes to secure parking being provided for residents of the complex, however, the submitted plans do not readily detail the means by which that security would be provided.

2. Campbelltown (Urban Area) Local Environmental Plan 2002

The site is zoned 10(a) - Regional Comprehensive Centre Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP2002). "Residential flat buildings" as well as commercial premises and shops are permissible with Council's consent in the 10(a) zone.

2.4 Lot 3004 DP 1152287 Stowe Avenue, Campbelltown - Six To Eight Storey Mixed-Use Commercial, Retail And Residential Apartment Development Proposal

The proposal is consistent with several zone objectives, particularly:

- (a) To encourage a variety of forms of higher density housing, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities.

A further objective of the zone is;

“to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development”.

In this regard, the application is for a permissible mixed use commercial and residential development located in a relatively new release area, which exhibits a high standard of visual presentation and amenity and is a good representation of the type of development that Council’s planning policies seek to encourage in this locality. Accordingly, it is considered that there are no statutory matters under LEP2002 that would preclude the application from being approved.

3. Other Provisions

At the present time, Council has not adopted a development control plan that specifically applies to the subject site. In lieu of a specific development control plan, two other plans that are relevant to the site and/or the Campbelltown Local Government Area are discussed below for comparison purposes.

3.1 Macarthur Regional Centre Master Plan

A master plan was prepared for the Macarthur regional Centre area as part of the original development consent to undertake subdivision and other civil works. The master plan was approved by Council with the original master plan consent in granted in 2003, and provides guidelines for future development within the Macarthur Gardens Estate.

The master plan contains design controls and requirements, which indicate proposed building heights and types throughout the estate. At the site of the proposed development, the master plan identifies the area as being suitable for two building heights being:

- North western portion (near intersection of Stowe Avenue and Tailby Street) up to 3 storeys; and
- South eastern portion (near intersection of Stowe Avenue and Kellicar Road) a minimum of 3 storeys with no maximum height limit.

The proposal partially complies with this design control, although it does significantly exceed the building height maximum for the north western portion of the site.

2.4 Lot 3004 DP 1152287 Stowe Avenue, Campbelltown - Six To Eight Storey Mixed-Use Commercial, Retail And Residential Apartment Development Proposal

The master plan also contains controls for car parking. It proposes that one space be provided for each unit in an apartment building, plus one space per five units for visitors. In this instance, that would mean that 90 spaces would be required for the residential component of the development. Unfortunately the master plan does not contain a requirement/control for commercial and retail development, although it would reasonably be expected that this type of land use would generate a car parking requirement. The proposal provides for 127 car parking spaces.

The proposed building generally complies with proposed requirements of the master plan in terms of its architectural character, landscaping, provision of open space, set backs and materials and colours.

3.2 Campbelltown (Sustainable City) Development Control Plan (SCDCP)

Campbelltown (Sustainable City) Development Control Plan (SCDCP) does not apply to the site, however, has been in use throughout various parts of the Council area for approximately six years. The SCDCP is discussed in this instance as a means of comparison and illustration of Council's most recent controls for this type of development.

The proposal is largely compliant with the Plan in terms of its appearance, land use, provision of amenity, apartment sizes and open space, however it does contain a significant departure from the SCDCP's car parking provision control.

Pursuant to the Plan (and having regard to the number of units and amount of commercial/retail floor area provided), the development would require the provision of 170 car parking spaces. The proposal contains 127 and would therefore be deficient 43 spaces compared to the SCDCP.

Summary of Issues and Concerns

A number of issues and concerns have been identified following the review of the application which Council may wish to bring to the attention of the JRPP to assist in its determination of the application. These are outlined below:

Social and economic impacts:

The Campbelltown Local Government Area (LGA) contains a significant portion of Government-owned or community provided social housing. At the 2006 census, approximately 12% of dwellings in the City were rented from the Government or charitable organisations. This is the highest figure for any Council area in Sydney.

The distinction between 'social housing' and 'affordable housing' was detailed earlier in the report. However, concern remains with nearby residents that a significant portion of the apartment complex may be made available to Government or other charitable organisations to provide social housing, which already exists in large numbers in the Council area, over and above the nominated 50% to be utilised as moderate income 'affordable' dwellings. The social and economic impacts of that potential outcome was not addressed by the applicant in Statement of Environmental Effects that accompanied the development application.

2.4 Lot 3004 DP 1152287 Stowe Avenue, Campbelltown - Six To Eight Storey Mixed-Use Commercial, Retail And Residential Apartment Development Proposal

At its Ordinary Meeting held on 8 March 2011, Council requested further information on the development's potential social and economic impacts. An independent report was commissioned to assess (in detail) the issues surrounding this part of the application's potential impacts, in accordance with Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979.

The independent report is attached for Council's information (Attachment 8) and provides an assessment of the socio-economic impacts of the project on the locality. This report concludes that, on balance, the proposal has the potential to deliver positive social and economic outcomes. A summary of the report findings is provided as follows:

1. There is significant existing and likely future demand for affordable housing in Campbelltown LGA.
2. The provision of affordable housing has a significant number of social benefits including: changing the social amenity and character of an area; the degree of social interaction; the availability of employment and the social perceptions and opportunities.
3. Whilst there is no conclusive local or academic evidence as to whether affordable housing has an adverse impact on land values, research shows that a number of design and mix characteristics can be incorporated to minimise potential impacts. We understand that the proposed development has incorporated these factors.
4. In any case we reiterate that the impact of the proposed development on land values should not be a matter for planning consideration. In my opinion the LEC is likely to dismiss the argument about impact on land values for the following reasons:
 - The court has stated that the impact on land values is not a directly relevant matter for assessment;
 - The affordable housing units do not change the appearance of the buildings; to the members of the general public there would be no visual evidence that units are being managed by a CHP; and
 - There isn't any firm evidence linking the proposed development to impacts on land values.
5. Finally, it is important to reiterate that the proposed development seeks to incorporate affordable housing with moderate income households, i.e. earning 120% of the medium income level.

Car parking:

The proposal provides for a significantly lower number of car parking spaces than would ordinarily be required for this type of development in other areas of the Campbelltown LGA. The applicant has argued that the development's proximity to shopping and public transport opportunities negates the need for compliance with any of Council's controls. The applicant has also provided information detailing the proposal's compliance with the Roads and Traffic Authority's 'Guide to Traffic Generating Development'. Even with that document's lower car parking rate requirement than Council's other controls, the proposal still falls three spaces short. Notwithstanding the proposal significantly fails to comply with the City's car parking controls detailed in its primary SDCP.

It is acknowledged that the site does enjoy good access to public transport, shopping and entertainment amenities. However, it is also noted that on-street parking in the vicinity of the building will be relatively limited, owing to its location on a corner and nearby road widths.

2.4 Lot 3004 DP 1152287 Stowe Avenue, Campbelltown - Six To Eight Storey Mixed-Use Commercial, Retail And Residential Apartment Development Proposal

Concerns are raised regarding the provision of parking at the site, noting the relatively high amount of commercial floor space provided and the number of 2 and 3 bedroom apartments that would be constructed in the building. Apartments with 2 and 3 bedrooms account for 80% of dwellings provided and generally lead to a higher rate of car ownership than 1 bedroom units.

Further, as mentioned earlier, there has been no information provided by the applicant as to how car parking in the basement will be secured for residents. Spaces marked on the submitted plans have not been identified as either commercial/retail, visitor or resident.

Deep soil planting:

As mentioned earlier in the report, the site's development presents little opportunity for deep soil planting, noting the irregular shape of landscaped areas, the basement footprint by comparison to the aboveground footprint and the positioning of retaining walls.

The proposed development provides for only four limited pockets of deep soil planting (accounting for approximately 3% of the total site area), which is not considered to be compliant with the intent of the RFDC, which recommends a minimum of 25%.

The amount of deep soil planting space should be increased in order to provide for a better landscaping outcome, water and energy savings and increased amenity for residents.

Waste management:

A waste management plan was not submitted with the application. The RFDC and Council's development control plan recommends that a waste management plan be submitted with the development application for consideration.

As mentioned earlier, the submitted plans do not readily demonstrate a centralised waste collection system for the building. An area has been set aside in the basement for 'waste holding' however, limited space appears to have been provided within each of the towers for collection and storage of waste and recycling and there appears to be no chute system or similar, which is generally Council's recommended means of collecting recyclables and garbage.

Further, there is no discussion of a likely collection point for waste and recycling or provision of such a point on the submitted plans.

