

2017

ORDINARY BUSINESS PAPER

CAMPBELLTOWN CITY COUNCIL



23 May 2017



16 May 2017

You are hereby notified that the next Ordinary Council Meeting will be held at the Civic Centre, Campbelltown on Tuesday 23 May 2017 at 6.30pm.

Lindy Deitz
General Manager

Agenda Summary

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1. ACKNOWLEDGEMENT OF LAND

I would like to acknowledge the Traditional Custodians, the Dharawal people, whose Lands we are now meeting on. I would like to pay my respects to the Dharawal Elders, past and present and all other Aboriginal people who are here today.

2. APOLOGIES

Nil at time of print.

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held 9 May 2017

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held 9 May 2017, copies of which have been circulated to each Councillor, be taken as read and confirmed.

Report

That the Minutes of the Ordinary Meeting of Council held 9 May 2017 are presented to Council for confirmation.

Attachments

1. Minutes of the Ordinary Meeting of Council held 9 May 2017 (contained within this report)

Minutes Summary

Ordinary Council Meeting held at 6.30pm on Tuesday, 9 May 2017.

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Minutes of the Ordinary Meeting of the Campbelltown City Council held on 9 May 2017

Present The Mayor, Councillor G Brticevic
 Councillor M Chivers
 Councillor M Chowdhury
 Councillor R George
 Councillor B Gilholme
 Councillor G Greiss
 Councillor K Hunt
 Councillor P Lake
 Councillor D Lound
 Councillor R Manoto
 Councillor B Moroney
 Councillor W Morrison
 Councillor M Oates

1. ACKNOWLEDGEMENT OF LAND

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

Council Prayer

The Council Prayer was presented by the General Manager.

2. APOLOGIES

It was **Moved** Councillor Greiss, **Seconded** Councillor Lound:

That the apologies from Councillor B Thompson and Councillor T Rowell be received and accepted.

093 The Motion on being Put was **CARRIED**.

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held 18 April 2017

It was **Moved** Councillor Lake, **Seconded** Councillor Moroney:

That the Minutes of the Ordinary Meeting held 18 April 2017 copies of which have been circulated to each Councillor, be taken as read and confirmed.

094 The Motion on being Put was **CARRIED**.

4. DECLARATIONS OF INTEREST

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

Pecuniary Interests - Nil

Non Pecuniary – Significant Interests - Nil

Non Pecuniary – Less than Significant Interests

Councillor Brticevic - Item 8.2 - Draft Maryfields Planning Proposal - Councillor Brticevic advised that he resides within the area of the proposal and that he will leave the Chamber and not take part in debate nor vote on the matter.

Other Disclosures - Nil

5. MAYORAL MINUTE

5.1 Community Building Partnerships

It was **Moved** Councillor Brticevic, **Seconded** Councillor Hunt:

That a letter of thanks be forwarded to the Member for Campbelltown, Mr Greg Warren MP for the Community Building Partnerships Grant funding.

095 The Motion on being Put was **CARRIED**.

5.2 Local Government Excellence Awards 2017

It was **Moved** Councillor Brticevic, **Seconded** Councillor Oates:

That Council forward correspondence to the appropriate staff acknowledging their efforts and contributions in being successful for the development of projects that were acknowledged by industry peers and recognised as Finalists and Award Winners in the Local Government Awards 2017 hosted by Local Government Professionals Australia.

096 The Motion on being Put was **CARRIED**.

5.3 ANZAC Day 2017

It was **Moved** Councillor Brticevic, **Seconded** Councillor Greiss:

That the efforts of staff involved in the preparation for ANZAC Day be acknowledged and a letter of congratulations be forwarded to the Ingleburn and Campbelltown RSL Sub-branches.

097 The Motion on being Put was **CARRIED**.

6. PETITIONS

Nil

7. CORRESPONDENCE

Nil

8. REPORTS FROM OFFICERS

8.1 Instrument of Delegation

It was **Moved** Councillor Lake, **Seconded** Councillor Lound:

1. That Council revoke any previous delegation of the functions of the Council to the General Manager of the Council.
2. That Council delegate under section 377 of the *Local Government Act 1993* the functions of Council as detailed in the attached Instrument of Delegation.

098 The Motion on being Put was **CARRIED**.

Having declared an interest in regard to Item 8.2, Councillor Brticevic left the Chamber and did not take part in debate nor vote on this item. Deputy Mayor, Councillor Oates assumed the Chair.

8.2 Draft Maryfields Planning Proposal

It was **Moved** Councillor Lound, **Seconded** Councillor Lake:

That Council endorse the draft Maryfields Planning Proposal and associated documentation for public exhibition in accordance with the amended determination of the Gateway Panel.

A Division was recorded in regard to the Resolution for Item 8.2 with those voting for the Motion being Councillors M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme, M Chivers, P Lake, B Moroney, G Greiss and R George.

Voting against the Resolution were Nil.

099 The Motion on being Put was **CARRIED**.

At the conclusion of the discussion regarding Item 8.2, Councillor Brticevic returned to the Chamber for the remainder of the meeting and reassumed the Chair.

Meeting Note: Ms Flood addressed the meeting in regard to Item 8.3.

8.3 Second Access to Wedderburn

It was **Moved** Councillor Greiss, **Seconded** Councillor Lound:

1. That Council liaise with the Roads and Maritime Service of NSW as to whether they will provide the necessary State Government support and the funding for the extension of Lysaght Road through to Appin Road, Wedderburn.
2. That a further report come back to Council following discussions with the Roads and Maritime Service of NSW.

100 The Motion on being Put was **CARRIED**.

8.4 M31 - South bound on ramps - Jackson Park, Woodbine

It was **Moved** Councillor Oates, **Seconded** Councillor Hunt:

1. That Council write to the Minister for Roads, extolling the need for the south bound on and off ramps to be constructed as part of the essential Spring Farm Parkway Interchange road works.
 2. That Council continue to review the regional benefit of providing south bound on ramps on Campbelltown Road near Jackson Park, and also Badgally Road as part of the
-

regional transport modelling that is currently being undertaken.

101 The Motion on being Put was **CARRIED**.

8.5 Draft Campbelltown City Disability Inclusion Action Plan 2017-2021

It was **Moved** Councillor Lound, **Seconded** Councillor Gilholme:

1. That the draft Campbelltown City Disability Inclusion Action Plan 2017-2021 be endorsed and placed on public exhibition for a period of 28 days to seek community feedback.
2. That following the exhibition period a further report be presented to Council for consideration prior to adoption and submission to the Disability Council NSW before 1 July 2017.

102 The Motion on being Put was **CARRIED**.

8.6 Investments and Revenue Report - March 2017

It was **Moved** Councillor Lake, **Seconded** Councillor Lound:

That the information be noted.

103 The Motion on being Put was **CARRIED**.

Councillor Morrison arrived at the meeting at 7.07pm.

8.7 Campbelltown CBD Car Parking

It was **Moved** Councillor Lound, **Seconded** Councillor Greiss:

That the information be noted.

104 The Motion on being Put was **CARRIED**.

8.8 Draft Community Strategic Plan, Draft 2017-2021 Delivery Program, Draft 2017-2018 Operational Plan including the Draft Budget, Fees and Charges

It was **Moved** Councillor Lake, **Seconded** Councillor Manoto:

1. That the Draft Community Strategic Plan, Draft 2017-2021 Delivery Program, Draft Operational Plan including the Draft Budget and Fees and Charges be placed on public exhibition for a period not less than 28 days between 10 May 2017 and 9 June 2017.
2. That a further report be submitted to Council on the exhibition of the draft documents prior to consideration of the formal adoption of these documents.

105 The Motion on being Put was **CARRIED**.

9. QUESTIONS WITH NOTICE

Nil

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

Nil

12. URGENT GENERAL BUSINESS

Nil

13. PRESENTATIONS BY COUNCILLORS

1. Councillor Chowdhury advised that he recently attended a number of events to celebrate South East Asian New Year for the Bangladesh, Nepalese, Lao, Vietnamese and Thai communities in the Local Government Area.
2. Councillor Hunt advised that she recently attended the Sedgwick Housing Co-Op's 5th Anniversary which was a magnificent event and it was great to see the amazing facilities.
3. Councillor Lound advised that he recently represented the Mayor at the Baseball Little League State Championships for players Under 11 - Under 12 noting the event was very successful and that he received wonderful feedback regarding our facilities.

4. Councillor Lound advised that he attended the Sports Strategy launch last week noting that it was great to see some home talent and so many sporting clubs in attendance at the launch.
5. Councillor Manoto advised that he represented the Mayor at the recent Tribute to Mothers event.
6. Councillor Gilholme advised that he recently attended the Latter Day Saints Macarthur Stake Conference in Blair Athol which was a wonderful event it was great to see so many in attendance sharing their ideas and passion.
7. Councillor Gilholme advised that he recently attended the Comic Book Day at HJ Daley Library and noted that it was a wonderful event and great to see so many people using our facility.
8. Councillor Chivers advised that she recently attended the 201st Anniversary of the Appin Massacre at Cataract Dam, which was a profound ceremony but such a beautiful place. I spent the day talking to elders and children about lessons learned, this event also brought together Camden, Campbelltown and Wollondilly Councils.
9. Councillor Chivers advised that she was given the great honour together with the Minister for Multiculturalism, and Minister for Disability Services, Ray Williams MP to cut the ribbon for our new Adult Change facility at Macquarie Fields Leisure Centre. Prior to the opening we were given a inspection by John Evernden, the Access Consultant from Accessible Public Domain, who designed the facility.

Councillor Chivers noted that she is extremely proud of this facility and it was also noted by the Minister that this facility will be mapped so that people with a disability are aware of this facility.
10. Councillor Chivers acknowledged the staff from Macquarie Fields Leisure Centre, particularly Mrs Bastable and Mr Young for their efforts during the planning and opening of the Adult Change Facility.
11. Councillor Lake advised that he attended launch of the Sports Strategy and noted the event was very well received.
12. Councillor Lake advised that he attended the Pacific Test at Campbelltown Stadium over the weekend, what a fantastic event. Councillor Lake acknowledged the Member for Campbelltown Greg Warren MP along with Council staff for their efforts and work in securing this event for our community. The event was very well attended and all feedback was very positive.
13. Councillor Moroney advised that he also attended the Pacific Test noting that it was a wonderful event for our community.
14. Councillor Moroney advised that he recently attended the Beautiful Minds Mad Hatter Ball which is an annual event to raise funds for Mental Health within our community. This event raised over \$25,000 and it was a fantastic event.

15. Councillor Morrison, Saturday night great to see the wonderful crowd at the Pacific Test. Credit to Council for bringing together. What a great night. Proud moment for Campbelltown
16. Councillor Greiss advised that he attended the UDIA Conference in Perth. Whilst in Perth some attendees visited a new suburb which is was medium/high density housing, however it is currently a ghost town and should be seen as a good example of how not to densify our cities, as a Council it is important that we look at liveability when planning for the future especially as part of the Glenfield to Macarthur Corridor Strategy as we need to make sure housing demand is met.
17. Councillor Greiss also noted that whilst in Perth they visited a Sports Stadium and noted that if Council's planned sports stadium and sports excellence facilities come to fruition our community will be generations ahead, our infrastructure is very important and we will be proud of our facilities going forward when delivered.
19. Councillor Greiss recently travelled overseas and noted that he met with a gentleman that was planning on running as the Mayor of Bethlehem and had a lengthy discussion with regards to how Council operates and noted it was interesting to see although we have a lot of differences there is a lot we can learn from each other.
20. Councillor Brticevic advised that he recently attended the official renaming of the James Rooke Bridge and thanked Communications and Marketing for their planning and Operational staff for their efforts in ensuring the area was well presented and traffic control was in place. Councillor Brticevic also thanked the Executive Manager Infrastructure for this coordination and signage. The family were very touched by the lengths that Council went to for their son and the renaming of the bridge and feel that the renaming has given them closure.
21. Councillor Brticevic advised that he attended the recent Pacific Test and thanked Communications and Marketing for the launch of the Sports Strategy at Macarthur Square. Councillor Brticevic also thanked stadium staff and the Executive Manager Sport Recreation and Leisure, for a fantastic event that showcased our facilities. This event was a great opportunity for visiting fans from many diverse backgrounds that attracted a high calibre of players and coaches in attendance. Councillor Brticevic also noted that the Asian Cup returns to Campbelltown Stadium on Wednesday 17 May 2017.
22. Councillor Brticevic advised that he recently attended the Western Sydney Business Chamber function held Campbelltown Catholic Club. It was noted that a number of Council's Executive team attended and the Mayor opened the event. Councillor Brticevic advised that the General Manager presented the vision for Leumeah and that David Borger facilitated the event. A story was run on Channel Nine which has been shown on the news and are utilising every opportunity to showcase our City.

Confidentiality Recommendation

It was **Moved** Councillor Lake, **Seconded** Councillor Greiss:

That the Council in accordance with Section 10A of the *Local Government Act 1993*, resolve to exclude the public from the meeting during discussions on the items in the Confidential Agenda, due to the confidential nature of the business and the Council's opinion that the public proceedings of the Committee would be prejudicial to the public interest.

106 The Motion on being Put was **CARRIED**.

The Ordinary Meeting of Council was adjourned at 7.41pm and reconvened as a meeting of the Confidential Committee at 7.42pm.

14. CONFIDENTIAL REPORTS FROM OFFICERS

14.1 Audit Committee Update

It was **Moved** Councillor Lound, **Seconded** Councillor Gilholme:

That Council adopt the Audit, Risk and Improvement Committee meeting minutes of 13 December 2016 and 28 March 2017.

107 The Motion on being Put was **CARRIED**.

14.2 Amendment to BP Lease

It was **Moved** Councillor Lake, **Seconded** Councillor Lound:

That Council approve the variation to the lease on the terms outlined in this report.

108 The Motion on being Put was **CARRIED**.

Motion

It was **Moved** Councillor Moroney, **Seconded** Councillor Morrison:

That the Council in accordance with Section 10 of the Local Government Act 1993, move to re-open the meeting to the public.

109 The Motion on being Put was **CARRIED**.

At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 7.44pm

Motion

It was **Moved** Councillor George, **Seconded** Councillor Chivers:

That the reports of the Confidential Committee and the recommendations contained therein be adopted.

110 The Motion on being Put was **CARRIED**.

There being no further business the meeting closed at 7.45pm.

Confirmed by Council on

..... General Manager Chairperson

4. DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

Other Disclosures

5. MAYORAL MINUTE

Nil

6. PETITIONS

Nil

7. CORRESPONDENCE

Nil

8. REPORTS FROM OFFICERS

8.1 Renewal of South Area Alcohol Free Zones

Reporting Officer

Manager City Standards and Compliance
City Development

Community Strategic Plan

Objective	Strategy
4. A Safe, Healthy and Connected Community	4.2 The provision of clean and safe public spaces

Officer's Recommendation

1. That a notice be placed in a local paper inviting submissions from any person or group in response to Council's intention to re-establish Alcohol Free Zones over the streets and footpaths detailed in attachment 1 to this report for the proposed Alcohol Free Zones of:
 - (a) Airds
 - (b) Ambarvale
 - (c) Bradbury
 - (d) Campbelltown CBD South
 - (e) Campbelltown CBD North
 - (f) Campbelltown East 1
 - (g) Campbelltown East 2
 - (h) Glen Alpine
 - (i) Leumeah
 - (j) Menangle Park
 - (k) Rosemeadow 1
 - (l) Rosemeadow 2
 - (m) Ruse
 - (n) St Helens Park 1
 - (o) St Helens Park 2
2. That all submissions received during the exhibition period be reported to Council.
3. That should no submissions be received during the exhibition period, advice be given that Council intends to re-establish Alcohol Free Zones over the areas specified in Recommendation 1 above to:
 - (a) The Anti Discrimination Board
 - (b) The Officer in charge of the Police Station nearest the zones
 - (c) The liquor licensees and secretaries of registered clubs whose premises border on or adjoin or are adjacent to the proposed zones
 - (d) Any known group that might be affected by the creation of the proposed zones.

4. That should no submissions be received a further report be provided to Council on the re-establishment of the Alcohol Free Zones specified in Recommendation 1 at the completion of the period for comment by the organisations/groups listed in Recommendation 3.
-

Purpose

To submit to Council for endorsement, a proposal to renew without change 15 Alcohol Free Zones that are located within the southern area of the Campbelltown Local Government Area (LGA) and due to expire on 24 December 2017.

History

The *Local Government Act 1993* (the Act) provides Council with the ability to establish an Alcohol Free Zone (AFZ) to promote the safe use of roads, footpaths and public car parks (including privately owned shopping centre car parks) without interference from anti-social behaviour caused by public drinkers. The object of an AFZ is an early intervention measure to prevent the escalation of irresponsible street drinking to incidents involving public nuisance, disturbance or serious crime.

Any person living or working within the Local Government Area (LGA), the local police or a local community group can make an application for an AFZ. Once established, an AFZ prohibits the drinking of alcohol on the roads, footpath and public car parks in the specified zone. A proposal to establish an AFZ must, in all cases, be supported by evidence that street drinkers have compromised the public's use of those footpaths, roads or car parks. The maximum duration of an AFZ is four years although it may be re-established upon following the same procedure that was used to originally establish the zone.

Report

The management and operation of an AFZ is a collaborative approach between Council and Police Local Area Commands. Council's role has been the establishment and sign posting of the zones, while Police are responsible for enforcement.

The Police have not been consulted at this stage regarding the proposed re-establishment of the existing Alcohol Free Zones. Consultation with the Police will occur subsequent to the public consultation process where Council will be advised of any history of any anti-social behaviour in the declared Alcohol Free Zones, prior to any decision to declare re-establishment of the Alcohol Free Zones in accordance with the mandated procedure outlined below.

Re-establishment of Existing AFZs

The procedure that Council must follow in resolving to declare an AFZ is outlined in the legislation and is summarised as follows:

1. Publish a notice in one or more local newspapers advising of Council's intention to establish the AFZ and inviting public submissions. The minimum period for lodging representations is 14 days after publication of the notice.

2. Consider any submissions received, and where it is decided to declare the zone, advise:
 - the Anti-Discrimination Board
 - the Officer in charge of the Police Station nearest the zone
 - the liquor licensees and secretaries of registered clubs whose premises border on, adjoin or are adjacent to the proposed zone
 - any known group that might be affected by the creation of the AFZ.

Council must give each of the abovementioned notified organisations or persons a minimum of 30 days to make a written submission.
3. Consider any submissions received and where it is decided to proceed with the declaration, notify that decision (whether as originally proposed or as amended), in a local newspaper at least seven days in advance of the proposed date of commencement.
4. Signpost the area in accordance with the Act.

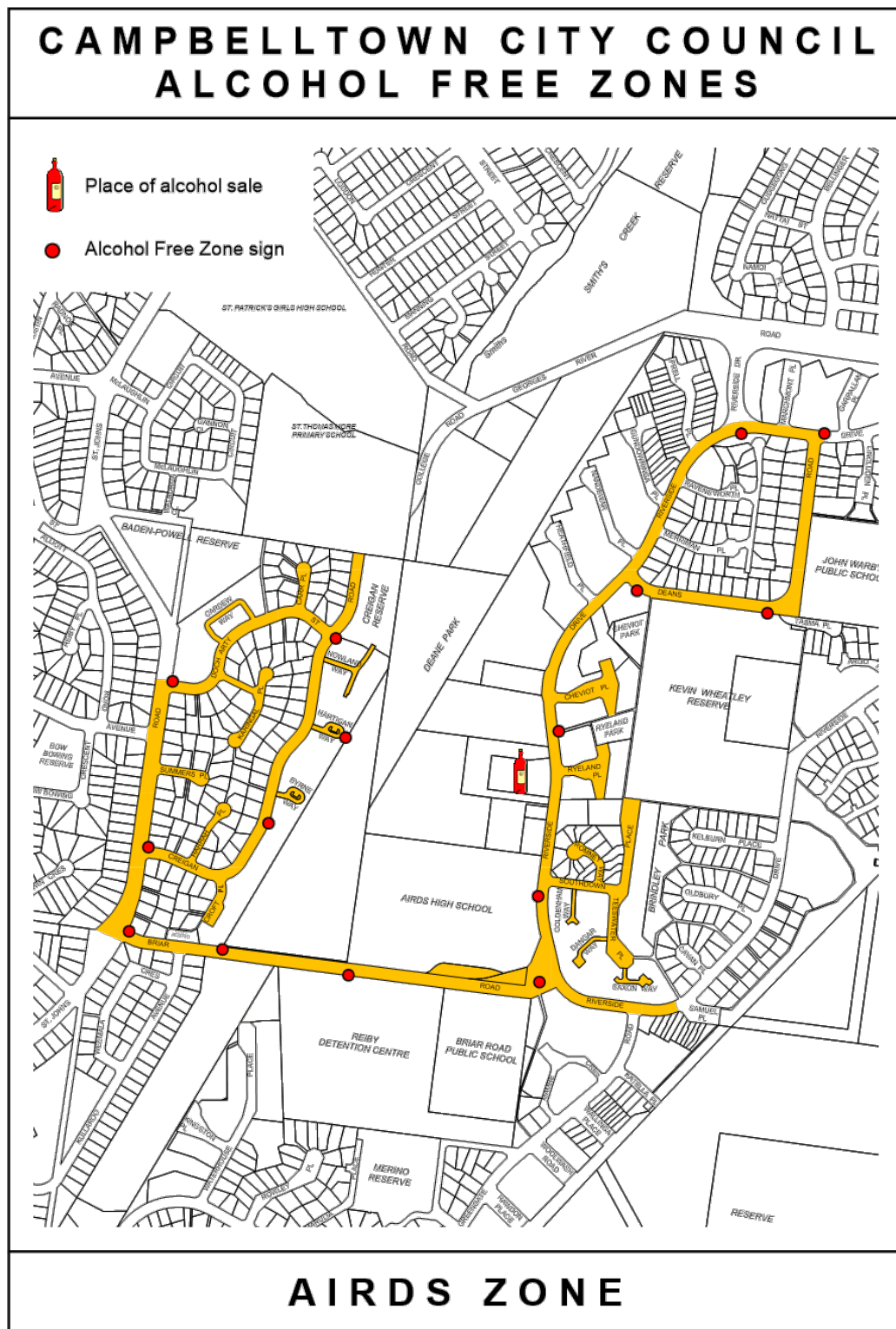
The zones are shown in attachment 1 to this report and are listed below:

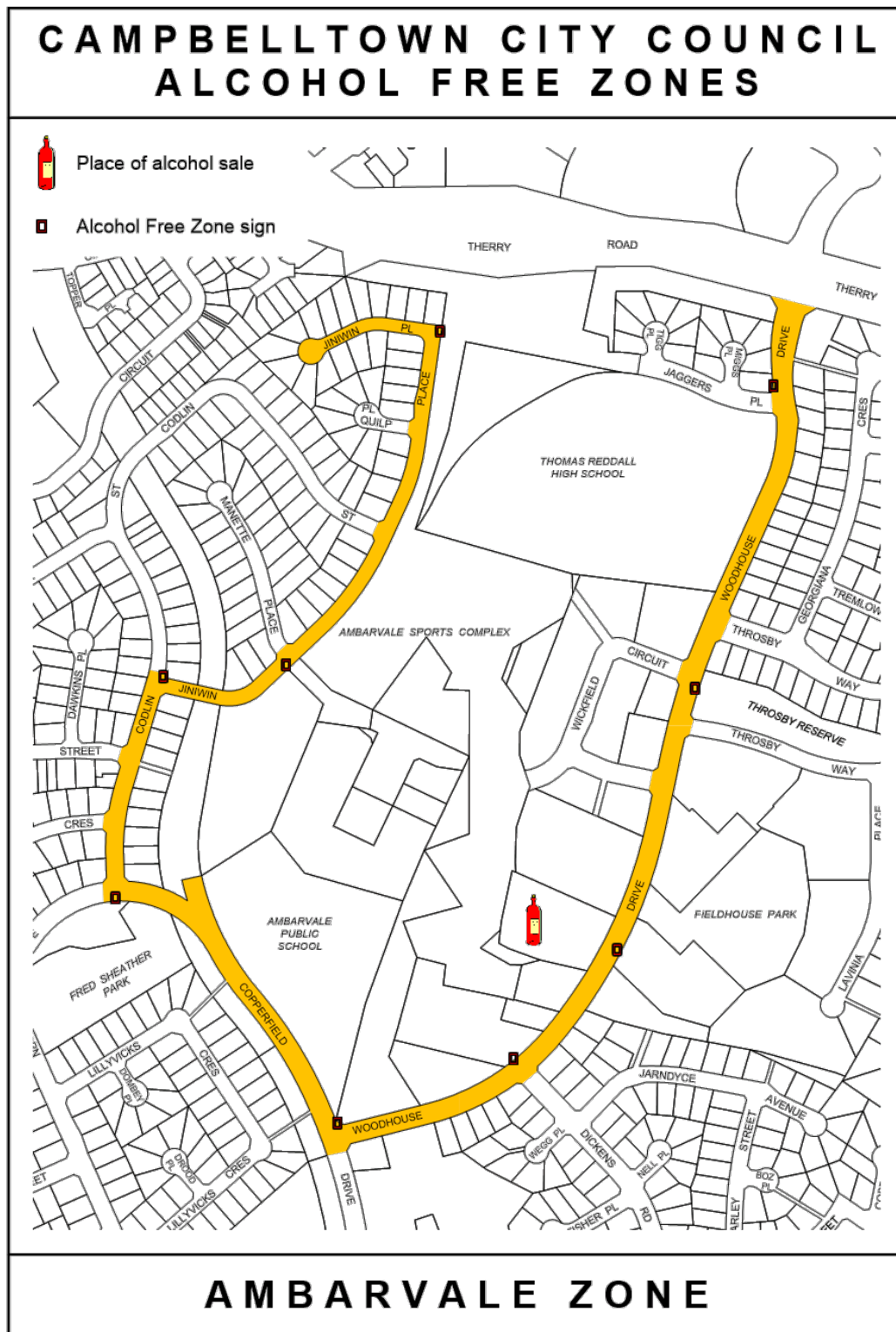
- (a) Airds
- (b) Ambarvale
- (c) Bradbury
- (d) Campbelltown CBD South
- (e) Campbelltown CBD North
- (f) Campbelltown East 1
- (g) Campbelltown East 2
- (h) Glen Alpine
- (i) Leumeah
- (j) Menangle Park
- (k) Rosemeadow 1
- (l) Rosemeadow 2
- (m) Ruse
- (n) St Helens Park 1
- (o) St Helens Park 2

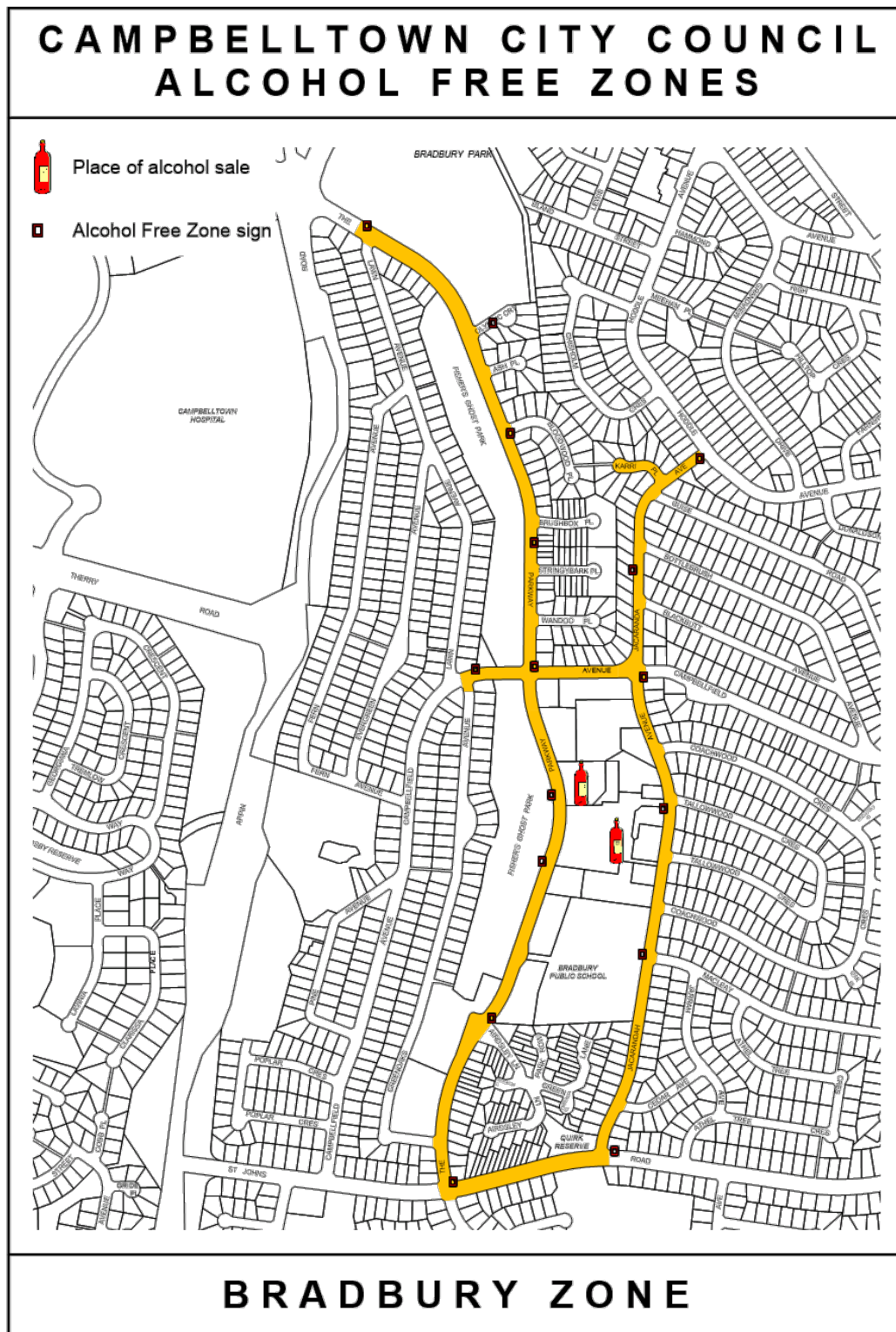
The zones subject of this report are proposed to be re-established and are due to expire on 24 December 2017. Therefore in the interest of continuing to promote the safe use of roads, footpaths and car parks within the zones and reduce the potential for alcohol related incidents, it is proposed these zones be re-established.

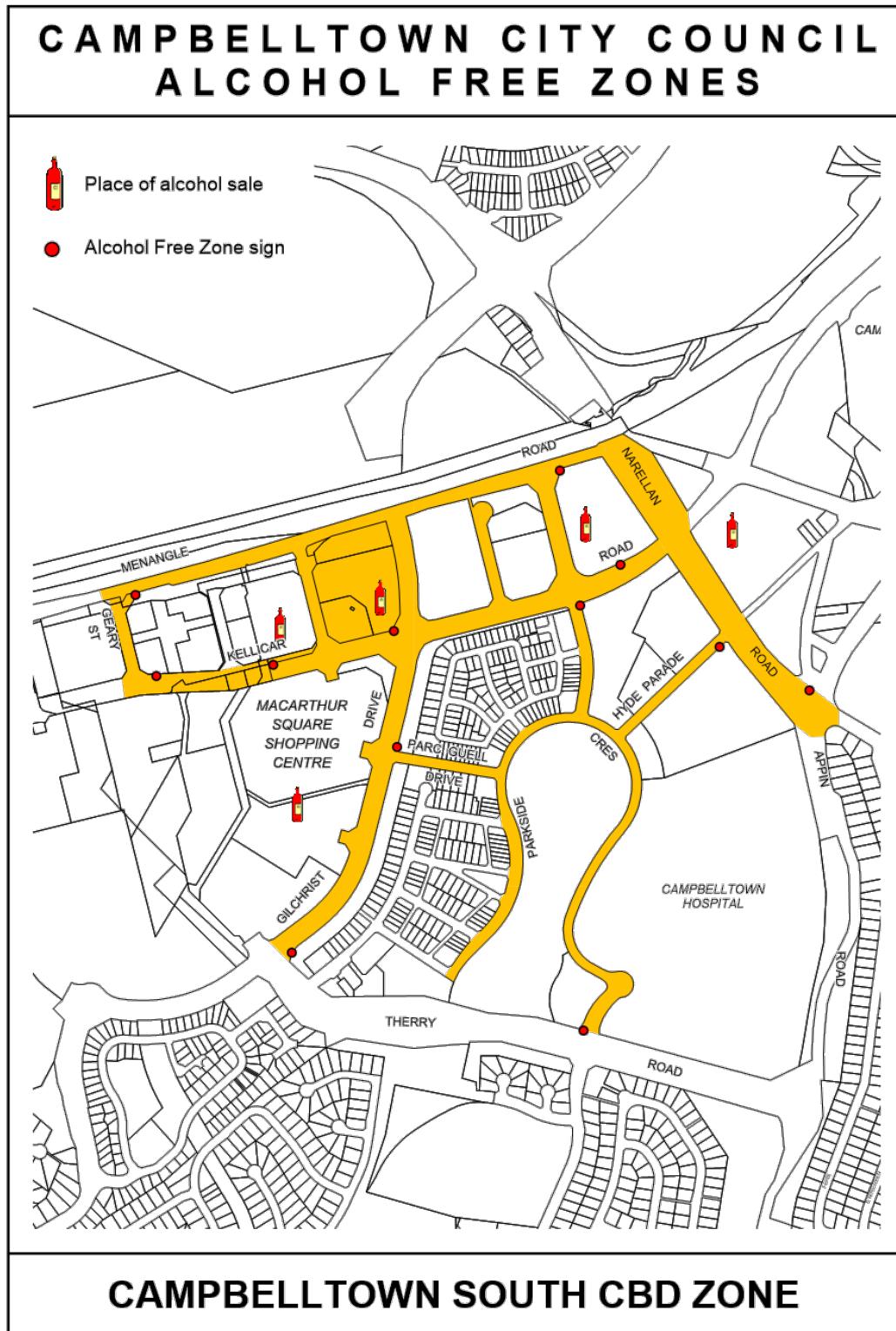
Attachments

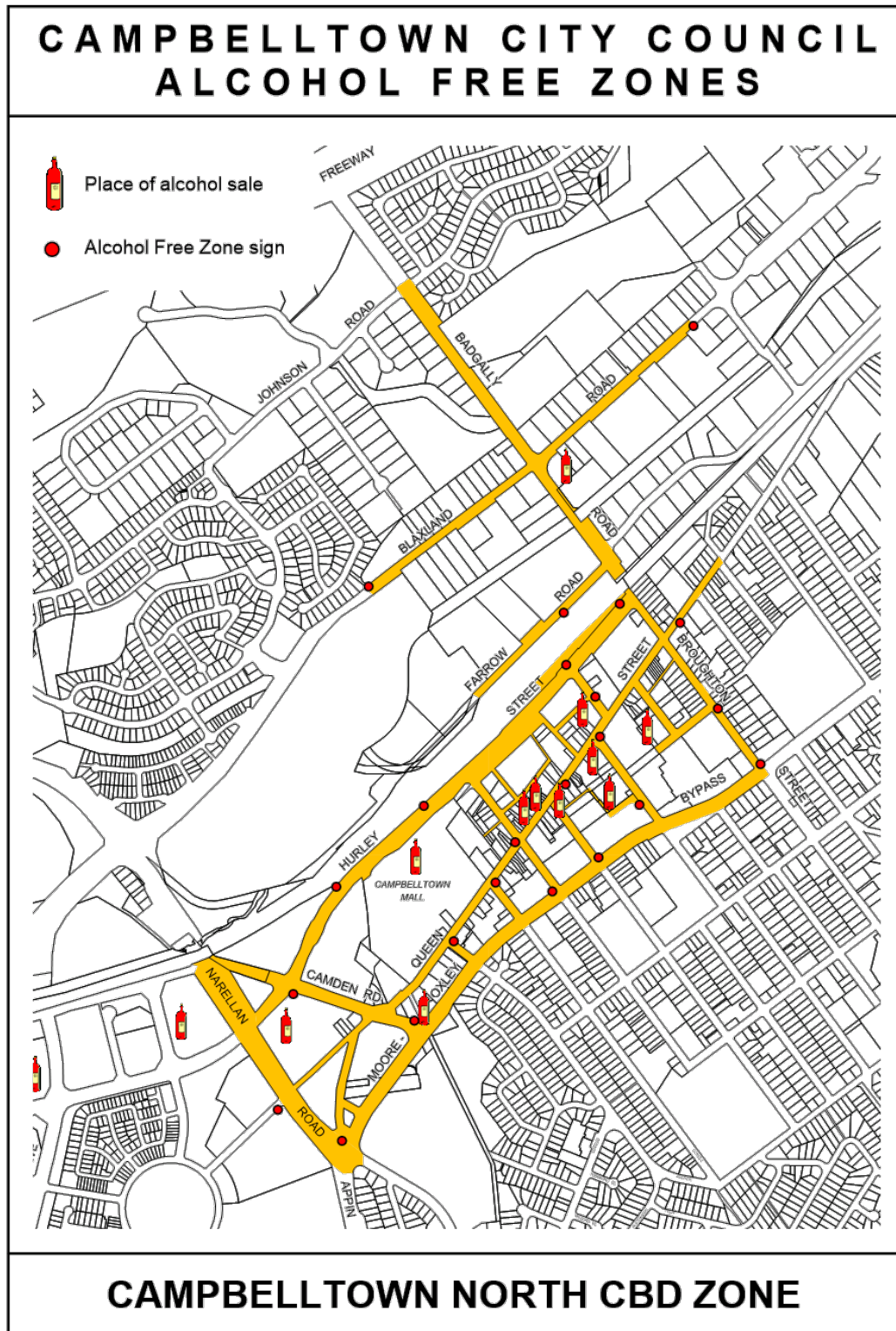
1. Airds Alcohol Free Zone Map (contained within this report)
2. Ambarvale Alcohol Free Zone Map (contained within this report)
3. Bradbury Alcohol Free Zone Map (contained within this report)
4. Campbelltown CBD South Alcohol Free Zone Map (contained within this report)
5. Campbelltown CBD North Alcohol Free Zone Map (contained within this report)
6. Campbelltown East 1 Alcohol Free Zone Map (contained within this report)
7. Campbelltown East 2 Alcohol Free Zone Map (contained within this report)
8. Glen Alpine Alcohol Free Zone Map (contained within this report)
9. Leumeah Alcohol Free Zone Map (contained within this report)
10. Menangle Park Alcohol Free Zone Map (contained within this report)
11. Rosemeadow 1 Alcohol Free Zone Map (contained within this report)
12. Rosemeadow 2 Alcohol Free Zone Map (contained within this report)
13. Ruse Alcohol Free Zone Map (contained within this report)
14. St Helens Park 1 Alcohol Free Zone Map (contained within this report)
15. St Helens Park 2 Alcohol Free Zone Map (contained within this report)

