

BUSINESS PAPER

2018

CAMPBELLTOWN CITY COUNCIL



11 September



04 September 2018

You are hereby notified that the next Ordinary Council Meeting will be held at the Civic Centre, Campbelltown on Tuesday 11 September 2018 at 7.00pm.

Lindy Deitz
General Manager

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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 14 August 2018

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held 14 August 2018, 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 14 August 2018 are presented to Council for confirmation.

Attachments

1. Minutes of the Ordinary Meeting of Council held 14 August 2018 (contained within this report)

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Ordinary Council Meeting held at 6.30pm on Tuesday, 14 August 2018 .

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Minutes of the Ordinary Meeting of the Campbelltown City Council held on 14 August 2018

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 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

Note: Councillor T Rowell has been granted a leave of absence from Council incorporating all meetings until further notice.

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held 10 July 2018

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

That the Minutes of the Ordinary Meeting held 10 July 2018 copies of which have been circulated to each Councillor, be taken as read and confirmed with an amendment to Item 13 Presentations by Councillors as follows:

12. Councillor Hunt advised that she recently attended the changeover meeting that mentioned the 60th Anniversary of the Rotary Club of Campbelltown celebration. She acknowledged the contribution of the Rotary Club of Campbelltown makes to the community.

161 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 Greiss - Item 5.1 and 11.3 - State Funding for Public Libraries - Councillor Greiss advised that he is a Director on the LGNSW Board and that he will leave the Chamber.

Councillor Greiss - Item 8.1 - Planning Proposal - Reclassification of land at 21 Deans Road, Airs from Community to Operational Land - Councillor Greiss advised that he is a member of the Sydney Western City Planning Panel and that he will leave the Chamber.

Councillor Lound - Item 8.1 - Planning Proposal - Reclassification of land at 21 Deans Road, Airs from Community to Operational Land - Councillor Lound advised that he is a member of the Sydney Western City Planning Panel and that he will leave the Chamber.

Councillor Greiss - Item 8.2 - Planning Proposal - Campbelltown RSL - Councillor Greiss advised that he is a member of the Sydney Western City Planning Panel and that he will leave the Chamber.

Councillor Lound - Item 8.2 - Planning Proposal - Campbelltown RSL - Councillor Lound advised that he is a member of the Sydney Western City Planning Panel and that he will leave the Chamber.

Councillor Greiss - Item 11.7 - Paediatric Intensive Care Units - Councillor Greiss advised that he works for the State Member for Wollondilly and that he will leave the Chamber.

Councillor Gilholme - Item 14.1 - Proposed Council Property and Tender - Councillor Gilholme advised that he will leave the Chamber during discussion of this item.

Other Disclosures

Nil

Motion

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

That **Notice of Motion Item 11.3 State Funding for Local Libraries** be withdrawn.

00162 The Motion on being Put was **CARRIED**.

Meeting Note: Having declared an interest in the items 5.1, 8.1 and 8.2 Councillor Greiss did not take part in debate or vote on these items.

5. MAYORAL MINUTE

5.1 State Government Funding of Public Libraries

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

1. That Council makes representation to the local State Members, Greg Warren and Anoulack Chanthivong, in relation to the need for additional funding from the NSW State Government for the provision of public library services.
2. That Council writes to the Hon. Don Harwin, Minister for the Arts and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for the provision of a significant increase in state funding for NSW public libraries, supported by a sustainable future funding model.
3. That Council advocate for increased and sustainable State Government funding for libraries.
4. That Council endorses the distribution of the NSW Public Libraries Association (NSWPLA) and Local Government NSW (LGNSW) campaign information "Renew our libraries" in Council libraries and Council social media, as well as support advocacy undertaken by NSWPLA.

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

6. PETITIONS

7. CORRESPONDENCE

Nil

8. REPORTS FROM OFFICERS

Meeting Note: Having declared an interest in Items 8.1 and 8.2 Councillor Lound left the Chamber and did not take part in the debate nor vote on these items.

8.1 Planning Proposal - Reclassification of land at 21 Deans Road, Airs from Community to Operational Land

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

1. That Council support the draft Planning Proposal to reclassify land at Lot 21 DP 1180338, 21 Deans Road, Airs by way of an amendment to the Campbelltown Local Environmental Plan 2015.
 2. That subject to recommendation No. 1, Council forward the draft Planning Proposal
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(refer to Attachment 3) to the Greater Sydney Commission for a gateway determination.

3. That subject to no major issues raised by the gateway determination, Council proceed to public exhibition of the draft Planning Proposal.
4. That Council request that the gateway determination require that the public exhibition of the draft Planning Proposal be for a maximum of period of 28 days.
5. That Council request delegation from the Department of Planning and Environment to allow Council to finalise the draft Planning Proposal.

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

A Division was recorded in regard to the Resolution for Item 8.1 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, R Manoto, B Gilholme, M Chivers, P Lake, B Moroney, W Morrison, B Thompson and R George.

Voting against the Resolution were Nil.

Meeting Note: Mr Adam Byrnes addressed the meeting for Item 8.2.

8.2 Planning Proposal - Campbelltown RSL

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

1. That Council support the draft planning proposal which seeks to amend the Campbelltown Local Environmental Plan 2015 Height of Building Map to increase the maximum permissible building heights from 32m to 45m for 158-168 Queen Street, Campbelltown and from 32m to 85m for 3 and 11 Cordeaux Street and 1 Carberry Lane, Campbelltown and forward the proposal to the Greater Sydney Commission for a Gateway determination.
 2. That Council request delegation from the Greater Sydney Commission to allow Council to finalise the draft planning proposal.
 3. That Council request the following be required as conditions of any Gateway approval:
 - heritage impact assessment
 - detailed traffic impact study
 - detailed shadow analysis
 - a comprehensive public domain plan
 - a standard building setback from the Queen Street interface for solar and visual purposes be developed
 - a site specific Development Control Plan be developed for the site.
 4. That subject to the decision of the Gateway, the site specific Development Control Plan be developed and exhibited concurrently with the draft planning proposal.
 5. That the outcomes of the public exhibition of the draft planning proposal be reported to Council.
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6. That Council staff continue with discussions with the proponent relating to a potential draft Voluntary Planning Agreement which is to be sympathetic and considerate of heritage protection and preservation, traffic and transport infrastructure, social community infrastructure and public domain improvements.
7. That Council advise the owners of the subject land, of Council's resolution.

165 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 G Brticevic, M Oates, M Chowdhury, K Hunt, R Manoto, B Gilholme, M Chivers, P Lake, W Morrison, B Thompson and R George.

Voting against the Resolution were Councillor B Moroney.

Meeting note: At the conclusion of the discussion regarding Item 8.2 Councillors Greiss and Lound returned to the Chamber.

8.3 Quarterly Legal Status Report April to June 2018

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

That the information be noted.

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

8.4 Vardy Estate Silos - Menangle Park

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

1. That Council note the findings of this report in response to the Notice of Motion.
 2. That the Menangle Park Development Control Plan be amended to require the preparation of a Heritage Interpretation Plan that specifically addresses future management actions in respect of the silos.
 3. That Council receive a further report upon the creation of a full list of potential road names for the entire Menangle Park precinct, based on a number of themes, including but not limited to soldiers that participated in World War One and World War Two who have connection to the site and the original owners of the estates from the early 1800's.
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An **Amendment** was **Moved** Councillor Morrison, **Seconded** Councillor Thompson

1. That Council note the findings of this report in response to the Notice of Motion.
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2. That Council urgently obtains a quote of the cost associated with the restoration and repairs of the silos, to ensure they are structurally sound, to serve as a monument to the agriculture and dairy heritage of the estate.
 3. That Council receive a further report on the costs and alternative funding mechanism available for funding the restoration and securing the appropriate open space, including this as part of the VPA negotiations.
 4. That the Menangle Park Development Control Plan be amended to require the preparation of a Heritage Interpretation Plan that specifically addresses the restoration and management of the silos on the estate, including reservation of appropriate open space around the silos for public enjoyment.
 5. That Council receive a further report upon the creation of a full list of potential road names for the entire Menangle Park precinct, based on a number of themes, including but not limited to soldiers and residents that participated in World War One and World War Two who have connections to the area and the original owners of the estates from the early 1800's and the agriculture and dairy heritage.

LOST

A Division was recorded in regard to the Amendment for Item 8.4 with those voting for the Motion being Councillors P Lake, B Moroney, W Morrison, B Thompson, G Greiss and R George.

Voting against the Amendment were Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme and M Chivers.

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

A Division was recorded in regard to the Resolution for Item 8.4 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme, M Chivers, P Lake, B Moroney, W Morrison, B Thompson, G Greiss and R George.

Voting against the Resolution were Nil.

8.5 Status of Applications

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

That the information be noted.

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

8.6 Update on the construction of Wedderburn Bridge

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

1. That no further action be taken with respect to the extension of Lysaght Road, unless funding is provided by either Wollondilly Shire Council or the Roads and Maritime Services of NSW.
2. That Council note the construction of Wedderburn Bridge is anticipated to commence in August 2018.

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

8.7 Minutes of Traffic Committee Report

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

That the minutes of the Traffic Committee held 28 June 2018 be noted.

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

8.8 Outcome of the Public Exhibition for the Draft Campbelltown City Community Facilities Strategy

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

1. That an addition be made to the introduction of the Community Facilities Strategy to reference the Integrated Planning and Reporting Framework.
2. That all recommendations within the Campbelltown City Community Facilities Strategy relating to aquatic facilities be amended to reflect that further analysis and recommendations will be forthcoming and are subject to the outcomes of the current development of an Aquatic Facilities Strategy.
3. That Council adopt the Campbelltown City Community Facilities Strategy with the proposed amendments.
4. That Council write to all individuals and organisations that provided feedback on the draft strategy and thank them for their contribution in the development of the Campbelltown City Community Facilities Strategy.

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

8.9 Proposed operating hours during Christmas holiday period 2018-2019

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

1. That Council Offices and the Works Depot close from Monday 24 December 2018 – Tuesday 1 January 2019 (inclusive) with staff taking annual or flex leave for the non-public holidays.
2. That the holiday opening hours for the Council offices, Depot, Animal Care Facility, Campbelltown Visitor Information Centre, Family Education and Community Services, Leisure Services, Campbelltown Arts Centre and Libraries as detailed in the report, be approved and advertised through local papers, on Council's website, social media and at relevant centres and services.

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

8.10 Love Leumeah Place Pilot Project

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

That a further report be presented to Council at the conclusion of the Love Leumeah Place Pilot reviewing its effectiveness and include recommendations for future programs for place activation in the Campbelltown Local Government Area.

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

8.11 Education and Care Grants Program Funding

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

1. That Council enter into the funding agreement with the NSW Department of Education and Communities for the period 1 July 2018 to 30 June 2019 for the amount of \$504,872.46 to support the provision of Council's Family, Education and Community Services.

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

8.12 Revised Policy - Overhead Charges Applicable to Private Works

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

1. That the name of the Overhead Charges Applicable to Private Works Policy be
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amended to Overhead Charges Applicable to Works for External Organisations Policy.

2. That the Overhead Charges Applicable to Private Works Policy attached to this report be adopted.
3. That the Overhead Charges Applicable to Private Works Policy review date be set at 30 December 2018.

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

8.13 Revised Policy - Refunds

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

1. That the revised Refunds Policy as attached to this report be adopted.
2. That the Refunds Policy review date be set at 30 June 2020.

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

8.14 Revised General Manager Instrument of Delegation of Authority

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

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 of Authority.

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

8.15 Councillors' Rights and Responsibilities to Review Decisions Undertaken under Delegated Authority and the Process to Call the Decision to be Reviewed

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

That the information be noted.

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

8.16 Investment and Revenue Report - June 2018

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

That the information be noted.

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

8.17 Reports and Letters Requested

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

That the information be noted.

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

8.18 International Cities, Town Centres and Communities Conference

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

1. That the General Manager or her nominee, the Director City Lifestyles, the Director City Development, Director City Delivery or their relevant staff nominees and any interested Councillors be authorised to attend the 2018 ICTC conference in Fremantle.
2. That the registration fees and accommodation expenses be met in accordance with Council's Policy.

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

8.19 2017-2018 General Purpose Financial Reports and 2017-2018 Special Purpose Financial Reports

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

1. That the 2017-2018 General Purpose and Special Purpose Financial Reports be referred to audit.
 2. That the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer sign the statements by Councillors and Management as required by Section 413(2) of the *Local Government Act 1993* after completion of the audit.
 3. That the audited results of the financial year be presented to Council at the Annual
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General Meeting on 9 October 2018.

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

8.20 Expenditure Allocation Revote 2017-2018

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

That the works listed in the attachment, which were originally funded in the 2017-2018 budget and subsequent financial reviews, be revoted for expenditure during 2018-2019.

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

8.21 Six Monthly Progress Report against the Delivery Program

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

That the information be noted.

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

9. QUESTIONS WITH NOTICE

9.1 Questions With Notice - Councillor Lake

Councillor Paul Lake has given notice of the following Questions With Notice that will be asked at the Ordinary Meeting of Council held 14 August 2018.

1. Could the General Manager and/or the Director of City Growth and Economy advise the update on a Business Hub in Campbelltown for its business residents which was requested 12 months ago at the Campbelltown Chamber of Commerce meeting in August 2017 and reported in the Macarthur Chronicle 22 August 2017.

Answer:

Council is supportive of the concept of a business hub at Campbelltown. The proposal is to be addressed in detail as part of the City Wide Economic Development Strategy and Economic Master Plan which will be undertaken as part of Stage 2 of the Reimagining Campbelltown project that will take place over the next twelve to eighteen months. Division of City Growth and Economy staff have also been liaising with Council's City Lifestyles Division as well as the Strategic Property Section with a view to explore opportunities that may become available as part of Council's consideration of future library facilities in the Campbelltown CBD.

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2. Could the General Manager give an update on where the Campbelltown Justice/Legal Precinct is at?

Answer:

The General Manager advised she has not received a formal written response to the letters written by Council with regard to the Campbelltown Justice/ Legal Precinct, however a meeting has been organised with The Hon. David Elliot, Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs on 10 September at which the Campbelltown Justice/Legal Precinct will be raised.

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

11.1 Review of Payment of Expenses and Provisions of Facilities Policy

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

Councillor Warren Morrison has given Notice in writing of their intention to move the following Motion at the next meeting of Council on 14 August 2018.

That Council review the Payment of Expenses and Provisions of Facilities to the Mayor, Deputy Mayor and Councillors Policy, with a view of the inclusion of the use of Uber or similar ride-sharing services for travel requirements.

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

11.2 Status Resolution Support Services

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

Councillor Ben Moroney has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 14 August 2018.

1. That Council note that the Federal Government has removed or indicated removal of Status Resolution Support Services (SRSS) payments from over 7000 migrants and asylum seekers awaiting determination of their visa status.
 2. That SRSS payments help secure housing and allow for education and training, particularly English language training.
 3. That withdrawing SRSS payments has already resulted in migrants withdrawing from education and training and contributed to housing stress and homelessness in Campbelltown, and will continue to impact our city.
 4. That Council write to the Federal Members of Parliament Dr Mike Freeland and Ms
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Anne Stanley to make appropriate representations to the Minister for Home Affairs, Peter Dutton MP.

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

Meeting note: Notice of Motion Item 11.3 State Funding for Local Libraries was withdrawn by Councillor Moroney as the issue had been covered by the Mayoral Minute Item 5.1.

11.3 State Funding for Local Libraries

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 14 August 2018.

1. That Council note State Government cuts to State funding for local libraries from \$28.8m to \$23.5m in the 2018-2019 budget.
2. That Council notes NSW already has substantial cost-shifting to Local Government in library funding, with the NSW Government spending \$3.76 per capita on libraries, compared to \$7.94 in Victoria and \$6.07 in Queensland.
3. That Council supports the NSW Public Libraries Association and Local Government NSW "Renew Our Libraries" campaign.
4. That Council staff, particularly City Lifestyles, be permitted to produce and display "Renew Our Libraries" campaign materials through Council's customer service locations, particularly library branches.

WITHDRAWN

11.4 Accessible Housing

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

Councillor Ben Gilholme has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 14 August 2018.

1. That Council seeks a report into the feasibility of requiring certified access consultant audits as part of the development application process for public infrastructure and commercial developments.
2. Further, that Council advocate to the appropriate authority for a diverse range of housing that incorporates universal design, making it accessible for people across their various life stages.

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

11.5 Badminton Courts

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

Councillor Masood Chowdhury has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 14 August 2018.

That a report be presented to Council investigating the feasibility of developing outdoor badminton courts for local community use.

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

11.6 Avenue of Native Trees

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

Councillor Rey Manoto has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 14 August 2018.

1. That Council prepare a feasibility report to consider the development of an avenue of native trees, such as Angophora and Claret Ash or any other appropriate local native species to be planted contiguously on the nature strip and either side of Appin Road, between Narellan Road and Fitzgibbon Lane or other suitable areas, to create a prominent entrance into the City.
2. The report to include the potential to maintain the current road name but to call the new planted area 'Angophora Ave' or 'Claret Ash Lane' or other name appropriate to the selected native species with appropriate signage and well developed wider footpaths to complement the new planting section.

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

Meeting Note: Having declared an interest in the item 11.7 Councillor Greiss did not take part in debate or vote on this item.

11.7 Paediatric Intensive Care Units

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

Councillor Paul Lake has given Notice in writing of their intention to move the following Motion at the next meeting of Council on 14 August 2018.

1. That Council contributes \$5m out of its City Deals funding to establish, along with running costs, for five Paediatric Intensive Care Units for Campbelltown Public Hospital as soon as possible.
 2. That the Council/Mayor approach the Premier and State Opposition Leader to
-

guarantee the ongoing funding of these five units for the Macarthur Area if either one wins the State Election in March.

3. That the Council/Mayor obtain written support for this initiative and ongoing funding support from all current State and Federal Members within the Macarthur Region.

An Amendment was **Moved** Councillor Hunt, **Seconded** Councillor Oates:

1. That Council write to the state Member for Campbelltown, Greg Warren, to make appropriate representations to the Premier, Gladys Berejiklian, and the leader of the Opposition, Luke Foley, with the intention to secure support for Paediatric Intensive Care Units at Campbelltown Hospital.
2. That the General Manager and Mayor lobby on behalf of the Council the Premier, Gladys Berejiklian, and the leader of the Opposition, Luke Foley, with the intention to secure support for Paediatric Intensive Care Units at Campbelltown Hospital.

CARRIED

The Amendment became the Motion.

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

Meeting note: At the conclusion of the discussion regarding Item 11.7 Councillor Greiss returned to the Chamber.

12. URGENT GENERAL BUSINESS

13. PRESENTATIONS BY COUNCILLORS

1. Councillor Ben Moroney advised that he attended the tree planting day at Ambarvale on 29 July 2018 and expressed appreciation to staff for the organisation of the event. Nearly 1000 trees were planted, with nearly twice as many participants as in previous years and demonstrated cooperative community effort.
2. Councillor Ben Moroney advised that he recently attended the Georges River Keeper Committee meeting. The Georges River Keeper is undertaking valuable work to protect the Georges River including finalising the work program and strategic plan and important citizen science projects to take readings and mapping of micro-plastics to analyse impact on marine environments. Councillor Moroney encouraged all to read the reports.
3. Councillor Margaret Chivers advised that she attended the Campbelltown Hospital Auxiliary Annual General Meeting on Tuesday 17 July with Councillor Hunt at which a guest speaker from the Reserve Bank of Australia addressed. Councillor Chivers acknowledged the wonderful work of the Campbelltown Hospital Auxiliary.
4. Councillor Margaret Chivers advised that she attended the Knitting group meeting at Greg Percival Community Centre. The Knitting group commenced in 2013 with 5 members and has now grown to 40 members. The group has recently been awarded grant funding so that they can continue their work to knit for local charities.

5. Councillor Margaret Chivers advised that she recently attended the opening of Curran Café at Curran Public School.
6. Councillor Margaret Chivers represented the Mayor at the Childrens Obesity workshop at Wests Leagues Club with Counillors Monoto and Morrison also in attendance. Professor Steven Allender, from the Global Obesity Centre, Deakin University acknowledged the leadership role Council is playing with regard to this issue across the nation. Councillor Chivers is looking forward to seeing how the project brings back these ideas to Campbelltown.
7. Councillor Margaret Chivers congratulated staff on the success of the recent inspiring mathematics workshop run by Mr Eddie Woo which included study tips and tricks and how to make learning maths fun . The event was so popular that tickets sold out fast, it would be great if another workshop could be organised.
8. Councillor Ben Gilholme advised that he attended the YMCA youth parliament program with our local representatives Hamani Tanginoa and Payten Salter on 19 July.
9. Councillor Ben Gilholme attended the Disability Inclusion Action Plan meeting on 7 August. It was great to see the progress being made and the hard work by all involved including the staff of City Lifestyles, Pat Thompson and Hayley Clapham.
10. Councillor Ben Gilholme advised that he attended Artlib on 9 August at Glenquarry Library in partnership with Campbelltown Arts Centre. Artlib brings local artists and libraries together in a series of ad-lib talks. The feature artist for this event was Little Orange, a progressive studio for emerging Western Sydney artists with disabilities. The artists of the Little Orange studio have a diverse range of art practices including drawing, painting, ceramics, sculpture and mixed media.
11. Councillor Rey Manoto represented the Mayor on 4 August at the Gift of Life Cup by Pinoy Basketball Australia. This was a family day held to support organ and tissue donation campaign by the Organ and Tissue Auhtority, through Dr Della Maneze of South Western Sydney Local Health District. It was a great sporting day with basketball and volleyball to raise awareness of organ and tissue donation.
12. Councillor Rey Manoto represented the Mayor on 12 August at the National Servicemens Memorial Day incorporating the 67th Anniversary of the First intakes of the 12th, 13th and 19th Battalions into camps in 1951 organised by the NSW National Servicemens Association and Affiliates Inc at the Ingelburn Military Precinct. We will always remember those who gave the ultimate sacrifice and those who served and survived and were able to give testimonies of the heroism of our fallen soldiers. Lest we forget.
13. Councillor Karen Hunt advised that she attended the South West Academy of Sport graduation on 10 August. The graduation event also celebrated the 21st year of the Association. It was a great evening with Claire O'Brien the guest speaker.
14. Councillor Masood Chowdhury along with Councillors Monoto and Hunt recently attended White Ribbon Men's night to raise awareness of domestic violence. The South West Multi-Cultural Community Centre hosted the event for the fourth consecutive year with about 50 people in attendance to hear from some amazing speakers, with the theme of the night being Men (and all) to stand up, speak out and act to prevent violence against women.

15. Councillor Masood Chowdhury recently attended the Rotary Police Officer of the Year Awards on 8 August at Wests Leagues Club. This year this prestigious honour was awarded to Senior Constable David Blom. The Campbelltown City Police Area Command officer was recognised for his great passion for community policing such as the *Coffee with the Cops* initiative.
16. Councillor Meg Oates recently attended the 30th anniversary of the Campbelltown Arts Centre celebration. It is clear that the Arts centre is held in high regard. Congratulations to staff, volunteers, councillors past and present who have supported the Arts Centre. Councillor Oates remarked on the Arts Centre's exciting future providing remarkable arts experiences to our community.
17. Councillor Meg Oates attended the Campbelltown-Koshigaya Sister Cities Association presentation of the Koshigaya inbound delegation. The 34th Outgoing Youth Delegation are commencing their orientation and will depart for Koshigaya in the coming months.
19. Councillor George Greiss offered his congratulations to Council's Coordinator Planning Engagement, Mr Andrew MacGee, who was recently named the winner of the 2018 Local Government NSW Planning Award for Excellence in Leadership –Outstanding Individual Contribution. The award, acknowledges the value and level of contribution and expertise provided by Andrew in developing process and system efficiencies at both Local and State Government level for the area of planning and the simplifying of customers interaction with the NSW planning system.
18. Councillor George Brticevic advised he also recently attended the tree planting day at Ambarvale on 29 July, it was an enjoyable day and an outstanding community event that resulted in nearly 1000 trees being planted.
19. Councillor George Brticevic advised the Council of the success of the Mayor's Charity Gala Dinner held on Saturday 4 August, raising more than \$41,000 to support the St Vincent de Paul Society's refuge in Campbelltown for women and children escaping domestic violence, drug and alcohol abuse and homelessness. More than 180 people turned out for the event that was themed 'The Greatest Show' and it was a magical evening in the stunning Campbelltown Arts Centre. Money raised by the gala dinner will be used to create a welcoming and safe play space for children and a comfortable study area for teenagers. Councillor Brticevic was extremely happy with the success of the event, and thanked sponsors, attendees, those who bought auction items, raffle tickets or made a donation, with a special thanks to Wests Leagues Club for their generous donation of \$10,000 on the night. Special thanks also to the events staff for the brilliant organisation of the event.

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

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.

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

The Ordinary Meeting of Council was adjourned at 10.22pm and reconvened as a meeting of the Confidential Committee at 10.23pm.

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

That a 30 minute extension of time be granted to extend the Council Meeting to 11pm.

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

14. CONFIDENTIAL REPORTS FROM OFFICERS

Meeting Note: Having declared and interest in Item 14.1 Councillor Gilholme left the Chamber and did not take part in the debate nor vote on this items.

14.1 Proposed Council Property and Tender

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

That Council approves the recommendations contained in the Conclusions Section of this report.

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

Meeting note: At the conclusion of the discussion regarding Item 14.1 Councillor Gillholme returned to the Chamber.

14.2 Deeds of Novation with Vodafone Network Pty Ltd

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

1. That Council provide approval to enter into five Deeds of Novation with Vodafone Network Pty Ltd for the five nominated sites.
2. That all documentation associated with the Deeds of Novation be executed under the Common Seal of Council.

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

14.3 Land Acquisition

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

That Council endorses the actions outlined in the summary section of the report, for the land areas described.

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

14.4 Request for Extension of Sick Leave

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

That Council approve the additional paid sick leave of 10 days to a long standing Council employee in accordance with the Sick Leave Authorised Statement.

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

14.5 MACROC

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

1. That Council agree to the dissolution of the Macarthur Regional Organisation of Councils (MACROC) subject to the unanimous agreement of its members.
2. That a memorandum of understanding (MOU) be entered into by all of the member Councils to make arrangements for dealing with the assets and liabilities of the former MACROC, including arrangements for MACROC staff.
3. That a memorandum of understanding (MOU) be entered into by all of the member Councils to create a strategic waste alliance so that funding and programs from the NSW Environmental Protection Authority (EPA) can continue.
4. That Council delegate to the General Manager the authority to make arrangements consistent with Council's resolution with respect to the withdrawal from and the dissolution of MACROC and enter into the appropriate memorandums of understanding on behalf of Council.

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

Motion to accept Item of Urgent Business

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

That the following item of Urgent General Business be accepted.

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

14.6 Update on the United for Macarthur A – League Bid

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

That Council note and endorse actions as set out in the report.

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

It was **Moved** Councillor Chowdhury, **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.

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

At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 10.40pm.

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

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

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

There being no further business the meeting closed at 10.41pm.

Confirmed by Council on <<enter date>>

..... General Manager Chairperson

3.2 Minutes of the Extraordinary Meeting of Council held 28 August 2018

Officer's Recommendation

That the Minutes of the Extraordinary Meeting of Council held 28 August 2018, copies of which have been circulated to each Councillor, be taken as read and confirmed.

Report

That the Minutes of the Extraordinary Meeting of Council held 28 August 2018 are presented to Council for confirmation.

Attachments

1. Minutes of the Extraordinary Meeting of Council held 28 August 2018 (contained within this report)

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Extraordinary Council Meeting held at the Civic Centre,
Campbelltown on Tuesday, 28 August 2018.

ITEM	TITLE	PAGE
1.	ACKNOWLEDGEMENT OF LAND	2
2.	APOLOGIES	2
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	Non Pecuniary – Significant Interests	
	Non Pecuniary – Less than Significant Interests	
	Other Disclosures	
4.	REPORTS FROM OFFICERS	3
4.1	Western Sydney City Deal	3
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Minutes of the Extraordinary Meeting of the Campbelltown City Council held on 28 August 2018

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

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

That the apology from Councillor G Greiss and Councillor K Hunt be received and accepted.

Note: Councillor T Rowell has been granted a leave of absence from Council incorporating all meetings until further notice.

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

3. 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

Nil

Other Disclosures

Nil

4. REPORTS FROM OFFICERS

4.1 Western Sydney City Deal

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

That Council:

- 1. Endorses the Interim Implementation Plan attached to this report and;
- 2. Adopts the finance and or resourcing commitments noted in the report and the Implementation Plan and;
- 3. Adopts, in principle, the Relationship Framework as attached to this report and;
- 4. Endorses the proposed Campbelltown billabong concept to be submitted as its project for funding under the Liveability Program and;
- 5. Advises the Chief Coordinator Western Sydney City Deal of Council's resolutions and;
- 6. Notes that further reports may be brought back to Council from time to time on matters arising under the City Deal and issues of regional collaboration.

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

5. URGENT GENERAL BUSINESS

There being no further business the meeting closed at 7.20pm.

Confirmed by Council on <<enter date>>

..... General Manager Chairperson

4. DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

Other Disclosures

5. MAYORAL MINUTE

6. PETITIONS

7. CORRESPONDENCE

7.1 Greg Warren MP

Officer's Recommendation

That the information be noted.

Letter from the Mayor, Councillor George Brticevic to Mr Greg Warren MP with regard to the Pacific Test.

Attachments

1. Letter to Greg Warren MP regarding Pacific Test (contained within this report)



12 July 2018

Mr Greg Warren MP
Campbelltown Electorate Office
PO Box 895
CAMPBELLTOWN NSW 2560

Dear Mr Warren

I would like to take this opportunity on behalf of Campbelltown City Council and the community to thank you for your assistance bringing the second Pacific Test Invitational to Campbelltown in 2018, 2020 and 2022.

It was a pleasure to have rugby league greats from Fiji, Samoa, Tonga and Papua New Guinea as guests in our city and what a wonderful opportunity for our community, particularly youngsters who may aspire to become professional sportsmen and women, to witness some of the world's greatest players in action.

The Pacific Test Invitational has provided a further opportunity for all members of our community to enjoy and learn more about Pacific culture and to come together through sports, food, entertainment and charity events.

Your passion for our City and involvement has assisted our community with this opportunity which will once again be shared when Campbelltown will host the Pacific Tests in 2020 and 2022.

Please accept my personal thanks and those of the Council.

Yours sincerely

A handwritten signature in black ink, appearing to read "G Brticevic", written in a cursive style.

Cr George Brticevic
Mayor

Office of the Mayor

Civic Centre Queen Street Campbelltown PO Box 57 Campbelltown NSW 2560 DX5114
Telephone 02 4645 4659 Facsimile 02 4625 0506 TTY 02 4645 4615
Email council@campbelltown.nsw.gov.au Web www.campbelltown.nsw.gov.au
ABN 31 459 914 087

7.2 Macquarie Fields Housing Renewal

Officer's Recommendation

That the letter be received and the information be noted.

Letter of response from the Hon. Pru Goward MP in response to Council's resolution of 26 September 2017.

1. *That Council notes the current progress made in the Macquarie Fields public housing renewal project, as the area continues to grow in Campbelltown Local Government Area.*
2. *That Council writes to the relevant Minister requesting an update on the renewal project, including an expected completion time.*
3. *That a copy of the letter be sent to the local member.*

Attachments

1. Letter from the Hon Pru Goward MP regarding Macquarie Fields Housing renewal (contained within this report)
2. Letter to Anoulack Chanthivong MP and letter to Minister for Social Housing the Hon Pru Goward MP re Macquarie Fields Housing renewal. (contained within this report)



The Hon Pru Goward MP 09AUG'18 08:21 RCVD
Minister for Family and Community Services
Minister for Social Housing
Minister for the Prevention of Domestic Violence and Sexual Assault

EAP18/6167

Ms Lindy Deitz
General Manager
Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Dear Ms ~~Deitz~~ *Lindy*

Thank you for your correspondence of 19 June 2018 regarding the Macquarie Fields public housing renewal project.

I appreciate your feedback on our renewal projects at Minto, Claymore and Airds. These are projects that are truly transformational and I welcome the ongoing support of Campbelltown City Council.

The *Future Directions for Social Housing in NSW* strategy has the biggest social housing building program of any state or territory across the country through the Communities Plus \$22 billion building program, which is delivering up to 23,000 new and replacement social housing dwellings, 500 affordable housing dwellings and up to 40,000 private dwellings over 10 years.

I am advised that the Department of Family and Community Services (FACS) will consider renewal opportunities in Macquarie Fields however, there needs to be considerable planning before any commitment is made to proceed with major renewal.

I can assure you that FACS will continue to liaise with Council regarding planning considerations for Macquarie Fields together with our other estates continuing the many years of strong collaboration and engagement. If you would like more information, please contact Greg South, Executive Director, Business Development and Communication on 8753 8750 or email greg.south@facs.nsw.gov.au.

Yours sincerely

Pru Goward MP

03 AUG 2018

I would be grateful if you liaised with FACS so that we can develop our thinking about this site.

52 Martin Place, Sydney NSW 2000
GPO Box 5341, Sydney NSW 2001
Phone: (61 2) 8574 5907 Web: www.nsw.gov.au/MinisterGoward



27 June 2018

Mr A Chanthivong MP
Member for Macquarie Fields
PO Box 882
INGLEBURN NSW 1890

Dear Mr Chanthivong,

Macquarie Fields Public Housing Renewal Project

Council at its meeting of 26 September 2018 resolved the following:

1. That Council notes the current progress made in the Macquarie Fields public housing renewal project, as the area continues to grow in Campbelltown Local Government Area.
2. That Council write to the relevant Minister requesting an update on the renewal project, including an expected completion time.
3. That a copy of the letter be sent to the local member.

As per recommendation item No. 3 please find attached the letter forwarded to the Minister for Social Housing, The Hon Pru Goward, on 19 June 2018.

If you require any further information please contact Mr Jim Baldwin, Director City Development on 4645 4575.

Yours sincerely

A handwritten signature in black ink, appearing to read "LDeitz".

Lindy Deitz
General Manager



19 June 2018

The Hon Pru Goward
Minister for Social Housing
GPO
Box 5341
SYDNEY NSW 2001

Dear Minister

Macquarie Fields Public Housing Renewal Project

I am writing to you in response to a resolution of the Campbelltown City Council, which requests an update on the Macquarie Fields housing renewal project, and also request that you provide the Council with an expected completion timeframe for the renewal of Macquarie Fields.

It is fact that the much needed renewal of Housing Estates within Campbelltown Local Government Area has successfully transformed areas that were once undesirable places to visit, into places that offer housing choice, diversity and a sense of community and are now desirable places to live, raise families and recreate.

The One Minto renewal project is an outstanding example of the success of the renewal of social housing estates, and this project, undertaken as a joint venture partnership between Campbelltown City Council / Department of Housing / Landcom, has transformed Minto into a successful, vibrant and desirable suburb.

The mix of 70% private dwellings and 30% state owned dwellings across the renewed housing estates has brought significant positive change to the various areas, and the outstanding success of the Minto renewal, is being replicated with the State Government's continued commitment to the renewal of other social housing estates such as Airds and Claymore.

These renewal projects will cause significant change in the operation of these areas, and can only result in the successful development of strong communities that have equal access to upgraded facilities and refurbished parks, that other residents across the Campbelltown LGA enjoy.

Council is pleased with the outcome of the partnership renewal work undertaken at Minto, and is equally committed to the Governments transformation of the suburbs of Airds and Claymore, again delivering much needed affordable and quality housing and recreation options for the existing and future community.

Civic Centre: 91 Queen Street, Campbelltown Mail: PO Box 57, Campbelltown NSW 2560 DX5114
Telephone: 02 4645 4000 Facsimile: 02 4645 4111
Email: council@campbelltown.nsw.gov.au Website: www.campbelltown.nsw.gov.au
ABN 31 459 914 087

You would also be aware that over the past number of years, some work has been undertaken by the Department of Housing in Macquarie Fields and other housing estates in the Campbelltown LGA. However, the extent of work and the commitment to full scale renewal appears to be significantly less than that committed to in Airds and Claymore. This is of concern to the Council.

Having regard to the above, and as prefaced at the beginning of the letter, the council is concerned that some of the remaining housing estates may not receive a similar level of attention to that of Airds, Minto and Claymore, and as such, it resolved the following:

1. That Council notes the current progress made in the Macquarie Fields public housing renewal project, as the area continues to grow in Campbelltown Local Government Area.
2. That Council write to the relevant Minister requesting an update on the renewal project, including an expected completion time.
3. That a copy of the letter be sent to the local member.

It would therefore be greatly appreciated if you could provide Council with a response to resolution item No.2 shown above, as it relates to the Macquarie Fields housing estate.

If you need any further in regard to this matter, please contact Jim Baldwin, Director City Development, (02) 4645 4575.

Yours sincerely



Lindy Deitz
General Manager

8. REPORTS FROM OFFICERS

8.1 Design Review Panel

Reporting Officer

Director City Development
City Development

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.9 - Create places where people feel good, are likely to stay, to return to and tell others about their experience

Officer's Recommendation

1. That Council endorses the establishment of a Campbelltown Design Excellence Panel and review its operation 12 months after the formal commencement of the Panel.
2. That subject to recommendation No.1, Council resolve to establish either:
 - Option 1: A Design Excellence Review Panel or;
 - Option 2: A Design Excellence Referral Panel.
3. That a further report be presented to Council on the outcome of the expression of interest to recruit members of the Panel.
4. That Council exhibit for a period of 28 days the newly proposed fees for referring a development application to the Panel.

Purpose

The purpose of this report is to respond to the Council's desire to investigate the feasibility of establishing a Design Excellence Review Panel for Campbelltown.

History

On 8 November 2016, Council, resolved as follows:

11.5 Design Excellence Panel

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.

2. That the report considers establishing a DEP 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:
 - a. The Design Excellence Panel be comprised of five members consisting of, four professionals and one community representative, with membership open to:
 - 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
 - a community representative with a demonstrated understanding and experience in architecture, urban design, landscape architecture or a related field.
 - to ensure the panel's independence, a panel member cannot be a Councillor or council employee.
 - 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.
 - c. That the panel members' tenure should be limited to two years with an optional extension for another two years.
 - d. That a selection committee be established to undertake the selection of panelists. 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.
 - 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

Report

This report primarily presents to Council the following:

- An analysis of the two main design review models used by local councils within the Sydney metropolitan area; and
- a recommendation to establish a Design Excellence Panel (DEP) that would consider and provide design and architectural advice on specified development types in the Campbelltown LGA

Design Review Panels

There are two main mechanisms that are commonly used by local councils within the NSW Metropolitan Areas for establishing and operating a design review panel as follows:

1. Design Review Panels established under State Environmental Planning Policy 65 - Design Quality of Residential Flat Buildings (SEPP 65) – which is a formal panel that sits to consider collectively the proposed design of a building; and similarly
2. Design Referral Panels (DRP) are non-sitting panels where a building proposal is referred to one member of the referral panel on a rotational basis seeking their individual consideration and comment.

1. Design Review Panels / Design Excellence Panels under SEPP 65

For the purpose of this report, the term Design Excellence Panel (DEP) means the same as Design Review Panel (DRP).

Since 2002, SEPP 65 and the then Residential Flat Design Code have encouraged the use of Design Review Panels primarily to assist in delivering design excellence for residential flat buildings.

SEPP 65 applies to residential apartment buildings, shop top housing and the residential component of mixed use developments providing that the proposed development is three or more storeys, has four or more dwellings and consists of:

- a) erection of a new building; or
- b) substantial redevelopment or refurbishment of an existing building; or
- c) conversion of an existing building to a residential flat building.

SEPP 65 was revised and amended on 19 June 2015 and commenced on 17 July 2015. The previously known Residential Flat Design Code was also revised and is now called Apartment Design Guide (ADG).

Notably, some councils use the same terminology used under SEPP 65 and refer to their panel as the Design Review Panel, where other councils use the term Design Excellence Panel.

Part 2 of SEPP 65 includes provisions that enable the Minister for Planning (the Minister) to constitute a DRP for one or more local councils. In doing so, the Minister also appoints the members and a Chairperson. Under SEPP 65, the minister may also delegate to Council the establishment of a DRP. The Minister has not constituted any Panel for Campbelltown.

Part 5 of the ADG explains the role of a DRP in the development assessment process and outlines administrative procedures for the operation of these panels.

Under the ADG/SEPP 65, a DRP must consist of at least three (3) persons with expertise in architecture, landscape architecture or urban design. Councillors, council officers or council employees cannot be appointed as panel members.

The ADG also sets the steps involved in the establishment of a DRP and the selection of members as follows:

- Council resolves to establish a DRP for the local government area/s
- Council seeks expressions of interest for panel members from suitably qualified professionals
- Council assesses the expressions of interest against the core selection criteria (those are included under the ADG) and any other additional criteria established to address local issues

- Council appoints members for a term of at least 2 years
- Council determines and confirms all terms of the appointment, including remuneration details for each member.

A number of councils in the NSW Metropolitan Areas established DRPs to improve the design quality of high-rise buildings within their local government areas. Liverpool, Bayside Council (merged Botany Bay and Rockdale), Hurstville, North Sydney and Parramatta Councils operate DRPs. These panels operate in slightly different ways, however they all share common core aspects in relation to their purpose, functions, procedures and responsibilities.

Unlike the Local Planning Panels who have powers to determine development applications, the DRP is an advisory body that comments on the design and architecture of a proposal which is then used to inform the assessment of the proposal undertaken by Council staff. Its main focus is the quality of the urban and architectural design of the proposed development.

Assessment of three SEPP 65 Design Review Panels in NSW Metropolitan Areas

A detailed assessment of the DRPs that operate in North Sydney, Liverpool and Wollongong City Councils has been undertaken and is included under attachment 1 of this report. The reasons for choosing these councils are:

- Wollongong City Council Design Review Panel represents a typical panel that was established under SEPP 65
- North Sydney Council Design Excellence Panel is one of the longest established panels in the Sydney area and is known for being a successful panel
- Liverpool City Council Panel presents an example of a panel operating within a neighbouring Council

The above panels are all similar and generally have the following main features:

- Five to six experts in architecture and/or urban design are engaged by the council and panel membership is rotated
- A chair person is assigned to chair the meetings
- The meetings are held monthly and are formal in nature
- Three members are needed to form a quorum
- The cost of the operation of the DEP is usually recovered from applicants.
- Panel members sign an agreement that is similar to Council's code of conduct.
- A set of criteria is established to determine the type of development applications that are referred to the Panel.

2. Design Excellence Referral Panels

A number of Councils established Design Excellence Referral Panels (DERP) which operate differently to the DRP.

A Design Excellence Referral Panel ("referral" being the operative word) is usually made up of a pool of five consultant architects and/or urban designers to which the Council can refer a development application for advice and comment, to one of the consultants on the referral panel. This does not operate like a formal sitting panel and referrals to the members of the referral panel, would generally be on a rotational basis.

Hornsby Shire Council operates a DERP, which comprises 5 consultants. Any development application that comprises 10 storeys or more is referred to one consultant from the DERP. To recover the cost of the architect, an additional fee of \$760 is imposed on development applications that are referred to a panel member for advice.

The Council officer would then include the advice obtained from the consultant in the report to the local panel/regional panel.

The Hills Shire Council also operates a similar model to promote design excellence within its LGA.

A Comparison between a DEP/DRP and a DERP

The table below provides a comparison between the Design Excellence Panel and the Design Excellence Referral Panel in terms of cost, administration, quality of advice, timeframe and transparency.

	Design Excellence Panel (sitting panel)	Design Excellence Referral Panel (non-sitting panel)
Cost	Relatively higher in cost, however Council may recoup some of the cost through application fees. With the relatively low number of qualifying applications at Campbelltown, the fees would not cover the full cost or where more than one meeting is required for a particular application.	Relatively lower cost to operate as only one consultant is engaged at a time to provide advice and fees could be set for cost recovery.
Administration	Significantly higher levels of administration work will be involved including setting up the meetings, reports, preparing minutes and website updates.	Minor administration work is involved, as there are no formal meetings.
Quality of advice sought	Advice provided by more than one expert, and is likely to be more comprehensive in nature. An added advantage may be that the advice of a sitting panel may hold more weight with any Land & Environment Court appeal.	Advice provided by one expert, and as such it may not be as comprehensive and inclusive as advice provided by a panel of experts. The referral panel member would be relied upon if required for deliberations with the proponent and/or as an expert witness in court proceedings.
Timeframe	Development applications would need to be submitted to a formal meeting which would usually occur monthly.	Development applications can be referred instantly to the expert without having to wait for a formal meeting to occur.
Transparency	Highly transparent process, given that the applicant and public can attend the panel discussions and the advice is provided by more than one expert.	Less transparent, as the expert provides advice directly to the staff. All advice would still be publically available under the Governance Information (Public Access) Act 2009.

Options for a Campbelltown Design Excellence Panel – Council’s resolution 18 November 2016

The options for operating a Campbelltown Design Excellence Panel (sitting) are outlined below. Key matters for consideration are:

- a) Panel Type
- b) Membership of the Panel
- c) Panel’s Policy and Procedures
- d) Type of developments to be referred to the DEP
- e) Assessment Criteria
- f) Funding of the Panel

a) Panel Type

As discussed in this report there are primarily two options for the type of design panel that may be established for Council as follows:

Option 1 – SEPP 65 Design Review/Excellence Panel (DEP – sitting panel)

This DRP/DEP model would have at least five external experts where three panel members would meet at a time. Meetings would be formal and minutes would be taken. The Panel recommendations would form part of the Council’s officer report to the local or regional planning panel. A chairperson would also be appointed to ensure the smooth running of the meeting.

This option provides for a robust assessment of the design aspects of development, however, the experience with this option is that the experts can sometimes disagree on subjective design issues regarding the development and their differences need to be resolved in order to achieve a recommendation from the Panel. One major benefit of this Panel is that if two experts reach agreement, the Panel’s recommendation is very strong and may carry more weight in the assessment process.

This option is costlier to operate than the “referral panel” type and will add additional time to the assessment process.

Option 2 - Design Excellence Referral Panel (DERP – non-sitting panel)

The Design Excellence Referral Panel (DERP) would comprise a number of external experts who are engaged on an as-needed and rotational basis. Council would appoint one external expert for each application and send the application to the individual expert for their review. Comments would be received along with an invoice for the services. Part of the cost will be recovered from the applicant. In this regard, Council would need to amend its Fees and Charges to include specific fees to recover the cost of engaging an expert to provide advice on the design aspect of proposed developments.

Option 2 allows for one external expert to provide advice regarding the application. It is expected that stronger and more flexible project relationships could be developed between the single expert and Council staff which would allow for faster response timeframes on questions and decisions relating to design changes/amendments. It is expected that in comparison to the DEP - sitting panel model, turnaround times for applications referred to an individual of a DERP would generally be faster as meetings are not locked to monthly cycle.

The operation of a DERP is not as transparent as the operation of a DEP, however, as with all assessment reports and consents issued by the Council, all information and commentary provided by the DERP member, will be available to the public.

Comments

Council' resolution of 18 November 2016 stated in part:

The panel be comprised of three external experts, nominated by the General Manager. The General Manager also nominate a chairperson, who is one of the three members. A Council officer would be appointed for the operational aspects of the panel, such as convening meetings, taking minutes, circulating draft minutes for review and finalising reports and minutes.

The above resolution anticipated that Council establish a panel that is similar to panels established under SEPP 65, which is basically Option 1.

It is important to examine the number of relevant development applications received in the last 10 years to understand which model would be could be more appropriate for Council. As discussed above, there is merit in both options.

Table 1 - Number of Residential Apartment Buildings Received in the last 10 years

Year Lodged	Number of Development Applications received	Withdrawn	New development	Modification
2008	3	-	3	-
2009	3	-	3	-
2010	8	2	8	-
2011	5	-	5	-
2012	6	-	6	-
2013	9	2	6	3
2014	10	-	6	4
2015	14	6	6	8
2016	11	-	4	5
2017	9	-	-	4
2018	2	-	-	2
Total	80	10	52	26

This year, Council has only received 2 applications for modification of existing development applications for apartment buildings and no development applications for the construction of new apartment buildings have been received. The primary aim of establishing a design excellence panel under SEPP 65 for Campbelltown is to ensure that the architectural design of residential apartment buildings within the city centres is of a very high standard and quality.