Scale and size of the development:

The scale and size of the development, both in terms of its density and height are above that which was envisaged by the Macarthur Regional Centre master plan in 2003. A portion of the site under that master plan was to have a maximum height of 3 storeys, where the proposal is seven storeys in that location.

The proposal is significantly greater in scale than existing development within the estate. It is acknowledged that the height of part of the development complies with Council's relevant planning control, however, unlike the planning control, the development does not provide for a 'transition' to that higher scale of development.

2.4 Lot 3004 DP 1152287 Stowe Avenue, Campbelltown - Six To Eight Storey Mixed-Use Commercial, Retail And Residential Apartment Development Proposal

It should also be noted that construction of the development as proposed would lead to some overshadowing of the central parkland to the south west, particularly in the morning. Therefore, it is requested that the JRPP complete a detailed assessment of this potential impact to ensure that the proposal would not adversely impact on the amenity of this public space.

Traffic impact:

The development is likely to create additional traffic in the immediate vicinity, having particular regard to the relatively high commercial component of the development. Concern is raised regarding the car parking shortfall detailed earlier and its potential impact on street and traffic safety, noting the site's location on two potentially busy intersections, where traffic calming devices and parking restrictions would result in a low amount of on-street parking being available in the development's immediate vicinity.

Therefore, it is requested that the JRPP ensure that a complete and thorough assessment of traffic/parking impacts is undertaken, including and appropriate remedial measures, to ensure that approval of the development would not adversely impact on the local road network.

Conclusion

A development application has been received to construct a new mixed use commercial and residential complex at Lot 3004 DP 1152287, Stowe Avenue, Campbelltown (Macarthur Gardens).

The new building would contain almost 2,000 square metres of commercial/retail floor space and 75 residential dwellings. Car parking would be contained in a two-level basement area with site landscaping and communal spaces provided throughout.

According to the submitted documentation, 50% of the residential units would be let to moderate income households as part of the Federal Government's National Rental Affordability Scheme. The applicant is a community housing provider and operates under that scheme. The remaining units are indicated to be proposed to be offered for private sale to owner-occupiers or investors.

The proposal is generally compliant with relevant State and local planning controls and objectives. However, some key issues and matters for further investigation have been raised. These include the provision of car parking, compatibility of the development with existing and desired future development in the area, adequate waste management and deep soil planting at the site.

Officer's Recommendation

That Council's Director of Planning and Environment forward a submission to the Joint Regional Planning Panel (JRPP) for the Sydney West Region on behalf of Council, requesting that the development application (15/2011/DA-RA) for the construction of commercial and residential mixed use buildings at Lot 3004 DP 1152287, Stowe Avenue, Campbelltown (Macarthur Gardens) not be approved unless the concerns and issues outlined in the body of this report and relevant attachments are satisfactorily addressed.

2.4 Lot 3004 DP 1152287 Stowe Avenue, Campbelltown - Six To Eight Storey Mixed-Use Commercial, Retail And Residential Apartment Development Proposal

Having declared an interest in Item 2.4 - Lot 3004 DP 1152287 Stowe Avenue, Campbelltown - Six to eight storey mixed-use commercial, retail and residential apartment development proposal - Councillors Hawker and Kolkman left the Chamber and did not take part in debate nor vote on the matter.

In the absence of the Chairperson, Councillor Kolkman, Councillor Greiss was elected to Chair the meeting for this item.

Committee's Recommendation: (Thompson/Bourke)

That the Officer's Recommendation be adopted.

CARRIED

Following discussion of Item 2.4, Councillors Hawker and Kolkman returned to the Chamber. Councillor Kolkman resumed the Chair.

Council Meeting 31 May 2011

Having declared an interest in Items 2.4 and 3.2 of the Planning and Environment Committee reports Councillors Hawker and Kolkman left the Chamber.

As a result of Councillors Hawker and Kolkman leaving the Chamber the Mayor noted that there was no longer a quorum.

In accordance with the Local Government Regulations, the Mayor adjourned the meeting at 8.23pm on 31 May 2011 and notified Council that the meeting will be reconvened in the Chambers on Tuesday 7 June 2011 commencing at 7.00pm.

Reconvened Council Meeting 7 June 2011 (Rule/Rowell)

That Council write to the Sydney West Joint Regional Planning Panel and recommend that the panel refuse this application because of its inappropriate size, height, bulk and location as well as other impacts, inconsistencies and non compliances concerning the range of issues raised in the Officer's Report.

Council Resolution Minute Number 107

That the above motion moved on 7 June 2011 be adopted.

2.5 Public Exhibition of Bardia Sub-Precinct Development Control Plan

Reporting Officer

Manager Environmental Planning

Attachments

1. Copy of all submissions (distributed under separate cover).
2. Amended copy of draft Bardia Sub-Precinct Development Control Plan ((Part 8 Campbelltown Sustainable City Development Control Plan 2009) distributed under separate cover)).

Purpose

To advise Council of submissions received in response to the public exhibition of the proposed amendment to the Campbelltown (Sustainable City) Development Control Plan 2009 (SCDCP) which provides for the inclusion of a new part being Part 8 Bardia Sub-Precinct.

Property Description	Lots 1 and 2 DP 1144667, Lot 1 DP 831148, Lot 1 DP 831149, Lot 1 DP 831150 and Lot 3 DP 246213 Campbelltown Road and Macdonald Road, Bardia.
Owner	Commonwealth Department of Defence and NSW Department of Education and Training.
Statutory Provisions	Campbelltown (Urban Area) Local Environmental Plan 2002.

History

At its meeting held on 21 September 2010, Council resolved to publicly exhibit the draft Bardia Sub-Precinct Development Control Plan (BDCP) as an amendment to the Campbelltown (Sustainable City) Development Control Plan 2009. The purpose of this draft amendment is to provide planning and development guidelines for that part of the Edmondson Park Urban Release Area now known as the Bardia Sub-Precinct. It was also noted in the report to Council that Landcom had lodged an application under Part 3A of the Environmental Planning and Assessment Act 1979 to develop land within both the Liverpool and Campbelltown Local Government Areas (which includes the Bardia Sub-Precinct), and that the Director General of the Department of Planning would be the consent authority with regard to any future development of land under this application.

Council at its meeting on 12 April 2011, considered a report on this matter and resolved:

1. That a decision in this matter be deferred.
 2. That Landcom be informed that Council will not negotiate on road widths under the originally proposed 9 metres.
-

3. That Landcom be informed that Council is of the firm opinion that Mont St Quentin Oval should be retained for use by AFL Football and that its heritage values be recognised.

Representatives of Landcom provided Councillors with a briefing on 19 April 2011, on the proposed road network within the Bardia Sub-Precinct and advice regarding a proposal to include Mont St Quentin Oval on the State Heritage Register.

Report

The draft BDCP was publicly exhibited as an amendment to Campbelltown (Sustainable City) Development Control Plan from Tuesday 5 October 2010 until Wednesday 3 November 2010. Copies of the draft amendment were available for inspection at the Civic Centre, the Ingleburn Library and Council's webpage. All relevant landholders and government agencies were specifically notified of the exhibition period and invited to make comment on the draft BDCP.

Submissions Received

A total of five submissions were received as a result of the public exhibition. Please see Attachment 1 for a copy of all submissions received.

The following provides a précis of the issues raised in each of the submissions.

Ingleburn Community Association Inc

Requests inclusion of the proposed provisions for residential apartment buildings and mixed use developments that are contained in the draft BDCP, into Part 4 of the SCDCP, as it is considered that these provisions will result in more sustainable development. It refers specifically to the maximum site coverage provisions and minimum landscaped/pervious area provisions.

Comment:

Council is currently undertaking a review of the SCDCP. As such the provisions for site coverage and landscaped areas, for residential apartment buildings and mixed use developments are being considered as part of this review, and will also be addressed as part of the Ingleburn Structure Plan process.

Resident of Zouch Road

Requests that the section of Zouch Road that adjoins their property, which is currently unmade, not be opened for vehicular traffic, except emergency vehicles.

Comment:

There is no proposal within the draft BDCP to extend Zouch Road into the unmade section of the road. However, as part of Landcom's Part 3A application to develop the Bardia Sub-Precinct, it is proposed to provide access for emergency vehicles within the unmade southern section of Zouch Road.

Liverpool City Council

The draft BDCP is generally supported, however, Liverpool Council suggests the inclusion of a requirement for a bus jump facility at the intersection of Campbelltown and Macdonald Roads, and controls that ensure the retention of any sight lines between the Mont St Quentin Oval and the Bardia Barracks Precinct on the northern side of Campbelltown Road.