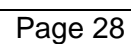


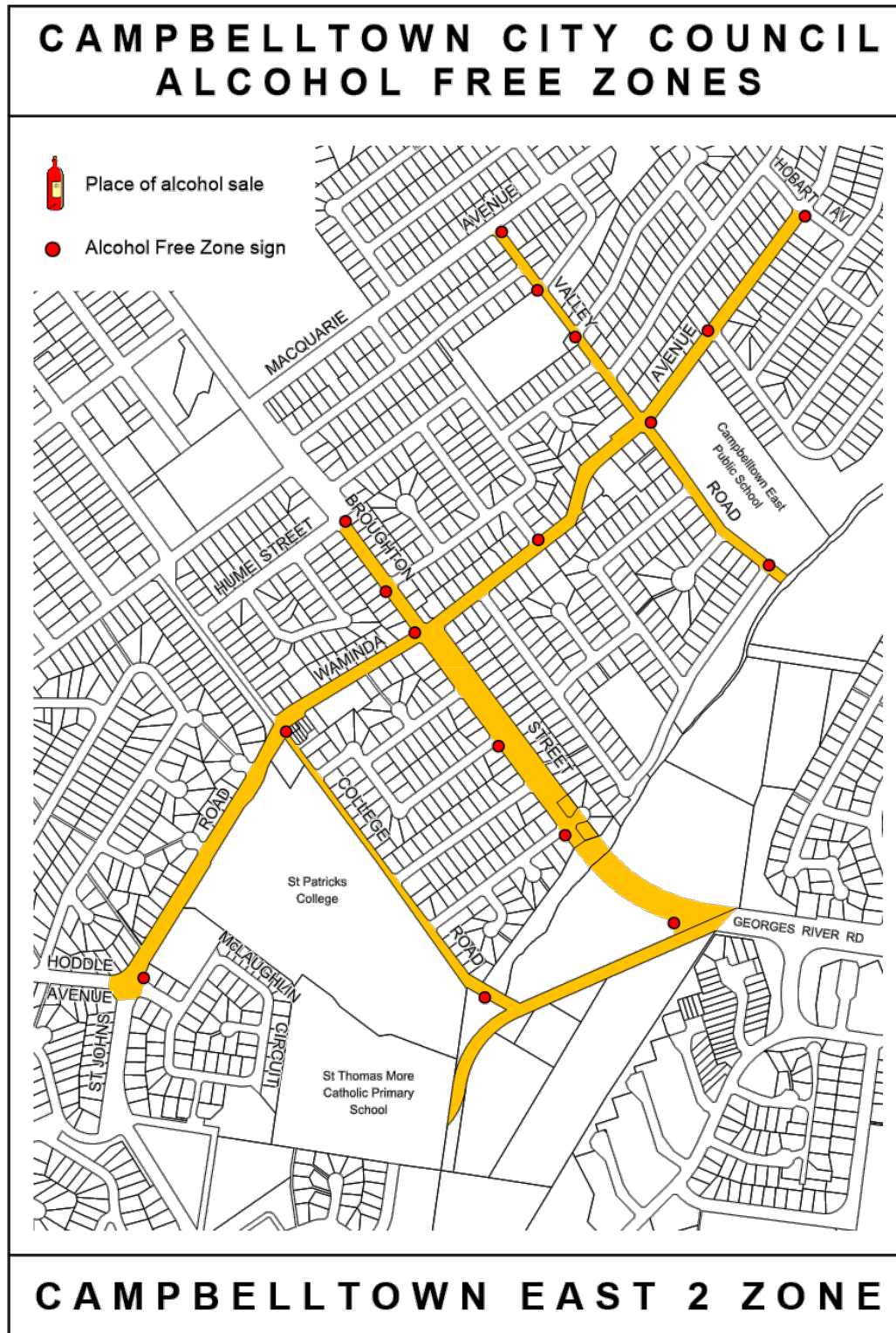


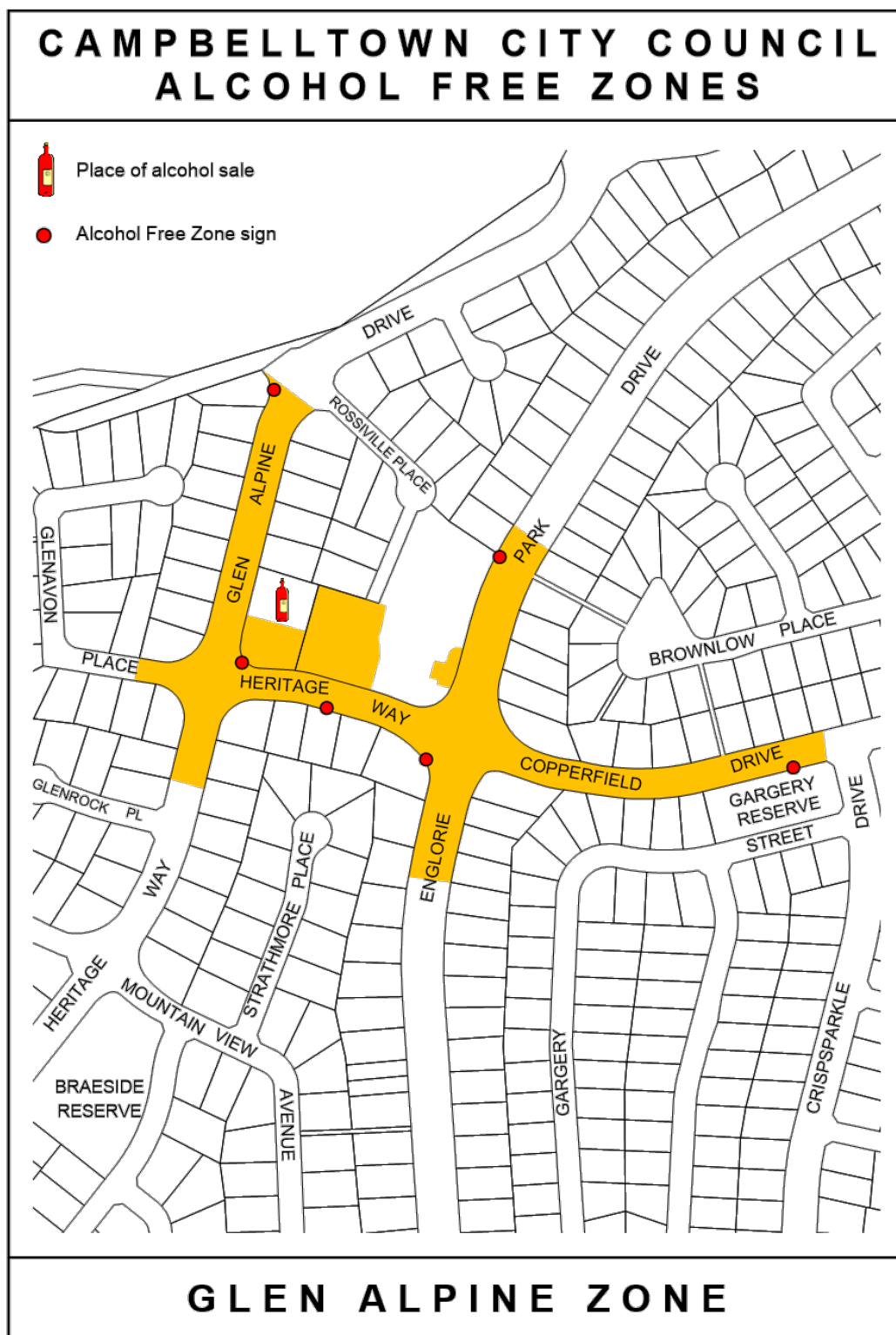




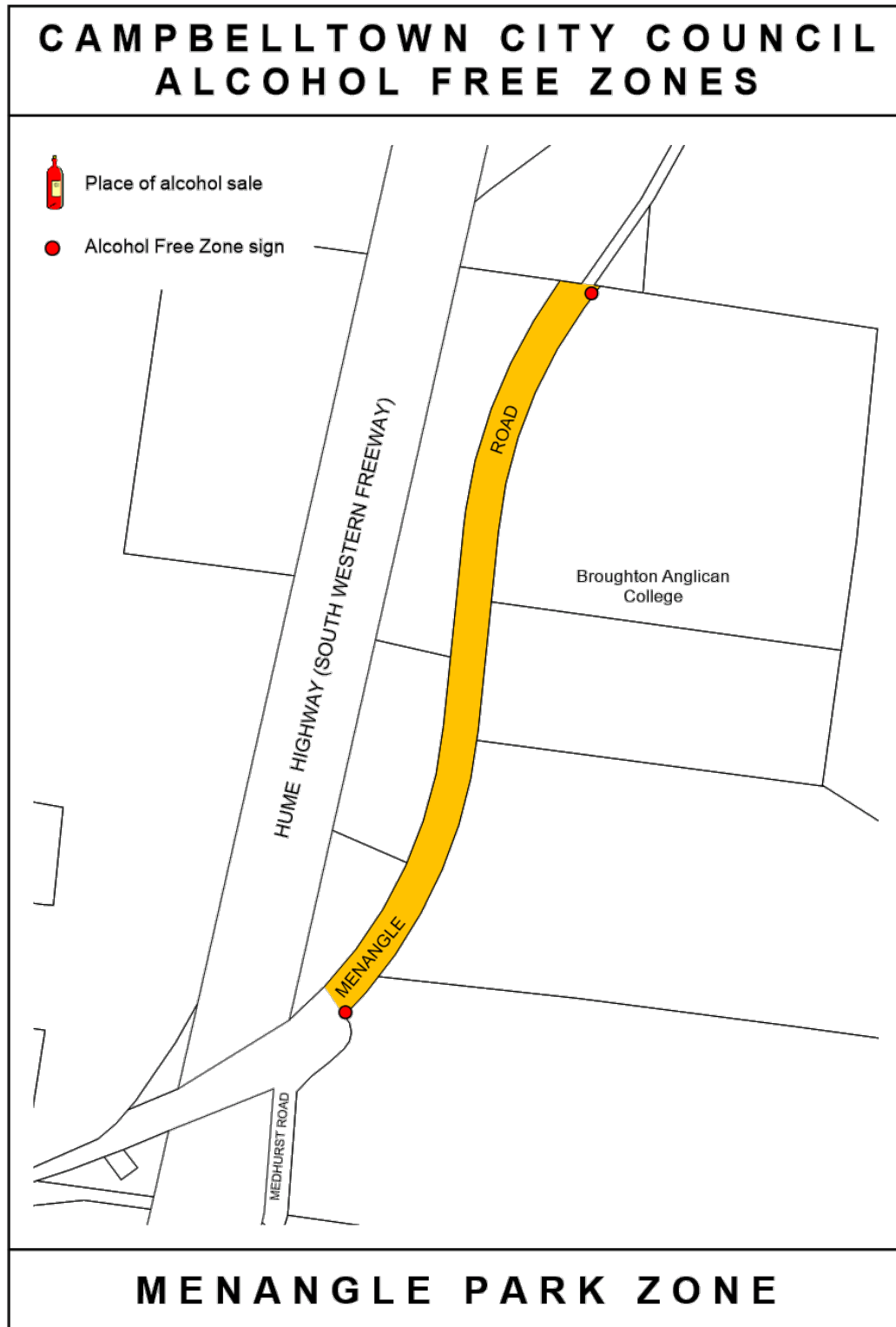






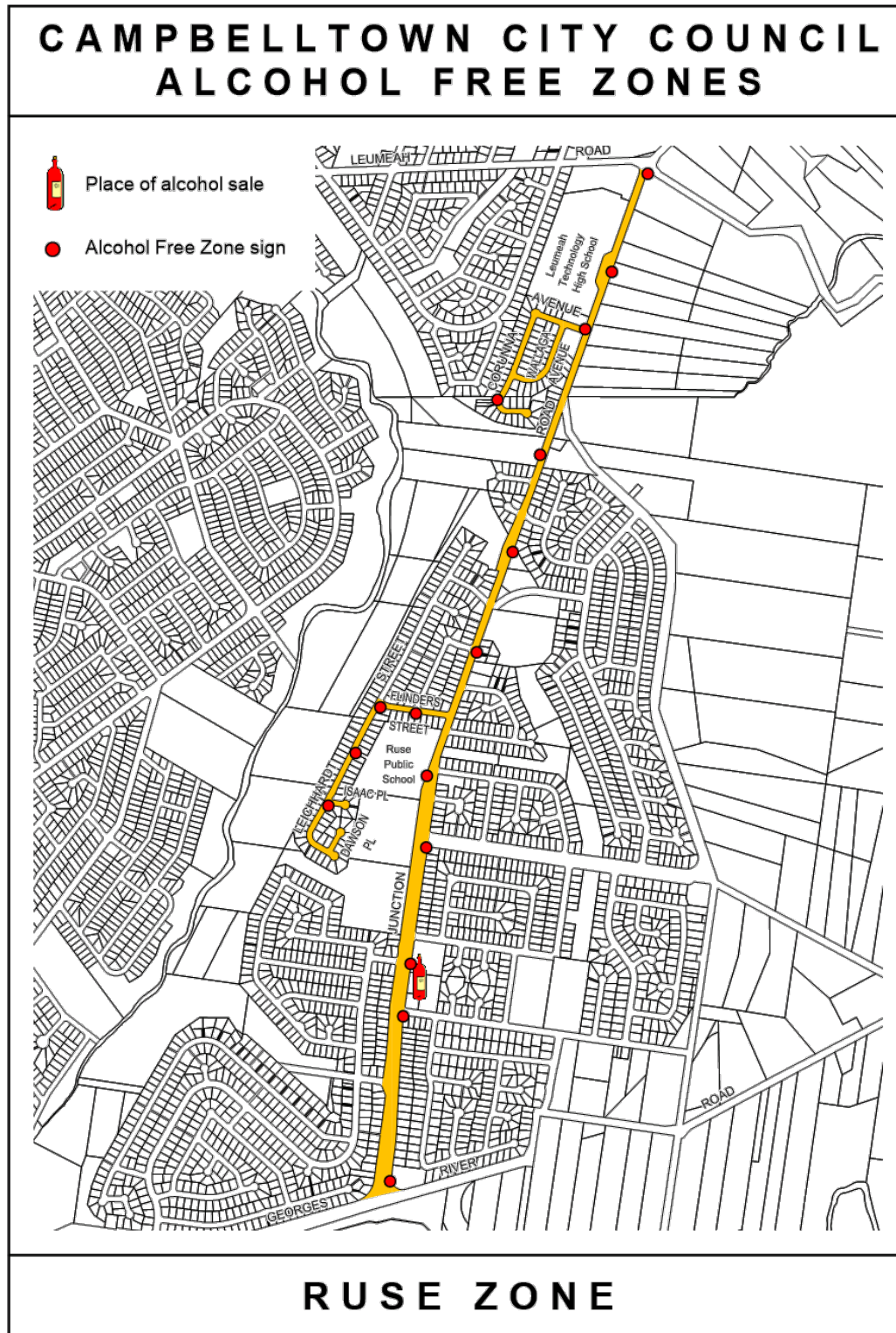


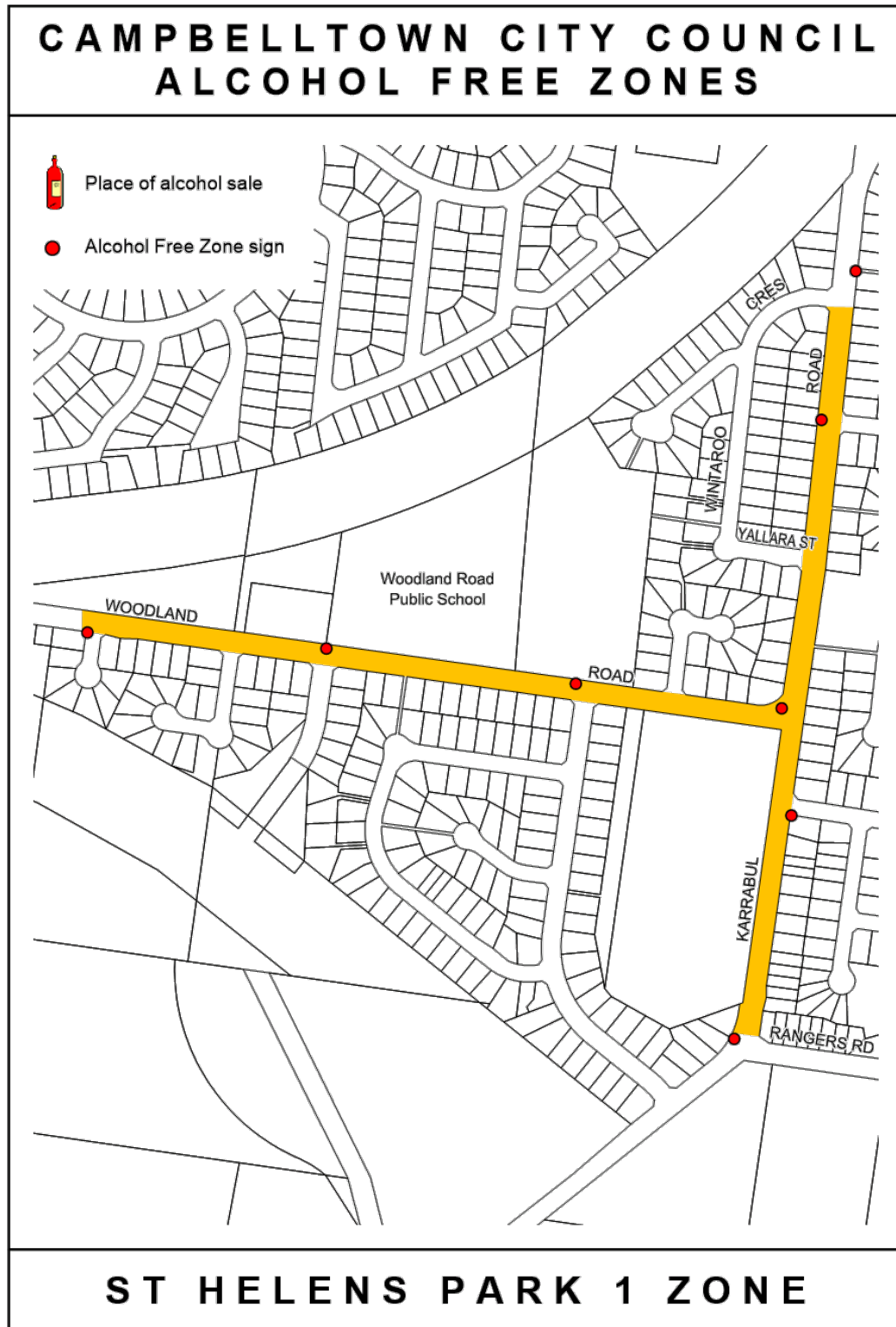


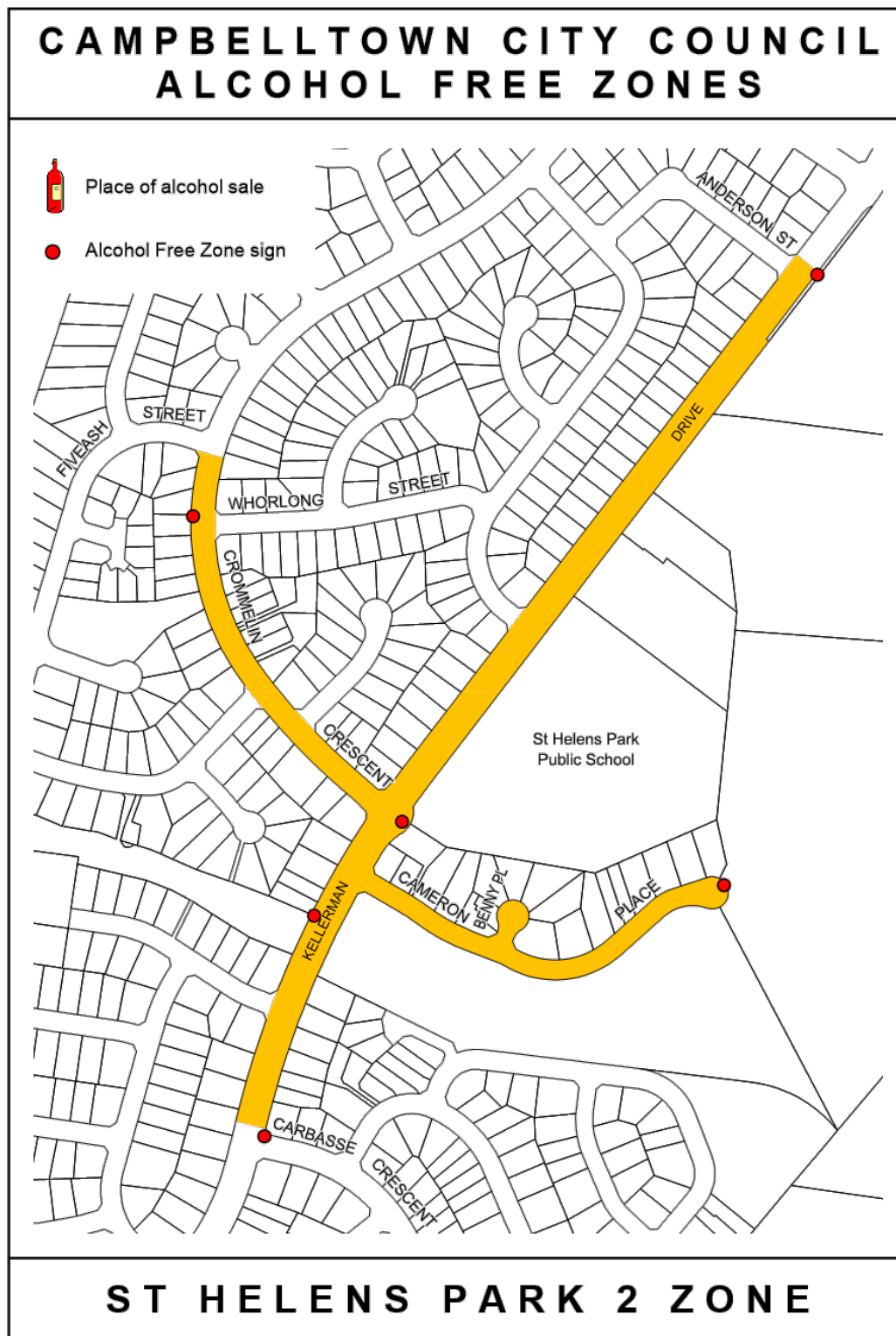












8.2 Demolition of existing structures and construction of a boarding house containing 12 boarding rooms at 20 Albert Street, Ingleburn

Reporting Officer

Director City Development
City Development

Community Strategic Plan

Objective	Strategy
2. A Strong Local Economy	2.1 Encouragement of balanced development within the city

Officer's Recommendation

That the proposed development be approved subject to the recommended conditions of consent outlined in attachment 1.

Purpose

To assist Council in its determination of the subject application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

This development application is required to be reported to Council due to the nature of the proposed development (boarding house) and the receipt of submissions from the occupants of five properties in response to the public exhibition and notification of the proposed development.

Property Description	Lot 2 DP 22431 20 Albert Street, INGLEBURN
Application No	2110/2016/DA-BH
Applicant	EJS Projects Pty Ltd
Owner	Mr David Reginald Bruce
Statutory Provisions	Campbelltown 2025 – Looking Forward State Environmental Planning Policy (Affordable Rental Housing) 2009 Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015
Date Received	30 June 2016

Report

A development application was lodged with Council on 30 June 2016 for the demolition of existing structures and construction of a boarding house at No. 20 Albert Street, Ingleburn.

The site is located on the south eastern side of Albert Street, and currently contains a single storey dwelling. It has an area of 746sqm and is rectangular in shape. It is adjoined to the north, south and west by single storey dwellings, and to the east by a two-storey multi-dwelling complex. The surrounding locality contains a mixture of single dwellings, dual occupancies, attached dwellings and multi-dwellings.

The proposed boarding house would contain twelve boarding rooms over two storeys. Each boarding room would contain its own kitchen, bathroom and laundry facilities. The sizes of the proposed boarding rooms vary between 15.9sqm and 25sqm. Based on the sizes of the rooms, the boarding house would have a maximum capacity of 19 persons.

A communal living area and communal open space areas would be provided on the ground floor pursuant to the Affordable Rental Housing SEPP, and two of the ground floor units would have their own private open space area.

The proposed boarding house would have three car parking spaces (including one accessible parking space) and bicycle/motorcycle parking within an enclosed garage.

This application also proposes the construction of a footpath between the subject site and the nearest bus stop in Chester Road, in order that the site is able to qualify as being located in an accessible area as defined by the Affordable Rental Housing SEPP.

1. Vision

Campbelltown 2025 - Looking Forward

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

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

The document establishes a set of strategic directions to guide decision making and development outcomes.

The strategic directions relevant to this application are:

- creating education, employment and entrepreneurial opportunities
- development and land use that matches environmental capacity and capability.

The application is consistent with the above strategic directions as the proposal would support the creation of employment opportunities as part of the construction of the development, and its built form would be sympathetic to the characteristics of the site and surrounding development.

2. Planning Provisions

2.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposed boarding house has been assessed against the relevant provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009. This assessment is presented below:

Clause 26 - Land to which Division applies (division of SEPP relating to boarding houses)

This division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones:

- (a) Zone R1 General Residential
- (b) Zone R2 Low Density Residential
- (c) Zone R3 Medium Density Residential
- (d) Zone R4 High Density Residential
- (e) Zone B1 Neighbourhood Centre
- (f) Zone B2 Local Centre
- (g) Zone B4 Mixed Use

The subject site is located within the R2 Low Density Residential Zone, which is listed above as being a zone within which this division of the Affordable Rental Housing SEPP applies.

Clause 27 - Development to which Division applies

- (1) This division applies to development, on land to which this division applies, for the purposes of boarding houses.
- (2) Despite subclause (1), this division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.
- (3) Despite subclause (1), this division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.

This application proposes the construction of a boarding house, and the site is within an accessible area as defined by the SEPP (provided that a footpath is constructed between the subject site and the nearest bus stop). In this regard, the site is located within 400 metres walking distance of a bus stop on the 873 bus route, which operates the prescribed number of services under the definition of accessible area. The definition of walking distance requires that public footpaths be located between the site and the bus stop. There is at present no footpath between the subject site and the nearest bus stop in Chester Road, however the applicant is proposing to construct and fund a footpath to link the site and the bus stop as part of the application. The construction of a footpath will cause the site to meet the criteria of an accessible area, therefore, this section of the SEPP applies to the subject development application and the development proposal is consistent with its requirements.

Clause 28 - Development may be carried out with consent

Development to which this division applies may be carried out with consent.

The proposed construction of a boarding house in the R2 Low Density Residential Zone is permissible with consent.

Clause 29 - Standards that cannot be used to refuse consent

Clause 29 of the SEPP outlines a range of development standards, which, if the proposed development complies with, means that Council cannot refuse the application on those grounds. An assessment of the proposal against the relevant standards in the clause is outlined below:

- (1) a consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:
 - (a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land,

Comment

The maximum floor space ratio for all forms of development that are permissible on the land is 0.6:1. The proposed development has a floor space ratio of 0.6:1 and therefore complies with this standard.

- (2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:
 - (a) building height

if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,

Comment

The maximum building height applicable to the site under Campbelltown Local Environmental Plan 2015 is 9 metres. The proposed boarding house would have a maximum height of 8.5 metres, and therefore complies with the standard.

- (2)(b) landscaped area

if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,

Comment

The proposed landscaping within the front setback of the proposed development is considered to be compatible with the streetscape of Albert Street, and therefore complies.

(2)(c) solar access

where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid-winter,

Comment

The proposed communal living room would receive greater than three hours of direct sunlight between 9.00am and 3.00pm in mid-Winter, and therefore complies.

(2)(d) private open space

if at least the following private open space areas are provided (other than the front setback area):

- (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,
- (ii) if accommodation is provided on site for a boarding house manager—one area of at least 8.0 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,

Comment

Two separate areas of private open space are proposed, both of which would exceed the minimum requirements of 20sqm with a width of 3 metres. The proposal is therefore compliant.

(2)(e) parking

if:

- (i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and
- (ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and
- (iii) in the case of any development—not more than 1.0 parking space is provided for each person employed in connection with the development and who is resident on site,

Comment

The subject site is located within an accessible area, as defined by the SEPP. Accordingly, a car parking rate of 0.2 spaces per boarding room is applicable. Based on the 12 boarding rooms, three car parking spaces are required, including one accessible car space. Three car parking spaces (including one accessible space) are proposed to be provided, and therefore the proposal complies.

(2)(f) accommodation size

if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:

- (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or
- (ii) 16 square metres in any other case.

Comment

All of the proposed single lodger rooms are between 12 and 16sqm in size, and all of the proposed double lodger rooms are greater than 16sqm in size. Therefore the proposal complies.

- (3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.

Comment

The proposed boarding house has private kitchen and bathroom facilities in each boarding room.

- (4) A consent authority may consent to development to which this division applies whether or not the development complies with the standards set out in subclause (1) or (2).

Comment

The proposal complies with all of the standards contained in subclauses (1) and (2).

Clause 30 - Standards for boarding houses

Clause 30 of the SEPP outlines a range of development standards which a boarding house must comply with. A consent authority must not consent to a boarding house development unless it satisfies each of the standards. An assessment of the proposal against the relevant standards in the clause is outlined below:

- (1) A consent authority must not consent to development to which this division applies unless it is satisfied of each of the following:
 - (a) If a boarding house has five or more boarding rooms, at least one communal living room will be provided,

Comment

The proposed boarding house has twelve boarding rooms, and includes the provision of a communal living room. The proposal is therefore compliant.

- (1)(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,

Comment

None of the proposed boarding rooms have a gross floor area of more than 25sqm, and therefore the application complies.

- (1)(c) no boarding room will be occupied by more than two adult lodgers.

Comment

A condition of consent will be imposed requiring compliance with this sub-clause.

- (1)(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,

Comment

A private bathroom and kitchen facilities are to be provided within each boarding room.

- (1)(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,

Comment

The boarding house has the capacity to accommodate a maximum of 19 lodgers, and therefore does not require a boarding house manager, in order to comply with the SEPP.

- (h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every five boarding rooms.

Comment

Based on the twelve boarding rooms proposed, three motorbike spaces are required. Three motorbike parking spaces are proposed within the garage of the building, meaning that the application complies.

Clause 30A - Character of local area

Clause 30A requires Council to consider the compatibility of the proposed development with the local character. The clause states:

A consent authority must not consent to development to which this division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

An assessment of the proposal in terms of various aspects of its built form is outlined below:

- building height – The height of the proposed boarding house is less than the numerical building height applicable (9 metres), and proposes two storeys, which is consistent with the height of new multi-dwelling developments within the vicinity of the site.
- building bulk and scale/site coverage – The size of the building as measured by its floor space ratio is compliant with the provisions of the Affordable Rental Housing SEPP, which requires a boarding house to comply with the maximum floor space ratio applicable for residential development permissible on the land.

In this case, the maximum floor space ratio is 0.6:1, which the proposed development would achieve. The proposed building contains several protrusions and indentations, which reduce the perceived bulk of the building.

- Under the Campbelltown (Sustainable City) Development Control Plan 2015, there is no site coverage ratio for residential buildings, however were a single dwelling proposed on the site, no development standard would prevent it from having a site coverage ratio as per that of the proposed boarding house.

The proposed site coverage ratio is similar to that of other multi-dwelling and narrow lot developments within the vicinity of the site. In this regard, the bulk, scale and site coverage of the proposed boarding house is considered to be compatible with the existing and future character of the local area.

- Setbacks – The setbacks of the proposed boarding house from front, side and rear boundaries are consistent with the setbacks specified under the Campbelltown (Sustainable City) Development Control Plan 2015 for single dwellings and dual occupancies, and also with the setbacks specified for boarding houses under the Boarding House section of the DCP (although this Development Application was lodged prior to that section's adoption).
- Architectural style/materials – The proposed boarding house has the appearance of a multi-dwelling development, and would be visually compatible with the surrounding residential area, which contains several multi-dwelling developments. The proposed boarding house has a pitched metal roof, however a recommended condition of consent requires the roof to be tile, to ensure compatibility with the roofs of surrounding buildings, which are predominantly tile.

The external walls of the proposed building would be a mixture of exposed brick and rendered surfaces, and the facade would include several glass balcony balustrades. An architectural outcome similar to that proposed under this application would not be unexpected were a single dwelling house or multi-dwelling development to be constructed on the site. In this regard, the architectural style of the proposed boarding house is considered to be compatible with the existing and future character of the local area.

- Landscaping/Fencing – The proposed landscaping within the front setback of the proposed development is considered to be compatible with the streetscape of Albert Street. The amount of impervious area forward of the building line is minimal, consistent with that of surrounding dwellings.

No front fencing is proposed, and the side boundary fencing that is forward of the building line would be the same height as that of existing fencing on the site and fencing on surrounding properties.

Accordingly, it is considered that the design of the development is compatible with the character of the local area.

2.2 Campbelltown Local Environmental Plan 2015

Zoning/Permissibility

The subject site is zoned R2 Low Density Residential under the provisions of Campbelltown Local Environmental Plan 2015. The proposed development is defined as a boarding house, which is permissible within the R2 zone.

Zone objectives

The proposal is consistent with several zone objectives, particularly:

- to provide for the housing needs of the community within a low density residential environment
- to enable other land uses that provide facilities or services to meet the day to day needs of residents
- to enable development for purposes other than residential only if that development is compatible with the character of the living area and is of a domestic scale
- to minimise overshadowing and ensure a desired level of solar access to all properties
- to facilitate diverse and sustainable means of access and movement.

Height of buildings

The subject land has a maximum building height of 9 metres. The proposed boarding house would have a maximum height of 8.5 metres and therefore complies with this standard.

Floor Space Ratio

The maximum floor space ratio applicable to the site is 0.6:1. The floor space ratio of the proposed development is 0.6:1, which complies with the standard.

2.3 Campbelltown (Sustainable City) Development Control Plan 2015

It should be noted that at the time of lodgement, the Sustainable City DCP did not contain specific provisions relating to boarding houses, however the general provisions of Part 2 of the Plan apply to all types of development. Compliance with the relevant provisions of Part 2 of the Plan is discussed as follows:

Sustainable building design – A BASIX Certificate is not required for the proposed development, as the proposed boarding house is not a BASIX affected building within the meaning of the EP&A Regulation 2000. However, under the SCDCP, a 5000 litre rainwater tank is required to be provided, based on the size of the roof area proposed, which is to be provided as part of the development.

Landscaping – The proposed landscaping is satisfactory and has been selected mostly from the Campbelltown Native Gardening Guide. Landscaping is proposed to be provided within the front, side and rear setback areas of the boarding house, and makes provision for four native trees to be planted within the front setback of the building, which is consistent with surrounding developments.

Flora and fauna – The subject site has no significant existing vegetation.

Waste management – The proposed development makes provision for a waste storage room on the ground floor of the building, where garbage bins would be stored. Due to the nature of the development, the number of boarding rooms and their small size, not all boarding rooms would require three bins, and a shared configuration would be implemented. Accordingly, a recommended condition of consent would require all bins to be presented to the street and collected by a building manager. Additionally, another recommended condition of consent would require all bins to be stored within the waste storage room at all times.

Stormwater – The application proposes to drain via gravity to Albert Street. The application was referred to Council's Development Engineer, and conditions of consent have been provided.

Cut, fill and floor levels – There is no limit on the amount of cut proposed for a boarding house, as the Campbelltown (Sustainable City) Development Control Plan 2015's numerical cut/fill controls only apply to dwellings. Notwithstanding this, the proposed reconstitution of ground levels would be negligible.

Although the provisions of Part 3 of the Campbelltown (Sustainable City) Development Control Plan 2015 apply to most forms of residential development, they do not apply to boarding houses. These standards include those relating to visual privacy, solar access, etc. Notwithstanding the fact that the standards do not apply to boarding houses, it is prudent to consider them as they have some bearing on the application's compatibility with the area's character, which is largely brought about by such controls. These matters are discussed below with respect to the proposal:

- privacy – there would be no significant overlooking of adjoining properties from the balconies of the proposed boarding rooms. The first floor balconies are set back a reasonable distance from adjoining properties, and direct views into adjoining properties would be restricted by the provision of 1.5 metre high frosted glass balustrades
- solar access – several of the proposed boarding rooms as well as the proposed common living room and private open space areas would receive direct solar access between 9.00am and 3.00pm. All of the proposed boarding rooms would receive at least some direct solar access each day. The shadowing impact upon adjoining properties would be minimal. In this regard, adequate solar access would be maintained to the living areas and private open space areas of all adjoining dwellings.

3. Public Participation

The application was notified to nearby and adjoining residents. Council has received objections from the occupants of nine properties, as well as a petition against the proposed development containing 35 signatures, raising the following issues:

Issue

Young families living in the area would be at risk of drug addicts and deviants, and an increase in crime, as a result of the proposed boarding house.

Response

There is no evidence to suggest that the presence of a boarding house in a street increases the crime risk in the surrounding area, and no evidence to suggest that boarding houses would attract drug addicts and deviants. Modern purpose-built boarding houses (such as the proposed boarding house) contain rooms with their own kitchen, bathroom and laundry facilities, and are somewhat comparable to small studio apartments. It is unlikely that this form of accommodation would experience or generate greater crime or social problems than that of a residential flat building.

Issue

The proposal is incompatible with the character and amenity of the surrounding suburban area.

Response

A thorough assessment of the application against clause 30A of the Affordable Rental Housing SEPP, presented earlier in this report, demonstrates that the proposed development is compatible with the character of the local area.

Issue

The site is too far away from the train station, university and TAFE to warrant a boarding house development.

Response

The subject site is located within an accessible area as defined by the Affordable Rental Housing SEPP (subject to the construction of a footpath, which the application proposes), as it is located within 400 metres of a bus stop with regular services.

Issue

This type of development would stifle the growth of Ingleburn.

Response

There is no evidence to suggest that this would be the case. It is noted the proposed boarding house would increase the population within the catchment of the Ingleburn CBD shopping precinct.

Issue

There would be no control over the tenants that the owner of the boarding house would lease the rooms to. It would be difficult to manage noise, safety and privacy.

Response

The privacy of surrounding residents would be protected by virtue of the design of the proposed building, which does not allow any overlooking of adjoining properties. With regard to potential safety and noise issues, a plan of management has been submitted with the application, which covers such matters as management of the boarding house, maintenance of common areas, pest control, waste management, emergency contacts, conflict resolution (internal and external), house rules and noise control.

The plan of management forms part of the application and would need to be complied with if the application were to be approved. In addition, several specific operational and noise control conditions have been included within the recommended conditions of consent in attachment 1.

Issue

The property would be better suited to a medium density residential development rather than a boarding house. Boarding house tenants would make little use of the nearby shops, schools and public transport, whereas families within medium density dwellings would make use of these facilities.

Response

Under the Affordable Rental Housing SEPP and Campbelltown Local Environmental Plan 2015, boarding houses are a permissible land use within the R2 Low Density Residential Zone. Accordingly Council cannot compel the land owner to construct a medium density residential development in lieu of a boarding house. There is no evidence to suggest that boarding house residents would not make use of nearby shops, schools and public transport, particularly as a modern boarding house with self-contained rooms would appeal to a wide demographic.

Issue

The proposed boarding house fails to provide one car parking space per unit. The narrow width of Albert Street does not allow vehicles to park safely when vehicles are parked on both sides of the street. People living in close proximity continue to own vehicles.

Response

Boarding houses do not contain units. Rather, they contain rooms, and a boarding house contains shared services. Under the Affordable Rental Housing SEPP, a boarding house located within an accessible area is only required to provide 0.2 car spaces per boarding room. Accordingly, as the proposed boarding house has 12 rooms, it only requires three car parking spaces. Council cannot insist that a boarding house provide additional car parking if it provides the minimum amount of parking prescribed by the SEPP. Further, Council cannot refuse the application on the basis of car parking as it meets the minimum standard prescribed by clause 29(2)(e) of the Affordable Housing SEPP.

Issue

There would be overlooking of the property to the rear of the site from rear-facing first floor balconies.

Response

There would be no significant overlooking of adjoining properties from the balconies of the proposed boarding rooms. The first floor balconies are set back a reasonable distance from adjoining properties, and direct views into adjoining properties would be restricted by the provision of 1.5 metre high frosted glass balustrades.

Issue

A 2.1 metre high boundary fence is requested on the rear boundary of the property, to assist in controlling noise and improving privacy.

Response

A condition of consent is recommended, requiring a 2.1 metre boundary fence to be constructed on the rear boundary of the site.

Issue

The subject site slopes to the rear and the development may cause flooding of adjoining properties.

Response

The property does not slope to the rear. Rather, it slopes downwards from the back of the property towards the street. The site has an appropriate amount of fall in order for the site to be able to drain by gravity to the kerb. A series of pits would collect stormwater and convey it via pipes to the kerb in Albert Street. It is therefore considered by Council engineers that the proposed development should not cause any significant change to surface water movements and therefore no flooding impacts on surrounding properties should result.

Issue

The proposed development would affect the value of surrounding properties.