Whichever model is chosen (DEP or DERP), a review after 12 months is recommended to measure the effectiveness of the panel's operation.

b) Membership of the Panel

Council on 18 November 2016 resolved in part that:

- a. The Design Excellence Panel be comprised of five members consisting of, four professionals and one community representative, with membership open to:
- 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
 - a community representative with a demonstrated understanding and experience in architecture, urban design, landscape architecture or a related field.

Comments

It is recommended that Council establish a panel, however, given that the main aim of the panel is to obtain expert advice on the design of the proposed development, there may be limited benefit in engaging a community member. Community members are still able to be involved in the assessment process through the notification and public exhibition of development applications, and a community member sits on the Local Planning Panel to which all apartment buildings with more than 3 storeys, are required to be determined by.

As per Council's above resolution, external panel members will have extensive experience in the fields of architecture and/or urban design, landscape architecture or other related fields and possess the relevant skills and experience to provide independent expert input regarding design excellence. Eligibility for listing on the Panel will be based on qualifications and experience in the relevant fields. It is recommended that Council seek highly qualified and experienced individuals that can bring the ability to raise design standards and ensure future developments are of high quality.

c) Panel's Policy and Procedures

In this regard Council as part of its resolution on 11 November 2016 resolved:

To ensure the panel's independence, a panel member cannot be a Councillor or council employee. The panel be comprised of three external experts, nominated by the General Manager. The General Manager also nominate a chairperson, who is one of the three members. A Council officer would be appointed for the operational aspects of the panel, such as convening meetings, taking minutes, circulating draft minutes for review and finalising reports and minutes.

- a. 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.
- b. That the panel members' tenure should be limited to two years with an optional extension for another two years.
- c. 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.
- d. 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

Comments

The two year duration for panel members is a common practice. However, in regard to the selection of panellists, it is not considered necessary to establish a committee to select the panel members. Instead, it is recommended that a further report on the outcome of the engagement process be submitted to Council for its consideration and approval of the nominated consultants/experts.

In response to Council's resolution, in terms of establishing an appropriate policy for the operation of the Panel, an internal procedure would be prepared based on the form of Panel chosen by Council. The procedure would address the purpose and functions of the panel, conduct and disclosures, conflict of interest, responsibilities of the panel and remuneration of the panel members. Given that the procedure is for internal purposes, there would be no need to publicly exhibit it. The operating procedures will need to be individualised based on the Panel model selected by the Council.

It is also recommended that panel members be required to sign Councils Code of Conduct upon appointment to the Panel and conduct themselves in accordance with its requirements when acting as a Panel Member. Members who have a pecuniary or non- pecuniary interest in any matter with which the Panel is concerned must disclose the nature of the interest as soon as practicable. A Member who has a pecuniary interest or a significant non pecuniary interest in a matter with which the Panel is concerned must not be present at any meeting of the Panel at which the matter is being discussed or considered. This is to ensure that the Panel operates with a high degree of probity and independence.

d) Type of developments to be referred to the Panel

It is recommended that the following types of development be referred to the Panel:

- All residential flat buildings above three storeys (this aligns with the criteria for the referral of development applications to the Campbelltown Local Planning Panel)
- Medium density developments of 30 units or more
- New commercial buildings over three storeys
- New buildings or major extensions to existing development within commercial zones (being B1, B2, B3, B4 and B5 zones)
- New buildings for places of public worship
- Any planning proposal that involves the preparation of a masterplan
- Boarding Houses
- Any other development that in the opinion of the General Manager/Director City Development should be referred to the Panel.

It is anticipated that the input from design experts on the above development types would assist in ensuring the architectural and urban design outcome of future development within Campbelltown continues to improve and always be of high quality and progressive in urban design.

Notably, where proposals are for development of land within the areas of Leumeah, Campbelltown and Macarthur town centres and the linkages in between, members of the

panel will be required to consider and provide commentary on how the proposal supports the Re-imagining Campbelltown CBD when providing their recommendations to Council staff.

e) Assessment Criteria

Under Clause 7.13 of Campbelltown Local Environmental plan 2015 (the CLEP) development consent must not be granted to development in the Zone R3 Medium Density Residential, Zone R4 High, Zone B2 Local Centre, Zone B3 Commercial Core, Zone B4 Mixed Use, unless the consent authority considers that the development exhibits design excellence.

Clause 7.13 of the CLEP outlines the matters that would be required to be considered in the review of an application in terms of design excellence as follows:

- whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved
- whether the form and external appearance of the development will improve the quality and amenity of the public domain
- whether the development detrimentally impacts on view corridors
- how the development addresses the following matters:
 - the suitability of the land for development
 - existing and proposed uses
 - heritage issues and streetscape constraints
 - bulk, massing and modulation of buildings
 - street frontage heights
 - environmental impacts such as sustainable design, overshadowing, wind and reflectivity
 - the achievement of the principles of ecologically sustainable development, pedestrian, cycle, vehicular and service access, circulation and requirements
 - the impact on, and any proposed improvements to, the public domain
 - the interface with the public domain
 - the quality and integration of landscape design

It is recommended that the above criteria be used to inform the matters that need to be considered by the expert in providing advice to Council staff.

f) Funding of the Panel

The operation of the panel will come at a cost, and as such, it is recommended that the costs of the panel be offset through additional development application fees. However, given the operation difference of each of the panel types, where the fees associated with the operation of a DERP will, to a greater extent, offset the DERP operational costs, the operation of a DEP will not be significantly covered by the charging of additional development applications fees. In any case, the applicable fees would be borne by the applicant via a set fee charged by Council at the time the application was lodged.

In this regard, it is recommended that in accordance with section 610F of the *Local Government Act 1993*, a set of proposed new fees be public exhibited for a period of 28 days. Council shall consider any submissions made during this period prior to approving any changes to the 2018-2019 fees and charges.

Where the Council resolves to commence the operation of a DERP (non-sitting panel), to offset the operational cost, the proposed fees and charges for development applications to be referred to the DERP are proposed as follows:

- Small scale development (Gross Floor Area equal or less than 500sqm): \$1000
- Large scale development (Gross Floor Area larger than 500sqm): \$1500

Where the Council resolves to commence the operation of a DEP, to assist with the offsetting of the operational cost, the proposed fees and charges for development applications to be referred to the DEP (sitting panel) are proposed as follows:

- Small scale development (Gross Floor Area equal or less than 500sqm): \$2,000
- Large scale development (Gross Floor Area larger than 500sqm): \$3,000

In the case of a DERP, it is important to note that there may be circumstances where a development application will need to be referred to more than one member of the DERP for advice. For example, a development application of a large scale mixed use development within the City Centre may need to be referred to both an architect and an urban designer specialist to ensure that all aspects of the design are appropriately considered and reviewed.

As a comparison to the above proposed fees, the fees charged by Liverpool City Council for the referral of development applications to their Design Excellence Panel, is currently set at \$1500 for all types of development application for half a day sitting, and \$1700 for a full day.

In the last 10 years, Campbelltown Council received 80 development applications for residential apartment buildings, of which 26 applications were to modify existing development applications. On average, Council receives about 8 development applications per year in relation to modification or construction of apartment buildings within its centres. Liverpool is likely to consider a larger number of qualifying development applications per year compared to Campbelltown, and for this reason the fees collected by Liverpool Council may cover the cost of operating a structured panel that meets on monthly basis. The number of applications received by Campbelltown at this point in time is not considered sufficient to cover the costs of a DEP.

In any case, the adopted fees and charges be reviewed annually, to ensure that the cost of referring the applications to the Panel is recovered as far as possible and that fees and charges are maintained at a reasonable level.

Next Step

Should Council endorse the establishment of either a Design Excellence Referral Panel or a Design Excellence Panel for Campbelltown, the next step would be to advertise the five expert positions on the Panel (in line with the Panel type approved by the Council), including the relevant proposed fees and charges.

A report will then be submitted to Council seeking endorsement of the nominated experts.

Conclusion

There are primarily two models for running a design excellence panel within local councils being Design Review Panels and Design Excellence Referral Panels.

It is recommended that Council consider the advantages and comparative disadvantages of each of the panel type and approve the establishment the panel that it sees most suited to delivering the overall best outcome for the community.

Option 1 being the establishment of a Design Review Panel (sitting panel)

Option 2 being the establishment of a Design Excellence Referral Panel (non-sitting panel)

Attachments

1. Detailed analysis of three Design Excellence Panels (contained within this report)

Detailed analysis of three Design Excellence Panels

Wollongong City Council Design Review Panel

Wollongong City Council has utilised a design review panel of various forms since 2004. In 2016, Wollongong Council established a design review panel under SEPP 65. SEPP 65 applies to residential apartment buildings, shop top housing and the residential component of mixed use developments providing that the proposed development is three or more storeys, has four or more dwellings and consists of:

- erection of a new building; or
- substantial redevelopment or refurbishment of an existing building; or
- conversion of an existing building to a residential flat building.

In addition, Wollongong Local Environmental Plan 2009, include a provision (under Section 7.18 Design excellence in Wollongong city centre and at key sites) that requires certain development within the Wollongong City Centre, and on key sites to be reviewed by a Design Review panel.

Members of the panel must sign a Memorandum of Understanding which includes references to pecuniary interest and confidentiality of information.

The Wollongong Council Design Review Panel consists of three (3) external experts, one of which is the Chairperson. The cost of the Design Review Panel meeting is charged to the applicant. The fee is \$3000, which, under SEPP 65, is the maximum amount a council may charge for applications reviewed by a design review panel. Panel Members are appointed for a period of two (2) years.

Members of the panel are paid a set amount of \$1,430 for each meeting, while the chair is paid the amount of \$1,760. Wollongong Council allocates \$50,000 operating budget for their panel. However, this is usually off-set by income/fees depending on the development activity.

Table 1: Summary - Wollongong City Council Design Review Panel

Type of matters considered by the DEP	Number of members	Membership Duration	Fees for members	Applicant fees
Development under SEPP 65, and applications captured under clause 7.18 of WLEP2009 Design excellence in Wollongong City Centre and at key sites (generally development greater than 35 metres in height)	three members, no community representatives Monthly meetings (11 meeting per year)	Duration: two years	\$1,760 for the chair; and \$1,430 for each of the two other members	Pre-lodgement meeting \$3000 Development Application Fee \$3000

North Sydney Council

North Sydney Council Design Excellence Panel is one of the longest established design review panels in NSW and has been operating since 2006.

The Panel considers a range of development matters including:

- the design quality of major proposals in the North Sydney Council local government area; and
- draft statutory and non-statutory planning documents where they impact upon quality design outcomes.

North Sydney Council Design Review Panel has a much larger scope compared to design review panels establish under SEPP 65, such as Wollongong Design Review Panel.

To ensure transparency and efficiency in the operation of the Design Excellence Panel, North Sydney Council adopted a Design Panel Policy and A design Excellence Panel Charter. The Design Panel Policy sets out matters to be considered by the panel, members' eligibility, criteria for membership and meeting protocols. The Design Excellence Panel Charter, include provisions for the functions and the terms and conditions of the panel.

The North Sydney Design Excellence Panel comprises six external members, where only three members are required at each meeting for a quorum. A designated Chairperson is appointed from the Panel Members for each meeting. North Sydney also appoint a designated admin staff member as the Panel Coordinator for each meeting, who is responsible for setting the meeting date, preparation and circulation of the agenda, preparation and circulation of the draft minutes and distribution of the final minutes. North Sydney Council do not charge a fee to applicants for a Design Excellence Panel meeting.

Councillors and Council's employees are not eligible for membership. North Sydney Council Design Excellence Panel appoints a community member, which is not required under the panels established under the SEPP 65 model.

Table 2: Summary - North Sydney Council Design Excellence Panel

Type of matters considered by the DEP	Number of members	Membership Duration	Fees for members	Applicant fees
<ul style="list-style-type: none"> major development proposals, prior or post application lodgement; proposed changes to council's planning controls; planning studies and other design related projects; and actions that could be taken to improve the above proposals. 	<p>six members five professionals, one community member</p> <p>four members at each meeting three members to form a quorum</p> <p>Monthly meeting</p>	Duration: two years	Chair \$1400 member \$1100 for each meeting	Pre-lodgement meeting charge, no additional charges for referral to the panel

Liverpool City Council

Liverpool City Council has operated a Design Review Panel since 2008 that provides advice on a range of development within Liverpool LGA including:

- All residential flat buildings;
- Medium density developments of thirty (30) units or more;
- New commercial buildings within the Liverpool City Centre over three storeys;
- New buildings or major extensions to existing development within commercial zones (B1, B2, B3, B4 and B5);
- New buildings for places of public worship; and
- Any development for a new building or major extension to existing development (except for low density residential development) adjacent to the Georges River or environmentally sensitive land or vegetation.

Similar to North Sydney Council approach, Liverpool City Council adopted in March 2015 a Design Excellence Charter and Procedure. The Design Excellence Charter and Procedure sets out matters to be considered by the panel, members' eligibility, criteria for membership and meeting protocols. The Design Excellence Charter and Procedure was revised in June 2016, where the scope of the panel was extended to provide advice on strategic planning matters.

The Liverpool City Council Design Excellence Panel comprises 4 members; 3 experts appointed by the Council and a chair person who is a member from the Government Architects Office. If the Chairperson is unavailable to attend a meeting, the Liverpool Council Director Planning and Growth nominates one of the remaining members to act as Chair. Three (3) members are required to reach a quorum. Liverpool City Council also appoints a Panel Convenor who is the Council's City Architect. The Convenor oversees the operation of the Panel, including taking minutes at meetings and circulating the draft minutes for review by the Panel members.

A member of Liverpool Design Excellence Panel cannot be employed by Liverpool Council, including Council officers and elected Councillors, in accordance with the requirements of SEPP No.65.

The cost of the Design Review Panel meeting is charged to the applicant. The same amount of \$1500 is charged for a pre-DA meeting and a DA referral to the panel.

Table 3: Summary - Liverpool City Council Design Excellence Panel Procedure

Type of matters considered by the DEP	Number of members	Membership Duration	Fees for members	Applicant fees
A wide Range of development applications	four members three members to form a quorum Duration: two years No community representative	two years	\$1200.00* per half day or \$1700.00* per full day.	Pre DA Application Meeting for Design Excellence Panel \$1500 Referral application fee for all development \$1500

8.2 Annual Report on the City Development Division's Legal Proceedings 2017-2018

Reporting Officer

Director City Development
City Development

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.2 - Ensure that service provision supports the community to achieve and meets their needs

Officer's Recommendation

That the information be noted

Purpose

To update Council on the status of the City Development Division's legal proceedings for the period 1 July 2017 to 30 June 2018.

Report

Marked as attachment 1 to this report are the tables indicating particulars relating to all legal proceedings undertaken, together with costs incurred for the period 1 July 2017 to 30 June 2018.

Table 1	Class 1 proceedings in the Land and Environment Court NSW (L&EC) dealing with appeals against Council's determination of development applications.
Table 2	Class 1 and 2 proceedings in the L&EC dealing with appeals against the terms of Notices, Orders, or Directions issued by Council.
Table 3	Class 4 proceedings in the L&EC dealing with judicial appeal of privately certified complying development certificates and proposal to rezone land.
Table 4	Class 4 proceedings in the L&EC dealing with civil enforcement for non-compliance with conditions of Development Consent or Notices, Orders, or Directions issued by Council.
Table 5	Class 5 proceedings in the L&EC dealing with criminal prosecution of alleged pollution offences and various breaches of environmental planning laws.
Table 6	Class 6 proceedings in the L&EC dealing with appeals for convictions in the Local Court relating to environmental matters.

Table 7	Proceedings in the Supreme Court NSW dealing with civil disputes of a commercial nature and appeals matters.
Table 8	Proceedings in the District Court NSW dealing with appeals from convictions in the Local Court not being environmental offences.
Table 9	Proceedings in the NSW Civil and Administrative Tribunal dealing with civil disputes of a commercial nature between Council and its customers.
Table 10	Proceedings in the Local Court dealing with prosecution matters in response to various offences under the legislation specified in column 2 of the table.
Table 11	Cost of advice obtained from Council's contracted panel of Solicitors that relates to various matters that may also include proposed Court proceedings.
Table 12	Summary of 2017-2018 net costs.
Table 13	Comparison with previous four financial years costs.

Attachments

1. Summary of the City Development Division's legal proceedings for the period 1 July 2017 to 30 June 2018 (contained within this report)

City Development Division

Legal Proceedings for the period 1 July 2017 to 30 June 2018

Note: The Cost Incurred Totals itemised in tables one to ten included in the attachment do not necessarily correlate with the 2017/2018 cost (debit) totals identified in Table 12, as the costs incurred total of individual matters shown in tables one to ten inclusive, refer to total costs from commencement of each matter, which may have commenced before 1 July 2017.

Land and Environment Court Matters

TABLE 1 - Class 1 Appeals against Council's determination of Development Applications (DA)			
Case No.	Matter	Status	Costs Incurred
299387/2016	DA 1088/2015/DA/BH, appeal against Council's refusal of the development application seeking consent for demolition of existing structure and construction of a 19 room boarding house. Lot 913 DP 28119, 33 Colonial Street, Campbelltown.	Amendments made at the direction of the Court. Appeal upheld, Court granting conditional consent to the development application. Proceedings completed.	Final Costs \$64,241.09
064537/2017	DA 530/2016/DA/RS, appeal against Council's refusal of the development application seeking consent for subdivision of the property into two allotments, construction of 47 dwellings; and road and strata subdivision into 47 allotments. Lot 16 DP 17859, 23 Glenfield Road, Glenfield.	Amendments made at the direction of the Court. Appeal upheld, Court granting conditional consent to the development application. Proceedings completed.	Final Costs \$27,340.66
148053/2017	DA 2750/2015/DA/BH, appeal against Council's refusal of the development application seeking consent for alterations to an existing building for use as a 9 occupancy boarding house establishment. Lot A DP 401947, 21 Allman Street, Campbelltown.	Agreement reached between the parties at conciliation. Court made orders as agreed granting conditional consent. Proceedings completed.	Final Costs \$12,313.32
169152/2017	DA 2837/2016/DA/DEM, appeal against Council's refusal of the development application seeking consent for demolition of an existing church building. Lot 12 DP 712599, 2 Kent Street Minto.	Applicant discontinued their appeal, as heritage order made over the building on the premises. Proceedings completed.	Final Costs \$23,514.50
252101/2017	DA 3/2017/DA-C, appeal against condition of development consent relating to section 94 contributions. Lot 1 DP 628344, 1 Cordeaux Street, Campbelltown.	Agreement reached between the parties at conciliation. Court made orders as agreed granting variation to the condition. Proceedings completed.	Final Costs \$20,099.40
316349/2017	DA 2400/2015/DA-S, appeal against Council's refusal of the development application seeking consent for subdivision of land to create four additional lots. Lot 34 DP 262269, Mississippi Crescent, Kearns.	Agreement reached between the parties at conciliation. Court made orders as agreed granting conditional consent for the subdivision. Proceedings completed.	Final Costs \$73,247.10

387646/2017	DA 1685/2017/DA-M, appeal against Council's deemed refusal of the development application seeking consent for construction of a two-storey dwelling, garage and studio apartment. Lot 320 DP 1210770, 8 Winter Street, Denham Court.	Applicant discontinued their appeal – heritage order made over the building on the premises. Proceedings completed.	Final Costs \$23,514.50
387654/2017	DA 1685/2017/DA-M, appeal against Council's deemed refusal of the development application seeking consent for construction of a two-storey dwelling, garage and studio apartment. Lot 304 DP 1210770, 42 Islington Street, Denham Court.	Applicant discontinued their appeal – heritage order made over the building on the premises. Proceedings completed.	Final Costs \$23,514.50
369487/2017	DA 4202/2016/DA-M, appeal against Council's refusal of the development application seeking consent for construction of 30 dwellings with basement car-parking and associated roadworks. Lot 101 DP 1044069, 124 Minto Road, Minto.	Action ongoing into the 2018/19 reporting period. Proceedings ongoing.	Progressive Costs \$3,028.86
378179/2017	DA 4202/2016/DA-M, appeal against Council's deemed refusal of the development application seeking consent for demolition of existing structures and construction of 10-storey residential apartment building consisting of 2 commercial units, 105 residential units and associated basement car parking. Lot 3 DP 575491, Lots 50 and 51 DP 811930, No's 28 and 12 Cordeaux Street, Campbelltown.	Action ongoing into the 2018/19 reporting period. Proceedings ongoing.	Progressive Costs \$24,009.03
182961/2018	DA 493/2018/DA-RA, appeal against Council's (Sydney Western Sydney Planning Panel) refusal of the development application seeking consent for restoration of and additions to an existing heritage building, demolition of existing commercial building and erection of a new 21-storey residential apartment building including basement car parking and associated works. Lots 1 & 2 SP 41598 263 Queen Street, Campbelltown.	Action ongoing into the 2018/19 reporting period. Proceedings ongoing.	Progressive Costs \$1,995.00

Case No.	Matter	Status	Costs Incurred
256912/2017	File 1447/2017/N-POEO, appeal against a notice issued under the <i>Protection of the Environment Operations Act 1997</i> requiring preventative action be taken to properly store waste and maintain premises clean. Lot 1 DP 607229, 176 Queen Street, Campbelltown.	Action ongoing into the 2018/19 reporting period. Proceedings ongoing.	Progressive Costs \$6,449.27
293824/2017	File 2108/2017/N-EPA, appeal against order issued under the <i>Environmental Planning and Assessment Act 1998</i> requiring demolition of 31 unauthorised concrete hardstand car parking spaces constructed on the premises. Lot 23 DP 535651, 203 Eagleview Road, Minto.	Action ongoing into the 2018/19 reporting period. Proceedings ongoing.	Progressive Costs \$26,001.09

Case No.	Matter	Status	Costs Incurred
41030/2013	CDC 0455/12 (Council Ref: No. 2491/2012/CDCPRI), appeal seeking judicial review of disputed complying development certificate issued by a private certifier for development comprising a residential dwelling and residential outbuilding and associated site works on the premises. Applicant issued summons seeking that the CDC be found to be valid. Council issued cross-summons seeking that the CDC be found to be invalid. Lot 1 DP 1039153 Zouch Road, Ingleburn.	Appeal discontinued by Applicant. Court order made that Applicant surrender CDC 0455/12 to Council. Costs order made against Council in subsequent costs proceedings. Negotiations ongoing into the 2018/19 reporting period regarding settlement of costs order. Proceedings ongoing.	Progressive Costs \$5,438.01
370175/2017	File 2937/2013/E-LEPA, application for Judicial Review seeking to invalidate a direction given by the Director-General of NSW Department of Planning relating to proposal to rezone land. Lots 1 and 2 DP 807555 and Lot 59 DP 752042 and Lot 61 DP 752042 Appin Road, Mount Gilead.	Action ongoing into the 2018/19 reporting period. Proceedings ongoing.	Progressive Costs \$2,825.66

TABLE 4 - Class 4 – Civil Enforcement for Non-compliance with conditions of Development Consent, Council Orders or Notices

Case No.	Matter	Status	Costs Incurred
N/A	Nil matters during 2017/2018 period.	N/A	\$0.00

TABLE 5 - Class 5 – Criminal prosecution of alleged pollution offences and various breaches of environmental planning laws.

Case No.	Matter	Status	Costs Incurred
2017/166549	Prosecution proceedings against the landowner for development undertaken without consent – importation and placement of unauthorised and uncertified fill materials within watercourse on property	Guilty plea entered. Offences proved; defendant convicted and fined in the sum of \$52,500 Order made that the defendant pay Council's legal costs and disbursement (as agreed or assessed). Proceedings completed, cost recovery ongoing into 2018/19 period	Progressive Costs \$75,092.28
2017/166550	Prosecution proceedings against the landowner for water pollution – unauthorised and uncertified fill materials placed within watercourse, were washed off the property during a heavy rain event causing pollution and damage to adjoining natural watercourse and properties.	Guilty plea entered. Offences proved; defendant convicted and fined in the sum of \$31,500 Order made that the defendant pay Council's legal costs and disbursement (as agreed or assessed). Proceedings completed, cost recovery ongoing into 2018/19 period.	Progressive Costs included in preceding matter.

TABLE 6 - Class 6 - Appeals from convictions in the Local Court relating to environmental offences.

Case No.	Matter	Status	Costs Incurred
N/A	Nil matters during 2017/2018 period.	N/A	\$0.00

Supreme Court Matters

TABLE 7 – Supreme Court NSW – civil disputes of a commercial nature and appeal matters.

Case No.	Matter	Status	Costs Incurred
2014/371801	Civil commercial proceedings between Campbelltown City Council and other related Councils under the contract v the contractor, concerning the South West Sydney Councils Resource Recovery Project Contract for Processing Waste, Recyclables and Garden Organics.	Appeal upheld and settlement of costs reached. Proceedings completed.	Progressive Costs \$103,343.95 (Campbelltown Council contribution)

District Court Matters

TABLE 8 - District Court NSW – Appeals from convictions in the Local Court not being environmental offences.			
Case No.	Matter	Status	Costs Incurred
2016/356270, 2016/356297, 2016/356352.	Appeal by first defendant against the severity of the sentence imposed by the presiding Local Court Magistrate relating to dog attack incidents, failure to comply with dangerous dog control requirements and ancillary matters.	Appeal dismissed with order for Council's legal costs. Orders of the Local Court confirmed. Proceedings completed.	Final Costs \$1,200.17
2016/356368, 2016/356380, 2016/356390, 2016/356405	Appeal by second defendant against the severity of the sentence imposed by the presiding Local Court Magistrate relating to dog attack incidents and failure to comply with dangerous dog control requirements.	Appeal dismissed with order for Council's legal costs. Orders of the Local Court confirmed. Proceedings completed.	Final Costs \$1,200.17
2017/CDLP12	Appeal by defendant against the severity of the sentence imposed by the presiding Local Court Magistrate relating to offence of transport and deposit waste on premises.	Appeal discontinued by defendant - matter was required to be filed in Class 6 of the Land & Environment Court. Proceedings completed.	Final Costs \$982.00

Civil and Administrative Appeal Matters

TABLE 9 – NSW Civil and Administrative Tribunal – civil disputes of a commercial nature between Council and its customers.			
Case No.	Matter	Status	Costs Incurred
N/A	Nil matters during 2017/2018 period.	N/A	\$0.00

Local Court Matters

TABLE 10 - Prosecution for various offences under specified legislation					
File No.	Act and Offence	Status	Fine imposed	Costs awarded to Council	Costs actually incurred by Council
LP01/17	Local Government Act – stand vehicle in disabled person's parking space without authority (car park area).	Plea – Not Guilty. Withdrawn and dismissed. Officer who issued the penalty notice was no longer in Council's employ and unavailable to attend the hearing to give oral evidence. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP07/17	Protection of the Environment Operations Act 1997 – deposit litter (cigarette butt) from vehicle.	Plea – Not Guilty. Dismissed. After hearing all oral evidence the Magistrate gave the defendant the benefit of the doubt as to whether the cigarette was actually disposed from the vehicle; consequently	N/A	N/A	Final Costs: \$1,738.76

		Council's case was not proved to the requisite standard. Proceedings completed. Costs ongoing into the 2017/18 reporting period.			
LP09/17	Local Government Act – stand vehicle in disabled person’s parking space without authority (car park area).	Plea - Guilty. Proved. Determined without conviction or penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP12/17	Protection of the Environment Operations Act 1997 – transport waste to unlawful waste facility (private land).	Plea – Not Guilty. Proved and convicted. Proceedings completed.	\$10,000.00	\$6,712.00	Final Costs \$6,911.60
LP15/17	Road Rules 2014 – stop in bus zone.	Plea – Not Guilty. No appearance. Proved and convicted. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP19/17	Road Rules 2014 – disobey no-stopping sign (school-zone).	Plea - Guilty. Proved. Determined without conviction or penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP20/17	Road Rules 2014 – stop at or near bus stop.	Plea – Not Guilty. Withdrawn and dismissed. Officer who issued the penalty notice was no longer in Council’s employ and unavailable to attend the hearing to give oral evidence. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP21/17	Local Government Act – stand vehicle in disabled person’s parking space without authority (car park area).	Plea – Not Guilty. Withdrawn and dismissed. Review of the file revealed an error with the issue of the penalty notice that could in evidence rendered it null and void. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP22/17	Road Rules 2014 – stop on path/strip in built-up area.	Plea – Not Guilty. Withdrawn and dismissed. Officer who issued the penalty notice was no longer in Council’s employ and unavailable to attend the hearing to give oral evidence. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP23/17	Road Rules 2014 – stop in loading zone contrary to parking control sign.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$180.00	N/A	Final Costs \$0.00

LP24/17	Road Rules 2014 – stand vehicle in disabled person’s parking space without authority (on street zone).	Plea – Not Guilty. Withdrawn and dismissed. Prior to the hearing the defendant provided Council with a statutory declaration identifying the person in charge of the vehicle at the time of the offence - fresh penalty notice issued to the identified person. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP25/17	Local Government Act – not stand vehicle in marked parking space (car park area).	Plea - Guilty. Proved. Determined without conviction or penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP26/17	Local Government Act – not stand vehicle in marked parking space (car park area).	Plea - Guilty. Proved. Determined without conviction or penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP27/16	Companion Animals Act – dog not under effective control in public place.	Plea - Guilty. Proved. Determined without conviction or penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP28/17	Road Rules 2014 – stop on across driveway/other access from a public place.	Plea – No appearance. Proved and convicted. Proceedings completed.	\$100.00	N/A	Final Costs \$0.00
LP29/17	Road Rules 2014 – stop in bus zone (school zone).	Plea (written) – Guilty. Proved and convicted. Proceedings completed.	\$200.00	N/A	Final Costs \$0.00
LP30/17	Road Rules 2014 – stop in bus zone (school zone).	Plea - Guilty. Proved. Determined without conviction or penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP31/17	Road Rules 2014 – stop on side of road contrary to continuous yellow line.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$253.00	N/A	Final Costs \$0.00
LP32/17	Road Rules 2014 – disobey no-stopping sign (school zone).	No appearance. Proved and convicted. Proceedings completed.	\$450.00	N/A	Final Costs \$0.00
LP33/16	Companion Animals Act – in charge of dog that attacked person in public place.	Plea – Guilty. Proved. Proved and convicted. Proceedings completed.	\$800.00	\$1,200.00	Final Costs \$1,200.00
LP34/17	Protection of the Environment Operations Act 1997 – deposit litter (cigarette butt) from vehicle.	No appearance. Proved and convicted. Proceedings completed.	\$400.00	N/A	Final Costs \$0.00

LP35/17	Road Rules 2014 – stop within 10-metres of intersection (no traffic lights).	Plea - Guilty. Proved. Determined without conviction or penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP36/17	Road Rules 2014 – stop on path/strip in built-up area.	Plea - Guilty. Proved. Determined without conviction or penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP37/17	Local Government Act – not stand vehicle in marked parking space (car park area).	No appearance. Proved and convicted. Proceedings completed.	\$120.00	N/A	Final Costs \$0.00
LP38/17	Road Rules 2014 – disobey no-stopping sign (school zone).	Plea - Guilty. Proved. Determined without conviction or penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP01/18	Road Rules 2014 – stop in bus zone (school zone).	Plea – Guilty. Proved and convicted. Proceedings completed.	\$325.00	N/A	Final Costs \$0.00
LP02/18	Road Rules 2014 – stop in disabled parking space without current permit displayed.	Plea - Guilty. Proved. Determined without conviction or penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP03/18	Road Rules 2014 – stop in bus zone (school zone).	Plea - Guilty. Proved. Determined without conviction or penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP04/18	Local Government Act – not stand vehicle in marked parking space (car park area).	No appearance. Proved and convicted. Proceedings completed.	\$110.00	N/A	Final Costs \$0.00
LP05/18	Road Rules 2014 – stop in bus zone.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$150.00	N/A	Final Costs \$0.00
LP06/18	Road Rules 2014 – stop on path/strip in built-up area.	Plea - Guilty. Proved. Determined without conviction or penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP07/18	Road Rules 2014 – stop in disabled parking space without current permit displayed.	Plea - Guilty. Proved. Determined without conviction or penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP08/18	Road Rules 2014 – stop	Plea - Guilty.	N/A	N/A	Final Costs

	at/near bus stop.	Proved. Determined without conviction or penalty. Proceedings completed.			\$0.00
LP09/18	Protection of the Environment Operations Act 1997 – deposit litter (cigarette butt) from vehicle.	Plea – Not Guilty. Withdrawn and dismissed. Prior to the hearing the defendant provided Council with a medical certificate supporting the assertion that person was a non-smoker. A subsequent review of the in-car video footage of the alleged offence proved inconclusive. Proceedings completed.	N/A	N/A	Final Costs \$122.40
LP10/18	Local Government Act – not stand vehicle in marked parking space (car park area).	Plea - Guilty. Proved. Determined without conviction or penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP11/18	Local Government Act – stand vehicle in disabled person’s parking space without authority.	Plea - Guilty. Proved. Determined without conviction or penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP12/18	Local Government Act – not stand vehicle in marked parking space (car park area).	Plea – Guilty. Proved and convicted. Proceedings completed.	\$75.00	N/A	Final Costs \$0.00
LP13/18	Road Rules 2014 – stop on path/strip in built-up area.	Plea - Guilty. Proved. Determined without conviction or penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP14/18	Road Rules 2014 – stop on side of road contrary to continuous yellow line.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$150.00	N/A	Final Costs \$0.00
LP15/18	Road Rules 2014 – stop on across driveway/other access from a public place.	Plea - Guilty. Proved. Determined without conviction or penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP16/18	Local Government Act – not stand vehicle in marked parking space (car park area).	No appearance. Proved and convicted. Proceedings completed.	\$250.00	N/A	Final Costs \$0.00
LP17/18	Road Rules 2014 – disobey no-stopping sign (school zone).	Plea – Not Guilty. Listed for hearing on 6 August 2018.	N/A	N/A	Progressive Costs \$0.00
LP18/18	Road Rules 2014 – stop	New matter.	N/A	N/A	Progressive

	on path/strip in built-up area.	Ongoing into 2018/19 period.			Costs \$0.00
LP19/18	Road Rules 2014 – stop at/near bus stop.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$110.00	N/A	Final Costs \$0.00
LP20/18	Local Government Act – not stand vehicle in marked parking space (car park area).	Plea – Guilty. Proved and convicted. Proceedings completed.	\$100.00	N/A	Final Costs \$0.00
LP21/18	Local Government Act – not stand vehicle in marked parking space (car park area).	Plea - Guilty. Proved. Determined without conviction or penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP22/18	Local Government Act – stand vehicle in disabled person's parking space without authority.	New matter. Ongoing into 2018/19 period.	N/A	N/A	Progressive Costs \$0.00
LP23/18	Road Rules 2014 – double park (school zone).	New matter. Ongoing into 2018/19 period.	N/A	N/A	Progressive Costs \$0.00
LP24/18	Road Rules 2014 – not parallel park in direction of travel.	New matter. Ongoing into 2018/19 period.	N/A	N/A	Progressive Costs \$0.00
LP25/18	Road Rules 2014 – stop in truck zone.	New matter. Ongoing into 2018/19 period.	N/A	N/A	Progressive Costs \$0.00
LP26/18	Road Rules 2014 – stop in bus zone.	New matter. Ongoing into 2018/19 period.	N/A	N/A	Progressive Costs \$0.00
TOTAL			\$13,773.00	\$7,912.00	\$9,972.76

Legal Advice

TABLE 11 – LEGAL ADVICE FOR PERIOD 1 JULY 2017 TO 30 JUNE 2018.	
Costs for various advice sought from Council's contracted solicitors	\$37,849.75

Costs Summary Table

TABLE 12 - SUMMARY OF 2017/2018 NET COSTS	DEBIT	CREDIT
TABLE 1 - Class 1 Appeals against Council's determination of Development Applications	\$199,314.27	\$9,000.00
TABLE 2 - Class 1 & 2 Appeals against Notices / Orders / Directions issued by Council	\$32,450.36	\$600.00
TABLE 3 - Class 4 Judicial appeal into validity of privately certified Complying Development Certificate	\$13,602.33	\$0.00
TABLE 4 - Class 4 Civil enforcement for non-compliance with Development Consent or Notices / Orders / Directions	\$0.00	\$0.00
TABLE 5 - Class 5 Criminal Prosecution for alleged pollution offences and various breaches of environmental and planning laws.	\$52,905.00	\$0.00
TABLE 6 - Class 6 Appeals from convictions relating to environmental offences non-compliance with Council Orders, Notices or Prosecutions	\$0.00	\$0.00
TABLE 7 – Supreme Court NSW matters civil disputes of a commercial nature and appeals	\$16,508.63	\$75,343.76
TABLE 8 - District Court NSW Appeals from convictions in the Local Court not being environmental offences.	\$1,541.75	\$0.00
TABLE 9 – NSW Civil and Administrative Tribunal – civil disputes of a commercial nature between Council and its customers.	\$0.00	\$0.00
TABLE 10 - Local Court Prosecution matters	\$9,972.76	\$421.00
TABLE 11 - Legal Advice	\$37,849.75	\$0.00
Costs Sub-Total	\$364,144.85	\$85,364.76
NET COSTS TOTAL (GST exclusive)		\$278,780.10

Costs Comparison Table

TABLE 13 - COMPARISON WITH PREVIOUS FOUR FINANCIAL YEAR CITY DEVELOPMENT LEGAL COSTS					
	2013/14	2014/15	2015/16	2016/17	2017/18
TABLE 1 - Class 1 appeals DAs	\$59,900.97	\$104,584.33	\$144,572.72	\$87,655.85	\$190,314.27
TABLE 2 - Class 1 & 2 appeals Notice/Order/Direction	\$1,450.00	\$2,970.40	\$1,578.13	\$0.00	\$31,850.36
TABLE 3 - Class 4 judicial appeal	\$17,438.82	\$45,148.85	\$0.00	\$0.00	\$13,602.33
TABLE 4 - Class 4 proceedings civil	\$38,913.28	\$45,322.94	\$570.00	\$0.00	\$0.00
TABLE 5 - Class 5 prosecution	\$0.00	\$0.00	\$0.00	\$22,187.28	\$52,905.00
TABLE 6 - Class 6 appeals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TABLE 7 - Supreme Court proceedings	\$0.00	\$49,157.62	\$39,020.73	\$9,649.55	-\$58,835.13
TABLE 8 - District Court appeals	\$795.00	\$0.00	-\$200.00	\$1,840.59	\$1,541.75
TABLE 9 - NCAT civil disputes	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TABLE 10 - Local Court proceedings	-\$281.01	\$9,477.55	\$1,659.66	\$10,532.92	\$9,551.76
TABLE 11 - Legal advice	\$31,755.90	\$35,895.74	\$16,663.79	\$52,562.52	\$37,849.75
OVERALL COSTS TOTAL	\$149,972.96	\$292,557.43	\$203,865.03	\$184,428.71	\$278,780.10

8.3 Urban Development Industry Association - National Congress 2019

Reporting Officer

Director City Development
City Development

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.8 - Enable a range of housing choices to support different lifestyles

Officer's Recommendation

That the General Manager or her nominee, the Director City Growth and Economy, the Director City Development, relevant staff and any interested Councillors be authorised to attend the 2019 UDIA Congress on the Gold Coast.

Report

The Urban Development Industry of Australia Congress (the congress) for 2019 will be held at the Star on the Gold Coast for the period 26 - 28 March 2019. The program includes a number of informative speakers who will discuss the future of development in Australia. The program will include a number of tours of award winning urban developments in and around the Gold Coast and will include a tour of local development via the light rail system, a tour of master-planned communities, as well as a tour and of various higher density/multi-unit residential developments within the area.

As usual, the congress will bring together politicians from all levels of government, developers, academics, practitioners and professionals from around Australia and abroad to hear and discuss leading practices in the development industry. The congress will examine the challenges and opportunities facing Australia's land development sector and the wider property development industry as a whole. It provides a platform for industry to discuss the big issues and share best practice experiences.

The program is aimed at the idea of putting the customer (buyer/purchaser) and their needs/wants at the centre. Speakers have been targeted to provide learnings to delegates about a range of issues such as:

- Innovation in housing diversity across lifestages
- Future home buyers – demographic shift we will see with new generations of buyers
- Market information – insights and economic outlook/scene setting
- Innovation in how we develop
- Placemaking.

Infrastructure planning and funding, housing supply and affordability, integrated land use and transport planning, infrastructure delivery, smart cities and growth will continue to be major

issues that will be raised at the congress. These are all issues that are relevant and critical to the successful future of Campbelltown and in that regard, it is considered important that the Council representatives attend the National congress as it will provide important first hand insight into how all levels of Government and the private sector are planning for the future growth in housing and population, which directly relate to the future planning outcomes for the Local Government Sector.

Having regard to the above, it is considered appropriate and recommended that the General Manager or her nominee, the Director City Growth and Economy, the Director City Development, relevant staff and any interested Councillors be authorised to attend the 2019 UDIA Congress on the Gold Coast.

Attachments

1. UDIA National Congress 2019 - Program (contained within this report)



Day 1 – Tuesday, 26 March | Study Tours and Welcome Party

Times	Session
10.00am - 5.00pm	Registration ▼
	Study Tours Presented by Burchills ▼
7.00pm - 11.00pm	Oliver Hume Welcome Party ▼

Day 2 – Wednesday, 27 March | Plenary Sessions and Twilight with Trade

Times	Session
9.00am - 4.00pm	Registration ▼
9.00am - 10.00am	Business Lounge Breakfast and Coffee ▼
10.00am	2019 UDIA National Congress welcome
10.10am	Market Outlook Stay tuned - all will be revealed soon!
10.40am	Stay tuned All will be revealed soon!
11.10am	Breaking the housing mould Chris Key, Greystar ▼
11.50am	State of the Land Research4's Colin Keane and UDIA National President Darren Cooper ▼
12.30pm	Business Lounge Lunch and Coffee ▼
1.30pm	

<https://udiacongress.com.au/program/>

23/08/2018

Times	Session
	Stay tuned All will be revealed soon!
2.15pm	Stay tuned All will be revealed soon!
3.00pm	Stay tuned All will be revealed soon!
4.00-5.00pm	Twilight With Trade ▼

Day 3 - Thursday, 28 March | Plenary sessions and National Awards for Excellence

Times	Session
9.00am - 4.00pm	Registration ▼
8.30am - 9.30am	Business Lounge Breakfast and Coffee ▼
9.30am	Welcome
9.35am	Stay tuned All will be revealed soon!
10.05am	Homebuyers of tomorrow Claire Madden, Social Researcher and Demographer ▼
10.45am	The ins and outs of co-living Ben Provan, Open Door ▼
11.45am	Age is just a number baby! Gea Sijpkens, Humanitas Deventer ▼
12.30pm	Business Lounge Lunch and Coffee ▼
1.30pm	Stay tuned All will be revealed soon!
2.15pm	Closing Keynote All will be revealed soon!
3.30pm	UDIA 2019 National Congress concludes
7.00-11.00pm	2019 UDIA National Awards for Excellence gala dinner ▼

Think you're interested?

[Register Now](#)

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23/08/2018



PROGRAM ▾ SPEAKERS SPONSORS FAQs ACCOMMODATION REGISTER

Speakers

Gold Coast, 26-28 March 2019

2019 Speakers

<https://udiacongress.com.au/speakers/>

23/08/2018



Ben Provan

CEO and Co-Founder, Open Door
 Ben is a 30-something entrepreneur running a US co-living company that is working to make this housing model mainstream. Co-living is an alternative to traditional home ownership that Ben believes is more than random roommates coming together and instead building communities of like-minded young people. OpenDoor is part of one of the start-ups redefining real estate as a service model to meet the demand for group housing among the 20 and 30-somethings. This demographic is seeking a place to call home that aligns with their desires for shared space, social interaction, and the best creature comforts their combined buying power can get them like housekeeping and outsourcing grocery shopping.



Chris Key

Managing Director, Greystar – Asia Pacific
 The Australian boss of the US build-to-rent giant Greystar is locked in to share insights from their success delivering this housing model. Appointed in 2017, Chris has been entrusted to build Greystar's rental housing strategy in the region. He has almost a decade of experience in real estate funds management and investment banking and was previously JLL's head of corporate finance for Asia Pacific. Established in 1993 in the US, Greystar has since become the largest property management company on American soil and launched in multiple overseas markets.



Claire Madden

Social researcher and Demographer, Hello Clarity
 Claire Madden is an expert on the psyches of Generations Z and Alpha who are going to be the catalyst for change in many industries, including the development sector. The children and teenagers of today are the homebuyers of tomorrow and Claire has an expert handle on what these shifting demographics mean for the economy. An author, TEDx speaker, and media commentator, Claire is a triple threat when it comes to sharing insights with business leaders on how to engage post-millennials. Big brands like the Commonwealth Bank, NBN Co, ABC, IGA, Holcim, and PEXA are trusting Claire to advise them on future generations.



Colin Keane
Director, Research4

Australia's residential greenfield market expert Colin Keane will present the UDIA's National State of the Land report. Research4's national survey is the country's longest running audit of greenfield land estates delivered by 850 land developers across 44 new land markets. Research4's surveys are used by industry, government, and financial sectors to provide a real-time insight into land supply across the nation.

Darren Cooper
National President, Urban Development Institute of Australia

Appointed National President of the Urban Development Institute of Australia in November 2017. Darren is an active Director and Board Member across the development industry and beyond.

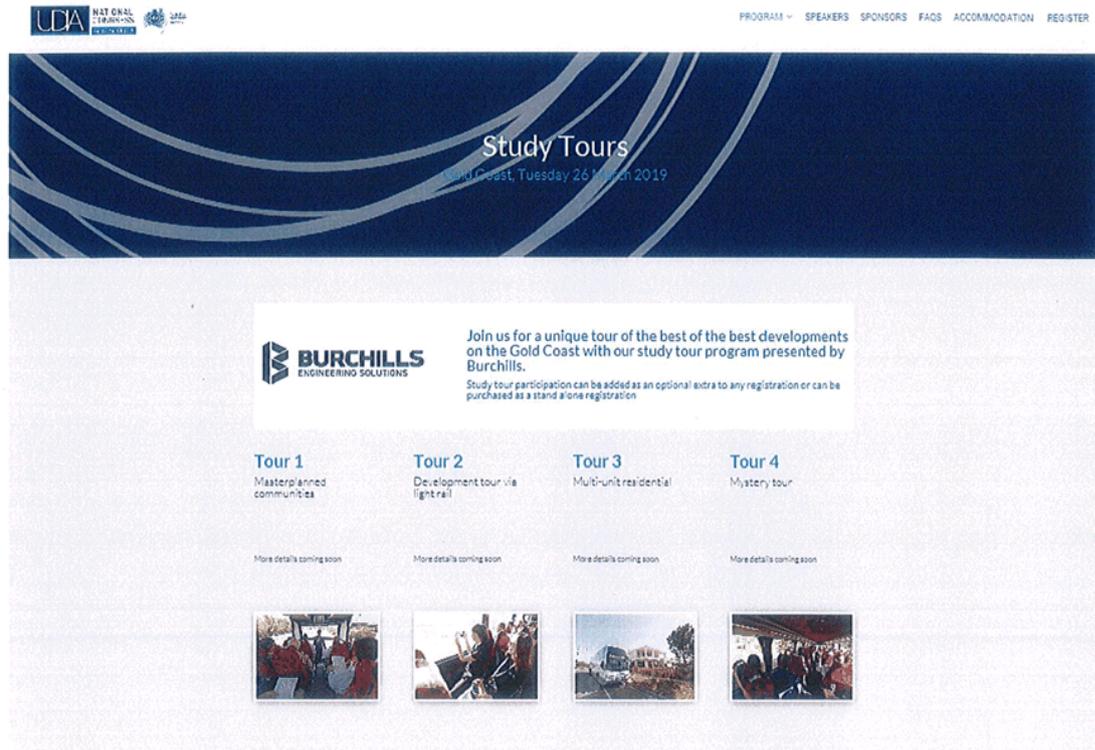
Gea Sijpkens
CEO, Humanitas Deventer

Gea is at the helm of a ground-breaking Dutch healthcare model promoting intergenerational living that is changing the way people think about community design. Humanitas provides rent free accommodation to students in exchange for time spent with its senior residents. The project started as an experiment born from Gea's idea to invite a student to live at the aged care home. Like many economies, Australia is grappling with housing an ageing population and it's a part of the housing sector that is crying out for innovation. Gea has delivered a solution to both rising aged care and student housing costs that could work in any country and has already been replicated in the US and France.

