2019

ORDINARY BUSINESS PAPER

CAMPBELLTOWN CITY COUNCIL

11 June

COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BASIX	Building Sustainability Index Scheme
BC	Building Certificate
BCA	Building Code of Australia
BPB	Buildings Professionals Board
CLEP	Campbelltown Local Environmental Plan
CBD	Central Business District
CPTED	Crime Prevention Through Environmental Design
CSG	Coal Seam Gas
DA	Development Application
DCP	Development Control Plan
DDA	*Disability Discrimination Act 1992*
DPE	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA Act	*Environmental Planning and Assessment Act 1979*
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
FFTF	Fit for the Future
FSR	Floor Space Ratio
GRCCC	Georges River Combined Councils Committee
GSC	Greater Sydney Commission
HIS	Heritage Impact Statement
IDO	Interim Development Order
IPR	Integrated Planning and Reporting
KPoM	Koala Plan of Management
LEC	Land and Environment Court
LEC Act	*Land and Environment Court Act 1979*
LEP	Local Environmental Plan
LEP 2002	Local Environmental Plan 2002
LGA	Local Government Area
LG Act	*Local Government Act 1993*
LPP	Local Planning Panel
LTFP	Long Term Financial Plan
MSB	Mine Subsidence Board
NGAA	National Growth Areas Alliance
NOPO	Notice of Proposed Order
NSWH	NSW Housing
OEH	Office and Environment and Heritage
OLG	Office of Local Government, Department of Premier and Cabinet
OSD	On-Site Detention
OWMS	Onsite Wastewater Management System
PCA	Principal Certifying Authority
PoM	Plan of Management
POEO Act	*Protection of the Environment Operations Act 1997*
PMF	Probable Maximum Flood
PN	Penalty Notice
PP	Planning Proposal
PPR	Planning Proposal Request
REF	Review of Environmental Factors
REP	Regional Environment Plan
RFS	NSW Rural Fire Service
RL	Reduced Levels
RMS	Roads and Maritime Services (incorporating previous Roads and Traffic Authority)
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
SSD	State Significant Development
STP	Sewerage Treatment Plant
SWCPP	Sydney Western City Planning Panel (Regional Planning Panel)
TCP	Traffic Control Plan
TMP	Traffic Management Plan
TNSW	Transport for NSW
VMP	Vegetation Management Plan
VPA	Voluntary Planning Agreement

SECTION 149 CERTIFICATE - Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE - Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE - Certificate from Sydney Water regarding Subdivision

04 June 2019

You are hereby notified that the next Ordinary Council Meeting will be held at the Civic Centre, Campbelltown on Tuesday 11 June 2019 at 6.30pm.

Lindy Deitz
General Manager

Agenda Summary

ITEM	TITLE	PAGE
1.	**ACKNOWLEDGEMENT OF LAND**	**6**
2.	**APOLOGIES**	**6**
3.	**CONFIRMATION OF MINUTES**	**7**
3.1	Minutes of the Ordinary Meeting of Council held 14 May 2019	7
4.	**DECLARATIONS OF INTEREST**	**22**
	Pecuniary Interests	
	Non Pecuniary – Significant Interests	
	Non Pecuniary – Less than Significant Interests	
	Other Disclosures	
5.	**MAYORAL MINUTE**	**23**
5.1	Emergency Services Levy Increase	23
6.	**PETITIONS**	**25**
7.	**CORRESPONDENCE**	**25**
	Nil	
8.	**REPORTS FROM OFFICERS**	**26**
8.1	Koshigaya Sister City Relationship 35 year Anniversary	26
8.2	Development Application Status	28

8.3	Review of the Access to the NSW Roads and Maritime Service's Driver and Vehicle Information System (DRIVES) Policy	34
8.4	Draft Voluntary Planning Agreement - Claymore Renewal Project	41
8.5	Planning Proposal - 71 St Andrews Road, Varroville	152
8.6	Review of the Management of Feral and Infant Companion Animal Policy	199
8.7	Review of Second Hand Clothing Bins Policy	207
8.8	Greater Macarthur Koala Partnership Forum	215
8.9	Planning Proposal 556/2019E-PP - Prohibition of Multi Dwelling Housing in the R2 Low Density Residential Zone	219
8.10	Planning Proposal 22 - 32 Queen St Campbelltown	256
8.11	Proposed Biodiversity Certification Process Mount Gilead Stage 2	298
8.12	Request for Exclusive Use of Leisure Centres	307
8.13	Investments and Revenue Report - April 2019	311
8.14	Sundry Debtor Write-offs June 2019	318
8.15	Code of Meeting Practice - Post Exhibition Report	321
8.16	Councillors Access to Information and Interaction with Staff Policy	372
8.17	Reports and Letters Requested	391
8.18	Minutes of the Audit Risk and Improvement Committee meeting held 21 May 2019	399
8.19	Minutes of the Campbelltown Arts Centre Strategic Committee meeting held 3 April 2019	407
9.	**QUESTIONS WITH NOTICE**	**429**
	Nil	
10.	**RESCISSION MOTION**	**429**
	Nil	
11.	**NOTICE OF MOTION**	**430**
11.1	Legal Advice - Standard Contracts	430
11.2	Local Youth Art Showcase	431
11.3	Pop Culture Convention Event	432
11.4	Women's Domestic Violence Service	433
11.5	Global Climate Change	434
12.	**URGENT GENERAL BUSINESS**	**435**
13.	**PRESENTATIONS BY COUNCILLORS**	**435**
14.	**CONFIDENTIAL REPORTS FROM OFFICERS**	**436**
14.1	Appointment of Native Title Manager	436
14.2	Willowdale Precinct 15 Park Grant of Easement	436