Comment:

It is considered appropriate to increase the road reserve of the realigned Macdonald Road from 23 metres to 27 metres to provide for a 4 metre median strip in the centre of the road which can be utilised to provide for additional lanes at intersections for bus jump facilities if required.

As the Mont St Quentin Oval is a listed heritage item it is considered that the heritage provisions within Campbelltown (Urban Area) Local Environmental Plan 2002 and the SCDP will adequately address any proposed visual impact upon the Bardia Barracks Precinct. However, as the Mont St Quentin Oval and the Bardia Barracks Precinct are separated only by Campbelltown Road, it is considered appropriate to include a clause in the draft BDCP to ensure that any development within the road reserve acknowledges these sight lines in particular.

Department of Education and Training (DET)

The DET supports maintaining the North Ingleburn Primary School in its current position and providing for the expansion of the area of the site to 3 hectares, (as proposed in the draft BDCP). The DET also supports the realignment of Macdonald Road as proposed in the draft BDCP.

Landcom

- Character Areas and Development Density – Landcom have raised concerns with the specified character areas within the draft BDCP which require a minimum residential density, although agrees with the philosophy of “densities generally reducing as you get further away from the Town Centre”. Landcom further requests flexibility throughout the release area to allow for “innovative housing forms which respond to changes in demographics and built form options”.

Comment:

The density provisions proposed within the draft BDCP have taken into consideration the objectives for development, contained within Campbelltown (Urban Area) Local Environmental Plan 2002. These objectives aim to create compact urban centres, surrounded by residential development offering a variety of housing choices at a sustainable density. As the proposed density within the draft BDCP achieves this, it is not considered appropriate at this stage to amend the proposed density provisions and specified character areas.

- Street Types – Landcom has raised concerns regarding the local road carriageway width provisions within the draft BDCP which require a 15.6m wide road reserve with a 9m wide carriageway. Besides the draft BDCP being inconsistent with the adjoining Liverpool City Council’s DCP for Edmondson Park, which requires a 15m wide road reserve with a 7.2m wide carriageway, it is considered that this narrower carriageway “reduces road construction and maintenance costs, reduces impervious areas and improves the efficiency of the development and contributes to a low speed traffic environment”.

Comment:

Council staff have undertaken inspections of existing development at Middleton Grange (within the Liverpool LGA) where roads with carriageway widths of 7.2m have been constructed, Council staff have also liaised with relevant staff from Liverpool City Council in reviewing the appropriateness of such road widths.

A reduction in the width of local roads in certain circumstances may be achievable for reasons including:

- The proposed design of the Bardia Sub-Precinct utilises a grid pattern of streets. Such linear roads are generally more conducive to narrower carriageways than curvilinear streets. (As is the case at some roads within the Park Central Precinct).
- The SCDCP includes provisions for narrower carriageway widths within single entry cul-de-sacs of 8m for a maximum of 30 dwellings and 6m for a maximum of 15 dwellings. As each street block in the Bardia Sub-Precinct has two entry points and as the proposal is only providing for approximately 20 allotments, it is considered that a carriageway width of 7.2m is not unreasonable, and can allow for the orderly operation of the street and users of these roads.
- Liverpool City Council's Development Control Plan 2008 includes provisions for a carriageway width of 7.2m for local roads within that part of the Edmondson Park Urban Release Area within its local government area boundary. Advice from staff at Liverpool City Council has indicated that where development has already been constructed using a carriageway width of 7.2m, no detrimental impacts have been reported.
- Narrower carriageways assist in reducing traffic speed and also help to reduce development infrastructure costs.

As the proposed bus routes within the Bardia Sub Precinct are not located on local roads, the width of local roads does not need to take buses into consideration.

However, while noting the above, Council at its meeting of 12 April 2011, was of the opinion that it would not negotiate on road widths under the original proposed 9 metres, therefore, this part of the DCP will not be changed.

- Open Space – whilst the importance of retaining the Memorial Forest is acknowledged it is noted that Landcom's Part 3A Concept Plan proposes the Environmental Living Zone (E4) instead of Council's Private Open Space Zone.

Comment:

Council originally decided that the best way to ensure the protection of the Memorial Forest was to include it within a Private Open Space zoning. However, Landcom consider that the Environmental Living zoning (which is a new zone included in the Standard Instrument (Local Environmental Plans) Order 2006), in conjunction with specific development controls to prohibit development, would better ensure the protection of the Memorial Forest. It could be argued that if provisions are put in place to ensure that the only development that was permissible within the Memorial Forest was conducive to its maintenance, protection and rehabilitation, then perhaps it is not unreasonable that the actual zoning of the forest is a secondary consideration. However, the objectives of this Environmental Living zone aim to ensure that residential development does not have an adverse effect on the ecological, scientific or aesthetic values of the land, thus it is considered that protection of the Memorial Forest could be achieved under this zoning. Additionally, it is noted that the Department of Defence who approved the planting of the forest, do not object to it being zoned 'Environmental Living' provided it is protected. Therefore, it is considered appropriate to retain all provisions that relate to the Memorial Forest that are contained in the draft BDCP except the reference to the Private Open Space zoning.

- Subdivision Controls – Landcom has raised concerns regarding the provision in the draft Bardia Sub-Precinct DCP for any lot under 450m² to be designed as part of an integrated development. It is considered that “as there will be a high proportion of small lot detached housing in the sub-precinct, such a control restricts building delivery and does not align with the proposed changes to the NSW Housing Code”.

Comment:

The development of successful small lot housing requires careful planning to ensure that all properties can be developed to a high standard of urban design to ensure sustainability and amenity. It has always been considered that this outcome can only be successfully achieved by ensuring that such housing is designed as a development that integrates the dwelling house as part of the subdivision application. However, with the trend for the development of smaller residential allotments and the subsequent change in housing construction over recent years to accommodate smaller allotments, it is considered reasonable that only lots under 300m² should be assessed under the integrated development provisions. This position would provide consistency with Liverpool City Council's planning provisions where it requires “Subdivision of land involving the creation of lots less than 300m² or less than 10m lot width shall include the dwelling house as part of the development application.”

- Building Form and Appearance – Landcom has requested that the height of 2 storey buildings be increased to 9.5m to provide for an attic within a pitched roof on sloping land. In addition, Landcom recommends the inclusion of Liverpool City Council's provisions for strata titled studios

Comment:

It is not considered likely that an increase in the height of 2 storey buildings by one metre to provide the opportunity to utilise the attic space within a pitched roof on sloping land would result in any detrimental outcomes for the surrounding neighbourhood. Therefore it is recommended that the maximum height for 2 storey residential buildings be increased from 8.5m to 9.5m.

With respect to strata titled studios, the draft BDCP includes provision for the development of studio apartments on rear lanes to encourage passive surveillance in these areas, but does not permit the subdivision of such development. Council's city-wide SCDCP includes provisions for the development of garden flats where strata subdivision is also not permitted. It is considered that there is a place for the strata subdivision of secondary dwellings in the form of studios, within new residential estates (eg Bardia and Menangle Park), similar to that found within the Park Central and Macarthur Gardens residential developments. However, it is not proposed to include such strata subdivision provisions for new infill development within existing residential areas. Thus, it is considered appropriate to amend the provisions in the draft BDCP to permit strata subdivision of studio development, and an increase in the maximum floor area from 45m² to 50m² (to be consistent with the existing provisions for garden flats in the SCDCP), as well as ensuring appropriate car parking, access, open space and garbage storage areas are provided. It is also considered appropriate to permit the development of only one secondary dwelling (either studio or garden flat) per allotment.

Mont St Quentin Oval / Berryman Oval

The preliminary draft BDCP renamed the district park from Mont St Quentin Oval to Berryman Oval. However, Council has now received further information with regard to the naming of the oval.

When the oval was first constructed it was known as the Ingleburn Oval, and retained that name until Sir Frank Horton Berryman was appointed General Officer Commanding Eastern Command in 1945 when it was renamed Berryman Oval. Around 1947 and 1948 there was a general move to rename various military areas after World War II battles, and Alamein was suggested for Berryman Oval. As a number of places had already taken the name Alamein it was decided to call Berryman Oval Mont St Quentin Oval after one of the final battles of World War I, where a number of Australian Divisions were involved and nine Victoria Crosses were awarded to Australians.