More speakers to be revealed

<https://udiacongress.com.au/speakers/>

23/08/2018



UDA NATIONAL CONGRESS 2018 UDIA

PROGRAM - SPEAKERS SPONSORS FAQS ACCOMMODATION REGISTER

Study Tours

Gold Coast, Tuesday 26 March 2019

BURCHILLS
ENGINEERING SOLUTIONS

Join us for a unique tour of the best of the best developments on the Gold Coast with our study tour program presented by Burchills.
Study tour participation can be added as an optional extra to any registration or can be purchased as a stand alone registration.

Tour 1	Tour 2	Tour 3	Tour 4
Masterplanned communities	Development tour via light rail	Multi-unit residential	Mystery tour
More details coming soon			
			

<https://udiacongress.com.au/studytours/>

23/08/2018

8.4 Submission Report - Caledonia Precinct Planning Proposal and draft Voluntary Planning Agreement

Reporting Officer

Director City Development
City Development

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.3 - Ensure that Campbelltown is an inclusive city

Officer's Recommendation

1. That Council forward the draft Caledonia Planning Proposal to the Minister for Planning for finalisation pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.
2. That Council authorise the General Manager to execute the draft Voluntary Planning Agreement with Bensley Developments Pty Ltd. on behalf of Council.
3. That all those who provided a submission to the public exhibition of the Caledonia Planning Proposal and Voluntary Planning Agreement be advised of Council's decision.
4. That Council exhibit proposed amendment to the Campbelltown Sustainable City Development Control Plan to insert local development guidelines to support the orderly development of the Precinct.
5. That Council prepare and submit a draft Planning Proposal to rezone property Nos. 26 Mercedes Road and 39 Lagonda Drive consistent with the final proposed plan for the Caledonia Precinct as per Item 1.

Purpose

The purpose of this report is to summarise submissions received in respect of a draft Planning Proposal and draft Voluntary Planning Agreement for land known as the Caledonia Precinct and to recommend that Council proceed with the making of the plans.

The report also seeks support to exhibit an amended development control plan for the precinct and to prepare a separate planning proposal to separately commence the rezoning of two properties that were not part of the exhibited planning proposal that fall within the precinct boundary.

History

Council resolved at its meeting of 25 October 2016, to prepare a planning proposal in respect of the Caledonia Precinct. A Gateway Determination was issued by the Department of Planning and Environment (DP&E) on the 8 December 2016 and subsequently re-issued on 29 March 2017 with conditions relating to consultation with public agencies which have been addressed.

To secure the public benefits of the proposed rezoning, the proponent of the northern portion of the Precinct formally offered to enter into a VPA on 20 July 2018 in connection to both the rezoning of the land and future development.

A summary of the proposal, outcome of public exhibition and details concerning the draft VPA is discussed below.

Report

This report discusses the exhibition of the Caledonia Precinct Planning Proposal (CPPP) and VPA and submissions received in respect of these plans.

The report also discusses proposed amendments to the Campbelltown Sustainable City Development Control Plan (CSDCP) and strategy to address a planning anomaly arising from the exclusion of two properties from the rezoning process.

1. Description of the Proposal

The subject site is approximately 18 hectares of rural residential land generally bounded by Mercedes Road, Bensley Road and Oxford Road, Ingleburn. The Precinct is characterised as rural residential and is currently zoned E4 Environmental Living.

The land forms part of the eastern edge of the suburb of Ingleburn and part of a landscape unit known as the East Edge Scenic Projection Lands or the Edgelands. Generally, to the immediate east is the reservation of the proposed Georges River Parkway (Road), which forms a clear divide to the densely vegetated George River environs as illustrated in Figure 1.



Figure 1 – Subject site and surrounding locality

The proposed rezoning of the site is to allow for a mix of land uses, including large lot residential (R5), low density residential (R2), public recreation (RE1) and Infrastructure (SP2) and is illustrated in Figure 2 below. Lot sizes would range from 1,000 – 2,000 square meters on the R5 zoned land and 500 square meters on the R2 zoned land.

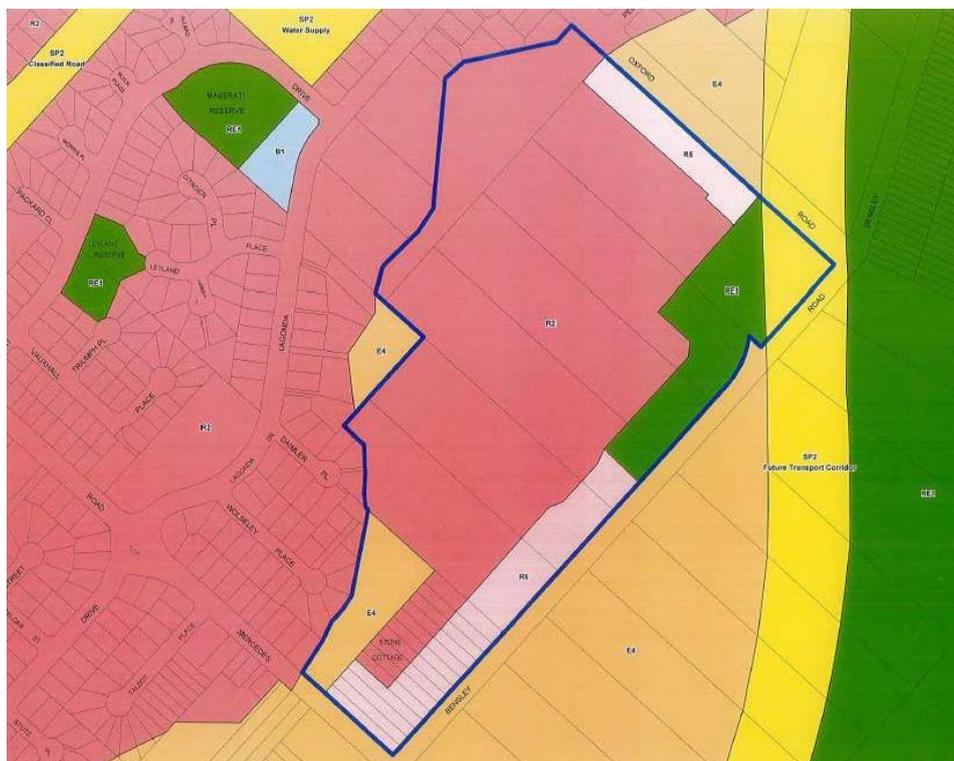


Figure 2 – Proposed Zoning for the Caledonia Precinct

Concept plans of the future subdivision indicate that the rezoning could facilitate the development of approximately 170 residential lots for low density residential housing. An indicative layout of the proposed subdivision has been included in the Development Control Plan to ensure the orderly development of the Precinct.

The majority of the open space land and stormwater management facilities would be provided in conjunction with the residential subdivision of the northern portion of the Precinct, which is controlled by a single developer. This developer has offered to enter into a voluntary planning agreement with Council to deliver the required infrastructure needed to support the development. The specific works and monetary contributions are outlined in Section 4 of this report.

Figure 3 illustrates the indicative subdivision layout for the northern portion of the Precinct, and the portion of the Precinct that is subject to the voluntary planning agreement, shown in black outline.

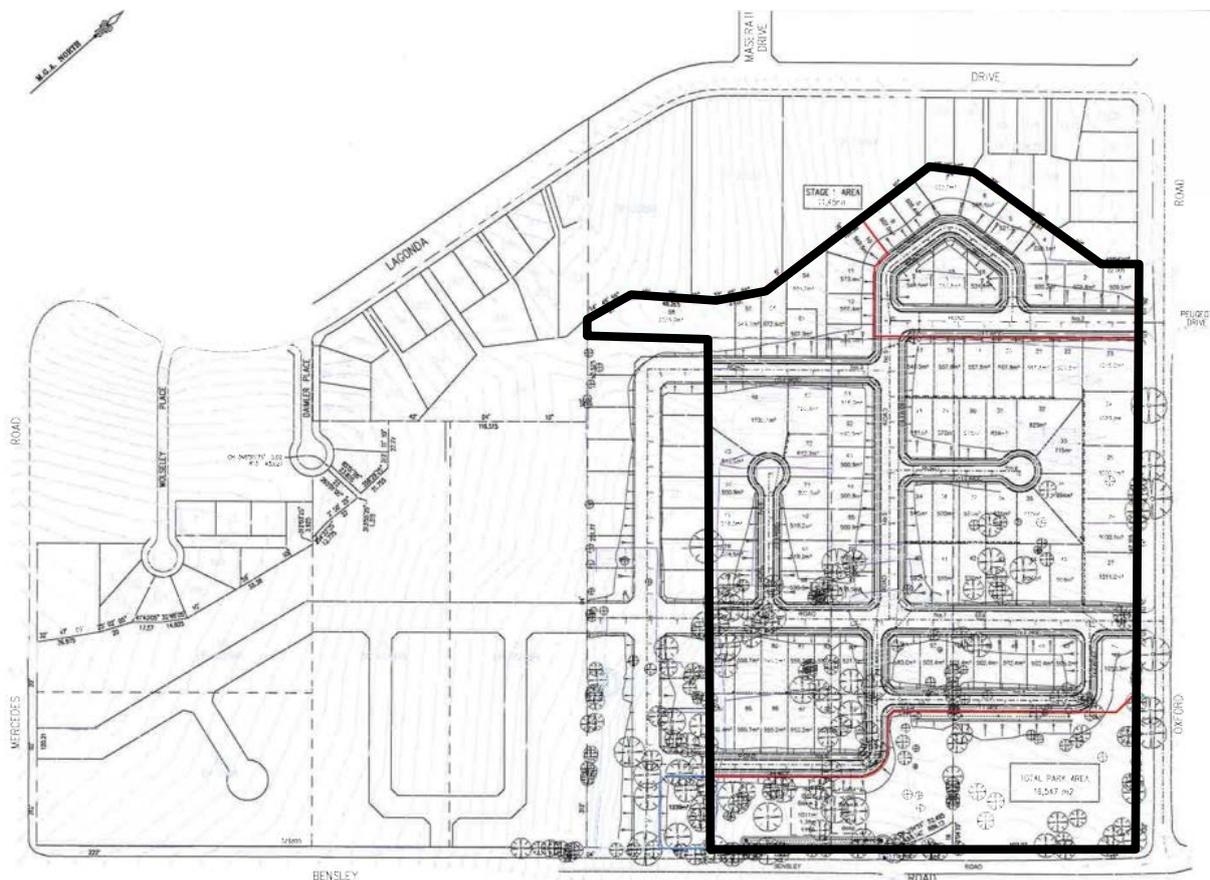


Figure 3 – Indicative subdivision layout for the northern portion of the Precinct

Development of the remaining land in the precinct would benefit from lead-in works established by the lead developer and would be required to meet the same development standards.

2. Exhibition and Review of Submissions

A summary of the exhibition process and submissions received in relation to the draft planning proposal and voluntary planning agreement is discussed below.

2.1. Planning Proposal

In accordance with the requirements of the Gateway Determination, the planning proposal and associated documentation, was publicly exhibited by Council from 19 July 2017 to 18 August 2017. Notification of the exhibition was made in the local newspaper, letters mailed to government agencies and surrounding residents and exhibited at the Council Civic Centre, HJ Daley Library, Greg Percival Library and on Council's website.

During the exhibition period, a total of six government agency submissions were received and 27 public submissions (5 in support of the proposal, including one submission with 18 signatories, representing 17 households). Of these, 17 resident submissions opposing the plan were form letters, raising the same issues. The issues raised in submissions are addressed in attachment 2 and generally relate to the following matters:

Agency submissions

- Request for an additional Aboriginal cultural heritage assessment
- Request to prepare a Statement of Heritage Impact in respect of Item I69 "Stone Cottage and Bushland Setting"
- Request to increase Asset Protection Zone

In response to the above issues, the applicant prepared an Aboriginal Archaeology Report and undertook test excavations which identify the Precinct to have low Aboriginal Heritage Significance. Additional work would be required at the development application stage, including a further referral to the office of Environment and Heritage to obtain an Aboriginal Heritage Impact Permit (AHIP).

In relation to the request for a Statement of Heritage Impact, the applicant prepared a Heritage Assessment and Statement of Heritage Impact with recommendations to protect a curtilage detailed in the proposed DCP. Finally, in relation to the Asset Protection Zone, amendments have been made to the Development Control Plan to increase the Asset Protection Zone width from 20 metres to 25 metres as requested by the Rural Fire Service.

Public Submissions

- Traffic impacts, connectivity with the existing street network and accessibility to public transport
- Accuracy of flora surveys and preservation of Cumberland Plain Woodland and Koala Habitat
- Impact on the reservation of the Georges River Parkway
- Potential odour impact from local poultry farms
- View impact from properties on the current urban edge
- Provision of infrastructure and local services
- Management of stormwater and wastewater
- Lack of detailed subdivision plans
- Inclusion of 26 Mercedes Road in the planning proposal
- Reduction of lot size adjoining Bensley Road

In response to the submission issues concerning biodiversity and tree removal, the planning proposal has been updated to extend the existing Terrestrial Biodiversity Provisions of Council's LEP to identify significant vegetation on the site as mapped by Council officers.

This will ensure that future development of the land is required to demonstrate compliance with the objectives of the LEP in relation to the protection and conservation of native fauna and flora. Any future proposal to remove native vegetation would require further concurrence and consent from both State and Federal Agencies.

Further to above, the applicant has demonstrated that a satisfactory water management outcome would be implemented that meets Council's requirements in relation to Water Sensitive Urban Design.

2.2. Draft Voluntary Planning Agreement and Explanatory Note

A separate exhibition of the draft Voluntary Planning Agreement and Explanatory Note occurred from 24 July 2018 to 21 August 2018. Notification of the proposed VPA was placed in the local newspaper, on Council's website and residents who were previously notified of the draft planning proposal. One public submission was received, which identified the following matters.

VPA submission

- Fragmented holdings and staging of development
- Adequacy of stormwater and service provision
- Visual impact
- Concern regarding future development process and impact

The issues raised in the submission mainly relate the planning proposal or would be addressed at the development application stage. As discussed in part 1 of this report, although the lead developer only has an interest in land shown in Figure 3, rezoning would provide certainty to remaining owners who would benefit from the construction of lead-in works.

Accordingly, no amendment to the proposed VPA is recommended as a result of public consultation.

3. Rezoning of Additional Lands

The Gateway Determination originally issued by the DP&E did not include the rezoning of Property Nos. 26 Mercedes Road and 39 Lagonda Drive, Ingleburn even though they are located within the investigation area. These properties are currently zoned E4 Environmental Living in accordance with Council's CLEP and would become isolated upon future development of surrounding land.

The owner of property No. 26 Mercedes Road has made numerous representations, including during the public exhibition period, for rezoning of their property to R2 Low Density Residential with a 500sqm minimum lot size, consistent with the adjoining land. No submission or contact has been made with the owner of property No. 39 Lagonda Drive.

The inclusion of these properties within the current rezoning process would require a Council resolution, updated Gateway Determination and re-exhibition. Recent advice from the DP&E provides that no further extensions to the current Gateway Determination which expires on 31 October 2018. As sufficient background information is available to support the rezoning of these properties, it is recommended that a separate planning proposal be prepared to address this planning anomaly.

4. Draft Voluntary Planning Agreement

To secure the public benefits of the rezoning, the applicant Billbergia Pty Ltd' has offered to enter into a Voluntary Planning Agreement for their holdings within the Precinct. A description of this land is contained attachment 3 and relates to the potential development of 90 future residential allotment as shown in Figure 3. Should the rezoning proceed, the VPA would be registered on title and would continue to apply should the land be re-sold and developed by another applicant.

The following works and monetary contributions would be provided:

- Dedication of 16,547 square metres of open space - \$1,323,760
- Embellishment of open space - \$600,000
- A monetary contribution to community facilities - \$128,430
- A management fee of 1.5 percent of the total VPA value
- Environmental Conservation works in accordance with a Vegetation Management Plan (VMP)

The preparation of the draft VPA has been the subject of extensive consultation and peer review in relation to the value of open space land to be dedicated and embellishment to be undertaken. The Agreement has also been peer reviewed by Council's solicitor as suitable for finalisation.

As the draft VPA does not apply to all land in the Precinct, development of remaining lands would be subject to a Section 7.11 Development Contribution (formerly known as Section 94) in accordance with a new plan that is currently under development for the entire local government area of Campbelltown. This outcome is not uncommon in fragmented land holdings and would not prejudice the orderly development of the Precinct.

4. Draft Development Control Plan – Caledonia Precinct

A draft Development Control Plan (DCP) as prepared by the applicant formed part of the planning information exhibited with the planning proposal.

In response to the submissions and matters raised in respect of the draft planning proposal, amendments are proposed to the DCP to strengthen provisions in relation to:

- Precinct vision
- Staging and avoidance of adverse impacts
- Strengthened streetscape outcomes
- Delivery of open space
- Vegetation management and biodiversity conservation
Enhanced bushfire protection requirements
- Stormwater quality

The amended draft DCP seeks to reinforce delivery of the vision statement for Caledonia, including highlighting the need for additional investigations in respect of Aboriginal Heritage, Koala Habitat Management and terrestrial biodiversity generally.

Re-exhibition of the draft DCP is required to insert a new chapter in the Campbelltown (Sustainable City) Development Control Plan. Exhibition would occur for a minimum of 28 days and would involve notification in the local newspaper, Council's website and notification letters to affected and adjoining properties. A copy of the amended DCP is provided in attachment 4.

5. Proposed Street Name

The family of a long term property owner and member of the Ingleburn Business Community has made representations to Council to name a road in the proposed new residential estate.

Notwithstanding the merits of the proposal, the process of assigning street names must, however, follow the procedure established by the Geographic Names Board. In this regard, the naming of roads and streets, must comply with the principles outlined in the NSW Addressing User Manual (AUM), published by the Geographical Names Board of NSW.

Principle 6.7.6 of the AUM deals with the naming of roads to commemorate a person. This principle states that the names of persons who are still alive shall not be used because their use can be subject to partisan perception and changes to community attitudes and opinions over time. Unfortunately, this prevents Council from complying with the request to name a street within this development after the land owner. In addition, the naming of the street would not occur until the issuing of a subdivision certificate which is the final step in the land development process and is not expected to occur within the next 18 months.

6. Next Steps

Should Council support the finalisation of the planning proposal, next steps would involve submission of the planning proposal to the DP&E for finalisation. Commencement would occur upon the notification of the amendment on the NSW Legislation website.

Upon execution of the VPA, the Agreement would be registered on title of the subject lands and works provided in accordance with the schedule.

Financial Implications

The proposed rezoning of the Caledonia Precinct will not have an adverse financial impact on Council. The provision of a draft VPA to secure the public benefits of the proposal will ensure that the dedication of public land does not provide a financial burden to Council in relation to its embellishment and maintenance prior to hand over.

The ongoing cost of maintenance would be funded as part of Council's Asset Management Plan. In addition, onsite conservation measures associated with the preparation of a vegetation management plan would be addressed via the payment of a lump sum fee to meet any ongoing management cost.

Conclusion

The planning proposal to rezone the Caledonia Precinct has been exhibited in accordance with the Gateway Determination issued by the DP&E. In addition, the public benefits of the proposal would be secured by a draft voluntary planning agreement that was separately exhibited.

A total of six agency submissions and 27 public submissions were received in relation to various aspects of the proposal. One submission was received in relation to the draft VPA. In response, amendments have been made to the planning proposal to strengthen the protection of native vegetation by expanding the existing terrestrial biodiversity provisions of the CLEP to apply to the subject land. In addition, the proposed DCP has been updated to strengthen environmental, water management and streetscape outcomes.

Accordingly, it is recommended that Council forward the draft planning proposal attached to this report to the DP&E for finalisation. It is also recommended that the draft VPA be executed and the draft DCP re-exhibited. Finally, to ensure that property Nos. 26 Mercedes Road and 39 Lagonda Drive, Ingleburn are not isolated by the future subdivision of adjoining lands, it is recommended that a separate planning proposal be prepared and forwarded for Gateway Determination.

Attachments

1. Caledonia Precinct Planning Proposal (contained within this report)
2. Summary of Submissions for the Caledonia Precinct Planning Proposal (contained within this report)
3. Amended draft Caledonia Precinct Development Control Plan (contained within this report)
4. Planning Agreement (contained within this report)



**Planning Proposal
Caledonia Precinct**
(Bensley, Mercedes and Oxford Roads,
Ingleburn)

Campbelltown City Council
(Amendment No.7 - Campbelltown Local
Environmental Plan 2015)

Planning Proposal (PP)

Caledonia Precinct

Background

The East Edge Scenic Protection Lands form a strategic transitional landscape unit 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 – Ingleburn – EE2 (inclusive of the Caledonia Precinct).

The subject principles applying to the Caledonia Precinct in summary include:

- Any future developments within the Precinct should reflect a transition from the existing residential density (generally 500sqm) to large lot residential development of 1,000sqm and 2,000sqm allotments.
- Retention/management of remnant woodland and reinstatement of an informal rural /woodland verge character of perimeter roads should be pursued where practical.

These principles have evolved during the review of a Planning Proposal Request (PPR) submitted for the part of the Ingleburn EE2 precinct known as the Caledonia Precinct.

In October 2016, Campbelltown City Council resolved to request a Gateway Determination from the Department of Planning and Environment (DPE) for the planning proposal. On 8 December 2016 DPE issued a Gateway Determination for the proposal. This report and the associated background studies have been updated to reflect the requirements of the Gateway Determination.

Additionally, the Gateway Determination was subsequently amended on 29 March 2017 to require consultation with the Office of Environment and Heritage and the Rural Fire Service prior to exhibition. The planning proposal has been updated to reflect these comments.

Existing situation

The site comprises approximately 17.65 hectares of rural residential land generally bounded by Mercedes Road, Bensley Road and Oxford Road. It forms part of the eastern edge of the suburb of Ingleburn and part of a landscape unit which is known as the East Edge Scenic Projection Lands or 'the Edgelands'. Generally, to the immediate east is the reservation of the proposed 'Georges River Parkway' (Road), which forms a clear divide to the densely vegetated George River environs.

Some two kilometres to the west of the site is the Ingleburn Town Centre, Industrial Precinct and transport hub focused on Ingleburn Railway Station.

An aerial photograph extract of the subject site in its immediate context is illustrated in Figure 1 below.



Figure 1 – Subject site and immediate locality

The real property description of the land is as follows:

Lot 41 DP 1021880 (No. 26 Mercedes Road)*
Lots 55-68 (inclusive) Sec A2 DP 2189 (No. 28 Mercedes Road)
Lot 25 DP 617465 (No. 9 Daimler Place)
Lot 2 DP 550894 (No. 308 Bensley Road)
Lot 1 DP 597774 (No. 306 Bensley Road)
Lot 2 DP 597774 (No. 304 Bensley Road)
Lot 3 DP 597774 (No. 302 Bensley Road)
Lot 47 DP 595243 (No. 300 Bensley Road)
Lot 4 DP 261609 (Oxford Road) & Lot 1 DP 261609 (No. 233 Oxford Road)

*Note *: Lot 41 DP 1021880 is within the area to which this planning proposal applies, however the zoning provisions remain unchanged as a result of this planning proposal.*

The site has a general open scattered remnant woodland, rural - residential character, a dominant feature being the informal grouping of trees which creates a distinct natural edge to Bensley and Oxford Roads.

Further, the site transitions into more heavily vegetated land to the immediate north and east and generally open rural residential land to the immediate south east and an operational poultry farm. The western interface comprises low density and medium density residential development. The perimeter roads (Mercedes and Oxford Roads) form the only connectivity with the existing residential communities.

The site has access to reticulated service provision, excluding sewer.

Part 1 – Objectives or Intended Outcomes

The objective of the Planning Proposal (PP) is to amend Campbelltown Local Environmental Plan 2015 (CLEP 2015) to facilitate the development of the subject land holding for predominantly low density residential purposes, supported with public recreation opportunities and infrastructure provision.

The Planning Proposal aims to deliver the following outcomes:

- a transition in residential densities and building typologies from the existing urban edge to the interface with the proposed "Georges River Parkway";
- conservation of the most significant on-site vegetation;
- enhanced water quality outcomes;
- preserve that part of the proposed Georges River Parkway reservation which impacts the site;
- retention and embellishment of the existing rural verge on the perimeter roads;
- minimisation of potential heritage impacts and implementation of a relevant conservation strategy;
- augmentation and reticulation of all essential services; and
- restriction on the subdivision of dual occupancies in the proposed R5 Zone.

Part 2 – Explanation of provisions**2.1 Proposed amendments to CLEP 2015**

The proposed changes can be achieved by a series of mapping amendments. It is proposed that the following maps from CLEP 2015 be amended to reflect the envisaged land use distribution across the site. In this regard the following zoning controls are proposed:

Changes to Zoning Map

- R2 - low density residential from the existing urban edge;
- R5 - large lot residential generally for the road frontage perimeter of the site; and
- RE1 - for the open space area generally aligning with the area of vegetation to be retained and the provision of stormwater management infrastructure.

The proposed Zoning Map in annexure 1 reflects the above.

It is noted that the SP2 - Infrastructure Zone is to be retained where it aligns with the proposed Georges River Parkway Reservation (Road).

Changes to Minimum Lot Size Map

The proposed Minimum Lot Size Map in annexure 2 reflects lot sizes commensurate with the above referenced residential zones as follows;

- R2 - low density residential - 500sqm
- R5 - large lot residential - 1,000 and 2,000sqm. Changes to Land Reservation Acquisition Map

The proposed Land Reservation Acquisition Map in annexure 5 is to be amended to reflect the acquisition of the proposed RE1 Public Recreation land.

Changes to Terrestrial Biodiversity Map

It is proposed to amend the Terrestrial Biodiversity Map as shown in annexure 5. This will facilitate the application of Clause 7.20 of the Campbelltown Local Environmental Plan 2015.

No amendments to the Maximum Height Map

The Planning Proposal is not proposing any amendments to the Maximum Building Height Map, which will remain at nine metres.

2.2 Proposed amendments to Campbelltown Development Control Plan 2015

It is proposed to prepare a concurrent amendment to the Campbelltown Sustainable City DCP. This amendment will generally introduce the following controls to facilitate achieving the proposed objectives.

- a transition in residential densities and building typologies from the existing urban edge to the interface with proposed Georges River Parkway;
- conservation of the most significant on-site vegetation;
- enhanced water quality outcomes;
- preservation of that part of the proposed Georges River Parkway reservation which impacts the site;
- retention and embellishment of the exiting rural verge on the perimeter roads;
- minimisation of potential heritage impact, implementation of an appropriate curtilage and a relevant conservation strategy; and
- 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 Planning Proposal 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 Planning Proposal Request 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 area:

- storm water management (as amended);
- traffic management and accessibility;

- service infrastructure provision;
- ecology (as amended);
- heritage (as amended);
- bushfire hazard;
- odour impacts;
- preliminary Concept Plan (as amended); and
- planning framework compliance.

The subject reports are included in the Planning Proposal and have been updated in response to the Gateway Determination. These revised reports/plans are provided separately.

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 Planning Proposal.

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 in 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 the District

The proposal will add approximately 170 new dwellings to the Campbelltown Local Government Area.

L4: Encourage housing diversity

The proposal will provide a range of lot sizes and dwelling sizes, adding to diversity in the housing supply within the area and 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 Lands and it has been designed to provide a sensitive transition between the existing urban area and the Georges River Nature Reserve and the more rural and/or environmentally sensitive parts of the LGA. This was the subject of a policy decision by Council in mid 2016 and is further discussed below. The Planning Proposal is also consistent with the relevant areas of the former draft Sub-Regional Planning Strategy 2007 and in particular the dwellings target objectives and general locational criterion.

4. Is the planning proposal consistent with the local Council's Community Strategic Plans?

Campbelltown Community Strategic Plan 2013 - 2023

The Community Strategic Plan represents the principal community outcome focused strategic plan guiding Council's policy initiatives and actions.

The Planning Proposal at a generic level is consistent with the relevant objectives, including:

- a sustainable environment;
- a strong economy;
- an accessible city; and
- a safe, healthy and connected community.

Campbelltown Local Planning Strategy 2013

The Edge Lands 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 have some form of potential for transitional urban development as reflected in the Preliminary Concept Plan accompanying the Planning Proposal Request and Council's acknowledgement in its Planning Policy Position for the subject precinct, adopted at its Ordinary Meeting held on 21 June 2016.

The Planning Proposal 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.

The Planning Proposal 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, as shown in Table 1 below.

Table 1 – Consistency with State Environmental Planning Policies and deemed State Environmental Planning Policies.

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. Commentary needs to be expanded.
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	Potential to be	An ecological report is attached addressing the impact appropriate to the planning proposal stage. A further assessment consistent with SEPP44 will be required at DA stage.
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. 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 (Building Sustainability Index: BASIX) 2004	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP. Future development applications for dwellings will need to comply with this policy.
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 proposal has been designed to provide a transition to Bensley Road through the use of open space and large lots. An appropriate level of stormwater treatment will be required under the future DCP to manage any potential water quality impacts to the Georges River Catchment. Bensley Road (and ultimately the Georges River Parkway) also provides an appropriate edge treatment to the Georges River Nature Reserve.
REP No.9- Extractive Industry (No2)	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.

6. Is the planning proposal consistent with the applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is generally consistent with applicable Ministerial Directions as shown in Table 2 below.

Table 2 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 potentially adversely impact on an lands currently zoned "Environmentally Living". In accordance with the Direction the inconsistency is largely justified by a supporting specialist ecological study and is considered to be of minor significance in accordance with the Direction exception criterion. Significant ecology on the site is largely contained within an area to be zoned open space and dedicated to Council for management in perpetuity.
2.2 Coastal Protection	No	N/A	N/A
2.3 Heritage Conservation	Yes	Potential	The site includes a heritage item. A heritage impact study has been completed by GBA Heritage Architects, it states that an appropriate curtilage can be achieved within the proposal. The recommendations of this report will be incorporated into the draft future DCP amendment. An Aboriginal Cultural Heritage Assessment has been commissioned from GML and consultation is ongoing.

2.4 Recreation Vehicle Area	No	No	Direction does not apply.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	Justifiably Inconsistent	The proposed R2 Low Density Residential and R5 Large Lot residential zones permit a range of types of residential development adjacent to an existing urban area. The Direction is considered to be generally fulfilled. The "consumption" of land for urban purposes is not however, fulfilled. This inconsistently is considered to be justified by Council's recently adopted
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	Caravan Parks are currently precluded in both proposed residential zones.
3.3 Home Occupations	Yes	Yes	The R5 Large Lot Residential and R2 Low Density Residential zone permit "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 and will potentially facilitate expanded and enhanced bus services. Opportunities to optimise pedestrian/cycleway are incorporated in the Draft future DCP amendment.
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	Potentially	The Bushfire Impact assessment has been updated to reflect pre exhibition consultation comments from RFS. An appropriate vegetation management plan is required by the future DCP to balance the desire for a vegetated edge with any fire risk and need for an asset protection zone..
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	Potential to be	The proposed dedication of land identified as RE1 is currently the subject of a VPA offer from the principal controlling party.
6.3 Site Specific Provisions	No	N/A	Not applicable in the Campbelltown City LGA
7. Metropolitan Planning			

7.1 Implementation of Plan for Growing Sydney	A 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.

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?

The Planning Proposal will have a minor impact upon the critically endangered Cumberland Plain Woodland ecological community. The impact however, from initial review, is not considered to be significant. The proposal contains an ecology report detailing potential impacts on flora and fauna which are deemed to be manageable within acceptable limits.

A Voluntary Planning Agreement (VPA) offer has been received for the dedication of the land to be zoned RE1, this will ensure that the on-site vegetation to be retained in the proposed open space area is rehabilitated to a maintainable standard and then maintained in perpetuity, in accordance with a relevant Vegetation Management Plan.

Council is investigating an update to the Campbelltown Development Contribution Plan to further accommodate any offsite impacts arising from the development of the precinct. This may include higher-order open space recreation facilities and social infrastructure generally. Additionally, opportunities to fund embellishment and access to offsite woodland areas in public ownership is to be explored.

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 a number of potential environmental effects associated with the proposal on local ecology which require specific management strategies so as to ensure acceptable and sustainable environmental outcomes.

The relationship to the retained vegetation and fringing off-site vegetation requires a range of bushfire management measures. Modest asset protection zone requirements at Bushfire Attack Level 29 (BAL29) construction level are proposed to manage the potential bushfire hazard impacts.

The presence of a heritage item (local) at 28 Mercedes Road will require its retention, conservation and establishment of an appropriate curtilage. As mentioned above a heritage impact assessment has been completed and is provided with this Planning Proposal.

Advanced storm-water management practices will be required to ensure appropriate storm- water management outcomes, particularly given the relationship to the nearby Georges River. Appropriate provisions and standards have been incorporated into the proposed future DCP amendment to ensure that any application for subdivision addresses these requirements.

Amplification and reticulation of all service infrastructures including in particular water and sewer is required as the proposal is progressed. Additionally, it is noted the matter is further addressed by the future 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 Ingleburn Town Centre as a centre of commerce and recreation; this being reflected in increased employment and purchasing power.

Section D - State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

Preliminary infrastructure investigations accompanied the Planning Proposal Request. These investigations were undertaken by Northrop Consulting Engineer and 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.

Perimeter roads will be upgraded as a requirement of development and likewise requisite storm- water management infrastructure and service roads.

Open space will be provide and embellished in accordance with Council's relevant standards.

What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

OEH and RFS were consulted as required by the amended Gateway determination of 29 March 2017. OEH were generally supportive of the approach to preservation of Cumberland Plain Woodland onsite however they raised a number of issues relating *Pimelea spicata* and Koala feed tree species which have been clarified and addressed in the attached ecology report.

OEH also requested that a further archaeological assessment and cultural heritage assessment be undertaken. This has been commissioned and letter describing the proposed methodology is attached. OEH have advised that this can be done concurrent with the exhibition of the proposal.

The Rural Fire Service raised issues concerning the slope analysis and vegetation classification. The assessment has been updated to reflect these comments and is attached.

Part 4 – Mapping

In seeking to achieve the Planning Proposal 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);
- 4.4 amendments to Lot Averaging Map (refer to annexure 4);
- 4.5 amendments to Land Reservation Acquisition Map (refer to annexure 5);
- 4.6 amendments to Terrestrial Biodiversity Map (refer to annexure 6)

It is noted that it is not proposed to amend the existing;

- Height of Buildings Map
- Infrastructure Map

Part 5 - Community Consultation

Public consultation will take place in accordance with the Gateway determination. Such determination requires prior consultation with OEH and RFS.

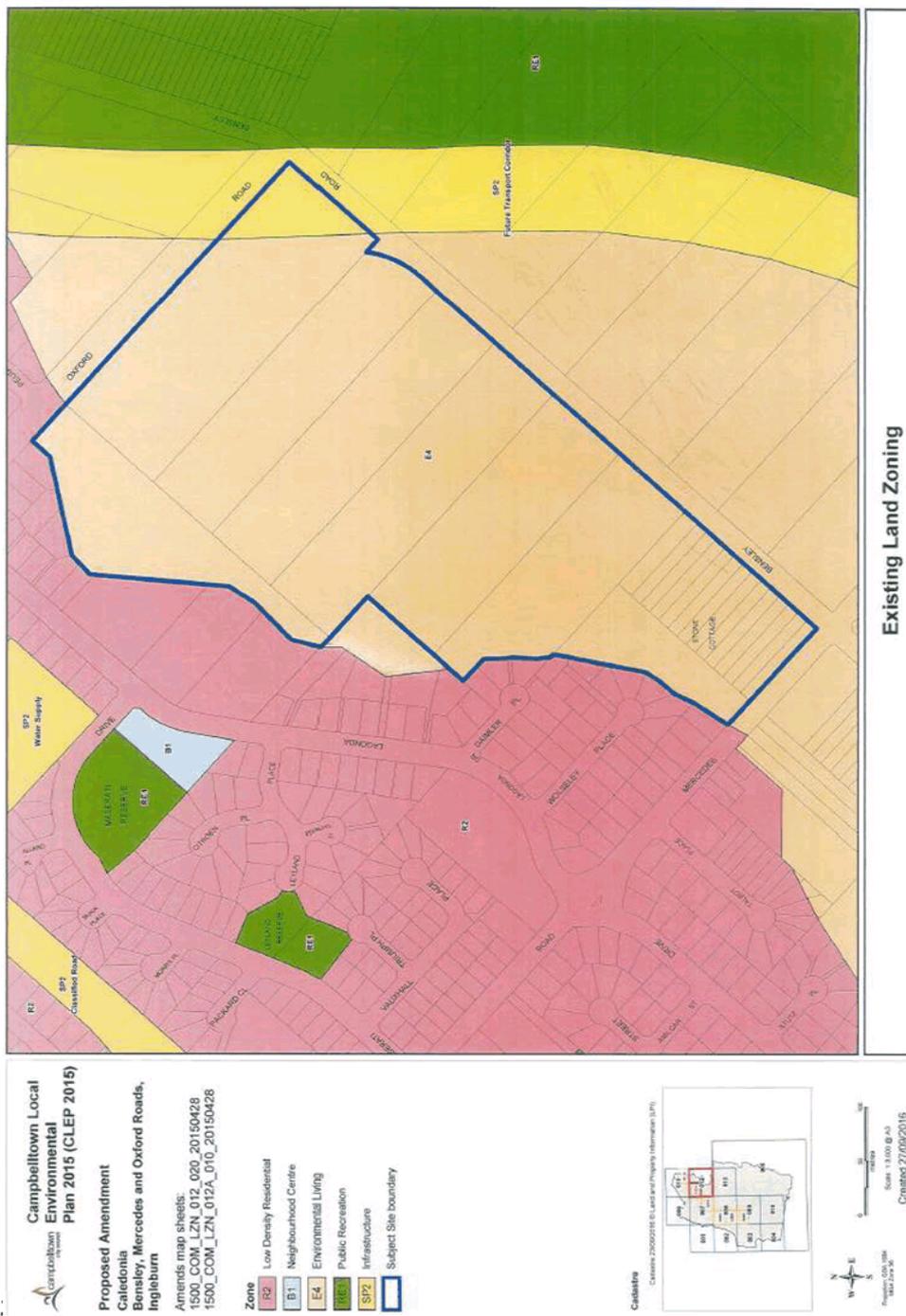
All relevant agencies and local community will also be consulted during the mandated 28 day public exhibition period.

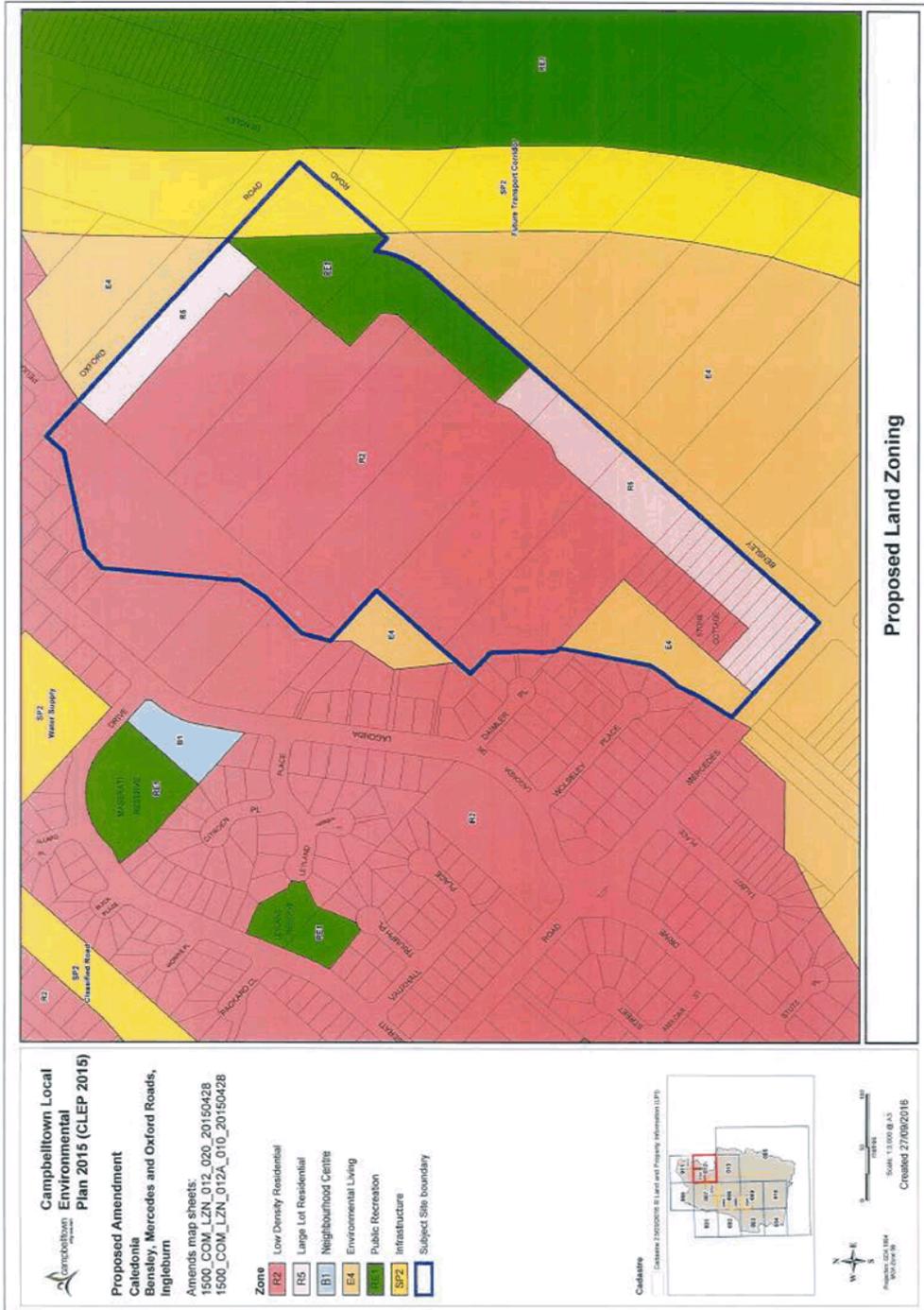
Part 6 - Project Timeline

The following notional project timeline is proposed:

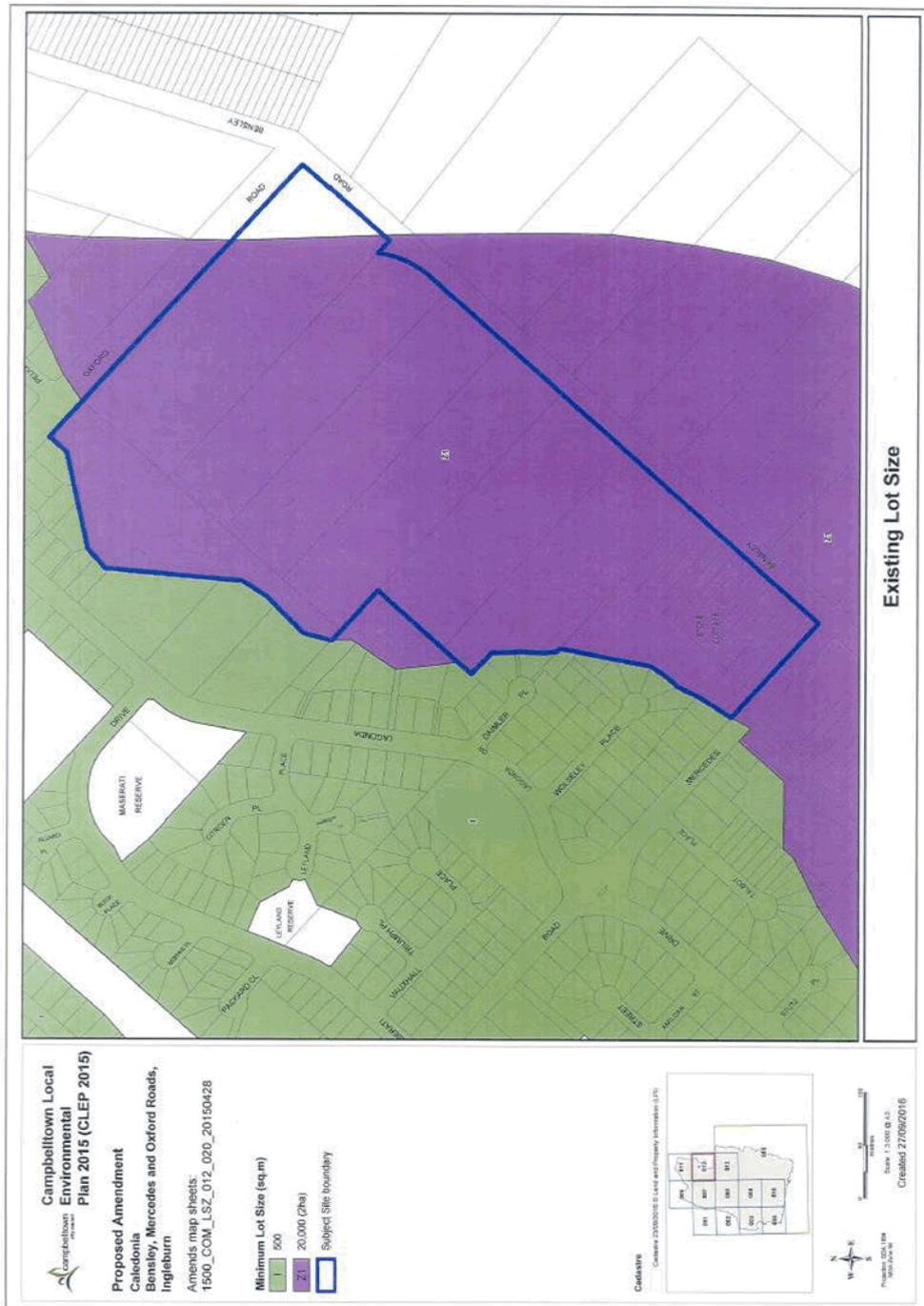
Council endorsement of Planning Proposal	October 2016
Referral for a Gateway Determination	November 2016
Gateway Determination	December 2016
Amended Gateway Determination	March 2017
Public Exhibition	July/August 2017
Consideration of submissions (Report to Council)	September/October 2017
Referral to Department of Planning and Environment for finalisation	September 2018
Plan amendment made	October 2018