Response

No evidence has been submitted to substantiate this claim.

5. Conclusion

Having regard to the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* and the issues raised above, it is considered that the application is consistent with the relevant statutory planning requirements.

The application is fully compliant with the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 and Campbelltown Local Environmental Plan 2015. While the residential development provisions of Campbelltown (Sustainable City) Development Control Plan 2015 do not strictly apply to the proposed development, it is largely consistent with the development standards for dwellings/multi-dwelling developments specified therein.

It is considered that the proposed development is compatible with the character of the local area, and accordingly the application is recommended for approval.

Attachments

1. Conditions of Consent (contained within this report)
2. Locality Plan (contained within this report)
3. Site Plan (contained within this report)
4. Elevations (contained within this report)
5. Landscape Plan (contained within this report)
6. Plan of Management (contained within this report)
7. Ground Floor Plan (distributed under separate cover - confidential in accordance with Section 10A(2)(h)) of the *Local Government Act 1993*)
8. Notification Plan (distributed under separate cover - confidential in accordance with Section 10A(2)(h)) of the *Local Government Act 1993*)

2110/2016/DA-BH**Recommended Conditions of Consent****GENERAL CONDITIONS**

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term applicant means any person who has the authority to act on or benefit of the development consent.

1. Approved Development

The development shall be carried out in accordance with the approved plans and documents listed in the table below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Plan/ Document No.	Version/ Revision	Prepared by	Date
DA100-DA106	E	Bureau SRH Architecture	Received 6 February 2017
DA200-DA201	E	Bureau SRH Architecture	Received 6 February 2017
DA300	E	Bureau SRH Architecture	Received 6 February 2017
DA400	B	Bureau SRH Architecture	Received 6 February 2017
DA800	B	Bureau SRH Architecture	Received 6 February 2017
4062b L-01	B	RFA Landscape Architects	3 February 2017
160404-1A Sheets 1 and 2		Nairb Drafting	7 December 2016
Plan of Management		Think Planners	29 June 2016

2. Amended Plans

The development is to incorporate the following amendments and the amended plans are to be submitted to the Principal Certifying Authority, for approval, prior to the issuing of a Construction Certificate:

- The roof of the building shall be finished in tiles.

3. Building Code of Australia

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

4. Landscaping

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/ contractor for landscaping works. The landscape design shall incorporate a significant portion of native, low water demand plants.

5. External Finishes

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted with this application with the exception of the change nominated in condition 2. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

6. Noise Mitigation Measures

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise and cause no interference to adjoining or nearby occupants.

The following boarding house management restrictions must be adhered to at all times:

- i. Outdoor common area is not used after 10.00pm or before 7.00am
- i. Doors and windows to the indoor communal area are to be kept closed after 10.00pm and before 7.00am
- ii. No music to be played in outdoor areas
- iii. Radios or similar are permitted in the common area when the windows to the common area are kept closed.
- iv. The applicant shall place signs in the vehicle car parking and outdoor recreation areas that contain wording to the effect that residents and visitors are requested to refrain from making noise after 9.00pm.

7. Waste Storage Area and Waste Management

The waste storage area identified on the approved plans shall:

- i. Include 240 litre general waste bins and 240 litre recycle bins.
- i. Not be located within vehicle parking, vehicle manoeuvring areas or landscaped areas.
- ii. Be provided with a covered floor, concrete floor, with concrete or cement rendered internal walls coved to the floor.
- iii. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket.
- iv. A hose connector shall be provided within the storage area.

The waste bins shall adhere to the following:

- i. The bins shall be stored within the waste storage area at all times other than for collection.
- i. All bins shall be presented to the street and returned to the waste storage room by a building manager.
- ii. All waste and recycling generated from the premises is to be kept within an appropriate storage receptacle on the premises. Waste is not to be stored or placed outside of a waste storage receptacle or in such a manner that it will become a litter, odour or health nuisance.

8. Fencing

A 1.8 metre high fence shall be erected on the site's side boundaries behind the front building alignment at the sole cost of the developer. The rear boundary fence shall have a height of 2.1 metres. 'Colorbond' style metal fences that face a public space are not permitted.

9. Switchboards/Utilities/Air Conditioning Units

Switchboards, air conditioning units, garbage storage areas and storage for other utilities shall not be attached to the front elevations of the building or side elevations that can be seen from a public place.

10. Driveway

The gradients of the driveway and manoeuvring areas shall be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2 (as amended).

11. Vehicular Movements

All vehicular entries and exits shall be made in a forward direction. A sign shall be placed within the car parking area, advising drivers of the above information.

Vehicles shall not be permitted to park on the driveway of the premises.

12. Lighting

Illumination of the site is to be arranged to provide an appropriate level of lighting and in accordance with the requirements of Australian Standard 4282 (as amended) so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises or traffic.

13. Storage of Items

All personal belongings and any other item associated with the premises shall be stored wholly within the building.

14. Graffiti Removal

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

15. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements detailed in Council's Engineering Design Guide for Development (as amended).

16. Shoring and Adequacy of Adjoining Property

If the development referred to in this development consent involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must at the person's own expense:

- a. Protect and support the adjoining premises from possible damage from the excavation
- b. Where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

17. Rain Water Tank(s)

Rain water tank/s shall be installed on site for the collection and storage of stormwater for irrigation and reuse purposes (eg the flushing of toilets), in accordance with the approved plans.

18. Construction Certificate

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

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

19. Acts and Regulations

The boarding house must comply with the following Acts and Regulations:

Public Health Act 2010

Public Health Regulation 2012

Boarding Houses Act 2012

Local Government Act 1993

Local Government (General) Regulation 2005

Protection of the Environment (Noise Control) Regulation 2008

20. Maximum Number of Lodgers per Room

The maximum occupancy of each boarding room shall be in accordance with the table below:

Room Number	Maximum occupancy
Ground Level	
Room 1	2
Room 2	1
Room 3	2
Room 4	2
Room 5	1
Room 6	1
First Floor	
Room 7	2
Room 8	2
Room 9	2
Room 10	2
Room 11	1
Room 12	1

In order to maintain this occupancy rate, a sign is to be erected immediately adjacent to the doorway accessing the building detailing the maximum sleeping capacity of the house.

The occupiers of the premises must not allow any room or cubicle in the premises to be used for the purposes of sleeping accommodation unless the room or cubicle has a floor area of 5.5 square metres or more for each person sleeping in it (in the case of long-term sleeping accommodation) or 2.0 square metres or more for each person sleeping in it (in any other case) (Public Health Regulation 2012).

21. Maximum Number of Lodgers in the Building

The maximum number of lodgers in the building at any given time is 19.

22. Boarding House Plan of Management

The operator of the boarding house shall ensure that the approved Boarding House Management Plan is complied with at all times. The Boarding House Management Plan shall not be varied without the consent of Council.

A copy of the Boarding House Management Plan must be kept by the owner and the Managing Agent.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

23. Footpath

The applicant shall construct Council's standard 1.2 metre wide footpath along the western side of Albert Street, from a point on the opposite side of the street corresponding to the extended alignment of the site's south-western boundary to the existing section of footpath near the intersection of Albert Street and Chester Road. The applicant shall also construct kerb returns at the intersection of Albert Street and Wellington Street. A detailed plan for these works shall be submitted to Campbelltown City Council's Development Engineer for written approval, prior to the release of the Construction Certificate.

24. Utility Servicing Provisions

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.

Note: The applicant should also contact the relevant water servicing authority to determine whether the development will affect the authority's water or sewer infrastructure.

25. Geotechnical Report

Prior to Council or an accredited certifier issuing a construction certificate, a geotechnical report prepared by a NATA registered laboratory, shall be submitted stating that the land will not be subject to subsidence, slip, slope failure or erosion, where proposed excavation and/or filling exceeds 900mm in depth, or where the land is identified as having previously been filled.

26. Soil and Water Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted for approval.

27. Classification of Residential Lots

Prior to the principal certifying authority issuing a construction certificate, all residential lots are to be individually classified in accordance with guidelines contained in the Australian Standard for Residential Slabs and Footings – AS2870.1996 (as amended).

28. Stormwater Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to the site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to two new kerb outlets which shall be located on Albert Street. The kerb outlet shall be to council's standard drawing of SD-R06, detailed in Council's Engineering Design Guide for Developments. All proposals shall comply with the requirements detailed in Council's Engineering Design Guide for Development (as amended).

29. Dilapidation Report

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all buildings on lands that adjoin the subject works.

30. Work on Public Land (In addition to footpaths)

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written approval from Council for any proposed work on public land. Inspection of this work shall be undertaken by Council at the applicant's expense and a compliance certificate, approving the works, shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

31. Sydney Water

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the Principal Certifying Authority prior to Council or an accredited certifier issuing a construction certificate.

The Sydney Water Tap In service can be accessed at www.sydneywater.com.au.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any works on site.

32. Erosion and Sediment Control

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

33. Erection of Construction Sign

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

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

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

34. Toilet on Construction Site

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

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

35. Trade Waste

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

36. Vehicular Access During Construction

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto the public road system. Single sized aggregate, 40mm or larger and placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

37. Public Property

Prior to the commencement of any works on the subject site, the applicant shall advise Council of any damage to property which is controlled by Council and adjoins the site, including kerbs, gutters, footpaths and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

38. Demolition Works

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

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
- c. The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.
- d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
- e. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works.

39. Fencing

An appropriate fence preventing public access to the site shall be erected for the duration of construction works.

40. Demolition of Existing Dwelling

Prior to the commencement of any other works, the existing dwelling and all other improvements on the land shall be demolished in accordance with the conditions of this consent.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

41. Construction Work Hours

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No Work.

42. Erosion and Sediment Control

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – Soils and Construction (2004) (Bluebook), the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices shall remain in place until the site has been stabilised and fully revegetated.

Note: On the spot penalties of up to \$1500 will be issued for any non-compliance with this requirement without any further notification or warning.

43. Work Zones

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures, including relevant fees, shall be borne by the applicant.

44. Excavation and Backfilling

All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a. Must preserve and protect the building from damage; and
- b. If necessary, must underpin and support the building in an approved manner, and
- c. Must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

45. Fill Compaction Requirements

The applicant is advised that where the existing levels of the lot are raised in excess of 300mm, Council considers this to be filling of the lot.

Should any filling, as described above, be carried out on the site it shall be compacted to a minimum dry density of 98 per cent Standard Compaction.

To demonstrate that this level of compaction has been achieved, density testing will be required and the results shall be certified by a qualified geotechnical engineer.

Testing shall be undertaken for every 300mm rise in vertical height, with test locations selected randomly across the site. At least 1 test shall be taken for every 500m² of the filled area, with a minimum of 1 test per 300mm layer.

46. Dust Nuisance

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

47. Certification of Location of Building during Construction

Prior to the positioning of wall panels/ bricks or block work, the applicant shall submit to the principal certifying authority a qualified practicing surveyor's certificate showing the boundaries of the allotment, distances of walls and footings from the boundaries, and the dimensions of the building.

48. Certification of Location of Building upon Completion

Upon completion of the building, the applicant shall submit to the principal certifying authority a qualified practicing surveyors certificate showing the boundaries of the allotment, distances of walls and footings from boundaries.

49. Certification of Levels of Building during Construction

Prior to the placement of any concrete of the basement/ground floor slab, the applicant shall submit to the principal certifying authority a qualified practicing surveyor's certificate showing that the formwork levels are in accordance with the approved plan.

50. Excess Material

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

51. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times in accordance with AS 1742.3. Council may at any time and without prior notification make safe any such works that are considered to be unsafe, and recover all reasonable costs incurred, from the applicant.

52. Compliance with Relevant Specifications

All design and construction work shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- b. Council's Engineering Design Guide for Development (as amended).
- c. 'Soils and Construction (2004) (Bluebook); and
- d. All relevant Australian Standards and State Government publications.

53. Existing Kerb and Gutter

The applicant shall re-construct all damaged kerb and gutter, adjacent to the site, in Albert Street. All works shall be in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements detailed in the Campbelltown City Council Engineering Design Guide for Development (as amended).

54. Medium Density Footpath Crossing and Layback

The applicant shall provide a reinforced concrete footpath crossing and layback at the entrance to the proposed development. Construction shall be in accordance with Council's Medium Density Vehicle Crossing Specification.

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

55. Associated Works

The applicant shall undertake any works external to the development, that are made necessary by the development, including additional road and drainage works or any other civil works directed by Council, to make a smooth junction with existing work.

56. Redundant Laybacks

All redundant laybacks shall be removed and reinstated as kerb and gutter. Construction shall be in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the Engineering Design Guide for Development (as amended).

57. Completion of Construction Works

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within 12 months of the date of the notice of the intention to commence construction works under Section 81A of the Act.

In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping to Council's written satisfaction.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

Note: Under this subheading, for the purpose of issuing an occupation certificate, any reference to occupation certificate shall also be taken to mean interim occupation certificate.

58. Section 73 Certificate

Prior to the principal certifying authority issuing an occupation certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

For help either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

59. Structural Engineering Certificate

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

60. Completion of External Works Onsite

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

61. Works as Executed Plans

Prior to the principal certifying authority issuing an occupation certificate the applicant shall submit to Council a copy of a work as executed plan, certified by a qualified surveyor, which has been prepared in accordance with the requirements detailed in Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the Engineering Design Guide for Development (as amended).

62. Restoration of Public Roads

Prior to the principal certifying authority issuing an occupation certificate any restoration of the public road pavement, required as a result of the development, shall be carried out by Council and all costs shall be paid by the applicant.

63. Public Utilities

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

64. Council Fees and Charges

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

BOARDING HOUSE CONDITIONS

The following conditions have been applied to ensure that the use of the building is carried out in such a manner that is consistent with the *Boarding Houses Act 2012*, *Public Health Act 2010*, Regulations, *Local Government Act 1993* and associated technical standards.

65. Registration

The boarding house must be registered with The Office of Fair Trading and Campbelltown City Council.

66. Notices

A sign indicating the permissible maximum length of time during which a person may board or lodge in the premises must be conspicuously displayed to public view outside the premises.

A schedule showing the numeral designating each bedroom and the number of persons permitted to be accommodated in each must be conspicuously displayed on the premises.

Each bedroom must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in each bedroom the maximum number of persons allowed to be accommodated in the bedroom.

67. Cleanliness

All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.

Any kitchen facilities and utensils for the storage or preparation of food must be kept in a clean and healthy condition, in good repair, free from foul odours and, as far as practicable, free from dust, flies, insects and vermin.

68. Pest and Vermin

All practicable measures are to be taken to keep the premises free from fleas, other disease-carrying insects, rats and mice (except any such animals kept as pets).

69. Lighting and Ventilation

Adequate light and ventilation must be maintained in the premises.

70. Long term residences

If persons may board or lodge for 7 days or longer, an adequate number of beds (each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing), adequate storage space and blinds, curtains or similar devices to screen bedroom windows for privacy must be provided for the occupants.

71. Neighbourhood Amenity

The implementation and ongoing operation of this development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, odour, dust, waste products or other products.

ADVISORY NOTES

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

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The *Environmental Planning and Assessment Act 1979* requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. Buried Waste

Should buried materials/wastes or the like be uncovered during the excavation of footings or trenches on site works, Council is to be contacted immediately for advice on the treatment/removal methods required to be implemented.

Advice 3. Inspections – Civil Works

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

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

Advice 4. Salinity

Please note that Campbelltown is an area of known salinity potential and as such, any salinity issues should be addressed as part of the construction certificate application.

Further information regarding salinity management is available within Council's Engineering Design Guide for Development (as amended).

Advice 5. Rain Water Tank

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. NSW Health recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

Advice 6. Dial before you Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

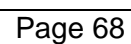
Advice 7. Telecommunications Act 1997 (Commonwealth)

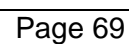
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution.

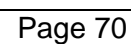
Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

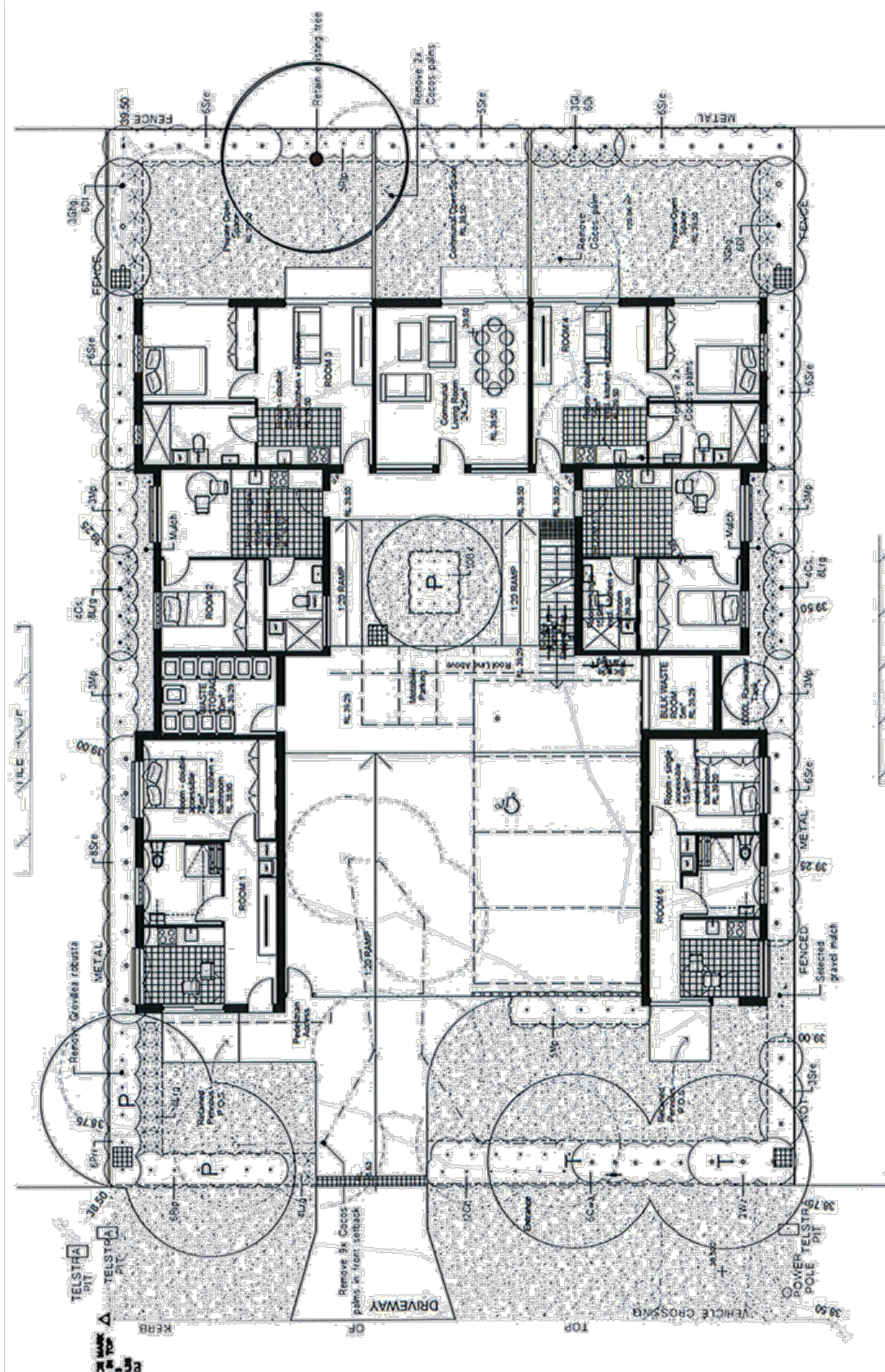
END OF CONDITIONS











Plan of Management

NEW GENERATION BOARDING HOUSE: 20 ALBERT STREET, INGLEBURN



Prepared by Think Planners Pty Ltd

Date: 29 June 2016



Plan of Management: 20 Albert Street, Ingleburn: Boarding House

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Attachments

Draft House Rules



Plan of Management: 20 Albert Street, Ingleburn: Boarding House

Plan of Management Overview

This Plan of Management has been prepared for the operation and management of a Boarding House at 20 Albert Street, Ingleburn.

The Boarding House comprises 12 rooms, with each room accommodating an ensuite, kitchen, living area and laundry facilities; plus a common recreation room and communal open space areas. There is a total accommodation limit of 19 lodgers given the room sizes and configuration. This means that an off site manager is required, as a dedicated on site manager is not required under the ARH SEPP 2009.

This plan of management identifies appropriate strategies and procedures to address potential social or environmental impacts associated with Boarding Houses. The plan of management embraces current best practice methodologies such as casual surveillance, formal CCTV surveillance, clear contact points and procedures, complaint handling processes, articulation of responsibilities, and agreed house rules.

A plan of management is an accepted concept in environmental law and can be used in a range of circumstances. This plan of management assists in addressing the amenity impacts on the neighbours and integrating the proposed development with the existing development in the street.

The plan of management assists in addressing any adverse impacts on the amenity and characteristics of the established residential area. It provides a procedure to receive and resolve complaints.

The measures outlined in this plan of management will be of assistance in maintaining the amenity and characteristics of the area.



Plan of Management: 20 Albert Street, Ingleburn: Boarding House

Legislative Framework

The Boarding House is regulated by the Boarding Houses Act 2012 and the associated Boarding Houses Regulation 2013. The provisions of the Act and Regulations are to be complied with at all times.

Objects of the Act

The objects of the Act are to: *establish an appropriate regulatory framework for the delivery of quality services to residents of registrable boarding houses, and for the promotion and protection of the wellbeing of such residents, by:*

- (a) providing for a registration system for registrable boarding houses, and*
- (b) providing for certain occupancy principles to be observed with respect to the provision of accommodation to residents of registrable boarding houses and for appropriate mechanisms for the enforcement of those principles, and*
- (c) providing for the licensing and regulation of assisted boarding houses and their staff (including providing for service and accommodation standards at such boarding houses), and*
- (d) promoting the sustainability of, and continuous improvements in, the provision of services at registrable boarding houses.*

Definition

The proposal is defined as a 'general boarding house' under the Act:

- (2) Boarding premises are a **general boarding house** if the premises provide beds, for a fee or reward, for use by 5 or more residents (not counting any residents who are proprietors or managers of the premises or relatives of the proprietors or managers).*

Key Requirements

Registration of Boarding Houses

The boarding house is required to Notify the Commissioner the following according to Section 9:

9 Notification of particulars about registrable boarding house

(1) A proprietor of boarding premises that are used as a registrable boarding house must notify the Commissioner, in accordance with this section, of the following particulars so as to enable the Commissioner to include information about the boarding house in the Register:

- (a) the name, and the residential or business address, of each proprietor of the boarding house,*
- (b) the name (if any) and the address of the registrable boarding house,*
- (c) whether the boarding house is a general or regulated assisted boarding house,*
- (d) whether development consent or approval is required under the Environmental Planning and Assessment Act 1979 to use the boarding house as boarding premises and, if so, whether such consent or approval has been granted,*
- (e) the number of residents of the registrable boarding house,*
- (f) the number of residents who are under 18 years of age,*
- (g) the name of the manager (if any) of the registrable boarding house,*



Plan of Management: 20 Albert Street, Ingleburn: Boarding House

- (h) the total number of bedrooms provided as sleeping accommodation for the residents,*
- (i) such other particulars as may be approved by the Commissioner or prescribed by the regulations.*

The additional particulars specified by Section 9(1)(i) are identified in Section 4 of the Regulations and stated as:

(1) The following additional particulars are prescribed for the purposes of section 9 (1) (i) of the Act:

- (a) the telephone number and email address, if any, of the manager (if any) of the registrable boarding house,*
- (b) the telephone number, email address and website address, if any, of the registrable boarding house,*
- (c) the local government area in which the registrable boarding house is located,*
- (d) the telephone number and email address, if any, of each proprietor of the registrable boarding house,*
- (e) the maximum number of fee-paying residents who can be accommodated in the registrable boarding house,*
- (f) the method or methods for calculating charges for fee-paying residents and the fee amounts payable,*
- (g) the methods of payment used by fee-paying residents (including cash payments, credit cards, cheques, direct bank debits, money orders, BPay and Australia Post),*
- (h) the kinds of services provided to any residents (including accommodation, meals and personal care services),*
- (i) whether the registrable boarding house has special provisions for physical access and, if so, the kind of provisions provided,*
- (j) the numbers of residents who fit into each of the following categories (to the extent that it is reasonably practicable to ascertain this information):*
 - (i) males,*
 - (ii) females,*
 - (iii) elderly persons (that is, persons 60 years of age or more),*
 - (iv) students of tertiary institutions,*
 - (v) persons who are mentally ill persons within the meaning of the [Mental Health Act 2007](#),*
 - (vi) persons who have a disability (however arising and whether or not of a chronic episodic nature) that is attributable to an intellectual, psychiatric, sensory, physical or like impairment or to a combination of such impairments,*
 - (vii) persons with significant health problems,*
 - (viii) persons needing assistance with daily tasks and personal care.*

Occupancy Agreements

A written Occupancy Agreement is to be formulated in accordance with the Act and associated Regulations that sets out the terms of the occupancy agreement. The Occupancy Agreement is to align with the Occupancy Principles contained in Schedule 1 of the Act, as stated below (but may be updated from time to time):



Plan of Management: 20 Albert Street, Ingleburn: Boarding House

Schedule 1 Occupancy principles

(Section 30 (1))

1 State of premises

A resident is entitled to live in premises that are:

- (a) reasonably clean, and
- (b) in a reasonable state of repair, and
- (c) reasonably secure.

2 Rules of registrable boarding house

A resident is entitled to know the rules of the registrable boarding house before moving into the boarding house.

3 Penalties for breaches of agreement or house rules prohibited

A resident may not be required to pay a penalty for a breach of the occupancy agreement or the rules of the registrable boarding house.

4 Quiet enjoyment of premises

A resident is entitled to quiet enjoyment of the premises.

5 Inspections and repairs

A proprietor is entitled to enter the premises at a reasonable time on reasonable grounds to carry out inspections or repairs and for other reasonable purposes.

6 Notice of increase of occupancy fee

A resident is entitled to 4 weeks written notice before the proprietor increases the occupancy fee.

7 Utility charges

(1) The proprietor is entitled to charge a resident an additional amount for the use of a utility if:

- (a) the resident has been notified before or at the time of entering the occupancy agreement of the use of utilities in respect of which the resident will be charged, and
- (b) the amount charged is based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.

(2) A **utility** for the purposes of this clause is each of the following:

- (a) the supply of electricity,
- (b) the supply of gas,
- (c) the supply of oil,
- (d) the supply of water,
- (e) the supply of any other service prescribed by the regulations.

8 Payment of security deposits

(1) The proprietor may require and receive a security deposit from the resident or the resident's authorised representative only if:

- (a) the amount of the deposit does not exceed 2 weeks of occupancy fee under the occupancy agreement, and
- (b) the amount is payable on or after the day on which the resident (or the resident's authorised representative) enters the agreement.

(2) Within 14 days after the end of the occupancy agreement, the proprietor must repay to the resident (or the resident's authorised representative) the amount of the security deposit less the amount necessary to cover the following:

- (a) the reasonable cost of repairs to, or the restoration of, the registrable boarding house or goods within the premises of the boarding house, as a result of damage (other than fair



Plan of Management: 20 Albert Street, Ingleburn: Boarding House

- wear and tear) caused by the resident or an invitee of the resident,*
- (b) any occupation fees or other charges owing and payable under the occupancy agreement or this Act,*
- (c) the reasonable cost of cleaning any part of the premises occupied by the resident not left reasonably clean by the resident, having regard to the condition of that part of the premises at the commencement of the occupancy,*
- (d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor,*
- (e) any other amounts prescribed by the regulations.*

(3) The proprietor may retain the whole of the security deposit after the end of the occupancy agreement if the costs, fees or charges referred to in subclause (2) (a)–(e) are equal to, or exceed, the amount of the security deposit.

(4) In this clause:

security deposit means an amount of money (however described) paid or payable by the resident of a registrable boarding house or another person as security against:

- (a) any failure by the resident to comply with the terms of an occupancy agreement, or*
- (b) any damage to the boarding house caused by the resident or an invitee of the resident, or*
- (c) any other matter or thing prescribed by the regulations.*

9 Information about occupancy termination

A resident is entitled to know why and how the occupancy may be terminated, including how much notice will be given before eviction.

10 Notice of eviction

- (1) A resident must not be evicted without reasonable written notice.*
- (2) In determining what is reasonable notice, the proprietor may take into account the safety of other residents, the proprietor and the manager of the registrable boarding house.*
- (3) Subclause (2) does not limit the circumstances that are relevant to the determination of what is reasonable notice.*

11 Use of alternative dispute resolution

A proprietor and resident should try to resolve disputes using reasonable dispute resolution processes.

12 Provision of written receipts

A resident must be given a written receipt for any money paid to the proprietor or a person on behalf of the proprietor.



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Management of the Boarding House

The Boarding House will be managed by an appointed off site manager through a Property Management Company, who will be contactable 24 hours a day and 7 days per week. The Property Management Company will be a business with relevant ABN and authorities for property management and is licensed under the Property Stock and Business Agents Act and associated regulations, will be made the point of contact. The off site manager is to be trained and have resources to screen potential occupants, manage complaints efficiently and ensure maintenance of common property is systematic and thorough.

The off site manager is to be engaged by contract on an annual basis. The off site manager will be able to respond within short timeframes, and be responsible for contracts and contacts with maintenance persons and companies, manage the facilities for the recording and storing of CCTV footage, and have established relationships/contacts with security companies and services such as the NSW Police Force, NSW Ambulance Service and NSW Fire Brigade.

Any matters that require urgent and potentially life threatening responses are the responsibility of either police, ambulance or fire services.

The off site manager must:

- Be experienced in the operation of multiple occupancy residential development.
- Oversee all occupancy agreements and ensure such agreements align with the provisions of the Boarding Houses Act 2012 and associated Regulations, including setting out information about occupancy evictions (such as the amount of notice to be provided of eviction).
- Organise building and landscaping maintenance as required through the engaging of contractors to undertake maintenance, landscaping and cleaning functions.
- Promptly address and respond to tenant issues and building operation and maintenance matters.
- Maintain an incident register and record any complaints. The register is to be made available to Council.
- Ensure that the total occupancy of the boarding rooms pursuant to the leases does not exceed 19 lodgers.
- Provide the tenant with a copy of the Resident Information Brochure and House Rules with any new occupancy agreement;
- Undertake periodic inspections of the boarding rooms to ensure that they are being maintained in a clean and tidy fashion and that maximum occupant numbers are maintained.



Plan of Management: 20 Albert Street, Ingleburn: Boarding House

Maintenance of Common Areas and Responsibilities

Common areas are to be maintained by users and spaces should be left as they are found- in a clean and tidy state.

A weekly cleaner will be employed, at the cost of the Boarding House owner, to ensure that the common property is clean and to take out the bins for the council garbage collection and subsequently bring in the bins after collection. Recycling bins and residual bins will be provided in each room to promote recycling.

The Boarding House off site manager is to employ the services of professional maintenance companies to undertake regular maintenance of the building. The maintenance companies are to enter the premises regularly and complete all maintenance required.

Any damage of internal or external property is repaired immediately together with all wear and tear items.

Maintenance of Individual Areas and Responsibilities

Individual residents are responsible for maintaining their rooms in a clean and tidy state and must be made available for inspection by the boarding house manager upon request (48 hours notice).

Pest Control Arrangements

Cleaning will also include regular inspections for vermin control and pest control services will be arranged by the boarding house manager on a regular basis.

Waste Management and Collection

A weekly cleaner will be employed, at the cost of the Boarding House owner, to ensure that the common property is clean and to take out the bins for the council garbage collection and subsequently bring in the bins after collection. Recycling bins and residual bins will be provided in each room to promote recycling.

Fire Safety

A Fire Safety Evacuation Plan will be prepared and attached to this Plan of Management prior to commencement of operations of the boarding house. The plan will contain pictorial instructions detailing evacuation steps in the case of an emergency. The plan is to include evacuation routes, assembly points, and a plan of action once a fire alarm has been activated. The Fire Safety Evacuation Plan is to be prominently located in each room and in the common area. The phone numbers of appropriate contacts will be prominently displayed throughout the premises e.g. NSW Police, Security Company, NSW Fire and Rescue, NSW Ambulance Service and other local emergency assistance services.



Plan of Management: 20 Albert Street, Ingleburn: Boarding House

Emergency Contacts and Procedures

The phone numbers of appropriate contacts will be prominently displayed throughout the premises (foyer and common room) e.g. NSW Police, Security Company, NSW Fire and Rescue, NSW Ambulance Service and other local emergency assistance services. Phone numbers are also to be provided for appropriate support infrastructure service providers such as Telstra, Electrical Authority, Water Authority, local Council, etc.

Conflict Resolution

Complaints from the community and between lodgers are to be noted in an Incident Diary with details of the complaint and the action taken to address the complaint. The task of the off site manager is to ensure that all neighbourhood and internal complaints are recorded and management responses documented. A Management Diary and an Incident Register is to be kept.

The off site manager will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how the Boarding House intends minimising any further impact in the future on neighbours or between residents.

The procedures detailed in this Plan of Management are designed to minimise complaints.

The off site manager is to deal with empathy and respect to any person making a complaint.

Complaints Mechanism: External

The off site manager is responsible for establishing contact and maintaining a relationship with the neighbours of the Boarding House within a 100m radius by undertaking the following tasks:

- Upon appointment letterbox drop all mail boxes within 100m radius of the Boarding Housing advising of their appointment and nominating all methods to contact them should any matter arise that warrants addressing. There shall be no less than two after hours contact numbers.
- Provide a clear sign at the front of the Boarding House, that is visible to the public, identifying the name of the off site manager and the methods of contacting the Manager in the event that there is a matter that warrants addressing.

Complaints from the community are to be noted in an Incident Diary with details of the complaint and the action taken to address the complaint.

The task of the off site manager is to ensure that all neighbourhood complaints are recorded and management responses documented. A Management Diary and an Incident Register is to be kept. The off site manager will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how the Boarding House intends minimising any further impact in the future.



Plan of Management: 20 Albert Street, Ingleburn: Boarding House

The procedures detailed in this Plan of Management are designed to minimise complaints.

The off site manager is to deal with empathy and respect to any person making a complaint.

Complaints Mechanism: Between Lodgers

The off site manager is responsible for acting as mediator in disputes between lodgers.

Complaints from the lodgers are to be noted in an Incident Diary with details of the complaint and the action taken to address the complaint.

The task of the off site manager is to ensure that all complaints are recorded and management responses documented. A Management Diary and an Incident Register is to be kept.

The off site manager will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how it is intended to minimise any further impact in the future.

The procedures detailed in this Plan of Management are designed to minimise complaints.

The off site manager is to deal with empathy and respect to any person making a complaint.

House Rules - Amenity of the Neighbourhood and Control of Noise

The draft "House Rules" for the Boarding House are attached to this Plan of Management. It is noted that the document is a draft as it outlines the minimum requirements to be implemented by the off site manager; however it may be appropriate to amend and add to the House Rules as the Boarding House operations evolve.

The House Rules are to be prominently displayed in the common areas. Each new tenant is to be provided with a copy of the House Rules when signing their leasing agreement and agree to be bound by the House Rules.

House Rules relate to –

- the emission of noise (from within the boarding house and also the external spaces);
- prohibition of large gatherings and parties on the premises;
- interference with the peace and quiet of other residents and neighbours;
- volume of television and music players;
- control of alcohol intake and prohibition of illegal substances; and
- anti-social behaviour.

The emission of noise and appropriate hours for noise emission is dictated in legislation and enforced by parties such as the local Council. The off site manager is to be familiar with the legislative requirements and rules and be aware of the relevant authorities that are responsible for enforcement of noise issues.



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HOUSE RULES

The following rules are a condition of your occupancy agreement – Any breach of these rules will result in termination of your occupancy agreement.

Resident Behaviour & Neighbour Relations

Each occupant is required to ensure that other occupants of this boarding house as well as surrounding neighbours are allowed to peacefully and quietly enjoy their own premises. Each occupant is required to ensure they do not do anything or allow anything to occur that will impact on the quiet enjoyment of each tenant and neighbour of this boarding house.

Occupants of each boarding room shall make available their boarding room available for inspection by the property manager. This shall be by appointment with 24 hours' notice. However, in the case of an emergency, no notice is required and the property manager may use the spare key to enter the premises

Occupants are not to congregate in groups in any part of the common property, especially the external common property. Anti-social behaviour of any kind is prohibited and will be referred immediately to the police.

Any breach of the house rules will result in warnings initially, and in the case of persistent and serious breaches, termination of your lease and eviction from the premises.

Noise & Radio/TV

At any time noisy activities are occurring, occupants should keep doors any windows closed where possible to reduce noise emission and impact on neighbours.

Television, music players and any other sound emitting devise should be kept at a moderate level and not be audible from neighbouring properties

Use of External Areas

The common room and common courtyard shall only be used during the following Hours:

- Sunday to Thursday 7am to 10pm
- Friday and Saturday 7am to 10pm



Plan of Management: 20 Albert Street, Ingleburn: Boarding House

Alcohol and Smoking

No Alcohol or illegal substances are to be consumed or be brought into common property at any time. Alcohol consumed in rooms must be disposed of in designated recycling bins.

No smoking is permitted within the Boarding House. Smoking is to be limited to visually obscured external open space areas only. No smoking is to be undertaken at the front of the property, only in the designated external smoking spaces.

Parking of Vehicles

Any cars unable to be accommodated on site will be parked on the street network and are not to block driveways or being parked in no parking or no stopping zones.

Register of Complaints & Dealing with Complaints: Neighbours

The off site manager is responsible for establishing contact and maintaining a relationship with the neighbours of the Boarding House within a 100m radius by undertaking the following tasks:

- Upon appointment letterbox drop all mail boxes within 100m radius of the Boarding Housing advising of their appointment and nominating all methods to contact them should any matter arise that warrants addressing. There shall be no less than two after hours contact numbers.
- Provide a clear sign at the front of the Boarding House, that is visible to the public, identifying the name of the off site manager and the methods of contacting the Manager in the event that there is a matter that warrants addressing.

Complaints from the community are to be noted in an Incident Diary with details of the complaint and the action taken to address the complaint. This is to include specific room numbers that generate complaints.

The task of the off site manager is to ensure that all neighbourhood complaints are recorded and management responses documented. A Management Diary and an Incident Register is to be kept.

The off site manager will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how the Boarding House intends minimising any further impact in the future.

Register of Complaints & Dealing with Complaints: Between Tenants

If conflict between lodgers cannot be resolved amicably complaints are to be directed to the boarding house manager who will act as a mediator between lodgers. Complaints are to be noted in an Incident Diary with details of the complaint and the action taken to address the complaint.



Plan of Management: 20 Albert Street, Ingleburn: Boarding House

This is to include specific room numbers that generate complaints.

The task of the off site manager is to ensure that all internal complaints are recorded and management responses documented. A Management Diary and an Incident Register is to be kept.

The off site manager will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how it is intended to minimise any further impact in the future.

Cleaning Schedules

Each resident is required keep common areas clean. After using common facilities such as the kitchen or bathroom, residents are clean up after themselves. Residents are encouraged to use their own private kitchen and bathroom where possible.

Common areas are to be maintained by users and spaces should be left as they are found- in a clean and tidy state.

A weekly cleaner will be employed, at the cost of the Boarding House owner, to ensure that the common property is clean and to take out the bins for the council garbage collection and subsequently bring in the bins after collection. Recycling bins and residual bins will be provided in each room to promote recycling.

Waste Disposal

Waste is to be disposed to the communal waste bins once bins are full;

Number of Approved Boarding House Rooms

There are to be no more than 2 lodgers in each room and no more than 19 persons residing on site within the boarding house.

Common Areas and Usage Times

Common areas are available for the enjoyment of boarders provided good order is maintained. All waste is to be disposed of and not left in the common areas or externally in common areas;

The common room and common courtyard shall only be used during the following Hours:

- Sunday to Thursday 7am to 10pm
- Friday and Saturday 7am to 10pm



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Behaviour and Guest Visiting Times

Each tenant of this boarding house is responsible for themselves and their visitors. Tenants should ensure their visitors enter and exit the site in a quiet and respectful manner, having regard to the time of day or night they are entering or exiting the site.