It is therefore considered appropriate to retain the name Mont St Quentin Oval for the district park located on the southern side of Campbelltown Road.

At the briefing evening on the 19 April 2011, representatives of Landcom advised that it had commenced discussions with the Department of Defence on a proposal to list Mont St Quentin Oval on the State Heritage Register.

Amendments to Campbelltown (Urban Area) Local Environmental Plan 2002

As previously advised in the report to Council's Ordinary Meeting on 21 September 2010, some provisions of the draft BDCP would result in the need to amend certain aspects of Campbelltown (Urban Area) Local Environmental Plan 2002. These amendments include the following:

- (i) The replacement of the 3(a) Business Zone on the southern side of Campbelltown Road with a residential zoning.
 - (ii) Provision for road widening along the southern boundary of Campbelltown Road in the vicinity of the Mont St Quentin Oval.
 - (iii) Provision for the relocation of Macdonald Road to allow for its realignment.
 - (iv) Deletion of the 3(a) Special Uses School Zone and its replacement with a residential zoning. Please note that schools are now required by the Department of Planning to be included in residential zones.
 - (v) Provision for the realignment of the boundaries of the land proposed for water supply purposes by Sydney Water due to the proposed widening of Campbelltown Road and updated requirements for the proposed water reservoirs.
 - (vi) Removal of the area of land on the southern side of Campbelltown Road zoned 3(c) Neighbourhood Business, as it is considered that the proposed development of a significant town centre on the northern side of Campbelltown Road within the Liverpool Local Government Area, would negate the need for the 1.14 hectare of retail area originally proposed.
 - (vii) Provision for the amendment of the density control map to be consistent with the density map included in the draft BDCP.
 - (viii) The replacement of the 6(c) Private Open Space Zone with an 'Environmental Living' zoning.
-

It is considered appropriate for the above amendments to be incorporated into the current work being undertaken with regard to Council's New Comprehensive Local Environmental Plan. This matter is included in the officer's recommendation.

Conclusion

In consideration of the submissions received and the above comments, it is considered that the draft BDCP should be amended as follows:

- Replace all reference to a 23 metre road reserve for the realigned Macdonald Road with 27 metres;
- Remove any reference to a private open space zoning;
- Provide for the inclusion of a dwelling house within any development application for the subdivision of land involving the creation of lots less than 300m²;
- Raise the maximum building height for 2 storey dwellings from 8.5 metres to 9.5 metres;
- Include a reference to the provisions for garden flats in section 3.7.5;
- Provide for the strata subdivision of studio apartments, and an increase in the maximum floor area from 45m² to 50m², and include provisions to ensure appropriate car parking, access, open space and garbage storage areas are provided, and that only one secondary dwelling (studio or garden flat) be permitted per allotment;
- Replace all reference to Berryman Oval with Mont St Quentin Oval; and
- Include provisions to protect the sight lines between the Mont St Quentin Oval and the Bardia Barracks Precinct.

In addition to the above amendments, the SCDCP will require the updating of the table of contents, the deletion of the reference to the Edmondson Park Locality Development Control Plan Template in clause 1.1.3, the renumbering of the sections in the draft BDCP (being included as Part 8 Bardia Sub-Precinct) and the inclusion of minor administrative amendments.

A copy of the amended draft BDCP being Part 8 of the SCDCP is attached to this report as Attachment 2.

Officer's Recommendation

1. That Council approve the amended draft Bardia Sub-Precinct Development Control Plan being an amendment to Campbelltown Sustainable City Development Control Plan 2009 generally in accordance with Attachment 2.
 2. That notice of Council's endorsement be published in the local newspaper in accordance with clause 21 (2) Environmental Planning and Assessment Regulation 2000.
 3. That all those who provided a submission to the public exhibition of the preliminary draft Bardia Sub-Precinct Development Control Plan be advised of Council's decision.
 4. That the following matters be included in the preparation process of Council's Comprehensive Local Environmental Plan:
 - (i) The replacement of the 3(a) Business Zone on the southern side of Campbelltown Road with a residential zoning.
-

- (ii) Provision for road widening along the southern boundary of Campbelltown Road in the vicinity of the Mont St Quentin Oval.
- (iii) Provision for the relocation of Macdonald Road to allow for its realignment.
- (iv) Deletion of the 3(a) Special Uses School Zone and its replacement with a residential zoning. Please note that schools are now required by the Department of Planning to be included in residential zones.
- (v) Provision for the realignment of the boundaries of the land proposed for water supply purposes by Sydney Water due to the proposed widening of Campbelltown Road and updated requirements for the proposed water reservoirs.
- (vi) Removal of the area of land on the southern side of Campbelltown Road zoned 3(c) Neighbourhood Business, as it is considered that the proposed development of a significant town centre on the northern side of Campbelltown Road within the Liverpool Local Government Area, would negate the need for the 1.14 hectare of retail area originally proposed.
- (vii) Provision for the amendment of the density control map to be consistent with the density map included in the draft BDCP.
- (viii) The replacement of the 6(c) Private Open Space Zone with an 'Environmental Living' zoning.

Committee's Recommendation: (Hawker/Thompson)

That the Officer's Recommendation be adopted subject to the addition of point 5 as detailed below:

- 5. That Council write to the appropriate department requesting that the unused Military Post Office, Post Code 2174, be allocated to Bardia as a way of preserving the Military Heritage to the area.

CARRIED

Council Meeting 31 May 2011 (Kolkman/Oates)

That the Committee's Recommendation be adopted.

Amendment (Kolkman/Bourke)

That the Committee's Recommendation be adopted subject to point (vi) being amended to read as detailed below:

- (vi) Removal of part of the area of land on the southern side of Campbelltown Road zoned 3(c) Neighbourhood Business, as it is considered that the proposed development of a significant town centre on the northern side of Campbelltown Road within the Liverpool Local Government Area, would negate the need for the 1.14 hectare of retail area originally proposed.

Committee Note: Item 2.5 - Public Exhibition of Bardia Sub-Precinct Development Control Plan - it was noted that the mover and seconder of the Committee's Recommendation in regard to item 2.5 was incorrectly recorded in the Minutes and should be amended to show that the Committee's Recommendation was in fact **Moved** by Councillor Hawker and **Seconded** by Councillor Kolkman.

Council Resolution Minute Number 104

That the above amendment be adopted.

2.6 Evaluation of the Eagle Vale Pond Catchment Education Day

Reporting Officer

Manager Environmental Planning

Attachments

Nil

Purpose

To inform Council of the outcomes of the Eagle Vale Pond Catchment Community Education Day and to seek Council's support to conduct a similar event at Mandurama Reserve, Rosemeadow.

History

At its meeting on 12 April 2011, Council considered a report on a proposed Catchment Community Education Day to be held at Eagle Vale Pond on Sunday 1 May 2011 and resolved:

1. That Council endorse the proposed Community Education Day to occur on Sunday, 1 May 2011 in association with Earth Day.
2. That an evaluation be undertaken on the success of this event and further consideration be given to conducting similar events at other locations around the Campbelltown LGA.

Report

A Catchment Community Education Day was held at Eagle Vale Pond on Sunday 1 May 2011. Over 70 community members from the area surrounding Eagle Vale Pond attended the event to lend a hand and support the health of their local catchment. Activities on the day centred around tree planting and catchment/waterway educational activities.

Around 200 seedlings were planted on the pond's edge along Emerald Drive near the Eagle Vale Leisure Centre. The seedlings included an assortment of native eucalypts and shrubs and will help to stabilise the bank, slow flows of water and sediment entering the pond in heavy rain events, filter out nutrients from stormwater before entering the pond and provide a barrier to ducks and other birds leaving the pond to discourage them from crossing the street.

To aid the residents' understanding of the significance of the work they were undertaking, a working three dimensional model of a typical local catchment was used to demonstrate the journey of stormwater through Campbelltown's waterways and illustrate the type of contaminants it picks up along the way. The catchment model was popular with children and adults alike, and it inspired substantial discussion and genuine interest.

The Eagle Vale Neighbourhood Hall was used for its kitchen and restroom facilities and for storage of some of the plants and equipment on site.

The Rural Fire Service, Varroville Brigade was on hand to cook and serve lunch. They also helped with setting up the trailers, digging holes for the plants, spreading mulch, installing the silt fence, and watering the site. Their presence was instrumental to the success of the event.

Council provided volunteers with a 'sausage sizzle' lunch, as well as gift bags containing small environmentally friendly and awareness-raising items, along with educational materials.