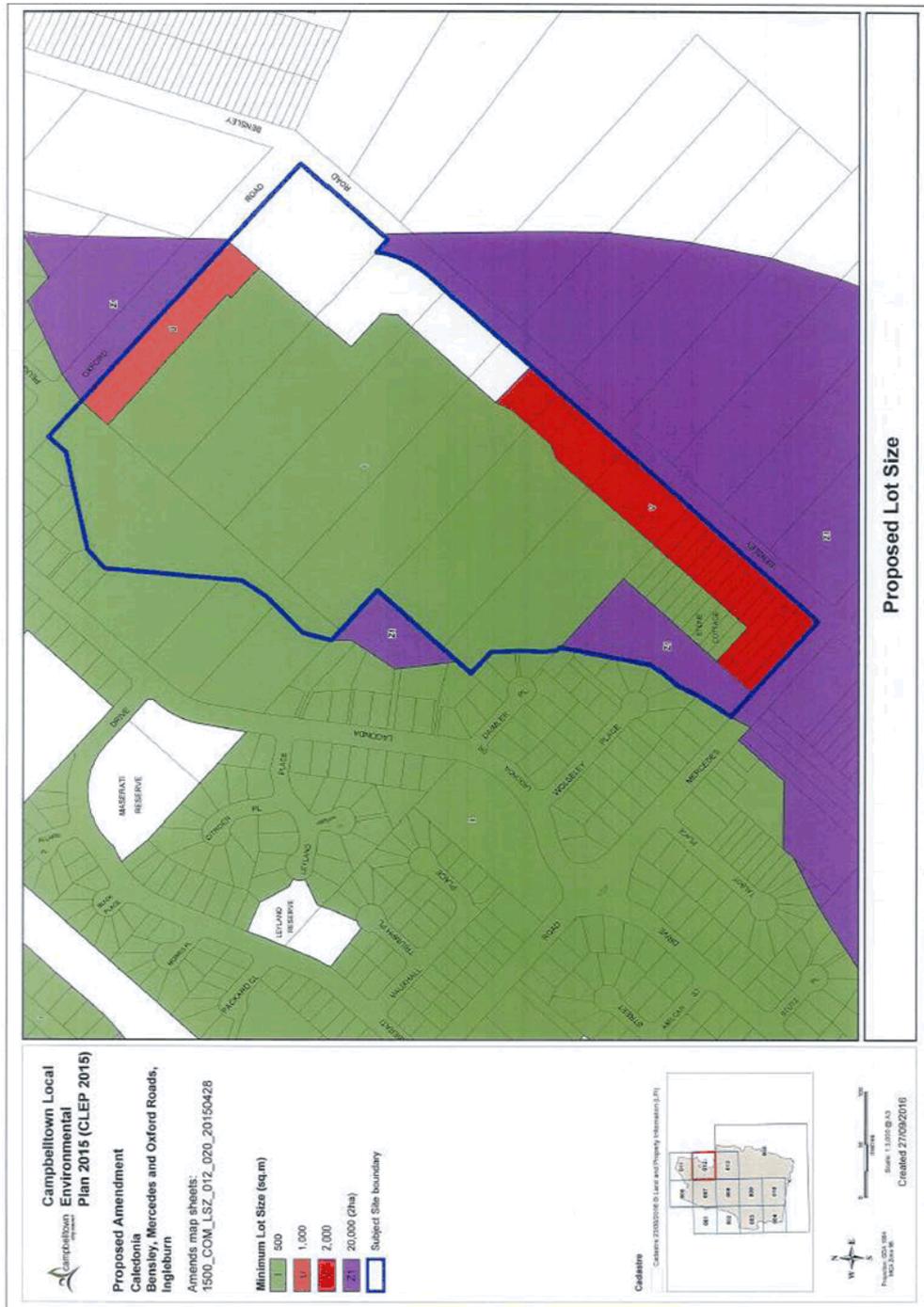
ANNEXURE 1



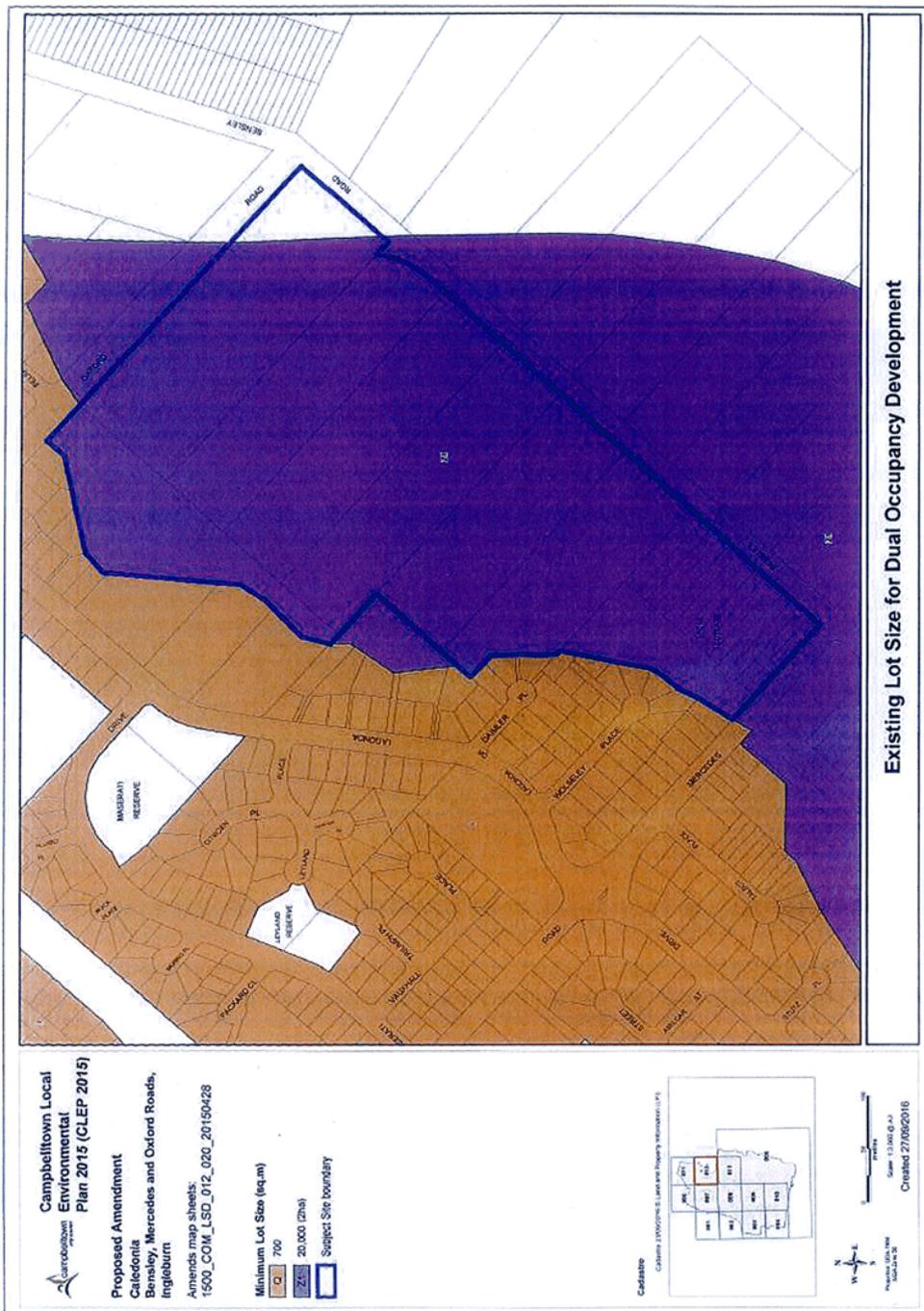


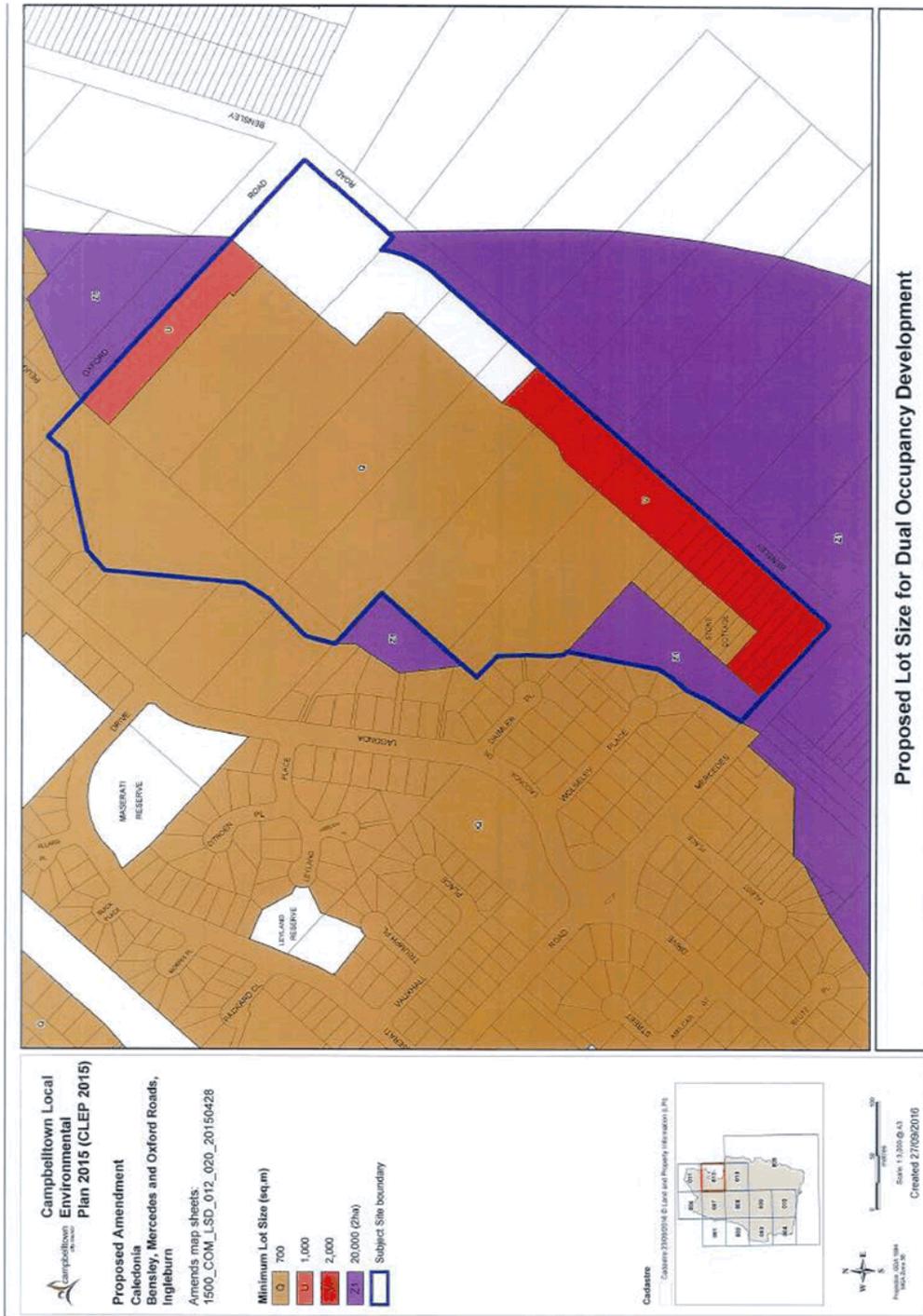
ANNEXURE 2



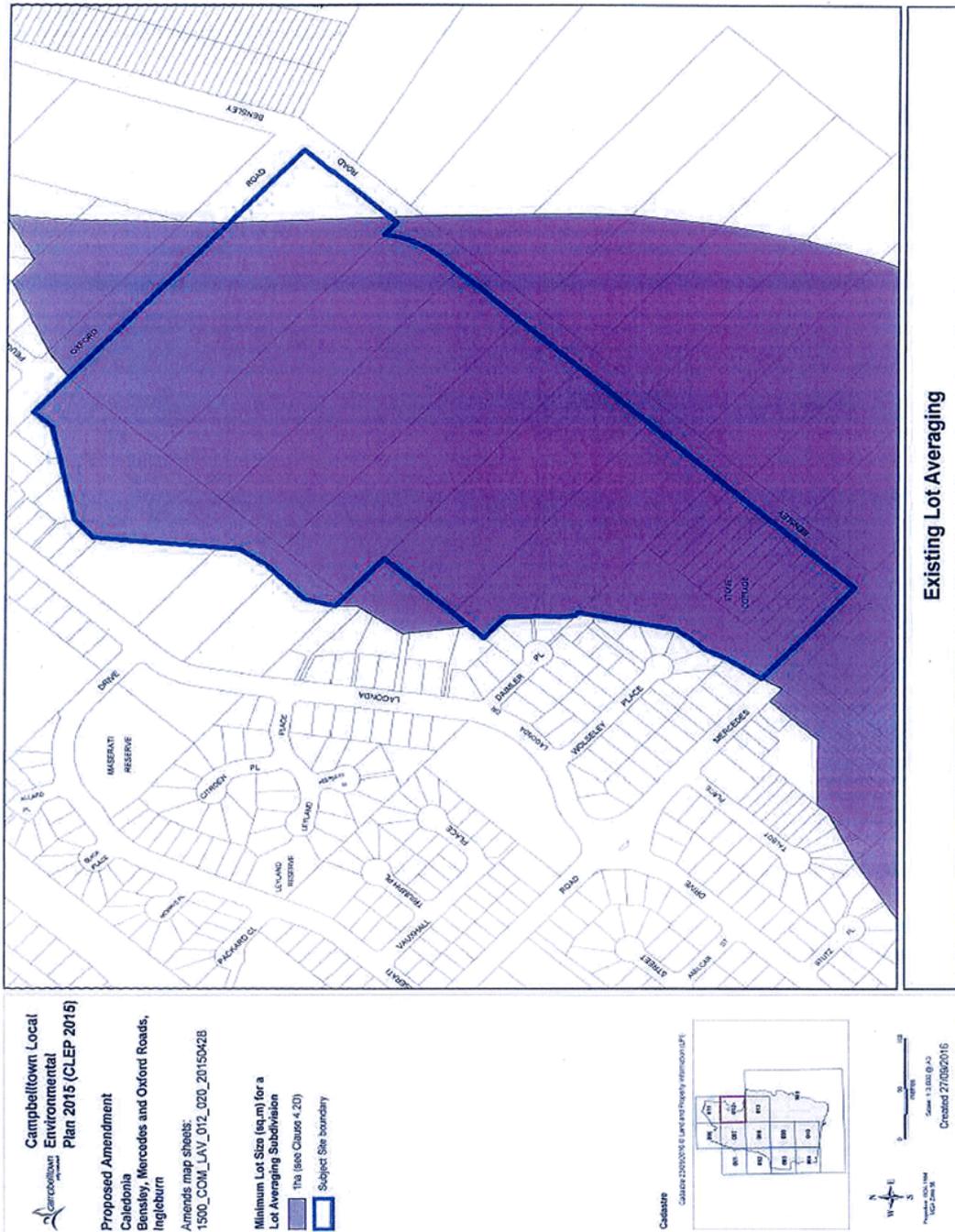


ANNEXURE 3

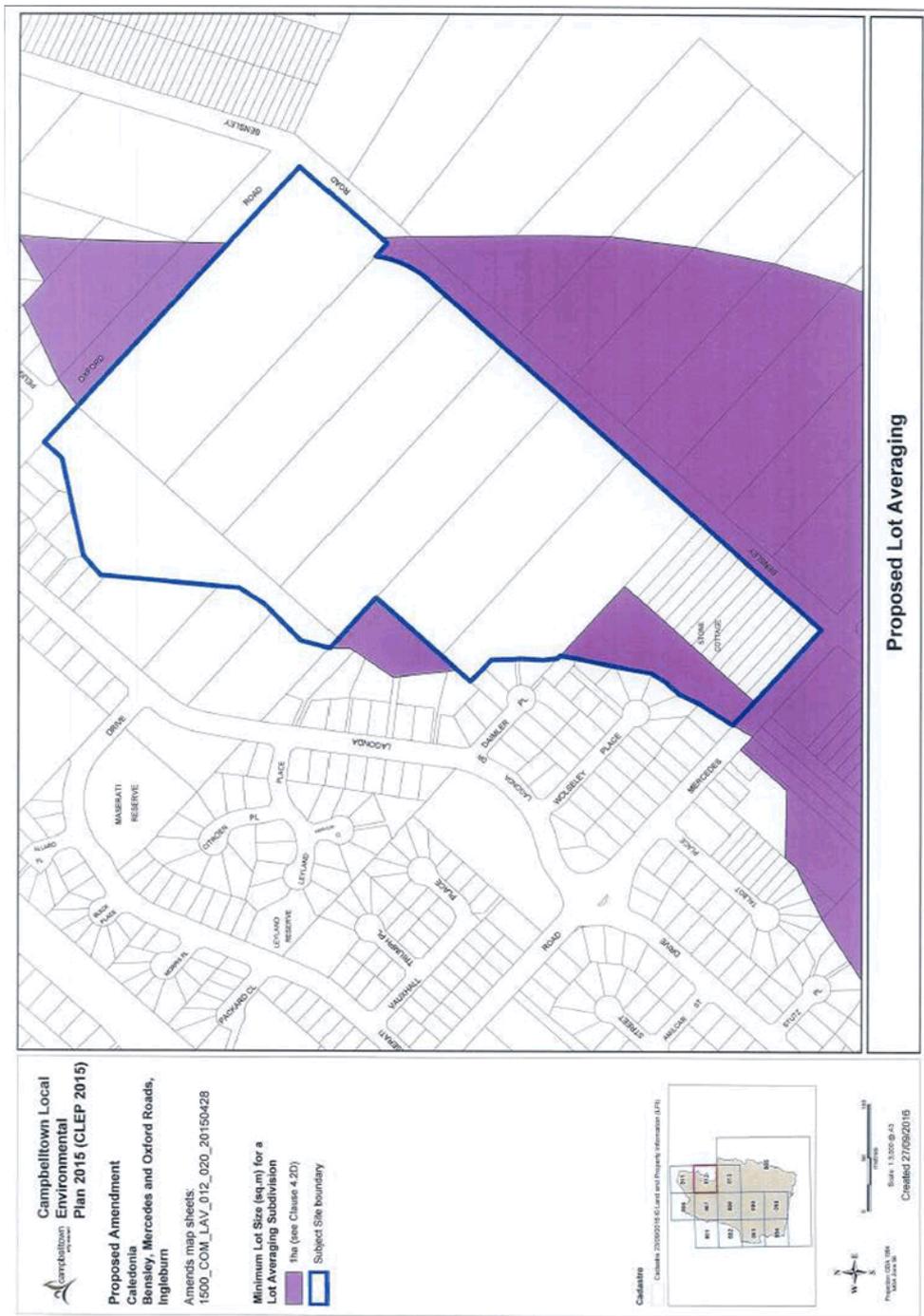




ANNEXURE 4



Existing Lot Averaging



Summary of Submissions – Caledonia Precinct

Planning Proposal

State Government Agencies

1.0 Transport for NSW

- 1.1 Extension of existing bus route:** The proposed extension of the current bus route (as shown in the exhibited Draft DCP) to the internal roads within the subject site is supported, however, infrastructure such as internal roads layout and associated bus services facilities should comply with relevant specifications and guidelines.

Comment: The draft DCP includes provisions that outline an option for the extension of the current bus route and will be amended to reference relevant standard. Public transport will be considered further at the Development Application (DA) stage.

- 1.2 Provision of pathways:** Pathways should be provided along the three roads fronting the proposed development. There are existing bus stops located on Lagonda Drive and TfNSW requests further information regarding a potential pathway connection into Maserati Drive to benefit future residents on the western side of the proposed development.

Comment: The planning proposal seeks to rezone land to facilitate limited residential development. Lagonda Drive and Maserati Drive are not part of the area covered by the Planning Proposal. Pursuit of enhanced connectivity beyond the Planning Proposal Precinct should be the subject of independent review and action if appropriate.

2.0 NSW Office of Environment and Heritage (OEH)

- 2.1 *Pimelea spicata* (Spiked Rice Flower):** OEH recommended that the proponent clarify the surveys undertaken on the site, including details of surveys for *Pimelea spicata*. If no surveys for *Pimelea spicata* had been undertaken, it was recommended that they be completed.

Comment: Targeted field surveys for *Pimelea spicata* were conducted by two ecologists on 16 and 23 of October 2017. No threatened flora was identified within the study area during targeted survey. Most areas of native vegetation showed a history of disturbance and were considered unlikely to provide habitat for *Pimelea spicata* or *Pterostylis saxicola* which are known in the Ingleburn area or recorded in the vicinity. The systematic targeted survey for *Pimelea spicata* did not identify any individuals of this species within the study area.

Further surveys should be undertaken at DA stage to provide more confidence in completely ruling the presence of the species out.

- 2.2 Retention of Cumberland Plain Woodland (CPW):** OEH notes that much of the higher ecological value CPW at the corner of Bensley and Oxford Roads, and moderate quality CPW along Bensley Road is proposed to be retained in an RE1 zone. OEH supports the retention of moderate and high value CPW in public

ownership on the site, however, would prefer the land zoned E2 – Environmental Conservation with RE1 – Public Recreation OEH’s second preference.

Comment: The proposal would result in the reduction of CPW within the study area through the clearing of approximately 1.84 ha of CPW of moderate to low quality vegetation on site (0.18 ha of moderate quality and 1.66 ha of poor quality) upon redevelopment. The vegetation shows signs of disturbance and management for grazing, with disturbance to the groundcover and midstorey layers and invasion by weeds. An initial map of the CPW on site is shown below.



Figure 2 – CPW located on the subject site

From the outset it has been acknowledged that some vegetation would need to be removed to facilitate residential development.

The final impact of development on the Cumberland Plain Woodland, however, requires further assessment at the Development Application stage and potentially development of an “offsetting strategy”. To this end it is proposed to introduce a “Terrestrial Biodiversity Map” to the proposed CLEP 2015 amendment. The Map has been compiled principally from mapping of the Office of Environment and Heritage and consultant Ecological. The subject map triggers the application of clause 7.20 of CLEP 2015 in respect of Terrestrial Biodiversity conservation. (Refer to Attachment “1”).

The need to follow the subject procedure has been adopted as a proposed amendment to the draft Caledonia Development Control Plan (Refer to Attachment “3”).

The subject process will lead to an acceptable outcome in accordance with the prevailing vegetation conservation/management legislation.

Further, it is noted that the majority of the high value CPW (shown in dark green) (1.15 ha) will be retained, managed and improved within the area of open space on site which is to be dedicated to Council and zoned RE1 – Public Recreation.

Assessments of significance under the *Threatened Species Conservation Act 1995* (TSC Act) and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) have been undertaken for CPW and other threatened ecological communities/species in regard to the impacts of the proposal, by the Proponent. These assessments of significance concluded that the proposal is unlikely to have a significant impact on threatened biodiversity and therefore, offsetting is unlikely to be required. This conclusion requires more rigorous review in accordance with the process outlined previously and encapsulated in Clause 7.20 of CLEP 2015.

At the end of the day OEH's suggestion of an E2 – Environmental Conservation zone for this part of the site was considered, however, the proposed RE1 – Public Recreation zone is the preference in this circumstance due to the need to also balance passive recreational use of the area.

- 2.3 Koalas:** In a pre-exhibition submission dated 30 May 2017, OEH noted that there were inconsistencies between the koala feed tree (KFT) species listed in Schedule 2 of SEPP 44 and the draft Campbelltown Comprehensive Koala Plan of Management (KPoM). OEH requested a survey of the site to identify tree species to clarify if any of the additional tree species identified in the KPoM are located on the site and would be impacted by the proposal.

Comment: The Flora and Fauna Assessment report was updated to include details as requested by OEH.

The Flora and Fauna Assessment Report prepared by Ecological Australia notes that as the total number of koala feed trees within the site exceed the 15% threshold under the SEPP 44 definition, the site contains 'potential koala habitat'. The report notes that koalas have not been sighted on the land but have been sighted within the vicinity of the site.

Council's draft Koala Plan of Management (KPoM) was recently been revised in response to comments from DP&E and OEH and endorsed by Council (10 July 2018) to be resubmitted to the Department of Planning and Environment for approval. If at the time of DAs, Council's draft Koala Plan of Management is not in place, any areas within the site that meet the criteria of *SEPP 44 Koala Habitat Protection* will require a site-specific KPoM prior to any development approval being issued for the site. This individual KPoM would include recommendations for appropriate development controls for koala protection which would be enforced via a condition of any development consent granted on the site.

In addition to the RE1 zoning of the high-quality vegetation within the site, a site specific Development Control Plan (DCP) has been prepared to ensure that the retention and maintenance of the potential Koala Habitat is a key consideration for any future development.

Furthermore, OEH provided no objection in their submissions to the proposal in relation to Koala protection and management.

- 2.4 Aboriginal Cultural Heritage:** OEH suggested the completion of additional archaeological and cultural assessment studies to inform the planning process. This

includes consultation with Aboriginal stakeholders to explore options for conserving areas of Aboriginal heritage significance.

Comment: The proponent has begun to prepare studies as recommended by OEH. The completed studies will be submitted to Council as part of future DA's for the site.

In December 2017, test excavations were undertaken on site. Based on the preliminary findings, GML Heritage consultants and the RAPs believe that the Caledonia Precinct has low Aboriginal heritage significance.

Further investigation will be required at DA stage and a referral to OEH will be required if the proposal is classified as 'designated development' under the *Environmental Planning and Assessment Act 1979* (EP&A Act). If any Aboriginal object will be "harmed" (as defined in the *National Parks and Wildlife Act 1974* (NPW Act) as part of the DA, an Aboriginal Heritage Impact Permit (AHIP) will be required to be submitted to OEH for review. An Aboriginal Cultural Heritage Assessment Report (ACHAR) is required as part of this process.

It is considered that sufficient information is available to advance finalisation of the Planning Proposal and that the issue can be more fully addressed at the development application stage when details of proposed works are known. The preliminary studies indicate that the proposed zoning is suitable, given the site is considered to have low Aboriginal heritage significance. In any case, detailed requirements will be considered and assessed at DA stage. An AHIP is required under the NPW Act prior to any impacting works proceeding. As such, the completion of additional archaeological and cultural assessment studies at this stage is not considered practical or necessary given the assessment work and consultation already undertaken with Aboriginal stakeholders to inform the planning proposal having regard to Aboriginal heritage issues.

3.0 Heritage Council of New South Wales

The Heritage Council recommended that a Statement of Heritage Impact and historical archaeological assessment be prepared prior to exhibition of the planning proposal.

Comment: It is initially noted that a Heritage Assessment and Statement of Heritage Impact was undertaken by GBA Heritage in response to the Heritage Council requirement.

The Assessment/Impact Statement concluded:

- That the Planning Proposal does not require any variation to the standard heritage provisions at clause 5.10 of CLEP 2015.
- That the Caledonia DCP include provisions in respect of the identified curtilage, Mercedes Road development setbacks and an interpretation plan
- That the listing of the local heritage item be revised.
- That the site DCP reinforces the sensitivities of the heritage item and related development parameters.

Further, Clause 5.10 of Campbelltown Local Environmental Plan (CLEP) 2015 contains extensive existing objectives with regard heritage matters. Detailed studies and assessment will be undertaken and resolved at DA stage for subdivision and building works on site.

4.0 Rural Fire Service (RFS)

- 4.1 Asset Protection Zone:** RFS disagrees with Eco Logical Bushfire Assessment which identified vegetation as 'Woodland' rather than the appropriate classification as 'Forest'. The RFS requires an Asset Protection Zone of 25m width, an additional 5m to that recommended in the Eco Logical report.

Comment: The draft DCP has been amended to refer to a 25m wide APZ along Bensley Road. Detailed bushfire requirements must comply with 'Planning for Bushfire Protection' 2006 and will be considered and resolved at the DA stage for subdivision and building works on site.

5.0 Agencies with no objection

The following agencies have advised that they have no objection to the proposal and/or have provided routine comments on development assessment issues that can be appropriately addressed at DA Stage for future road, building and subdivision works:

- Sydney Water noted that there is sufficient water and wastewater information to service future development. Detailed requirements will be addressed at Section 73 application phase.
- Roads & Maritime Services (RMS)
- Endeavour Energy
- Telstra

Council also advised the following government agencies and service providers of the public exhibition of this planning proposal but did not receive any comments:

- Fire and Rescue NSW
- NSW Department of Health.

Notwithstanding, the planning process must continue to proceed despite receiving no response from the authorities above.

Public Submissions

6.0 Public Submissions

Council received 27 submissions from surrounding residents. 17 of these were proforma submissions, and one of these submissions included signatures (18 signatures) of residents of Lagonda Drive. Five of the submissions were in support of the proposal.

The submissions highlight concern with the following key issues:

- Biodiversity,
- Potential removal of trees,
- Potential impacts on koala,
- Strategic planning
- Roads and traffic,
- Public transport,
- Context and design,
- Aboriginal heritage,
- Georges River Parkway,
- Public infrastructure and local services.

A comprehensive summary of concerns and issues raised is provided in Appendix "A" at the conclusion of this Attachment.

A detailed response to each issue raised in submissions is provided below.

6.1 Biodiversity and Tree Removal

Submissions highlight the positive impact the trees have including their contribution to fauna habitat, aesthetics and air purification. Concern was raised from residents regarding the potential loss of trees on site.

Higher ecological value Cumberland Plain Woodland (CPW) is located at the corner of Bensley Road and Oxford Road, and moderate quality CPW along Bensley Road. This vegetation is included in the RE1 – Public Recreation zone, which will substantially protect the vegetation. In addition, the proponent has offered to enter into a Voluntary Planning Agreement (VPA) with Council to retain the high quality vegetation (predominately Cumberland Plain Woodland) in the open space area and maintained in perpetuity in accordance with a relevant Vegetation Management Plan. OEH have raised no objection to this mechanism.

The public open space is approximately 17,786 in area and will allow for passive recreation, and well as the retention of biodiversity thereby, assisting in reducing any proposed loss of the carbon absorbing environment and habitat for native fauna.

All trees of high retention value are largely being conserved principally in the RE1 – Public Recreation zone. Where the remaining low to moderate quality vegetation is not retained, then the assessment of their removal and appropriate offsetting strategies can be considered at the development application stage.

The development of any rural land for urban purposes will result in a change in biodiversity. However, the studies that have been undertaken by various consultants with regard to the proposed Caledonia Precinct has shown that whilst recognising the constraints of the site it is capable of supporting urban development. Increased tree canopy will also be sought through tree planting as required by the draft DCP.

6.2 Koala Protection

Concerns were raised through submission regarding the protection of Koala habitat on the site. This matter has been addressed in detail in response to OEH's submission.

At the time of the subdivision application if any area within the site meets the criteria of *SEPP 44 Koala Habitat Protection* and Council's Comprehensive Koala Plan of Management has not been adopted by the Department of Planning and Environment a site-specific Koala Plan of Management (KPoM) will be required prior to any development approval being issued for the site. This individual KPoM would include recommendations for appropriate development controls for koala protection which would be enforced via a condition of any development consent granted on the site. It should be noted that OEH provided no objection to the proposal in relation to Koala protection and management.

6.3 Roads and Traffic

Traffic congestion was highlighted as a primary concern of residents during the exhibition of the planning proposal. A traffic study was prepared in support of the planning proposal, and has been reviewed by Council's traffic engineers and the

NSW Roads and Maritime Service. It has been established that traffic increases will be within the design capacity of the existing road network. The traffic study provides analysis of key intersection and roundabouts within the area of the site, modelling the current and future scenarios, as well as changes resulting from the proposal. Intersections within the vicinity of the development site have been determined to operate at a satisfactory level with adequate capacity for increased demands generated by the proposal.

It should be noted that the traffic study was based on an earlier scheme for the proposed development, which provided for 241 residential allotments rather than the current scheme of 170 residential allotments. As such, a reduction in the movements anticipated in the traffic study is expected. Although the traffic study was undertaken in late 2015, prior to lodgement of the planning proposal, the proposal and associated study have been reviewed by Roads and Maritime Services who raised no objection to the proposal.

While concern regarding increased traffic congestion is noted, only a marginal increase is projected to be generated from the proposed rezoning, with acceptable attendant impacts.

6.4 Provision of Infrastructure and Local Services

As noted in the submissions, the land subject to the planning proposal is not in single ownership. The community raised concerns regarding the delivery of required infrastructure in a piecemeal approach. Due to the future potential for rapid population growth in the area, Council is currently preparing a new comprehensive 7.11 Contributions Plan. Therefore, any future development of the site would be required to provide monetary contributions to ensure essential community facilities are delivered, regardless of land ownership, alternatively future developers may offer to enter into a VPA. It is noted that this is the case with the draft Bensley Developments Pty Ltd Planning Agreement.

Council notes the community concerns about the capacity of existing infrastructure. It is considered that existing infrastructure servicing the site has the capacity to accommodate the proposed number of dwellings, as reinforced by Sydney Water and Endeavour Energy. It is expected that these services would be upgraded by the developer, where required, to support the proposed development. The proposal will include an area for public recreational use (zone RE1 – Public Recreation) on the corner of Bensley Road and Oxford Road.

6.5 Public Transport

Submissions noted a lack of public transport servicing the proposed development and concerns that existing bus services would be compromised. The current bus route (at the time of this report - Route 873) servicing surrounding areas is proposed to potentially be extended to service the site, providing alternative transport options to future residents. Provisions to this effect have been included in the exhibited draft DCP and have been reiterated in the amended draft DCP (Attachment 3). Detailed consideration of bus routes will be addressed at DA stage.

6.6 Stormwater and Wastewater

The submissions highlighted concern that stormwater calculations contained in the Engineering report exhibited with the planning proposal were incorrect and that the proposed stormwater and sewerage system was not appropriate for future development.

In this regard, the proponent has agreed in principle to an amended stormwater management design. Concept stormwater management plans submitted to Council have adequately addressed the proposed methodology to manage the quantity and quality of stormwater drainage which is likely to result from any proposed urban development on the subject site.

The draft DCP has been amended to ensure the agreed upon stormwater management principles and related system will be assessed and delivered as part of a future DA for subdivision. In addition, Sydney Water has advised that water and wastewater services can be provided to the subject land.

Further detailed water and wastewater requirements will be addressed at the DA stage in accordance with a stormwater management Masterplan as outlined in the amended DCP.

6.7 Consistency with Campbelltown Council direction/strategic plans

Submissions highlight concern that the proposal does not comply with Campbelltown Council's strategic planning objectives, or greater Sydney's strategic planning documents. Consideration of the proposal against the Western City District Plan' and the Greater Sydney Region Plan' is provided below.

The site is capable of supporting urban development and the constraints have been recognised, outlined and addressed in the various specialist technical reports and will be further attested to in supplementary investigations and strategy formulation. The proposal is also consistent with the recommendations of Councils Policy Position for the site as endorsed by Council at its meeting on 21 June 2016 as it reflects a transition from existing residential density to larger lot residential developments with varying lot sizes.

It is considered that the proposed draft planning proposal and amended draft DCP will provide for a viable urban community whilst appropriately respecting the existing natural and cultural heritage qualities of the land and ensuring access to requisite infrastructure.

6.8 Georges River Parkway

Residents highlighted concerns over the loss of land reserved for the proposed Georges River Parkway located on the corner of Bensley Road and Oxford Road. The proposal retains the current zoning for the future roadway, SP2 – Infrastructure and continues to identify the land on the Land Reservation Acquisition Map under Campbelltown Local Environmental Plan 2015.

6.9 Footpaths and Cycleways

Submissions requested the provision of footpaths and cycleways within the site. The exhibited draft DCP includes an objective to "provide a safe walkable community". The provision of footpaths and cycleway will be addressed in any future subdivision DA.

6.10 Odour

A number of submissions raised concerns that the any future development on the site may experience negative odour impacts from nearby land uses. Council notes that there is an existing poultry farm operation located on the corner of Bensley and Mercedes Road, approximately 100m from the southern boundary of the subject site. Pacific Environment were engaged to assess and evaluate potential odour impacts on the proposed future development. The predicted odour concentrations are

anticipated to be below the adopted odour performance goal as per various EPA requirements.

6.11 Aboriginal Heritage

Concern was raised regarding the preservation of Aboriginal heritage on site. This matter has been discussed in detail above in response to OEH comments. In summary, the Aboriginal community have undertaken site visits with the Proponent's consultants with regard to Aboriginal cultural heritage and areas of archaeological sensitivity. Preliminary investigations have concluded that the site has low Aboriginal Heritage significance. Further investigation will, however, be required at DA stage.

Future development of the subject land must ensure compliance with the provisions of Campbelltown (Sustainable City) DCP 2015 through clause 2.11.1 Indigenous Heritage.

6.12 Vista/View Loss

Residents of Lagonda Drive have noted concerns that future development may result in vista and view loss across the site. It is noted that any development of the Caledonia site will result in the loss of rural vistas across the subject site. It should be noted that the site is currently zoned to allow limited dwelling houses on the land and building heights across the site are not proposed to increase. Street tree planting throughout the site is proposed to soften the impact of any future development on the site, although this will take some time to establish. Any privacy issues or view loss associated with the construction of any future dwellings can be considered during the assessment of any future DA.

6.13 Lot Sizes

Concerns were raised during exhibition that the proposed lot sizes of 225sqm and 300sqm were too small and uncharacteristic of the surrounding subdivision pattern.

Whilst it is noted that the original planning proposal request submitted to Council included lot sizes of 225sqm and 300sqm, the planning proposal was revised in response to Council's resolution to increase the minimum lot size and reduce the lot yield. The exhibited proposal includes a mix of 500sqm, 1000sqm and 2000sqm minimum lot sizes, consistent with the adopted policy position for the area (resolved at Council Meeting held 21 June 2016):

"Any future developments should reflect a transition from the existing residential density (generally 500 sqm) to large lot residential development of 1,000sq m to 2,000sqm allotments. Retention/management of remnant woodland and reinstatement of an informal verge character of perimeter roads should be pursued where practical."

The proposed lot sizes are considered to be consistent with the prevailing lot size of the surrounding area and representative of the desired future character of the area.

6.14 Bushfire

Submissions noted concerns in relation to the adequacy of bushfire protection, including the proposed "bushfire buffer" to be provided. A bushfire assessment report was prepared by Eco Logical to inform this proposal. The recommendations of this report have been included in the draft Site Specific DCP for the Caledonia Precinct.

RFS raised no objection to the proposal, however have requested that the Asset Protection Zone (APZ) be increased by 5m, to a width of 25m. The draft DCP has been revised to identify this request.

Detailed bushfire management can be addressed during the assessment of any potential development applications for the subject site. Any future development must consider and comply with 'Planning for Bushfire Protection' 2006.

6.15 Watercourses

Submissions raised concerns with the Proponent's view that the waterway located on the site does not fit the definition of 'river' as defined by legislation.

During the assessment of the planning proposal at Gateway, it was noted that there was one 1st order waterway within the site. In accordance with DPI Water's Riparian Guidelines, a 1st order stream usually requires a 10m vegetated riparian zone on each side measured from the top of bank. A site inspection undertaken by Eco Logical found that the waterway did not meet the definition of a 'river' under the Water Management Act 200 (WM Act) because it has no defined channel, bed, bank or have evidence of geomorphic processes.

Department of Primary Industries (DPI) confirmed in their letter 5 September 2016 that they agree with the finding by Ecological Australia that the blue line shown on the topographic map on the western side of Bensley Road is not a 'river' under the provision of the WM Act. No further approvals or input from DPI is required at this stage.

6.16 Lack of detailed plans

Given the development is at planning proposal stage, the information and plans provided are considered to be adequate to allow proper assessment of the proposal. Detailed plans will be provided at DA stage for subdivision and/or building works, at which time the community will have the opportunity to review and comment on the details of the DA.

6.17 26 Mercedes Road

During exhibition, Council received a submission requesting changes to planning controls including zoning and minimum lot size for the above property. This property was not subject to planning control changes in the original Planning Proposal at what was understood to be the landowner's request. The amendments sought will trigger a requirement for an amended gateway or re-exhibition. As such, given the timeframes of this planning proposal, it is not intended to change the proposal to the extent that the finalisation of the proposal will be affected through the re-exhibition process.

If the landowner wishes to progress the requested changes in the future, these can be undertaken as a new planning proposal. Alternatively, Council may display the initiative to prepare a relevant Planning Proposal.

The land exhibits qualities which support its rezoning in a manner similar to adjoining lands. In this instance it is recommended that Council prepare a Planning Proposal based on the existing background information. Should any additional information be required Post Gateway it should be funded by the owner.

6.18 28 Mercedes Road

Council received a submission requesting decreased minimum lot size for the above property. The proposed minimum lot size of 2000sqm is considered appropriate as the property is located on the outer edge of the planning proposal site, adjacent to land zoned E4 – Environmental Living with a 2 hectare minimum lot size. As such, the proposed minimum lot sizes provide a transition from existing residential development to large lot residential development.

APPENDIX A – SUMMARY OF SUBMISSIONS

Resident 1

- Concerns about protection of the environment by changing zoning to allow for residential housing.

Resident 2

- Proposal is contrary to Campbelltown Council as it does not promote sustainability and should continue to be zoned “Environmental Protection” for environmental reasons.
- Create further dependencies on non-renewable energy (i.e. increased car trips, energy usage).
- It is proposed that sewage waste from the development will be collected and pumped uphill to an existing sewer system. This could fail during a power outage and result in contamination to nearby watercourses.
- Concerns in relation to tree removal and koala protection.

Resident 3

- Request that 26 Mercedes Road be included in the planning proposal and rezoned from E4 Environmental Living to a mix of R2 Low Density Residential and/or R5 Large Lot Residential
- Include 26 Mercedes Road as part of the proposed minimum lot size amendments.
- Inconsistency between zoning and lot maps in comparison with DCP maps and Engineering Report with regard to 26 Mercedes Road.
- Proposal does not meet the “appropriate transition principles” as outlined in Campbelltown Local Planning Strategy 2013.

Resident 4

- Request that proposed 2000 sq.m minimum lot size be made smaller for 28 Mercedes Road.
- Object to loss of 10m of private land for tree planting along Bensley Road.

Resident 5

- Subject area should not be developed as Macquarie Fields and Ingleburn are already heavily congested.
- Proposal will result in further traffic in these areas.

Resident 6

- Odour from nearby chicken farm will impact new residents and lead to increased energy consumption.
- The proposed road layout does not provide good connectivity to nearby shops and services.
- Proposed extension of bus service should not impact on existing bus service.
- Potential for increased cars and impacts on cyclist and pedestrians along Bensley Road.
- Provision of footpaths and cycleways in new subdivision.
- Suggestions to include shared footpath/cycleways along Mercedes, Oxford and Bensley Road and provide connections to surrounding reserves and ovals.

- Need for increased formal recreation space, rather than bushland, including playground, seating etc.
- Impact on surrounding street network, including roundabout at Collins Prom and Chester Road during peak hour. Impact on school children and other pedestrians crossing the road. Suggest upgrade of intersection with traffic lights and controlled crossings.
- Concerns traffic study is 2 years old and does not take into account traffic increases.
- Lot sizes of 225sqm and 300sqm are too small.

Resident 7 (Form letter)

- Proposal is inconsistent with relevant sub-regional and local planning guidelines
- Inconsistent with local land zoning and does not support the rural/urban interface of the site.
- Concerns that the proponent of the Proposal does not own all the land included in the Proposal.
- The Proposal would therefore be unable to meet relevant requirements in terms of roads and stormwater infrastructure.
- A piecemeal approach to the development would disrupt surrounding residents.
- The proposed rezoning will destroy the scenic landscape character of the area.
- The applicant proposed to bear the cost and construct a boundary fence, however, has not specified details such as height.
- Concerns relating to the visual impact of the proposed development on residents of Lagonda Drive.
- Concerns the proponent's original request for a planning proposal document does not adequately address visual impact of the development.
- Concerns that the proponent's original structure plan (contained within the proponent's request for a planning proposal) contains 225sqm and 300sqm lots.
- Concerns that the 225sqm and 300sqm lots would require 2 storey dwellings to be constructed and therefore lead to privacy issues and loss of existing vistas from residential of Lagonda Drive.
- Loss of land reserved for Georges River Parkway.
- Inconsistent with 'A Plan for Growing Sydney'.
- No detailed plans, such as 3D perspectives, provided with the planning proposal.
- Incorrect information within the proponent's request for a planning proposal document.
- Concerns that water retention/stormwater run-off has not been calculated correctly.
- Concerns that the proponent seeks to redefine the waterway to not comply with DPI's Water Riparian Guidelines.
- Concerns in relation to bushfire and provided fire buffer.
- Concerns that traffic studies and trip distribution calculations are incorrect given that all lots within the site may not be acquired by the proponent, and therefore making a private bus route unviable.
- Concern that traffic generation has been underestimated and that the planning proposal will lead to increased traffic congestion to surrounding roads.
- Impacts of planning proposal and increased population on car parking in nearby Ingleburn Town Centre.
- Lack of public transport.
- The Koala assessment was undertaken in a restricted area, and therefore there may be a possibility that the proposed development could threaten the species. This matter requires more investigation.
- The vegetation area set aside in the proposed development is too small to be a viable bio banking site. Loss of habitat for native birds.
- Poultry farm and odour control.

- It has been portrayed to Lagonda Drive residents that the subject site would remain an E2 zoning.

Resident 8 – 12 (5 submissions)

- Support planning proposal
- Land is currently not productive and increased population and low density residential would be beneficial to surrounding businesses.
- Provide needed housing within Western Sydney.
- Provide an economic boost to the surrounding Ingleburn Centre. Proposal provides adequate transition from surrounding environmentally significant land.

Comment: Submissions in support of the planning proposal are noted.

Voluntary Planning Agreement

Submission 1

- Concern raised on the development of the Caledonia Precinct.
- The developer has not acquired all the land required to deliver the required infrastructure.
- Proposed dwellings adjoining properties along Lagonda Drive should be single storey to minimise the impact on their scenic views.
- Current road network is inadequate to cope with the increase in traffic.
- The proposed internal road network is not suitable for a bus service, forcing future residents to walk to Lagonda Drive and Oxford Road.
- Boundary fencing to match existing fence.
- Request for compensation for the internal and external cleaning of the properties due to dust created during the construction phase.

Submission 2

- A copy of a submission previously submitted to Council regarding the rezoning of the Caledonia Precinct. Summary issues:
 - Impact of the proposed development on Koala Habitat and general loss of trees.
 - The potential impact on Georges River if the proposed sewage pumping station needed for the residential development fails.

Comment

A majority of the issue raised in the submission are not VPA related and deal specifically with the rezoning of the land to permit residential development and its potential impact on the site and surrounding areas. These matters have been considered with the finalisation of the Planning Proposal and revised Development Control Plan.

In regards to the matter relating to the developer, Billergia Group, not having control of the entire Precinct, the VPA specific relates to land in the control or ownership of the developer. The infrastructure requirements on the remaining parcels of land will be delivered either through a VPA or be imposed as a condition of consent on the development of the site.

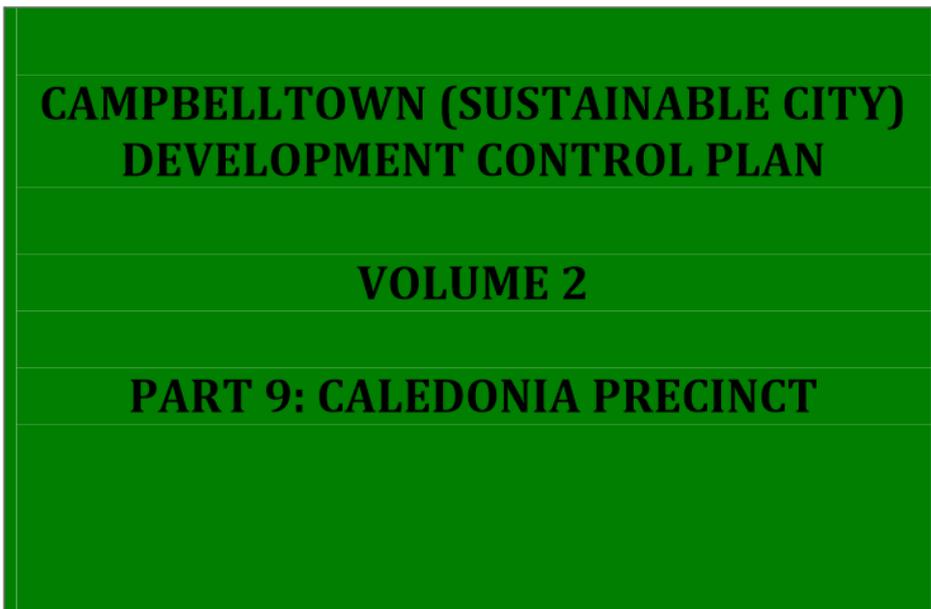


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1 INTRODUCTION

1.1 APPLICATION

This Part sets out controls for land known as the Caledonia Precinct as shown in Figure 1.

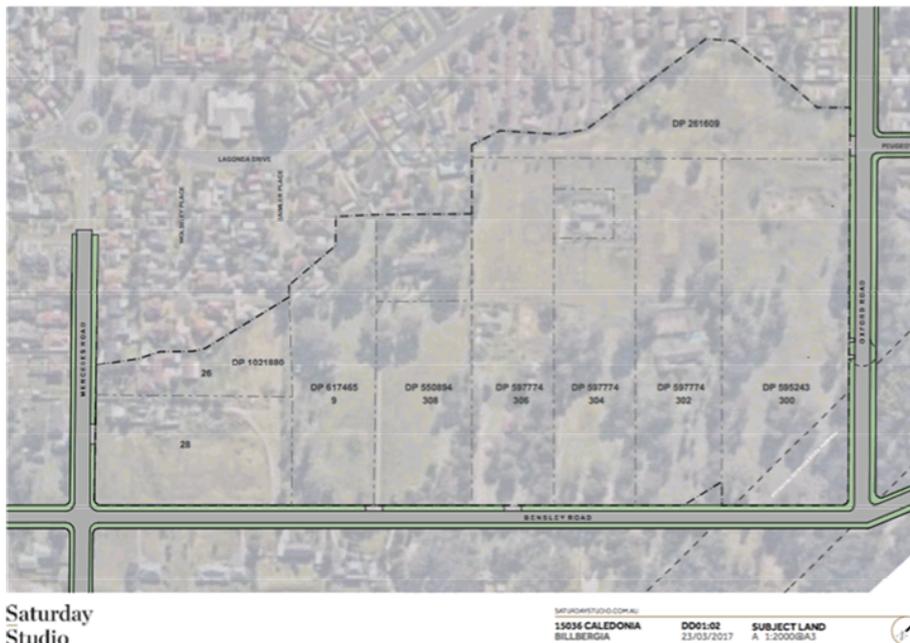


Figure 1 Land to which Part 9 applies

1.2 PURPOSE OF THIS PART

The purpose of this Part is to establish a supplementary planning framework (beyond the general provisions of the Campbelltown Sustainable city DCP) for achieving the Council endorsed vision for the Caledonia precinct, through the establishment of issue specific goals and controls. In doing so it provides a platform against which Council will assess future development applications in the Caledonia Precinct.