Guests are permitted on site however they are not to stay overnight if this would lead to more than 2 persons being located in the boarding room;

Animals

There is to be no keeping of animals on the premises as this may compromise the health and/or safety of other residents and will impact upon maintenance and cleanliness requirements within the Boarding House.

Smoking

No smoking is permitted within the Boarding House. Smoking is to be limited to visually obscured external open space areas only. No smoking is to be undertaken at the front of the property, only in the designated external smoking spaces.

Alcohol and Drugs

No Alcohol or illegal substances are to be consumed or be brought into common property at any time. Alcohol consumed in rooms must be disposed of in designated recycling bins.

Security

The Boarding House is to be fitted with recording CCTV cameras in the common areas such as entries, car parking area and common lounge room. All movement in these areas is to be recorded and monitored. The footage is to be capable of being viewed live and recorded, over the Internet from any fixed or portable Internet viewing device, from anywhere locally or internationally. The continual electronic monitoring and recording of common areas is a key function of providing actual and perceived security. These premises are under 24/7 video surveillance which is recorded and held and will be provided to council and/or law enforcement at any time. Disturbances are to be reported to the manager and NSW Police (if manager unavailable).

Function and Event Restrictions

No Parties or any other noise generating activity is to occur after 10pm Sunday to Thursday and after midnight Friday and Saturday.

8.3 Quarterly Legal Status Report - 1 January to 31 March 2017

Reporting Officer

Manager City Standards and Compliance
City Development

Community Strategic Plan

Objective	Strategy
5. Responsible Leadership	5.2 The smooth running of Council's operations

Officer's Recommendation

That the information be noted.

Purpose

To update Council on the current status of the City Development Division's legal matters.

Report

This report contains total costs to date for each matter and the status of the Division's current legal matters for the period of 1 January to 31 March 2017 as they relate to:

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

A summary of year-to-date costs and the total number of matters is also included.

Attachments

1. City Development Division Quarterly Legal Matters Status and Costs Summary (contained within this report)

1. Land and Environment Court Class 1 Matters – Appeals Against Council's Determination of Development Applications
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Total ongoing Class 1 DA appeal matters (as at 21/04/2017)	2
Total completed Class 1 DA appeal matters (as at 21/04/2017)	3
Costs from 1 July 2016 for Class 1 DA appeal matters:	\$66,769.83

1 (a)	JD One Enterprise Pty Ltd
Issue:	An appeal against Council's refusal of development application No. 2952/2014/DA-C that sought consent for the construction of a medical centre and a childcare centre, and associated car parking.
Property:	Lot 50 DP 1028174, Campbellfield/Redfern's Cottage, 20 Lind Street, MINTO
Property Owner:	JD One Enterprise Pty Ltd
Council File:	Development Application No: 2952/2014/DA-C
Court Application:	Filed on 14 April, 2016 - File No. 10351 of 2016
Applicant:	JD One Enterprise Pty Ltd
Costs Estimate:	\$40,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Final Costs:	\$50,327.46
Status:	Completed – appeal upheld and deferred conditional consent granted.
Progress:	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 2952/2014/DA-C that sought consent for the construction of a medical centre and a childcare centre, and associated car parking on land known as Campbellfield/Redfern's Cottage, 20 Lind Street, Minto.</p> <p>The proceedings were before the Court for first callover on 12 May 2016. The Registrar made certain directions and adjourned the proceedings to 9 August 2016 for conciliation conference to commence onsite at 9:30 AM. Following the conciliation conference the Commissioner made certain directions and adjourned the proceedings to 9 September for telephone callover.</p> <p>At the callover on 9 September 2016 the Commissioner made certain directions for the applicant to submit amended plans to Council and for Council to respond. The proceedings were further adjourned to 26 September for telephone callover and case management reporting.</p>

At the telephone callover on 26 September 2016 the Commissioner made certain directions and adjourned the proceedings to 25 October 2016 for further telephone callover.

At the telephone callover on 25 October 2016, the Commissioner made direction that the applicant provide amended plans by 28 October 2016 and that the proceedings be listed before the Registrar on 8 November 2016 for callover and case management reporting.

Matter was before the Registrar on 8 November 2016 where certain procedural directions were given and the proceedings adjourned to 16 December 2016 for further callover.

Matter was before the Commissioner on 16 December 2016 who advised that the Court was satisfied with the section 34 conciliation agreement reached between the parties and that orders in accordance with the agreement would be made .

On 6 February 2017 the judgement of the Court was issued granting deferred conditional development consent No. 2952/2014/DA-C for the construction of a medical centre and a childcare centre, and associated car parking on the property. The Court also granted an order that the applicant pay the sum of \$10,000 in respect of Council's costs in attending to the amended plans submitted in the appeal – payment of those costs was received on 10 February 2017.

1 (b)

Samir ALZAIDI

Issue:	Appeal against Council's refusal of development application No. 1088/2015/DA-BH that sought consent for demolition of the existing structure and construction of a 19 room boarding house establishment.
Property:	Lot 913, DP 28119, 33 Colonial Street, Campbelltown
Property Owner:	Mr Samir Abdul Majid Alzaidi
Council File:	Development Application No: 1088/2015/DA-BH
Court Application:	Filed on 7 October 2016 - File No. 16/299387
Applicant:	Samir Alzaidi
Costs Estimate:	\$25,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Progressive Costs:	\$15,488.05
Status:	Ongoing – listed for hearing on 7 and 8 August 2017.
Progress:	The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development

application No. 1088/2015/DA-BH that sought consent for demolition of the existing structure and construction of a 19 room boarding house establishment.

The proceedings were before the Court for first callover on 4 November 2016. The Registrar made certain procedural directions and adjourned the proceedings for section 34 Conciliation Conference commencing at 9.30am on site on 2 February 2017.

Agreement at the conciliation conference was unable to be reached, accordingly the conciliation was terminated. The Commissioner made certain procedural directions and adjourned the proceedings to 7 and 8 August 2017 for hearing.

1 (c)

PROPERTY GLENFIELD PTY LTD

Issue: Appeal against Council's refusal of development application No. 530/2016/DA-RS that sought consent for subdivision of property into two allotments, construction of 47 dwellings, and roads and strata subdivision into 47 allotments.

Property: Lot 16, DP 17859, 23 Glenfield Road, Glenfield

Property Owner: Property Glenfield Pty Ltd

Council File: Development Application No: 530/2016/DA-RS

Court Application: Filed on 1 March 2017 - File No. 17/64537

Applicant: Property Glenfield Pty Ltd

Costs Estimate: \$25,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Progressive Costs: \$5,561.45

Status: Ongoing - listed for Conciliation Conference on 29 June 2017.

Progress: The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 530/2016/DA-RS that sought consent for subdivision of property into two allotments, construction of 47 dwellings, and roads and strata subdivision into 47 allotments.

The proceedings were before the Court for first callover on 29 March 2017 where the Registrar made certain procedural directions and adjourned the proceedings for section 34 Conciliation Conference commencing on 29 June 2017.

2. Land and Environment Court Class 1 and 2 Matters – Appeals Against Notices, Orders, or Directions issued by Council

Total ongoing Class 1 and 2 appeal matters (as at 21/04/2017)	0
Total completed Class 1 and 2 appeal matters (as at 21/04/2017)	0
Costs from 1 July 2016 for Class 1 & 2 appeal matters:	\$0.00

3. Land and Environment Court Class 4 Matters – Civil Enforcement in respect of non-compliance with Planning Law or Orders issued by Council

Total ongoing Class 4 matters before the Court (as at 21/04/2017)	0
Total completed Class 4 matters (as at 21/04/2017)	0
Costs from 1 July 2016 for Class 4 matters	\$0.00

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 21/04/2017)	0
Total completed Class 5 matters (as at 21/04/2017)	0
Costs from 1 July 2016 for Class 5 matters	\$0.00

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

Total ongoing Class 6 matters (as at 21/04/2017)	0
Total completed Class 6 matters (as at 21/04/2017)	0
Costs from 1 July 2016 for Class 6 matters	\$0.00

6. Supreme Court of NSW – Appeals and Civil Enforcement in respect of Council's regulatory enforcement activities

Total ongoing matters (as at 21/04/2017)	0
Total completed (as at 21/04/2017)	1
Costs from 1 July 2016 for this matter	\$9,649.55

7. District Court of NSW – Appeals from the Local Court in respect of the Magistrate erred at law or severity of sentence imposed
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Total ongoing matters (as at 21/04/2017)	2
Total completed (as at 21/04/2017)	0
Costs contribution from 1 July 2016 for this matter	\$0.00

7 (a)	Della HANSEN
Issue:	Appeal against the severity of sentence orders made by the Local Court Magistrate on 28 February 2017.
Council File:	LP33/16 to LP42/16 & LP45/16 to LP49/15 (15 offences)
Legislation:	<i>Companion Animals Act 1998</i>
Costs Estimate:	\$2,000.00
Progressive Costs:	Nil to date.
Status:	Ongoing – Listed for hearing on 5 May 2017
Progress:	<p>These matters were before the Local Court Campbelltown on 28 February 2017 where the defendant, Della Hansen, confirmed guilty pleas to all charges that related to offences under the Companion Animals Act 1998 of person in charge of a declared dangerous dog that attacked persons and animal; and noncompliance with control requirements for the keeping of a dangerous dog.</p> <p>The Magistrate found the offences proved and imposed penalties and orders of:</p> <ul style="list-style-type: none"> • \$400.00 fine for each of the 15 offences (total \$6,000.00) • \$2,500.00 costs order in respect of Council's legal costs • \$273.00 costs order in respect of Court Attendance Notice filing <p>The Appeal application is listed for hearing before the District Court Campbelltown on 5 May 2017.</p>
7 (b)	John LAWLER
Issue:	Appeal against the severity of sentence orders made by the Local Court Magistrate on 28 February 2017.
Council File:	LP43/16, LP44/16, LP50/16 & LP51/16 (4 offences)
Legislation:	<i>Companion Animals Act 1998</i>
Costs Estimate:	\$2,000.00
Progressive Costs:	Nil to date.

Status:	Ongoing – Listed for hearing on 5 May 2017
Progress:	<p>These matters were before the Local Court Campbelltown on 28 February 2017 where the defendant, John Lawler, confirmed guilty pleas to all charges that related to offences, as the registered owner of a declared dangerous dog, under the <i>Companion Animals Act 1998</i> for noncompliance with control requirements for the keeping of a declared dangerous dog.</p> <p>The Magistrate found the offences proved and imposed penalties and orders of:</p> <ul style="list-style-type: none"> • \$400.00 fine for each of the 4 offences (total \$1,600.00) • \$2,500.00 costs order in respect of Council's legal costs • \$364.00 costs order in respect of Court Attendance Notice filing fees <p>The Appeal application is listed for hearing before the District Court Campbelltown on 5 May 2017.</p>

8. 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 21/04/2017)	9
Total completed Local Court Matters (as at 21/04/2017)	45
Costs from 1 July 2016 for Local Court Matters	\$10,532.92

File No:	LP28/16 – Penalty Notice Court Election
Offence:	Not comply with Order (overgrown/untidy land)
Act:	<i>Local Government Act 1993</i>
Final Costs:	\$3,389.88 – Matter dealt with by Council's Legal and Policy Officer instructing an external solicitor.
Status:	Completed – proved and convicted
Progress:	<p>The matter was before the Court for first mention on 4 October 2016 where the defendant entered a not guilty plea. The proceedings were adjourned to 12 December 2016 for hearing.</p> <p>The matter was before the Court for hearing on 12 December 2016 where the Magistrate adjourned the proceedings to 21 March 2017 as the hearing was unlikely to commence due to the extent of other higher priority matters.</p> <p>The matter was before the Court for hearing on 21 March 2017 where the defendant Lenka</p>

	Dostal maintained her not guilty plea. The trial proceeded and after hearing the evidence and submissions the magistrate found the offence proved convicting the defendant and imposing a \$800 fine; and an order for Council's Legal costs of \$3,800 and witness expenses of \$60.
File No:	LP33/16 to LP35/16 – Charge Matters x 3
Offence:	Dog escape premises; dog attack animal and person; dog attack person.
Act:	<i>Companion Animals Act 1998</i>
Final Costs:	\$2,636.93 – Matter dealt with by Council's Legal and Policy Officer instructing external solicitor instructed.
Status:	Completed – proved and convicted.
Progress:	<p>The matter was before the Court for mention on 29 November 2016 where the Registrar adjourned the proceedings to 6 February 2017 for plea/mention to allow the defendant sufficient opportunity to obtain further legal advice.</p> <p>The matter was before the Court for further mention on 6 February 2017 where the Registrar adjourned the proceedings to 28 February 2017 for sentence as pleas of guilty were indicated.</p> <p>The matter was before the Court for sentence on 28 February 2017 where the defendant Della Hansen confirmed her pleas of guilty. After considering the evidence and submissions the magistrate found the offences proved convicting the defendant and imposing a \$400 fine in each matter (total \$1,200); and a collective order for Council's Legal costs of \$2,500 and Court Attendance Notice Filing Fees of \$273 in all matters before the Court involving Ms Hansen.</p>
File No:	LP36/16 to LP42/16 – Charge Matters x 7
Offence:	Dog escape premises; dog attack animal and person; dog attack person; not comply with control requirements to: keep dog in a prescribed enclosure, erect warning signs, dog to wear distinctive collar, control and muzzle dog - (dangerous dog).
Act:	<i>Companion Animals Act 1998</i>
Status:	Completed – proved and convicted.
Progress:	The matter was before the Court for mention on 29 November 2016 where the Registrar adjourned the proceedings to 6 February 2017 for

	<p>plea/mention to allow the defendant sufficient opportunity to obtain further legal advice.</p> <p>The matter was before the Court for further mention on 6 February 2017 where the Registrar adjourned the proceedings to 28 February 2017 for sentence as pleas of guilty were indicated.</p> <p>The matter was before the Court for sentence on 28 February 2017 where the defendant Della Hansen confirmed her pleas of guilty. After considering the evidence and submissions the magistrate found the offences proved convicting the defendant and imposing a \$400 fine in each matter (total \$2,800).</p>
File No:	LP43/16 – Charge Matter
Offence:	Not comply with control requirement to desex dog - (dangerous dog).
Act:	<i>Companion Animals Act 1998</i>
Final Costs:	\$2,727.93 – Matter dealt with by Council's Legal and Policy Officer instructing external solicitor.
Status:	Completed – proved and convicted
Progress:	<p>The matter was before the Court for mention on 29 November 2016 where the Registrar adjourned the proceedings to 6 February 2017 for plea/mention to allow the defendant sufficient opportunity to obtain further legal advice.</p> <p>The matter was before the Court for further mention on 6 February 2017 where the Registrar adjourned the proceedings to 28 February 2017 for sentence as pleas of guilty were indicated.</p> <p>The matter was before the Court for sentence on 28 February 2017 where the defendant John Lawler confirmed his pleas of guilty. After considering the evidence and submissions the magistrate found the offence proved convicting the defendant and imposing a \$400 fine for the offence; and a collective order for Council's Legal costs of \$2,500 and Court Attendance Notice Filing Fees of \$364 in all matters before the Court involving Mr Lawler. The Court also issued an order permanently removing the dogs from the ownership of Mr Lawler and transferring ownership of the dogs (pure bread Dingoes) to Zambi Wildlife Retreat a secure wildlife sanctuary located at Wallacia.</p>

File No:	LP44/16 – Charge Matter
Offence:	Not fully comply with control requirement to construct prescribed enclosure - (dangerous dog).
Act:	<i>Companion Animals Act 1998</i>
Status:	Completed – proved and convicted
Progress:	<p>The matter was before the Court for mention on 29 November 2016 where the Registrar adjourned the proceedings to 6 February 2017 for plea/mention to allow the defendant sufficient opportunity to obtain further legal advice.</p> <p>The matter was before the Court for further mention on 6 February 2017 where the Registrar adjourned the proceedings to 28 February 2017 for sentence as a plea of guilty was indicated.</p> <p>The matter was before the Court for sentence on 28 February 2017 where the defendant John Lawler confirmed his plea of guilty. After considering the evidence and submissions the magistrate found the offence proved convicting the defendant and imposing a \$400 fine for the offence.</p>

File No:	LP45/16 to LP49/16 – Charge Matters x 5
Offence:	Dog escape premises; dog attack persons; not comply with control requirements to: keep dog in a prescribed enclosure, dog to wear distinctive collar, control and muzzle dog - (dangerous dog).
Act:	<i>Companion Animals Act 1998</i>
Status:	Completed – proved and convicted.
Progress:	<p>The matter was before the Court for mention on 29 November 2016 where the Registrar adjourned the proceedings to 6 February 2017 for plea/mention to allow the defendant sufficient opportunity to obtain further legal advice.</p> <p>The matter was before the Court for further mention on 6 February 2017 where the Registrar adjourned the proceedings to 28 February 2017 for sentence as pleas of guilty were indicated.</p> <p>The matter was before the Court for sentence on 28 February 2017 where the defendant Della Hansen confirmed her pleas of guilty. After considering the evidence and submissions the magistrate found the offences proved convicting the defendant and imposing a \$400 fine in each matter (total \$2,000).</p>

File No:	LP50/16 – Charge Matter
Offence:	Not comply with control requirement to desex dog - (dangerous dog).
Act:	<i>Companion Animals Act 1998</i>
Status:	Completed – proved and convicted
Progress:	<p>The matter was before the Court for mention on 29 November 2016 where the Registrar adjourned the proceedings to 6 February 2017 for plea/mention to allow the defendant sufficient opportunity to obtain further legal advice.</p> <p>The matter was before the Court for further mention on 6 February 2017 where the Registrar adjourned the proceedings to 28 February 2017 for sentence as a plea of guilty was indicated.</p> <p>The matter was before the Court for sentence on 28 February 2017 where the defendant John Lawler confirmed his plea of guilty. After considering the evidence and submissions the magistrate found the offence proved convicting the defendant and imposing a \$400 fine for the offence.</p>

File No:	LP51/16 – Charge Matter
Offence:	Not comply with control requirement to construct second prescribed enclosure - (dangerous dog).
Act:	<i>Companion Animals Act 1998</i>
Status:	Completed – proved and convicted
Progress:	<p>The matter was before the Court for mention on 29 November 2016 where the Registrar adjourned the proceedings to 6 February 2017 for plea/mention to allow the defendant sufficient opportunity to obtain further legal advice.</p> <p>The matter was before the Court for further mention on 6 February 2017 where the Registrar adjourned the proceedings to 28 February 2017 for sentence as a plea of guilty was indicated.</p> <p>The matter was before the Court for sentence on 28 February 2017 where the defendant John Lawler confirmed his plea of guilty. After considering the evidence and submissions the magistrate found the offence proved convicting the defendant and imposing a \$400 fine for the offence.</p>

File No:	LP54/16 – Penalty Notice Court Election
Offence:	Stop on roadside with continuous yellow line
Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed – withdrawn and dismissed
Progress:	<p>The matter was before the Court for first mention on 10 January 2017 where the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 6 February 2017 for hearing.</p> <p>A subsequent review of the prosecution brief in this matter was unable to locate the photographic evidence held on Council's electronic records; consequently, it was determined that the matter be withdrawn as it was not in the public interest to proceed in the matter without this crucial evidence being able to be produced.</p>

File No:	LP56/16 – Penalty Notice Court Election
Offence:	Stand vehicle in area longer than allowed
Act:	<i>Local Government Act 1993</i>
Progressive Costs:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Ongoing – hearing 30 May 2017
Progress:	The matter was before the Court for first mention on 17 January 2017 where the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 30 May 2017 for hearing.

File No:	LP01/17 – Penalty Notice Court Election
Offence:	Stand vehicle in disabled persons parking space without authority displayed
Act:	<i>Local Government Act 1993</i>
Progressive Costs:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Ongoing
Progress:	The matter was before the Court for first mention on 21 February 2017 and was adjourned until 4 July 2017 for further mention.

File No:	LP02/17 – Penalty Notice Court Election
Offence:	Disobey no-stopping sign
Act:	<i>Road Rules 2014</i>
Progressive Costs:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Ongoing – hearing 5 May 2017
Progress:	The matter was before the Court for first mention on 31 January 2017. The defendant entered a not guilty plea and the Registrar adjourned the proceedings to 5 May 2017 for hearing.

File No:	LP03/17 – Penalty Notice Court Election
Offence:	Disobey no-stopping sign (school zone)
Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed – proved and convicted
Progress:	The matter was before the Court for first mention on 21 February 2017 where the defendant Hadir Abdel-Naeim Amin Abdel-Rehim entered a guilty plea with explanation. After considering the evidence and submissions the magistrate found the offence proved imposing a \$250 fine and an order for Court Costs in the sum of \$85.

File No:	LP04/17 – Penalty Notice Court Election
Offence:	Stop on path/strip in built-up area
Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed – proved, no conviction recorded.
Progress:	The matter was before the Court for first mention on 21 February 2017 where the defendant entered a guilty plea with explanation. After considering the evidence and submissions, the Magistrate found the offence proved and determined the matter without conviction or penalty.

File No:	LP05/17 – Penalty Notice Court Election
Offence:	Stop in bus zone

Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed – proved, no conviction recorded.
Progress:	The matter was before the Court for first mention on 21 February 2017 where the defendant entered a guilty plea with explanation. After considering the evidence and submissions, the Magistrate found the offence proved and determined the matter without conviction or penalty.

File No:	LP06/17 – Penalty Notice Court Election
Offence:	Stop on path/strip in built-up area
Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed – proved, no conviction recorded.
Progress:	The matter was before the Court for first mention on 28 February 2017 where the defendant entered a guilty plea with explanation. After considering the evidence and submissions, the Magistrate found the offence proved and determined the matter without conviction or penalty.

File No:	LP07/17 – Penalty Notice Court Election
Offence:	Deposit litter (cigarette) from vehicle
Act:	<i>Protection the Environment Operations Act 1997</i>
Progressive Costs:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer – external solicitor to be instructed.
Status:	Ongoing – hearing 23 June 2017
Progress:	The matter was before the Court for first mention on 28 February 2017 where the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 23 June 2017 for hearing.

File No:	LP08/17 – Penalty Notice Court Election
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Offence:	Disobey no-stopping sign (school-zone)
Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed – proved and convicted
Progress:	The matter was before the Court for first mention on 7 March 2017 where the defendant Jessie Lee Arya made no appearance. The Magistrate granted Council's application to proceed in the defendants absence and after considering the evidence and submissions the magistrate found the offence proved imposing a \$400 fine and an order for Court Costs in the sum of \$85.
File No:	LP09/17 – Penalty Notice Court Election
Offence:	Stand vehicle in disabled persons parking space without authority displayed
Act:	<i>Local Government Act 1993</i>
Progressive Costs:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Ongoing – hearing 25 August 2017
Progress:	The matter was before the Court for first mention on 21 March 2017. The defendant entered a not guilty plea and the Registrar adjourned the proceedings to 25 August for hearing.
File No:	LP10/17 – Penalty Notice Court Election
Offence:	Stop in bus zone
Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed – proved, no conviction recorded.
Progress:	The matter was before the Court for first mention on 21 February 2017 where the defendant entered a guilty plea with explanation. After considering the evidence and submissions, the Magistrate found the offence proved and determined the matter without conviction or penalty.
File No:	LP11/17 – Penalty Notice Court Election

Offence:	Stop at side of road with continuous yellow line
Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed – proved and convicted
Progress:	The matter was before the Court for first mention on 11 April 2017 where the defendant Vinesh Prasad Daniel made no appearance. The Magistrate granted Council's application to proceed in the defendant's absence and after considering the evidence and submissions the magistrate found the offence proved imposing a \$150 fine and an order for Court Costs in the sum of \$85.
File No:	LP12/17 – Penalty Notice Court Election
Offence:	Transport waste to unlawful waste facility
Act:	<i>Protection the Environment Operations Act 1997</i>
Progressive Costs:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer – external solicitor to be instructed.
Status:	Ongoing – hearing 14 July 2017
Progress:	The matter was before the Court for first mention on 28 March 2017 where the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 14 July 2017 for hearing.
File No:	LP13/17 – Penalty Notice Court Election
Offence:	Stop on path/strip in built-up area
Act:	<i>Road Rules 2014</i>
Progressive Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	New matter – mention 2 May 2017
Progress:	The matter is listed before the Court for first mention on 2 May 2017.
File No:	LP14/17 – Penalty Notice Court Election
Offence:	Disobey no-stopping sign
Act:	<i>Road Rules 2014</i>
Progressive Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police

	Prosecutor.
Status:	New matter – mention 2 May 2017
Progress:	The matter is listed before the Court for first mention on 2 May 2017.
File No:	LP15/17 – Penalty Notice Court Election
Offence:	Stop in bus zone
Act:	<i>Road Rules 2014</i>
Progressive Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	New matter – mention 9 May 2017
Progress:	The matter is listed before the Court for first mention on 9 May 2017.

9. Matters referred to Council's solicitor for advice

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 21/04/2017)
Costs from 1 July 2016 for advice matters

12
\$42,972.64

10. Legal Costs Summary

The following summary lists the City Development Division's net legal costs for the 2016/2017 period.

Relevant attachments or tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$66,769.83	\$18,000.00
Class 1 and 2 Land and Environment Court - appeals against Orders or Notices issued by Council	\$0.00	\$0.00
Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or prosecutions	\$0.00	\$0.00
Class 5 Land and Environment Court - pollution and planning prosecution matters	\$0.00	\$0.00
Class 6 Land and Environment Court - appeals from convictions relating to environmental matters	\$0.00	\$0.00
Supreme Court hearing and appeal matters	\$9,649.55	\$0.00
District Court appeal matters	\$0.00	\$0.00
Local Court prosecution matters	\$10,532.92	\$0.00
Matters referred to Council's solicitor for legal advice	\$42,972.64	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$718.24	\$0.00
Costs Sub-Total	\$130,643.18	\$18,000.00
Overall Net Costs Total (GST exclusive)	\$112,643.18	

8.4 Review of Second Hand Clothing Bins Policy

Reporting Officer

Manager City Standards and Compliance
City Development

Community Strategic Plan

Objective	Strategy
4. A Safe, Healthy and Connected Community	4.2 The provision of clean and safe public spaces

Officer's Recommendation

1. That the revised Second Hand Clothing Bins Policy as attached to this report be adopted.
2. That the Policy review date be set at 30 June 2019.

Purpose

To seek Council's endorsement of the revised Second Hand Clothing Bins Policy.

History

On 27 August 2013, Council received written correspondence from the National Association of Charitable Recycling Organisations (NACRO) requesting Council to introduce a clothing collection bin placement policy which limits the operation of donation bins to NACRO members and includes a Code of Practice for the safe and efficient management of clothing collection bins.

The correspondence from NACRO advised that commercial enterprises are seeking to gain financially from the generosity of donors by using charity names on their collection bins. NACRO claims that some clothing donors are being deceived and led to believe they are donating to the charity named on the bin, when they are actually giving over their goods to a commercial re-seller.

In response to the abovementioned concern, Item 2 of Council's Second-Hand Clothing Bins Policy Statement was revised to state that only second-hand clothing bins provided by registered charities or organisations are permitted, unless the organisation has an Australian Business Number and the bin in such cases is clearly marked to indicate it is commercial operator collection bin.

This policy requirement enables the public to make informed choices about whom they make their clothing donations to.

In addition, in consideration of the recommendation by NACRO to include provisions in the policy relating to the safe and efficient management of clothing collection bins, additional requirements were included in the policy as outlined below:

- to ensure donation bins are located appropriately so as not to detract from site amenity
- the need for donation bins to be regularly emptied, cleaned and maintained
- to ensure the donation bins do not cause obstruction to footpaths and roadways
- to ensure the donation bins are adequately fixed to prevent damage to property or injury to persons
- be of a design that would ensure people are not able to climb into them
- not be located on driveways, access ways, car parking areas, landscaping areas.

The existing policy was revised in response to NACRO's letter of 23 August, 2013 and Council's Planning and Environment Committee, at its meeting held 3 December 2013, considered a report on the revised policy for Second Hand Clothing Bins and resolved: -

1. That the revised draft Second-Hand Clothing Bin Policy as attached to this report be placed on public exhibition for a minimum period of 28 days subject to clause 2 of the policy statement being amended to read:

only second-hand clothing bins provided by charitable organisations are permitted unless the organisation has an Australian Business Number and the bin in such cases is clearly marked to indicate it is a commercial operator collection bin.

2. That a further report be presented to Council to consider adoption of the policy and any submissions received during the public exhibition period.

Council at its Ordinary Meeting on 10 December 2013 adopted the above recommendations.

A public notice was advertised on 20 January 2014 on Council's website and in local papers on 14 and 15 January, 2014 calling for written submissions on or before 14 February, 2014, however no submissions were received.

Given that Council did not receive any community submissions or comments during the exhibition period it was recommended that the revised policy be adopted.

Council at its meeting of 8 April 2014 adopted that the revised draft Second Hand Clothing Bins Policy as outlined in the report be adopted and a policy review date of 30 June, 2017 was set.

Report

The policy aims to ensure second-hand clothing bins are satisfactorily located, managed and maintained.

Clothing bins provide a valuable service to the community, raising money for charities and providing residents with a disposal point for unwanted clothing. They encourage material recycling and divert unwanted items from the general waste stream and landfill.

However, poorly managed/located bins can contribute to incidences of waste dumping, graffiti, vehicle and pedestrian obstruction and reduce neighbourhood amenity. Any nuisances that may arise from the placement of clothing bins on private property are able to be regulated through the Orders provisions of the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*.

The placement of clothing bins on private property does not necessarily require an approval under the provisions of the *Environmental Planning and Assessment Act 1979*, subject to the exempt development provisions of the SEPP (Exempt and Complying Development Codes) 2008 for charity bins being satisfied


The abovementioned policy has been reviewed in accordance with Council's record management policy and the adopted procedure for Policy Development and Review.

It is proposed that the policy be retained in its existing form with the exception of minor editing and updating of relevant legislation that relates to exempt development provisions as it applies to clothing bins, that does not affect the operation of the Policy.

It is therefore recommended that the attached draft Second Hand Clothing Bins Policy (as revised), be adopted.

Attachments

1. Revised draft Second Hand Clothing Bins Policy (contained within this report)

 campbelltown city council		POLICY
Policy Title	Second Hand Clothing Bins	
Related Documentation	Policy Procedure	
Relevant Legislation/ Corporate Plan	State Environmental Planning Policy (Temporary Structures) 2007 (Exempt and Complying Development Codes) 2008 Local Government Act 1993	
Responsible Officer	Manager City Standards and Compliance Services	

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

Objectives

1. To ~~control~~ regulate the location and ~~site~~ placement of second-hand clothing bins.
2. To ensure all second-hand clothing bins are satisfactorily managed and maintained.

Policy Statement

1. Second-hand clothing bins shall be located only on private property, ~~(with written approval of the landowner.), in accordance with the exempt development provisions of clause 15 Exempt Development of State Environmental Planning Policy (Temporary Structures) 2007.~~
2. Only second-hand clothing bins provided by charitable organisations are permitted unless the organisation has an Australian Business Number and the bin in such cases is clearly marked to indicate it is a commercial operator collection bin.
3. Second-hand clothing bins must not contravene any conditions of development consent relating to the use of the land and must not be placed on a landscaped area or occupy any parking space.
4. Second-hand clothing bins shall be marked with appropriate identification information and maintained as directed by Council Policy and Procedures.
5. To ensure the safe and efficient management of second-hand clothing bins the following provisions shall apply:
 - Donation bins are to be located appropriately so as not to detract from site amenity
 - Donation bins to be regularly emptied, cleaned and maintained
 - Donation bins shall not cause obstruction to footpaths and roadways
 - Donation bins are to be adequately fixed to prevent damage to property or injury to persons

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- Donations bins to be of a design that would ensure people are not able to climb into them
- Donation bins shall not be located on driveways, access ways, car parking areas or landscaping areas.

Scope

The policy relates to all second-hand clothing bins located in the Campbelltown Local Government area whether commercially or charity operated.

Definitions

Within the policy the following definitions apply:

Second-hand clothing bin: refers to an externally located collection device, usually a large enclosed steel box, used for the placement of unwanted second-hand items by the public, such as good quality clothing, linen, books and toys shoes, belts, bags and other similar items.

Temporary Structure: includes a second-hand clothing bin, booth, tent or other temporary enclosure and also includes a mobile structure.

Legislative Context

SEPP (Exempt and Complying Development Codes) 2008, ~~(Temporary Structures) 2007~~, contains provisions for charity bins, temporary structures, including exempt development provisions.

Clause 15 SEPP (Temporary Structures) 2007:**15. Exempt development**

Note (1) Under section 76 of the *Environmental Planning and Assessment Act*, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact
- (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*)
- (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).

Note (ii) Specifying a type of development as exempt development does not authorise the contravention of any condition of development consent applying to the land on which the exempt development is carried out, nor does it remove the need for any approval that may be required under other legislation.

To be exempt development, the development:

- (a) must meet the relevant deemed-to-satisfy provisions of the Building Code of Australia
- (b) must not, if it relates to an existing building, cause the building to contravene the Building Code of Australia

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(c) ~~must not be designated development~~

(d) ~~must not be carried out on land that comprises, or on which there is, a heritage item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*~~

(e) ~~must not be carried out in an environmentally sensitive area for exempt or complying development (as defined in clause 3.3 of the standard instrument by the *Standard Instrument (Local Environment Plans) Order 2006*~~

(f) ~~must not restrict any car parking required pursuant to the conditions of any development consent or any vehicular or pedestrian access to or from the site of the development~~

(g) ~~must not obstruct any drainage on the site of the development or of adjacent land.~~

~~Development that involves erecting a temporary structure is exempt development only if the structure is on a surface that is sufficiently firm and level to sustain the structure while in use.~~

State Environment Planning Policy (Exempt and Complying Development Codes) 2008

Part 2 Division 1, Subdivision 10C of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 relates to the construction and development standards for charity and clothing recycling bins.

2.20E - Specified development - the construction or installation of a charity bin or recycling bins is development specified for this code.

2.20F - Development standards - the standards specified for that development are that the development must:

- (a) Be associated with commercial premises or a place of public worship, and
- (b) If located on the same lot as the commercial premises or place of public worship - be wholly located within the lot and not located on a road or road reserve, and
- (c) Not result in more than three such bins on one lot, and
- (d) Be located behind the building line of any road frontage, and
- (e) Be operated by a person or organisation that is the holder of an authority under the *Charitable Fundraising Act 1991*, and
- (f) Not display any advertising other than details of the person or organisation that operates it, and
- (g) Not cause the contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises relating to car parking, loading, vehicular movement, waste management and landscaping.

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Local Government Act

Section 124 of the *Local Government Act* contains provisions to enable Council to serve Orders to control and regulate nuisance, amenity or threats to health or safety that may be posed by second-hand clothing bin installations, namely:

- Order 10 - To remove or stack articles or matter, to cover articles or matter, to erect fences or screens or to plant trees
- Order 21 - To do or refrain from doing such things as are specified to ensure that premises are placed or kept in a safe or health condition
- Order 27 - To remove an object or matter from a public place or prevent any object or matter being deposited there.

Section 628 - Failure to comply with Order

Maximum penalty varies according to the type of Order issued and whether it applies to an individual or corporation, ranging from 20-100 penalty points.

Section 678 - Failure to comply with an Order - carry out of work by Council

If a person fails to comply with the terms of an Order given to the person under Part 2 of Chapter 7, the Council may do all such things as are necessary or convenient to give effect to the terms of an Order, including the carrying out of any work required by the Order.

Any expenses incurred by Council under this section may be recovered in accordance with section 678(6).

Principles

The policy provides direction regarding the manner in which second-hand clothing bins can be operated in the Campbelltown City Council Local Government Area, with the aim of reducing problems associated with the bins such as illegal dumping, vandalism to bins, vandalism to surrounding areas, and other anti-social behaviour. With the policy requiring additional signage on bins, written approval from the land owner, and regular maintenance by operators a greater awareness of the proper use and management of bins can be achieved to reduce the associated problems.

Responsibility

Council's **City Standards and Compliance Services** Section has responsibility for ensuring compliance with this policy.

Effectiveness of this Policy

The effectiveness of this policy will be evaluated through feedback received from bin operators and members of the public. The policy will be reviewed 3 years from the revision date.

END OF POLICY STATEMENT

8.5 Review of Access to the Roads and Maritime Services Driver and Vehicle Information System (DRIVES) Policy

Reporting Officer

Manager City Standards and Compliance
City Development

Community Strategic Plan

Objective	Strategy
5. Responsible Leadership	5.2 The smooth running of Council's operations

Officer's Recommendation

1. That the revised Access to the Roads and Maritime Services Driver and Vehicle Information System (DRIVES) Policy as attached to this report be adopted.
2. That the Access to the Roads and Maritime Services Driver and Vehicle Information System (DRIVES) Policy review date be set at 30 June 2019.

Purpose

To seek Council's endorsement of the revised Access to the Roads and Maritime Services Driver and Vehicle Information System (DRIVES) Policy.

History

The DRIVES Policy was first adopted by Council at its meeting held 2 September 2003. It is a condition of Council's Terms of Access Agreement with the NSW Roads and Maritime Service, that in order to obtain vehicle registration details, Council have a policy that addresses the access, storage and use of records obtained under the agreement.

Council at its meeting held 1 July 2014 adopted the revised Access to the NSW Roads and Maritime Services Driver and Vehicle Information System (DRIVES) Policy.

Report


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

The changes to the policy consist of updating the responsible Manager details and other minor edits and changes to bring the policy in line with recent amendments to the Terms of Access Agreement.

It is therefore recommended that the policy changes outlined in the report, and identified in the attached draft Access to the NSW Roads and Maritime Services Driver and Vehicle Information System (DRIVES) Policy, be adopted.

Attachments

1. Draft Access to the Roads and Maritime Services Driver and Vehicle Information System (DRIVES) Policy (contained within this report)

	POLICY
Policy Title	Access to the NSW Roads and Maritime Services Driver and Vehicle Information System (DRIVES)
Related Documentation	Code of Conduct
Responsible Officer	Manager City Standards and Compliance

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

Objectives

To ensure confidential information obtained as part of Council's Terms of Access Agreement with the New South Wales Roads and Maritime Services (RMS) on its Driver and Vehicle Information System (DRIVES) is obtained and used only for purposes authorised by the agreement.

Policy Statement

1. Only those staff authorised ("authorised user") under the Terms of Access Agreement with the (RMS), shall access data from DRIVES.
2. Access to DRIVES information is only for those Council law enforcement purposes specified in the Terms of Access Agreement, which includes vehicle owner (registration and licence) details for the following matters specified offences relating to the following legislation:

a) Abandoned Motor Vehicles
b) Rubbish Dumping from Motor Vehicles
c) Insecure loads giving rise to Littering
d) Load Weight Restrictions
e) Parking Offences
a) Road Rules, 2008
b) Protection of the Environment Operations Act, 1997
c) Local Government Act, 1993
d) Impounding Act, 1993
e) Companion Animals Act, 1998
3. Staff requesting an authorised user to access DRIVES information for purposes other than those specified in (2) above will be deemed to have breached Council's Code of Conduct and will be subject to disciplinary action.
4. An authorised officer who accesses DRIVES information for purposes other than those specified in (2) above will be deemed to have breached Council's Code of Conduct and will be subject to disciplinary action.
5. An authorised officer who shares access details, passwords or user identification details for the DRIVES database will be deemed to have breached Council's Code of Conduct and will be subject to disciplinary action.

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6. All information obtained from DRIVES is confidential and must only be used for the permitted purpose(s) for which it is obtained. The use of this information for another purpose will constitute a breach of Council's Code of Conduct and the person(s) responsible will be subject to disciplinary action.

Scope

This Policy applies to all Council staff, however the main users of information obtained from the DRIVES system are staff from the City Standards and Compliance Services Section.

Definitions

authorised user means the Council officer who is appointed to access information from the Roads and Maritime Service's Driver and Vehicle Information System.