The situation at the Eagle Vale Pond shares a number of similarities to other areas within the LGA. Its proximity to urban areas lends itself to certain environmental challenges, including littering and illegal dumping. Mandurama Reserve at Rosemeadow experiences similar problems.

There is a high level of community interest in the health of Mandurama Reserve. This interest has been reflected through communications with residents, including verbal communication between Council staff and volunteers at a Clean Up Australia Day event and through letters and email correspondence from concerned residents and students. These residents have raised concern over similar issues at Lake Mandurama to those affecting Eagle Vale Pond, including illegal dumping and littering, the feeding of wildlife, and poor water quality and turbidity. Some of these residents have also indicated their intent to establish a group to maintain the upkeep of Lake Mandurama and the surrounding area. For this reason, and in light of the success of the Eagle Vale Catchment Community Education Day, it is considered that Mandurama Reserve would be an appropriate location to launch a similar Catchment Education Day using Eagle Vale as a model.

It is suggested that there is considerable merit in Council's consideration of a proposal to conduct a Community Day at Mandurama Reserve on Sunday 5 June, in association with the internationally celebrated World Environment Day 2011. The themes of the two days are closely aligned in that they both emphasise conservation and taking actions to protect and restore the natural environment. Thus it is considered that by aligning the timing of the events, visibility will be enhanced, thereby maximising community interest and awareness regarding Campbelltown's natural environment.

Conclusion

The success of the Eagle Vale Catchment Community Education Day event was reflected both quantitatively and qualitatively. Over 70 volunteers attended throughout the day, reflecting a range of ages and backgrounds, and including many families. Many volunteers remained throughout the day and made a significant contribution to the planting effort. Likewise, feedback from volunteers in attendance, was positive. Residents expressed both pride and concern for the health of their local environment and appeared enthusiastic in their intent to help. Most residents expressed their support of future environmentally focused events in the local area and indicated their desire to be contacted for such events.

Officer's Recommendation

That Council undertake a Community Education Day at Mandurama Reserve, Rosemeadow on Sunday, 5 June 2011 in association with World Environment Day.

Committee's Recommendation: (Oates/Bourke)

That Council undertake a Community Education Day at Mandurama Reserve, Rosemeadow on Sunday, 5 June 2011 in association with World Environment Day.

Addendum: (Hawker/Kolkman)

2. That a report be provided including full costings and potential liabilities on the viability of conducting a community fishing event in the Campbelltown Local Government Area.

CARRIED

Council Meeting 31 May 2011 (Kolkman/Oates)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 104

That the Committee's Recommendation be adopted.

3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics - April 2011

Reporting Officer

Manager Development Services

Attachments

Development Services Application Statistics for April 2011 (distributed under separate cover).

Purpose

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

Report

In accordance with Council's resolution of 23 August 2005 that Councillors be provided with regular information regarding the status of development applications, the attachment to this report provides details of key statistics for April 2011 as they affect the Development Services Section.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Thompson/Greiss)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 31 May 2011 (Kolkman/Oates)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 104

That the Officer's Recommendation be adopted.

3.2 Minto Urban Renewal Project - Subdivision of Stage 10

Reporting Officer

Manager Development Services

Attachments

1. Concept Plan Approval
2. Development Plans

Purpose

To advise Council of a Development Application that has been received for the stage 10 residential subdivision of the Minto Renewal area that qualifies for determination by the Joint Regional Planning Panel for Western Sydney.

Property Description	Scarborough Park, Townson Avenue, Lots 15, 17, 20, 21, 160 & Pt Lot 53 Pendergast Avenue, Townson Oval, Townson Avenue, Lots 23, 52, & 127 Townson Avenue, Lot 51 Goodwin Crescent, Minto
Application No	430/2011/DA-S
Applicant	Landcom
Owner	Housing NSW and Campbelltown City Council
Statutory Provisions	Campbelltown (Urban Area) Local Environmental Plan 2002 Minto Renewal Development Control Plan 2006
Date Received	16 March 2011

Report

Council is in receipt of a development application from Landcom for a 160 lot residential subdivision as part of Stage 10 of the Minto Urban Renewal Project. The site is shown at Attachment 1 and is located within the south western corner of the project area. The development has a capital investment value of \$13,166,770 and is required to be referred to the Sydney West Joint Regional Planning Panel (JRPP) for determination. Subject to finalising issues currently being discussed with other Council Divisions, the JRPP will be meeting to determine this application on 26 May 2011.

A concept plan was approved for the Minto Urban Renewal Project in 2006, which approved in principal the creation of 1,100 residential allotments and associated works over 13 stages. The current application involves the creation of 160 residential allotments, retention of 61 dwellings and the provision of one public park (Scarborough Park). The development also includes associated subdivision works such as construction of roads, drainage, site regrading and earth retaining works, utility services and landscaping.

The proposed development provides for significant improvements to the local street network, with the removal of a number of existing cul-de-sacs within the public housing estate. A range of public domain improvements are incorporated into the proposed development, including road infrastructure, pedestrian pathways, street tree planting and lighting.

A public park located at the northern end of the stage is proposed and comprises of a passive open space area of 1.2 hectares. The park will be appropriately landscaped with native and locally indigenous species and has been designed to cater for a combination of younger children (aged 0-5 years) and senior persons.

The proposed development is consistent with the concept masterplan that was approved in 2006 and is permissible with consent under the provisions of Campbelltown (Urban Area) Local Environmental Plan (LEP) 2002. The proposal has also been considered against the Minto Development Control Plan (DCP) and is considered to be generally compliant.

The proposal is for subdivision only and future applications will be required for dwelling construction. The 61 existing dwellings to be retained as part of this application are proposed to be embellished with a range of streetscape and facade improvements, such as new awnings to dwellings, carports, windows and doors and front fencing.

Ordinarily, this matter would have been determined by Council staff under delegated authority.

The proposal has been reported to Council to inform it of the requirement for the application to be determined by the Sydney West Joint Regional Planning Panel and to advise Council that the application is consistent with Council's planning provisions.

Officer's Recommendation

That the information be noted.

Having declared an interest in Item 3.2 - Minto Urban Renewal Project - Subdivision of Stage 10 - Councillors Hawker and Kolkman left the Chamber and did not take part in debate nor vote on the matter.

In the absence of the Chairperson, Councillor Kolkman, Councillor Greiss was elected to Chair the meeting for this item.

Committee's Recommendation: (Bourke/Oates)

That the Officer's Recommendation be adopted.

CARRIED

Following discussion of Item 3.2, Councillors Hawker and Kolkman returned to the Chamber for the remainder of the meeting and Councillor Kolkman resumed the Chair.

Council Meeting 31 May 2011

Having declared an interest in Items 2.4 and 3.2 of the Planning and Environment Committee reports Councillors Hawker and Kolkman left the Chamber.

As a result of Councillors Hawker and Kolkman leaving the Chamber the Mayor noted that there was no longer a quorum.

In accordance with the Local Government Regulations, the Mayor adjourned the meeting at 8.23pm on 31 May 2011 and notified Council that the meeting will be reconvened in the Chambers on Tuesday 7 June 2011 commencing at 7.00pm.

Reconvened Council Meeting 7 June 2011 (Thompson/Rule)

That the information be noted.