14.3 Sale of Surplus Land 436

1. ACKNOWLEDGEMENT OF LAND

I acknowledge the Dharawal people whose ongoing connection and traditions have nurtured and continue to nurture this land.

I pay my respects and acknowledge the wisdom of the Elders – past, present and emerging and acknowledge all Aboriginal people here tonight.

2. APOLOGIES

Nil at time of print.

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held 14 May 2019

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held 14 May 2019, 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 May 2019 are presented to Council for confirmation.

Attachments

1. Minutes of the Ordinary Meeting of Council held 14 May 2019 (contained within this report)

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Ordinary Council Meeting held at 6.30pm on Tuesday, 14 May 2019.

ITEM	TITLE	PAGE
1.	**ACKNOWLEDGEMENT OF LAND**	**3**
2.	**APOLOGIES**	**3**
3.	**CONFIRMATION OF MINUTES**	**3**
3.1	Minutes of the Ordinary Meeting of Council held 9 April 2019	3
3.2	Minutes of the Extraordinary Meeting of Council held 30 April 2019	4
4.	**DECLARATIONS OF INTEREST**	**4**
	Pecuniary Interests	
	Non Pecuniary – Significant Interests	
	Non Pecuniary – Less than Significant Interests	
	Other Disclosures	
5.	**MAYORAL MINUTE**	**4**
6.	**PETITIONS**	**5**
7.	**CORRESPONDENCE**	**5**
7.1	Emergency Veterinary Care for Injured Koalas	5
7.2	Inclusive Event - Pilot Music Festival	5
8.	**REPORTS FROM OFFICERS**	**5**
8.1	Development Application Status	5
8.2	Glenlee Precinct Planning Proposal and draft Development Control Plan - Outcome of Public Exhibition	6
8.3	Outdoor Badminton Courts	6
8.4	Macarthur South West United Football Club Community Partnership	7
8.5	Campbelltown City Council Innovate Reconciliation Action Plan 2019-2021	7
8.6	Reports and Letters Requested	8
8.7	Draft Code of Conduct and Procedures	8
8.8	Minutes of the Audit Risk and Improvement Committee Report	8
8.9	Investments and Revenue Report - March 2019	8
8.10	Quarterly Budget Review Statement as at 31 March 2019	9

8.11 Local Government Remuneration Tribunal Determination 2019 9

9. QUESTIONS WITH NOTICE 9

Nil

10. RESCISSION MOTION 9

Nil

11. NOTICE OF MOTION 9

Nil

12. URGENT GENERAL BUSINESS 10

13. PRESENTATIONS BY COUNCILLORS 10

14. CONFIDENTIAL REPORTS FROM OFFICERS 12

Confidentiality Recommendation

Recommendations of the Confidential Committee

14.1 Commercial Opportunity 13

14.2 Extended Medical Leave Request 13

Minutes of the Ordinary Meeting of the Campbelltown City Council held on 14 May 2019

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

1. ACKNOWLEDGEMENT OF LAND

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

Council Prayer

The Council Prayer was presented by the General Manager.

2. APOLOGIES

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

That the apologies from Councillor G Greiss, Councillor B Moroney and Councillor B Thompson be received and accepted.

Note: Councillor R George and Councillor T Rowell have both been granted a leave of absence from Council incorporating all meetings until further notice.

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

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held 9 April 2019

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

That the Minutes of the Ordinary Council Meeting held 9 April 2019, copies of which have been circulated to each Councillor, be taken as read and confirmed.

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

3.2 Minutes of the Extraordinary Meeting of Council held 30 April 2019

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

That the Minutes of the Extraordinary Council Meeting held 30 April 2019, copies of which have been circulated to each Councillor, be taken as read and confirmed.