Legislative Context

This Policy was first adopted by Council at its meeting on 2 September 2003. It is a condition of Council's licence Terms of Access Agreement with the Roads and Maritime Services (RMS) that Council has a policy that addresses the access, storage and use of records obtained under the licence agreement.

This Policy is a mandatory requirement to maintain the licence Terms of Access Agreement with the RMS.

Principles

The main principle behind this Policy is the confidential maintenance of personal information in order to maintain the licence agreement with the RMS.

Responsibility

Staff from Council's City Standards and Compliance Services Section will access data via DRIVES and are therefore responsible for complying with this Policy.

Authorised Users Rangers are responsible for ensuring that requests for data are only made for matters covered by the Terms of Access Agreement.

~~A designated Technical Service Officer (TSO) from the Compliance Services Section is allocated to work with the Rangers Team and this person becomes the Authorised User for the purpose of the Terms of Access Agreement. This TSO is~~ Authorised Users are individually responsible to ensure that access to the system is only obtained for the purposes detailed in the Terms of Access Agreement and for the confidential maintenance of access details, passwords or user identification details.

The Manager City Standards and Compliance Services is Council's Security System Administrator in accordance with the Terms of Access Agreement and as such is the authorised point of contact between Council and the RMS for the ongoing operation of the agreement. This position has the responsibility of authorising changes to the authorised users and supplying an annual and quarterly compliance audit certificates to the RMS as required under the Terms of Access Agreement ~~at the end of each financial year.~~

Effectiveness of this Policy

As part of the Terms of Access Agreement with the RMS, Council is required to submit to the RMS an independent compliance audit certificate to confirm that Council has complied with the terms of the agreement. Therefore the effectiveness of this Policy will be measured by the achievement of a satisfactory annual compliance audit certificates and hence the continuation of the Terms of Access Agreement with the RMS.

Campbelltown City Council

END OF POLICY STATEMENT**DOCUMENT HISTORY AND VERSION CONTROL RECORD**

Contact for inquiries and proposed changes

Name	Andrew Spooner Paul Curley
Position/Section	Manager City Standards and Compliance Services
Contact Number	02 4645 4328

8.6 Review of the Management of Feral and Infant Companion Animals Policy

Reporting Officer

Manager City Standards and Compliance
City Development

Community Strategic Plan

Objective	Strategy
5. Responsible Leadership	5.2 The smooth running of Council's operations

Officer's Recommendation

1. That the revised Management of Feral and Infant Companion Animals Policy as attached to this report be adopted.
2. That the Management of Feral and Infant Companion Animals Policy review date be set at 30 June 2019.

Purpose

To seek Council's endorsement of the revised Management of Feral and Infant Companion Animals Policy.

History

Council's Planning and Environment Committee at its meeting held 3 December 2013, considered a report on the draft policy statement for the Management of Feral and Infant Companion Animals and resolved: -

1. That the proposed policy Management of Infant and Feral Companion Animals, as outlined in attachment 1 of the report, be placed on public exhibition for a minimum period of 28 days.
2. That a further report to consider adoption of the policy referred to in 1 above and any submissions received, be presented to Council following the public exhibition period.

Council at its Ordinary Meeting on 10 December, 2013 adopted the above recommendations.

A public notice was advertised on the Council's website on 20 January 2014 and in local papers on 14 and 15 January 2014 calling for written submissions on or before 14 February 2014, however no submissions were received.

Given that Council did not receive any community submissions or comments during the exhibition period, the policy was recommended for adoption.

Council at its meeting held 8 April 2014 adopted the policy and a policy review date of 30 June, 2017 was set.

Report

Section 64 (2) of the *Companion Animals Act 1998* provides for the humane euthanising of feral and infant companion animals by Council, prior to the end of the mandatory holding period (which is 14 days for registered animals and seven days for unregistered animals) if there is an adopted policy in place.

Often it is not practical nor humane to detain feral and infant companion animals at Council's Animal Care Facility (ACF) for various reasons. These may include biosecurity risk (ie transmission of disease), animal health or behavioural issues (e.g. feral cats), humane reasons or care requirements (ie infant animals which need an intense level of 'round the clock' care particularly in terms of warmth and feeding).

The purpose of the policy (attachment 1) is to authorise (subject to the terms of the policy) the humane euthanising of feral or infant companion animals that are not considered either suitable for re-homing (ie feral animals) or where it is not humane to retain them at Council's ACF (eg due to the intensive care requirements of infant animals being less than eight weeks of age) prior to the expiration of the mandatory holding period.

For a companion animal to be considered as feral or infant under the terms of the policy it must be assessed by staff upon arrival at the ACF and the results of the assessment documented on the respective form.

Under the terms of the policy and once a companion animal is assessed as feral and the assessment documented, the animal is not considered suitable for re-homing and is able to be euthanised at any time prior to the expiration of the mandatory holding period.

With respect to infant animals, once a companion animal is assessed to be an infant, the policy requires a number of steps to be undertaken to ascertain if the infant is in good health and able to be cared for.

Under the terms of the policy, infant animals, due to the intensive care requirements and for humane reasons, may be euthanised prior to the mandatory holding period if a practical and timely care arrangement cannot be implemented.

The policy advocates a practical and humane approach to managing infant and feral animals received at Council's ACF, particularly during times of seasonal influx (such as cat breeding season), which is consistent with practices adopted at other impounding facilities such as those operating at Blacktown and at Renbury Farm.


The abovementioned policy has been reviewed in accordance with Council's record management policy and the adopted procedure for Policy Development and Review.

The changes to the policy consist of updating the responsible Manager details and other minor edits that do not alter the policy intent or context. It is proposed that the policy be retained in its existing form with the exception of minor editing as indicated above that does not affect the operation of the policy.

It is therefore recommended that the changes outlined in the report, and identified in the attached draft Management of Feral and Infant Companion Animals Policy, be adopted.

Attachments

1. Revised draft Management of Feral and Infant Companion Animals Policy (contained within this report)

		POLICY
Policy Title	Management of Feral and Infant Companion Animals	
Related Documentation	DW2468330 – Procedure Document – Euthanasia of Impounded Animals. DW 2241642 – Procedure Document – Impounding Animals DW2535841 – Procedure Document – Housing Impounded Animals Risk Identification (R1011ACF) Euthanasia of Animals Risk Identification (R1012ACF) Disposal of Dead Animals	
Relevant Legislation/ Corporate Plan	Companion Animals Act 1998 – S64& 64A; Guideline on the Exercise of Functions under the Companion Animals Act	
Responsible Officer	Manager City Standards and Compliance; Animal Care Facility Coordinator	

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

Objectives

To authorise the humane euthanasia of seized, abandoned or surrendered feral and infant companion animals before the end of any statutory holding periods in certain circumstances, as prescribed in the Policy Statement and as permitted under Section 64 (2) of the *Companion Animals Act 1998*.

Policy Statement

The policy provides for the assessment and management of Feral and Infant Companion Animals that are not deemed either suitable for re-homing or practical to retain at Council's Animal Care Facility (ACF).

Feral and infant companion animals may not be practical to retain at Council's ACF for various reasons such as:

- Biosecurity risk
- Animal health or behavioural issues
- Humane reasons
- Care requirements.

Scope

The policy provides for the assessment and management of Feral and Infant Companion Animals that are not deemed either suitable for re-homing or practical to retain at Council's Animal Care Facility (ACF).

Campbelltown City Council

Definitions

1. **Companion Animal** means a dog or cat and any other animal that is prescribed by the Companion Animals Act regulations as a companion animal
2. **Feral** means wild or showing no signs of domestication but does not include any companion animal that is micro chipped or wearing a collar
3. **Infant** means a companion animal that appears to be under 8 weeks of age
4. **Euthanasia** refers to the euthanasing procedure administered by Council's authorised veterinary surgeon in accordance with Procedure Document DW 2468330 "Euthanasia of Impounded Animals".

Legislative Context

The *Companion Animals Act 1998* at Section 64(2) provides for the humane euthanising of feral or infant animals prior to the end of the statutory holding periods if there is an adopted Council policy in place to do so. This policy has been developed to comply with that provision.

Principles**1. Feral companion animals**

Feral cats may be euthanised at any time prior to the expiration of the statutory holding period providing the requirements of this policy are observed and documented evidence of this is recorded by the ACF Coordinator or a delegated officer on a feral cat assessment form.

Upon receiving the animal at Council's ACF, a feral animal assessment form (Attachment 1) is to be completed to document and justify the assessment of the animal as "feral".

2. Infant companion animals

Prior to euthanising an infant companion animal, all reasonable and practical steps shall be taken by the ACF Coordinator or a delegated officer to ascertain:

- a) if the infant is in good health and able to be cared for and if so
- b) if there is a suitable lactating animal at the Animal Care Facility that is able to adopt and care for the infant or
- c) if there is an alternative care arrangement (for example an arrangement with a foster carer that is associated with an approved Rescue Group) that is able to be implemented immediately to accept responsibility for, and deliver an appropriate level of care to, the infant.

Infant companion animals may be euthanised at any time prior to the expiration of the statutory holding period if the requirements of this policy, as indicated at (a) – (c) above, are observed and documented evidence of this is recorded by the ACF Coordinator on an infant animal assessment form.

Upon receiving the infant animal at Council's ACF, an Infant Animal Assessment form (see Attachment 2) is to be completed to document and justify the assessment of the animal as an "infant".

Campbelltown City Council

Responsibility

It is the responsibility of the Animal Care Facility Coordinator or delegated officer to administer this policy.

Effectiveness of this Policy

The policy will be administered in accordance with the Companion Animals Act 1998 to manage the infant and feral companion animals received by the Animal Care Facility.

END OF POLICY STATEMENT

8.7 Submission from Mirvac for the inclusion of land at Menangle within the Greater Macarthur Priority Growth Area boundary

Reporting Officer

Senior Strategic Planner
City Development

Community Strategic Plan

Objective	Strategy
2. A Strong Local Economy	2.1 Encouragement of balanced development within the city

Officer's Recommendation

1. That Council communicate to the Department of Planning and Environment its strong opposition to the inclusion of the subject land at Menangle within the boundaries of the Greater Macarthur Priority Growth Area, in the absence of any comprehensive accessibility and employment land strategies.
2. That Council advise Wollondilly Shire Council of its current position.

Purpose

To request Council's endorsement to forward a submission to the Department of Planning and Environment advising that Council does not support the inclusion of the subject land at Menangle within the Greater Macarthur Priority Growth Area boundary.

Report

Council has received correspondence from the Department of Planning and Environment inviting Council to comment on a request from Mirvac on behalf of SouWest Development for a 577 hectare site at Menangle to be included within the boundary of the Greater Macarthur Priority Growth Area. The subject site is located within the Wollondilly Local Government Area (LGA). See map in attachment 1.

The Department of Planning and Environment publicly exhibited the Greater Macarthur Land Release Investigation (GMLRI) documentation in 2015. An analysis/assessment of 2,378 hectares of land within a Menangle and Douglas Park precinct was included within this documentation, but was not subsequently included within the boundaries of the Greater Macarthur Priority Growth Area. The GMLRI documentation noted that the precinct as a whole has the following potential yield:

- 133 hectares of land suitable for future residential development and a further 346 hectares of land that is currently encumbered but could possibly be developed resulting in approximately 7,200 new dwellings
- 226 hectares of unencumbered land suitable for future employment uses and a further 270 hectares of encumbered land.

The land subject to the Mirvac submission is located within the northern section of this precinct and proposes approximately 350 residential lots and associated employment uses as part of a stage 1 development, and a further 5,000 residential lots within future stages 2 and 3.

The analysis of the Menangle and Douglas Park precinct included within the GMLRI documentation noted three key land use constraints, being issues relating to mining, heritage conservation and the impact of poultry clusters on future development. The Mirvac submission has concentrated on addressing these issues only and has not provided any information with regard to any other matters.

It is considered that one of the major issues for Council is the impact of traffic generated by this proposal specifically within the short term.

The GMLRI recognises that any large scale release of the Menangle and Douglas Park precinct would require the construction of significant traffic infrastructure including:

- new access to Hume Highway (M31)
- potential alignment with Macquariedale Road including new bridge over the Nepean River
- connection to the proposed Outer Sydney Orbital via Finns Road.

However, the GMLRI also considered that any small scale development in Menangle Village could be supported by the existing transport network. This presumably means traffic access from Menangle is proposed to be via Menangle Road through the Campbelltown LGA. This is clearly unacceptable at the current time for the following reasons:

- it is unclear what defines small scale development
- whilst major roadworks are planned within the Menangle Park Urban Release Area which include access to the Hume Highway and upgrading of Menangle Road north to the Macarthur Centre, these works are still in the planning stages and have not been finalised
- there are currently no plans for the upgrading of Menangle Road south of the proposed intersection of the Hume Highway and Menangle Road
- there is no indication of the likely impact of additional traffic around the Macarthur Centre as a result of any development of the Menangle and Douglas Park precinct
- significant higher order holistic district level accessibility commitments negotiated by Council with the State Government could be impacted.

It is also of concern that there appears to be no specific employment strategy in place to ensure a reasonable level of self-containment and potentially diminished out migration passenger vehicle movements.

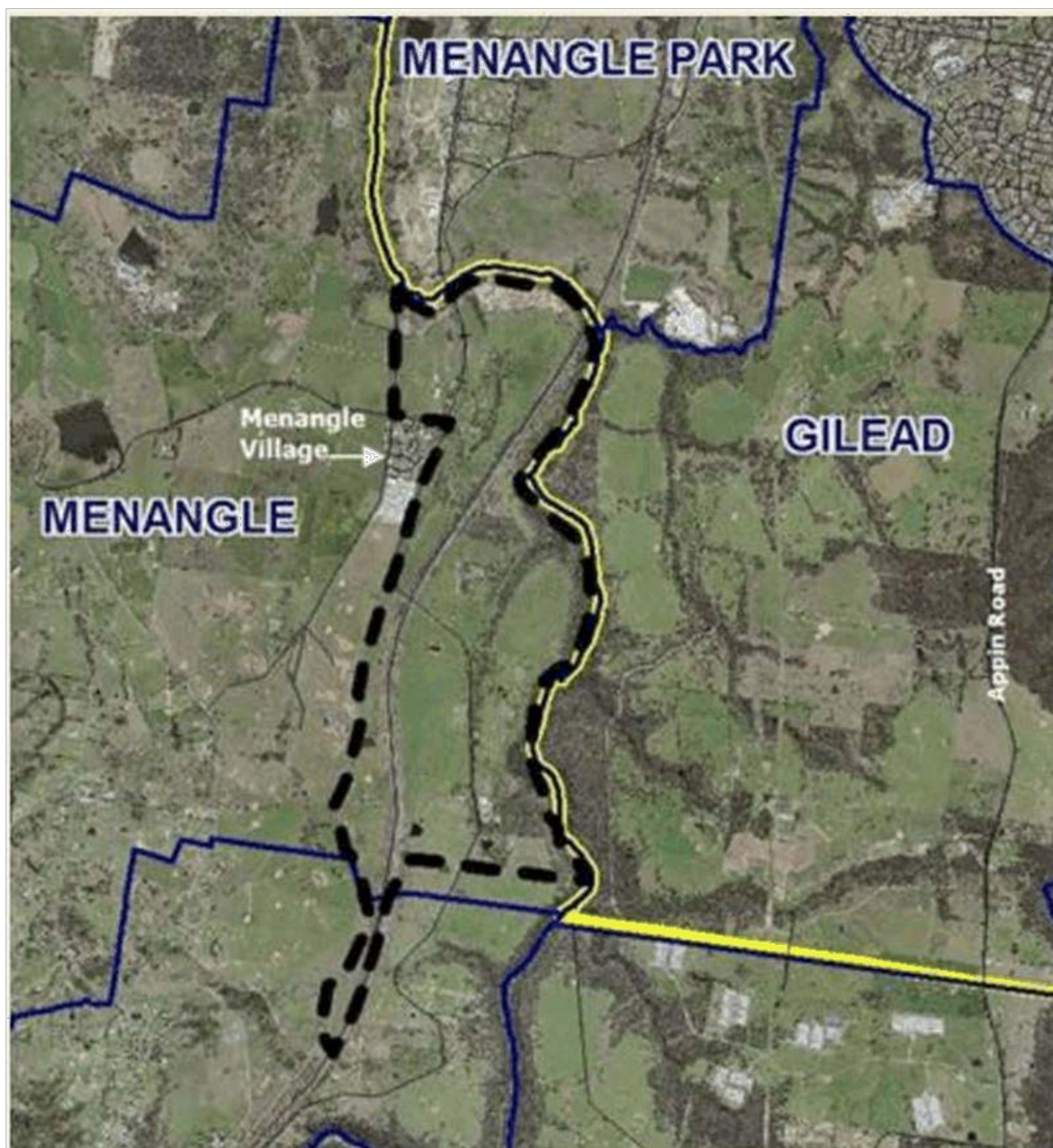
Wollondilly Shire Council has also advised that it has major reservations with regard to this proposal.

Conclusion

It is considered that due to the major issues raised in this report with regard to the deficiency of information and clear lack of commitment to the provision of appropriate traffic infrastructure and employment strategies, that Council not support the inclusion of the subject land at Menangle within the boundaries of the Greater Macarthur Priority Growth Area.

Attachments

1. Location of subject land (contained within this report)



Subject land to Mirvac's submission - dashed line defines area of subject lands

8.8 Rezoning Goodsell Street, Minto

Reporting Officer

Senior Strategic Planner
City Development

Community Strategic Plan

Objective	Strategy
2. A Strong Local Economy	2.1 Encouragement of balanced development within the city

Officer's Recommendation

1. That council support the Planning Proposal Request (application number 1761/2016/E-LEPA) to rezone land in the following schedule:
 - Lot 100 DP 706378 (No.227-229 Eagleview Road)
 - Lot 10 DP 719990 (No.25 Goodsell Street)
 - Lot 1 DP 719990 (No.223 Eagleview Road)
 - Lot 2 DP 719990 (No.225 Eagleview Road)
 - Lot 4 DP 539244 (No.221 Eagleview Road)
 - Lot 11 DP 719990 (No.27 Goodsell Street)

from its existing E4 Environmental Living Zone - 4000sqm and two hectare/one hectare lot average to R2 Low Density Residential, in accordance with the draft Planning Proposal detailed in recommendation 2 below.
2. That Council endorse and forward the draft Planning Proposal (refer to attachment 6) to the Department of Planning and Environment for a Gateway Determination.
3. That Council advise the applicant and all directly affected property owners of its decision.

Purpose

To seek Councils support for the draft planning proposal to be forwarded to the Department of Planning and Environment for a Gateway Determination.

Report

Property owners/description

Lot 100 DP 706378 (No.227-229 Eagleview Road)
Lot 10 DP 719990 (No.25 Goodsell Street)
Lot 1 DP 719990 (No.223 Eagleview Road)

Lot 2 DP 719990 (No.225 Eagleview Road)
Lot 4 DP 539244 (No.221 Eagleview Road)
Lot 11 DP 719990 (No.27 Goodsell Street).

Applicant: Tangible Planning Solutions.

Application Number: 1761/2016/E-LEPA

The Planning Proposal Request

The Planning Proposal Request (PPR) (contained in attachment 1), known as the Minto South Planning Proposal promotes the rezoning of a parcel of approximately 3.8 hectares of land containing six allotments at Minto, generally bounded by Eagleview Road and Goodsell Street (refer to attachment 2) for low density residential purposes (R2).

Also forming part of the PPR is a Concept Subdivision Design which portrays a general road layout, and allotments with a minimum area of 500sqm and yield of up to 40 allotments (or approximately 100 people) (refer to attachment 3).

A relevant Zoning Amendment Map and Minimum Lot Size Map accompany the PPR. It is also noted that the existing Height of Buildings Map which establishes a maximum building height of nine metres is to be retained.

The PPR is also supported by a series of specialist consultant reports addressing:

- overall assessment
- visual and landscape analysis
- stormwater management
- service infrastructure
- traffic management.

The site (refer to attachment 2), includes six parcels of land in the ownership of six parties, as listed at the beginning of this report.

Local/Regional Context

The site forms part of the southern extremity of a landscape unit known as the East Edge Scenic Protection Lands (the Edgelands). The Edgelands form an area of transition and infill between the eastern boundary of the Campbelltown Urban Area and the extensive regional open space network associated with the Georges River.

The reservation for the proposed Georges River Parkway (Road) forms an edge to the generally heavily vegetated ecologically diverse Georges River regional open space network.

As such, the zone of transition/infill is considered to be limited to between the existing Minto urban edge and the proposed Georges River Parkway (refer to attachment 4).

The Edgelands: General

This area of transition/infill, known as the Edgelands, has been the subject of numerous development requests for more intensive subdivision over recent decades.

Until recently the land was zoned Environmental Protection 7(b) with a two hectare minimum area of subdivision. With the recent enactment of Campbelltown Local Environmental Plan 2015 (CLEP 2015), the land is now zoned Environmental Living (E4) with principally a 4,000sqm minimum area of subdivision. A small precinct has a two hectare minimum area of subdivision (and is subject to the one hectare lot averaging provision).

The Edgelands: recent interest and actions

The public exhibition of draft CLEP 2014, in June-August 2014, generated significant interest in respect of further subdivision opportunities in the Edgelands. This interest was considered in the Extraordinary Report to Council on 28 April 2015.

Generally, submissions in respect of land to the east of the proposed Georges River Parkway (Road) were dismissed, while those to the west were identified for further investigation in a holistic, precinct based manner.

A constraints and opportunities/suitability mapping exercise and preliminary service infrastructure investigations were undertaken in late 2015, with the conclusions presented to a Councillor Briefing on 28 November 2015. It was established that the environmental qualities and service infrastructure availability vary on a sub-catchment/precinct basis and that site specific planning solutions could potentially evolve.

With regard specifically to the land in the vicinity of Goodsell Street it was identified that such land be considered on its merits for low density residential development.

Most recently, Council resolved in response to Item 2.3 Priority Investigation Area Campbelltown (Local Environmental Plan 2015) of the Planning and Environment Committee Meeting held 4 June 2016 (and Council Meeting held 21 June 2016) to adopt the following policy position:

The land at the southernmost extremity of the precinct as defined in attachment 6, in the vicinity of Goodsell Street, be considered on its merits for low density residential development, potentially through an owner initiated planning proposal request.

A project specific (South Minto) Councillor Briefing held 21 March 2017 noted the changed interface given the One Minto redevelopment and general infill nature of the site raised no significant concern with the concept underpinning the Planning Proposal Request.

Assessment of the Planning Proposal Request

A comprehensive review of the planning proposal request forms attachment 5.

The important conclusions of such review are detailed below, largely in a planning hierarchy context.

State and Regional Planning

Section 117 directions (Ministerial Directions) apply largely on a state wide basis and seek to ensure Local Environmental Plans (and their inception tool in the form of Planning Proposals) are consistent with State and Regional Planning. In a like manner State Environmental Planning Policies (SEPPs) and deemed SEPPs also seek to ensure state and regional specific planning outcomes.

It is noted in Section 4.1.3 and 4.1.4 of attachment 5 that the PPR is considered to either adequately address the desired outcomes or justify an inconsistency; whilst, some additional investigation is foreshadowed in some instances.

Importantly, it is considered that the PPR has strategic and site specific merit to inform a relevant planning proposal for referral to the Department of Planning and Environment for a Gateway Determination.

In terms of additional work and strategy development the following areas are highlighted in attachment 5.

- field flora and fauna surveys
- preliminary contamination investigation
- infrastructure funding strategy.

Metropolitan Planning

The Metropolitan Planning Framework for Greater Sydney is largely detailed in the Metropolitan Strategy known as a Plan for Growing Sydney (the plan). The PPR shows consistency with the plan, in terms of its key deliverables/Directions (refer to section 4.1.1 and 4.1.1(a) of attachment 5).

It is also noted that a draft amendment to update a Plan for Growing Sydney was recently released with the draft District Plans, the draft amendment Towards our Greater Sydney 2056 established a framework of a metropolis of three entries and foreshadows a comprehensive review of the regional plan (A Plan for Growing Sydney). There is unlikely to be any future inconsistency at the scale of the proposal.

Subregional Planning

The draft South West Sub Regional Strategy represents the current publicly available guide to subregional planning and development. The PPR is not inconsistent with the general thrust of the draft Strategy in providing for residential growth in a structured manner that leverages off existing infrastructure (refer to section 4.1.2 of attachment 5).

It is noted that the draft District Plan had not proceeded to public exhibition at the time of lodgement of the PPR.

A brief review of the PPR in the context of the recently exhibited draft South West District Plan highlights consistency with the aspirations and strategic intent, of the draft plan (refer to section 4.1.2(a) of attachment 5).

Local planning

Council's Local Strategic Land Use Planning Framework comprises principally Campbelltown Local Environmental Plan 2015 (CLEP 2015), the Campbelltown Local Planning Strategy (CLPS) and the Campbelltown Residential Development Strategy (CRDS).

Importantly, the subject framework is generally consistent with the overarching Local Strategic Plan Campbelltown's Community Strategic Plan 2013-2023 (CCSP) (refer to section 4.2 of attachment 5).

The PPR is generally consistent with the local strategy framework as informed by more detailed investigations and the Policy Position established by Council at its meeting on 21 June 2016 and referenced previously.

Infrastructure Impacts

The development outcome proposed by the PPR will have a minor manageable impact upon local service infrastructure provision. Access to the immediate road and drainage networks will need to be addressed at the cost of the ultimate developer, as will all on-site infrastructure reticulation.

Relevant off-site impacts, particularly social infrastructure impacts, will need to be addressed typically by way of payment of a relevant development contribution or the entering into of a voluntary planning agreement.

Voluntary planning agreement principles (VPA)/developer contributions plan

A formal development consortium or host developer has not been established at this point in time. Accordingly, the principles of a VPA have not been advanced. The statement in the PPR in respect of community infrastructure being able to accommodate the foreshadowed development is accepted in principle. It is, however, considered critical that an appropriate contribution be made to the pro rata impact occasioned by the development on social/community infrastructure, pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979*.

The physical infrastructure impacts are noted to be manageable and readily accommodated by modest enhancement, amplification and reticulation, at the expense of a future developer.

Rezoning review

The proponent has patiently worked with Council to achieve the general thrust of this report and not pursued this available planning avenue.

Confirmation of level of owner support

All owners support the rezoning of the subject land for low density residential and related purposes.

Neighbourhood response

The response of the immediate neighbourhood has not been garnered at this point in time. In the event of a positive gateway determination appropriate consultation will be required with the local community.

Conclusion

The PPR for the rezoning of land generally bounded by Eagleview Road and Goodsell Street, is considered to have sufficient strategic and site specific merit to inform a relevant draft planning proposal for submission to the Department for Planning and Environment for a gateway determination (refer to the draft planning proposal which forms attachment 6).

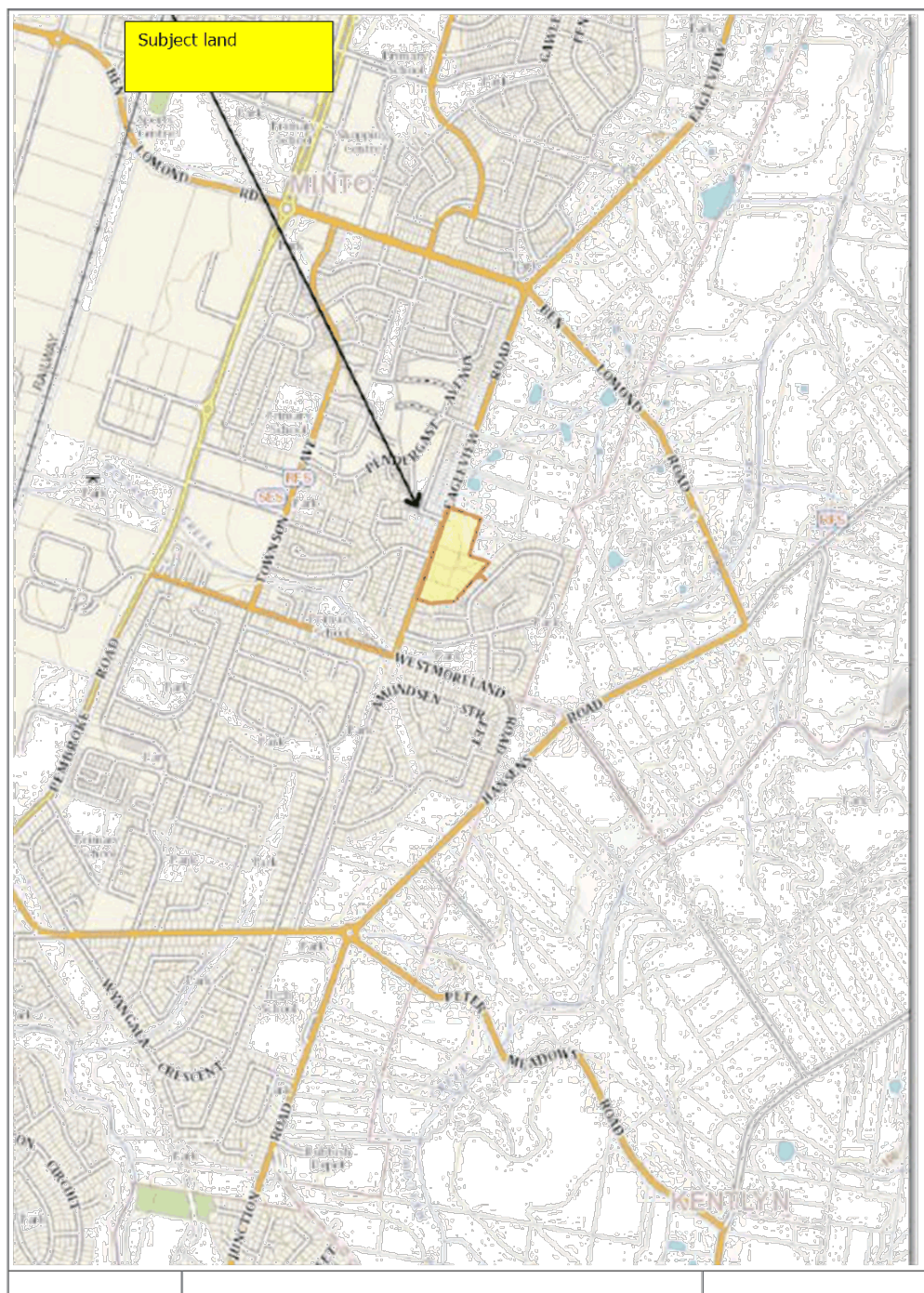
It is noted however, the undertaking of minor additional investigations and strategy development are highlighted as being required as the draft planning proposal is advanced through and (subject to its determination) beyond the gateway process.

Notwithstanding the above, the draft planning proposal as presented, is considered to provide a balanced planning outcome for the subject precinct in consideration of both its residential and environmental boundaries and would establish a planning framework which has regard to its immediate infill context, whilst facilitating traditional housing opportunities.

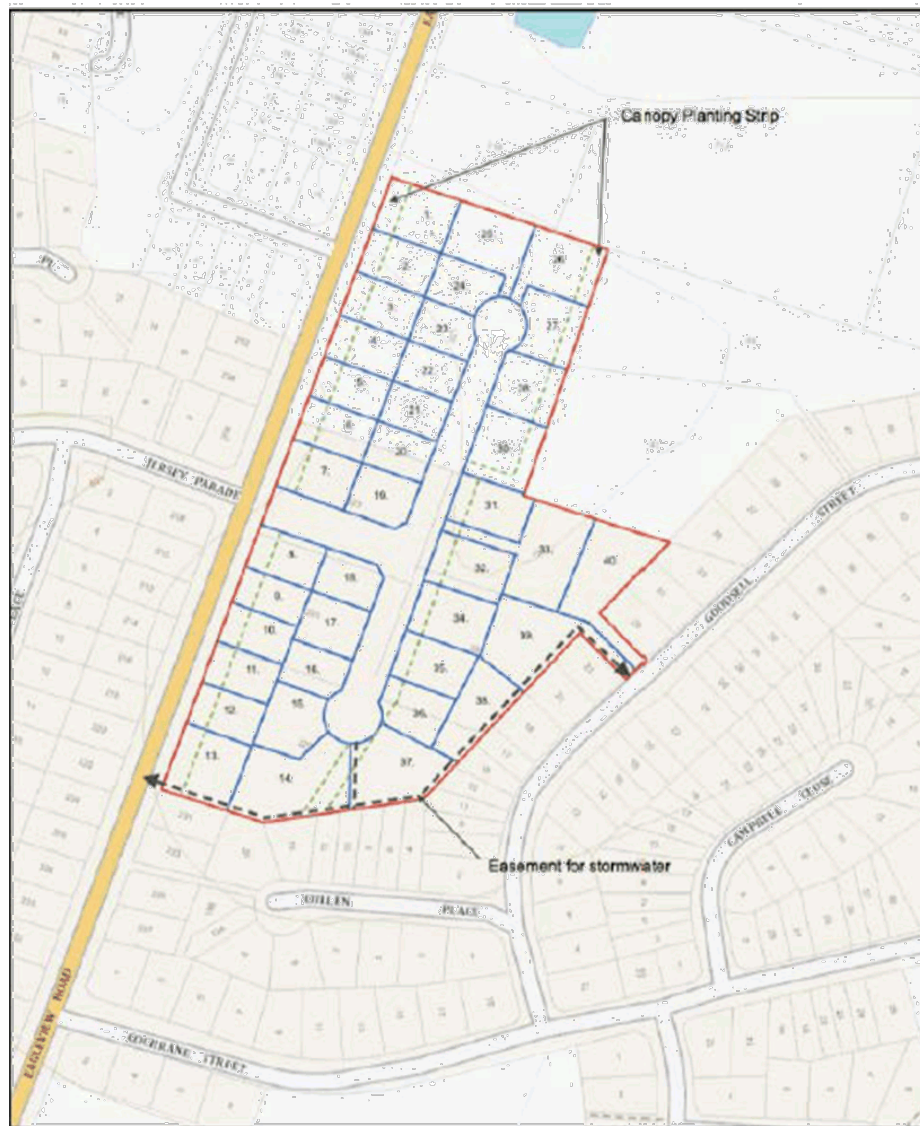
Finally, the draft planning proposal is considered to be not inconsistent with the principles detailed in the adopted Council policy position.

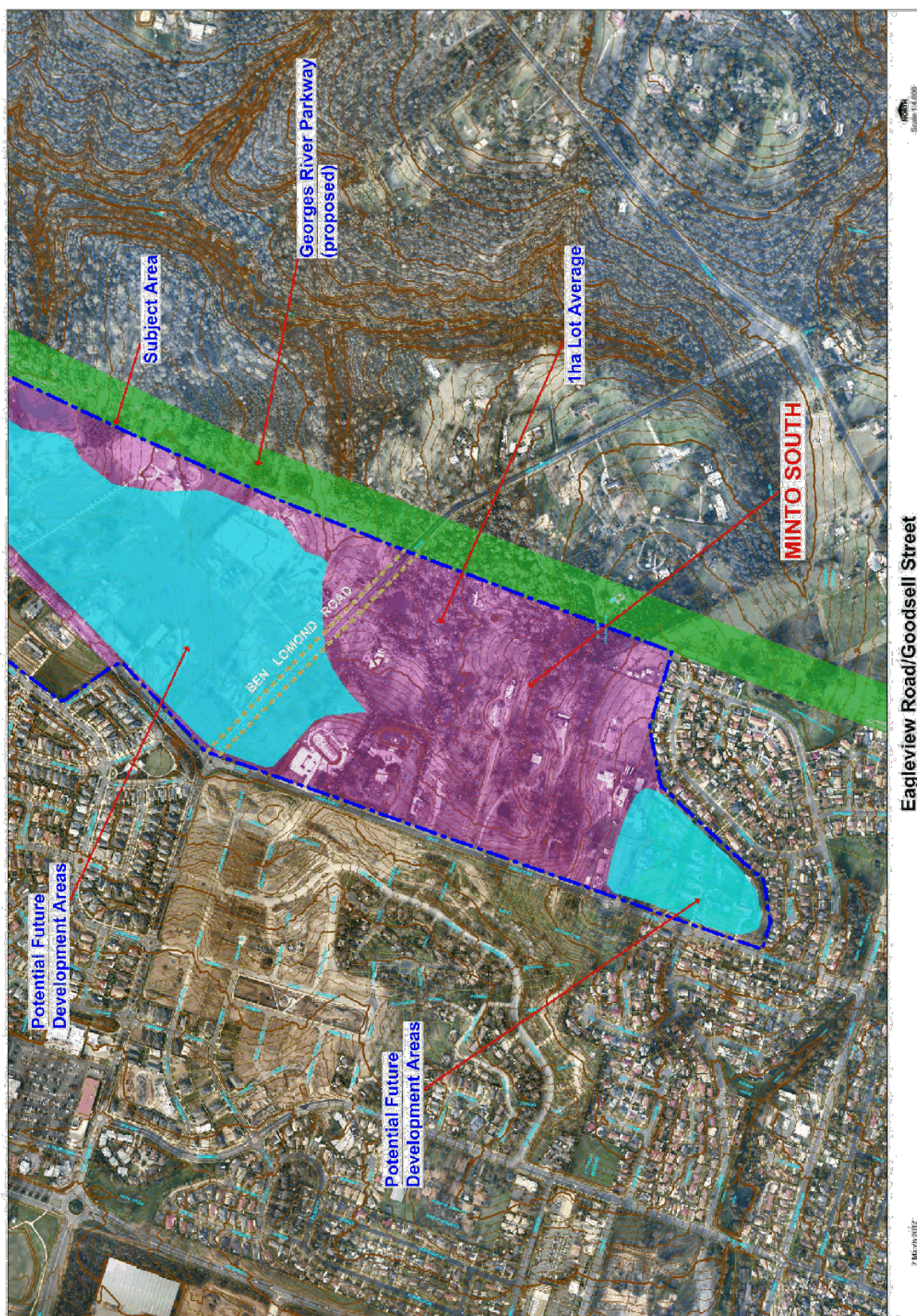
Attachments

1. Planning Proposal Request (distributed under separate cover)
2. Site Plan Maps (contained within this report)
3. Concept Subdivision Plan (contained within this report)
4. East Edge Scenic Protection Lands Context (EEC3) (contained within this report)
5. Planning Proposal Request Assessment (contained within this report)
6. Draft Planning Proposal (contained within this report)









Assessment of Planning Proposal Request

Minto South – Goodsell Street/Eagleview Road precinct – February 2016

1 Introduction

1.1 Executive Summary

This report provides an assessment of a Planning Proposal Request (PPR) (refer to appendix 1), known as the Minto South Planning Proposal, submitted to Council on 6 June, 2016 for land described in the property schedule detailed below and generally bounded by Eagleview Road and Goodsell Streets.

- Lot 4 DP 539244 (No. 221) Eagleview Road, Minto
- Lot 1 DP 719990 (No. 223) Eagleview Road, Minto
- Lot 2 DP 719990 (No. 225) Eagleview Road, Minto
- Lot 100 DP 706378 (No. 227) Eagleview Road, Minto
- Lot 10 DP 719990 (No. 25) Goodsell St, Minto
- Lot 11 DP 719990 (No. 27) Goodsell St, Minto.

The aggregate holding comprises approximately 3.8 hectares.

The PPR was prepared by Tangible Planning Solutions on behalf of the ownership group.

It seeks to rezone the subject holding for low density residential purposes (R2).

Forming part of the PPR is a Concept Subdivision Design, which portrays a general road layout and allotments with a minimum area of 500 sqm and yield of up to 40 new allotments (or approximately 100 people) (refer to appendices 2 and 3).

The Request is also supported by a series of specialist consultant reports addressing:

- Flora and Fauna
- Visual and Landscape Analysis
- Traffic Study
- Water and Sewer Infrastructure Assessment
- Stormwater Management
- Planning Framework Compliance

(refer to appendix 1)

A relevant Zoning Amendment Map and Minimum Lot Size Map are reproduced in appendices 4 and 3 respectively.