Council Resolution Minute Number 106

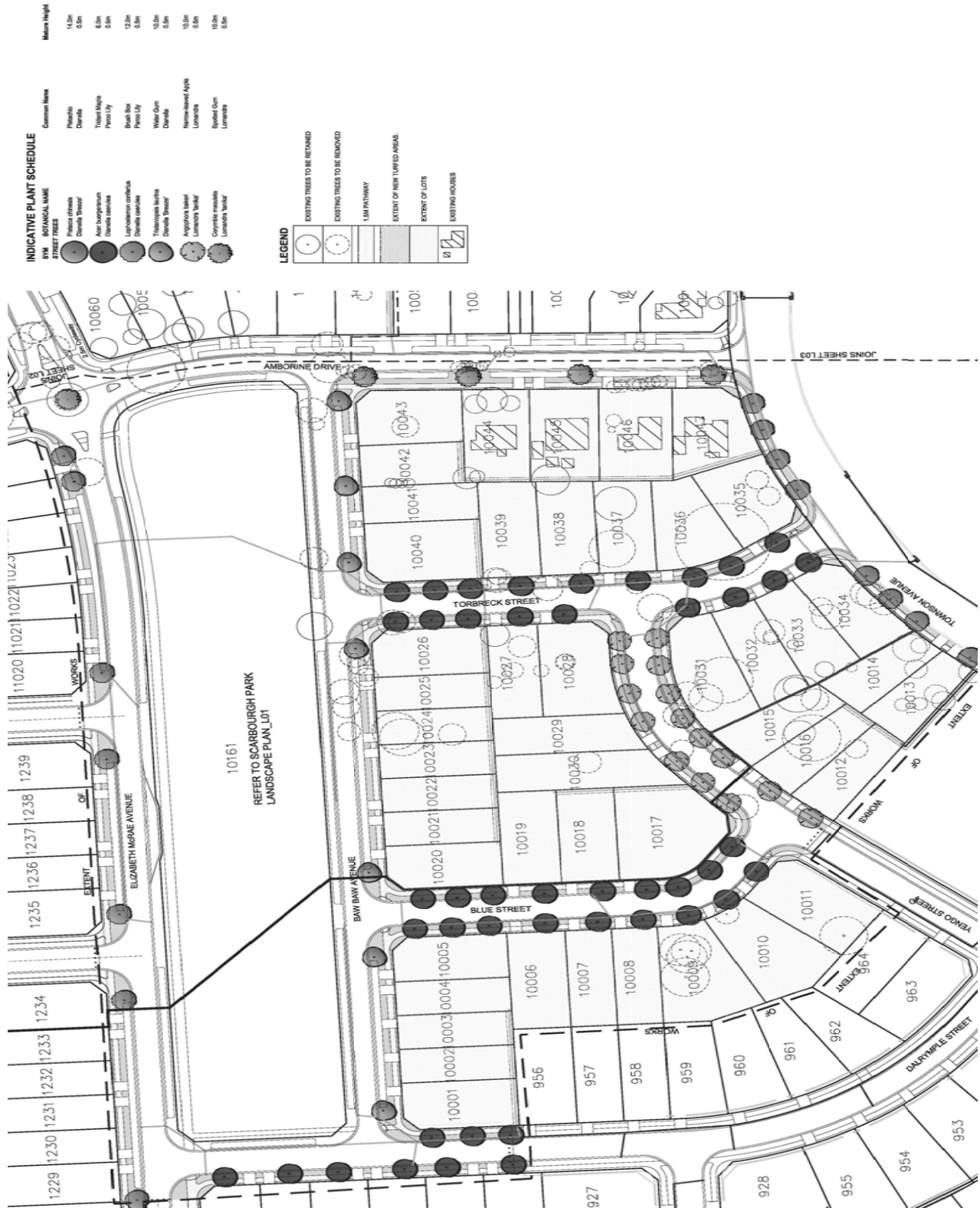
That the above motion moved on 7 June 2011 be adopted.

ATTACHMENT 1



CONCEPT PLAN APPROVAL

ATTACHMENT 2



DEVELOPMENT PLANS



DEVELOPMENT PLANS





4. COMPLIANCE SERVICES

4.1 Legal Status Report

Reporting Officer

Manager Compliance Services

Attachments

Nil

Purpose

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

Report

This report contains a summary of the current status of the Division's legal matters relating to:

- The Land and Environment Court;
- The District Court;
- The Local Court; and
- Matters referred to Council's Solicitor for advice.

A summary of year-to-date costs and the total number of actions are also included.

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

Total ongoing Class 1 DA Appeal Matters (as at 13/05/2011)	0
Total completed Class 1 DA Appeal Matters (as at 13/05/2011)	2
Costs from 1 July 2010 for Class 1 DA Appeal Matters:	\$52,703.61

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

Total ongoing Class 1 Order/Notice Appeal Matters (as at 13/05/2011) 0
Total completed Class 1 Order/Notice Appeal Matters (as at 13/05/2011) 2
Costs from 1 July 2010 for Class 1 Order/Notices Appeal Matters: \$797.23

3. Land and Environment Court Class 4 Matters – Non-Compliance with Council Orders / Notices or Prosecutions

Total ongoing Class 4 matters before the Court (as at 13/05/2011) 1
Total completed Class 4 matters (as at 13/05/2011) 0
Total ongoing Class 4 matters in respect of costs recovery
(as at 13/05/2011) these matters will be further reported on completion 4
Costs from 1 July 2010 for Class 4 matters \$4,495.65

**3 (a) Advanced Metal Products (Aust) Pty Limited
(ACN 003 154 210)**

Issue: Council issued the property owner with Orders 6 and 15 under the Section 121B of the Environmental Planning and Assessment Act 1979 on 14 May 2008 requiring fire safety rectification works to be undertaken on the property. To date those orders have not been fully complied with, despite extensions of time being granted to the property owner. Council is seeking Court Orders confirming Council's Orders for the outstanding works. Lot 331 DP 846138 No. 24 Williamson Road, Ingleburn.

Property: Advanced Metal Products (Aust) Pty Limited
347/2009/N-EPA

Property Owner: 23 December 2010 – Case No. 41060 of 2010

Council File No: Advanced Metal Products (Aust) Pty Limited

Court Application Filed: \$10,000 excluding Counsel and Expert Witness Costs

Respondent: \$1,492.60

Costs Estimate:

Costs to date: Proceedings adjourned to 13 May 2011 for further callover.

Status - Ongoing:

Action Since Last Meeting The matter was before the Court for further callover on 8 April 2011 where by consent the proceedings were adjourned to 13 May to allow the Respondent additional time to complete the outstanding fire safety works as required by Council's orders. The Judge has indicated the no further adjournment will be granted.

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

Total ongoing Class 5 matters before the Court (as at 13/05/2011)	0
Total completed Class 5 matters (as at 13/05/2011)	0
Total ongoing Class 5 matters in respect of costs recovery (as at 13/05/2011) these matter will be further reported on completion	2
Costs from 1 July 2010 for Class 5 matters	\$18,902.84

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

Total ongoing Class 6 Matters (as at 13/05/2011)	0
Total completed Class 6 Matters (as at 13/05/2011)	0
Costs from 1 July 2010 for Class 6 Matters	\$0.00

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

Total ongoing Appeal matters before the Court (as at 13/05/2011)	0
Total completed Appeal matters (as at 13/05/2011)	0
Total ongoing Appeal matters in respect of costs recovery (as at 13/05/2011) these matters will be further reported on completion	1
Costs from 1 July 2010 for District Court Matters	\$507.50

7. Local Court Prosecution Matters

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

Total ongoing Local Court Matters (as at 13/05/2011)	8
Total completed Local Court Matters (as at 13/05/2011)	70
Costs from 1 July 2010 for Local Court Matters	\$19,415.94

File No:	LP07/11 – Penalty Notice Court Election
Offence:	Not comply with notice – overgrown land.
Act:	Local Government Act
Costs to date:	\$0.00
Status – Ongoing:	The matter was before the Court for further mention on 3 May 2011 where, by consent, the proceedings were adjourned to 17 May to allow the defendant to make representations to Council in respect of the offence.

File No:	LP09/11 – Penalty Notice Court Election
Offence:	Not comply with notice requiring application for approval to operate a wastewater management system.
Act:	Local Government Act
Final Costs:	\$0.00
Status – Completed:	The matter was before the Court for further mention on 3 May 2011, where Council withdrew the Court Attendance Notice. A review of the file in this matter, subsequent to the defendant's written representation, revealed that elements of the alleged offence may not be able to be proved beyond reasonable doubt.

File No:	LP14/11 – Penalty Notice Court Election
Offence:	Uncontrolled dog in public place - not dangerous dog.
Act:	Companion Animals Act
Costs to date:	\$0.00
Status – Ongoing:	This matter was before the Court for first mention 19 April 2011 where, by consent, the proceedings were adjourned to 31 May 2011 to allow the defendant sufficient time to Court elect a second penalty notice (issued for the same offence type) and have it brought before the Court together with the current matter.

File No:	LP16/11 – Penalty Notice Court Election
Offence:	Disobey no stopping sign – school zone.
Act:	Road Rules 2008
Final Costs:	\$0.00
Status – Completed:	The matter was before the Court for first mention on 3 May 2011 where the defendant, Jose ARRIAZA, entered a guilty plea. After considering the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing a \$258 fine.

File No:	LP17/11 – Penalty Notice Court Election
Offence:	Deposit litter (cigarette) from vehicle.
Act:	Protection of the Environment Act
Costs to date:	\$0.00
Status – Ongoing:	The matter was before the Court for first mention on 3 May 2011 where the defendant entered a not guilty plea. The Magistrate adjourned the proceedings to 1 July 2011 for hearing.