1.2 RELATIONSHIP TO OTHER PARTS OF THE DCP

The controls applicable to development of land within Caledonia Precinct are generally detailed in this Part. When a development control is not specified in this Part, development should be consistent with all other relevant controls of Volume 1 of the Campbelltown (Sustainable City) DCP.

In particular, this part should be read in conjunction with the following parts of Volume 1 of the Campbelltown (Sustainable) City Development Control Plan:

- Part 2 Requirements Applying to All Types of Development
Part 3 Low and Medium Density Residential Development and Ancillary Residential Structures
- Part 4 Rural Residential Development and Ancillary Rural Residential Structures
- Part 8 Child Care Centres

The Campbelltown City Council Engineering Design Guide for Development also applies to development specified in this Part.

Where there is an inconsistency between Volume 2, Part 9 and any other part of this Development Control Plan, Volume 2, Part 9 applies to the extent of the inconsistency.

2. VISION AND DEVELOPMENT OBJECTIVES

2.1 VISION

The Caledonia Precinct will form a low density urban transition between the rural and woodland Edgelands hinterland to the east of the site, and the varying low to medium density urban environment of Ingleburn extending from the west of the site to the railway line.

The subdivision of the Caledonia Precinct will comprise a mix of lot types of a typical minimum lot size of 500sqm, surrounded by 1000sqm large lots fronting Oxford Road to the north, and 2000sqm lots to the Bensley Road frontage.

Full development of the precinct will allow for approximately 170 residential lots. While not specifically planned as such it is possible that some of these lots could include secondary dwellings such as granny flats.

Caledonia will be characterised by tree lined streets with integrated WSUD elements and environmentally responsible development. It will be highly permeable and include quality pathways, direct connections, attractive and safe streets which encourage walking and cycling.

The natural environment provides a visual backdrop and access to open space for the residents. New development will integrate with the existing characteristics, surrounding land uses and will take into consideration the heritage building to the South of the site.

2.2 KEY DEVELOPMENT OBJECTIVES

Objectives
1. To create a transition between the rural/woodland known as the Edgelands to the east of the precinct and the low to medium density urban environment of Ingleburn.
2. To develop the precinct in a way that respects and builds on the existing landscape character of the site and surrounds.
3. To provide a mix of lot sizes, ranging from 2,000 to 500 sqm, to provide for a diverse residential community.
4. To encourage walking and cycling through the precinct and to create a safe and walkable neighbourhood
5. To provide a highly permeable road network that creates a clear road hierarchy and provides convenient and safe links throughout the precinct.
6. To encourage the use of public transport, allowing for the extension of

bus services into the precinct.
7. To protect areas of significant vegetation located within the precinct including the woodland area on the corner of Oxford Road and Mercedes Road and the large trees on Oxford Road.
8. To provide areas of open space that all well connected and provide opportunities for passive and active recreation.
9. To create a safe and secure environment with high levels of passive surveillance of the public domain.
10. To preserve and respect the heritage values of the stone cottage fronting Mercedes Road.

Controls

1. All development is to be undertaken generally in accordance with the Structure Plan at Figure 1 and the objectives and development controls set out in this Part.
2. Where variation from the Structure Plan is proposed, the applicant is to demonstrate that the proposed development is consistent with the Vision and Development Objectives for the precinct set out in Section 2.1 and 2.2 of this part.
3. Lower density housing is to be located on large 'rural style' lots fronting Oxford and Mercedes Road.
4. Typical housing is to be located on 500sqm lots, some with dual frontage on primary streets enabling garage-free frontages.
5. The Woodland area on the corner of Oxford Road and Mercedes Road is to be preserved.

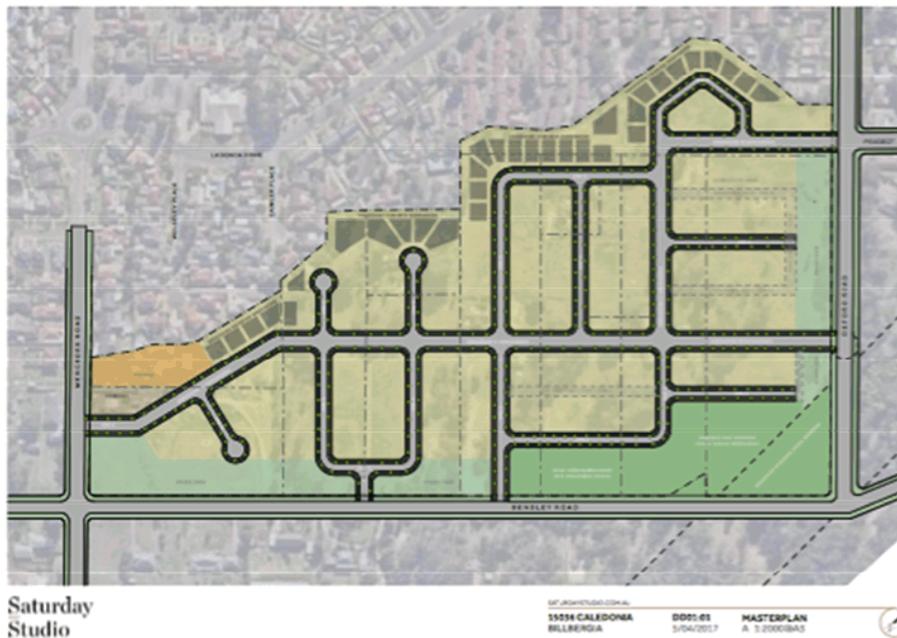


Figure 1 Structure Plan

2.3 STAGING

Objectives
1. To develop the land in an orderly manner and provide for reasonable flexibility.
2. To ensure the sufficient provision of infrastructure is in place prior to the release of land.
3. To mitigate against adverse impacts on nearby/neighbouring properties and the public realm.

Controls
1. The various stages may be developed concurrently, provided adequate service infrastructure can be provided to support each stage.
2. Each released stage should have contiguous vehicular access to an existing street network.
3. Adverse drainage/stormwater and land form impacts shall be avoided in respect of nearby/neighbouring properties and the public realm.

3. DEVELOPMENT CONTROLS

3.1 STREET AND PUBLIC TRANSPORT NETWORK

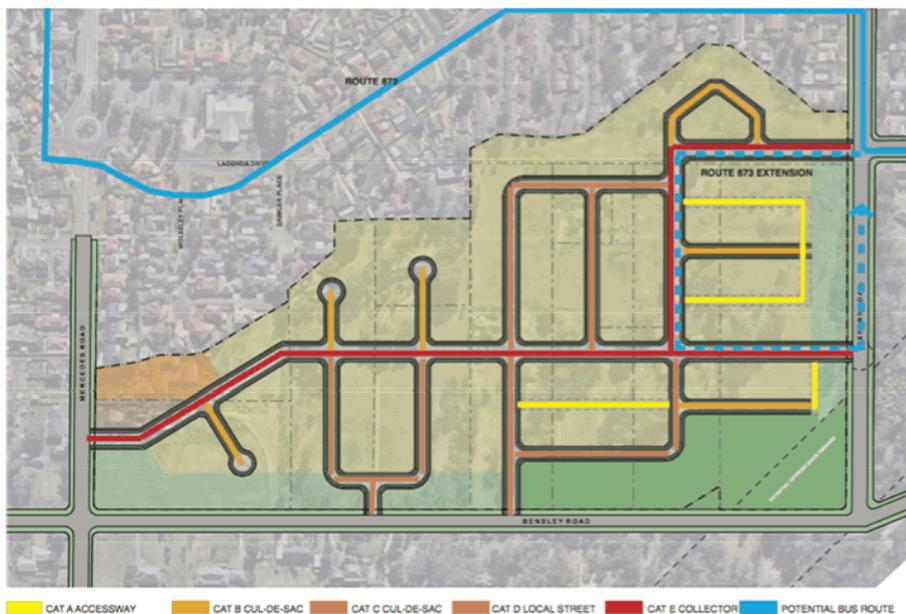
Objectives

1. Provide a highly permeable road network that creates a clear road hierarchy and facilitates safe, convenient and legible access.
2. Provide safe and accessible connections to the existing road network.
3. Provide access to a bus route to service the precinct.
4. Ensure carriageways and verges match the function of the road.
5. Provide adequate land within verges for infrastructure, landscaping and pathways.

Controls

1. Development of the street network and access to the existing road network is to be undertaken generally in accordance with the Street Network Plan at Figure 3.
2. Each street type shall be designed and constructed according to Campbelltown (Sustainable City) Development Control Plan 2009 Volume 2 Engineering Design for Development.
3. Alternative street designs may be permitted on a case-by-case basis if the functional objectives and requirements of the street design are maintained and the outcome is in accordance with the Campbelltown City Council Engineering Design Guide for Development.
4. The design of the local street network is to:
 - a. create a safe environment for walking and cycling with safe crossing points;
 - b. encourage a low-speed traffic environment;
 - c. optimise solar access opportunities for dwellings;
 - d. take into account the site's topography and view lines;
 - e. provide frontage to maximise surveillance of open space;
 - f. facilitate wayfinding and place making opportunities by taking into account streetscape features; and
 - g. be characterised by a street tree canopy
 - h. retain existing trees, where appropriate, within the road reserve.
 - i. make provision for the integration of WSUD where appropriate.

- An extension of Bus Route 873 is to be investigated and integrated with the Structure Plan.



3.2 PUBLIC OPEN SPACE AND LANDSCAPING

Objectives
1. Maintain the landscape character of the precinct through retention of significant trees and planting.
2. Position and design open space areas to retain areas of significant vegetation.
3. Provide open space that is accessible, useable and safe for a range of users.
4. Incorporate an open active play area within the precinct.
5. Provide a landscape transition between the existing development of Ingleburn and the bushland of Georges River.
6. Optimise Koala Habitat retention.

Controls
1. Provision of open space areas is to be undertaken generally in accordance with the Landscape Plan at Figure 4.

2. The minimum area for the public open space within the development of the Caledonia Precinct shall be 17,786sqm.
3. Public open space should accommodate an active play area to encourage active lifestyles.
4. A Vegetation Management Plan and Landscape Concept Plan outlining the management and design of public open space areas is to be submitted and implementation commenced with the first subdivision application for land within the precinct.
5. The Vegetation Management Plan must outline:
 - a. How the Shale Plains Woodland area located within the precinct will be preserved and maintained; and
 - b. How any areas of potential koala habitat shall be protected and enhanced.



Figure 4 Landscape Plan

3.3 BUILDING SETBACKS

- Objectives**
1. Retain the landscape character of the precinct through appropriate building setbacks and landscaping.
 2. Maintain and enhance the existing bushland character fronting Bensley and Oxford Roads.

Controls

1. Properties fronting Bensley and Oxford Road shall have a front setback of 10m that includes 60% soft landscaping.
2. Properties adjoining the existing development of Ingleburn (the north west of Caledonia) shall have a minimum rear setback of 3m, and the subdivision of these lots shall include Section 88b Covenants to effect the same.
3. The rear setback of properties adjoining the existing development of Ingleburn (the north west of Caledonia) shall maintain a minimum of 80% soft landscaping.
4. All other setbacks are to be provided in general accordance with the relevant provisions of Part 1 of the DCP.

3.4 PRIVATE PROPERTY VEGETATION MANAGEMENT

<p>Objectives</p> <ol style="list-style-type: none"> 1. Ensure conservation of retained remnant Vegetation. 2. Ensure landscaping on allotments is in keeping with the surrounding landscape context.
--

Controls

1. A Vegetation Management Plan for properties facing Bensley and Oxford Road shall be prepared and submitted with the first subdivision application that relates to these lots. Subdivision of these lots shall include Section 88b Covenants to reflect the plan.
2. The Vegetation Management Plan must outline measures to maintain and enhance the existing bushland character fronting Bensley and Oxford Roads and balance the Asset Protection Zone requirements.
3. Significant trees within each allotment are to be retained where possible.

3.5 HERITAGE

<p>Objectives</p> <ol style="list-style-type: none"> 1. Ensure areas identified as archaeologically or culturally significant are managed appropriately. 2. Protect heritage values associated with the Caledonia Stone Cottage. 3. Establish a public domain and urban character that respects and interprets the cultural heritage of the site and context.

Controls

1. The original Caledonia stone cottage fronting Mercedes Road is to be protected by a curtilage as shown on Figure 6.
2. An Aboriginal Cultural Heritage assessment is to be submitted with development applications for subdivision or resulting in land modification within the precinct.
3. The curtilage and development parameters contained in “Heritage Assessment and Statement of Heritage Impact” prepared by GBA Heritage shall be addressed in respect of the local heritage item and development in the vicinity.

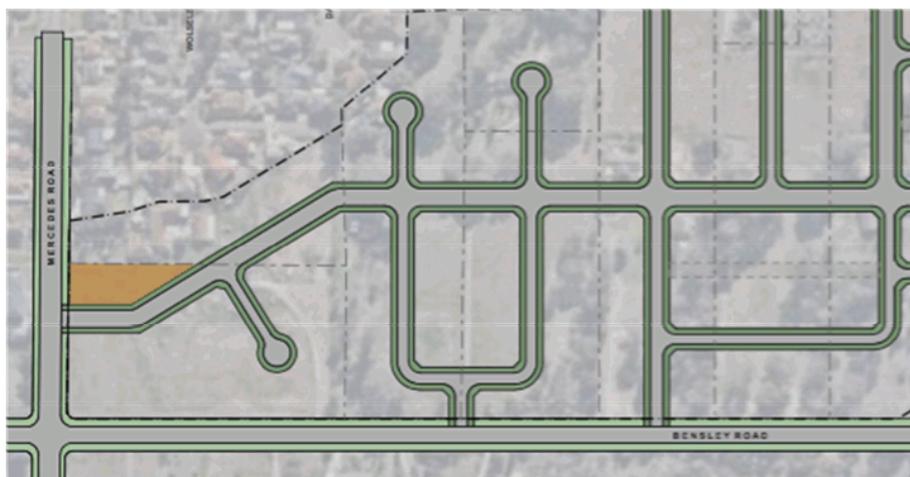


Figure 6 Heritage Curtilage

3.6 ASSET PROTECTION ZONES

Objectives
1. To prevent loss of life and property due to bushfires by providing for development compatible with bushfire hazard.
2. To encourage sound management of bushfire-prone areas.
3. To manage bush fire risks while maintaining the character of Shale Plain Woodlands and potential Koala Habitat particularly near the corner of Oxford and Bensley Roads.

Controls

1. The location and width of Asset Protection Zones (APZs) are to be provided generally in accordance with the Figure 7.
2. Where Asset Protection Zones are required, a Section 88B Instrument on the affected lot is to be included to require the use of 'Private Property Vegetation Management Plan' as described in Appendix C of this plan.
3. Public Open Space Asset Protection Zones shall be managed according to 'Public Open Space Vegetation Management Plan' as described in Appendix A of this plan.
4. Reference is to be made to Planning for Bushfire Protection 2006 in subdivision planning and design and development is to be consistent with Planning for Bushfire Protection 2006.
5. APZs and construction standards are to be accurately mapped and detailed for each affected lot on plans submitted with the development application.
6. APZs:
 - c. Are to be located wholly within the Precinct or within Bensley or Oxford Road;
 - d. May incorporate roads and flood prone land;
 - e. May be used for open space and recreation subject to appropriate fuel management;
 - f. Are to be maintained in accordance with the guidelines in Planning for Bushfire Protection 2006; and
 - g. may incorporate private residential land, but only within the building setback (no dwellings are to be located within the APZ).
7. Where an allotment fronts and partially incorporates an APZ, it shall have an appropriate depth to accommodate a dwelling with private open space and the minimum required APZ. The APZ will be identified through a Section 88B instrument.
8. Temporary APZs, identified through a Section 88B instrument, will be required where development is proposed on allotments next to undeveloped land that presents a bushfire hazard. Once the adjacent stage of development is undertaken, the temporary APZ will no longer be required and shall cease.
9. Reticulated water is to meet the standards contained within Planning for Bushfire Protection 2006. Water supply is to be via a ring main system, engineered to the requirements of Australian Standard 2419.1-1994 Fire Hydrant Installations.
10. Buildings adjacent to APZs are to be constructed in accordance with the requirements of Appendix 3 of Planning for Bushfire Protection 2006 and

Australian Standard 3959-1999-Construction of Building in Bushfire Prone Areas.

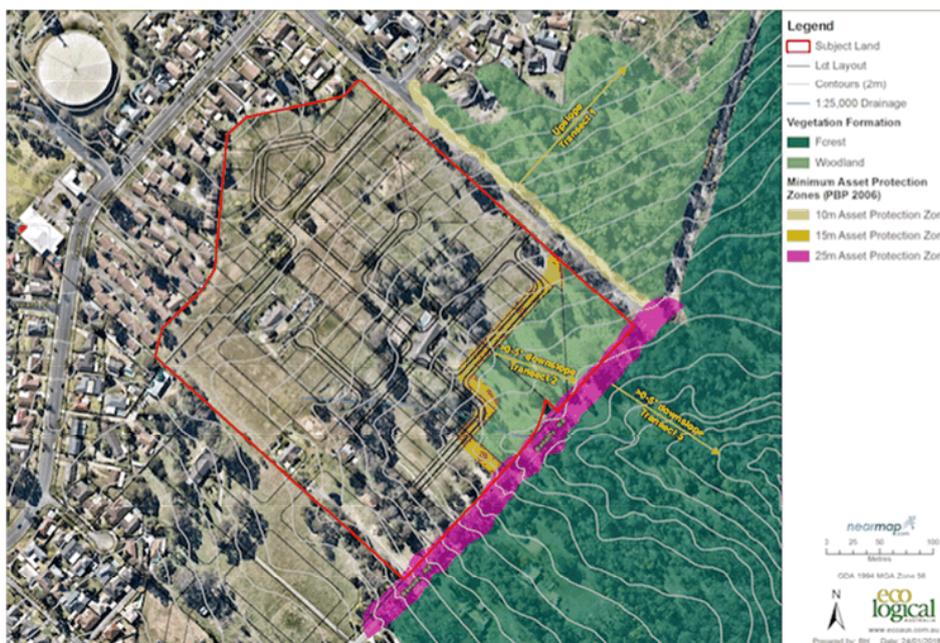


Figure 7 Asset Protection Zones

3.7 STORMWATER MANAGEMENT AND WATER QUALITY

- Objectives**
1. To avoid adverse impacts from stormwater runoff on other properties as a result of development in the catchment.
 2. To minimise potable water consumption and maximise re-use of stormwater within urban areas.
 3. To maintain and enhance the quality of natural water bodies.
 4. To incorporate principles of Water Sensitive Urban Design (WSUD)

Controls

1. A WSUD Strategy is to be prepared for the precinct and submitted with the first development application for subdivision within the Precinct.
2. The WSUD Strategy is to incorporate use of the following:
 - a. On lot rainwater tanks with allocated stormwater retention
 - b. Subterranean detention through oversized stormwater infrastructure within road reserves

- c. Gross pollutant traps
 - d. Provision for a constructed wetland or rain garden (capable of servicing entire precinct catchment).
3. The integrated stormwater management system shall aim to achieve the "Landcom Water Quality Stretch Target"

Bensley Development Pty Ltd

Campbelltown City Council

Planning Agreement

Section 7.4 of the Environmental Planning
and Assessment Act 1979 (NSW)

80869380.1 CAR CAR

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Agreement made at _____ on _____

Parties

Bensley Development Pty Ltd ACN 604 415 278 of Suite 101, 25 Angas Street, Meadowbank NSW 2114 (**Developer**)

Campbelltown City Council ABN 31 459 914 087 of Civic Centre, 91 Queen Street, Campbelltown, New South Wales (**Council**)

Background

- A The Developer intends to submit a Development Application to the Council to facilitate the Development on the Land, being the proposed:
- a. subdivision of the Land and creation of approximately 90 Urban Lots; and
 - b. development of associated roads, shared pedestrian and cycleways, parks and stormwater drainage facilities.
- B The Development forms part of the Caledonia Precinct within the Campbelltown Local Government Area. Approximately two thirds of the Caledonia Precinct is controlled by the Developer and only that land is the subject of this Agreement.
- C A Planning Proposal to rezone land (including the Land) and facilitate the Development within the Caledonia Precinct received Gateway approval from the Minister for Planning on 8 December 2016 pursuant to section 3.34 of the Act.
- D The Developer has made an offer to enter into this Agreement, if the Land is rezoned in accordance with the Planning Proposal to make the Development Contributions for a Public Purpose in accordance with the provisions of this Agreement in conjunction with the development of the Land.

Operative provisions

1 Definitions and interpretation

1.1 Definitions

In this Agreement the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Agreement means this voluntary planning agreement including any schedules and annexures.

Alternate Security means a Bank Guarantee, indexed annually in accordance with the annual movements in the Consumer Price Index (All Groups Sydney) published by the Australian Bureau of Statistics.

Approved Deferred Contributions means those Development Contributions that Council approves, in its discretion, to defer under **clause 6.11**.

Authority means, in respect of a particular context or circumstance, each Federal, State or Local Government, semi-Government, quasi-Government or other body or authority, statutory or otherwise, including but not limited to any court or tribunal, having jurisdiction and responsibility in respect of that context or circumstance.

Bank Guarantee means an irrevocable and unconditional undertaking without any expiry or end date in favour of the Council, issued by:

- (a) one of the following trading banks:
 - (i) Australia and New Zealand Banking Group Limited,
 - (ii) Commonwealth Bank of Australia,
 - (iii) Macquarie Bank Limited,
 - (iv) National Australia Bank Limited,
 - (v) St George Bank Limited,
 - (vi) Westpac Banking Corporation, or
- (b) any other financial institution approved by the Council, acting reasonably.

Business Day means a day which is not a Saturday, Sunday or bank or public holiday in Sydney.

Caledonia Precinct means the land generally described in the Planning Proposal and bounded by Mercedes Road, Bensley Road and Oxford Road, Ingleburn.

Contribution Location Plan means the plan at **annexure A** which shows the general location of the Development Contributions identified as Item 1 in **Schedule 2**.

Contribution Value means the value of a Development Contribution for the purpose of this Agreement as identified in **column 4** of **schedule 2** as indexed at the time the Development Contribution is required to be provided in accordance with the Producer Price Index Number 3101 – Road and bridge construction New South Wales published by the Australian Bureau of Statistics

Dedication Lands means that part of the Land specified as Item 1 in **Schedule 2** and as generally shown on the Contribution Location Plan.

Defects Liability Period means the period of 12 months which commences on the date of Practical Completion of each of the Works.

Deferred Works has the meaning in **clause 6.11**.

Development means the development of the Land so as to create 90 Urban Lots, and for associated purposes including the development of associated roads, shared pedestrian and cycleways, open space, recreation facilities, stormwater drainage works (both on-site and off-site), and water sensitive urban design facilities.

Development Application means a development application made by the Developer under the Act for the Development.

Development Consent means the determination by approval of a Development Application, as modified from time to time.

Development Contribution means those development contributions identified in **Schedule 2** and which are to be provided by the Developer in accordance with this Agreement and as generally shown on the Contributions Location Plan.

Encumbrance means an interest or power:

- (a) reserved in or over an interest in any asset;
- (b) created or otherwise arising in or over any interest in any asset under any mortgage, charge (whether fixed or floating), pledge, lien, hypothecation, title retention, conditional sale agreement, hire or hire purchase agreement, option, restriction as to transfer, use or possession, easement, covenant, lease, subordination to any right of any other person and any other encumbrance or security interest, trust or bill of sale; or

- (c) by way of security for the payment of a debt or other monetary obligation or the performance of any obligation,

GST Law has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Land means the land contained in Lots 2 and 3 in DP597774, Lot 47 in DP595243 and Lot 4 in DP261609.

Law means any statute, regulation, proclamation, policies and rulings enforceable by statute, ordinance, by-law, local law, code or listing rule.

LEP means the *Campbelltown Local Environmental Plan 2015*

Lot means a lot in a registered deposited plan that forms part of the Land.

LRS means the NSW Land Registry Services or any other department or entity replacing it.

Monetary Contributions means the payment of the monies as specified in **Schedule 2**.

Novation Deed means a form of the Novation Deed attached at **Annexure B**.

Party means a party to this Agreement, including their successors and assigns.

Plan of Subdivision means a registered plan of subdivision within the meaning of the section 195 of the *Conveyancing Act 1919* (NSW).

Planning Proposal means Planning Proposal PP_2016_CAMPB_003_00 which as at the date of this Agreement, has received Gateway approval from the Minister for Planning under section 3.34 of the Act.

Public Purpose means any purpose that benefits the public or a section of the public, specified in section 7.4(2) of the Act.

Rectification Notice means a notice in writing that identifies a Defect in Work and requires rectification of the Defect within a specified period of time.

Regulation means the *Environmental Planning and Assessment Regulation 2000* (NSW).

Residential Accommodation has the same meaning as residential accommodation under the Standard Instrument.

Service Lot means a Lot that is created for one or more of the following purposes:

- (a) to be dedicated or otherwise transferred to an Authority (including to the Council);
- (b) for any public utility undertaking within the meaning of the Standard Instrument;
- (c) to be association property within the meaning of the *Community Land Development Act 1989* (NSW);
- (d) for open space, recreation, environmental conservation, drainage or riparian land management; or
- (e) a road,

but does not include a Super Lot.

Standard Instrument means *Standard Instrument (Local Environmental Plans) Order 2006* as at the date of this Agreement.

Subdivision has the same meaning as in section 6.2 of the Act.

Subdivision Certificate has the same meaning as in section 6.4(d) of the Act.

Super Lot means a Lot which, following the registration of a Plan of Subdivision, is intended for further Subdivision (including by way of strata and community title subdivision) for Residential Accommodation but does not include a Service Lot.

Transfer Dealings means any agreement or arrangement:

- (a) transferring or selling any part of the Land for which the Developer is the registered proprietor to an unrelated Party; or
- (b) assigning, novating or otherwise dealing with any right, obligation or interest under this Agreement,

but excludes any mortgage, charge or other type of security dealing.

Urban Lot means a Lot that forms part of the Land to be created by the registration of a:

- (a) Plan of Subdivision and is intended to be developed for Residential Accommodation; or
- (b) Strata plan and has been or is being developed for Residential Accommodation,

but excluding any Service Lots and Super Lots.

Works means each of the Works-in-Kind to be carried out by the Developer as specified in **schedule 2**.

1.2 Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
- (b) If the day on which any act, matter or thing is to be done under this Agreement is not a Business Day, the act, matter or thing must be done on the next Business Day.
- (c) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
- (d) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment, replacement or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- (e) A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- (f) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
- (g) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- (h) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.

- (i) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- (j) References to the word 'include' or 'including' are to be construed without limitation.
- (k) A reference to this Agreement includes the agreement recorded in this Agreement.
- (l) A reference to a Party to this Agreement includes a reference to the servants, agents and contractors of the Party, and the Party's successors and assigns.
- (m) Any schedules, annexures and attachments form part of this Agreement.

2 Status of this Agreement

This Agreement is intended by the Parties to be a planning agreement within the meaning of s7.4(1) of the Act.

3 Application of this Agreement

This Agreement applies to the:

- (a) Planning Proposal;
- (b) Land; and
- (c) Development.

4 Operation of this Agreement

This Agreement operates on and from the date that the Agreement is entered into as required by Clause 25C(1) of the Regulation.

5 Development Contributions to be made under this Agreement

Subject to this Agreement, the Developer is to make Development Contributions comprising:

- (a) the carrying out and delivery of the Works
- (b) the dedication of the Dedication Land; and
- (c) the payment of the Monetary Contributions.

6 Carrying out and Delivery of Works and the payment of Monetary Contributions

6.1 Commencement of Works

The Developer must obtain all necessary approvals, consents, certifications and authorisations required to carry out the Works.

6.2 Delivery of Works

The Developer must carry out each of the Works in accordance with the timing specified in **Schedule 2**.

6.3 Design and specification of Works

- (a) Before carrying out a Work, the Developer must submit to Council for its approval, the detailed design and specification for the Work.
- (b) If, within sixty (60) days of the date of submission referred to in **clause 6.3(a)**:
 - (i) Council notifies the Developer in writing of its approval of the design and specification, the Developer is to carry out and complete the Work in accordance with that design and specification;
 - (ii) Council fails to notify the Developer in writing that it approves or does not approve of the design and specification, Council is taken to have approved the design and specification of the Work and the Developer may carry out and complete the Work in accordance with that design and specification; or
 - (iii) Council notifies the Developer in writing that it does not approve of the design and specification, the Developer may:
 - (A) elect to amend the design and specification and submit to Council the amended design and specification in which case the approval process set out in this **clause 6.3** applies to that amendment; or
 - (B) if the Developer does not agree with the modifications requested by Council, refer the matter for dispute resolution under **clause 11**.

- (c) For the purposes of **clause 6.3(b)(iii)(B)** except with the agreement of the Developer, Council cannot require the Developer to:
 - (i) modify the design and specification submitted under **clause 6.3(a)** in a way that is inconsistent with the relevant Development Consent;
 - (ii) make modifications to the design and specification of a Work that results in a change that would result in an exceedance of the Contribution Value for that item of Work.

6.4 Standard and cost of construction of the Works

Any Work that the Developer is required to carry out under this Agreement is to be carried out in accordance with:

- (a) this Agreement;
- (b) the requirements of any approval, consent, permission or licence issued by a relevant Authority;
- (c) any Australian standards and other laws applicable to the Work; and
- (d) in a proper and workmanlike manner, complying with current industry practice and standards relating to the Work.

6.5 Completion of the Works

- (a) The Developer must provide a Completion Notice to the Council within ten (10) Business Days of believing it has completed any item of the Works.
- (b) The Council must inspect the Works set out in a Completion Notice within ten (10) Business Days of the receipt of the notice given under **clause 6.5(a)**.
- (c) Within the earlier of:
 - (i) ten (10) Business Days of inspecting the item of the Works set out in a Completion Notice; and
 - (ii) twenty (20) Business Days from the receipt of the relevant Completion Notice,

the Council must provide notice in writing to the Developer that the Works set out in the Completion Notice:

- (iii) have been Completed; or
- (iv) have not been Completed, in which case the notice must also detail:
 - (A) those aspects of the relevant item which have not been Completed; and
 - (B) the work the Council requires the Developer to carry out in order to rectify those deficiencies.
- (d) If the Council does not provide the Developer with notice in accordance with **clause 6.5(c)** the Works set out in the Completion Notice will be deemed to have been Completed on the date nominated in the Completion Notice.
- (e) Where the Council serves notice on the Developer pursuant to **clause 6.5(c)(iv)** the Developer must:
 - (i) rectify the deficiencies in that item in accordance with that notice within three (3) months from the date it is issued by the Council, or within such further period of time that may be agreed by Council; or
 - (ii) serve a notice on the Council that it disputes the matters set out in the notice. If the Developer serves notice on the Council in accordance with this paragraph the dispute resolution provisions of this Agreement will apply.
- (f) Where the Developer rectifies the Works in accordance with **clause 6.5(e)(i)** it must serve upon the Council a new Completion Notice for the item of the Works it has rectified (**New Completion Notice**).
- (g) The provisions of this **clause 6.5** apply to any New Completion Notice issued by the Developer.

6.6 Failure to carry out Works

- (a) If Council considers that the Developer is in breach of any obligation under this Agreement relating to the carrying out of any Work, including Work the subject of a Rectification Notice, Council may give the Developer a notice under this **clause 6.6**.
- (b) The notice may require the Developer to:
 - (i) rectify the breach to Council's satisfaction; and

- (ii) immediately cease carrying out further work relating to the Work except to rectify the breach.
- (c) A notice given under **clause 6.6(a)** must allow the Developer not less than twenty eight (28) days (or such further period as Council considers reasonable in the circumstances) to rectify the breach.
- (d) The Developer must comply with any notice issued by Council under **clause 6.6(a)**.
- (e) Without limiting any other rights Council has to enforce this Agreement, if the Developer does not comply with a notice given under **clause 6.6(a)** then Council may:
 - (i) call upon any security provided for the Work under this Agreement;
 - (ii) carry out and Complete the Work the subject of the Developer's breach; and
 - (iii) in the event the costs reasonably incurred by Council in carrying out the Works cannot be met by the Security, the Developer must pay the difference to Council within twenty eight (28) days of receiving a written demand for such payment by Council.
- (f) For the purposes of **clause 6.6(e)**, the costs which Council can recover include fees and charges incurred by Council, Council's employees, agents and contractors, and legal costs and expenses.

6.7 Defects Liability Period

- (a) During the Defects Liability Period, Council may give to the Developer a Rectification Notice.
- (b) The Developer must comply with a Rectification Notice at its own cost according to its terms and to the satisfaction of Council acting reasonably.
- (c) Council may enter upon the Land for the purpose of satisfying the Rectification Notice where the Developer has failed to comply with a Rectification Notice but only after giving the Developer not less than ten (10) Business Days written notice of its intention to do so.
- (d) If the Council elects to exercise the step-in rights granted to it under **clause 6.7(c)** then:

- (i) the Council may:
 - (A) enter upon any part of the Land that it requires access to in order to satisfy the obligations of the Developer in accordance with the Rectification Notice; and
 - (B) rectify the relevant Defects in accordance with the Rectification Notice; and
- (ii) the Developer must not impede or interfere with the Council in undertaking that work.
- (e) Where Council exercises its step-in rights, all costs incurred by Council in rectifying the relevant Defects may be claimed by Council as a liquidated debt owed by the Developer.
- (f) By no later than ten (10) business days prior to the end of the Defects Liability Period:
 - (i) Council will undertake a final inspection of the Work; and
 - (ii) Council may either:
 - (A) by way of written notice to the Developer, confirm that the Work is acceptable to Council acting reasonably; or
 - (B) issue a Rectification Notice to the Developer if it identifies any part of the Work which is not acceptable to Council (acting reasonably).
- (g) If Council issues a Rectification Notice under **clause 6.7(f)(ii)(B)**, the Developer must comply with the Rectification Notice at its own cost according to its terms and to the satisfaction of the Council acting reasonably.

6.8 Access to Land

- (a) The Developer is to permit or facilitate the Council, its officers, employees, agents and contractors to enter the Land at any time, upon giving reasonable prior written notice, in order to inspect any Works or remedy any breach by the Developer in carrying out a Work.
- (b) Council must ensure when entering onto the Land pursuant to **clause 6.8(a)** that the Council and any of its officers, employees, agents and contractors comply with:

- (i) if relevant, all reasonable directions of the Developer or its principal contractor; and
- (ii) all Laws including those relating to work, health and safety.

6.9 Delivery of Monetary Contributions

- (a) The Monetary Contributions are made for the purposes of this Agreement when cleared funds are deposited and credited by means of electronic funds transfer into a bank account nominated by the Council.
- (b) The Developer is to give the Council not less than 10 Business Days written notice of its intention to pay the Monetary Contributions.
- (c) If a tax invoice is by law required to be provided to the Developer by the Council the Developer is not required to pay the contributions identified in **clause 6.9(a)** until the Council, after having received the Developer's notice under **clause 6.9(b)**, has given to the Developer a tax invoice for the amount of the relevant monetary contribution.

6.10 Dedication of Dedication Land

- (a) Council may refuse to accept the dedication of any part of the Land required to be dedicated by the Developer in accordance with this Agreement if any Works required to be carried out on that part of the Land under this Agreement have not been Completed at the time of dedication.
- (b) The Developer must dedicate the Dedication Land to Council free of any trusts, estates, interests, covenants and Encumbrances (other than drainage and services easements and other Encumbrances that may be agreed by Council, acting reasonably) by the time specified in **column 5 of Schedule 2**.
- (c) The Developer must meet all costs associated with the dedication of the Dedication Land in accordance with **clause 6.10(b)** including any costs incurred by Council in relation to that dedication.
- (d) For the purpose of this Agreement, the Dedication Land is dedicated to Council:
 - (i) if the relevant land is dedicated in a plan registered at the LRS, when that plan is so registered; or

- (ii) otherwise when the Developer delivers to Council:
 - (A) a transfer of the relevant land in registrable form;
 - (B) the original Certificate of Title for the relevant land;
and
 - (C) any document in registrable which, when registered, will remove any Encumbrances registered on the title of that land.

6.11 Deferral of Development Contributions

- (a) Notwithstanding any other provision of this Agreement, if the Developer forms the view at any time, that it is unable to make all or part of a Development Contribution (**Deferred Contributions**) by the time specified in **schedule 2**, then the Developer must seek Council's approval to defer the relevant Development Contributions by providing written notice to the Council:
 - (i) identifying the relevant Development Contribution that the Developer proposes to defer and the reason for the deferral; and
 - (ii) identifying the anticipated time for delivery of the relevant Work.
- (b) The Council must give the Developer a written notice stating whether or not it consents to the deferral of the Deferred Contributions and the revised date for delivery within 10 Business Days of the Developer providing the notice under **clause 6.11(a)**.
- (c) If Council approves the deferral request under **clause 6.11(b)**, Council may impose any reasonable conditions Council requires with respect to the deferral (including any requirement for additional Security on account of that deferral acting reasonably).
- (d) If the Council consents to the deferral of the Deferred Contributions (**Approved Deferred Contributions**), then the time for completion of the Approved Deferred Contributions under this Agreement will be taken to be the revised date for delivery approved by the Council.
- (e) If the Council approves the Deferred Contributions under **clause 6.6(c)** then:

- (i) provided the Developer has complied with any conditions imposed by Council under **clause 6.11(c)**, the Developer will not be considered to be in breach of this Agreement as a result of a failure to achieve delivery of the Approved Deferred Works by the time for completion of those Development Contributions as specified in **schedule 2**; and
- (ii) if applicable, any relevant Subdivision Certificate may be issued if the time for compliance for delivery of the Approved Deferred Works is required prior to the issue of a Subdivision Certificate in **schedule 2**.

7 Application of sections 7.11, 7.12 and 7.24 of the Act to the Development

This Agreement:

- (a) wholly excludes the application of sections 7.11 and 7.12 of the Act to the Development; and
- (b) does not exclude the application of section 7.24 of the Act to the Development.

For the avoidance of doubt:

- (c) Sections 7.11 and 7.12 are only excluded in relation to the original subdivision of the Land into 90 Urban Lots, and the construction of up to one dwelling on each of those 90 Urban Lots;
- (d) If any additional dwellings are constructed on those Urban Lots, or if an Urban Lot is further subdivided in the future, section 7.11 and 7.12 will not be excluded for such additional dwellings or further subdivision.

8 Security and Enforcement

8.1 Security

To secure the Developer's obligations, this Agreement provides for the following in relation to each type of Development Contribution:

- (a) Land Dedication:
 - (i) Registration of this Agreement on the title of the Land (clause 9.1);

- (ii) Dedication being a restriction on the issue of a Subdivision Certificate under section 6.15(1)(d) of the Act (column 5 of Schedule 2);
 - (iii) The ability for Council to require additional Security in the event of a Deferred Contribution being approved by Council (clause 6.11(c)); and
 - (iv) An agreement that Council may compulsorily acquire the land for \$1 in the event of the Developer failing to dedicate the Dedication Land in accordance with this Agreement (clause 9.4).
- (b) Works:
- (i) Registration of this Agreement on the title of the Land (clause 9.1);
 - (ii) Completion of the Works, to Council's satisfaction, being a restriction on the issue of a Subdivision Certificate under section 6.15(1)(d) of the Act (column 5 of Schedule 2); and
 - (iii) The ability for Council to require additional Security in the event of a Deferred Contribution being approved by Council (clause 6.11(c)).
- (c) Monetary Contributions:
- (i) Registration of this Agreement on the title of the Land (clause 9.1);
 - (ii) Completion of the Works, to Council's satisfaction, being a restriction on the issue of a Subdivision Certificate under section 6.15(1)(d) of the Act (column 5 of Schedule 2); and
 - (iii) The ability for Council to require additional Security in the event of a Deferred Contribution being approved by Council (clause 6.11(c)).

8.2 Enforcement in a court of competent jurisdiction

- (a) Without limiting any other provision of this Agreement, the Parties may enforce this Agreement in any court of competent jurisdiction.
- (b) For the avoidance of doubt, nothing in this Agreement prevents:
 - (i) a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this

- Agreement or any matter to which this Agreement relates,
or
- (ii) the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement or any matter to which this Agreement relates.

9 Registration and Release

9.1 Registration of the VPA on title

- (a) The Council and the Developer agree that as soon as reasonably practicable after execution of the Agreement, the Developer must facilitate the registration of the Agreement on the title to the Land at the Developer's expense and the Developer must provide Council with:
 - (i) evidence of that lodgement; and
 - (ii) a written undertaking that it will not take steps to uplift the request form from the LRS (other than as may be necessary to comply with any requisition raised by the LRS).

9.2 Release by Council

- (a) The Council agrees to provide the Developer with a release and discharge of this Agreement with respect to a Lot or Lots forming part of the relevant Land or any lot, including a strata lot, created or to be created on subdivision of the Land (or part of the Land) (**Release Land**) on the earliest of:
 - (i) the date that Council consents to the deferral of the Approved Deferred Contributions under **clause 6.11** and where the Developer provides Alternate Security for the delivery of the relevant Approved Deferred Contributions;
 - (ii) the date of satisfaction by the Developer of the obligation to provide the Development Contributions for that Release Land; or
 - (iii) if requested by the Developer in writing, before the delivery of all of or part of the Development Contributions and where the Developer provides Alternate Security for the remaining Development Contributions. Council must act reasonably and to the extent possible, facilitate the release of the VPA from an Urban Lot, including

immediately before the creation of the relevant Urban Lot, if requested by the Developer.

- (b) For the purposes of **clauses 9.2(a)(i) and 9.2(a)(iii)**, in determining the quantum of the Alternate Security, the Parties must act reasonably and have regard to the Development Contributions remaining to be completed and the other forms of security provided under this Agreement, including the compulsory acquisition rights for the Dedication Land under **clause 9.4**
- (c) Within 7 Business Days of the occurrence of a release and discharge event in **clause 9.2(a)**, Council must do all things reasonably necessary, including the execution of any documents, to enable the Developer to remove the notation of this Agreement on the relevant folios of the register, held by the LRS pertaining to the Release Land.

9.3 Alternate Security

If the Developer provides the Alternate Security under **clauses 9.2(a)(i) and 9.2(a)(iii)** to facilitate the release of the VPA from the Release Land:

- (a) the Developer is to provide the agreed Alternate Security to the Council at or around the same time as Council takes action under **clause 9.2(c)**;
- (b) the Council must release the Alternate Security or the relevant part of the Alternate Security to the Developer within 14 days of the Developer delivering the relevant Development Contribution;
- (c) the Council must only exercise its rights under the Alternate Security in accordance with **clauses 9.3(d) and 9.3(e)**;
- (d) the Council must not request a payment (**Security Payment**) under the Alternate Security from the provider of it, unless:
 - (i) the Council has first given 40 Business Days written notice (**Claim Notice**) to the Developer of its intention to do so within which period the Developer may rectify the breach identified in the Claim Notice;
 - (ii) the Claim Notice specifies the costs (**Rectification Costs**) to which that Security Payment relates and the amount and calculation of the Security Payment; and

(iii) there is no dispute between the Developer and the Council in relation to the:

(A) Rectification Costs; or

(B) satisfaction of the relevant Development Contribution obligation,

for which the Security Payment is requested; and

(e) the Council must take reasonable steps to mitigate any loss.

9.4 Compulsory Acquisition for Dedication Land

- (a) If the Developer does not dedicate the Dedication Land in accordance with the timing in **clause 6.10(a)**, the Developer consents to the Council compulsorily acquiring the relevant part of the Dedication Land in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW) for the amount of \$1.00.
- (b) Council acknowledges that the compulsory acquisition right provided by the Developer to Council in **clause 9.4(a)** for the Dedication Land is adequate security for the purposes of this Agreement and section 7.3(3)(g) of the Act with respect to the obligation to provide the Dedication Land.
- (c) The Council is to only acquire the relevant part of the Dedication Land pursuant to **clause 9.4(a)** if it considers it reasonable to do so having regard to the circumstances surrounding the failure by the Developer to dedicate the land required to be dedicated under this Agreement.
- (d) The Developer and the Council agree that:
- (i) **clause 9.4(a)** is an agreement between the Developer and the Council for the purpose of section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW); and
- (ii) in **clause 9.4(a)**, the Developer and the Council have agreed on all relevant matters concerning the compulsory acquisition and the compensation to be paid for the acquisition.

10 Review of this Agreement

- (a) This Agreement may be reviewed or modified and any review or modification of this Agreement will be conducted in the

circumstances and in the manner determined by the Parties and subject to the Act.

- (b) No modification or review of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

11 Dispute Resolution

11.1 Reference to Dispute

If a dispute arises between the Parties in relation to this Agreement, then the Parties must resolve that dispute in accordance with this clause.

11.2 Notice of Dispute

The Party wishing to commence the dispute resolution processes must notify the other Parties in writing of:

- (a) the intent to invoke this clause;
- (b) the nature or subject matter of the dispute, including a summary of any efforts made to resolve the dispute other than by way of this clause; and
- (c) the outcomes which the notifying Party wishes to achieve (if practicable).

11.3 Representatives of Parties to Meet

The representatives of the Parties must promptly (and in any event within 14 Business Days of the written notice provided in accordance with **clause 11.2**) meet in good faith to attempt to resolve the notified dispute (**Dispute Meeting**).

11.4 Mediation

- (a) If the dispute is not resolved after the Dispute Meeting, the Parties must mediate the dispute in accordance with the Mediation Rules of the Law Society of New South Wales published from time to time, and must request the President of the Law Society, or the President's nominee, to select a mediator.
- (b) If the dispute is not resolved by mediation within twenty eight (28) days of the Dispute Meeting, or any longer period that may be needed to complete any mediation process which has been started, then the Parties may exercise their legal rights in

relation to the dispute, including by taking legal proceedings in a court of competent jurisdiction in New South Wales.

12 Determination of this Agreement

- (a) This Agreement will determine upon the Developer satisfying all of the obligations imposed on it under this Agreement in full.
- (b) Upon the determination of this Agreement, Council will do all things necessary to allow the Developer to remove this Agreement from the title of the whole or any part of the Land as quickly as possible.

13 Warranties

The Parties warrant to one another that:

- (a) they are able to fully comply with their obligations under this Agreement; and
- (b) there is no legal impediment to them entering into this Agreement, or performing the obligations imposed under it.

14 Notices

14.1 Delivery

Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

- (a) Delivered or posted to that Party at its address set out below.
- (b) Faxed to that Party at its fax number set out below.
- (c) Emailed to that Party at its email address set out below.

Campbelltown City Council

Attention: General Manager, Campbelltown City Council
Address: Civic Centre, 91 Queen Street, Campbelltown
NSW 2560
Fax Number: (02) 4645 4111
Email: Council@Campbelltown.nsw.gov.au

Bensley Development Pty Ltd

Attention: Bill McGarry

Address: Suite 101, 25 Angas Street, Meadowbank
NSW 2114

Fax Number: [insert]

Email: bill.mcgarry@billbergia.com.au

14.2 Change of Details

If a Party gives the other Parties 10 Business Days' notice of a change of its address, email address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, electronically sent, posted or faxed to the latest address, email address or fax number.

14.3 Giving of Notice

Subject to **clause 14.4**, any notice, consent, invoice, information, application or request is to be treated as given or made at the following time:

- (a) if it is delivered by process server, when it is served at the relevant address;
- (b) if it is sent by registered post, two Business Days after it is posted; and
- (c) if it is sent by email, within 24 hours, unless the sender receives a delivery failure notification, indicating that the electronic mail has not been delivered.

14.4 Delivery outside of business hours

If any notice, consent, information, application or request is delivered on a day that is not a Business Day, or if on a Business Day, after 5.00 pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next Business Day.

15 Approvals and consent

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A

Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

16 Assignment and Novation

16.1 Assignment and novation

The Developer may not assign, novate or otherwise deal with its rights, obligations or interest under this Agreement other than in accordance with this **clause 16**.