It is noted that the existing height of building map establishes a maximum building height of nine metres (refer to appendix 5) which is not proposed to change.

The subject land (the Site) (refer to appendix 6) includes six principal parcels of land in single private ownership. The PPR represents an "infill" precinct, given the transformative impact of the One Minto precinct and existing Goodsell Street development.

This Report recommends that the PPR be supported by Council and that it inform a relevant Planning Proposal (refer to appendix 7) for submission to the Department of Planning and Environment for a Gateway Determination.

An assessment of the PPR can be found at Section 4.0 of this Report.

1.2 Purpose of this Assessment Report

This report seeks to provide an assessment of the merits of the PPR submitted in respect of land generally bounded by Eagleview Road and Goodsell Street, Minto and described in the property schedule below:

- Lot 4 DP 539244 (No. 221) Eagleview Road, Minto
- Lot 1 DP 719990 (No. 223) Eagleview Road, Minto
- Lot 2 DP 719990 (No. 225) Eagleview Road, Minto
- Lot 100 DP 706378 (No. 227) Eagleview Road, Minto
- Lot 10 DP 719990 (No. 25) Goodsell St, Minto
- Lot 11 DP 719990 (No. 27) Goodsell St, Minto.

It is noted that the PPR promotes the rezoning of the subject holding for low density residential purposes.

The assessment has particular regard to prevailing local and state government legislation and policies.

This Report does not constitute a Planning Proposal (PP). A relevant PP is however, produced as appendix 7, based on this PPR review and Council's Planning and Environment Committee meeting outcomes endorsed at Council's meeting on 21 July 2016.

1.3 Proponent Liaison with Council

The proponents and their lead planning consultant have met with Council staff several times in the compilation and amendment of the PPR.

A summary of their original PPR was presented to a Council Briefing Session on 21 March 2017.

2 Existing Situation

2.1 Description of the subject site and its surrounds

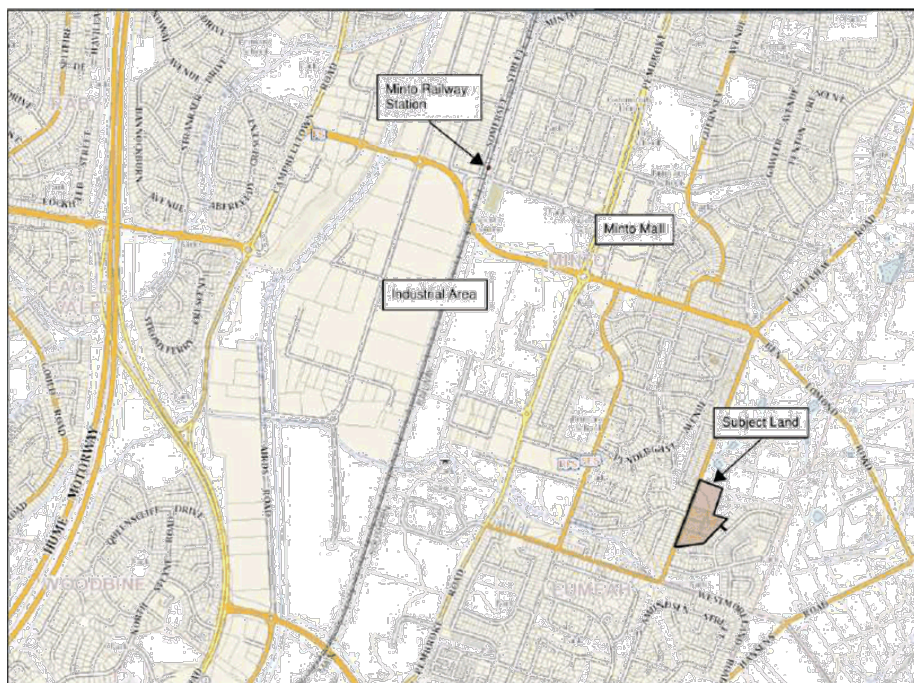
The site comprises some 3.8 hectares of essentially large lot residential land generally bounded by Eagleview Road and Goodsell Street. It forms part of the eastern edge of the suburb of Minto and part of a landscape unit which is known as the East Edge Scenic Projection Lands or "the Edgelands". It is located generally to the immediate east of Eagle View Road and west of the proposed Georges River Parkway, which forms a clear divide to the densely vegetated Georges River environs.

Approximately 1.25km to the north-west of the site is Minto Mall; with the Industrial Precinct and transport hub, focused on Minto Railway Station, approximately a 0.25km to 0.5km further removed.

Map extracts of the subject site in its immediate and broader contexts are produced below.

Figure 1 – Subject site and immediate locality



Figure 2 - The broader contextual setting

The prevailing character of the site is reflected in the aerial photograph extract (which form appendix 8). Specifically, this area has been largely cleared of significant vegetation and generally comprises large dwellings in parkland type setting.

The site transitions into low density residential development to the immediate south east and is situated opposite the new One Minto development. Its previous dominant ridgelike qualities have been significantly altered by the significant land use transformation associated with the One Minto development.

2.2 Land Ownership

The subject site includes six parcels of land comprising approximately 3.8 hectares of land in the ownership of six parties. All parties have provided owners consent to the subject PPR and worked collaboratively in establishing its preliminary form.

2.3 Campbelltown Local Environmental Plan 2015

2.3.1 Aims of the Plan

The Plan includes aims that target the protection and enhancement of natural heritage, biodiversity and scenic and landscape values of land. Aims are also cited to minimise the exposure of development to natural hazards (including bushfire) and to ensure development outcomes are commensurate with land capability and suitability.

Further the Plan includes broad ranging diverse housing and support human and physical infrastructure provisions and employment lands aims.

2.3.2 Zoning/Minimum Subdivision Requirements

The subject site is currently zoned E4 - Environmental Living with largely with a 4,000sqm (and small two hectares minimum area) of subdivision. That component with a 2ha minimum area is also subject to a 1ha averaging provision (detailed in Clause 4.2D in CLEP 2015).

2.4 Previous Zoning

The subject site was previously largely zoned Environmental Protection 7 (d4), pursuant to Campbelltown (Urban Areas) LEP 2002, with a 4000 sqm and 2ha minimum area of subdivision.

3 Description of the Planning Proposal Request (PPR)

3.1 Overview

The PPR, known as the Minto South Proposal seeks to rezone the subject parcel of land of approximately 3.8 hectares (generally, bounded by Eagleview Road and Goodsell Street) for low density residential purposes (R2).

3.2 Possible Development Scenario

A Concept Subdivision Plan is provided as appendix 2.

It is proposed to provide for a range of residential products on lot sizes with a 500sqm minimum area and limited tree retention and embellishment.

Up to 40 allotments are proposed; housing an additional population in excess of 100 people.

A copy of the Applicant's PPR is attached (refer to appendix 1).

3.3 Principal Development Standards

The principal development standards that currently apply to the subject site are summarised in Table 1 below:

Campbelltown CLEP 2015	Minimum Lot Size	Floor Space Ratio	Maximum Building Height
Environmental Living Zone (E4)	4000 sqm and small area of 2ha. (Also affected by Clause 4.2D – 1ha Lot Averaging)	---	9 metres

Table 1 – Summary of existing CLEP 2015 controls applying to the subject land.

3.4 Proposed Changes to Controls

The existing controls and proposed controls are summarised in Table 2 below:

Planning Controls under CLEP 2015	Existing Planning Controls	Proposed Planning Controls
Zoning	Environmental Living (E4)	Residential (R2)
Minimum Lot Size	<ul style="list-style-type: none"> • Principally 4,000sqm • Two hectare • (Also subject to one hectare lot averaging provision.) 	500sqm
Height of Building	9 metres	No change

Table 2 - Existing CLEP2015 Controls and Proposed Controls applying to the land.

3.5 Supporting Studies Prepared by Applicant

The PPR is supported by the following studies:

- Preliminary Environmental Assessment (Flora and Fauna) – Feb 2016 – Woodlands Environmental Management Pty Ltd
- Visual and Landscape Analysis – February 2016 - Lindy Leon (Landscape Architect)
- Water and Sewer Infrastructure Assessment – May, 2016 – Australian Water Project Management
- Stormwater Management Concept Plan of Residential Subdivision – September 2016 – Fusion Engineering Services
- Preliminary Traffic Study - Feb 2016 - Intersect traffic (amended September 2016).

A brief overview of the studies is provided below, with a more detailed analysis provided in the review of planning issues at Section 4.

3.5.1 Flora and Fauna

The Flora and Fauna Study reaches positive or at least neutral conclusions in respect of adverse ecological impacts. Such conclusions are considered to be generally acceptable. It is noted, however, that on-site surveys are required to attest to the conclusions in respect of koalas/koala habitat.

3.5.2 Visual and Landscape Study

The Visual and Landscape Study provides a detailed analysis of the site and its context at a targeted scale of the site and its immediate context. The study together with its conclusions in respect of strategic vegetation embellishment is considered to be satisfactory to advance the PPR.

3.5.3 Traffic Study (as amended)

The Traffic and Accessibility Study is considered to arrive at satisfactory conclusions. It is noted that the final treatment of the intersection with Eagleview Road is yet to be resolved. A range of adequate alternative treatments are however, available.

3.5.4 Water and Sewer Infrastructure

The subject assessment concludes that satisfactory arrangements can be made for servicing the proposed development with reticulated water and sewer.

3.5.5 Stormwater Management

The subject report concludes that appropriate management facilities can be introduced and integrated with existing stormwater facilities to ensure satisfactory stormwater management outcomes.

3.5.6 Planning Compliance Framework

The subject framework has been reviewed with minor changes to some conclusions in respect of the SEPPs, deemed SEPPs and Section 117 Directions. These changes are reflected elsewhere in this assessment and are not considered prejudicial to the advancement of a relevant Planning Proposal.

4 Assessment of the Planning Proposal Request

The PPR has been assessed against the Department of Planning and Environment's document A Guide to Preparing Planning Proposal (the Guide) and Guidelines for Local Plan Making. The Guide contains directions in respect of the required content and justification of the Planning Proposal interpreted to include:

- The Sydney Metropolitan Strategy (now A Plan for Growing Sydney)
- South West draft sub-regional strategy
- Section 117 Directions
- State Environmental Planning Policies and deemed State Environmental Planning Policies
- Campbelltown Local Environmental Plan, 2015

- Campbelltown Community Strategic Plan 2013-2023
- Campbelltown Local Planning Strategy – 2013
- Other identified issues.

4.1 Consistency with State planning framework

4.1.1 A Plan for Growing Sydney (December, 2014)

This Plan is the current overarching strategic planning policy, the document guides Sydney growth and development for a period of 20 years.

It establishes goals and relevant actions in respect of:

- a competitive well serviced economy
- housing choice and lifestyle
- liveable communities
- environmental conservation and resource management.

Vision for Sydney

Goal 2: A city of housing choice, with homes that meet our needs and lifestyles

Directions 2.1: Accelerate housing supply across Sydney

Action 2.1.1: Accelerate housing supply and local housing choices (fulfilled)

Directions 2.3: Improve housing choice to suit different needs and lifestyles

Action 2.3.3: Deliver more opportunities for affordable housing (fulfilled)

Directions 2.4: Deliver timely and well planned Greenfield precincts and housing (fulfilled)

Goal 3: Sydney's great places to live

Direction 3.2: Create a network of interlinked, multipurpose open green spaces across Sydney (fulfilled in part)

Goal 4: Sydney's sustainable and resilient environment.

Direction 4.1: Protect our natural environment and biodiversity

Action 4.1.1: Protect and deliver a network of high conservation value land by investing in green corridors and protecting native vegetation and biodiversity (generally satisfied including potential off-site contributions)

Direction 4.3: Manage the impact of development on the environment (generally fulfilled).

Sydney's Sub-regions

South West Sub-region Priorities

Accelerate housing supply, choice and affordability and build great places to live (fulfilled)

Protect the natural environment and promote its sustainability and resilience (generally fulfilled).

4.1.1(a) Towards our Greater Sydney 2056

This document released in November 2016, seeks to outline a "bridging" framework between the current and future metropolitan plans for Greater Sydney.

It describes Greater Sydney as:

- A Productive Greater Sydney
- A Liveable Greater Sydney
- A Sustainable Greater Sydney.

The amendment reconceptualises Greater Sydney as a metropolis of three cities, being:

- Eastern City (Sydney City)
- Central City (Greater Parramatta)
- Western City (Western City Airport)

The subject site is located within the defined Western City area; a region intended to 'drive a new economy in the emerging aerotropolis that incorporates the areas immediately around the Western Sydney Airport, and the broader region'. It aspires to:

- *target additional infrastructure investment to increase public transport and reduce traffic congestion, so people can spend more time with families*
- *deliver more jobs closer to homes and services, with a focus on youth and Aboriginal training and skills development*
- *increase housing through better planning and density done well, and streamlining approvals across all three levels of government*
- *support clean air, green spaces, vibrant arts and cultural initiatives.*

The three overarching priorities that support the amendment to the Regional Plan include "A Productive Sydney"; "A Liveable Sydney"; and "A Sustainable Sydney". To achieve this, a number of opportunities have been identified, including:

1. Urban renewal
2. Medium Density infill development
3. New communities in land release area.

It is considered that the Planning Proposal conforms with the vision and objectives of the updated Regional Plan, and will capitalise on the opportunities increase housing choice and diversity.

4.1.2 Sub-Regional Planning

Refer to South West sub-region priorities of *A Plan for Growing Sydney* in 4.1. and 4.1.1(a) *Towards Greater Sydney 2056* above.

The former Draft Sub-regional Planning Strategy established a new dwelling target of 24,653 to the year 2031 (fulfilled in part)

More recently the Campbelltown/Macarthur Urban Renewal Corridor Strategy and Greater Macarthur Urban Investigation established new dwelling targets of 15,000 and 18,100 respectively.

4.1.2 (a) Draft South West District Plan

The 'draft' District Plan sets out a 20-year vision, priorities and actions for the development of the South West District of Greater Sydney. A district that encompasses the local government areas of Camden, Campbelltown, Fairfield, Liverpool and Wollondilly.

Whilst the Plan is still a draft document, it has been reviewed in relation to the subject Planning Proposal and its three identified planning principals. The review has found that the rezoning was an opportunity for Council to support the overall vision for the district, and capitalise on its significant social, environmental and economic attributes.

The review also found that the Planning Proposal underpinned the broad aspirations and the relevant specific proposals as outlined in Chapters 3 and 5. However, most importantly, the Planning Proposal supports the overarching objectives as set-out in Chapter 4 - A Liveable City, including;

- *improving housing choice*
- *improving housing diversity and affordability*
- *coordinating and monitoring housing outcomes and demographic trends*
- *creating great places*
- *fostering cohesive communities*
- *responding to people's need for services.*

Additionally, the Planning Proposal conforms to the 19 *Liveability Actions* and will assist in the achievement of the identified outcomes and support the lead agencies and their partner's efforts. Particularly relevant are the following actions:

- L2: Identify the opportunities to create the capacity to deliver 20-year strategic housing supply targets
- L3: Councils to increase housing capacity across the District
- L4: Encourage housing diversity
- L6: Support councils to achieve additional affordable housing
- L8: Undertake broad to facilitate affordable housing change in industry perceptions
- L11: Provide design-led high quality urban design.

In summary, it is considered that rezoning is consistent with the aspirations and strategic intent of the District Plan.

4.1.3 Section 117 Directions

These directions to Councils from the Minister for Planning and Environment seek to guide the preparation of Draft LEPs

The Planning Proposal Request is generally consistent or justifiably inconsistent with all relevant s.117 Directions, as highlighted in the commentary below:

Direction 2.1 Environmental Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas.

In accordance with the Direction a Planning Proposal must:

"Lead to the conservation of environmentally sensitive areas".

Additionally, a Planning Proposal that applies to land within an environmental protection zone or land otherwise identified for environmental protection purposes in an LEP must not reduce the environmental protection standards that apply to that land (including by modifying development standards that apply to the land).

The PPR contests that it is not inconsistent with the objective of the Direction, with support of such view being ascribed to the Flora and Fauna Assessment undertaken by consultants Woodlands Environmental Management.

The proposal to reduce the minimum area of subdivision (a development standard) and related loss of vegetation/habitat may however, be considered to be inconsistent with sub clause 4 of the Direction.

The subject inconsistency upon review is considered to be:

- justified by a study prepared in support of the planning proposal which give consideration to the objectives of the Direction (sub clause 6 (b)) and of minor significance (sub clause 6 (d)) (refer to supporting documentation by Woodlands Environmental Management).

Finally, on-site flora and fauna investigations need to be undertaken, particularly in respect of the provisions of SEPP No 44.

Direction 3.1 Residential Zones

This Direction seeks to encourage housing choice, optimise the utilisation of existing infrastructure and ensure relevant infrastructure upgrades if required and to minimise the impact on environment and resource lands.

The PPR espouses consistency with the subject objectives of the Residential Zones Direction; it being noted that:

- it is proposed to permit residential development where previously precluded and contribute to land supply and realisation of housing targets
- it is proximate to existing residential development and services.

The position espoused is considered to be accurate and the following provisions detailed at sub clause (9) fulfilled:

- broaden the choice of building types and locations available in the housing market
- make more efficient use of existing infrastructure and services
- be of good design.

The requirement documented at (c); namely, reduce the consumption of land for housing and associated urban development is not considered to be fulfilled in the PPR.

Direction 3.4 Integrating Land use and Transport

This Direction seeks to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the holistic integration of land use and transport.

The proposal locates development adjacent to existing urban development and related infrastructure including bus routes. Development will lead to increased patronage and service levels of such routes.

An opportunity for alternative movement means in the form of pedestrian /cycle ways is to be optimised, in the locality.

Direction 7.1 Implementation of a Plan for Growing Sydney

The objective of this Direction is to give effect to the planning principles, directions and priorities for sub-regions, strategic centres and transport gateways contained in the plan.

The PPR contests that it is consistent with the subject Direction in a series of generic statements.

The PPR is considered to be generally not inconsistent with the Direction as broadly documented at Section 4.1.1 of this Assessment Report.

Direction 7.2 - Implementation of the Greater Macarthur Land Release Investigation.

The subject land is not included in the Investigation Area. This however, does not mitigate against its consideration as a relevant urban release in the context of sub-regional planning to date.

A full Section 117 Compliance Checklist is provided at appendix 9.

4.1.4 Relevant SEPPs and SREPs (deemed SEPPs)

State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs) address issues of state and regional planning importance respectively.

An overview assessment of the relevance and consistency with select SEPPs and SREPs is provided in the PPR. Despite some inadequacies the PPR is considered to be sufficiently consistent with the relevant SEPPs and deemed SEPPs as highlighted below and summarised in appendix 10.

SEPP 55 – Remediation of Land

This SEPP requires Council to consider the suitability of the land for the intended purpose, principally future residential development in the subject case.

The limited understanding of the history of the subject lands suggests that a "Preliminary Investigation" (as referenced in the contaminated land planning guidelines) should be undertaken, as a minimum, as the planning proposal is advanced.

This short term data deficiency is not considered to mitigate against progressing a relevant Planning Proposal.

SEPP 44 – Koala Habitat Protection

This SEPP aims to encourage the proper conservation and management of areas of potential koala habitat to ensure conservation (including arresting decline) of potential koala populations.

No on-site flora and fauna surveys have been undertaken and this needs to be addressed as a relevant Planning Proposal is progressed.

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (SREP No. 2)

This plan has a Catchment focus and seeks to realise enhanced water quality, river flows, environmental amenity and resource utilisation.

The subject land is situated in the Georges River Catchment, with the River located to the east.

The "health" of the catchment can be preserved with the installation of an appropriate stormwater management system as largely detailed in the Fusion Engineering Services Stormwater Management Concept Plan.

SEPP No.1 – Development Standards

The subject SEPP which controlled variations to development standards has had its application repealed by Clause 1.9 of Campbelltown – Local Environmental Plan, 2015.

Its general role has been assumed by clause 4.6 of CLEP 2015.

SEPP (Affordable Rental Housing, 2009)

The SEPP seeks to facilitate affordable housing so as to assist in achieving certain social housing outcomes. It's most common manifestation occurs in the form of secondary dwellings, boarding houses and group homes.

All low/medium density forms of housing would be permissible under a residential zoning as proposed in the PPR.

It is noted that Council is currently working to gain exemptions to the "blanket" application of the SEPP.

SEPP (Infrastructure, 2007)

The SEPP aims to facilitate the effective delivery of infrastructure.

Certain infrastructure elements associated with the proposed residential rezoning of the subject land would be permissible in accordance with this policy.

SEPP (Building Sustainability Index: BASIX) 2004

The SEPP aims to ensure the appropriate application and delivery of sustainable residential outcomes, via the BASIX scheme.

The application of the SEPP to the rezoning of the subject land will largely reflect in the design and building and development phase attached to dwellings.

Some of the underlying principles could potentially inform the final nature and configuration of allotments, should the land be rezoned.

SEPP (Exempt and Complying Development), 2008

The SEPP aims to provide streamlined development approvals processes in accordance with minimum standards.

The SEPP would be evoked in respect of the erection of many proposed dwellings, as is standard in the issue of Complying Development Certificates.

A full SEPP and SREP (deemed SEPP) "Compliance" checklist is provided at appendix 10)

4.2 Consistency with Local Planning/Policy Framework

4.2.1 Campbelltown Local Environmental Plan, 2015 (CLEP 2015)

The aims of CLEP 2015 of express importance to the subject PPR, as mentioned at 2.3.1, relate to:

- the protection and enhancement of natural heritage and landscape values of land
- minimisation of exposure to natural hazard (including bushfire)
- ensuring development outcomes are commensurate with land capability and suitability.

It is considered that the subject aims are largely fulfilled by the proposal.

Additional flora and fauna surveys including koala habitat surveys are also noted to be required.

4.2.2 Campbelltown Local Planning Strategy 2013 (CLPS)

The Edgelands is identified as a sensitive landscape unit which provides limited environmental living opportunities in the form of large lot residential development which has regard to the general bushland character.

They are identified to fulfil a transitional function between the urban edge and heavily vegetated extensive Georges River "foreshore areas"; it being noted that "requests for smaller residential/rural – residential/lifestyle housing development need to be balanced with the existing rural character and prevailing environmental quality of the area".

Opportunities for limited 4,000sqm and large lot environmentally sensitive residential development were flagged to represent the general expectation in the fringing woodland areas.

The strategy is less definitive in respect of the more open areas contiguous with existing urban communities. These areas may in part have some form of low density residential potential as reflected in the Preliminary Concept Plan accompanying the PPR and Council's acknowledgement in its Planning Policy Position for the subject precinct considered at the Planning and Environment Committee meeting on 14 June 2016 and adopted at Council's meeting on 21 June 2016.

4.2.3 Campbelltown Community Strategic Plan, 2013-2023 (CSP)

This overarching Council/Community Strategic Plan represents the principal Community Outcome focused Strategic Plan guiding Council's policy initiatives and actions.

At a general level the PPR may be considered to not be inconsistent with the relevant objectives headed accordingly:

- a sustainable environment
- a strong economy
- an accessible city
- a safe, healthy and connected community.

It is noted that the current CSP is under review.

4.2.4 Priority Investigation Area Policy Position

Council considered a report in respect of the subject locality of its Planning and Environment Committee Meeting of 14 June 2016 and subsequently resolved at the council Meeting of 21 June 2016 to adopt the following Policy Position:

'Council should not initiate/resource any planning amendments in the subject locality.'

4.3 Infrastructure Impacts

The development outcome proposed by the PPR will have a minor manageable impact upon local service infrastructure provision. Access to the immediate road and drainage networks will need to be addressed at the cost of the ultimate developer, as will all on-site infrastructure reticulation.

Relevant off-site impacts, particularly social infrastructure impacts, will need to be addressed typically by way of payment of a relevant development contribution or the entering into a Voluntary Planning Agreement.

4.4 Voluntary Planning Agreement Principles (VPA)

A formal development consortium or "host developer" has not been established at this point in time. Accordingly, the principles of a VPA have not been advanced. The statement in the PPR in respect of Community Infrastructure being able to accommodate the foreshadowed development is accepted in principle. It is, however, considered critical that an appropriate contribution be made to the pro rata impact occasioned by the development, pursuant to Section 94 *Environmental Planning and Assessment Act 1979*.

The physical infrastructure impacts are noted to be manageable and readily accommodated by modest enhancement, amplification and reticulation, at the expense of a future developer.

The proposed development occasioned by the envisaged rezoning will have impacts upon local service infrastructure provision.

The immediate road and drainage networks will need to be further reviewed with any required amendments at the cost of the ultimate developer. All on-site infrastructure will be provided by the developer.

Relevant off-site impacts, particularly social infrastructure impacts, will need to be address typically the way of payment of a relevant contribution.

Recommendation

This Assessment recommends that the PPR (as amended) inform a relevant Planning Proposal for submission to the Department of Planning and Environment for a Gateway Determination.

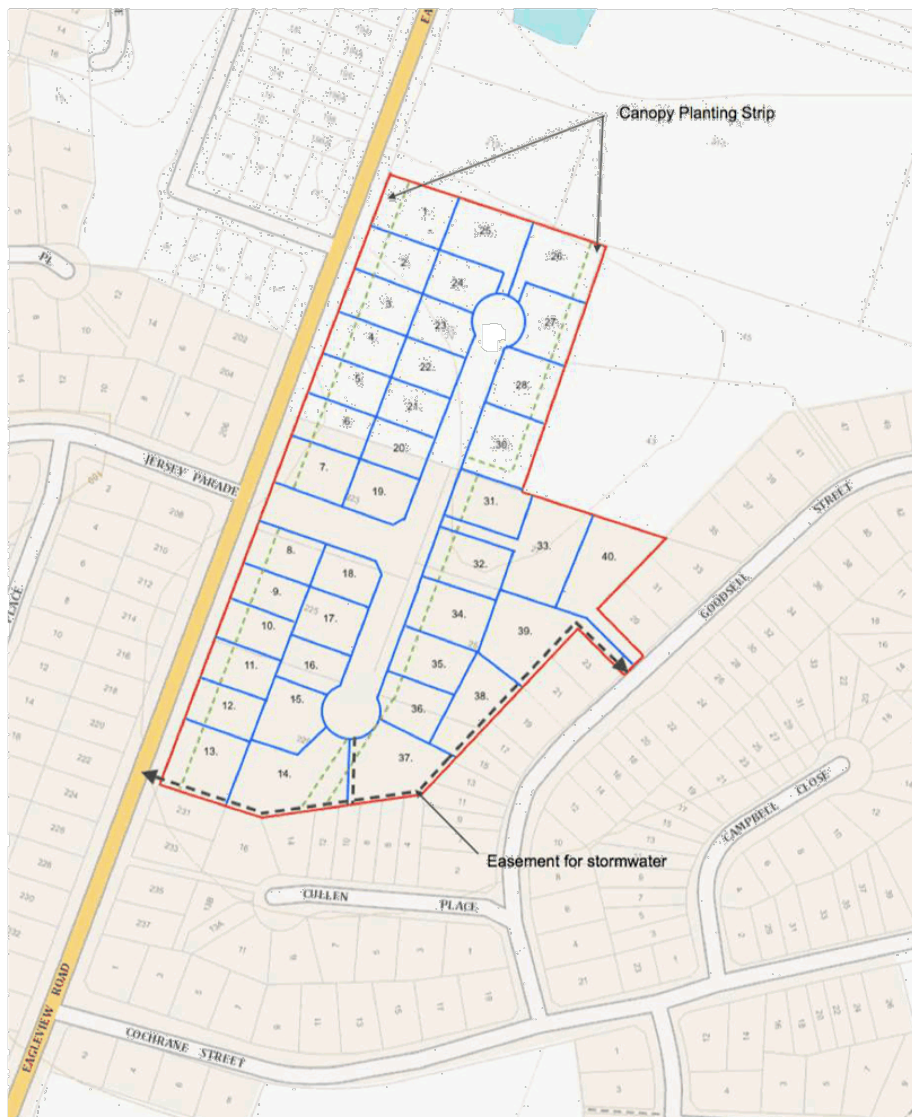
APPENDIX 1

PLANNING PROPOSAL REQUEST

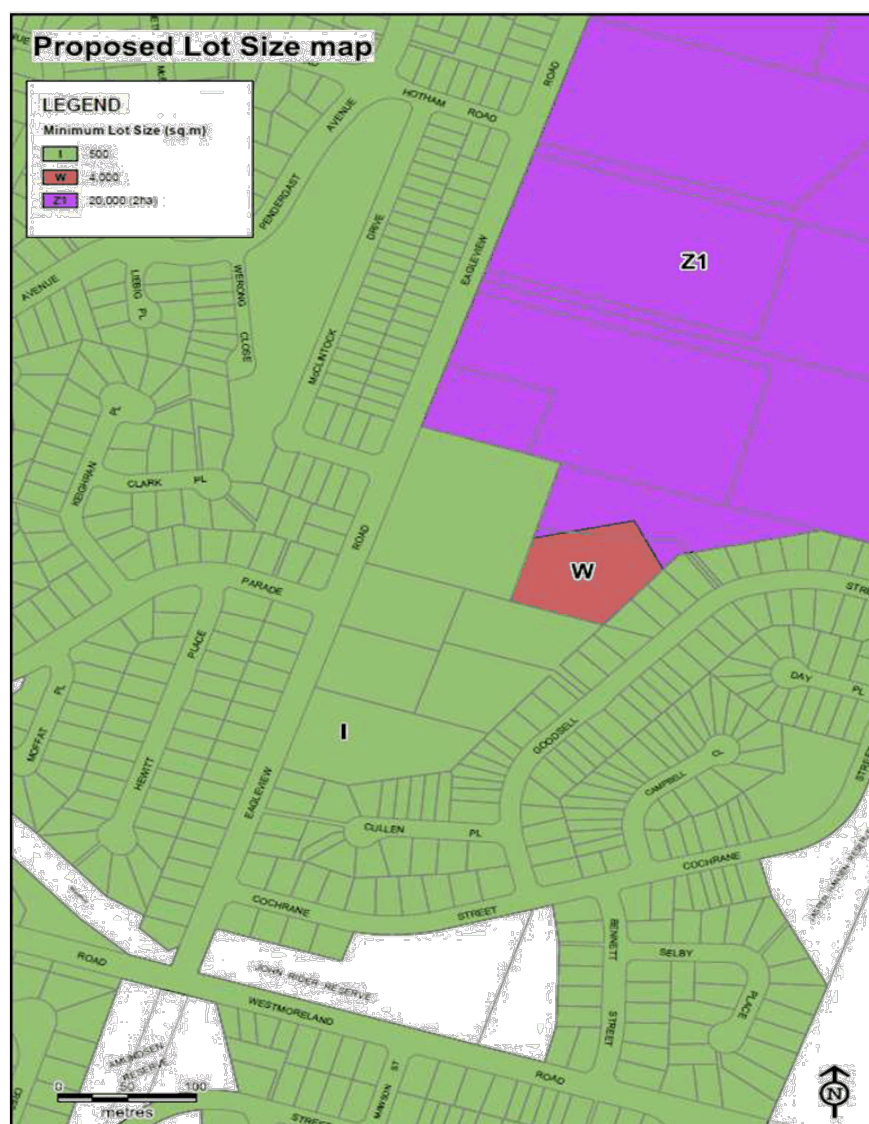
Refer to attachment 1 in Council report.

APPENDIX 2

CONCEPTUAL SUBDIVISION DESIGN

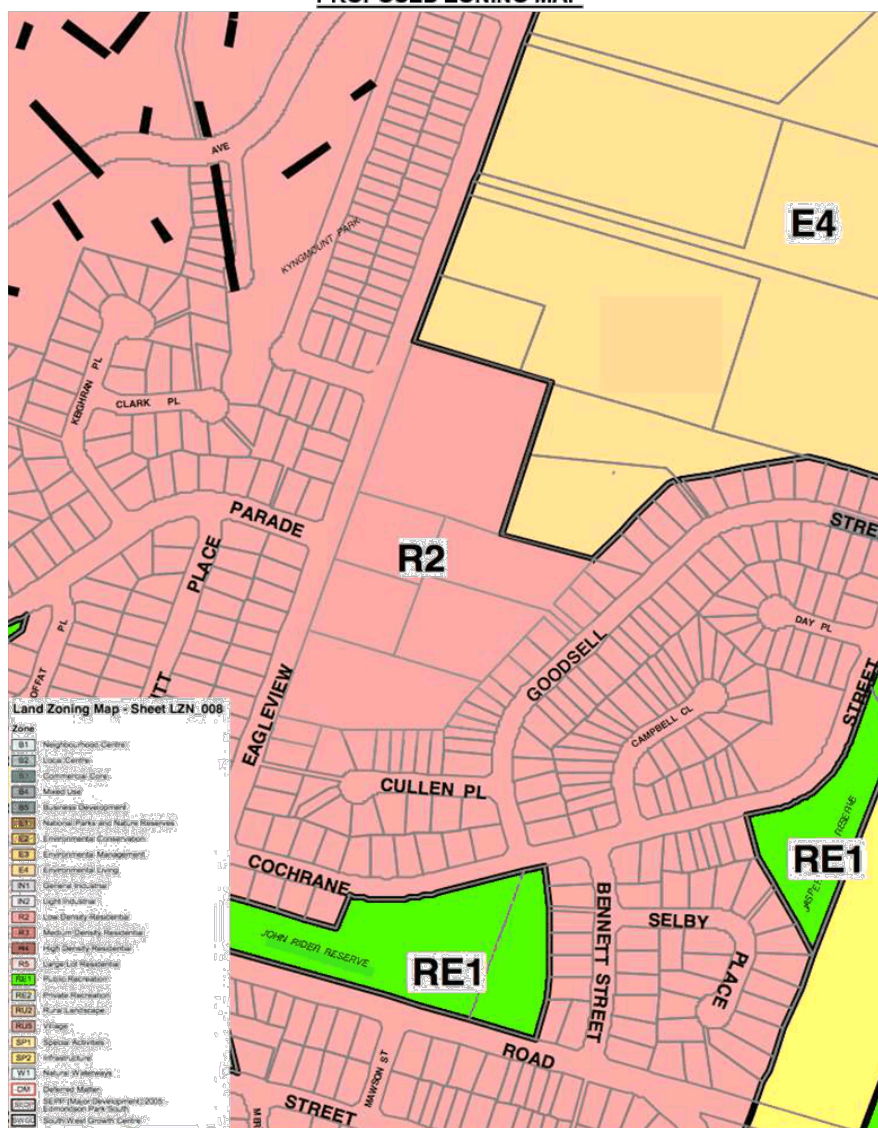


PROPOSED MINIMUM LOT SIZE MAP



APPENDIX 4

PROPOSED ZONING MAP



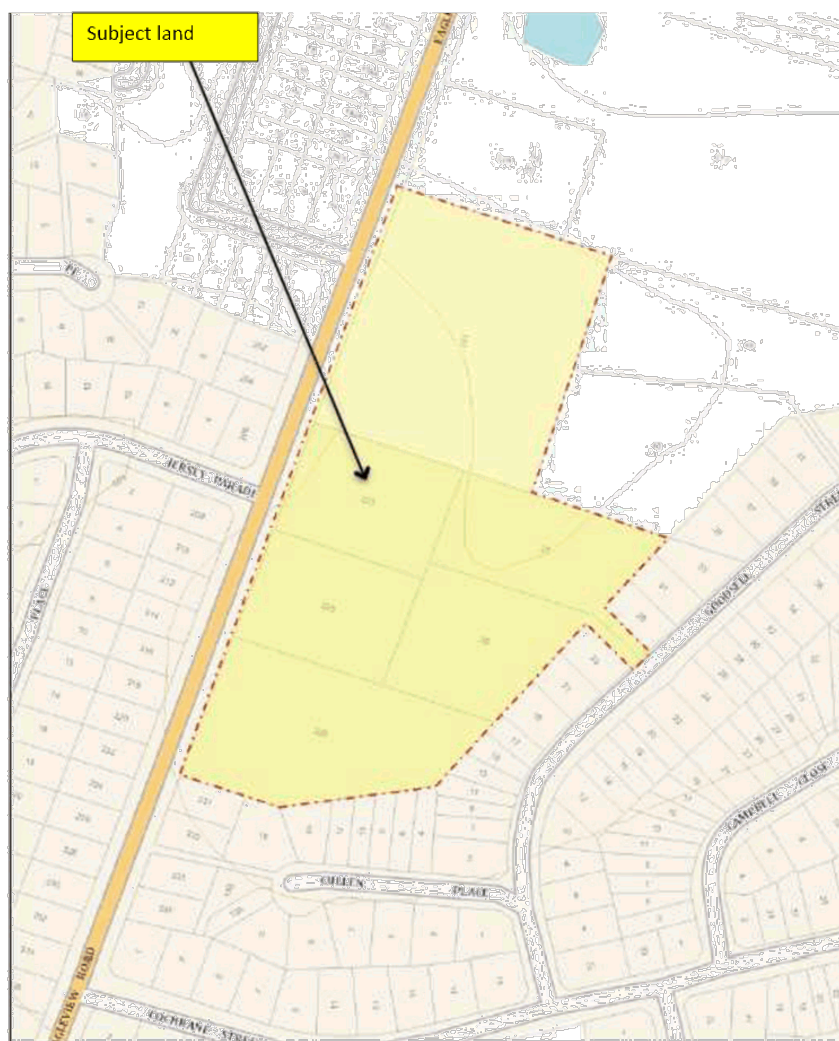
APPENDIX 5

PROPOSED HEIGHT OF BUILDINGS MAP



APPENDIX 6

SUBJECT LAND



APPENDIX 7

DRAFT PLANNING PROPOSAL

Refer to attachment 6 in Council report.

APPENDIX 8

AERIAL PHOTOGRAPH EXTRACT



APPENDIX 9**SECTION 117 MINISTERIAL COMPLIANCE CHECKLIST****Assessment against Section 117(2) Directions**

The table below assesses the Planning Proposal against Section 117(2) Ministerial Directions issued under the *Environmental Planning and Assessment Act (EP&A) 1979*.

Ministerial Direction	Applicable to LEP	Consistency of LEP with Direction	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	No	N/A	N/A
1.2 Rural Zones	No	N/A	N/A
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A	N/A
1.4 Oyster Production	No	N/A	N/A
1.5 Rural Lands	No	N/A	N/A
2. Environment and Heritage			
2.1 Environmental Protection Zones	Yes	Justifiably Inconsistent	The Planning Proposal does not adversely impact on an environmentally sensitivity. The current Environmental Living zone is the product of a translation for the former Environmental Protection zoning: a zoning established due to the general scenic qualities of the precinct. Such qualities have been impacted significantly by nearby residential developmental and do not represent a major current constraint. Additional field investigations will need to substantiate the claims in respect of flora and fauna and in particular the presence of koala habitat.
2.2 Coastal Protection	No	N/A	N/A
2.3 Recreation Vehicle Area	No	No	Direction does not apply.

3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	consistent	The proposal seeks to provide an opportunity for housing on transitional sized allotments in accordance with a relevant zoning and minimum lot size. It can be readily and economically serviced and social infrastructure impacts appropriately addressed
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	Caravan Parks are currently precluded in both proposed residential zone.
3.3 Home Occupations	Yes	Yes	R2 Low Density Residential zone permits "Home occupations" without consent.
3.4 Integrating Land Use and transport	Yes	Yes	The Planning Proposal seeks to rezone land adjoining an existing urban area for residential development. The site is proximate to public transport.
3.5 Development Near Licensed Aerodromes	No	N/A	Direction does not apply.
3.6 Shooting Ranges	No	N/A	Direction does not apply.
4. Hazard and Risk			
4.1 Acid Sulphate Soils	No	N/A	Land not known to exhibit acid sulphate qualities.
4.2 Mine Subsidence and Unstable Land	No	N/A	Direction does not apply.
4.3 Flood Prone Land	No	N/A	Land not recorded to be flood prone.
4.4 Planning for Bushfire Protection	Yes	Yes	The site is not bushfire prone.
5. Regional Planning			
5.1 Implementation of Regional Strategies	No	N/A	Not applicable in the Campbelltown City LGA
5.2 Sydney Drinking Water catchments	No	N/A	Not applicable in the Campbelltown City LGA
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	Not applicable in the Campbelltown City LGA.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	Not applicable in the Campbelltown City LGA.