File No:	LP18/11 – Charge Matters x 5
Offence:	Not comply with section 56 control requirements (restricted dog) for offences on 19 October 2010.
Act:	Companion Animals Act
Costs to date:	\$0.00
Status – New Matter:	Listed for first mention on 31 May 2011.

File No:	LP19/11 – Charge Matters x 5
Offence:	Not comply with section 56 control requirements (restricted dog) for offences on 24 February 2011.
Act:	Companion Animals Act
Costs to date:	\$0.00
Status – New Matter:	Listed for first mention on 31 May 2011.

File No:	LP20/11 – Charge Matters x 2
Offence:	Not notify that dog found after being lost; and, not notify that dog relocated to another Council area where it is now ordinarily kept (restricted dog)
Act:	Companion Animals Act
Costs to date:	\$0.00
Status – New Matter:	Listed for first mention on 31 May 2011.

File No:	LP21/11 – Charge Matters x 2
Offence:	Not notify that dog found after being lost; and, not notify that dog relocated to another Council area where it is now ordinarily kept (not restricted dog)
Act:	Companion Animals Act
Costs to date:	\$0.00
Status – New Matter:	Listed for first mention on 31 May 2011.

File No:	LP22/11 – Penalty Notice Court Election
Offence:	Development (dwelling additions) undertaken without development consent.
Act:	Environmental Planning and Assessment Act
Costs to date:	\$0.00
Status – New Matter:	Listed for first mention on 24 May 2011.

8. Matters Referred to Council's Solicitor for Advice

The following summary lists the status of matters referred to Council's Solicitors for advice on questions of law, the likelihood of appeal or prosecution proceedings being initiated, and/or Council liability.

Total Advice Matters (as at 13/05/2011)	8
Costs from 1 July 2010 for Advice Matters	\$17,197.71

9. Legal Costs Summary The following summary lists the Planning and Environment Division's net Legal Costs for the 2010/2011 period.		
Relevant Attachments or Tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$52,703.61	\$15,000.00
Class 1 Land and Environment Court - appeals against Orders or Notices issued by Council	\$797.23	\$0.00
Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or Prosecutions	\$4,495.65	\$0.00
Class 5 Land and Environment Court - Pollution and Planning prosecution matters	\$18,902.84	\$0.00
Class 6 Land and Environment Court - appeals from convictions relating to environmental matters	\$0.00	\$0.00
Land and Environment Court tree dispute between neighbours matters	\$0.00	\$0.00
District Court Appeal matters	\$507.50	\$0.00
Local Court Prosecution matters	\$19,415.94	\$0.00
Matters referred to Council's Solicitor for Legal Advice	\$17,197.71	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$114,020.47	\$15,000.00
Overall Net Costs Total (GST exclusive)	\$99,020.47	

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Bourke)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 31 May 2011 (Kolkman/Oates)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 104

That the Officer's Recommendation be adopted.

4.2 Compliance Services Quarterly Statistics - January to March 2011

Reporting Officer

Manager Compliance Services

Attachments

Compliance Services Quarterly Activity Summary Table.

Purpose

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

Report

This report summarises key section activities and operational results for the reporting period January to March 2011.

1. Regulated Premises Inspections

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

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

a. Food Premises

Within Campbelltown there are approximately 732 regulated food premises separated into three categories requiring 1,089 scheduled inspections per annum as follows:

Low Risk Premises (inspected when required) – includes food businesses such as pre-packaged catering outlets, variety stores, confectionary shops, chemists, video stores, newsagents home caterers, teaching kitchen, temporary food stalls (markets/events) and tobacconists.

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

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

Food Premises Category	No. of Premises	No. of Annual Inspections
Low Risk	141	when required
Medium Risk	93	93
High Risk	498	996
TOTAL	732	1089

Amendments to the Food Act 2003 and the establishment of the Food Regulation Partnership between the NSW Food Authority and NSW Councils in 2008 resulted in a mandated and more consistent role for Local Government in food regulation.

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

A total of 342 food premise inspections were conducted for the reporting period, compared to 279 for the previous quarter. Of the 342 inspections undertaken, 91(26%) food premise inspections were recorded as unsatisfactory. Follow up (reinspections) are undertaken where premises are found to be unsatisfactory at the time of initial inspection, to ensure they reach a satisfactory standard. In certain situations, Food Act Improvement Notices or Penalty Notices are issued when necessary to encourage compliance.

b. Public Health

Within Campbelltown there are approximately 201 regulated premises separated into three risk categories requiring 208 scheduled inspections per annum.

- **Category 1 Premises** (inspected once per year) – Beauty Salons (low risk), Boarding Houses, Funeral Parlours, Skin Penetration (low risk procedure, i.e. waxing), Hairdressers, Nail Artists, Solariums.
- **Category 2 Premises** (inspected twice per year) – Brothels, Skin Penetration (high risk procedure - body piercing).
- **Category 3 Premises** (inspected once per year) – Legionella Microbial Control (Air-Conditioning Cooling Towers).

Health Premises Category	No. of Premises	No. of Annual Inspections
Category 1	130	130
Category 2	7	14
Category 3	64	64
TOTAL	201	208

A total of 29 health premises inspections were conducted for the reporting period compared to 43 for the previous quarter.

Of the 29 regulated health premise inspections conducted during the reporting period, 6 (20%) of the premises inspected were recorded as unsatisfactory.

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

c. Wastewater Management Systems

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

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

The implementation of the revised strategy has commenced and is to be staged, with various unsewered locations throughout the City being addressed progressively.

Staff have commenced seeking applications for an approval to operate from system owners on a risk category basis. 14 applications to operate wastewater management systems were issued during the reporting period.

2. Notices/Orders Issued

Food Act Notices are usually issued where there is repeated failure by a proprietor to meet appropriate standards or where serious breaches are identified. A total of six Food Act Notices were issued during the reporting period, which is above the five Notices issued for the previous quarter.

Local Government Act Notices and Orders are issued for a range of matters including overgrown, unhealthy, unsafe or unsightly conditions. The number of Local Government Act Notices and Orders issued during the reporting period was 104 which was higher than the number (96) issued for the previous reporting period.

The number of Swimming Pools Act Directions issued (14) requiring the erection of pool fencing or fencing repairs was slightly more than the number of Directions (12) issued in the corresponding quarter in the previous year.

Environmental Planning and Assessment Act Notices and Orders are issued by Land Use and Environmental Compliance staff, primarily to ensure that premises comply with conditions of development consent and to regulate unauthorised land use. A total of 42 Notices and Orders were served during the reporting period compared to 32 in the previous quarter.

POEO Act Notices are issued for a variety of pollution matters including water pollution and waste dumping. The number of POEO Notices issued for the reporting period (8) was below the number issued (16) in the previous quarter.

3. Customer Service Requests

The Compliance Services Section receives a significant number of customer service requests across a broad range of issues as represented in Attachment 1. A total of 1436 customer service requests were received for the reporting period. Significant complaint categories were overgrown land (159 requests), barking dogs (129 requests), dogs straying (75), illegal construction/development (75 requests), pollution (68 requests), health (other) (73 requests), abandoned motor vehicles (57 requests), and parking, (including heavy vehicles) (112 requests).

4. Applications

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

The number of Building Certificate Applications (41) received during the reporting period was higher than the number of applications (26) received in the previous quarter.

Five Section 68 (Local Government Act) Event Approvals were issued. These were Australia Day Celebrations, Harmony Day at Macquarie Fields, the Family Fun Day at Rosemeadow, Ingleburn Alive and the Movie Night at Rosemeadow.

5. Impounding

The number of dogs impounded during this reporting period was 415, compared to 445 for the previous quarter. The percentage of dogs microchipped at the time of impounding was 72% which is consistent with quarterly averages.

A total of 318 cats were impounded throughout the reporting period being more than the previous reporting period (294) which is consistent with seasonal trends. The number of cats that are microchipped at the time they were impounded is typically lower than for dogs and for this reporting period, 8% were microchipped.

The number of abandoned vehicles impounded for this quarter was 6. All of these were disposed of by being recycled and no vehicles were released back to their owners. Council is currently holding no abandoned vehicles.

6. Penalty Notices

Council issues a range of penalty notices relating to various matters including parking offences (on street, Council car parks, school zones), companion animal registration, dog straying, littering, fail to comply with orders, food safety and fail to obtain or comply with development consent.