16.2 Transfer Dealings and novation

- (a) Subject to **clause 16.3**, the Developer must not enter into any Transfer Dealings with the Land unless the Developer:
 - (i) first informs the proposed purchaser (the **Incoming Party**) of this Agreement;
 - (ii) provides the Incoming Party with a copy of this Agreement;
 - (iii) enters into a Novation Deed with the Incoming Party and the Council, whereby the Incoming Party agrees to perform the obligations of the Developer under this Agreement unless the Developer proposes to retain the liability to perform all or part of the obligations; and
 - (iv) pays the Council's reasonable costs in relation to the assignment and novation.
- (b) The Council will promptly execute the Novation Deed and do all things reasonably required to give effect to that deed.

16.3 Transfer of certain parts of the Land

The provisions of **clauses 16.1** do not apply

- (a) to the sale and transfer of:
 - (i) an Urban Lot; and
 - (ii) a Super Lot where the Developer has completed its obligations under this Agreement in respect of that Super Lot.

17 Costs

The Developer agrees to pay Council up to \$6,000 plus GST and disbursements for its reasonable costs of preparing, negotiating, executing and stamping this Agreement and any document related to this Agreement.

18 Entire Agreement

- (a) This Agreement contains everything to which the Parties have agreed in relation to the matters those documents deal with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by Law.
- (b) Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Agreement.

19 Capacity of Parties

19.1 General

Each Party warrants to each other Party that:

- (a) this Agreement creates legal, valid and binding obligations, enforceable against the relevant party in accordance with its terms; and
- (b) unless otherwise stated, it has not entered into this Agreement in the capacity of trustee of any trust.

20 Further acts

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

21 Governing law and jurisdiction

This Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its Courts and Courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those Courts on any basis.

22 No fetter

Nothing in this Agreement shall be construed as requiring an Authority to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

23 Severability

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

24 Waiver

- (a) The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation or exercise of a right of, or breach of obligation by, another Party.
- (b) A waiver by a Party is only effective if it is in writing.
- (c) A written waiver by a Party is only effective in relation to the particular obligation, right or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation, right or breach or as an implied waiver of that obligation, right or breach in relation to any other occasion.
- (d) A single or partial exercise or waiver by a Party of a right relating to this Agreement does not prevent any other exercise of that right or the exercise of any other right.
- (e) A Party is not liable for any loss, cost or expense of any other Party caused or contributed to by the waiver, exercise, attempted exercise, failure to exercise or delay in the exercise of a right.

25 GST

25.1 Construction

In this **clause 25** words and expressions which are not defined in this Agreement but which have a defined meaning in the GST Law have the same meaning as in the GST Law.

25.2 Intention of the Parties

Without limiting the operation of this **clause 25**, as at the date of this Agreement, the Parties intend that:

- (a) Divisions 81 and 82 of the GST Act apply to the supplies made under and in connection with this Agreement;
- (b) no tax invoices will be exchanged between the Parties (unless one is required for the purposes of **clause 6.9**); and
- (c) no additional amount will be payable to a Supplier (as defined in **clause 25.4** below) on account of GST.

25.3 Consideration GST exclusive

All prices or other sums payable or consideration to be provided under this Agreement are exclusive of GST.

25.4 Payment of GST – additional payment required

- (a) If an entity (**Supplier**) makes a taxable supply under or in connection with this Agreement (**Relevant Supply**), then, subject to **clause 25.4(d)**, the Party required under the other provisions of this Agreement to provide the consideration for that Relevant Supply (**Recipient**) must pay an additional amount to the Supplier (**GST Amount**), as calculated under **clauses 25.4(b), 25.4(c) and 25.4(e)** (as appropriate).
- (b) To the extent that the consideration to be provided by the Recipient for the Relevant Supply under the other provisions of this Agreement is a payment of money (including, for the avoidance of doubt, any payment under **clauses 25.4(c) and 25.4(e)**), the Recipient must pay to the Supplier an additional amount equal to the amount of the payment multiplied by the rate or rates of GST applicable to that Relevant Supply.
- (c) To the extent that the consideration to be provided by the Recipient for that Relevant Supply is neither:
 - (i) a payment of money; nor

- (ii) a taxable supply,

(Non-taxable non-monetary consideration)

the Recipient must pay to the Supplier an additional amount equal to 1/11th of the GST-inclusive market value of the Non-taxable non-monetary consideration.

- (d) To the extent that the consideration payable by the Recipient is a taxable supply made to the Supplier by the Recipient, then, notwithstanding **clause 25.4(a)** and subject to **clause 25.4(e)**, no additional amount is payable by the Recipient to the Supplier on account of the GST payable on that taxable supply.
- (e) Notwithstanding **clause 25.4(d)** if the GST-inclusive market value of the non-monetary consideration of the Relevant Supply (**Supplier's taxable supply**) is less than the GST-inclusive market value of the non-monetary consideration comprising the taxable supply made by the Recipient to the Supplier for the Supplier's taxable supply (**Recipient's taxable supply**) then, the Recipient must pay to the Supplier an additional amount equal to 1/11th of the difference between the GST-inclusive market value of the Recipient's taxable supply and the GST-inclusive market value of the Supplier's taxable supply.
- (f) The recipient will pay the GST Amount referred to in this **clause 25.4** in addition to and at the same time as the first part of the consideration is provided for the Relevant Supply.

25.5 Valuation of non-monetary consideration

The Parties will seek to agree upon the market value of any non-monetary consideration which the Recipient is required to provide under **clause 25.4**. If agreement cannot be reached prior to the time that a Party becomes liable for GST, the matter in dispute is to be determined by an independent expert nominated by the President for the time being of the Institute of Chartered Accountants in Australia. The Parties will each pay one half of the costs of referral and determination by the independent expert.

25.6 Tax invoice

The Supplier must deliver a tax invoice to the Recipient before the Supplier is entitled to payment of the GST Amount under **clause 25.4**. The Recipient can withhold payment of the GST Amount until the Supplier provides a tax invoice.

25.7 Adjustment event

If an adjustment event arises in respect of a taxable supply made by a Supplier under this Agreement, the GST Amount payable by the Recipient under **clause 25.4** will be recalculated taking into account any previous adjustment under this clause to reflect the adjustment event and a payment will be made by the Recipient to the Supplier or by the Supplier to the Recipient as the case requires.

25.8 Reimbursements

Where a party is required under this Agreement to pay, indemnify or reimburse an expense, loss or outgoing of another party, the amount to be paid, indemnified or reimbursed by the first party will be the sum of:

- (a) the amount of the expense, loss or outgoing less any input tax credits in respect of the expense, loss or outgoing to which the other party, or to which the representative member of a GST group of which the other party is a member, is entitled; and
- (b) any additional amount payable under **clause 25.4** in respect of that reimbursement.

25.9 No Merger

This **clause 25** does not merge in the completion, discharge, rescission or termination of this document or on the transfer of any property supplied or to be supplied under this document.

26 Relationship of Parties

This Agreement is not intended to create a partnership, joint venture or agency relationship between the Parties.

27 Further steps

Each Party must promptly do whatever any other Party reasonably requires of it to give effect to this document and to perform its obligations under it.

28 Counterparts

This document may consist of a number of counterparts and, if so, the counterparts taken together constitute one document.

29 Rights cumulative

Except as expressly stated otherwise in this Agreement, the rights of a Party under this Agreement are cumulative and are in addition to any other rights of that Party.

30 Frustrated Contracts Act 1978

The provisions of the *Frustrated Contracts Act 1978* (NSW) are excluded as they apply to this Agreement.

Schedule 1

Section 7.4 Requirement

Provision of the Act	This Agreement
Under section 7.4(1), the Developer has:	
(a) sought a change to an environmental planning instrument.	(a) Yes
(b) made, or proposes to make, a development application.	(b) Yes
(c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.	(c) No
Description of the land to which this Agreement applies - (Section 7.4(3)(a))	See definition of Land in clause 1.1 .
Description of the development to which this Agreement applies - (Section 7.4(3)(b)(ii))	See definition of Development in clause 1.1 .
The scope, timing and manner of delivery of Development Contributions required by this Agreement - (Section 7.4(3)(c))	See schedule 2 and clauses 5 and 6
Applicability of Section 7.11 of the Act - (Section 7.4(3)(d))	Section 7.11 is wholly excluded as it applies to the Land and the Development.
Applicability of Section 7.12 of the Act - (Section 7.4(3)(d))	Section 7.12 is wholly excluded as it applies to the Land and the Development.
Applicability of Section 7.24 of the Act - (Section 7.4(3)(d))	Section 7.24 is not excluded as it applies to the Land and the Development.
Applicability of Section 7.4(3)(e) of the Act	Not applicable as no section 7.11s are payable in respect of the Development.
Mechanism for Dispute resolution - (Section 7.4(3)(f))	See clause 11 .
Enforcement of this Agreement - (Section 7.4(3)(g))	See clause 8 .
Registration of this Agreement (Section 93H)	Yes, see clause 9 .
No obligation to grant consent or exercise functions - (Section 7.4(9))	See clauses 15 and 22 .

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Schedule 2 Development Contributions

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Public Purpose	Nature/Extent	Estimated Contribution Value/Monetary Contribution	Timing
1	<p>Land Dedication: Active open space and recreation and water management</p>	<p>Dedication of a minimum of 16,547m² of land for the purposes of public open space, conservation land, and stormwater infrastructure generally in the location identified on the Contribution Location Plan (Dedication Land).</p>	\$1,323,760	<p>Prior to the issue of a Subdivision Certificate creating the 50th Urban Lot in the Development or as otherwise agreed between the Parties pursuant to clause 6.11.</p>
2	<p>Works in Kind: Active Open Space</p>	<p>Embellishment of the Dedication Lands for public park purposes. The open space works are to include:</p>	\$ 600,000	<p>Prior to the issue of a Subdivision Certificate creating the 50th Urban Lot in the Development or as otherwise agreed between the Parties pursuant to clause 6.11.</p>

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		<ul style="list-style-type: none"> • Play Space • Groundcovers • Tree and shrub plantings • Concrete shared pathways with a minimum width of 2.6 metres • Timber boardwalks through and adjoining urban stormwater devices <p>Concept plan of the proposed open space works is to be approved by Council prior to commencement.</p> <p>The value of works is based on \$30 per square metre for embellishment.</p>		
<p>5</p>	<p>Works: Environmental Conservation</p>	<p>The undertaking of works on conservation lands to be dedicated in accordance with a Vegetation Management Plan.</p>	<p>\$50,000</p>	<p>Prior to the issue of a Subdivision Certificate creating the 50th Urban Lot in the Development or as otherwise agreed between the Parties pursuant to clause 6.11.</p>

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<p>6</p>	<p>Monetary Contribution: Community Facilities and Services</p>	<p>Provision of a monetary contribution for community service enhancements. The value based on a contribution rate of \$1,427 per Urban Lot, for an expected total yield of 90 dwellings</p>	<p>\$1,427 per Urban Lot (estimated total, based on 90 Urban Lots: \$128,430)</p>	<p>To be paid per Urban Lot prior to the issue of a Subdivision Certificate creating the relevant Urban Lot in the Development or as otherwise agreed between the Parties pursuant to clause 6.11.</p>
<p>7</p>	<p>Monetary Contribution: Administration Costs</p>	<p>Provision of a monetary contribution for the ongoing administration costs associated with this VPA. The value is equivalent to 1.5% of the total contribution value for Works and Land</p>	<p>\$29,606</p>	<p>Prior to the issue of a Subdivision Certificate creating the 1stth Urban Lot in the Development or as otherwise agreed between the Parties pursuant to clause 6.11.</p>

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Executed as an agreement.

Executed by **Bensley Development)
Pty Ltd** (ACN 604 415 278) pursuant
to section 127 of the *Corporations)
Act 2001*

Signature Removed



Director

John Kinsella

Signature Removed



Director

Joseph Kinsella

Executed by **Campbelltown City**)
Council (ABN 31 459 914 087) by)
its General Manager and Mayor by)
the affixing of the Common Seal of)
Council in accordance with)
resolution dated

.....
....

General Manager (Signature)

.....
....

Mayor (Signature)

.....
....

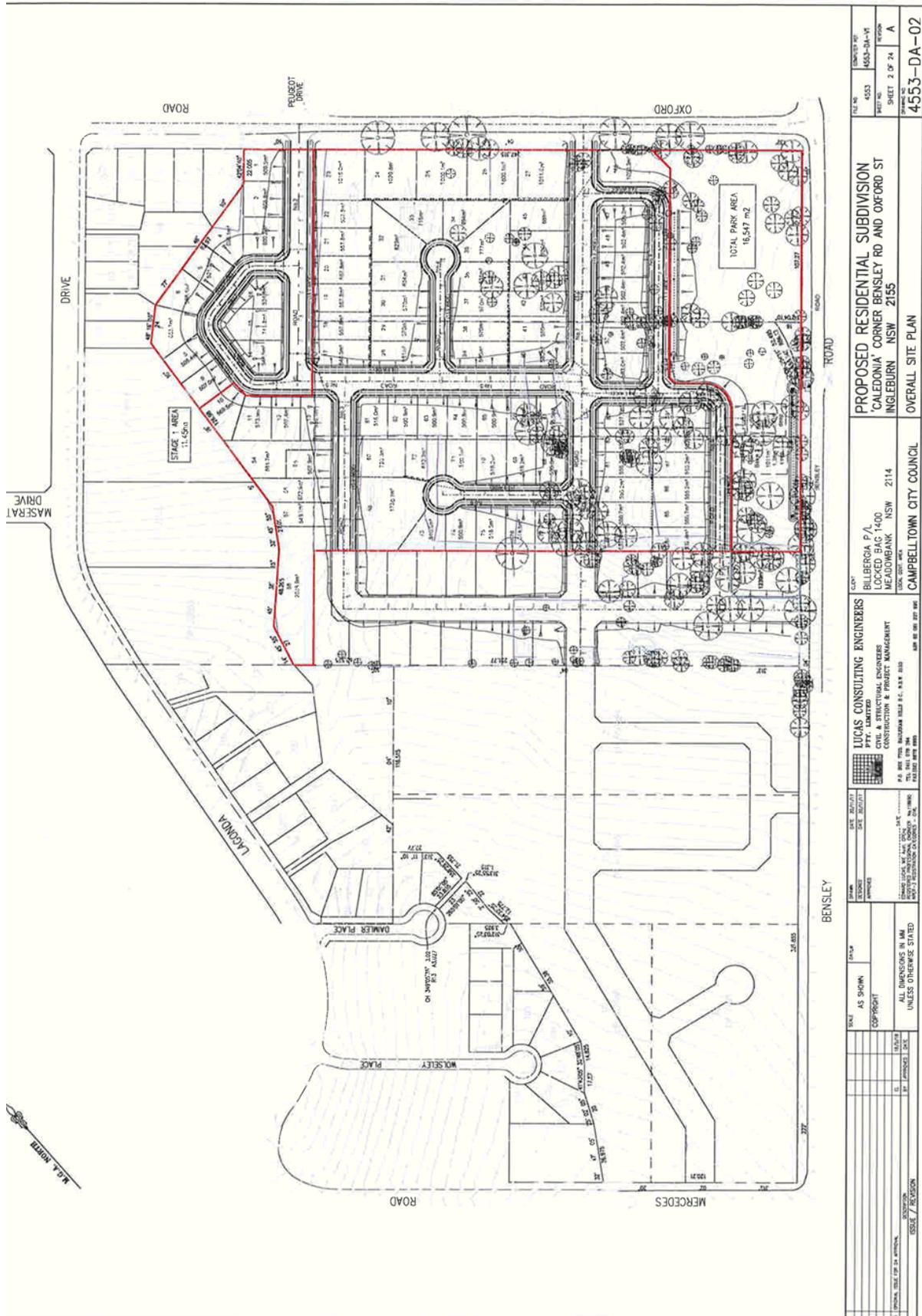
Name General Manager (print)

.....
....

Name of Mayor (print)

Annexure A
Contribution Location Plan

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PROPOSED RESIDENTIAL SUBDIVISION CALEDONIA CORNER BENSLEY RD AND OXFORD ST INGLEBURN NSW 2155		OVERALL SITE PLAN SHEET 2 OF 24 4553-DA-02	
CLIENT BILLBERGIA P/L LOCKED BAG 1400 MEADOWBANK NSW 2114		CAMPBELL TOWN CITY COUNCIL	
ENGINEER LUCAS CONSULTING ENGINEERS PTY. LIMITED CIVIL & STRUCTURAL ENGINEERS CONSTRUCTION & PROJECT MANAGEMENT		DATE 28/07/17 DATE REVISION	
ALL DIMENSIONS IN MM UNLESS OTHERWISE STATED		DRAWN BY: [Name] CHECKED BY: [Name] DATE: 28/07/17	

Annexure B
Novation Deed

80869380.1 CAR CAR

Draft No []

[Date]

Campbelltown City Council

[Original Developer]

[New Developer]

Deed of Novation for Voluntary Planning Agreement

80869380.1 CAR CAR

Contents

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Date**Parties**

Campbelltown City Council ABN 31 459 914 087 of Civic Centre, 91 Queen Street, Campbelltown, New South Wales (**Council**)

[Original Developer] ACN [insert] of [insert address] New South Wales (**Original Developer**)

[New Developer] ACN [insert] of [insert address] New South Wales (**New Developer**)

Background

- A The Council and the Original Developer are parties to the Original Agreement.
 - B The Original Agreement relates to the whole of the Land [or part of].
 - C The Original Developer wishes to transfer the whole [or part] of the Land to the New Developer.
 - D The Original Developer wishes to novate all [or part] of its rights and obligations under the Original Agreement to the New Developer.
-

Agreed terms**1 Definitions**

In this document these terms have the following meanings:

Council Campbelltown City Council.

Effective Date [insert date upon which the novation becomes effective]

Land Has the meaning given to that term in the Original Agreement.

Original Agreement The voluntary planning agreement dated [insert] and made between the Council and the Original Developer.

Party means a party to this document.

2 Novation

2.1 Original Agreement

Subject to **clause 2.2** and with effect from the Effective Date:

- (a) the New Developer is substituted for the Original Developer as a Party to the Original Agreement;
- (b) the New Developer will be bound by the Original Agreement, and will be entitled to the benefit of the Original Agreement, as if the New Developer was a Party to the Original Agreement instead of the Original Developer; and
- (c) the Original Developer is released and discharged from all obligations and liabilities, and from all claims (whether for costs, damages, fees, expenses or otherwise), arising under the Original Agreement.

[Note: Amend the above if only part of the Land is being transferred]

2.2 Reference in Original Agreement

All references to the Original Developer in the Original Agreement are to be construed as references to the New Developer.

[Note: Amend the above if only part of the Land is being transferred]

2.3 Address for notices

The Council must address all notices and communications to be given or made by it to the New Developer under the Original Agreement to the following address:

New Developer:

Address: [insert]

Fax: [insert]

Contact Person: [insert]

Email: [insert]

3 Affirmation of the Original Agreement

The Original Agreement will be read and construed subject to this document, and in all other respects the provisions of the Original Agreement are ratified and confirmed, and, subject to the variation and novation contained in this document, the Original Agreement will continue in full force and effect.

4 Indemnities

The New Developer indemnifies the Original Developer on demand against all liabilities, claims, damages and loss which the Original Developer suffers or incurs in relation to the Original Agreement including those which arise or relate to acts or omissions occurring on or after the Effective Date.

[Note: Amend the above if only part of the Land is being transferred]

5 Warranties and representations

5.1 Warranties

Each Party represents and warrants that, at the time of execution, and at the Effective Date:

- (a) it has capacity unconditionally to execute, deliver and comply with its obligations under this document;
- (b) it has taken all necessary action to authorise the unconditional execution and delivery of, and the compliance with, its obligations under this document;
- (c) this document is a valid and legally binding obligation and is enforceable against it by each other Party in accordance with its terms; and
- (d) its unconditional execution and delivery of, and compliance with its obligations under, this document do not contravene:
 - (i) any law or directive from a government entity;
 - (ii) its constituent documents;
 - (iii) any agreement or instrument to which it is a Party; or
 - (iv) any obligation of it to any other person.

5.2 Survival of warranties

The warranties and representations in **clause 5.1** survive the execution of this document and the novation of the Original Agreement.

6 GST

Where a supply made under this document gives rise to a liability for GST, the consideration to be provided for that supply (other than under this clause) will be increased by an additional amount equal to the GST payable on the supply. The additional amount must be paid, and the supplier must provide a tax invoice, at the same time as the other consideration for that supply is to be provided under this document. Terms used in this clause have the meanings in the *A New Tax System (Goods and Services Tax) Act 1999*.

7 Stamp duty and costs

The New Developer will pay all stamp duty arising directly or indirectly from this document.

8 Further acts

- (a) Each Party will take all steps, execute all deeds and do everything reasonably required by any other Party to give effect to any of the actions contemplated by this document.
- (b) This document binds each Party which signs it even if other parties do not, or if the execution by other parties is defective, void or voidable.

9 Amendment

This document may only be varied or replaced by a document executed by the parties.

10 Governing law and jurisdiction

- (a) This document and the transactions contemplated by this document are governed by and are to be construed in accordance with the laws applicable in New South Wales.
- (b) Each Party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts exercising jurisdiction in New South Wales and any courts which have jurisdiction to

hear appeals from any of those courts and waives any right to object to any proceedings being brought in those courts.

11 Counterparts

This document may consist of a number of counterparts and the counterparts taken together constitute one and the same instrument.

12 General

12.1 Construction

Unless expressed to the contrary, in this document:

- (a) words in the singular include the plural and vice versa;
- (b) any gender includes the other genders;
- (c) if a word or phrase is defined its other grammatical forms have corresponding meanings;
- (d) 'includes' means includes without limitation;
- (e) no rule of construction will apply to a clause to the disadvantage of a Party merely because that Party put forward the clause or would otherwise benefit from it; and
- (f) a reference to:
 - (i) a person includes a partnership, joint venture, unincorporated association, corporation and a government or statutory body or authority;
 - (ii) a person includes the person's legal personal representatives, successors, assigns and persons substituted by novation;
 - (iii) any legislation includes subordinate legislation under it and includes that legislation and subordinate legislation as modified or replaced;
 - (iv) an obligation includes a warranty or representation and a reference to a failure to comply with an obligation includes a breach of warranty or representation.

12.2 Headings

Headings do not affect the interpretation of this document.

Execution

Executed as a deed/agreement.

Executed by **Campbelltown City Council** (ABN 31 459 914 087) by its General Manager and Mayor by the affixing of the Common Seal of Council in accordance with resolution dated)
)
)

.....
.....

General Manager (Signature)

.....
.....

Mayor (Signature)

.....
.....

Name General Manager (print)

.....
.....

Name of Mayor (print)

Executed by [Original Developer] ABN [insert])
in accordance with section 127(1) of)
the *Corporations Act 2001* (Cth):

.....
....
Company Secretary/Director

.....
....
Director

.....
....
Name of Company
Secretary/Director (print)

.....
....
Name of Director (print)

Executed by [New Developer] ABN [insert])
in accordance with section 127(1) of the *Corporations*)
Act 2001 (Cth):

.....
....
Company Secretary/Director

.....
....
Director

.....
....
Name of Company
Secretary/Director (print)

.....
....
Name of Director (print)

Explanatory Note

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Planning Agreement

The purpose of this Explanatory Note is to provide a summary to support the notification of the proposed planning agreement (**Planning Agreement**) under section 7.4 of the *Environmental Planning and Assessment Act 1979* (NSW) (**EP&A Act**).

This Explanatory Note has been prepared jointly by the parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000* (NSW) (**EP&A Regulation**).

Parties

The parties to the Planning Agreement are:

- 1 Campbelltown City Council (ABN 31 459 914 087) (**Council**); and
- 2 Bensley Development Pty Ltd (ACN 604 415 278) (**Developer**).

Land

The Planning Agreement applies to Lots 2 and 3 in DP597774, Lots 4 in DP261609 and Lot 47 in DP595243 within Council's local government area (**Land**).

1 Introduction and background

The Developer owns all of the Land other than lot 2 in DP597774, which it has contracted to purchase and will own before the Planning Agreement is entered into. The Land is situated within an area bounded by Mercedes Road, Bensley Road and Oxford Road, Ingleburn which is located within the Caledonia Precinct and is subject of a Planning Proposal for rezoning to residential (low density use).

The Developer proposes to submit a development application to Council for the development of the Land. The proposed development is for the subdivision of approximately 90 residential lots on the Land, as well as the construction of associated roads, shared pedestrian and cycleways, utilities, open space, recreation facilities and stormwater drainage facilities (**Development**).

Local infrastructure is required to be provided to meet the demands of the Development and other development in the Caledonia Precinct.

The proposed Planning Agreement will be the mechanism for the Developer to provide contributions associated with the Development.

2 Objectives of the Planning Agreement

The objectives of the Planning Agreement are as follows:

- To deliver the local infrastructure required as a result of the urbanisation of the Land.
- To ensure that local infrastructure is delivered in a timely manner, harmonising the delivery of public assets with the delivery of subdivided lots for sale.
- To maximise efficiencies by supporting the delivery of local infrastructure by the Developer at or around the same time as Land is subdivided.
- To offset loss of vegetation on the Land and protect Cumberland Plain Woodland generally in the Local Government Area.

3 Nature and effect of the planning agreement

3.1 Summary

The Planning Agreement imposes the following obligations on the Developer:

- A. Dedication of approximately 16,547m² of land for the purposes of public open space, conservation land, and stormwater infrastructure.
- B. Embellishment of the Dedication Lands for public park purposes.
- C. Provision of a monetary contribution for maintenance by Council of the open space
- D. The undertaking of works on conservation lands to be dedicated in accordance with a Vegetation Management Plan.
- E. Provision of a monetary contribution for community service enhancements.
- F. Provision of a monetary contribution for the ongoing administration costs associated with this VPA.

These development contributions are required to be provided prior to the issue of the subdivision certificate for the 50th residential lot in the Development.

4 Merits of the Planning Agreement

4.1 Promotion of the public interest (and impact on the public)

The public benefits to be secured by the Planning Agreement will flow from the achievement of the Planning Agreement's objectives (refer to part 2 of the Explanatory Note).

Significant efficiencies will be achieved through the Planning Agreement by allowing the Developer:

- greater involvement in the timing and scope of the infrastructure items that affect, and are required by, the Development; and
- the ability to coordinate the concurrent roll-out of residential lots and local infrastructure in the most efficient way.

The expected efficiencies, together with anticipated public benefits of the Planning Agreement, are described below:

- The Planning Agreement relieves Council of the obligation of delivering part of the public open space required for the Caledonia Precinct (which is more ably delivered by the Developer).

There are various provisions in the Planning Agreement relating to the implementation of the Planning Agreement which protect and uphold the public interest. These include the following:

- provisions requiring the Developer to rectify defects in works provided under the Planning Agreement.
- various provisions relating to security including:
 - (i) registration of the Planning Agreement on the title of the Land (or providing bank guarantees/insurance bonds as alternate security); and
 - (ii) compulsory acquisition of land by Council for \$1.00 in the event the land is not dedicated at the time required under the Planning Agreement.

4.2 Promotion of the Council’s Charter

A Planning Agreement is to promote elements of the Council’s charter, which is established under section 8 of the *Local Government Act 1993 (LG Act)*.

It is considered that the Planning Agreement would further a number of elements of the charter, as shown below:

Element of the Council’s charter (section 8 of the LG Act)	How does the Planning Agreement promote the element?
to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively	This element is embedded in the purposes and objectives of the Planning Agreement. That is: <ul style="list-style-type: none"> • the Planning Agreement will be the subject of community input prior to its consideration by the Council; • the services and facilities to be provided reflect the requirements of the Caledonia Precinct; and • the Planning Agreement includes arrangements for the handover of completed facilities, adequate security and a defects liability period.
to exercise community leadership	The Planning Agreement: <ul style="list-style-type: none"> • secures the means of providing local infrastructure to meet the needs of a major development in one of Campbelltown’s key precincts; and • taps into and applies the expertise offered by land developers towards providing substantial public benefits for the future Caledonia Precinct community;.
to promote and to provide and plan for the needs of children	The Planning Agreement provides for the delivery of various facilities focused on the needs of the community.
to properly manage, develop, protect, restore, enhance and conserve the environment of the	Public open space land is proposed to become public assets under the Planning Agreement.

area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development

Response to ESD principles:

- **The precautionary principle, inter-generational equity and conservation of biological diversity and ecological integrity:**
The Planning Agreement supports natural areas being retained, protected and integrated into the development scheme. Vegetation Management works on the conservation land assists with promoting this principle.
- **Improved valuation, pricing and incentive mechanisms:** The Planning Agreement:
 - allows earlier provision of the public open space (by the Developer) than would be the case with 'business as usual'; and
 - allows the most efficient means of delivering that public open space (i.e. by the Developer).

to have regard to the long term and cumulative effects of its decisions

The Planning Agreement sets out a framework for the efficient delivery and sustainable ongoing management of a substantial amount of public infrastructure on the Land.

The Planning Agreement would relieve Council of the project risk associated with the provision of local infrastructure on the Land and allows the Council to concentrate its planning effort on other parts of the Campbelltown local government area that will need a proactive approach to infrastructure provision.

to bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible

The Planning Agreement includes provisions placing defects liability obligations on the Developer for a 12 month period after the works are completed.

The proposed Planning Agreement also includes appropriate asset handover

to engage in long-term strategic planning on behalf of the local community

The Planning Agreement assures the long-term provision and management of public assets and infrastructure.

to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights

The Planning Agreement creates spaces and places for public interaction and provides facilities for the delivery of public services to the local community.

to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants

4.3 Planning purposes and the objects of the EPA&A Act

The planning purposes served by the Planning Agreement can best be addressed by reference to the objects of the EPA&A Act.

It is considered that the Planning Agreement would further the following objectives of the EP&A Act:

Objective of the EP&A Act (section 1.3)	How does the Planning Agreement promote the objective?
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources; and	The Planning Agreement provides a basis for the comprehensive management of the delivery of the local public open space requirements of the Caledonia Precinct. It also provides for vegetation management works on, and the dedication of, conservation lands.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment; and	
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	
(c) to promote the orderly and economic use and development of land	Orderly development of land is encouraged by the Planning Agreement through the delivery of local public open space at or around the same time as the surrounding development which requires it.

Does the Planning Agreement conforms with the planning authority's capital works program (if any).

[Council to complete]

Does the Planning Agreement specify that certain requirements of the agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued.

Yes, the Planning Agreement specifies that contributions (being monetary contributions, works, and the dedication of land) must occur prior to the issue of certain subdivision certificates, as specified in schedule 2 of the Planning Agreement.

8.5 Status of Applications

Reporting Officer

Director City Development
City Development

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.8 - Enable a range of housing choices to support different lifestyles

Officer's Recommendation

That the information be noted.

Purpose

To advise Council of the status of development applications within the City Development Division.

Report

In accordance with the resolution of the Council meeting held 13 March 2018, that Councillors be provided with monthly information detailing the status of each report considered by the IHAP, now known as the Local Planning Panel (LPP), South Western City Planning Panel and approved by the General Manager under delegation of a value of more than \$1m, the attachment to this report provides this information as requested.

Attachments

1. List showing status of Development Applications (contained within this report)

Development Application Register

DAs to be considered by the Regional Panel						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
1585/2015/DA-MP	Lot 1097 Goldsmith Ave, Campbelltown	Masterplan for Macarthur Gardens North and construction of stages 1 and 2 of Macarthur Gardens North, involving the construction of 72 dwellings, civil works and subdivision	\$19,640,000	>\$5million Crown	Assessing	
206/2016/DA-RS	Lot 1097 Goldsmith Ave, Campbelltown	Subdivision into nine superlots, a residue allotment, construction of 86 residential dwellings and associated Torrens and Strata subdivision and minor alterations to masterplan	\$19,600,000	>\$5million Crown	Assessing	
726/2016/DA-RS	Lot 1097 Goldsmith Ave, Campbelltown	Masterplan amendments, medium density housing and associated subdivision within stages 7, 8 and 9 in Macarthur Gardens north	\$20,640,000	>\$5million Crown	Assessing	
4204/2016/DA-RA	6-12 Dumaresq Street, Campbelltown	Demolition of existing structures and construction of a 15 storey mixed use residential flat building comprising of 85 residential units, four levels of basement car parking, one level of retail, two levels of commercial and a communal rooftop open space area	\$28,000,000	>20million (registered prior to \$30mil threshold)	Assessing	
389/2017/DA-RA	'Raith' 74 Fern Avenue, Campbelltown	Construction of a residential development containing 134 residences and alterations to and use of the existing heritage building.	\$26,000,000	>20million (registered prior to \$30mil threshold)	Assessing	

Development Application Register

DA No.	Address	Description	Value	Authority Criteria	Status	Determination
497/2017/DA-SW	Riverside Drive, Cheviot Place, Ryeland Place, Southdown Place and Deans Road, Airds	Airds Bradbury Stage 4 subdivision to create 180 residential lots and associated civil works	\$11,200,000	>\$5million Crown	Assessing	
2138/2017/DA-SW	Briar Road, Waterhouse Place, Kingston Place, Merino Crescent and Dorchester Park, Airds	Airds Bradbury Stage 6 subdivision to create 144 residential lots and associated civil works	\$9,088,028	>\$5million Crown	Assessing	
3652/2017/DA-RS	Passiflora Ave and Wiregrass Ave, Denham Court	Construction of 76 attached dwellings and one detached dwelling and subdivision into 77 Torrens title allotments	\$23,179,218	>20million (registered prior to \$30mil threshold)	Assessing	
3293/2017/DA-C	166 - 176 St Andrews Road Varroville	Construction and use of a new cemetery and parklands	\$38,077,510	>\$5million Crown	Referred by Planning Minister to Independent Planning Commission for determination	
3280/2016/DA-RA	12 & 28 Cordeaux Street, Campbelltown	Demolition of existing structures, construction of a 10 storey residential apartment building consisting of 105 residential units, basement car parking, 2 retail/commercial units	\$29,900,000	>20million (registered prior to \$30mil threshold)	Assessing - Deemed refusal Lodged with L&E Court	
4141/2017/DA-C	Campbelltown Hospital, Therry Road, Campbelltown	Construction of a multi-level car park and associated ancillary works	\$21,300,000	>\$5million Crown	Completed	Approved by Panel on 22 August 2018

Development Application Register

DAs to be considered by the Local Planning Panel						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
2310/2017/DA-RS	35 Fleming Drive, Campbelltown	Construction of four dwellings and subdivision into four strata allotments	\$648,000	Staff application	Completed	Approved by Panel on 25 July 2018
1985/2017/DA-RA	16 - 20 Palmer Street, Ingleburn	Demolition of existing structures and construction of a five storey residential apartment building containing 52 apartments and two levels of basement carparking, and provision of space for a childcare centre on the ground floor of the building	\$15,137,815	Residential Flat Building - more than 3 storeys	Assessing	
2238/2017/DA-RA	37 Cumberland Road, Ingleburn	Demolition of an existing dwelling and construction of a five storey residential apartment building containing 30 units, basement carparking	\$8,712,418	Residential Flat Building - more than 3 storeys	Assessing	
3598/2017/DA-SL	1 Reddall Street, Campbelltown	Demolition of existing dwelling and construction of a three storey senior living building consisting of 14 independent living units	\$2,400,000	Residential Flat Building - more than 3 storeys	Deferred for more information	
3885/2017/DA-SW	Lot 3 Menangle Rd, Menangle Park	Stage 1 - Menangle Park Urban Release Area - civil works and subdivision of land to create 255 residential lots and seven superlots	\$19,330,000	VPA	Assessing	
559/2018/DA-RS	10 Wickfield Circuit, Ambarvale	Construction of a mixed use development consisting of 27 residential units, 9 retail premises with basement car parking and strata s/division	\$8,026,960	Residential Flat Building - more than 3 storeys	Deferred for more information	

Development Application Register

DA No.	Address	Description	Value	Authority Criteria	Status	Determination
736/2017/DA-S	2 & 5 Culverston Street, Minto	Subdivision of Culverston Road and the construction of a cul-de-sac head	\$414,639	Council land	Assessing	
743/2018/DA-SW	901 & 913 Appin Road, Campbelltown	Subdivision into 333 residential allotments, 5 residue allotments with associated civil works including road construction, permanent and temporary stormwater management facilities and tree removal Stage 1	\$19,072,587	VPA	Assessing	
1361/2016/DA-C	7/4 Grange Road, Leumeah	Fit out and use of premises as a brothel – 7/4 Grange Road, Leumeah	\$80,000	18 objections	Deferred for more information	
1623/2016/DA-SW	39, 41A, 41B & 43 Sebastian Avenue, Rosemeadow	Demolition of existing dwelling and structures and subdivision to create 35 lots residential allotments in stages	\$910,000.00	10 objections	Deferred for more information	
1700/2017/DA-SW	Lots 1, 6, 8, 9 and 12 (DP 258940), Dobeil Reserve, Burdekin Park, Eldred Park and Tate Park, Gidley Crescent, Claymore	Subdivision into 113 residential lots and one residue lot for future development and associated civil works, Stages 3A and 3B Claymore Urban Renewal Project	\$4,616,000	VPA	Assessing	
3493/2017/DA-RS	Lot 1 Linum and Lot 143 Lantana Streets, Macquarie Fields	Construction of 12 two storey dwellings and subdivision into 12 torrens title allotments	\$3,200,000	Council land	Deferred for more information	
1698/2017/DA-M	2 Albert Street, Ingleburn	Demolition of existing dwelling and construction of two x two storey semi attached dwelling	\$400,000	CLEP variation	Deferred for more information	

Development Application Register

DA No.	Address	Description	Value	Authority Criteria	Status	Determination
774/2018/DA-C	111 Oxford Road, Ingleburn	Partial demolition of existing heritage-listed dwelling and alterations and additions to the existing dwelling for use as a childcare centre for 150 children and associated car parking	\$1,250,000	Heritage	Deferred for more information	

Development Application Register

DAs with a stated value of \$1 million or more approved under Delegated Authority by the General Manager since last Council meeting						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
233/2016/DA-M	23 Albert Street, Ingleburn	Demolition of existing dwelling and construction of three two-storey dwellings	\$1,009,000	N/A	Approved	10 August 2017

8.6 Raby Sports Complex Building Tribute

Reporting Officer

Executive Manager Sport, Recreation and Leisure
City Lifestyles

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.2 - Create safe, well maintained, activated and accessible public spaces

Officer's Recommendation

1. That Council endorse the Campbelltown Camden District Cricket Club proposal to attach a plaque to Raby Sports Complex amenity building acknowledging Allan Connolly's dedication to Cricket in the region and to the Raby Sports Complex.
2. That Council permit Campbelltown Camden District Cricket Club to affix a sign to Raby Oval number two amenity building to reference the amenity building as the Allan Connolly pavilion as part of the Raby Sports Complex.

Purpose

To advise Council of a request from Campbelltown Camden District Cricket Club to dedicate a plaque and sign to the new amenity building at Raby Sports Complex in the name of Allan Connolly.

To seek Council's endorsement to permit the erection of the sign on the amenity building at Raby Sports Complex, whereby the cricket users would refer to the amenity building as the Allan Connolly Pavilion.

History

Raby Sports Complex is a premier cricketing facility with four side by side turf cricket wickets. The Campbelltown Camden District Cricket Club reside and play their home matches and training at the complex as part of the Sydney District Grade Cricket Competition.

The complex has four buildings. Three of these buildings service the two main turf wickets used for grade cricket, generally referred to Raby 1 and 2. The fourth facility services the needs of the additional two turf cricket ovals, Raby 3 and 4.

New change room facilities were provided in 2017 as part of Council's maintenance renewal program, replacing the previous change rooms and greenkeeper's facilities that were beyond their economic life to repair. This facility predominantly provided the change and toilet facilities for the second grade men's and women's cricket teams to Raby 2 oval.

Report

The Campbelltown Camden District Cricket Club, Campbelltown Ghosts, wrote to Council on 4 December 2017. The Club was seeking guidance to appropriately acknowledge one of the Club's long standing volunteers by attaching a plaque at their expense to Council's recently built amenity building at Raby Sports Complex.

In March 2018, the Club also expressed the desire to sign-post, and refer to this amenity building as the Allan Connolly Pavilion. In doing so, the facility would be referenced for matches within the cricketing schedule at Raby Turf Wicket number two.

Allan Connolly is a local resident who has volunteered with the Ghosts Cricket Club since the early 1980's, including long stints as President and Club representative on the NSW Cricket Board and numerous committee positions.

The intention of the Club is to appropriately acknowledge Allan Connolly's contribution to the Club, and cricket in the region. The Club at its expense, designed a plaque and liaised with Council staff in regard to identifying a location where the plaque could be affixed to the external wall of the amenity building adjacent to Raby Oval number two.

Council considered a new policy that was ratified on 12 June 2018, named The Memorial and Monuments on Council Open Space Policy. Given that this policy was adopted after the initial discussions, purchase of the plaque, and the end of the cricket season celebration where the Club presented the plaque to Mr Connolly, and also their intent to attach it to the building, it is recommended that Council proceed to providing the approval for the Club to attach the plaque to the external wall of the building.

A celebration has been organised between each of the local members and the cricket club for the first round of the grade cricket season, being 22 September 2018. This celebration is to showcase the Raby Cricket complex, and to also acknowledge Mr Connolly's contribution by unveiling the plaque on the building. The club are planning a sign that they would like to mount to the building as part of the celebrations. Since being informed of such, Council officers have requested specifications and design. Council's Assets Team have reviewed the design details and are satisfied that attaching the sign to the building would not pose a risk to Council. The placement of the sign would be on the front awning facing the cricket fields, with the wording the "Allan Connolly Pavilion".

It is recommended that Council provide approval to proceed with erection of the sign and affixing the plaque to the amenity building as part of the Clubs celebrations for 22 September 2018.

The request of the Club does not require Council to formally rename the Raby Sports Complex or formally register naming with the Geographical Names Board, therefore Raby Sporting Complex remains as its current name, and the second grade change rooms be referred to the Allan Connolly Pavilion.

Attachments

Nil

8.7 Development of a Cultural Plan for the City

Reporting Officer

Executive Manager Community Life
City Lifestyles

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.6 - Foster a creative community that celebrates arts and culture

Officer's Recommendation

1. That Council establish a Community Advisory Group to seek specialist and broad input into the Plan, through an Expression of Interest process.
2. That a further report be presented to Council to confirm membership to this Group.

Purpose

To propose a project process and establish a Community Advisory Group to oversee the development of a Cultural Plan for the City.

History

A briefing was held on 31 July 2018 with Council to seek early input into the development of a Cultural Plan for the City.

The Campbelltown Strategic Plan, Campbelltown 2027, has a strong emphasis on the importance of culture in the delivery of the community's vision:

"Our community is able to celebrate its diversity, make a contribution to, and enjoy the lifestyle opportunities offered by our city. Our city is a place where people want to live – it is creative, innovative, vibrant and resilient. It is a city that is designed for people, with easy access to high quality housing, services, amenities and open space. It is a community where people feel safe, socially connected and included. We celebrate our rich heritage and diversity, and respect our strong ties to Aboriginal culture.

Our people enjoy the lifestyle offered by the city – a city which is a destination of choice."

The development of a Cultural Plan responds to the outcome in the Community Strategic Plan of A Vibrant, Liveable City.

Report

The United Nations take a broad approach to the definition of culture as "the set of distinctive spiritual, material, intellectual and emotional features of a society or social group that

encompasses not only art and literature, but lifestyles, ways of living together, value systems, traditions and beliefs.” Specifically, culture refers to the expression of these values, actions, history, social behaviours and environments that give people a common identity. Local Government NSW describes culture as encompassing “diverse avenues of expression in architecture, arts, history, language, education, leisure, work and daily life. It’s all about our ability to ‘tell our story’ - an essential and defining human characteristic.”

The development of a Cultural Plan provides a vision, direction and strategic framework for community cultural planning and development across the City, recognising the fundamental role of arts and culture to liveability.

A Cultural Plan provides the opportunity to:

- Understand, develop and promote Campbelltown's cultural identity
- Emphasise existing cultural strengths and opportunities
- Create new partnerships and opportunities
- Improve and activate public domain and places through the provision of arts and cultural activities and products
- Strengthen the City's economy through fostering and supportive creative industries and professionals
- Provide and facilitate a range of arts and cultural activities that sustain a creative and connected community
- Develop an understanding of individual and collective histories whilst enhancing shared experiences as the City is transformed, including Aboriginal, Colonial and emerging groups
- Increase broad community engagement with creative expression

The proposed process for development of a Cultural Plan is to:

1. Establish a Council and Community Advisory Group to provide oversight and both specialist and broad input into the development of the Plan
2. Undertake cultural audit/mapping to understand the current cultural landscape across the City
3. Audit potential sites, structures and opportunities to deliver public arts
4. Engage with the community, both broadly and targeted to interest groups
5. Draft and test a Cultural Plan, including vision, strategies and priorities, delivery mechanisms and evaluation methods
6. Report the draft Plan to Council for endorsement for public exhibition
7. Exhibit the draft Plan and actively engage the community and stakeholders for input
8. Seek Council adoption of the Cultural Plan

It is proposed to seek Expressions of Interest for suitable and committed community representatives to work with Councillors and Council Officers on a Community Advisory Group, with the following Terms of Reference:

- Contribute to the vision for cultural planning and development in Campbelltown City
- Be vocal advocates for the process of the development of the Cultural Plan and encouraging wide community input into the engagement phase
- Provide expertise and feedback into all aspects of the development of the Cultural Plan
- Commit to the meetings and the process

The proposed structure of this Community Advisory Group is:

- The Mayor or delegate as Chair
- Two additional Councillors
- Two representatives of Campbelltown's Aboriginal community, one male and one female
- Two representatives of the business community
- Two representatives who are arts and cultural professionals
- Three community representatives who have a passion for the community cultural development of the City
- Council's Project Sponsor from Council's Executive
- Council's Executive Manager Community Life
- Council's Manager Cultural Services

The full Draft Terms of Reference are contained in Attachment 1.

An internal Project Control Group will be established to have oversight of the development of the plan and all inputs, ensuring wide cross-organisational engagement and alignment with other strategic work.

Concurrently to the development of the Cultural Plan, it is proposed that a strategy for public art be prepared to set the framework for how public art is planned, funded, commissioned, approved and delivered across the City. This process would include auditing sites and structures suitable for public art, and policy development to guide quality outcomes, community engagement, and decision-making processes.

It is anticipated that the process of developing a Cultural Plan, including extensive community engagement, will take approximately twelve months.

Attachments

1. Draft Terms of Reference, Cultural Plan Advisory Group (contained within this report)



Campbelltown City Cultural Plan Community Advisory Group Terms of Reference

The Community Advisory Group will comprise invited members and community representatives selected through an advertised expression of interest process to be a reference and advisory group for the development of a Cultural Plan for the City of Campbelltown.

The terms of reference for the Advisory Group are to:

- Contribute to the vision for cultural planning and development in Campbelltown City
- Be vocal advocates for the process of the development of the Cultural Plan and encouraging wide community input into the engagement phase
- Provide expertise and feedback into all aspects of the development of the Cultural Plan
- Commit to the meetings and the process

It is anticipated that the Community Advisory Group will meet on a bi-monthly basis as a minimum for the life of the project, being the adoption of the final Plan by Council. The group may meet more frequently from time to time depending on the requirements of the project.

Composition

Membership will consist of up to 13 members with the following composition:

- The Mayor or delegate as Chair
- Two additional Councillors
- Two representatives of Campbelltown's Aboriginal community, one male and one female
- Two representatives of the business community
- Two representatives who are arts and cultural professionals
- Three community representatives who have a passion for the community cultural development of the City
- Council's Project Sponsor from Council's Executive

The community representatives will be sought through an advertised expression of interest process, and selected based on ensuring a diversity of interests are represented.

Members are required to declare any direct or potential conflicts of interest at each meeting. Further, members are required to abide by Council's Code of Conduct at all times.

What is involved? What skills are required?

Previous experience or special skills are not required; however participants must be willing and able to:

- Actively participate in meetings and workshops over the next 12 months
- Listen and be respectful of diverse opinions
- Share their passion and vision for the Campbelltown community and its cultural development
- Be a strong spokesperson and advocate to promote the positive story of Campbelltown, its exciting future, lifestyle and its diverse peoples

People from a diverse range of backgrounds and abilities are encouraged to apply.

Membership is at the discretion of Council and should a member not be seen as upholding their agreement or cease to attend meetings Council reserves the right to cancel their membership and appoint an alternate in their absence.

8.8 Reports and Letters Requested

Reporting Officer

Director City Governance
City Governance

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.3 - Ensure that Campbelltown is an inclusive city

Officer's Recommendation

That the information be noted.

Report

Attached for the information of Councillors is a status list of reports and letters requested from Council as at 14 August 2018.