5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	N/A	Revoked.
5.6 Sydney to Canberra Corridor	No	N/A	Revoked.
5.7 Central Coast	No	N/A	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	No	N/A	Not applicable in the Campbelltown City LGA
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	The proposal is consistent with this direction because it does not alter the provisions relating to approval and referral requirements.
6.2 Reserving Land for Public Purposes	Yes	Yes	No dedications are proposed.
6.3 Site Specific Provisions	No	N/A	Not applicable in the Campbelltown City LGA
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	Yes	Yes	Consistent – Seeks to increase housing supply at a local scale in a location which is generally consistent with the locational commentary of the Plan.
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	N/A	The land is not in the subject investigation area.

APPENDIX 10**STATE ENVIRONMENTAL PLANNING POLICY CHECKSHEET****Compliance with SEPPs**

The table below indicates compliance, where applicable, with State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans).

State Environmental Planning Policies (SEPPs)	Consistency	Comments
SEPP No 1 Development Standards	N/A	CLEP 2015 is a Standard Instrument Local Environmental Plan. It incorporates Clause 4.6 Exceptions to Development Standards, which negates the need for consistency with SEPP 1.
SEPP No. 4 - Development Without Consent and Miscellaneous Complying Development	N/A	N/A
SEPP No.6 - Number of Stories in a Building	Yes	The planning proposal does not contain provisions that will contradict or will hinder the application of the SEPP.
SEPP No. 14 - Coastal Wetlands	N/A	Not applicable in the Campbelltown City LGA.
SEPP No. 19 - Bushland in Urban Areas	Yes	The Planning Proposal facilitates a balanced planning outcome. No bushland is evident.
SEPP No. 21 - Caravan Parks	N/A	Not applicable to this Planning Proposal.
SEPP No. 22 - Shops and Commercial Premises	N/A	Not applicable to this Planning Proposal.
SEPP No. 26 - Littoral Rainforests	N/A	Not applicable in the Campbelltown City LGA.
SEPP No. 30 - Intensive Agriculture	N/A	Not applicable to this Planning Proposal.
SEPP No. 33 - Hazardous and Offensive Development	N/A	Not applicable to this Planning Proposal.
SEPP No. 36 - Manufactured Home Estates	N/A	Not applicable in the Campbelltown City LGA.
SEPP No. 44 - Koala Habitat Protection	Yes	The assessment undertaken is sufficient to progress the Proposal to a Gateway determination.

		As the Planning Proposal is further progressed the preliminary findings shall be reinforced by appropriate fieldwork.
SEPP No. 47 - Moore Park Showground	N/A	Not applicable in the Campbelltown City LGA.
SEPP No. 50 - Canal Estates	N/A	Not applicable to this Planning Proposal.
SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	Not applicable in the Campbelltown City LGA.
SEPP No. 55 - Remediation of Land	Potential to be	Preliminary contamination investigation required.
SEPP No. 60 - Exempt and Complying Development	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP No. 62 - Sustainable Aquaculture	N/A	Not applicable to this Planning Proposal.
SEPP No. 64 - Advertising and Signage	N/A	Not applicable to this Planning Proposal.
SEPP No. 65 - Design Quality of Residential Flat Development	Yes	The Planning Proposal does not apply to zones where residential flat buildings are permissible.
SEPP No. 70 - Affordable Housing (Revised Schemes)	N/A	Not applicable in the Campbelltown City LGA
SEPP No. 71 - Coastal Protection	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Affordable Rental Housing) 2009	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP (Housing for Seniors or People with a Disability)	Yes	The planning proposal does not contain provisions that will contradict or would hinder a future application for SEPP (HSPD) housing.
SEPP (Kurnell Peninsula) 1989	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Major Development) 2005	N/A	Not applicable to this Planning Proposal.
SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable to this Planning Proposal.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	This Planning Proposal does not contain provisions which would contradict or hinder the application of this SEPP.
SEPP (Temporary Structures) 2007	N/A	Not applicable to this Planning Proposal.
SEPP (Infrastructure) 2007	Yes	Certain infrastructure required to service residential development would be permissible in accordance with this SEPP.
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Rural Lands) 2008	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Exempt and Complying Development Codes) 2008	Yes	The planning proposal does not contain provisions that will contradict or would hinder the application of the SEPP at future stages, post rezoning.
SEPP (Western Sydney Parklands) 2009	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Western Sydney Employment Area) 2009	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Sydney Drinking Water Catchment) 2011	N/A	Not applicable in the Campbelltown City LGA.
Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)	Consistency	Comments
REP No.2 – Georges River Catchment	Consistent	The accompanying Stormwater Concept Plan establishes acceptable water management targets can be realised.
REP No.9 - Extractive Industry (No 2)	N/A	Not applicable to this Planning Proposal.
REP No.20 - Hawkesbury-Nepean River (No 2 1997)	N/A	Not applicable to this Planning proposal.
Drinking Water Catchments REP No.1	N/A	Not applicable in the Campbelltown City LGA.



**Planning Proposal -
Goodsell/Eagleview Precinct, Minto**

Planning Proposal (PP)

Goodsell Street Precinct

Background

The East Edge Scenic Protection Lands form a strategic transitional landscape unit generally located between the eastern urban edge of Campbelltown City and the proposed "Georges River Parkway" (Road). The Landscape Unit has been the subject of numerous scenic landscape and urban capability investigations over recently years. Most recently, at the Council meeting of 21 June 2016, Council reinforced the broad-ranging development principles for the future of the Landscape Unit, including the East Edge Scenic Protection Lands – Minto South – EEC3 (inclusive of the Goodsell Street Precinct).

The subject principles applying to the Goodsell Street in summary include:

- the land be considered on its merits for low density residential development.

This foundation principle has evolved during the review of a Planning Proposal Request (PPR) submitted for the part of the Minto South EEC3 precinct known as the Goodsell Street Precinct.

Existing situation

The site comprises approximately 3.8 hectares of rural residential land, containing some six allotments generally bounded by Eagleview Road and Goodsell Street. It forms part of the eastern edge of the suburb of Minto and part of a landscape unit which is known as the East Edge Scenic Projection Lands or 'the Edgelands'. Generally, to the east is the reservation of the proposed 'Georges River Parkway' (Road), which forms a clear divide to the densely vegetated George River environs.

Approximately 1.25 kilometres (km) to the north west of the site is the Minto Mall, with the Industrial Precinct and transport hub focused on Minto Railway Station approximately a further 0.25km to 0.5 km farther removed.

An aerial photograph extract of the subject site in its immediate context is produced below.



Figure 1 – Subject site and immediate locality

The real property description of the land is as follows:

- Lot 100 DP 706378 (No.227-229 Eagleview Road)
- Lot 10 DP 719990 (No.25 Goodsell Street)
- Lot 1 DP 719990 (No.223 Eagleview Road)
- Lot 2 DP 719990 (No.225 Eagleview Road)
- Lot 4 DP 539244 (No.221 Eagleview Road)
- Lot 11 DP 719990 (No.27 Goodsell Street).

The site occupies an urban edge location with a generally open rural residential character.

The site has access to reticulated service provision, some of which will need to be extended onto the site and enhanced/augmented.

Part 1 – Objectives or Intended Outcomes

The objective of the planning proposal (PP) is to amend Campbelltown Local Environmental Plan 2015 (CLEP 2015) so as to facilitate the development of the subject land holding for low density residential purposes.

In seeking to realise such objective the PP aims to deliver the following outcomes:

- a subdivision template with "transitional" 500sqm allotments
- strategic landscape embellishment
- sensitive integration with the existing residential interface
- a strategic approach to community and physical infrastructure impact
- augmentation and reticulation of all essential services.

Part 2 – Explanation of provisions

2.1 Proposed amendments to CLEP 2015

It is proposed that CLEP 2015 be amended to reflect the envisaged land use change. In this regard the following zoning controls are proposed:

Changes to Zoning map

- R2 - low density residential for the site.

The proposed Zoning Map in annexure 1 reflects the above.

Changes to Minimum Lot Size Map

The proposed Minimum Lot Size Map in annexure 2 reflects proposed lot size amendment to a minimum of 500sqm.

Notes:

The Maximum Building Height Map at nine metres is to remain unchanged.

2.2 Proposed amendments to Campbelltown Development Control plan 2015

It is also proposed to prepare a concurrent amendment to the Campbelltown DCP, this amendments will generally introduce the following provisions to facilitate the proposed objectives:

- landscape principles for ridgeline and streetscape
- residential interface principles
- relevant water quality outcomes
- retention and embellishment of the exiting rural verge on the perimeter roads
- accessibility integration
- the servicing of the land.

Part 3 – Justification**Section A - Need for the planning proposal****1. Is the planning proposal a result of any strategic study or report?**

The PP is consistent with a recent review of the Planning provisions for the Eastern Edge Lands locality (Council meeting of 21 June 2016).

It is noted that the PPR submitted in respect of the subject land is a professionally compiled report supported by a range of specialist studies.

The supporting reports address the following specific areas:

- storm water management
- traffic management and accessibility
- service infrastructure provision
- ecology
- preliminary Concept Plan
- planning framework compliance.

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

The planning proposal is considered to be the best means of achieving the planning objective and intended outcomes detailed in Part 1. There are no other relevant means of accommodating the proposed development than to amend CLEP 2015 as promoted by this PP.

Section B - Relationship to Strategic Planning Framework**3. Is the planning proposal consistent with the objectives and actions contained within the applicable Regional or Sub-regional Strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The Draft Southwest District Plan was released December 2016 the planning proposal is deemed to be consistent with the Draft Plan in that it is consistent with the following actions.

L3: Councils to increase housing capacity across District

The proposal will add approximately 40 new dwellings to the Campbelltown LGA.

L4: Encourage housing diversity

The proposal will provide access to some traditionally sized allotments thereby catering for different lifestyle choices and budgets.

S1: Protect the qualities of the Scenic Hills landscape

While not technically part of the Scenic Hills the proposal is in the area known as the Eastern Edge Land. The proposal has been designed as a sensitive infill development with a precinct enveloped by existing residential development.

4. Is the planning proposal consistent with the local Council's Community Strategic Plans?**Campbelltown Community Strategic Plan 2013 - 2023**

This overarching Council/Community Strategic Plan represents the principal community outcome focused strategic plan guiding Council's policy initiatives and actions.

The PP at a generic level maybe considered to not be inconsistent with the relevant objectives headed accordingly;

- a sustainable environment
- a strong economy
- an accessible city
- a safe, healthy and connected community.

Campbelltown Local Planning Strategy 2013

The Edgelands is identified as a sensitive landscape unit which provides limited environmental living opportunities in the form of large lot residential development which has regard to the immediate general bushland character or broader bushland setting.

They are identified to fulfill a transitional function between the urban-edge and heavily vegetated extensive Georges River 'foreshore areas'.

Opportunities for limited 4,000sqm and large lot environmentally sensitive residential development were flagged to represent the general expectation in the fringing woodland and transitional areas. The strategy is less definitive in respect of the more open areas contiguous with existing urban communities. These areas may have some form of potential for infill urban development as reflected in the Preliminary Concept Plan accompanying the PPR and Council's acknowledgement in its Planning Policy Position for the subject precinct, adopted at its meeting on 21 June 2016.

The PP is consistent with the above-mentioned Planning Policy Position.

Campbelltown Residential Development Strategy 2013

The Campbelltown Residential Development Strategy provided a broad strategic plan for delivering sub-regional housing supply objectives at a local level. It is heavily focused on urban renewal/infill areas and major Greenfield urban release areas.

Some passing reference is made to lifestyle housing opportunities. It does not however, address in any detail the transitional fringe rural/urban interface areas and infill precincts.

The PP could be considered to be consistent to the extent of fulfilling underpinning housing supply and housing diversity objectives.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is consistent with applicable State Environmental Planning Policies. See Table 1 below;

State Environmental Planning Policies (SEPPs)	Consistency	Comments
SEPP No 1 Development Standards	N/A	CLEP 2015 is a Standard Instrument Local Environmental Plan. It incorporates Clause 4.6 Exceptions to Development Standards, which negates the need for consistency with SEPP 1.
SEPP No. 4 - Development Without Consent and Miscellaneous Complying Development	N/A	N/A
SEPP No.6 - Number of Stories in a Building	Yes	The planning proposal does not contain provisions that will contradict or will hinder the application of the SEPP.
SEPP No. 14 - Coastal Wetlands	N/A	Not applicable in the Campbelltown City LGA.
SEPP No. 19 - Bushland in Urban Areas	Yes	The Planning Proposal facilitates a balanced planning outcome. No bushland is evident.
SEPP No. 21 - Caravan Parks	N/A	Not applicable to this Planning Proposal.
SEPP No. 22 - Shops and Commercial Premises	N/A	Not applicable to this Planning Proposal.
SEPP No. 26 - Littoral Rainforests	N/A	Not applicable in the Campbelltown City LGA.
SEPP No. 30 - Intensive Agriculture	N/A	Not applicable to this Planning Proposal.
SEPP No. 33 - Hazardous and Offensive Development	N/A	Not applicable to this Planning Proposal.
SEPP No. 36 - Manufactured Home Estates	N/A	Not applicable in the Campbelltown City LGA.
SEPP No. 44 - Koala Habitat Protection	Yes	The assessment undertaken is sufficient to progress the Proposal to a Gateway determination. As the Planning Proposal is further progressed the preliminary findings shall be reinforced by appropriate fieldwork.
SEPP No. 47 - Moore Park Showground	N/A	Not applicable in the Campbelltown City LGA.
SEPP No. 50 - Canal Estates	N/A	Not applicable to this Planning Proposal.

SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	Not applicable in the Campbelltown City LGA.
SEPP No. 55 - Remediation of Land	Potential to be	Preliminary contamination investigation required.
SEPP No. 60 - Exempt and Complying Development	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP No. 62 - Sustainable Aquaculture	N/A	Not applicable to this Planning Proposal.
SEPP No. 64 - Advertising and Signage	N/A	Not applicable to this Planning Proposal.
SEPP No. 65 - Design Quality of Residential Flat Development	Yes	The Planning Proposal does not apply to zones where residential flat buildings are permissible.
SEPP No. 70 - Affordable Housing (Revised Schemes)	N/A	Not applicable in the Campbelltown City LGA
SEPP No. 71 - Coastal Protection	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Affordable Rental Housing) 2009	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP (Housing for Seniors or People with a Disability)	Yes	The planning proposal does not contain provisions that will contradict or would hinder a future application for SEPP (HSPD) housing.
SEPP (Kurnell Peninsula) 1989	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Major Development) 2005	N/A	Not applicable to this Planning Proposal.
SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable to this Planning Proposal.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	This Planning Proposal does not contain provisions which would contradict or hinder the application of this SEPP.
SEPP (Temporary Structures) 2007	N/A	Not applicable to this Planning Proposal.
SEPP (Infrastructure) 2007	Yes	Certain infrastructure required to service residential development would be permissible in accordance with this SEPP.

SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Rural Lands) 2008	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Exempt and Complying Development Codes) 2008	Yes	The planning proposal does not contain provisions that will contradict or would hinder the application of the SEPP at future stages, post rezoning.
SEPP (Western Sydney Parklands) 2009	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Western Sydney Employment Area) 2009	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Sydney Drinking Water Catchment) 2011	N/A	Not applicable in the Campbelltown City LGA.
Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)	Consistency	Comments
REP No.2 – Georges River Catchment	Consistent	The accompanying Stormwater Concept Plan establishes acceptable water management targets can be realised.
REP No.9 - Extractive Industry (No 2)	N/A	Not applicable to this Planning Proposal.
REP No.20 - Hawkesbury-Nepean River (No 2 1997)	N/A	Not applicable to this Planning proposal.
Drinking Water Catchments REP No.1	N/A	Not applicable in the Campbelltown City LGA.

Table 1 – Consistency with State Environmental Planning Policies and deemed State Environmental Planning Policies.

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

Ministerial Direction	Applicable to LEP	Consistency of LEP with Direction	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	No	N/A	N/A
1.2 Rural Zones	No	N/A	N/A
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A	N/A
1.4 Oyster Production	No	N/A	N/A
1.5 Rural Lands	No	N/A	N/A
2. Environment and Heritage			
2.1 Environmental Protection Zones	Yes	Justifiably Inconsistent	The Planning Proposal does not adversely impact on an environmentally sensitivity. The current Environmental Living zone is the product of a translation for the former Environmental Protection zoning: a zoning established due to the general scenic qualities of the precinct. Such qualities have been impacted significantly by nearby residential developmental and do not represent a major current constraint. Additional field investigations will need to substantiate the claims in respect of flora and fauna and in particular the presence of koala habitat.
2.2 Coastal Protection	No	N/A	N/A
2.3 Recreation Vehicle Area	No	No	Direction does not apply.

3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	consistent	The proposal seeks to provide an opportunity for housing on transitional sized allotments in accordance with a relevant zoning and minimum lot size. It can be readily and economically serviced and social infrastructure impacts appropriately addressed
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	Caravan Parks are currently precluded in both proposed residential zone.
3.3 Home Occupations	Yes	Yes	R2 Low Density Residential zone permits "Home occupations" without consent.
3.4 Integrating Land Use and transport	Yes	Yes	The Planning Proposal seeks to rezone land adjoining an existing urban area for residential development. The site is proximate to public transport.
3.5 Development Near Licensed Aerodromes	No	N/A	Direction does not apply.
3.6 Shooting Ranges	No	N/A	Direction does not apply.
4. Hazard and Risk			
4.1 Acid Sulphate Soils	No	N/A	Land not known to exhibit acid sulphate qualities.
4.2 Mine Subsidence and Unstable Land	No	N/A	Direction does not apply.
4.3 Flood Prone Land	No	N/A	Land not recorded to be flood prone.
4.4 Planning for Bushfire Protection	Yes	Yes	The site is not bushfire prone.
5. Regional Planning			
5.1 Implementation of Regional Strategies	No	N/A	Not applicable in the Campbelltown City LGA
5.2 Sydney Drinking Water catchments	No	N/A	Not applicable in the Campbelltown City LGA
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	Not applicable in the Campbelltown City LGA.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	Not applicable in the Campbelltown City LGA.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	N/A	Revoked.
5.6 Sydney to Canberra Corridor	No	N/A	Revoked.

5.7 Central Coast	No	N/A	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	No	N/A	Not applicable in the Campbelltown City LGA
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	The proposal is consistent with this direction because it does not alter the provisions relating to approval and referral requirements.
6.2 Reserving Land for Public Purposes	Yes	Yes	No dedications are proposed.
6.3 Site Specific Provisions	No	N/A	Not applicable in the Campbelltown City LGA
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	Yes	Yes	Consistent – Seeks to increase housing supply at a local scale in a location which is generally consistent with the locational commentary of the Plan.
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	N/A	The land is not in the subject investigation area.

Table 2 assesses the Planning Proposal against Section 117(2) Ministerial Directions issued under the *Environmental Planning and Assessment Act (EP&A) 1979*.

Section C - Environmental, Social and Economic Impact**7. Is there any likelihood that critical habitat or threatened species, populations' or ecological communities, or their habitat will be adversely affected as a result of the proposal?**

A preliminary ecological assessment concluded in respect of the land;

- no endangered or threatened ecological communities
- presence of endangered ecological communities highly unlikely
- presence of threatened flora species highly unlikely
- no "over-cleared vegetation types" evident
- land generally highly disturbed
- no species of threatened flora and fauna mapped and considered highly unlikely.

Further, on-site koala investigations are, however, required to reinforce the conclusions of the preliminary report.

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

There are no significant other environmental impacts which require resolution in the context of the Planning Proposal.

It is noted that stormwater can be appropriately managed in terms of water quantity and quality and can be readily integrated with existing systems.

The traffic likely to be generated by the ultimate development can be readily integrated with the existing traffic network with minor capital expenditure on the new intersection in particular.

While there is no known contamination of the site SEPP55 contaminated land will require this to be further assessed before any intensification of land use occurs.

Amplification and reticulation of all service infrastructure including in particular water and sewer is required to be addressed by the DCP and any application for subdivision will need to address this criteria.

9. How the planning proposal adequately addressed any social and economic effects?

The rezoning for residential purposes will result in positive economic effects. The planning proposal will potentially result in short and medium term employment opportunities related to development and construction activities associated with the sub-divisional works and the subsequent erection of dwellings.

The increased supply of diverse housing stock will also have positive social impacts. Additionally, an increase in the resident population will potentially have positive social and economic impacts on the Minto commercial centre.

Section D - State and Commonwealth Interests**10. Is there adequate public infrastructure for the planning proposal?**

Preliminary infrastructure investigations accompanied the PPR. These investigations concluded that the existing service infrastructure network (water, sewer, electricity, telecommunications and gas servicing) was available in the locality and could be economically augmented and reticulated.

The development proposal will readily integrate with the existing traffic network.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

These views will be documented after the Gateway Determination is actioned.

Part 4 – Mapping

In seeking to achieve the PP objective and outcomes the following map amendments are proposed:

- 4.1 amendments to Zoning Map (refer to annexure 1)
- 4.2 amendments to Lot Size Map (refer to annexure 2)
- 4.3 amendments to Lot Size for Dual Occupancy Development Map (refer to annexure 3)

It is noted that it is not proposed to amend the existing;

- Height of Buildings Map
- Infrastructure Map
- Land Reservation Acquisition Map.

Part 5 - Community Consultation

Public consultation will take place in accordance with a relevant Gateway determination.

All relevant agencies and local community will also be consulted during the mandated 28 day minimum public exhibition period.

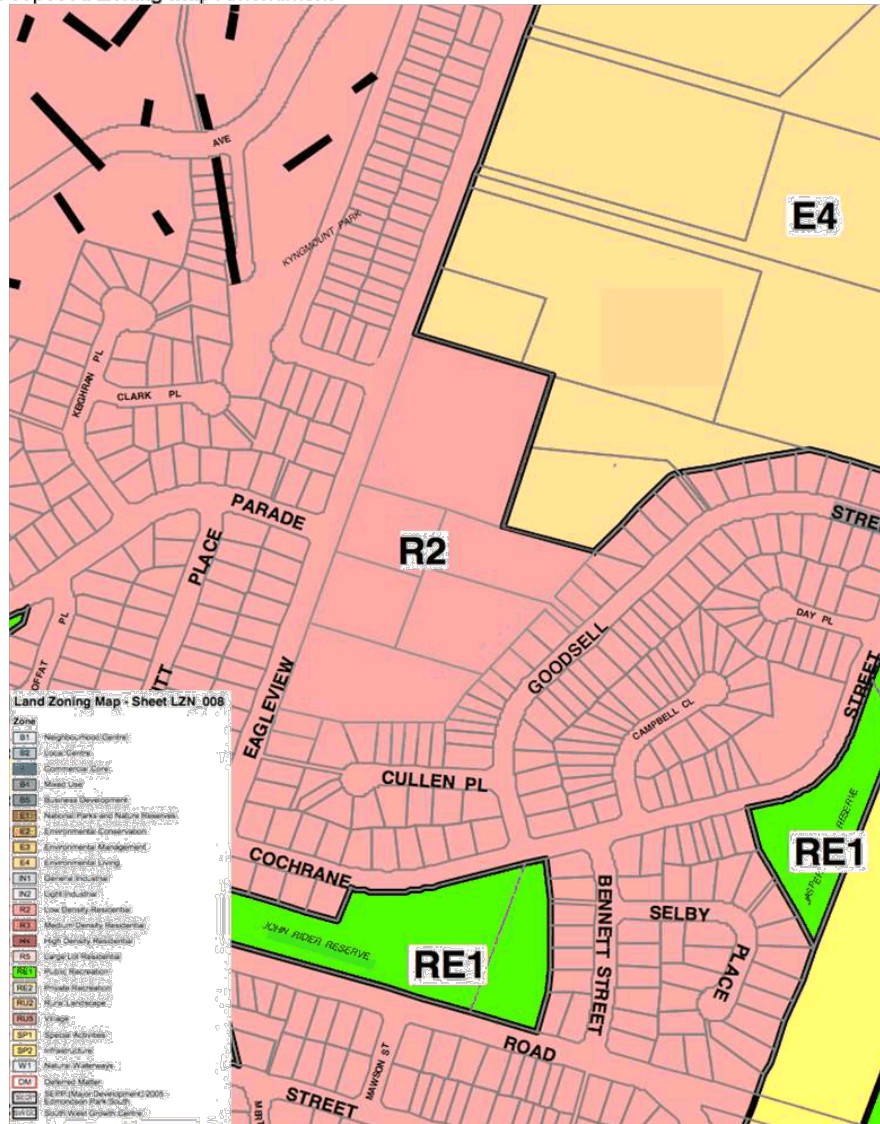
Part 6 - Project Timeline

The following notional project timeline is proposed:

Council endorsement of Planning Proposal	May 2017
Referral for a Gateway Determination	June 2017
Gateway Determination	July 2017
Completion of additional supporting documentation	August 2017
Public Exhibition	September 2017
Consideration of submissions (Report to Council)	November 2017
Finalisation of LEP amendment	December 2017
Plan amendment made	January 2018

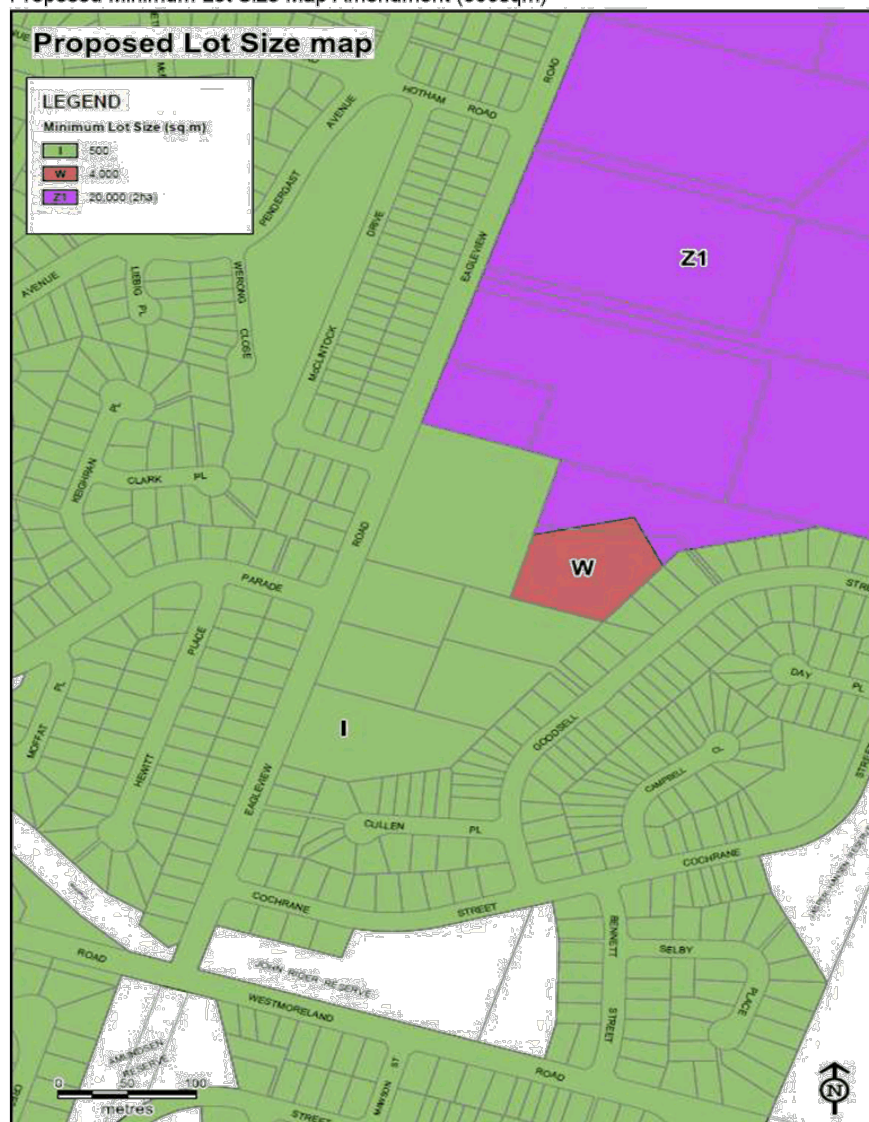
ANNEXURE 1

Proposed Zoning Map Amendment



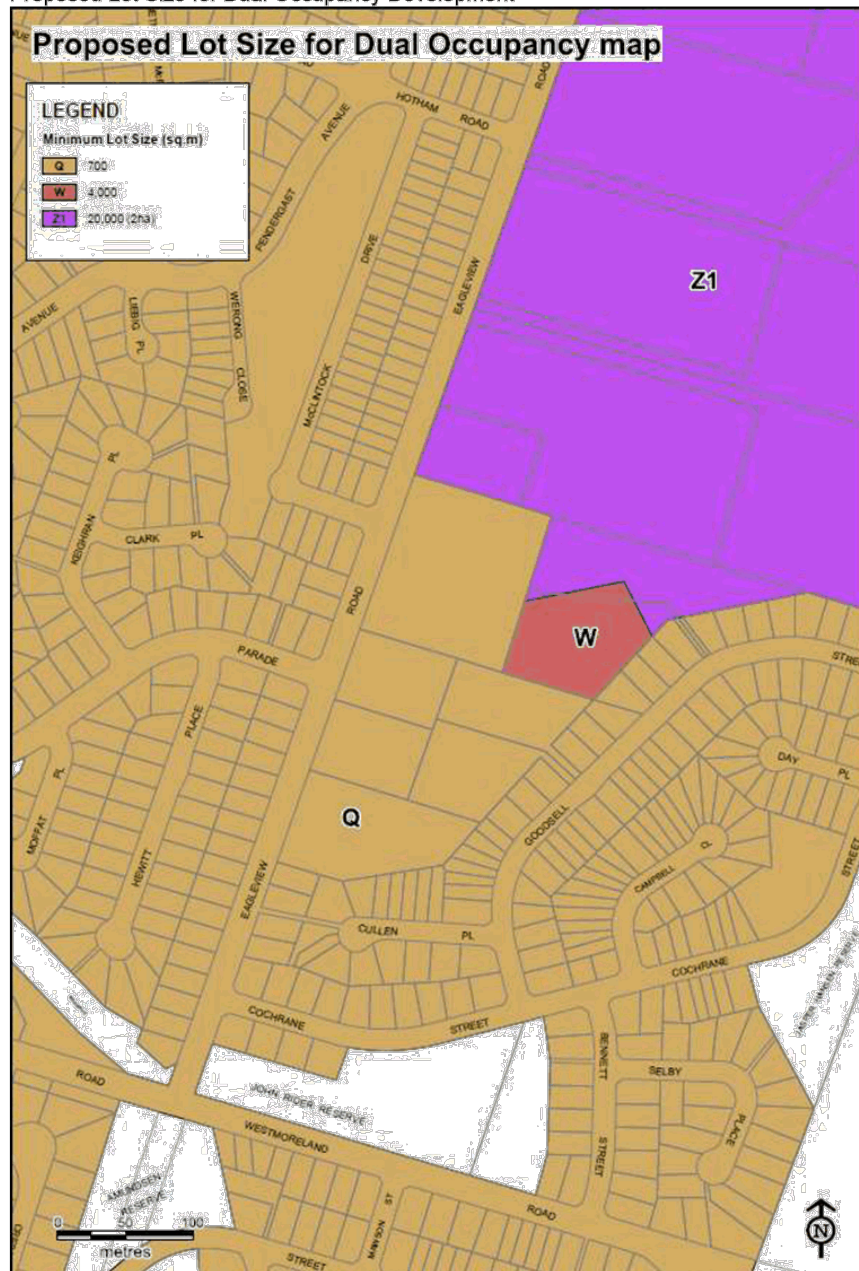
ANNEXURE 2

Proposed Minimum Lot Size Map Amendment (500sqm)



ANNEXURE 3

Proposed Lot Size for Dual Occupancy Development



8.9 Request for Exclusive Use of The Gordon Fetterplace Aquatic Centre

Reporting Officer

Executive Manager Sport, Recreation and Leisure
City Lifestyles

Community Strategic Plan

Objective	Strategy
4. A Safe, Healthy and Connected Community	4.3 The provision of activities that foster a sense of community spirit

Officer's Recommendation

1. That Council approve exclusive use of The Gordon Fetterplace Aquatic Centre for swimming carnivals which are listed below in date order:
 - i) Club carnival as requested by Campbelltown Amateur Swim Club on 11 June 2017.
 - ii) Club Carnival as requested by Campbelltown Amateur Swim Club on 30 July 2017.
 - iii) Club carnival as requested by Campbelltown AUSSI Masters Swim Club on 10 February 2018.
 - iv) Regional carnival for primary and high as requested by Sydney South West School Sports Association on 12 and 13 March 2018.
2. That Council notify affected Swim School program customers upon enrolment.
3. That the swimming carnival dates be advertised by way of:
 - (i) A large notice displayed in a prominent position at the entrance of each Council Leisure Centre.
 - (ii) Provision of leaflets at each Leisure Centres' reception desks.
 - (iii) Notification by Council's website and Leisure social media pages including Facebook.

Purpose

To seek Council's approval for exclusive use of The Gordon Fetterplace Aquatic Centre for five proposed major swimming carnival events held at the facility as scheduled by local swimming clubs and the Sydney South West Regional School Sport Association between June 2017 and June 2018.

History

Council at its meeting held 12 April 2016, Community Services Committee Item 6.1 - Request for Exclusive use of The Gordon Fetterplace Aquatic Centre and Macquarie Fields Leisure Centre resolved:

1. That Council approve exclusive use of The Gordon Fetterplace Aquatic Centre and Macquarie Fields Leisure Centre for a maximum of four proposed major swimming carnivals scheduled by local swimming clubs and sporting clubs over the next twelve months, as outlined in the report.
2. That the swimming carnival dates be advertised by way of:
 - (i) a large notice displayed in a prominent position at the entrance of each Council Leisure Centre
 - (ii) provision of leaflets at the Swimming Centres Reception Desks
 - (iii) notification by Council's website and Leisure social media pages including Facebook.

Report

Exclusive Use for Swimming Carnivals

Exclusive use of a swimming pool refers to the use of one or more swimming pools for the purpose of conducting an activity which excludes use of the general public.

Requests for exclusive use of a swimming pool for a carnival are put forward due to the number of participants and spectators expected to attend and the ability to adequately officiate the event. To share the pool space would prove impractical and cause major congestion to the event and to the general public.

The typical events that require exclusive use are large volume swimming competitions that are hosted by a resident swimming club or by swimming authority groups. Club carnivals involve swimmers competing from differing clubs. Regional carnivals involve swimmers competing from differing regions.

Carnivals of this nature support the sport of competitive swimming in our local and wider community. Club carnivals are often the first experience and level of competition for many swimmers (young and old). Regional carnivals are a step towards state level competitive swimming.

Council has received notification from Campbelltown Amateur Swimming Club, Campbelltown Collegians AUSSI Masters Swimming Club and the Sydney South West School Sports Association that they plan to host a number of large swimming carnivals over the next twelve months and would like to utilise the facilities at The Gordon Fetterplace Aquatic Centre; similar to those held in previous years.

The Area Swimming Association, Swimming Metro South West and the state governing body Swimming NSW have approved the carnivals in principle however specific dates may change due to state programming.

All exclusive use requests received by Council for the next twelve months have been for The Gordon Fetterplace Aquatic Centre.

Macquarie Fields Leisure Centre has not received a request for exclusive use of the facility. Both the resident swimming club and triathlon club have been contacted by Council Officers to ensure there are no pending requests for the same period.

1. Campbelltown Amateur Swimming Club

Campbelltown Amateur Swimming Club (CASC) has been a resident swimming club at The Gordon Fetterplace Aquatic Centre since its build in 1967 (CASC has been in operation since 1961). The club has played a vital role in the Campbelltown swimming community with many achievements in its history including Club of the Year in 2013 and 2014, NSW Open Water Club of the Year for the past 9 years, three former club swimmers representing Australia at the Olympics and one club swimmer representing Australia at the Paralympics and several world championships. In recent times the club has had 21 competitors at the 2016 Age Championships winning three Silver and two Bronze medals and had 11 competitors at the Open Nationals Championships.

CASC have identified two proposed carnivals that would require exclusive use of the indoor 25m pool only. The proposed dates are Sunday 11 June 2017 and Sunday 30 July 2017. The timeframes requested for exclusive use are 8:00am to 2:00pm for both events. Each event is expected to attract approximately 500 participants and 250 spectators.

Impact

As the requested dates fall during a winter school term, Councils swim school program would be affected on both dates. To provide the space required for each event, swim school classes would be moved to the recreational pool; however it is projected that some classes would need to be cancelled. This would also affect public access to the recreation pool between 8.00am and 12.00noon.

The table below sets out the financial and operational impact on Councils swim school program and general users.

To minimise the effect on general use and swim school program customers, notification would be both provided upon enrolment, on Councils website and the Leisure social media page, and notices would be posted at each Council Leisure Centre. Adjustments to the swim school term fees for classes affected would be made to ensure the event dates would not be payable.

2. Campbelltown Collegians AUSSI Masters Swimming Club

Campbelltown Collegians AUSSI Masters Swimming Club (Campbelltown AUSSI Masters) has been a resident swim club at The Gordon Fetterplace Aquatic Centre since 1980. The club caters to local swimmers who are 18 years or older, providing a significant contribution to the health and wellbeing for the aging Campbelltown swimming community. Campbelltown AUSSI Masters regularly feature in the National and State Top Ten and recently won the Australian Masters Swimmers National Endurance Championships where the club achieved the highest average points per swimmer award in the history of Australian masters swimming.

Campbelltown AUSSI Masters have requested exclusive use of the outdoor 50m pool only on Saturday 10 February 2018, from 10:00am to 6:00pm. The carnival is expected to attract 150 participants and 50 spectators.

Impact

This event would pose minimal impact as the facility would still be open for the public who wish to use the ancillary pools and services including the indoor 25m pool, recreation and toddler pool and splash park. This event would not interfere with Councils swim school program.

The average general use attendance the same period in 2017 was 808 entries.

To minimise the effect on general use customers, notification would be both provided on Councils website and the Leisure social media page, and notices would be posted at each Council Leisure Centre.

3. Sydney South West School Sports Association

The Sydney South West School Sports Association is part of the Arts, Sports and Initiative Directorate, Learning and Teaching within the Department of Education, which promotes participation, sport skill development and excellence for all students. It is responsible for coordinating the representative school sport pathway.

The Sydney South West School Sports Association have requested two dates which would require exclusive use of the outdoor 50m pool only for two regional level carnivals (Primary and Secondary). This event would operate across a two day period on 12 and 13 March 2018, commencing at 7:30am and finishing at 3:30pm. The event is a major swimming carnival in which nine districts compete and it is expected to attract approximately 750 participants and 350 spectators per day.

Impact

The facility would still be open to the public who wish to use the ancillary pools and services including the indoor 25m pool, recreation and toddler pool and splash park. This event falls during school hours therefore would not interfere with Councils swim school program and there would be minimal disruption to the general public.

The average general use attendance for the same period in 2017 was 132 entries.

To minimise the effect on general use customers, notification would be both provided on Councils website and the Leisure social media page, and notices would be posted at each Council Leisure Centre.

Conclusion

Club and regional carnivals provide an opportunity for Council to support local swimming clubs and the local swimming community in promoting a healthier lifestyle; further broadening Councils alignment of its Safe, Healthy and Connected Community strategic objective.

Each club consists of a small community that work together, support each other and encourage others to be involved in achieving a healthier lifestyle.

If the exclusive use applications are approved Council Officers would work with the clubs and the sports association to ensure each event is promoted and communicated to the community effectively.

It is expected that the patronage numbers received from each event would not only be of a financial benefit to Council but would also provide an opportunity to showcase the facilities to the swimming sport community.