The number of penalty notices issued for parking offences in Council car parks (545) increased in comparison with the previous quarter (506). The number issued for on-street offences (637) decreased in comparison with the previous quarter (742).

7. Compliance/Education Programs

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

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

a. Illegal Parking in School Zones

During the reporting period, 49 school locations were patrolled resulting in the issue of 83 penalty notices.

b. Illegal Sign Statistics

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

c. Illegal Trail Bike Riding

During the reporting period one joint patrol with Police was undertaken in the following suburbs:

- Glenfield and Macquarie Fields
- Ingleburn and Minto
- Eaglevale, Eschol Park and Claymore
- Ambarvale and Rosemeadow
- Airds, St Helens Park and Wedderburn

This resulted in 6 bikes being seized, 54 penalty notices issued and 6 charges being laid.

A number of single agency (Council) patrols were undertaken in response to the 15 complaints received during the reporting period.

d. Litter from Vehicles

For the reporting period one operation was undertaken which resulted in eight penalty notices being issued.

e. Shopping Trolleys

One coordinated program was conducted during the reporting period and this resulted in the tagging of 24 trolleys.

f. Truck Parking

Two truck parking patrols were undertaken during the reporting period resulting in the issue of 12 parking penalty notices.

8. Other Activities

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

- Council continues to conduct surveillance of construction sites for sediment and erosion control compliance.
-

- Active participation, both at State Coordinator and operational level, in the Food Regulation partnership, incorporating activity reporting and the review of inspection procedures and related documentation.
- Continued participation in the Sydney South West Area Health Service Public Health Unit Skin Penetration Working Group to improve industry practice and compliance.
- Patrols (by way of formalised agreement) of disabled parking at Campbelltown Mall continued through the reporting period.
- Continued participation in Council's corporate working group to develop a Pollution Response Protocol.
- Periodic (3 yearly) review of risk identification documents for various environmental health, building, land use and ranger activities.
- Ongoing review and development of Standard Operating Procedures relating to Section activities, tasks and programs.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Thompson/Bourke)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 31 May 2011 (Kolkman/Oates)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 104

That the Officer's Recommendation be adopted.

ATTACHMENT 1

Compliance Quarterly Activity Summary Statistics

Activity	2010/11 Quarter Result				YTD
	1	2	3	4	
Regulated Premises Inspections					
Food	222	279	342		843
Public Health	50	43	29		122
Wastewater Management Systems	11	5	38		54
Total	283	327	409		1019
Notices/Orders Issued					
Food Act	7	5	6		18
Local Government Act	81	96	104		281
Swimming Pool Act	13	12	14		39
Protection of Environment Operations Act	26	16	8		50
Environmental Planning and Assessment Act	45	32	42		119
Companion Animals Act	5	5	1		11
Total	177	166	175		518
Customer Requests					
Abandoned Motor Vehicles	75	66	57		198
Animals (other)	20	27	19		66
Barking Dogs	104	118	129		351
Dog Attacks	24	8	16		48
Dog Straying	90	67	75		232
Food/Health (regulated)	10	21	23		54
Footpath Obstruction	17	9	10		36
Health (other)	47	83	73		203
Heavy Vehicle Parking	29	21	26		76
Illegal Construction/Development	79	93	75		247
Overgrown Land	15	137	159		311
Parking (General)	74	84	86		244
Pollution	65	97	68		230
Rubbish Dumping/Litter	89	77	79		245
Trail Bikes	18	18	15		51
Tree Removal/Dangerous	14	5	9		28
Total	770	931	919		2620

Compliance Quarterly Activity Summary Statistics

Activity	2010/11 Quarter Result				YTD
	1	2	3	4	
Applications					
Building Certificates	51	26	41		118
Approval to Operate Effluent Disposal System Section 68 (Local Government Act)	55	5	14		74
Event Approvals Section 68 Local Government Act	6	9	5		20
Total	112	40	60		212
Impounding					
Abandoned Vehicles	4	5	6		15
Shopping Trolleys	0	10	0		10
Total	4	15	6		25
Impounding Animals					
Dogs (Incoming)					
Impounded	434	445	415		1294
Surrendered	154	133	151		438
Total	588	578	566		1732
Dogs (Outgoing)					
Released to Owner	210	354	205		769
Sold	100	68	65		233
Euthanaised - Surrendered by Owner	91	90	116		297
Euthanaised - Restricted Dog	9	9	7		25
Euthanaised - health/temperament	120	148	97		365
Euthanaised - Unable to re-home	62	46	83		191
Total	592	715	573		1880
Cats (Incoming)					
Impounded	169	294	318		781
Surrendered	28	126	91		245
Total	197	420	409		1026
Cats (Outgoing)					
Released to Owner	3	3	12		18

Activity	2010/11 Quarter Result				YTD
	1	2	3	4	
Sold	8	29	49		86
Euthanaised - Surrendered by Owner	19	48	45		112
Euthanaised - health/temperament	108	266	321		695
Euthanaised - Unable to re-home	23	49	23		95
Total	161	395	450		1006
Penalty Notices					
Companion Animals	350	236	231		817
Environmental - includes litter and waste dumping	57	106	40		203
General - includes Public Health and Food Safety	28	40	17		85
Land Use	8	11	4		23
Parking (car parks)	615	506	545		1666
Parking (on street)	853	742	637		2232
Total	1911	1641	1474		5026
Compliance Programs					
Illegal Parking in School Zones					
Patrols	50	51	49		150
Warnings	2	2	0		4
Penalty Notices	138	96	83		317
Illegal Signs					
Complaints - Council property	2	7	14		23
Complaints - private property	0	0	0		0
Letters sent	2	1	0		3
Cautions issued	2	1	0		3
Fines issued	0	0	0		0
Removed (posters from poles)	158	140	131		429
Illegal Trail Bike Riding					
Joint Patrols	0	1	1		2
Bikes Seized	0	3	6		9
Penalty Notices (Police)	0	47	52		99
Penalty Notices (Council)	0	8	2		10
Charges	0	4	6		10

Activity	2010/11 Quarter Result				YTD
	1	2	3	4	
Juvenile Cautions	0	1	2		3
Litter From Vehicles					
Patrols	0	1	1		2
Penalty Notices	39	10	8		57
Shopping Trolleys					
Patrols	0	1	1		2
Trolleys Tagged	8	10	24		42
Trolleys Impounded	0	10	0		10
Contractor Notified	8	8	0		16
Truck Parking					
Patrols	4	3	2		9
Penalty Notices	13	20	12		55

5. GENERAL BUSINESS

5.1 Energy Efficiency Ratings

Committee's Recommendation: (Thompson/Hawker)

That Council write to the Federal Minister for Sustainability, Environment, Water, Population and Communities requesting that the Government ensure that manufacturers comply with the minimum 3 star energy efficiency rating system for imported and domestically manufactured electrical goods to provide a minimum standard for energy performance of electrical goods available in Australia.

CARRIED

Council Meeting 31 May 2011 (Kolkman/Oates)

That the Committee's Recommendation be adopted.

Amendment (Oates/Hawker)

That Council write to the Federal Minister for Sustainability, Environment, Water, Population and Communities asking the Government to encourage domestic and overseas manufacturers to produce higher energy efficiency ratings on their manufactured whitegoods products to achieve optimal energy performance of electrical goods available in Australia.

Council Resolution Minute Number 104

That the above amendment be adopted.

5.2 Local Government Amendment (Environmental Upgrade Agreement) Act

Councillor Bourke referred to an article in the Local Government section of the Sydney Morning Herald on the 10 May 2011, advising of the Local Government Amendment (Environmental Upgrade Amendment) Act which recently took effect allowing for voluntary agreements between banks, landlords and Councils to retrofit residential strata buildings of more than 20 lots and commercial buildings for better environmental performance.

The Legislation enables an environmental - upgrade loan to be directly attached to the property, to be repaid via an agreed extra Council rate to be passed on to the lender.

Councillor Bourke asked if this initiative could be investigated to see if it is feasible for Council to participate.

Committee's Recommendation: (Bourke/Thompson)

That a report be presented investigating the feasibility of Council participating in the Environmental Upgrade Agreement scheme.

CARRIED

Council Meeting 31 May 2011 (Kolkman/Oates)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 104

That the Committee's Recommendation be adopted.

18. CONFIDENTIAL ITEMS

18.1 Confidential Information relating to items on the Planning and Environment Agenda 24 May 2011

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

There being no further business the meeting closed at 8.17pm.

R Kolkman
CHAIRPERSON