Attachments

1. Reports and Letters Requested as at 14 August 2018 (contained within this report)

Reports Requested as at 14 August 2018

*Date of Decision *Mover *DocSet	Item/Comments	Div. Resp	Comp Date
City Lifestyles			
Nil			
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. Comment Council is in the process of undertaking community consultation with residents. At the conclusion of the consultation period, this item will be reported back to Council and will be placed on public exhibition.	CD	November 2018
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. Comment Council is currently investigating current services and will report back to Council in November.	CD	November 2018
13.02.18 WM	ORD - NM - 11.1 3. That a report be presented to Council investigating Council's capacity to secure free or subsidised parking at Campbelltown Hospital for patients, visitors and staff. Comment Council is currently investigating and liaising with NSW Health and will report back to Council.	CD	December 2018
12.12.17 PL	ORD - NM - 11.4 1. That a report be presented to Council investigating the feasibility of extending the current bus service from Campbelltown Public Hospital through Parkside Crescent past Campbelltown Private Hospital to Macarthur Square. 2. That a further report be presented to Council on the possibility of a new bus service being established to service the businesses along Blaxland Road and that Council Staff survey the individual businesses along Blaxland Road for their input on the benefits of a bus service including the hours and days of service. 3. That Council investigate the feasibility of reintroducing the free bus service with the State Government. Comment Council is currently consulting with the RMS and business owners with regards to these matters. Upon conclusion of these discussion a report will be presented back Council.	CD	November 2018

*Date of Decision *Mover *DocSet	Item/Comments	Div. Resp	Comp Date
14.08.18 MC	<p>ORD - NM - 11.5</p> <p>That a report be presented to Council investigating the feasibility of developing outdoor badminton courts for local community use.</p> <p>Comment Council is currently investigating suitable locations for the courts. At the conclusion of the investigation a report will be presented to Council.</p>	CD	November 2018
14.08.18 RM	<p>ORD - NM - 11.6</p> <ol style="list-style-type: none"> 1. That Council prepare a feasibility report to consider the development of an avenue of native trees, such as Angophora and Claret Ash or any other appropriate local native species to be planted contiguously on the nature strip and either side of Appin Road, between Narellan Road and Fitzgibbon Lane or other suitable areas, to create a prominent entrance into the City. 2. The report to include the potential to maintain the current road name but to call the new planted area 'Angophora Ave' or 'Claret Ash Lane' or other name appropriate to the selected native species with appropriate signage and well developed wider footpaths to complement the new planting section. <p>Comment: Council is currently liaising with the RMS and investigating native plant species. At the conclusion of the investigation a report will be presented to Council.</p>	CD	December 2018
City Governance			
14.10.14 RK 4033794	<p>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.</p> <p>Comment: Still in the process of finalising the VPA/ISDP with Urban Growth. Strategic Property and Urban Release and Engagement currently reviewing.</p>	CG	November 2018
23.05.17 BM	<p>ORD - NM11.1</p> <ol style="list-style-type: none"> 1. That a report be presented to Council detailing a procedure for: <ol style="list-style-type: none"> a. Councillors to request that a delegated decision be called up to a meeting of Council. b. Councillors right and responsibility regarding access to administrative information. c. Councillors right and responsibilities regarding the ability to communicate with staff. d. Councillors right and responsibility to review decisions undertaken under delegated authority and the process to call the decisions to be reviewed. <p>Comment: Report addressing parts 1a. and 1b. of the resolution was presented to the Council meeting on 14 August 2018. Further report addressing parts 1c. and 1d. has been prepared for the September agenda Item 8.10.</p>	CG	Aug/Sept 2018

*Date of Decision *Mover *DocSet	Item/Comments	Div. Resp	Comp Date
City Development			
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 Further discussion currently being organised with development representatives to discuss financial contribution for street tree damage. Estimate of financial contribution prepared for further consideration and consultation.	CDVP (CS)	November 2018

*Date of Decision *Mover *DocSet	Item/Comments	Div. Resp	Comp Date
08.11.16 GG 5095788	<p>ORD - 11.5</p> <ol style="list-style-type: none"> 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. 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: <ol style="list-style-type: none"> a. The Design Excellence Panel be comprised of five members consisting of, four professionals and one community representative, with membership open to: <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. 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. c. That the panel members' tenure should be limited to two years with an optional extension for another two years. 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. 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>Comment: Report prepared the September agenda Item 8.1.</p>	CDVP	Complete
13.12.16 PL 5146315	<p>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.</p> <p>Comment: This report is currently being prepared in a cross organisational approach involving a number of internal stakeholders with an anticipated final report for consideration in October 2018.</p>	CDVP	October 2018

*Date of Decision *Mover *DocSet	Item/Comments	Div. Resp	Comp Date
28.11.17 BM	ORD - NM - 11.1 3. That a report be presented to Council investigating how Council can assist carers in obtaining and disposing of koala food, for example: <ul style="list-style-type: none"> a. Council staff and contractors identifying and setting aside eucalyptus trees from worksites and tree-clearing activities for carers to access b. Council providing a free green waste drop-off for registered koala carers to dispose of unused or inappropriate leaves. <p>Comment: This report is currently being prepared in a cross organisational approach involving a number of internal stakeholders with an anticipated final report for consideration in October 2018.</p>	CDVP	October 2018
14.08.18 BG	ORD - NM - 11.4 1. That Council seeks a report into the feasibility of requiring certified access consultant audits as part of the development application process for public infrastructure and commercial developments. <p>Comment: This report is currently being prepared in a cross organisational approach involving a number of internal stakeholders with an anticipated final report for consideration in December 2018.</p>	CDVP	December 2018
City Growth and Economy			

Letters Requested as at 14 August 2018

*Date of Decision *Mover *DocSet	Item/Comments	Div. Resp	Comp Date
City Lifestyles			
14.08.18	ORD - NM - 11.2 -Status Resolution Support Services (SRSS) payments 4. That Council write to the Federal Members of Parliament Dr Mike Freeland and Ms Anne Stanley to make appropriate representations to the Minister for Home Affairs, Peter Dutton MP. Comment: Letter sent 04/09/18 awaiting a response letter.	CL	COMPLETED
14.08.18	ORD - MM - 5.1 - State Government Funding of Public Libraries 1. That Council makes representation to the local State Members, Greg Warren and Anouack Chanthivong, in relation to the need for additional funding from the NSW State Government for the provision of public library services. 2. That Council writes to the Hon. Don Harwin, Minister for the Arts and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for the provision of a significant increase in state funding for NSW public libraries, supported by a sustainable future funding model. Comment: Letter sent 22/08/18 awaiting a response letter.	CL	COMPLETED
City Delivery			
26.09.17	ORD - NM 11.5 - That Council write to the Minister for the Environment, requesting the spraying of noxious weeds (Blackberry Bush and African Olive) along both sides of M31 from Brooks Road to St Andrews Road in the Campbelltown Local Government Area. Comment: Letter sent 10/12/17	CD	COMPLETED
City Governance			
14.08.18 PL	ORD - NM - 11.7 - Paediatric Intensive Care Units 1. That Council write to the state Member for Campbelltown, Greg Warren, to make appropriate representations to the Premier, Gladys Berejiklian, and the leader of the Opposition, Luke Foley, with the intention to secure support for Paediatric Intensive Care Units at Campbelltown Hospital. 2. That the General Manager and Mayor lobby on behalf of the Council the Premier, Gladys Berejiklian, and the leader of the Opposition, Luke Foley, with the intention to secure support for Paediatric Intensive Care Units at Campbelltown Hospital. Comment: Letter sent 31/07/17 awaiting a response letter	CG	

*Date of Decision *Mover *DocSet	Item/Comments	Div. Resp	Comp Date
City Development			
13.06.17 KH	NM 11.2 - 4. That Council write to the Member for Campbelltown, Mr Greg Warren, seeking his support for additional funding to be allocated for the immediate installation of such fencing and crossing Comment: Letter sent 31/07/17 awaiting a response letter.	DVP	COMPLETED
11.07.17 BM	NM 11.1 3. That Council write to the local members requesting an urgent state government investigation into the use of similar or same cladding in multi-storey developments across NSW and options available to mitigate potential risks. Comment: Letter sent 25/07/17 awaiting a response letter.	DVP	COMPLETED
13.02.18 WM	ORD - NM - 11.1 2. That Council write to the Minister for Health, the Hon. Brad Hazzard MP, stating our objection to the introduction of paid parking for patients, visitors and staff at Campbelltown Hospital, and a copy of this letter be sent to the Member for Campbelltown Mr. Greg Warren MP. Comment: Letter sent, awaiting a response letter.	CDVP	COMPLETED

*Date of Decision *Mover *DocSet	Item/Comments	Div. Resp	Comp Date
City Growth and Economy			

8.9 Walkway Closure Application - Beechcraft Avenue and Hurricane Drive, Raby

Reporting Officer

Executive Manager Strategic Property
City Governance

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.2 - Ensure that service provision supports the community to achieve and meets their needs

Officer's Recommendation

1. That Council not support the closure of the walkway between Beechcraft Avenue and Hurricane Drive, Raby.
2. That all persons having written in reference Council's request be thanked and advised of Council's decision.

Purpose

To advise Council in respect of a closure application for the walkway located between Beechcraft Avenue and Hurricane Drive, Raby and make recommendations accordingly.

History

Nil

Report

Council has received a request from an adjoining owner for the closure of the walkway located between Beechcraft Avenue and Hurricane Drive, Raby ("the walkway"). Information relating to the walkway closure application process and associated fees have been provided to all owners adjoining the walkway.

Council's walkway closure application fee has been received. Two of the four adjoining owners have confirmed their willingness to purchase the walkway land and advised of their acceptance of the terms, conditions and fees associated with such process.

In accordance with Council's adopted procedures, a trial closure of the walkway was conducted for a period of three weeks from 7 May to 28 May 2018. Council advertised the proposed closure in the local newspapers, posted notices on the walkway, forwarded letters to utility authorities, local bus companies, local schools, local fire brigade, local police and 34 residents surrounding the walkway, seeking written submissions.

During the trial closure period Council, received no letters of support however the following submissions were received from service authorities and residents:

- Telstra Plan Services indicated Telstra assets were in the vicinity of the walkway. Though Telstra had no objections to the proposed closure, Telstra insists that if its assets require relocation, the associated costs must be met by the applicant(s).
- Roads Maritime Services (RMS) indicated no objection, subject to Council submitting a Traffic Management Plan (as per RMS delegation to Council), prior to the closure being formally approved by Council.
- Endeavour Energy (EE) objected to the closure as it has pre-existing electrical cables located within the walkway. To remove their objection EE requires a 3 metre wide easement to be created over the subject land including containing EE's standard conditions and that any future lot consolidation must not sever the easement site longitudinally. EE may withdraw their objection on receipt of a copy of the cable location survey and on approval of the plan and instrument, prior to their registration.
- Three resident objections were received during the trial closure. The residents advised the subject walkway provided neighbourhood commuters with a convenient passage to access the bus stop at Hurricane Drive.

Walkway Closure Assessment

Based on the submissions received for the walkway closure, further investigations were undertaken by Council to determine the viability of the closure application.

Following the trial closure, Council contacted the local bus company whose concern with the closure relates to patrons residing in Beechcraft Avenue, Victor Place and Neptune Street. These residents may be disadvantaged accessing the existing bus stop at Hurricane Drive.

Council also contacted the local school whom indicated the walkway closure would not have a significant impact on any of their students. The walkway is located close to the school and it is unlikely students would utilise the bus service via the walkway.

The local police indicated that they had conducted a site inspection and did not have any issue with its closure.

Council's Infrastructure section has indicated the walkway does not serve as an overland floodway for the local catchment, hence closure would not have a major impact on any drainage systems in the vicinity.

An inspection of the walkway was undertaken by Council on 20 June 2018. Should it be permanently closed, the residents of Neptune Street, Beechcraft Avenue and Victor Place would be affected and would need to allow additional commuting time of up to 15-20 minutes to reach the existing Hurricane Drive bus stop.

Council also arranged temporary CCTV for 2 weeks from 26 June 2018 to 10 July 2018 to capture pedestrian movement and commuter utilisation of the walkway given the submissions received. Based on the observed CCTV footage, there was regular use of the walkway on a daily basis by commuters.

Council also contacted all three responding residents who opposed the walkway closure to discuss their concerns. One resident formally withdrew with two still maintaining their opposition. These residents requested Council consider alternative approaches to permanent closure.

Based on the assessment undertaken, it is recommended Council keep the walkway open. Permanent closure would cause inconvenience to the broader community as commuters utilise the walkway as the passage way between Beechcraft Avenue and Hurricane Drive.

Attachments

1. Locality Plan (contained within this report)

8.10 Councillors Access to Information and Interaction with Staff

Reporting Officer

Executive Manager Corporate Services and Governance
City Governance

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.8 - Provide strong governance for all Council activities

Officer's Recommendation

1. That the Policy for Councillor Access to Information and Interaction with Staff be adopted.
2. That the review date for the Councillors Access to Information and Interaction with Staff policy be set at 30 June 2021.

Purpose

To advise Council that the current Councillors Access to Information and Interaction with Staff policy has been reviewed.

History

Council, at its meeting on 23 May 2017 resolved:

1. That a report be presented to Council detailing 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.

This report deals with parts 1(c) and 1(d) of the resolution. Parts 1(a) and 1(b) of the resolution regarding delegations were the subject of a separate report to Council in August 2018.

Report

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

Significant changes have been made to the policy to reflect changes to sections 223, 232 and 335 of the Local Government Act 1993 that defines the roles of Councillors and the General Manager and to ensure consistency with Council's Code of Conduct and Code of Meeting Practice.

The revised policy has been drafted to provide more clarity with regard to procedures for accessing information and interacting with staff, as referenced in the resolution of the Council. The revised policy does not propose changes to current processes regarding Councillor Access to Information and Interaction with Staff, but clarifies and documents current practice.

Changes to position titles have been included to reflect the current organisational structure.

It is recommended that the policy be adopted and a new review date of 30 June 2021, following the next local government election be identified.

Attachments

1. Draft Revised Policy - Councillors Access to Information and Interaction with Staff (contained within this report)
2. Current Version - Councillors Access to Informaiton and Interaction with Staff (contained within this report)

		POLICY
Policy Title	Councillors Access to Information and Interaction with Staff	
Related Documentation	Code of Conduct Procedures for the Administration of the Code of Conduct Code of Meeting Practice Policy - Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors Office of Local Government - Councillor Handbook 2016 Office of Local Government - Meeting Practice Note No. 16	
Relevant Legislation	Local Government Act 1993 Local Government (General) Regulation 2005	
Responsible Officer	Manager Governance and Risk	

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

CONTENTS

1. Introduction
2. Policy Statement
3. The Role of Councillors
4. The Role of the General Manager and Staff
5. Councillor Interactions with Staff
6. Councillors Access to Information
7. Councillors Access to Council Premises
8. Breaches and Sanctions

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Division: Business Services Section: Governance and Risk DocSet: 1856170	Adopted Date: 20/05/97 Revised Date: 21/04/2015 Minute Number: 58 Review Date: 30/06/2018	Page: 1 of 11

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Part 1 - Introduction

The *Local Government Act 1993* (NSW) separates the roles and responsibilities of Councillors and staff, and the Code imposes conduct obligations on Councillors and staff when interacting on Council business.

Councillors and staff need to interact on a regular basis to effectively integrate their policy making and service delivery roles. To assist both parties in carrying out their respective roles and responsibilities, this policy aims to provide direction on the interaction between Councillors and staff.

“The importance of trust and mutual respect within the Council team and between Council and senior management cannot be underestimated. Councillors can have a major and positive impact on the health and well-being of the whole community. A good working relationship between Councillors, the Mayor, the General Manager and other Council staff is fundamental to an effective council. Councillors must also have an understanding of how to manage external relationships, with the community, the media and other organisations including State agencies.”

“As members of the governing body, and in the interests of ensuring the organisation operates effectively to achieve the best outcomes for the community, Councillors should endeavour to work constructively with Council staff that are responsible for implementing Council decisions.”

- Extracts from *Councillor Handbook*, Office of Local Government, October 2016.

Part 2 - Policy Statement

2.1 Purpose

The purpose of this policy is to establish an appropriate and effective framework for business related interactions between Councillors and staff.

2.2 Objectives

The main objectives of this policy are to:

- a) ensure Councillors have access to all information necessary for them to exercise their statutory role as a member of the governing body of Council
- b) ensure that Councillors receive advice in an orderly manner to assist them in the performance of their civic duty
- c) provide a documented process for Councillors to access Council information
- d) provide clarity on Councillors’ rights of access to staff and to Council buildings
- e) provide a clear and consistent framework, by reference to the Code of Conduct and Procedure for the Administration of the Code of Conduct.

2.3 Scope

This policy applies to all Council officials including Councillors, Council employees and members of Council committees.

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2.4 Policy Statement

- a) This policy aims to provide Councillors with all relevant information and an appropriate level of access to the staff of Council in order to exercise the functions of civic office and to facilitate informed decision making.
- b) Interaction between Councillors and staff must comply with the Council’s adopted Code of Conduct (the Code). While the Code does not prevent Councillors and staff from communicating in a social context, it does impose conduct obligations on Councillors and staff when interacting on Council business.
- c) The Code recognises that it is appropriate for Councillors and staff to discuss policy issues relating to the exercise of Council’s regulatory functions, strategic direction and allocation of resources. It does however identify a range of inappropriate interactions which must be avoided by Councillors and staff.
- d) This policy reinforces the obligations of Councillors and staff prescribed by the Code with regard to their interactions and establishes additional obligations where necessary.
- e) This policy establishes procedures by which Councillors may access Council information and staff in order to undertake their statutory roles to provide effective civic leadership and to represent the collective interests of residents, ratepayers and the local community.

Part 3 - The Role of Councillors

Councillors have a number of different roles that must incorporate the interests of the whole City and those of their constituents. They play a vital leadership role in creating and implementing the community’s vision, strategic direction and values.

Section 223 of the Act outlines the role of the governing body as follows:

- a) to direct and control the affairs of the council in accordance with this Act,
- b) to provide effective civic leadership to the local community,
- c) to ensure as far as possible the financial sustainability of the council,
- d) to ensure as far as possible that the council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and polices of the council,
- e) to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council,
- f) to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the council’s resources to implement the strategic plans (including the community strategic plan) of the council and for the benefit of the local area,
- g) to keep under review the performance of the council, including service delivery,

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- h) to make decisions necessary for the proper exercise of the council’s regulatory functions,
- i) to determine the process for appointment of the general manager by the council and to monitor the General Manager’s performance,
- j) to determine the senior staff positions within the organisation structure of the council,
- k) to consult regularly with community organisations and other key stakeholders and keep them informed of the council’s decisions and activities,
- l) to be responsible for ensuring that the council acts honestly, efficiently and appropriately.

Section 232 of the Act outlines the role of a Councillor as follows:

- a) to be an active and contributing member of the governing body
- b) to make considered and well informed decisions as a member of the governing body
- c) to participate in the development of the integrated planning and reporting framework
- d) to represent the collective interests of residents, ratepayers and the local community
- e) to facilitate communication between the local community and the governing body
- f) to uphold and represent accurately the policies and decisions of the governing body
- g) to make all reasonable effort to acquire and maintain the skills necessary to perform the role of a councillor.

Part 4 - The Role of the General Manager and Obligations of Staff

4.1 The Role of the General Manager

The General Manager is responsible for a range of functions including the day to day management of the Council and directing staff.

The General Manager’s functions are set out in section 335 as follows:

- a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- b) to implement, without undue delay, lawful decisions of the council,
- c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,

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- e) to prepare, in consultation with the mayor and the governing body, the council’s community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- g) to exercise any of the functions of the council that are delegated by the council to the general manager,
- h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- i) to direct and dismiss staff,
- j) to implement the council’s workforce management strategy,
- k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.

Under the direction of the General Manager and in accordance with Clause 6.4 of the Code, staff must:

- a) give their attention to the business of Council while on duty
- b) ensure that their work is carried out efficiently, economically and effectively
- c) carry out lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies, and procedures of the Council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the Council does not conflict with the performance of their official duties.

Part 5 - Councillor and Staff Interactions

Councillors may need to receive information or advice from Council staff on a range of matters in order to fulfil their civic responsibilities.

The General Manager has authorised selected members of staff to communicate with and provide information to Councillors (refer to [Authorised Staff List](#)). The Authorised Staff list will be updated from time to time as required and Councillors will be advised of those changes as they occur.

Only those members of staff nominated by the General Manager are authorised to provide advice and information to Councillors. However where deemed appropriate, the General Manager or Directors may nominate alternative staff to communicate with Councillors on their behalf as needed.

This policy does not prevent Councillors from contacting secretarial support staff to the General Manager and Directors for minor administrative matters such as to arrange meetings with Authorised staff.

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In accordance with Clause 6.7 of the Code of Conduct, the following interactions are considered inappropriate:

- a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues
- b) Council staff approaching Councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues
- c) Council staff refusing to give information that is available to other Councillors to a particular Councillor
- d) Councillors and Administrators who have lodged a development application with Council, discussing the matter with Council staff in staff only areas of the Council
- e) Councillors and Administrators being overbearing or threatening to Council staff
- f) Councillors and Administrators making personal attacks on Council staff in a public forum
- g) Councillors and Administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make
- h) Council staff providing ad hoc advice to Councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- i) Council staff meeting with developers alone AND outside office hours to discuss development applications or proposals
- j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's General Manager or, in the case of the Mayor or Administrator, exercising their power under Section 226 of the Act.

Note: Other than as set out above, this clause does not prevent Councillors from representing the interests of constituents including attending on-site meetings. Councillors should seek advice from the relevant Authorised Staff if unsure whether legal proceedings are current or proposed in relation to any matter.

5.1 Councillor and Staff Interactions during Meetings

The Code of Meeting Practice sets out in detail the way meetings of Council are convened and conducted.

The Code of Meeting Practice provides that a Councillor may, through the Mayor (or Chairperson), put a question to Council staff in relation to business on the Council meeting agenda.

- a) A Councillor or employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or documents.

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- b) A Councillor must put every question directly, succinctly and without argument.
- c) The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council staff.

5.2 Councillor and Staff Interactions Outside of Meetings

- a) Councillors may contact the General Manager, or Authorised Staff such as a Director, the Manager, Governance and Risk, or the Executive Officer to discuss, or to make arrangements to meet to discuss, Council services or projects.
- b) Councillors must not make direct contact with staff other than those staff on the Authorised Staff list without the approval of the General Manager or Director and where such approval has been granted must not direct staff in the performance of their work. Staff must immediately report all breaches to their Executive Manager, Director or General Manager.
- c) Councillors must not request staff to undertake work for the Councillor or for any other person with the exception of work of a clerical nature directly related to the performance of their civic duties. Such a request must only be made to Authorised Staff.

Part 6 - Councillor Access to Information

Information is provided to Councillors in a number of ways, including, but not limited to:

6.1 Councillor Briefings

- a) Councillor briefings are conducted to fully inform Councillors of matters of significance or complexity that are to be the subject of a staff report at a future meeting of Council or are of particular current interest to Council.
- b) Councillor briefings are not subject to specific provisions of the Act, the Regulation or Council's Code of Meeting Practice.
- c) The Office of Local Government in its Meetings Practice Note for Councils states that councils may hold briefings under their general powers and such sessions are to be informal and to provide useful background information to Councillors.
- d) Councillor briefings are not to be used for detailed discussions where a de-facto decision is made and such discussions, exchanges of views and decisions are to be left to the open forum of a council meeting.
- e) Councillor briefing sessions are a means to enable Councillors to bring an informed mind to the appropriate decision-making forum.
- f) On occasion, confidential matters will be presented at Councillor Briefings and this will be noted in the presentation and accompanying documentation. Councillors and staff must maintain the

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integrity and security of confidential documents or information distributed or discussed at Councillor Briefings, in accordance with the Codes of Conduct and supporting policies.

6.2 Councillor Weekly Bulletin

The Councillor Weekly Bulletin is an internal communication tool for staff to communicate matters of general interest to Councillors. If a Weekly Bulletin item is marked confidential, Councillors and staff must maintain the integrity and security of confidential information in accordance with the Code of Conduct and supporting policies.

6.3 Public Officer

The Public Officer is responsible for assisting people to gain access to public documents of the Council. The Public Officer is to be the contact person for Councillors who wish to access information to enable them to make informed decisions and to exercise the functions of civic office.

The Public Officer at Campbelltown City Council is the Manager, Governance and Risk.

6.4 Procedure for Councillors to access Council information

- a) All requests for information should be referred to the Public Officer (Manager Governance and Risk) who will ensure an appropriate response to a Councillor’s request.
- b) Councillor Requests should be drafted carefully and should precisely detail the information being sought. It is expected that Councillors will act reasonably in making requests.
- c) Councillor Requests relating to the exercise of a Councillor’s functions of civic office will be processed as soon as possible and a response (or an interim response in the case of a complex Request) will be provided in accordance with the following guidelines:
 - i. same day response – information is easily accessible and no reference/investigation is required. Examples are:
 - copy of a Council document eg Development Consent
 - request for basic information relating to an Agenda Item on the day of a Council meeting.
 - ii. one (1) to five (5) working day response – information is on hand but needs to be processed for release. Examples are:
 - copy of submissions to an exhibited Development Application – documents are electronic and extra time required to extract and redact information where appropriate,
 - request containing a number of questions which may relate to more than one Division and where responses need to be collated into a single reply.
 - iii. within 10 working days – investigation and research is required in order to provide the requested information. Examples are:
 - a comprehensive summary including Court Consent Orders for Planning Appeals,

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- copies of numerous documents where the files are stored offsite.
- d) Where this investigation and research is extensive and/or complex and the 10 working day timeframe cannot be met, the Councillor lodging the request will be notified within five (5) working days and provided with an indication of when the information may be forthcoming.
- e) Councillors are entitled access to all Council files, records or other documents where that document is identified in Schedule 1 of the *Government Information (Public Access) Regulation 2009* or relating to a matter currently before the Council.
- f) Where it is believed that significant resources will be required to respond to a Councillor Request, or the number of Requests being submitted by a Councillor, the Public Officer will consider the time and/or costs that are likely to be incurred in providing the requested information and make a determination on granting access.
- g) The General Manager shall not unreasonably decide that a document is not relevant to the performance of the Councillors’ civic duty and deny access to a Council document. If access to documents is refused the General Manager must state the reason for the refusal.
- h) The Public Officer will maintain a Register of Councillor Requests.
- i) If the Request relates to a Councillor’s personal interest, other than civic, the Request must be made pursuant to the *Government Information Public Access Act 2009*, the form for which is available on Council’s website and will be processed in accordance with the timeframes set out in the Public Access to Council Documents and Information Policy.

6.5 Confidential information

Councillors must maintain the integrity and security of confidential documents or information.

Part 7 - Councillor Access to Council Buildings

- a) As elected members of the Council, Councillors are entitled to have access to the Council Chamber, Committee room, Mayor’s office (subject to availability), Councillors’ rooms, and public areas of Council’s buildings during normal business hours and for meetings. Councillors needing access to these facilities at other times must obtain authority from the General Manager or the Mayor
- b) The use of the Councillors Lounge on Council and Committee nights is restricted to Councillors, Authorised Staff and invited guests. The use of the Lounge at other times will be at the discretion of and with the approval of the Mayor or General Manager.
- c) Councillors must not enter staff only areas of Council buildings without the approval of the General Manager or Authorised Staff.
- d) Councillors who are not in pursuit of their civic duties have the same rights of access to Council Buildings and premises as any other member of public.
- e) Where Councillors need to meet with Authorised staff it is expected that Councillors book their attendance in advance with the Manager Governance and Risk or by contacting the Personal Assistants within the corporate area. It is also expected that, in usual circumstances, these meetings will be held in the areas or meetings rooms designated for Councillor use.

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Part 8 - Breaches of this policy

Inappropriate interactions between Councillors and Council staff are set out in Council’s Code of Conduct.

A breach of this policy will be taken to be a breach of the Code of Conduct and complaints alleging a breach of this policy must be made in accordance with the relevant Code of Conduct and will be dealt with in accordance with the Procedures for the Administration of the Codes of Conduct.

END OF POLICY STATEMENT

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AUTHORISED STAFF LIST

Division	General Manager <i>Leadership, Mayoral and Councillor support</i>	City Delivery <i>Infrastructure delivery and maintenance</i>	City Development <i>Land use planning</i>	City Governance <i>Corporate support to the organisation</i>	City Growth <i>Forward planning for the City & organisation</i>	City Lifestyles <i>Planning and providing for people</i>
Authorised Positions and staff	General Manager Personal Assistant Executive Officer	Director City Delivery Personal Assistant	Director City Development Personal Assistant	Director City Governance Personal Assistant Manager Governance & Risk	Director, City Growth Personal Assistant	Director City Lifestyles Personal Assistant
Areas of responsibility	<input type="checkbox"/> Media & communications <input type="checkbox"/> Civic functions <input type="checkbox"/> Citizenship <input type="checkbox"/> State and Federal Government relations <input type="checkbox"/> Internal audit	Operations <input type="checkbox"/> Maintenance works to footpaths, roads <input type="checkbox"/> Parks and Gardens <input type="checkbox"/> Public Trees <input type="checkbox"/> Sports field maintenance Infrastructure <input type="checkbox"/> Asset management and renewal <input type="checkbox"/> Infrastructure delivery <input type="checkbox"/> Capital works delivery <input type="checkbox"/> Building maintenance <input type="checkbox"/> Security <input type="checkbox"/> Cleaning Open Space <input type="checkbox"/> Dog parks <input type="checkbox"/> Plans of management <input type="checkbox"/> Walk ways / cycle ways <input type="checkbox"/> Bush care <input type="checkbox"/> Flood plain management <input type="checkbox"/> Playground planning	City Approvals and Certification <input type="checkbox"/> Development applications City Standards and Compliance <input type="checkbox"/> Rangers <input type="checkbox"/> Parking officers <input type="checkbox"/> Animal care facility <input type="checkbox"/> Food inspections <input type="checkbox"/> On street dining <input type="checkbox"/> Illegal works <input type="checkbox"/> Fire inspections <input type="checkbox"/> Swimming pool inspections Regional Approvals and Planning <input type="checkbox"/> Planning proposals	Corporate Services and Governance <input type="checkbox"/> Financial functions <input type="checkbox"/> Business papers <input type="checkbox"/> Governance <input type="checkbox"/> GIPA (former Freedom of Information) <input type="checkbox"/> Code of conduct <input type="checkbox"/> Councillor support People and Performance <input type="checkbox"/> Human resource functions Corporate Support Systems <input type="checkbox"/> IT <input type="checkbox"/> Customer services <input type="checkbox"/> After hours number Strategic Property <input type="checkbox"/> Leases and licenses <input type="checkbox"/> Land sale <input type="checkbox"/> Property acquisitions <input type="checkbox"/> Property strategy	Strategic Planning <input type="checkbox"/> Community strategic plan <input type="checkbox"/> Integrated planning and reporting <input type="checkbox"/> Greater Sydney Commission liaison / contact point Council Business Strategy Economic Development <input type="checkbox"/> Visitors information centre <input type="checkbox"/> Economic development <input type="checkbox"/> Chamber liaison <input type="checkbox"/> Jobs growth Arts Centre	Community and cultural services <input type="checkbox"/> Child care centers <input type="checkbox"/> Mobile book & toy library <input type="checkbox"/> Outside school hours care <input type="checkbox"/> Family day care <input type="checkbox"/> Bicycle Education Centre <input type="checkbox"/> Community learning <input type="checkbox"/> Library Services <input type="checkbox"/> Visitor Information Centre Community Life <input type="checkbox"/> Social Policy & planning <input type="checkbox"/> Community grants <input type="checkbox"/> Place programs <input type="checkbox"/> Public art <input type="checkbox"/> Community safety <input type="checkbox"/> Community events and activations Sport, Recreation and Leisure Facilities <input type="checkbox"/> Stadium <input type="checkbox"/> Leisure centres and pools <input type="checkbox"/> Recreation planning <input type="checkbox"/> Centre of Excellence <input type="checkbox"/> Sports club liaison

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		POLICY
Policy Title	Councillors Access to Information and Interaction with Staff	
Related Documentation	Policy - Payment of Expenses and Provision of Facilities to the Deputy Mayor and Councillors	
Relevant Legislation/ Corporate Plan	Chapters 9 and 11 of the <i>Local Government Act 1993</i>	
Responsible Officer	Manager Governance and Risk	

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

Objectives

1. to ensure Councillors have access to all documents necessary for them to exercise their statutory role as a member of the governing body of the Council
2. to ensure that Councillors receive advice to help them in the performance of their civic duty in an orderly and regulated manner
3. to provide direction on Councillors' rights of access to Council buildings
4. to provide a clear and consistent framework for the reporting of, and appropriate application of sanctions for, breaches of this policy.

Policy Statement

Based on the provisions in the *Local Government Act 1993*, Councillors and staff have distinctly different roles to play in Council. The Council is responsible for the strategic direction and for determining the policy framework of Council. The Council also has a statutory role as the consent authority, under both the *Environmental Planning and Assessment Act 1979* and the *Local Government Act 1993*, for applications for development consent and local approvals. The General Manager with the Directors and Managers of Council is responsible for the effective management of the organisation and the carrying out of Council's policies and strategic objectives.

The distinction between these two roles may at times be unclear. There often needs to be personal interaction between Councillors and Directors and Managers, particularly regarding access to and provision of information, to effectively integrate policymaking and service delivery.

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Chapters 9 and 11 of the *Local Government Act 1993* set out the statutory roles and duties of Councillors and the General Manager. The introduction to Chapter 9 states that "Each council is a statutory corporation. The councillors are the governing body of the corporation and they have the responsibility of directing and controlling the affairs of the council in accordance with this Act".

The role of the Mayor is:

- to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council (for example, urgent demolition orders, authority to financially assist the community by the allocation of resources during natural disasters, commencement of urgent legal action)
- to exercise such other functions of the Council as the Council determines (for example, determining the appropriateness of holding a special event such as a fun run, approval of the General Manager's annual leave)
- to preside at meetings of the Council
- to carry out the civic and ceremonial function of the Mayoral office.

The role of a Councillor is, as a member of the governing body of the Council:

- to direct and control the affairs of the Council in accordance with the *Local Government Act 1993* (for example, input into development of the Community Strategic Plan and monitoring the implementation of Council's delivery program)
- to participate in the optimum allocation of the Council's resources for the benefit of the area (for example, providing input into deciding priorities for construction and maintenance work)
- to play a key role in the creation and review of the Council's policies and objectives and criteria relating to the exercise of the Council's regulatory functions
- to review the performance of the Council and its delivery of services, and the management plans and revenue policies of the Council.

The role of a Councillor is, as an elected person:

- to represent the interests of the residents and ratepayers
- to provide leadership and guidance to the community
- to facilitate communication between the community and the Council.

Scope

This Policy has been developed for Councillors and staff to fully understand their respective roles and how they should operate in order to perform their responsibilities effectively.

Legislative Context

Chapters 9 and 11 of the *Local Government Act 1993* sets out the statutory roles and duties of the Mayor, Councillors and the General Manager.

DATA AND DOCUMENT CONTROL		
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Campbelltown City Council

Councillors Access to information

Access to a Council file, record or other document can only be provided according to this policy to ensure that access is obtained in ways that are legal and appropriate. This policy does not limit or restrict statutory or common law rights of access.

All enquiries of a straight forward nature should be referred to the Manager of Executive Services who will ensure an appropriate response to a Councillor's request.

Councillors can request the General Manager, or the Manager Executive Services to provide access to a particular Council record.

Councillors who have a personal (as distinct from civic) interest in a document of Council have the same rights of access as any other person.

Councillors are entitled access to all Council files, records or other documents where that document is identified in Schedule 1 of the *Government Information (Public Access) Regulation 2009* or relating to a matter currently before the Council.

The General Manager shall not unreasonably decide that a document is not relevant to the performance of the Councillors' civic duty and deny access to a Council document. If access to documents is refused the General Manager must state the reason for the refusal.

If access to a document is refused Councillors are entitled to lodge a request under the *Government Information (Public Access) Act 2009* (GIPA). The GIPA Act provides three options to have a decision reviewed: an internal review by the Council, an external review by the Information Commissioner, or external review by the NSW Civil and Administrative Tribunal (NCAT).

The NSW Ombudsman and the Office of Local Government also have complaint handling functions should issues arise.

Councillors can request access to other documents of the Council either by a Notice of Motion to the Council or an application under the GIPA Act.

The Manager Executive Services shall keep a record of all requests by Councillors for access to information (other than those listed in the *Government Information (Public Access) Act 2009* or by a Notice of Motion at a Council meeting). These requests must be reported regularly to the Council.

Councillors access to Council Offices

As elected members of the Council, Councillors, are entitled to have access to the Council Chamber, Committee Rooms, Councillors Lounge, Mayor's Office (at the invitation of the Mayor), Councillor's Rooms and public areas of the Council's buildings.

Councillors who are not in pursuit of their civic duties have the same rights of access to Council Buildings and premises as any other member of public.

DATA AND DOCUMENT CONTROL		
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Campbelltown City Council

Councillors interactions with council officers

The General Manager is responsible to the Council for performance and direction of all staff and day to day management of Council. Therefore, it is appropriate that all requests for information and approaches to staff outside the forum of a Council or Committee meeting be directed to the General Manager or the Manager Executive Services.

Only the General Manager, the four Divisional Directors and those Managers nominated by the General Manager can provide advice to Councillors.

It is within the discretion of the General Manager to require Councillors to make an appointment with a Director or Manager, to put a request in writing, or to put in on notice to the Council to obtain detailed or otherwise time consuming information. The General Manager must indicate in writing, the reasons for refusing a request.

For all but straightforward advice on administrative matters, Councillors should put their requests for information or advice in writing to be answered by the General Manager or the appropriate Directors or Managers. These written requests then form part of Council records and can be filed appropriately.

A Director or Manager has the discretion to refer any request for information to the General Manager. The Directors and Managers must indicate to the Councillor their reasons for the referral.

If a Councillor is concerned about any refusal to provide information, they should firstly raise the matter with the General Manager (or the Mayor if it was the General Manager who refused to provide the advice). If the Councillor is still dissatisfied they should request the information by way of a Question with Notice to the Council.

Councillors must not attempt to direct staff as to the performance of their work. Staff must report all such attempts immediately to their Director or the General Manager.

Councillors must not request staff to undertake work for the Councillor or any other person.

A Councillor, member of staff or delegate must not take advantage of their official position to improperly influence other Councillors, members of staff or delegates in the performance of their public or professional duties for the purpose of securing private benefit for themselves or for some other person.

Inappropriate Interactions

Council's policy is that the following interactions are inappropriate:

- Councillors approaching junior members of staff for information on sensitive or controversial matters. Any such enquiries should be made to the General Manager, the four divisional Directors or the Manager of Executive Services
- members of staff approaching Councillors directly (rather than via their director, staff representative or union delegate) on staffing or political issues
- Councillors approaching staff outside the Council building or outside hours of work to discuss Council business
- staff refusing to give information which is available to other Councillors to a particular Councillor because of the staff member's or Councillor's political views

DATA AND DOCUMENT CONTROL		
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Campbelltown City Council

- Councillors who have a development application or construction certificate before Council discussing the matter with junior staff in staff-only areas of the Council
- junior staff being asked to answer questions or provide documents to Councillors who are overbearing or threatening
- Councillors directing or pressuring staff in the performance of their work, or recommendations they should make
- staff providing advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.

Breaches of this Policy

1. Reporting

- all occasions of a Councillor or staff member not complying with this Policy should be immediately reported to the General Manager
- where the report relates to the conduct of a Councillor, the General Manager shall immediately report the matter to the Mayor and to the next Council meeting
- where the report relates to the conduct of staff, the General Manager shall deal with the matter according to the terms of employment of the staff member. Proven breaches should also be dealt with accordingly, that is, by counselling, disciplinary action or dismissal
- where a Councillor believes that the General Manager has failed to comply with the Policy, the Councillor shall immediately report to the Mayor who will report the matter to the Council
- before a report to Council by the General Manager (or the Mayor), the General Manager (or the Mayor) should undertake preliminary inquiries to establish the facts. The preliminary investigations may take any form the Mayor and General Manager considers appropriate, but must involve discussions with the staff member and Councillor involved. Natural justice principles need to be satisfied in dealing with an alleged breach
- the Council, or a Committee of all Councillors established for the purpose, must decide whether a matter reported to it under this Policy, reveals a breach. The Council may take any steps provided for in this Policy that it considers reasonable in the circumstances.

2. Sanctions

Council, having resolved that a Councillor has failed to comply with this Policy, may, by resolution:

- require the Councillor to apologise to the person concerned
- request a formal apology
- counsel the Councillor
- reprimand the Councillor
- resolve to make its decision on the matter public
- pass a censure motion at a Council meeting
- make public disclosures of inappropriate conduct
- refer the matter to an appropriate investigative body if the matter is serious
- prosecute any breach of the law.

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Campbelltown City Council

Sanctions for staff, depending on the severity, scale and importance of the breach, may include:

- counselling staff members
- instituting Council disciplinary proceedings
- dismissal.

Responsibility

The Manager Executive Services is responsible for ensuring the principles detailed in the policy are adhered to by both Councillors and staff.

Effectiveness of this Policy

The policy will be reviewed regularly to ensure it is meeting legislative requirements and is operating effectively.

END OF POLICY STATEMENT

DATA AND DOCUMENT CONTROL		
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8.11 Investment and Revenue Report - July 2018

Reporting Officer

Executive Manager Corporate Services and Governance
City Governance

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.7 - Public funds and assets are managed strategically, transparently and efficiently

Officer's Recommendation

That the information be noted.

Purpose

To provide a report outlining activity in Council's financial services portfolio for the month of July 2018.

Report

Investment Portfolio

Council's Investment Portfolio as at 31 July 2018 stood at approximately \$219m. Funds are currently being managed both by Council staff and Fund Managers and are in accordance with the *Local Government Act 1993*, Local Government (General) Regulation 2005 and Council's Investment Policy.

All investments are placed with approved deposit taking institutions and no funds are placed with any unrated institutions. Any funds placed with institutions that have a BBB long term rating have maturity lengths in the short term of up to 12 months, effectively A-2 rated, in accordance with Council's Investment Policy. All investments have a short term rating of A-2 or higher.

The return on Council's investments is tracking in accordance with budget expectations and continues to outperform the benchmark of the AusBond bank bill index.

The portfolio is diversified with maturities ranging between three months and four years.

The official cash rate has remained steady, with no movement since August 2016 from its present level of 1.50 per cent.

Regular liaison with Council's external financial advisor in assessing any new investment products offered assists in monitoring risk factors while maximising Council's return on the investment portfolio.

Council recently engaged a new external financial advisor for investments and is reviewing its current investment policy having regard to duration of maturities, diversity of investment products, risk appetite as well as improved reporting opportunities.

Rates

Rates and charges levied for the period ending 31 July 2018 totalled \$111,132,823 representing 100% of the current budget estimate.

The rates and charges receipts collected to the end of June totalled \$8,930,308. In percentage terms 8 percent of all rates and charges due to be paid have been collected, compared to 8.8 percent collected in the same period last year.

Debt recovery action during the month involved the issue of 108 Statements of Claim to ratepayers with two or more instalments outstanding and a combined balance exceeding \$500. Further recovery on accounts with previous action resulted in six Judgments and 12 Writs being served on defaulters that have not made suitable payment arrangements or failed on multiple occasions to maintain an agreed payment schedule.

Council staff continue to provide assistance to ratepayers experiencing difficulty in settling their accounts. This includes the monitoring of 311 ratepayers with a total arrears balance of \$421,405, who have made suitable payment arrangements.

Ratepayers who purchased property since the annual rates and charges notices are issued with a 'Notice to new owner' letter. During the month, 149 of these notices were sent to ratepayers advising them of the amount unpaid on their account and the amount levied in annual rates and charges.

Sundry Debtors

Debts outstanding to Council as at 31 July 2018 are \$1,852,044 reflecting a decrease of \$5,567,746 since June 2018. During the month, 2338 invoices were raised totalling \$1,092,455. The majority of these are paid within a 30 day period. Those that are not paid within the 30 day period are reflected in the ageing report in attachment 3. Debts exceeding 90 days of age totalled \$178,423 as at 31 July 2018. A significant portion of this debt relates to Various Sundry Items and Public Hall Hire. In Various Sundry Items an amount of \$15,500 raised for costs involved relating to a motor vehicle accident and damage to Council property (bus shelter) in Ambarvale. This is proving to be a difficult debt to recover as the debtor was uninsured and facing extenuating personal circumstances. This debt is highly unlikely to be recoverable. Public hall hire fees of \$59,023 are a result of debts that have been raised in advance and in accordance with council policy do not need to be finalised until two weeks prior to the function.

The Corporate Administration debt includes a debtor on arrangement for road widening works at Eagleview Rd Minto. The balance outstanding is expected to be finalised as per the arrangement schedule by September 2018.

Debt recovery action is undertaken in accordance with Council's Sundry Debtors Recovery Procedures Policy and commences with the issue of a tax invoice. A person or entity may be issued any number of invoices during the calendar month for any business, services or activities provided by Council. At the conclusion of each calendar month, a statement of transactions is provided with details of all invoices due and how payments or credit notes

have been apportioned. Once an invoice is paid, it no longer appears on any subsequent statement.

All debts that age by 90 days or more are charged a statement administration fee of \$5.50 per statement. Debtors are contacted by telephone, email or in writing to make suitable arrangements for payment of the overdue debt. Where a suitable arrangement is not achieved or not maintained as agreed, a seven day letter is issued referencing referral to Council's debt recovery agents.

Matters referred to Council's recovery agent are conducted in accordance with relevant legislation and the *Civil Procedures Act 2001*. Formal legal recovery commences with a letter of demand (or letter of intent) providing debtors with at least 14 days to respond. In the event that no response is received, instructions are given to proceed to Statement of Claim allowing a further 28 days to pay or defend the action. Failing this, the matter will automatically proceed to judgment and continue through the *Civil Procedures Act 2001* process.

All costs associated with formal legal recovery are payable by the debtor and staff continue to make every effort to assist debtors to resolve their outstanding debt before escalating through the local court.

During the month, five accounts were issued a Letter of Demand on Council's letterhead, advising that if the account was not settled or an appropriate arrangement was not made, the account will escalate to formal legal action through Council's agent.

Council's agents were instructed to issue two Letters of Demand requiring payment within 14 days of issue to avoid legal action. No further legal action was taken for the month.

Council officers continue to provide assistance to debtors experiencing difficulties in paying their accounts. Debtors are encouraged to clear their outstanding debts through regular payments where possible, to avoid any further recovery action.