Attachments

Nil

8.10 Reports and Letters Requested

Reporting Officer

Manager Governance and Risk
City Governance

Community Strategic Plan

Objective	Strategy
5. Responsible Leadership	5.2 The smooth running of Council's operations

Officer's Recommendation

That the information be noted.

Report

Attached for the information of Councillors is a status list of reports and letters requested of Council as at 18 April 2017.

Attachments

1. Reports and Letters Requested (contained within this report)

Reports Requested as at 18 April 2017

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
City Lifestyles			
03.06.14 BT 3859092	CS3.5 - That a report be provided examining the feasibility of establishing an artist walk as part of the new street scape in Queen Street, Campbelltown. Comment: To be considered in 2017 upon the appointment of the Executive Manager Community Life.	CL	August 2017
29.7.14 PL 3934158	CG3.3 - Report identifying alternative methods for managing the hire of Council's sporting fields. Comment: To be considered following the adoption of the Sport and Recreation Strategy	CL	June 2017
21.06.16 MO 4874926	CS8.1 - That a report be presented investigating opportunities to create arts and cultural activities in the northern part of the Local Government Area. Comment: To be considered in 2017 upon the appointment of the Executive Manager Community Life.	CL	August 2017
16.08.16 GB 4976615	NM17.3 - That Council prepare a feasibility report into a possible Vivid Lighting Event or similar event during the Fishers Ghost Festival, with a ghost theme, to assist in promoting a night time economy/entertainment for Campbelltown. Comment: To be considered in 2017 upon the appointment of the Executive Manager Community Life to ensure that the investigation of all options is undertaken prior to presenting to Council for consideration.	CL	August 2017
16.08.16 RK 4962373	PE5.2 - That Council be provided with a report outlining how the 200th anniversary of Campbelltown's founding in 1820 will be celebrated.	CL (CG)	June 2017
08.11.16 M Chivers 5095789	ORD - 11.4 That Council officers investigate and report on how to provide a program that could be trialled through Library Services that caters for children on the autism spectrum, which includes but is not limited to: a. considering timing options for the program (eg opening a library one hour earlier on a Saturday to run the trial program) as well as how best to promote such a program to targeted audiences b. obtaining advice from experts in programming for children on the autism spectrum on how this can be best delivered (including programs involving therapy dogs and shadow puppet shows) and c. providing a collection of resources for parents and carers of children on the autism spectrum (if Council does not already have same) to supplement such a program.	CL	June 2017

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
22.11.16 GB 5116854	ORD - 11.1 - That Council seeks a report on the feasibility of creating a BMX track at the St Helens Park skate park and other sites, taking into consideration using the soil from the civil works creating the car park at that location.	CL	June 2017
22.11.16 PL 5116854	ORD - 11.2 That a report be presented to Council investigating financial incentives to encourage sporting teams and other events to utilise Campbelltown Sports Stadium and with the funds to be included in future budgets. The report should address how to build the Region's competitive advantage to host major events at Campbelltown Sports Stadium (CSS) and how this would boost the reputation of the City and its' economy. It should also include and not be limited to: i) ways which funds could be used to attract major events ii) benefits to the residents of Campbelltown and the region iii) employment benefits iv) benefits to the local business community v) potential sponsorship with private partners vi) the potential for value capture and revenue generation.	CL	June 2017
14.02.14	3. That a further report be provided to council when the outcomes of the Asian cup applications are known for further consideration and confirmation of council's contribution	CL	August 2017
14.03.17	2. That a further report be provided to Council once advice is received from the NSW Department of Education in relation to the Start Strong program outlining impacts on Council's services.	CL	August 2017
14.03.17 MO	NM11.3 - That a report be presented investigating the feasibility and funding options to commission a suitably qualified muralist artist to create portraits of local Aboriginal and colonial residents on the historic silos located on Appin Road.	CL	August 2017
14.03.17 MO	NM11.4 - That a report be presented investigating the feasibility of operating night food markets in Mawson Park, or on the Council forecourt, or the Arts Centre forecourt or any other location considered suitable by Council staff.	CL	June 2017

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
City Delivery			
21.06.16 FB 4851108	CW1.3 - 3. - That following completion of the Floodplain Risk Management Study and Plan, a further report be tabled for Council's consideration.	CD	August 2018
08.11.16 MO 5095792	ORD - NM - 11.1 1. That a report be presented to Council investigating the potential to establish a Georges River Bush Cycle Track from Glenfield to Wedderburn. 2. That this report include: <ul style="list-style-type: none"> • possible route and various access points • potential and existing sources of funding - Local, State, Federal and Non-Governmental Organisation • estimated initial construction costs and ongoing maintenance costs • suggested time frame and schedule • potential impediments to the development • an assessment of environmental issues. 	CD	June 2017
18.04.17 GB 5311171	ORD - NM - 11.1 1. That a report be presented on the implementation of a roundabout beautification program, which would include at least one large tree and other lower level plantings, on larger roundabouts within the Campbelltown Local Government Area. 2. That the report include costings and timeframes.	CD	October 2017
18.04.17 KH 5311169	ORD - NM - 11.3 1. That Council identify appropriate park spaces in all sections of the Local Government Area that are suitable for the installation of accessible perimeter pathways for use by residents of all ages. 2. That a report be presented on the costs and possible time frame for providing such pathways.	CD	October 2017

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
18.04.17 RM 5311168	<p>ORD - NM - 11.4</p> <ol style="list-style-type: none"> That Council investigate and review the Campbelltown Boundary Signs/Markers on all roads going into the City entry/exit points e.g. <ul style="list-style-type: none"> Welcome to Campbelltown - landscaping or entry statement Thank you for visiting or Campbelltown Exit Statement. That Council provide alternative designs, perspective layout/blueprints, appropriate entry and exit wordings, list of specific locations and cost estimates. That a comprehensive report be presented at a future Briefing evening for consideration. 	CD	Sept 2017
18.04.17 RM 5311167	ORD - NM - 11.5 - That a report be presented on the feasibility of providing a footpath along St Andrews Road from Ballantrae Drive to Midlothian Road, St Andrews.	CD	Sept 2017
18.04.17 GB 5311166	ORD - NM - 11.6 - That Council seek a report establishing a request line/email for use by residents who wish to have an appropriate tree planted by Council on their immediate nature strip.	CD	August 2017
18.04.17 GB 5311165	ORD - NM - 11.7 - That Council seek to create further avenues of trees in significant locations such as Emerald Drive, Eaglevale Drive, Eagle Vale and Campbelltown Road, Woodbine. That a report be provided on the costs and benefits of Council's annual tree planting program.	CD	October 2017

*Date of Decision *Mover *DocSet	Item/Comments	Div. Resp	Comp Date
City Governance			
18.6.13 PL 3450946	CG3.1 - Further report following expressions of interest on the ground lease in Blaxland road. Comment: Currently addressing Sydney Water regarding Section 73 requirements.	CG	September 2017
14.10.14 RK 4033794	CG2.3 - 4. That a further report will be submitted to Council once a draft VPA/Infrastructure Services Delivery Plan (ISDP) have been finalised which will deal with the compulsory acquisition/land transfer issues concerning the whole of the Claymore Urban Renewal Project. Comment: Still in the process of finalising the VPA/ISDP with Urban Growth.	CG	July 2017
16.08.16 RK 4971886	NM17.2 - That Council be presented with a report with regard to rezoning a large tract of land at Glen Alpine, used as the Campbelltown Golf Course, from R2 (low density residential) to one that reflects Council's long term intentions to preserve the land as open space. Comment: This development of this report is dependent on the briefing and associated report addressing a Property Strategy.	CG	September 2017
14.03.17 MChivers	NM11.1 1. That Council request a report on the recording of council meetings. 2. That the report to highlight costs and benefits in the recording of council meetings, given that Council is in the process of reviewing the code of meeting practice, covering the social justice values of inclusiveness.	CG	June 2017

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
City Development			
16.7.13 RK 3483315	PE4.1 - Further report to review implementation of the draft Swimming Pool Barrier Inspection Program including the cost and resourcing implications after 12 months of the programs implementation. Comment: Additional time required to assess impact of the implementation of the provisions of the <i>Swimming Pools Act 1992</i> requiring pool owners to obtain a Certificate of Compliance before selling or leasing their property commencing on 29 April 2016. Report to be completed 12 months from this date so a full 12 month period can be assessed.	CDVP (CS)	August 2017
27.10.15 GG 4526199	PE5.2 - That Council's Public Notification Policy, in respect to Development Applications, be reviewed and a report provided back to Council recommending options for a more comprehensive community notification process. Comment: Review of notification requirements being incorporated into further review Amendment No.3 of SCDCP.	CDVP (EP)	July 2017
15.12.15 RK 4607896	PE5.2 - 1. That a full report be presented to Council outlining the cost of a pet giveaway and the likely implications for sales from the Animal Care Facility in the balance of the year. 2. That the report include information about the potential for pets freely given from the Animal Care Facility to be abandoned by virtue of the fact that they were acquired at no cost. Comment: Currently awaiting Executive feedback regarding a need for briefing prior to a Council report.	CDVP (CS)	June 2017
19.04.16 MO 4770730	CS8.1- Old Clinton's development site That a report be presented outlining any action taken by Council with regards to the dead trees on the old Clinton's development site - Queen Street, Campbelltown. Comment: Meeting held with development representatives to discuss financial contribution for street tree damage. Estimate of financial contribution being prepared for further consideration.	CDVP (CS)	July 2017
19.7.16 RK 4937879	PE5.3 - That a report be presented on ways through which Council can encourage or mandate developers of residential apartment buildings in the CBD's to design roof space and/or green walls as either private, open or green space for the occupants or for some other beneficial purpose. Comment: Matter to be incorporated into Amendment No 3 of SCDCP 2015.	CDVP (EP)	July 2017

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
08.11.16 GG 5095788	<p>ORD - 11.5</p> <p>1. That a report and a briefing be presented to Council detailing the cost associated with establishing and running a Design Excellence Panel (DEP) to encourage high quality urban design within the Campbelltown Local Government Area (LGA) including any honorariums, and the feasibility of any other options to ensure the best practice function of the panel.</p> <p>2. That the report consider establishing a panel to provide an independent and transparent specialist peer review of major urban development and high density dwellings within the Local Government Area based on the following criteria:</p> <p>a. The Design Excellence Panel be comprised of five members consisting of, four professionals and one community representative, with membership open to:</p> <ul style="list-style-type: none"> o well-known and respected professionals who are involved in the design of major projects and have extensive expertise in areas of architecture, urban design and/or landscape architecture; and o a community representative with a demonstrated understanding and experience in architecture, urban design, landscape architecture or a related field. o to ensure the panel's independence, a panel member cannot be a Councillor or council employee. <p>b. Expert members must not live or do business in the council area in a related field. Community representatives must live in the area, but not do business in the Campbelltown area in a related field.</p> <p>c. That the panel members' tenure should be limited to two years with an optional extension for another two years.</p> <p>d. That a selection committee be established to undertake the selection of panellists. The selection committee should include the Mayor or his/her Councillor, representative and one other Councillor. Two senior staff members and two distinguished independent people with knowledge of the development assessment system. All members of the selection committee to be approved by a council resolution.</p> <p>e. That the appropriate Policy and Procedure and Code of Conduct be developed in line with ICAC recommendations to ensure the panel demonstrate the highest ethical standards in the exercise of their duties and responsibilities, maintain the integrity of the panel and to provide for fair and transparent dealings in making decisions.</p> <p>Comment: Required information currently being investigated.</p>	CDVP	July 2017

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
08.11.16 GG 5095787	<p>ORD - 11.6</p> <p>1. That a report and briefing be presented to Council detailing the cost associated with the establishing and running an Independent Hearing and Assessment Panel (IHAP) including any honorariums, and the feasibility of any other options to ensure the best practice function of the panel.</p> <p>2. That based on the following points, the report also consider the establishing of a IHAP to provide an independent and transparent specialist peer review of the officers' assessment and recommendations to the Council/Councillors on development applications within the Local Government Area that are significant in size or complexity or have unresolved objections.</p> <p>a. A IHAP consisting of five members including the chair of the design panel, two professional members and one community member.</p> <p>b. The chairperson should be a renowned expert in one of the specialist fields or with experience in the Land and Environment Court</p> <p>c. A pool of panel members of at least ten independent experts and four community members should be established to enable random selection</p> <p>d. The pool should include experts in the fields of planning, design, law and environmental science, traffic/engineering, heritage, land economics and social planning</p> <p>e. To ensure the panel's independence and transparency, a panel member cannot be a Councillor or council employee</p> <p>f. That an expert members must not live or do business in the council area in a related field. Community representatives must live in the area, but not do business in the Campbelltown area in a related field</p> <p>g. That the panel members' tenure should be limited to two years with an optional extension for another two years</p> <p>h. That a selection committee be established to undertake the selection of panellists. The selection committee should include the Mayor or his/her Councillor representative, and one other Councillor, two senior staff members and two distinguished independent people with knowledge of the development assessment system. All members of the selection committee to be approved by a council resolution</p> <p>i. That the appropriate Policy and Procedure and Code of Conduct be developed in line with ICAC recommendations to ensure the panel demonstrate the highest ethical standards in the exercise of their duties and responsibilities, maintain the integrity and transparency of the panel and to provide for fair dealings in making decisions.</p> <p>Comment: Required information currently being investigated.</p>	CDVP	July 2017

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
13.12.16 MO 5146315	ORD 8.5 - That a report be provided investigating the use of a drone with heat detecting cameras to track and monitor Koala movement in the Local Government Area. Comment: Item is being presented to Executive Group prior to report on the use of drones in the Local Government Area.	CDVP	June 2017
18.04.17 KH 5311170	ORD - NM - 11.2 - That a report be presented to Council that as part of the planning process involving all development applications relating to Appin Road and Gilead, Council include a requirement for Fauna Exclusion Fencing and appropriate tunnels and high crossing points to be provided by the applicant, to enable safe access for fauna through the wildlife corridors.	CDVP	July 2017
*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
City Growth and Economy			
29.7.14 PL 3934241	CW5.1 - detailed report on the Leumeah Sports Precinct by the Strategic Planner for a new 40,000 seat sporting/entertainment complex with parking facilities to include both the eastern and western side of the railway line. Comment: Options are still being investigated.	CGE	June 2017
24.04.15 GG 4275787	PE2.6 - The Council receive a further report on a proposal to establish a Business Advisory Board following further consultation with the Campbelltown and Ingleburn Chambers of Commerce. Comment: To be known as the Small Business Reference Group.	CGE	July 2017
16.08.16 RK 4971886	PE5.3 - That Council be provided a report outlining what Campbelltown City Council, independently or in partnership with State and/or Federal Government, can/should do to provide incentives for businesses to establish in our City and create local employment opportunities for our residents. Comment: To be dealt with as part of the preparation of the Campbelltown Economic Development Strategy.	CGE	July 2017
14.02.17 PL	ORD 11.1 1. That Council request a report on options for implementing a revised structure for regional collaboration given the State Government's framework in being Fit for the Future and the implementation of joint organisations for regional New South Wales. 2. That the report to explore a more cost effective option in dealing with regional issues.	CGE	July 2017

Letters Requested as at 14 March 2017

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
City Lifestyles			

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
City Delivery			

*Date of Decision *Mover *DocSet	Item/Comments	Div. Resp	Comp Date
City Governance			

*Date of Decision *Mover *DocSet	Item/Comments	Div. Resp	Comp Date
City Development			

*Date of Decision *Mover *DocSet	Item/Comments	Div. Resp	Comp Date
City Growth and Economy			

8.11 Additional Proposed Road Names for use in the East Leppington precinct

Reporting Officer

Geographical Information Officer
City Governance

Community Strategic Plan

Objective	Strategy
3. An Accessible City	3.1 The development and implementation of infrastructure plans to support efficient movement around the city

Officer's Recommendation

1. That Council approves the proposed road names as listed in the attachment to this report for use in the East Leppington Precinct of the South West Growth Centre.
2. That Council advertise its proposal to use these road names in local newspapers for a period of one month and notifies the authorities prescribed by the Roads Regulation 2008.
3. That, should no objections to the proposal to use these road names be received during the exhibition period, Council publish notice of these new road names in the NSW Government Gazette.

Purpose

To seek Council's endorsement to publicly exhibit additional proposed road names for use in the East Leppington Precinct of the South West Growth Centre.

History

Council, at its meeting held 10 December 2013, approved road names for use in Stages 1 and 2 of the East Leppington Precinct of the South West Growth Centre, drawn from the theme of the Australian Scout Movement.

Council, at its meeting held 9 December 2014, approved road names for use in Stage 3 of the East Leppington Precinct of the South West Growth Centre, drawn from the themes of the Upper Water Supply Canal and Canals of the World.

Council at its meeting held 21 July 2015, Planning and Environment Committee Meeting Item 2.2 Proposed Road Names for the Remaining Stages of the East Leppington Precinct, resolved:

1. That Council approves the proposed road names as listed in the attachment to this report, for use in the remaining stages of the East Leppington Precinct of the South West Growth Centre, excluding the proposed convict and servant names.
2. That Council advise Camden Council that this Council is seeking approval from the Geographical Names Board to use both the first and last names of the convicts and servants.
3. That Council advertise its proposal to use these road names in local newspapers for a period of one month and notifies the authorities prescribed by the Roads Regulation 2008.
4. That, should no objections to the proposal to use these road names be received during the exhibition period, Council publish notice of these new road names in the NSW Government Gazette.

Report

In accordance with Council's resolution, the proposed road names listed in the attachment to the report drawn from the theme of local flora species were notified and exhibited for public comment. The Geographical Names Board of NSW (GNB) raised objections to five of the proposed road names, primarily on the grounds of ease of pronunciation and potential duplication of existing road names within the ten kilometre radius prescribed in the NSW Addressing User Manual. These five names were therefore removed from the list and final notice of the approval of the remaining road names was subsequently published in the NSW Government Gazette.

These approved road names have since been used in the naming of streets in a number of stages of this residential development, known by the marketing name of Willowdale. However, this list of approved names has now been exhausted and Council has received a request from the developer (Stockland Development Pty Ltd) for additional approved road names for use in the remaining stages of this residential development.

Also in accordance with Council's resolution, a letter was sent to Camden Council on 12 November 2015 advising them of the intention to seek approval from the GNB to use both the first and last names of convicts and servants employed by William Cordeaux on his Leppington Park Estate in the naming of streets in this residential development. A response was received from Camden Council on 23 November 2015, identifying potential duplication of two of the proposed road names with names that they had previously approved for use in the nearby suburb of Gregory Hills but making no other comment on the proposed use of road names drawn from this theme.

Having previously written to the Minister for Roads Maritime and Freight on the subject, Council wrote to the GNB on 20 September 2016 requesting that it allow the use of both first and surnames in the naming of any future local roads and streets. Council received a response from the GNB on 14 December 2016 stating that, after considering Council's request at its meeting on 22 November 2016, the Board had resolved not to amend Section 6.7.5 Acceptable Road Names of the NSW Addressing User Manual which states that the use of given or first names in conjunction with a surname is not acceptable for road naming. A report on this matter was presented to Council at its meeting held 14 March 2017, Item 8.1 Correspondence from the Geographical Names Board – Naming of Future Streets and Roads. Subsequently, at its meeting held 18 April 2017, Item 8.15 Proposed Road Names – Western Sydney University Campbelltown Residential Project Stage 4, Council resolved in part:

4. That the Council write to the relevant Minister requesting permission to use both the first and last names for street names in future developments.

The final outcome of Council's request to be allowed to use both first and surnames in the future naming of roads is not known at the time of preparing this report and will be the subject of a separate report to Council at a future date. However, the next stages of this residential development, for which additional new road names are now urgently required, are located adjacent to the site of Leppington House. As previously identified in the Council report considered at the meeting on 21 July 2015, the use of the names of convicts and servants employed by William Cordeaux on his Leppington Estate is considered to be most appropriately used in the naming of the streets and roads proposed to be constructed in the vicinity of Leppington House.

The list of proposed road names included as an attachment to this report therefore again includes names drawn from this theme, excluding the two duplicate road names previously identified by Camden Council. To minimise any possible delays in the naming process, these proposed road names use only surnames in accordance with the current provisions of Section 6.7.5 Acceptable Road Names of the NSW Addressing User Manual.

The list of proposed road names also includes additional names drawn from the previously approved theme of local flora species which are proposed to be used in the final stages of this development, located adjacent to Denham Court Road. The name Farview Drive is also included as the proposed name for the road that will link the two future lookout reserves in this development and which will have extensive views to both Sydney and the Blue Mountains.

Attachments

1. Additional road names for East Leppington (contained within this report)

Theme - names of convicts and servants employed by William Cordeaux on his Leppington Estate	
Road Name	Origin
Beckley	Charles (per <i>Countess of Harcourt</i>) labourer
Berryman	William (per <i>Speke</i>) labourer
Bridge	Thomas, servant aged 17
Brindell	George, (per <i>Ocean</i>)
Bunn	William (per <i>Asia</i>) shepherd
Chatterton	William (per <i>Minstrel</i>) watchman
Culley	Samuel (per <i>Minerva</i>) labourer
Cunnliffe	George (per <i>Prince Regent</i>)
Dempsey	John (per <i>Mangles</i>) labourer
Dill	James, (per <i>Mary</i>)
Dowden	John (per <i>Canada</i>) fencer
Fairbrother	George (per <i>Sir Godfrey Webster</i>) shepherd
Fluskey	Thomas (per <i>Guildford</i>)
Gerraghty	Michael (per <i>Southworth</i>)
Lamature	Francis (per <i>Admiral Gambier</i>) cook
Leary	Patrick (per <i>Hadlow</i>)
McDermott	James (per <i>Cambridge</i>) shepherd
Mulvihill	John (per <i>Earl St Vincent</i>)
Sweetman	Georgina (per <i>Albion</i>) servant aged 13
Wagstaff	Theodocius (per <i>Ocean</i>)
Wollahan	John (per <i>Minerva</i>)
Theme - local flora species	
Road Name	Origin
Bracken	Austral Bracken (<i>Pteridium esculentum</i>)
Cabbage Gum	Cabbage Gum (<i>Eucalyptus amplifolia</i>)
Caladenia	Blue Caladenia (<i>Cyanicula caerulea</i>)
Calotis	Bogan Flea (<i>Calotis hispidula</i>)
Galium	Rough Bedstraw (<i>Galium gaudichaudii</i>)
Glossodia	Waxlip Orchid (<i>Glossodia major</i>)
Hibbertia	Rough Guinea Flower (<i>Hibbertia aspera</i>)
Honeymyrtle	White Feather Honeymyrtle (<i>Melaleuca decora</i>)
Olax	(<i>Olax stricta</i>)

Pimelea	Spiked Riceflower (<i>Pimelea spicata</i>)
Plantago	Narrow Plantain (<i>Plantago gaudichaudii</i>)
Polygala	Dwarf Milkwort (<i>Polygala japonica</i>)
Senna	Smooth Senna (<i>Senna barclayana</i>)
Waterlily	Woolly Waterlily (<i>Philydrum lanuginosum</i>)
Wolffia	Tiny Duckweed (<i>Wolffia australiana</i>)
Theme – additional road name for a specific road	
Road Name	Origin
Farview Drive	for the road linking the two lookout reserves with extensive views to both Sydney and the Blue Mountains.

9. QUESTIONS WITH NOTICE

Nil

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

11.1 Requests for Delegated decisions of Council

Notice of Motion

Councillor Ben Moroney has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 23 May 2017.

That a report be presented to Council detailing a procedure for Councillors to request that a delegated decision be called up to a meeting of Council.

11.2 Wheelchair Accessible Picnic Tables

Notice of Motion

Councillor Margaret Chivers has given Notice in writing of her intention to move the following Motion at the next meeting of Council on 23 May 2017.

That a report be presented to Council outlining the feasibility of including wheelchair accessible picnic tables in any newly constructed parks and any parks undergoing refurbishment.

11.3 Commuter Car Parking Leumeah

Notice of Motion

Councillor Meg Oates has given Notice in writing of her intention to move the following Motion at the next meeting of Council on 23 May 2017.

That a report be presented outlining the feasibility and costs involved in formalising the unused roadside space in Pembroke Rd, opposite the Leumeah Hotel, to provide angled commuter car parking places.

11.4 Steora Smart Benches

Notice of Motion

Councillor George Brticevic has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 23 May 2017.

That a report be presented to Council outlining the feasibility of trialling Steora Smart Benches in our recreation areas such as skate parks and dog parks.

12. URGENT GENERAL BUSINESS

13. PRESENTATIONS BY COUNCILLORS

14. CONFIDENTIAL REPORTS FROM OFFICERS

14.1 Directors of Companies

Reason for Confidentiality

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

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

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Ordinary Council Meeting held at 6.30pm on Tuesday, 23 May 2017 .

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Minutes of the Ordinary Meeting of the Campbelltown City Council held on 23 May 2017

Present

The Mayor, Councillor G Brticevic
 Councillor M Chivers
 Councillor M Chowdhury
 Councillor R George
 Councillor B Gilholme
 Councillor G Greiss
 Councillor K Hunt
 Councillor P Lake
 Councillor D Lound
 Councillor R Manoto
 Councillor B Moroney
 Councillor W Morrison
 Councillor M Oates
 Councillor T Rowell
 Councillor B Thompson

1. ACKNOWLEDGEMENT OF LAND

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

Council Prayer

The Council Prayer was presented by the General Manager.

2. APOLOGIES

Nil

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held 9 May 2017

It was **Moved** Councillor Gilholme, **Seconded** Councillor Chowdhury:

That the Minutes of the Ordinary Meeting held 9 May 2017 copies of which have been circulated to each Councillor, be taken as read and confirmed.

111 The Motion on being Put was **CARRIED**.

4. DECLARATIONS OF INTEREST

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

Pecuniary Interests

Nil

Non Pecuniary – Significant Interests

Nil

Non Pecuniary – Less than Significant Interests

Councillor Gilholme - Item 8.8 - Rezoning of Goodsell Street, Minto - Councillor Gilholme advised that he resides within the vicinity and that he will leave the Chamber and not take part in debate nor vote on the matter.

Councillor Hunt - Item 8.8 - Rezoning of Goodsell Street, Minto - Councillor Hunt advised that she resides within the vicinity and that she will leave the Chamber and not take part in debate nor vote on the matter.

Councillor Morrison - Item 8.8 - Rezoning of Goodsell Street, Minto - Councillor Morrison advised that one of the owners is known to him and that he will leave the Chamber and not take part in debate nor vote on the matter.

Other Disclosures

Nil

5. MAYORAL MINUTE

Nil

6. PETITIONS

Nil

7. CORRESPONDENCE

Nil

8. REPORTS FROM OFFICERS

8.1 Renewal of South Area Alcohol Free Zones

It was **Moved** Councillor Lake, **Seconded** Councillor Thompson:

1. That a notice be placed in a local paper inviting submissions from any person or group in response to Council's intention to re-establish Alcohol Free Zones over the streets and footpaths detailed in attachment 1 to this report for the proposed Alcohol Free Zones of:
 - (a) Airds
 - (b) Ambarvale
 - (c) Bradbury
 - (d) Campbelltown CBD South
 - (e) Campbelltown CBD North
 - (f) Campbelltown East 1
 - (g) Campbelltown East 2
 - (h) Glen Alpine
 - (i) Leumeah
 - (j) Menangle Park
 - (k) Rosemeadow 1
 - (l) Rosemeadow 2
 - (m) Ruse
 - (n) St Helens Park 1
 - (o) St Helens Park 2
2. That all submissions received during the exhibition period be reported to Council.
3. That should no submissions be received during the exhibition period, advice be given that Council intends to re-establish Alcohol Free Zones over the areas specified in Recommendation 1 above to:
 - (a) The Anti Discrimination Board
 - (b) The Officer in charge of the Police Station nearest the zones
 - (c) The liquor licensees and secretaries of registered clubs whose premises border on or adjoin or are adjacent to the proposed zones
 - (d) Any known group that might be affected by the creation of the proposed zones.
4. That should no submissions be received a further report be provided to Council on the re-establishment of the Alcohol Free Zones specified in Recommendation 1 at the completion of the period for comment by the organisations/groups listed in Recommendation 3.

112 The Motion on being Put was **CARRIED**.

8.2 Demolition of existing structures and construction of a boarding house containing 12 boarding rooms at 20 Albert Street, Ingleburn

Meeting Note: Mr Hansen addressed the meeting.

It was **Moved** Councillor Greiss, **Seconded** Councillor Lake:

That the proposed development be approved subject to the recommended conditions of consent outlined in attachment 1.

113 The Motion on being Put was **CARRIED**.

A Division was recorded in regard to the Resolution for Item 8.2 with those voting for the Motion being Councillors M Chowdhury, K Hunt, D Lound, R Manoto, M Chivers, P Lake, B Moroney, G Greiss, R George and T Rowell.

Voting against the Resolution were Councillors G Brticevic, M Oates, B Gilholme, W Morrison and B Thompson.

8.3 Quarterly Legal Status Report - 1 January to 31 March 2017

It was **Moved** Councillor Gilholme, **Seconded** Councillor Lound:

That the information be noted.

114 The Motion on being Put was **CARRIED**.

8.4 Review of Second Hand Clothing Bins Policy

It was **Moved** Councillor Oates, **Seconded** Councillor Lound:

1. That the revised Second Hand Clothing Bins Policy as attached to this report be adopted.
2. That the Policy review date be set at 30 June 2019.

115 The Motion on being Put was **CARRIED**.

8.5 Review of Access to the Roads and Maritime Services Driver and Vehicle Information System (DRIVES) Policy

It was **Moved** Councillor Lake, **Seconded** Councillor Morrison:

1. That the revised Access to the Roads and Maritime Services Driver and Vehicle Information System (DRIVES) Policy as attached to this report be adopted.
2. That the Access to the Roads and Maritime Services Driver and Vehicle Information System (DRIVES) Policy review date be set at 30 June 2019.

116 The Motion on being Put was **CARRIED**.

8.6 Review of the Management of Feral and Infant Companion Animals Policy

It was **Moved** Councillor Thompson, **Seconded** Councillor Hunt:

1. That the revised Management of Feral and Infant Companion Animals Policy as attached to this report be adopted.
2. That the Management of Feral and Infant Companion Animals Policy review date be set at 30 June 2019.

117 The Motion on being Put was **CARRIED**.

8.7 Submission from Mirvac for the inclusion of land at Menangle within the Greater Macarthur Priority Growth Area boundary

It was **Moved** Councillor Gilholme, **Seconded** Councillor Lake:

1. That Council communicate to the Department of Planning and Environment its strong opposition to the inclusion of the subject land at Menangle within the boundaries of the Greater Macarthur Priority Growth Area, in the absence of any comprehensive accessibility and employment land strategies.
2. That Council advise Wollondilly Shire Council of its current position.

118 The Motion on being Put was **CARRIED**.

A Division was recorded in regard to the Resolution for Item 8.7 with those voting for the Motion being Councillors G Bricevic, M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme, M Chivers, P Lake, B Moroney, W Morrison, G Greiss and R George.

Voting against the Resolution were Councillors B Thompson and T Rowell.

8.8 Rezoning Goodsell Street, Minto

Having declared an interest in regard to Item 8.8, Councillors Gilholme, Hunt and Morrison left the Chamber at 7:03pm and did not take part in debate nor vote on this item.

It was **Moved** Councillor Lake, **Seconded** Councillor Oates:

1. That council support the Planning Proposal Request (application number 1761/2016/E-LEPA) to rezone land in the following schedule:
 - Lot 100 DP 706378 (No.227-229 Eagleview Road)
 - Lot 10 DP 719990 (No.25 Goodsell Street)
 - Lot 1 DP 719990 (No.223 Eagleview Road)
 - Lot 2 DP 719990 (No.225 Eagleview Road)
 - Lot 4 DP 539244 (No.221 Eagleview Road)
 - Lot 11 DP 719990 (No.27 Goodsell Street)

from its existing E4 Environmental Living Zone - 4000sqm and two hectare/one hectare lot average to R2 Low Density Residential, in accordance with the draft Planning Proposal detailed in recommendation 2 below.
2. That Council endorse and forward the draft Planning Proposal (refer to attachment 6) to the Department of Planning and Environment for a Gateway Determination.
3. That Council advise the applicant and all directly affected property owners of its decision.

A Division was recorded in regard to the Resolution for Item 8.8 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, D Lound, R Manoto, M Chivers, P Lake, B Thompson, G Greiss, R George and T Rowell.

Voting against the Resolution were Councillor B Moroney.

At the conclusion of the discussion regarding Item 8.8, Councillors Gilholme, Hunt and Morrison returned to the Chamber for the remainder of the meeting.

8.9 Request for Exclusive Use of The Gordon Fetterplace Aquatic Centre

It was **Moved** Councillor Lound, **Seconded** Councillor Rowell:

1. That Council approve exclusive use of The Gordon Fetterplace Aquatic Centre for swimming carnivals which are listed below in date order:
 - i) Club carnival as requested by Campbelltown Amateur Swim Club on 11 June 2017.
 - ii) Club Carnival as requested by Campbelltown Amateur Swim Club on 30 July 2017.
 - iii) Club carnival as requested by Campbelltown AUSSI Masters Swim Club on 10 February 2018.
 - iv) Regional carnival for primary and high as requested by Sydney South West School Sports Association on 12 and 13 March 2018.
2. That Council notify affected Swim School program customers upon enrolment.
3. That the swimming carnival dates be advertised by way of:
 - (i) A large notice displayed in a prominent position at the entrance of each Council Leisure Centre.
 - (ii) Provision of leaflets at each Leisure Centres' reception desks.
 - (iii) Notification by Council's website and Leisure social media pages including Facebook.

119 The Motion on being Put was **CARRIED**.

8.10 Reports and Letters Requested

It was **Moved** Councillor Moroney, **Seconded** Councillor Lound:

1. That the information be noted.
2. That any reports requested prior to September 2016 and have not been completed be reviewed by the Director City Governance and a report be presented back to Council.

120 The Motion on being Put was **CARRIED**.

8.11 Additional Proposed Road Names for use in the East Leppington precinct

It was **Moved** Councillor George, **Seconded** Councillor Lound:

1. That Council approves the proposed road names as listed in the attachment to this report for use in the East Leppington Precinct of the South West Growth Centre.
2. That Council advertise its proposal to use these road names in local newspapers for a period of one month and notifies the authorities prescribed by the Roads Regulation 2008.
3. That, should no objections to the proposal to use these road names be received during the exhibition period, Council publish notice of these new road names in the NSW Government Gazette.

121 The Motion on being Put was **CARRIED**.

9. QUESTIONS WITH NOTICE

Nil

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

11.1 Requests for Delegated decisions of Council

It was **Moved** Councillor Moroney, **Seconded** Councillor Greiss:

1. That a report be presented to Council detailing a procedures for:
 - a. Councillors to request that a delegated decision be called up to a meeting of Council.
 - b. Councillors rights and responsibilities to review decisions undertaken under delegated authority and the process to call the decisions to be reviewed.
 - c. Councillors rights and responsibilities regarding access to administrative information.
 - d. Councillors rights and responsibilities regarding the ability to communicate with staff.

122 The Motion on being Put was **CARRIED**.

11.2 Wheelchair Accessible Picnic Tables

It was **Moved** Councillor Chivers, **Seconded** Councillor Moroney:

That a report be presented to Council outlining the feasibility of including wheelchair accessible picnic tables in any newly constructed parks and any parks undergoing refurbishment.

123 The Motion on being Put was **CARRIED**.

11.3 Commuter Car Parking Leumeah

It was **Moved** Councillor Oates, **Seconded** Councillor Gilholme:

That a report be presented outlining the feasibility and costs involved in formalising the unused roadside space in Pembroke Road, opposite the Leumeah Hotel, to provide angled commuter car parking places.

124 The Motion on being Put was **CARRIED**.

11.4 Steora Smart Benches

It was **Moved** Councillor Brticevic, **Seconded** Councillor Gilholme:

1. That a report be presented to Council outlining the feasibility of trialling Steora Smart Benches or any similar type product in our recreation areas such as skate parks and dog parks.
2. That Council encourages any Councillor who has the opportunity to investigate and interact with the technology (or any other that can be used for the benefits of our community) to do so at their own cost and responsibilities and report back to Council on their findings.

125 The Motion on being Put was **CARRIED**.

12. URGENT GENERAL BUSINESS

Nil

13. PRESENTATIONS BY COUNCILLORS

1. Councillor Oates advised that she recently attended the Coral-Balmoral Remembrance Service at Ingleburn RSL, this was a significant battle during the Vietnam war and a number of Australian soldiers fought in this battle.
2. Councillor Manoto advised that he recently attended the soccer game at Campbelltown Sports Stadium, between the Western Sydney Wanderers and Shanghai Football Club. It was a great honour to watch the game at our very own local stadium and was a wonderful opportunity for the members of our community. Councillor Manoto congratulated the Mayor for his work to secure these games at Campbelltown and thanked Council staff for their efforts and dedication to promote our facilities and secure such games for the benefit of our community.
3. Councillor Chivers advised that she recently represented the Mayor at Campbellfield Public School as part of their 2017 reading project for students. This program is a two pronged program, to improve literacy and to encourage students to attend school on time. Councillor Chivers read Room on the Broom to the children and noted that it was a lovely morning enjoyed by all.
4. Councillor Lake advised that he recently represented the Mayor and met with Senator Payne when she recently visited Koorunga Reserve, Raby to announce a Federal Grant of \$300,000 to improve lighting at a number of sporting fields across the Local Government Area. It should be noted that this grant was provided as a result of hard work behind the scenes undertaken by Russell Matheson to secure this funding. The Mayor advised that Council will write a letter of thanks to Senator Payne and to Russell Matheson.
5. Councillor Moroney advised that he recently represented the Mayor at Airs High School at their Annual Flag Ceremony. This ceremony celebrates the cultural diversity with the school.
6. Councillor Thompson reiterated what Councillor Manoto stated with regards to Campbelltown Sports Stadium noting that it is great to see that our facilities are hosting such important games.
7. Councillor Brticevic advised that Senator Payne has visited Campbelltown twice on recent occasions. Senator Payne visited Mawson Park to announce the delivery of \$195,770 in Coalition funding for CCTV granted to Campbelltown City Council. This grant which will enable the expansion of the CCTV network throughout the CBD precinct of Campbelltown to keep our community safe from local crime and anti-social behaviour.

Confidentiality Recommendation

It was **Moved** Councillor Gilholme, **Seconded** Councillor Thompson:

That the Council in accordance with Section 10A of the *Local Government Act 1993*, resolve to exclude the public from the meeting during discussions on the items in the Confidential Agenda, due to the confidential nature of the business and the Council's opinion that the public proceedings of the Committee would be prejudicial to the public interest.

126 The Motion on being Put was **CARRIED**.

The Ordinary Meeting of Council was adjourned at 7.47pm and reconvened as a meeting of the Confidential Committee at 7.48pm.

14. CONFIDENTIAL REPORTS FROM OFFICERS

14.1 Directors of Companies

It was **Moved** Councillor Thompson, **Seconded** Councillor Lake:

That the information be noted.

127 The Motion on being Put was **CARRIED**.

It was **Moved** Councillor Lound, **Seconded** Councillor Gilholme:

That the Council in accordance with Section 10 of the Local Government Act 1993, move to re-open the meeting to the public.

128 The Motion on being Put was **CARRIED**.

At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 7.49pm

It was **Moved** Councillor Rowell, **Seconded** Councillor Morrison:

That the reports of the Confidential Committee and the recommendations contained therein be adopted.

129 The Motion on being Put was **CARRIED**.

There being no further business the meeting closed at 7.50pm.

Confirmed by Council on <<enter date>>

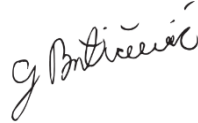
..... General Manager Chairperson

CONFIRMATION OF COUNCIL'S ORDINARY MEETING MINUTES

At the Council Meeting held 13 June 2018 the following Council minutes were adopted:

There being no further business at the meeting of 23 May 2017, the meeting closed at 7.50pm.

Confirmed by the Chairperson:

A handwritten signature in black ink, appearing to read 'G. Anticic', is written over the text 'Confirmed by the Chairperson:'.