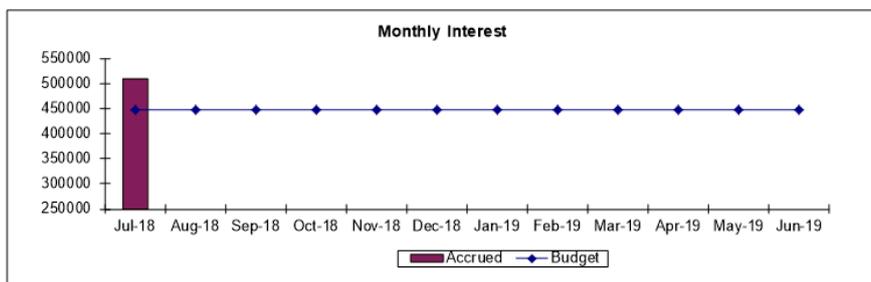
Attachments

1. Investment Report - July 2018 (contained within this report)
2. Rates Summary and Statistics - July 2018 (contained within this report)
3. Sundry Debtors Summary and Ageing - July 2018 (contained within this report)

CAMPBELLTOWN CITY COUNCIL INVESTMENT PORTFOLIO
Jul-18

Benchmark AusBond Bank Bill Index
Portfolio Balance 219,118,359.64

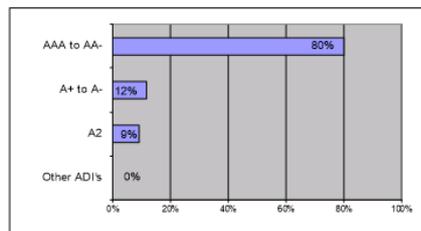
Monthly Performance	Return (mth)	Return (pa)
AusBond Bank Bill Index	0.19%	2.28%
Portfolio - Direct Investments	0.24%	2.79%
<i>Performance to Benchmark</i>	+ 0.04%	+ 0.51%
Short Term Call Accounts	0.15%	1.75%
Managed Funds	0.15%	1.75%



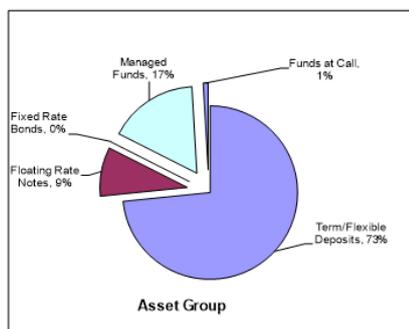
Year to Date Performance **Credit Exposure (S&P Long Term Rating)**

Rolling 12 Month Period
2.72% Council Managed Funds
1.81% Benchmark

Interest Budget to Actual
Budget to Period \$447,500
Actual Accrued to Period \$511,340



Portfolio Diversity



		%
Funds at Call	\$ 1,175,534.86	AA- 1%
NSW Treasury	\$ 40,085,429.97	AA+ 18%
National Australia Bank	\$ 45,495,127.20	AA- 21%
Westpac Bank	\$ 47,151,694.94	AA- 22%
Commonwealth Bank	\$ 25,211,375.58	AA- 12%
Bank Western Australia	\$ 15,336,902.07	AA- 7%
AMP Bank	\$ 10,000,000.00	A 5%
Suncorp Metway	\$ 6,231,192.66	A+ 3%
ING Bank	\$ 9,040,389.04	A- 4%
Members Equity Bank	\$ 4,000,000.00	A2 2%
Rural Bank	\$ 6,133,921.54	A2 3%
Bank of Queensland	\$ 5,081,382.84	A2 2%
Credit Union Aust	\$ 4,175,408.94	A2 2%
	\$ 219,118,359.64	100%

RATES SUMMARY

STATEMENT OF ALL OUTSTANDING RATES AND EXTRA CHARGES

RATE - CHARGE	NET ARREARS 1/7/2018	NET LEVY FOR YEAR	PENSION REBATES	EXTRA CHARGES	TOTAL RECEIVABLE	CASH COLLECTED	NET AMOUNT DUE	POSTPONED RATES & INTEREST	GROSS AMOUNT DUE
RESIDENTIAL	2,322,157.05	62,526,549.67	1,320,837.47	138,089.79	63,665,959.04	4,921,221.13	58,744,737.91	264,232.08	59,008,939.35
BUSINESS	327,431.34	18,968,393.09		8,057.86	19,303,882.29	1,557,816.88	17,746,065.41		17,746,065.41
FARMLAND	0.00	376,728.39	459.05	9.52	376,278.86	18,203.41	358,075.45	150,152.62	508,228.07
MINING	0.00	27,126.00		26.63	27,152.63	0.00	27,152.63		27,152.63
SR - LOAN	0.00	0.00		0.00	0.00	0.00	0.00	658.79	0.00
SR - INFRASTRUCTURE	284,463.25	6,179,697.71		771.10	6,464,932.06	512,405.87	5,952,526.19	41,345.47	5,994,530.45
TOTAL	\$2,934,051.64	\$88,078,494.86	\$1,321,296.52	\$146,954.90	\$89,838,204.88	\$7,009,647.29	\$82,828,557.59	\$456,388.96	\$83,284,915.91
GARBAGE	682,743.31	23,712,074.03	861,412.93	2,691.22	23,536,095.63	1,800,637.01	21,735,458.62		21,735,458.62
STORMWATER	52,436.22	1,375,264.36		53.52	1,427,754.10	120,023.57	1,307,730.53		1,307,730.53
GRAND TOTAL	\$3,669,231.17	\$113,165,833.25	\$2,182,709.45	\$149,699.64	\$114,802,054.61	\$8,930,307.87	\$105,871,746.74	\$456,388.96	\$106,328,105.06

Total from Rates Financial Transaction Summary	106,015,646.48
Overpayments	-312,458.58
Difference	0.00

ANALYSIS OF RECOVERY ACTION

Rate accounts greater than 6 months less than 12 months in arrears 609,676.75

Rate accounts greater than 12 months less than 18 months in arrears 38,599.78

Rate accounts greater than 18 months in arrears 15,977.61

TOTAL rates and charges under instruction with Council's agents \$664,254.14

RATES STATISTICS

No. of documents issued	July	August	September	October	November	December	January	February	March	April	May	June	Jul-17
Rate Notices	50,402												49,616
Electronic - DoH	5,190												5,266
Instalment Notices													
Electronic - DoH													
Missed Instalment Notices													
- Pensioners > \$15.00													
Notice to new owner	149												122
7-day Letters - Council issued													
- Pensioners > \$500.00													
7-day Letters - Agent Issued													
Statement of Claim	108												119
Judgments	6												9
Writs	12												10
Electronic - eRates & BPAYView	4,316												3,241
Arrangements	311												303

DEBTORS SUMMARY 1 July 2018 to 31 July 2018

DEBTOR TYPE/DESCRIPTION	ARREARS AT 30/06/2018	RAISED THIS PERIOD	RECEIVED THIS PERIOD	BALANCE AT 31/07/2018	% DEBT RATIO
Corporate Administration	987,456	55,485	847,976	194,964	29.49%
Abandoned Items	1,683	0	614	1,068	0.35%
Education and Care Services	18,710	0	0	18,710	0.98%
Community Bus	89	0	0	89	0.01%
Sportsground and Field Hire	108,393	105,702	83,821	130,275	5.46%
Government and other Grants	5,501,798	325,978	5,096,215	731,560	12.87%
Public Hall Hire	223,227	54,636	81,490	196,373	1.39%
Health Services	350	0	0	350	0.02%
Land and Building Rentals	58,954	150,738	130,826	78,866	5.63%
Healthy Lifestyles	35,739	51,198	52,747	34,191	0.15%
Library Fines and Costs	0	0	0	0	0.00%
Licence Fees	34,266	13,286	16,318	31,234	1.85%
Pool Hire	13,644	2,743	10,767	5,620	0.39%
Private Works	2,612	0	0	2,612	0.52%
Road and Footpath Restoration	93,556	15,122	42,598	66,080	28.17%
Shop and Office Rentals	34,826	64,353	90,389	8,790	2.17%
Various Sundry Items	304,215	229,373	163,338	370,251	6.42%
Waste Collection Services	38,950	23,842	43,102	19,690	6.17%
	7,419,790	1,092,455	6,660,201	1,852,044	100%

AGEING OF SUNDRY DEBTOR ACCOUNTS - 31 July 2018

	Current Charges	Total 30 Days	Total 60 Days	Total 90+ Days	Balance Due	Previous Month 90+ days
Corporate Administration	38,537	126,877	8,911	20,639	194,964	27,891
Abandoned Items	0	0	0	1,068	1,068	1,068
Education and Care Services	18,710	0	0	0	18,710	0
Community Bus	89	0	0	0	89	0
Sportsground and Field Hire	103,773	16,210	0	10,292	130,275	5,972
Government and other Grants	325,978	405,583	0	0	731,560	0
Public Hall Hire	74,955	34,452	27,943	59,023	196,373	65,626
Health Services	0	0	0	350	350	350
Land and Building Rentals	76,733	2,133	0	0	78,866	0
Healthy Lifestyles	14,808	13,183	780	5,420	34,191	3,293
Licence Fees	9,480	5,586	4,620	11,548	31,234	10,810
Pool Hire	2,803	2,100	0	717	5,620	717
Private Works	1,189	0	0	1,423	2,612	1,423
Road and Footpath Restoration	4,151	56,871	0	5,058	66,080	5,058
Shop and Office Rentals	7,327	0	0	1,463	8,790	2,284
Various Sundry Items	182,850	120,814	5,165	61,422	370,251	71,201
Waste Collection Services	8,567	11,124	0	0	19,690	0
	831,271	794,932	47,419	178,423	1,852,044	195,692

8.12 24 Fight Against Cancer Macarthur

Reporting Officer

Executive Manager Corporate Services and Governance
City Governance

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.8 - Provide strong governance for all Council activities

Officer's Recommendation

That Council determine the request for sponsorship including coverage of the cost of venue hire, security and cleaning associated with the 24 Hour Fight Against Cancer Macarthur 2018 walk at the Campbelltown Athletics Stadium.

Purpose

To consider a request for sponsorship toward the 24 Hour Fight Against Cancer Macarthur 2018 event.

History

The 24 Hour Fight Against Cancer Macarthur has been conducted since October 2005. Council has sponsored this event through venue hire and other associated costs also being provided by Council since the inaugural event.

Report

A request for sponsorship has been received by the 24 Hour Fight Against Cancer Macarthur Inc toward this year's event and associated activities, to be conducted at the Campbelltown Athletics Stadium, Leumeah from Saturday 20 October - Sunday 21 October 2018.

The attached correspondence states that more than 1500 local residents participated in last year's event, with fundraising achieving more than \$317,000 for the Macarthur Cancer Therapy Centre and the Paediatric Ambulatory Care Unit both located in Campbelltown Hospital. Since the inaugural event in 2005, in excess of \$4m has been raised.

Council has been requested to continue sponsorship for the event through the provision of venue hire, security and other associated costs related to the 24 Hour Fight Against Cancer walk event at Campbelltown Athletics Stadium.

Under the Grants, Sponsorship and Donations Policy, the elected Council has authority to approve grants or other financial assistance. This request is referred to the Council for its consideration and determination as the in-kind value of this request is approximately \$4000 and therefore exceeds the delegation provided to the General Manager under the policy.

Attachments

1. Request for Sponsorship from 24 hr Fight Against Cancer Macarthur (contained within this report)



Fight Against Cancer Macarthur Inc
PO Box 233N
Campbelltown North NSW 2560

Clr George Brticevic
Mayor
Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Dear Mayor

I write to request that Campbelltown City Council continue their sponsorship of the 24 Fight Against Cancer Macarthur Inc. signature fundraising event, as in past years by providing:

- the Campbelltown Athletics Stadium Leumeah from Saturday 20th October to Sunday 21st October 2018 at no cost
- security for the event, and
- cleaning services over the 24 hours.

Over 1500 local residents participated last year during the weekend and their efforts, combined with a number of other high profile fundraising events, raised more than \$317,000 for the Macarthur Cancer Therapy Centre, the Oncology Ward and the Paediatric Ambulatory Care Unit located in Campbelltown Hospital and the Palliative Care Unit and its outreach services based at Camden Hospital.

It is also my pleasure to inform you, as our patron, that this brings the total raised for local cancer care by the 24Hr Fight Against Cancer Macarthur to more than \$4m in 13 years. I am sure you agree that this is an outstanding achievement by local residents and businesses across the Macarthur community.

The generous support of the Campbelltown City Council, as one of our valued Foundation sponsors, will be acknowledged on our publicity material which includes banners, signage, brochures, posters and team booklets and on the event T-shirts. The logo will also be displayed on the Macarthur Cancer Therapy Centre patient transport bus that was purchased through this fundraising.

I look forward to welcoming you on the day and announcing the details of the continued support of Campbelltown City Council.

Yours sincerely

Warren Morrison
Chairperson
8 June 2018

FIGHT AGAINST CANCER MACARTHUR INC.
Fundraising Authority under the Charitable Fundraising Act 1991
Registered Charity - Donations over \$2 are tax deductible

8.13 Campbelltown Alliance

Reporting Officer

Manager City Marketing and Economy
City Growth and Economy

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.1 - Support the resilience, growth and diversity of the local economy

Officer's Recommendation

That Council endorses the creation of the Campbelltown Alliance, a high level stakeholder advisory group to provide independent strategic advice and feedback to Council for major city related projects.

Purpose

To provide information to Council on a proposed stakeholder advisory group for Campbelltown city related projects and the draft terms of reference.

Report

By 2036, more than 275,000 people will call Campbelltown home. With this growth comes opportunity - to generate growth in investment; to create local jobs for local people; and to transform the city into a dynamic, self-sustainable, liveable urban centre where people and businesses want to be.

With a number of major city-shaping projects underway which require constant high level government and business engagement, Council had engaged Taylor Street Advisory (TSA) in 2016 to provide strategic advice and stakeholder engagement opportunities, as well as advocate for Council initiatives and issues to key influencers in corporate, government and institutional spheres.

A recommendation from TSA was the establishment of the Campbelltown Alliance, a civic leadership group made up of people both local and further afield who would provide advice and input into transformational, city shaping related projects such as Re-imagining Campbelltown CBD, the Campbelltown Health and Education Precinct, transport infrastructure and connectivity, and cultural projects. It is proposed that the Mayor will be patron of this group and would be chaired by the General Manager.

Should Council endorse the formation of the Alliance, invitations would be extended by the Mayor and General Manager to a range of people representing key organisations that might consider taking a place on the Campbelltown Alliance.

The Alliance is proposed to be an advisory group only, with no decision making capacity; their advice as key stakeholders would be brought back to Council for its information and

consideration. The membership is proposed to target those with the authority to affect change, alter reputation and secure support for various Council initiatives from influencers in the media, politics, business and the community.

CEO and other high level representatives from the following sectors would be invited and approved by the General Manager:

- Federal Government
- NSW Government
- Communications and technology
- Legal
- Arts
- Property and Development
- Services/Infrastructure
- Retail/Office
- Finance
- Manufacturing
- Education
- Indigenous
- Business groups and think tanks.

Meetings are suggested to be held on no less than three occasions each calendar year and the Alliance would operate in accordance with a formal "terms of reference". The current draft terms of reference (attached to this report) outline the purpose and composition of the Alliance, the term of office, as well as functions and responsibilities of the group.

Operations of the Alliance will be bound by the terms of reference, to be confirmed at the first meeting and endorsed by the General Manager.

It is important for Councillors to note that the Council would not be bound by the position or recommendations of the proposed Alliance.

If endorsed by Council, the first meeting of the Alliance is proposed to be held before the end of 2018.

This is an important step forward to Council's advancement in advocacy for the City, enlisting the assistance of supporters over key initiatives, to drive a purposeful and positive dialogue between Council and a range of local and external stakeholders.

Attachments

1. Campbelltown Alliance - draft terms of reference (contained within this report)

DRAFT

Campbelltown Alliance – draft terms of reference

<p>INTRODUCTION</p>	<p>The group contemplated by these terms of reference will be known as the Campbelltown Alliance.</p> <p>The group channels senior level advice from senior industry and community representatives to help Campbelltown City Council meet its objectives.</p> <p>The operations of the Alliance will be bound by these terms of reference, to be confirmed at the first meeting and endorsed by the Alliance Chair, Council’s General Manager.</p>
<p>PURPOSE</p>	<p>The objectives of the Campbelltown Alliance are to:</p> <ul style="list-style-type: none"> • Create honorary ambassadors for the City, who (through their reputation, networks and expertise) can assist Campbelltown in realising its potential • Establish a forum for dialogue between stakeholders and Council that will provide advice and inform the progress of <i>Re-imagining Campbelltown CBD</i> and other transformational projects that will help drive economic and social development opportunities in the CBD (including city branding, policy issues and the like) • Increase the profile of the City in the corporate sectors and wider metropolitan circles • Build momentum with government and key industry sectors about growth opportunities in the City • Influence positively across government when it comes to the City <p>The Campbelltown Alliance is a high level advisory body only to Council and, as such, has no decision-making authority.</p>
<p>COMPOSITION, EXECUTIVE AND TERMS</p>	<p><u>Membership</u></p> <p>The Campbelltown Alliance (the Alliance) membership is by invitation and will not be expected to pay for their membership. Alliance members must be natural persons only. Members shall serve on the Alliance in an honorary capacity.</p> <p>Each member reserves the right to resign from the Alliance by providing written notice to the Alliance Chair.</p> <p>This governance arrangement will be reviewed by the Alliance members and Council after a 12 month transitional period.</p> <p>The Council will provide secretariat services to the Alliance and the Chair must ensure minutes are kept of all meetings.</p> <p>Members may be added if required, if the Chair is satisfied that they possess the following criteria:</p> <ul style="list-style-type: none"> • An interest in the Macarthur region and a commitment to

	<p>Campbelltown</p> <ul style="list-style-type: none"> • Demonstrate extensive personal and professional networks that will assist in the economic development of Campbelltown • Demonstrate expertise in one or more of the following disciplines - branding, advocacy, business, academia, property, planning, tourism, city building and economic development. <p><u>Term of Office</u> The Alliance membership is for up to two years and can be renewed for up to three consecutive terms if approved by the Chair (initial terms will be staggered to ensure continuity).</p>
<p>FREQUENCY AND CONDUCT OF MEETINGS</p>	<p><u>Frequency</u> Board members will meet not less than three times each calendar year.</p> <p><u>Conduct</u> Notice of Alliance meetings may be given:</p> <ul style="list-style-type: none"> • At the previous Campbelltown Alliance meeting • by not less than 7 days' written notice to Alliance members <p>Senior staff of Council may be invited to address or attend Alliance meetings on a needs basis.</p>
<p>FUNCTIONS AND RESPONSIBILITIES</p>	<p><u>Chair</u> The functions and duties of the Chair are to:</p> <ul style="list-style-type: none"> • Chair all meetings • Represent Campbelltown publicly • Determine matters of order at Alliance meetings <p><u>Secretariat</u> Secretarial support for the operation of Campbelltown Alliance will be from within Council. The secretarial functions and duties are to:</p> <ul style="list-style-type: none"> • Ensure that agenda papers are prepared for meetings • Ensure that proper records are kept of Alliance affairs • Ensure that proper notices are given of meetings • Prepare and distribute papers and agendas for meetings • Take and distribute minutes of meetings. <p><u>Public Comment</u> Chatham House Rules applies to the Alliance meetings. All meeting discussions are to be kept confidential unless otherwise instructed by the Chair. The Chair is the only authorised spokesperson for Alliance.</p> <p><u>Finances</u> The Board does not have any financial or fiduciary responsibility. All funds for board activities are to be raised by Council and not sought from industry or membership. The Board may request</p>

	<p>Council expenditure for specific projects.</p> <p><u>Conflict of Interest</u> As per written advice provided to members by the General Manager upon invitation to join, membership of the Alliance will not necessarily be considered a conflict of interest in terms of other commercial dealings between the member's organisation and the Council, or the individual member's dealings with Council.</p> <p><u>Winding up</u> The Council shall retain the discretion to dissolve the Alliance at any time.</p>
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9. QUESTIONS WITH NOTICE

9.1 Campbelltown Council's Animal Care Facility

Councillor George Greiss has given notice of the following Questions With Notice that will be asked at the Ordinary Meeting of Council held 11 September 2018.

Could the General Manager please provide information regarding:

1. The amount of financial allocation for Animal Care Facility (ACF) and whether that was expended as planned in the 2017/2018 financial year?
2. The number of cats and dogs that have entered the ACF in the 2017/2018 financial year?
3. The staff numbers during that period, giving particulars for the staff who were engaged in the office, as opposed to those who were engaged caring for the animals?
4. The improvements (if any) to the ACF for both cats and dogs during the last financial year (2017/2018).
5. The particulars of the activities undertaken by staff at the ACF to advertise cats and dogs for adoption during the last financial year.

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

11.1 Local Government NSW Conference Motion

Notice of Motion

Councillor George Greiss has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 11 September 2018.

That Council submit the following constitutional amendments motion for consideration at the upcoming Local Government NSW Conference:

1. That the Local Government and Shires Association of New South Wales, being registered organisation under the Fair Work (Registered Organisations) Act 2009 (Cth) (the "Association"): Amend the Association's rules in the terms proposed below.
2. That in furtherance of 1 above, make application to the Fair Work Commission to amend the Association's rules.

Proposed Amendments

1. Delete sub-rules 34(b) and 34(c) and insert in their stead the following:

"(b) Substitution of voting delegates for voting on motions

If it is desired to change the nomination of a delegate for voting on motions written notice shall be given to the Chief Executive or his or her nominee of the name of the delegate being replaced and the name of the substitute delegate. Such notification shall be signed by either the Mayor (or Deputy Mayor with the Mayor's written delegated authority) or the General Manager of the Council (or Acting General Manager with the General Manager's written delegated authority), or in the case of the ALC, the LHIB, the NAIC or a RLGB, by the Chairperson or Chief Executive Officer of that entity. The badge and/or voting card of the delegate being replaced shall be surrendered to the Chief Executive or his or her nominee before a fresh badge and/or voting card is issued to the incoming delegate.

(c) Substitution of voting delegates for voting in Board elections

If it is desired to change the nomination of a delegate for voting in an election, written notice signed by either the Mayor (or Deputy Mayor with the Mayor's written delegated authority) or the General Manager of the Council (or Acting General Manager with the General Manager's written delegated authority), or in the case of the ALC, by the Chairperson or Chief Executive Officer of that entity, shall be given to both the Chief Executive or his or her nominee and the Returning Officer by 5pm the business day before the day of the opening of the ballot."

2. In Schedule B, after paragraph 11 and before paragraph 12 insert the following:

"11A. The Returning Officer shall conduct a public draw to determine the order of candidates on the ballot paper."

3. In Schedule B, after sub-paragraph 5(b) and before paragraph 6 insert the following:

“(c) Where the nominee is a member of a political party that is registered with either the NSW Electoral Commission (for State or Local Government elections) or the Australian Electoral Commission (for Federal elections) the nominee shall declare the name(s) of such registered political party membership(s) on the nomination form.”

Delete paragraph 15(b) of Schedule B in its entirety and insert in its stead the following:

“(b) The Returning Officer shall issue the ballot paper(s) to the voters, such ballot paper(s) to include:

- (i) the Returning Officer's initials;
- (ii) the name of each candidate for the office/position to be filled, including the candidate's declared registered political party membership(s);
- (iii) such other information as the Returning Officer deems appropriate.”

4. After Rule 21 and before Rule 22 insert the following:

“21A

- (a) The Association shall establish an Industrial Advisory Committee to assist and make recommendations to the Board in relation to industrial relations issues that concern or are likely to concern more than one of the members of the Association either currently or in the future.
- (b) The Industrial Advisory Committee's terms of reference, size and composition shall be determined by the Board, provided that the Committee shall at least include Directors from the Board and general managers of member organisations (or their representatives).
- (c) The Board shall consider recommendations of the Industrial Advisory Committee when making relevant decisions.”

5. Delete the text of sub rule 36(b) and insert in its stead the following:

“(b) The office of Immediate Past President that was established as part of the Rules of the Association that took effect on the Amalgamation Date shall cease upon the date that the current incumbent ceases to hold that office.”

6. After rule 70 and before rule 71 insert the following:

“COMMON SEAL

70A

- (a) The Association shall have a common seal which shall clearly include the words “Local Government NSW”.

(b) Subject to any resolution of the Board, the common seal is to be kept in the custody of an employee designated by the Board.

(c) The common seal shall only be affixed to a document in the presence of at least two members of the Board who attest to the affixing of the seal by signing the document.”

7. Delete rule 1(a) in its entirety and insert in its stead the following:

“1. (a) The name of the Organisation shall be “Local Government NSW” (the “Association”) but may also be known as “Local Government and Shires Association of New South Wales”.”

8. Delete rule 28 and insert in its stead insert the following:

“28. (a) The Association may establish groupings of members (“divisions”) which may consider and place motions before a Conference.

(b) The Board may bring any matter falling within the objects of the Association before a Conference of the Association for opinion or actioning.

(c) A Member may bring any matter falling within the objects of the Association before a Conference of the Association for opinion or action by forwarding a statement to the Chief Executive not less than twenty eight (28) days prior to the first day of the Conference and the Chief Executive shall, subject to any direction from the Board of the Association, place such business upon the Business Paper for the consideration of Conference;

(d) Where the Chief Executive receives a statement from a Member that it wishes to bring a matter before a Conference and less than twenty eight (28) days notice has been given, the Board may allow the matter to be considered by the Conference as a late item;

(e) A Conference may, should a majority of the members present so approve, consider any business not introduced as provided for by the foregoing paragraphs, subject to at least 24 hours notice thereof being given;
PROVIDED THAT the Board may exclude any business so proposed if the Board determines that such business concerns a matter not falling within the objects of the Association.”

9. At the end of sub rule 73(b)(ii), before the words beginning with “and any such amendments shall be taken to be validly made if...” delete the comma (“,”) and then insert the following:

“; or

(iii) to correct minor clerical and/or administrative errors,”

10. Delete rule 28 and insert in its stead insert the following:

“74. Any industrial disputes may be notified to the appropriate court or tribunal under the Act by the Chief Executive or such other employee(s) of the Association that have the Chief Executive’s delegated authority.”

11. Delete rule 76 in its entirety.

12. Delete the text of the definition of “calculation date” in rule 3(a) and insert in its stead the following:

““calculation date” means the first day of March last occurring prior to a Conference.”

11.2 Campbelltown Arts Centre Exhibition Curated by Councillors

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 11 September 2018.

1. That Campbelltown Arts Centre continues to highlight the works included in our extensive permanent collection and use the next available opportunity to showcase an exhibition curated by the Councillors.
 2. The basis of this exhibition would see each Councillor select a work from the collection for inclusion, with the background behind each work and its selection being highlighted through education and marketing material.
-

11.3 Campbelltown Arts Centre Shop

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 11 September 2018.

1. That a report be returned to council on the feasibility of expanding the shop at Campbelltown Arts Centre.
 - a) The report should consider expanding the retail offering of goods from local artists and makers and consider the size, location and appearance of the current shop as well as social media marketing opportunities to highlight the offerings from the shop.
 - b) The report should also explore the future feasibility of an online retail platform or ecommerce store that acts as an extension of the physical store, highlighting local handmade products and makers and showcasing Campbelltown Arts Centre.
-

11.4 Emergency Veterinary Care for Injured Koalas

Notice of Motion

Councillor Karen Hunt has given Notice in writing of her intention to move the following Motion at the next meeting of Council on 11 September 2018.

That:

1. Council write to the relevant State and Federal government ministers seeking urgent intervention and provision of financial assistance to local veterinary clinics that care for injured koalas; and
 2. a forum be organised with local key stakeholders including local veterinarians, representatives of WIRES and other local koala rescue groups, and relevant State and Commonwealth agencies, to identify a viable and sustainable care program for injured koalas; and
 3. the above correspondence be forwarded to all Local State and Federal Members within the Campbelltown Local Government Area, seeking their support with this issue.
-

12. URGENT GENERAL BUSINESS

13. PRESENTATIONS BY COUNCILLORS

14. CONFIDENTIAL REPORTS FROM OFFICERS

14.1 Licence Agreement - Council Property

14.2 Update Partial Purchase of Land for Road Widening of Badgally Road

14.3 Tender for Licence of Council Property

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Ordinary Council Meeting held at 7.00pm on Tuesday, 11 September 2018.

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Minutes of the Ordinary Meeting of the Campbelltown City Council held on 11 September 2018

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

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

That the apology from Councillor R George, Councillor P Lake and Councillor W Morrison be received and accepted.

Note: Councillor T Rowell has been granted a leave of absence from Council incorporating all meetings until further notice.

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

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held 14 August 2018

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

That the Minutes of the Ordinary Meeting held 14 August 2018 copies of which have been circulated to each Councillor, be taken as read and confirmed.

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

3.2 Minutes of the Extraordinary Meeting of Council held 28 August 2018

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

That the Minutes of the Extraordinary Meeting held 28 August 2018 copies of which have been circulated to each Councillor, be taken as read and confirmed.

206 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

Councillor Brticevic - Item 8.4 - Submission Report - Caledonia Precinct Planning Proposal and draft Voluntary Planning Agreement - Councillor Brticevic advised that a number of residents are known to him and that he will leave the Chamber during discussion and voting on this matter.

Non Pecuniary – Less than Significant Interests

Nil

Other Disclosures

Nil

5. MAYORAL MINUTE

6. PETITIONS

7. CORRESPONDENCE

7.1 Greg Warren MP

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

That the information be noted.

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

7.2 Macquarie Fields Housing Renewal

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

That the letter be received and the information be noted.

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

8. REPORTS FROM OFFICERS

8.1 Design Review Panel

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

1. That Council endorses and resolves to establish a Campbelltown Design Excellence Review Panel (option 1) and review its operation 12 months after the formal commencement of the Panel.
2. That a further report be presented to Council on the outcome of the expression of interest to recruit members of the Panel.
4. That Council exhibit for a period of 28 days the newly proposed fees for referring a development application to the Panel.

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

8.2 Annual Report on the City Development Division's Legal Proceedings 2017-2018

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

That the information be noted.

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

8.3 Urban Development Industry Association - National Congress 2019

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

That the General Manager or her nominee, the Director City Growth and Economy, the Director City Development, relevant staff and any interested Councillors be authorised to attend the 2019 UDIA Congress on the Gold Coast.

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

Meeting Note: Having declared an interest in Item 8.4 Councillor Brticevic left the Chamber and did not take part in the debate nor vote on these items.

Meeting Note: Mrs Wendy Hart, Mr Gurpreet Singh and Mr Michael File addressed the meeting for Item 8.4.

8.4 Submission Report - Caledonia Precinct Planning Proposal and draft Voluntary Planning Agreement

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

1. That Council forward the draft Caledonia Planning Proposal to the Minister for Planning for finalisation pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.
2. That Council authorise the General Manager to execute the draft Voluntary Planning Agreement with Bensley Developments Pty Ltd. on behalf of Council.
3. That all those who provided a submission to the public exhibition of the Caledonia Planning Proposal and Voluntary Planning Agreement be advised of Council's decision.
4. That Council exhibit proposed amendment to the Campbelltown Sustainable City Development Control Plan to insert local development guidelines to support the orderly development of the Precinct.
5. That Council prepare and submit a draft Planning Proposal to rezone property Nos. 26 Mercedes Road and 39 Lagonda Drive consistent with the final proposed plan for the Caledonia Precinct as per Item 1.

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

A Division was recorded in regard to the Resolution for Item 8.4 with those voting for the Motion being Councillors M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme, M Chivers and G Greiss.

Voting against the Resolution were Councillors B Moroney and B Thompson.

At the conclusion of the discussion regarding Item 8.4, Councillor Brticevic returned to the Chamber for the remainder of the meeting.

8.5 Status of Applications

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

That the information be noted.

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

8.6 Raby Sports Complex Building Tribute

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

1. That Council endorse the Campbelltown Camden District Cricket Club proposal to attach a plaque to Raby Sports Complex amenity building acknowledging Allan Connolly's dedication to Cricket in the region and to the Raby Sports Complex.
2. That Council permit Campbelltown Camden District Cricket Club to affix a sign to Raby Oval number two amenity building to reference the amenity building as the Allan Connolly pavilion as part of the Raby Sports Complex.

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

8.7 Development of a Cultural Plan for the City

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

1. That the information be noted.
2. That the establishment of the Community Advisory Group be deferred pending further consultation with Councillors in relation to the proposed Cultural Advisory Group Terms of Reference and composition and that a further report be presented to Council.

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

8.8 Reports and Letters Requested

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

That the information be noted.

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

8.9 Walkway Closure Application - Beechcraft Avenue and Hurricane Drive, Raby

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

1. That Council not support the closure of the walkway between Beechcraft Avenue and Hurricane Drive, Raby.
2. That all persons having written in reference Council's request be thanked and advised of Council's decision.

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

8.10 Councillors Access to Information and Interaction with Staff

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

That the Policy for Councillor Access to Information and Interaction with Staff be deferred subject to the adoption of the new model Code of Conduct.

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

8.11 Investment and Revenue Report - July 2018

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

That the information be noted.

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

8.12 24 Fight Against Cancer Macarthur

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

That Council support the request for sponsorship including coverage of the cost of venue hire, security and cleaning associated with the 24 Hour Fight Against Cancer Macarthur 2018 walk at the Campbelltown Athletics Stadium.

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

8.13 Campbelltown Alliance

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

That Council endorses the creation of the Campbelltown Alliance, a high level stakeholder advisory group to provide independent strategic advice and feedback to Council for major CBD related projects.

An Amendment was **Moved** Councillor Greiss, **Seconded** Councillor Hunt:

That Council endorses the creation of the Campbelltown Alliance, a high level stakeholder advisory group to provide independent strategic advice and feedback to Council for major CBD related projects and that all interested Councillors be invited to participate in the group.

CARRIED

The Amendment became the Motion.

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

9. QUESTIONS WITH NOTICE

9.1 Campbelltown Council's Animal Care Facility

Councillor George Greiss has given notice of the following Questions With Notice that will be asked at the Ordinary Meeting of Council held 11 September 2018.

Could the General Manager please provide information regarding:

1. The amount of financial allocation for Animal Care Facility (ACF) and whether that was expended as planned in the 2017/2018 financial year?

The original budget for the ACF operational expenditure for the 2017-2018 financial year was \$755,000, with actual expenditure for the year being \$811,150.

2. The number of cats and dogs that have entered the ACF in the 2017/2018 financial year?

1235 Dogs
1112 Cats

3. The staff numbers during that period, giving particulars for the staff who were engaged in the office, as opposed to those who were engaged caring for the animals?

Office staff = 4 positions are principally engaged in the office.
Outdoor staff = 5 staff positions engaged principally to care for the cats and dogs.

-
4. The improvements (if any) to the ACF for both cats and dogs during the last financial year (2017/2018).
 - construction of a dog walk (meet and greet) track
 - construction of an additional 3 dog exercise yards

 5. The particulars of the activities undertaken by staff at the ACF to advertise cats and dogs for adoption during the last financial year.

A number of initiatives and activities were undertaken by staff during the last financial year which include:

 - Regular updating of Council's website with animals for sale;
 - Photographs taken of dogs and cats and individual pet profiles prepared to attract interest and encourage adoption;
 - Actively working and liaising with 44 approved rescue groups to rehome animals;
 - Promotion of dogs and cats for adoption through other groups websites and face book pages e.g. pet rescue website link, Campbelltown Helping Campbelltown Pound Cats volunteer run facebook page;
 - Work with Campbelltown Pet and Aquarium store;
 - Actively promote reduced adoption prices (to 50%) for difficult to rehome animals;
 - Promotion of animals available for adoption to TV monitors at other Council facilities.
-

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

11.1 Local Government NSW Conference Motion

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

Councillor George Greiss has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 11 September 2018.

That Council submit the following constitutional amendments motion for consideration at the upcoming Local Government NSW Conference:

1. That the Local Government and Shires Association of New South Wales, being registered organisation under the Fair Work (Registered Organisations) Act 2009 (Cth) (the "Association"): Amend the Association's rules in the terms proposed below.
2. That in furtherance of 1 above, make application to the Fair Work Commission to amend the Association's rules.

Proposed Amendments

1. Delete sub-rules 34(b) and 34(c) and insert in their stead the following:

“(b) Substitution of voting delegates for voting on motions

If it is desired to change the nomination of a delegate for voting on motions written notice shall be given to the Chief Executive or his or her nominee of the name of the delegate being replaced and the name of the substitute delegate. Such notification shall be signed by either the Mayor (or Deputy Mayor with the Mayor’s written delegated authority) or the General Manager of the Council (or Acting General Manager with the General Manager’s written delegated authority), or in the case of the ALC, the LHIB, the NAIC or a RLGB, by the Chairperson or Chief Executive Officer of that entity. The badge and/or voting card of the delegate being replaced shall be surrendered to the Chief Executive or his or her nominee before a fresh badge and/or voting card is issued to the incoming delegate.

(c) Substitution of voting delegates for voting in Board elections

If it is desired to change the nomination of a delegate for voting in an election, written notice signed by either the Mayor (or Deputy Mayor with the Mayor’s written delegated authority) or the General Manager of the Council (or Acting General Manager with the General Manager’s written delegated authority), or in the case of the ALC, by the Chairperson or Chief Executive Officer of that entity, shall be given to both the Chief Executive or his or her nominee and the Returning Officer by 5pm the business day before the day of the opening of the ballot.”

2. In Schedule B, after paragraph 11 and before paragraph 12 insert the following:

“11A. The Returning Officer shall conduct a public draw to determine the order of candidates on the ballot paper.”

3. In Schedule B, after sub-paragraph 5(b) and before paragraph 6 insert the following:

“(c) Where the nominee is a member of a political party that is registered with either the NSW Electoral Commission (for State or Local Government elections) or the Australian Electoral Commission (for Federal elections) the nominee shall declare the name(s) of such registered political party membership(s) on the nomination form.”

Delete paragraph 15(b) of Schedule B in its entirety and insert in its stead the following:

“(b) The Returning Officer shall issue the ballot paper(s) to the voters, such ballot paper(s) to include:

- (i) the Returning Officer’s initials;
- (ii) the name of each candidate for the office/position to be filled, including the candidate’s declared registered political party membership(s);
- (iii) such other information as the Returning Officer deems appropriate.”

4. After Rule 21 and before Rule 22 insert the following:
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“21A

- (a) The Association shall establish an Industrial Advisory Committee to assist and make recommendations to the Board in relation to industrial relations issues that concern or are likely to concern more than one of the members of the Association either currently or in the future.
- (b) The Industrial Advisory Committee’s terms of reference, size and composition shall be determined by the Board, provided that the Committee shall at least include Directors from the Board and general managers of member organisations (or their representatives).
- (c) The Board shall consider recommendations of the Industrial Advisory Committee when making relevant decisions.”

5. Delete the text of sub rule 36(b) and insert in its stead the following:

“(b) The office of Immediate Past President that was established as part of the Rules of the Association that took effect on the Amalgamation Date shall cease upon the date that the current incumbent ceases to hold that office.”

6. After rule 70 and before rule 71 insert the following:

“COMMON SEAL

70A

- (a) The Association shall have a common seal which shall clearly include the words “Local Government NSW”.
- (b) Subject to any resolution of the Board, the common seal is to be kept in the custody of an employee designated by the Board.
- (c) The common seal shall only be affixed to a document in the presence of at least two members of the Board who attest to the affixing of the seal by signing the document.”

7. Delete rule 1(a) in its entirety and insert in its stead the following:

“1. (a) The name of the Organisation shall be “Local Government NSW” (the “Association”) but may also be known as “Local Government and Shires Association of New South Wales”.”

8. Delete rule 28 and insert in its stead insert the following:

- “28. (a) The Association may establish groupings of members (“divisions”) which may consider and place motions before a Conference.
 - (b) The Board may bring any matter falling within the objects of the Association before a Conference of the Association for opinion or actioning.
 - (c) A Member may bring any matter falling within the objects of the Association before a Conference of the Association for opinion or action by forwarding a statement to the
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- Chief Executive not less than twenty eight (28) days prior to the first day of the Conference and the Chief Executive shall, subject to any direction from the Board of the Association, place such business upon the Business Paper for the consideration of Conference;
- (d) Where the Chief Executive receives a statement from a Member that it wishes to bring a matter before a Conference and less than twenty eight (28) days notice has been given, the Board may allow the matter to be considered by the Conference as a late item;
- (e) A Conference may, should a majority of the members present so approve, consider any business not introduced as provided for by the foregoing paragraphs, subject to at least 24 hours notice thereof being given;
PROVIDED THAT the Board may exclude any business so proposed if the Board determines that such business concerns a matter not falling within the objects of the Association.”
9. At the end of sub rule 73(b)(ii), before the words beginning with “and any such amendments shall be taken to be validly made if...” delete the comma (“,”) and then insert the following:
- “; or
- (iii) to correct minor clerical and/or administrative errors,”
10. Delete rule 28 and in its stead insert the following:
- “74. Any industrial disputes may be notified to the appropriate court or tribunal under the Act by the Chief Executive or such other employee(s) of the Association that have the Chief Executive’s delegated authority.”
11. Delete rule 76 in its entirety.
12. Delete the text of the definition of “calculation date” in rule 3(a) and insert in its stead the following:
- ““calculation date” means the first day of March last occurring prior to a Conference.”

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

11.2 Campbelltown Arts Centre Exhibition Curated by Councillors

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

Councillor Margaret Chivers has given Notice in writing of her intention to move the following Motion at the next meeting of Council on 11 September 2018.

1. That Campbelltown Arts Centre continues to highlight the works included in our extensive permanent collection and use the next available opportunity to showcase an
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exhibition curated by the Councillors, subject to legal interpretation.

2. The basis of this exhibition would see each Councillor select a work from the collection for inclusion, with the background behind each work and its selection being highlighted through education and marketing material.

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

Note: Councillor Greiss voted against

An Amendment was **Moved** Councillor Greiss, **Seconded** Councillor Thompson:

That Campbelltown Arts Centre continues to highlight the works included in our extensive permanent collection and use the next available opportunity to showcase an exhibition.

LOST

11.3 Campbelltown Arts Centre Shop

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

Councillor Margaret Chivers has given Notice in writing of her intention to move the following Motion at the next meeting of Council on 11 September 2018.

1. That a report be returned to council on the feasibility of expanding the shop at Campbelltown Arts Centre.
 - a) The report should consider expanding the retail offering of goods from local artists and makers and consider the size, location and appearance of the current shop as well as social media marketing opportunities to highlight the offerings from the shop.
 - b) The report should also explore the future feasibility of an online retail platform or ecommerce store that acts as an extension of the physical store, highlighting local handmade products and makers and showcasing Campbelltown Arts Centre.

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

Meeting Note: Mr Ricardo Lonza addressed the meeting for Item 11.4.

11.4 Emergency Veterinary Care for Injured Koalas

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

Councillor Karen Hunt has given Notice in writing of her intention to move the following Motion at the next meeting of Council on 11 September 2018.

That:

1. Council write to the relevant State and Federal government ministers seeking urgent intervention and provision of financial assistance to local veterinary clinics that care for injured koalas; and
2. a forum be organised with local key stakeholders including local veterinarians, representatives of WIRES and other local koala rescue groups, and relevant State and Commonwealth agencies, to identify a viable and sustainable care program for injured koalas; and
3. the above correspondence be forwarded to all Local State and Federal Members within the Campbelltown Local Government Area, seeking their support with this issue.

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

12. URGENT GENERAL BUSINESS

13. PRESENTATIONS BY COUNCILLORS

1. Councillor Meg Oates advised that she attended the Threatened Species competition on 7 September at the Mt Annan Seed Bank for the presentation of the Threatened Species Children's Art and Writing Competition. There were approximately 800 entries created by children aged 5-12 about threatened species. The competition was a joint venture with Campbelltown City Council, Camden Council and Wollondilly Shire Council. Councillor Oates advised that the vast majority of entries were received from Campbelltown Public School. Congratulations to the teachers for encouraging their students to learn more about the environment.
2. Councillor Meg Oates advised of a recent visit from Mr Hitoshi Kikawada, a Member of Japanese Parliament for Koshigaya, Saitama. Mr Kikawada was accompanied by Mr Ikuo Hamanaka, Director, JETRO Singapore, Mr Nagayuki Suzuki, Officer, Ministry of Land, Infrastructure, Transport and Tourism, Japan and Mr Koichi Tsuchida, Political Consul, Consulate-General of Japan, Sydney. The General Manager facilitated the cultural engagement and opportunity to further connections between Campbelltown and Koshigaya. There was robust discussion on the cultural and social engagement through the Campbelltown City Council Sister City Association. It was noted that Mr Kikawada was very impressed and keen to develop further connections.
3. Councillor Karen Hunt along with Councillors Chowdhury, Manoto, Thompson and Morrison represented the Mayor on 18 August at the annual Mark Grundy Oesophageal Cancer Awareness Group Inc (OCAGI) fundraiser. The event raised just under \$30,000 which will go towards funding for research positions at Western Sydney University. Councillor Hunt advised that it was a great opportunity for OCAGI to raise awareness and get the message out that Heartburn can cause oesophageal cancer so "don't be afraid to ask".
4. Councillor Ben Gilholme attended St Peter's Anglican Primary School on 30 August with Dr Mike Freeland MP where the Year 6 students discussed several health issues such

- as domestic violence, NDIS and health. Councillor Gilholme noted the indepth discussions and the maturity of the participants.
5. Councillor Ben Gilholme hosted students from Ingelburn High School on 31 August as they attended Council Chambers to gain a deeper understanding of Local Government and discussed future projects in council. Councillor Gilholme thanked their teacher Karen Boswell and Council staff from Community Events and Activation for organising.
 6. Councillors Margaret Chivers and Rey Manoto represented the Mayor on 15 August at the 1st anniversary of the Staples Bag pop up shop. The shop opens each fortnight at the Macarthur Diversity Services Initiative (MDSI) Blue House and provides residents with the opportunity to purchase bags of staples being, fresh fruit, vegetables and canned items at a heavily discounted retail price. Councillor Chivers commended the service provided to the residents of Campbelltown.
 7. Councillor Margaret Chivers attended the Grange Public School on 16 August for the unveiling of the Acknowledgement the Country mural. The mural was written by the schools Aboriginal students and completed by the prominent local Aboriginal artist, Danielle Mate Sullivan.
 8. Councillor Margaret Chivers along with Councillors Manoto, Chowdhury, Hunt and Gilholme attended a fundraising event for The Shepherd Centre on 1 September. The Shepherd Centre provides support and helps children who are deaf or are hearing impaired learn how to listen and speak. The CEO, Dr Jim Hungerford, spoke of his hopes for another centre to be established in Campbelltown.
 9. Councillor Margaret Chivers along with Councillors Chowdhury and Gilholme represented the Mayor at Glenquarie Library on 5 September at the launch of eSmart libraries. The program provided library staff with the knowledge and tools to teach the community on how to stay safe online. The eSmart program was developed by The Alannah & Madeline Foundation and the Telstra Foundation. Councillor Chivers personally thanked Jeanette Munro, Branch Team Leader, for ensuring all staff were accredited.
 10. Councillor Bob Thompson thanked various staff in planning, delivery and governance for their hard work.
 11. Councillor George Brticevic thanked Acting Director of City Delivery for the prompt placement of the koala awareness signs throughout the LGA. Councillor Brticevic thanked the City Delivery staff and particularly Coordinator Traffic and Road Design, for preparing the successful funding submission for the Wedderburn Bridge.
 12. Councillor Brticevic thanked the General Manager, Director City Growth and Economy and staff for their work on City Deals.
 13. Councillor George Brticevic on 7 September attended the launch of the Liveability Fund in Mawson Park with the Mayors of the City Deal Councils.
 14. Councillor George Brticevic thanked the Executive Manager Open Space and staff for completing the design of the Billabong at Bradbury's Apex Park.

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

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.

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

The Ordinary Meeting of Council was adjourned at 9.13pm and reconvened as a meeting of the Confidential Committee at 9.14pm.

14. CONFIDENTIAL REPORTS FROM OFFICERS

14.1 Licence Agreement - Council Property

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

1. That Council agrees to enter into a Licence Agreement over 303 Queen Street Campbelltown on the terms outlined in this report.
2. That all documentation associated with the Licence Agreement be executed under the Common Seal of Council, if required.

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

14.2 Update Partial Purchase of Land for Road Widening of Badgally Road

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

1. That Council approve the purchase of part of the land noted within the report from the new owner, based on the terms outlined within this report, for public works.
 2. That Council approve compulsory acquisition of the land noted within the report pursuant to sections 177 and 178 of the *Roads Act 1993 (NSW)* and undertake all necessary actions accordingly, if agreement cannot be reached between Council and the new owner.
 3. That Council approve to proceed with the necessary application to the Minister for Local Government and the Minister for Finance to approve a shorter negotiation period pursuant to s10A of the *Land Acquisitions (Just Terms) Act 1991*.
 4. That Council approve to proceed with the necessary application to the Minister for Local Government and the Governor, in accordance with the provisions of the *Local Government Act 1993* to obtain approval to provide an application notice under the
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Land Acquisitions (Just Terms) Act 1991.

5. That upon acquisition, the land is classified as operational.
6. That all documentation associated with any purchase of the subject land be executed under the Common Seal of Council.

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

14.3 Tender for Licence of Council Property

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

1. That Council offer the subject property for licence via a tender process based on the terms and conditions outlined in the body of this report.
2. That should a suitable tender be received Council enters into a licence over the subject land based on the terms and conditions outlined in the body of this report.
3. That all documentation associated with the tender and licence be executed under the Common Seal of Council, if required.
4. That the property once licensed, would be held as an investment property.
5. That if the tender process does not achieve the desired result a further report be presented to Council.

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

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

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

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

At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 9.20pm

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

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

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

There being no further business the meeting closed at 9.21pm.

Confirmed by Council on

..... General Manager Chairperson

CONFIRMATION OF COUNCIL'S ORDINARY MEETING MINUTES

At the Council Meeting held 9 October 2018 the following Council minutes were adopted:

There being no further business at the meeting of 11 September, the meeting closed at 9.21pm.

Confirmed by the Chairperson:

A handwritten signature in black ink, appearing to read "G. Anticic", written in a cursive style.