070 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 Lound - Item 8.2 - Glenlee Precinct Planning Proposal and draft Development Control Plan - Outcome of Public Exhibition. Councillor Lound advised he is a member of the Sydney Western City Planning Panel and that he will leave the Chamber.

Councillor Oates - Item 8.2 - Glenlee Precinct Planning Proposal and draft Development Control Plan - Outcome of Public Exhibition. Councillor Oates advised she is a member of the Sydney Western City Planning Panel and that she will leave the Chamber.

Councillor Lound - Item 8.4 - Macarthur South West United Football Club Community Partnership. Councillor Lound advised he is the Chairman of the Macarthur Football Association and that he will leave the Chamber.

Non Pecuniary – Less than Significant Interests

Nil

Other Disclosures

Nil

5. MAYORAL MINUTE

Meeting note: The Mayor acknowledged the retirement of Mr Alan Davies, Executive Manager Operations for his 29 years of service to Campbelltown Council. The Mayor thanked Mr Davies for his contribution and wished him all the best for the future.

6. PETITIONS

7. CORRESPONDENCE

7.1 Emergency Veterinary Care for Injured Koalas

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

1. That the letters be received and the information be noted.
2. As a result of the recent State election and the imminent Federal election, the General Manager write again to the new State Ministers with appropriate portfolio responsibilities, including the Treasurer, and any new Federal Ministers, if required; and

3. That Council continue to emphasise the importance of our local koalas being the only disease-free colony in the State and lobby for emergency veterinary care for injured koalas.

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

7.2 Inclusive Event - Pilot Music Festival

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

That the letter be received and the information be noted.

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

8. REPORTS FROM OFFICERS

8.1 Development Application Status

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

That the information be noted.

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

Meeting note: Having declared an interest in item 8.2 Councillor Lound and Councillor Oates left the Chamber at 6:47pm and did not take part in the discussion or vote on the matter.

8.2 Glenlee Precinct Planning Proposal and draft Development Control Plan - Outcome of Public Exhibition

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

1. That Council forward the Glenlee Precinct Planning Proposal attached to this report to the Minister for Planning for finalisation.

2. That Council not exercise, via the General Manager the functions of the Minister for Planning under section 3.31(3)(b) of the *Environmental Planning and Assessment Act 1979*, pursuant to the Instrument of Delegation dated 14 October, 2012 due to an un-resolved objection from Roads and Maritime Service regarding acquisition of the Spring Farm Parkway Corridor that forms part of the site.

3. That Council endorses the amendment to the Campbelltown (Sustainable City) Development Control Plan - Volume 2, Part: 11 Glenlee Precinct and defer its activation subject to the Ministers approval of the draft Planning Proposal.

4. That Camden Council, all persons and authorities who made a submission be advised of Council's resolution.

A Division was recorded in regard to the Resolution for Item 8.2 with those voting for the Motion being Councillors G Brticevic, M Chowdhury, K Hunt, R Manoto, B Gilholme, M Chivers, P Lake and W Morrison.

Voting against the Resolution were Nil.

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

Meeting note: At the conclusion of the discussion regarding item 8.2 Councillor Lound and Councillor Oates returned to the Chamber at 6:51pm.

8.3 Outdoor Badminton Courts

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

That Council consider funding the provision of outdoor badminton courts subject to undertaking design development and community consultation.

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

Meeting note: Having declared an interest in item 8.4 Councillor Lound left the Chamber at 6:52pm and did not take part in the discussion or vote on the matter.

8.4 Macarthur South West United Football Club Community Partnership

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

1. That Council accept the invitation to become the Local Government Community Partner of the Macarthur South West Football Club for a five year term.

2. That funding for the 2019-2020 commitment is sourced from the City Hosting Fund reserve, with years two to five dedicated in future budgets.

An **Amendment** was **Moved** Councillor Lake, **Seconded** Councillor Morrison:

That consideration of this item be deferred to the next Ordinary Council meeting.

The Amendment on being Put was **LOST.**

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, R Manoto, B Gilholme, M Chivers and W Morrison.

Voting against the Resolution were Councillor P Lake.

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

Meeting note: At the conclusion of the discussion regarding item 8.4 Councillor Lound returned to the Chamber at 7:04pm.

8.5 Campbelltown City Council Innovate Reconciliation Action Plan 2019-2021

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

That Council adopt the Campbelltown City Council Innovate Reconciliation Action Plan May 2019- April 2021.

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

8.6 Reports and Letters Requested

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

That the information be noted.

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

8.7 Draft Code of Conduct and Procedures

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

That Council adopt the draft Code of Conduct and draft Code of Conduct Procedures as attached to this report.

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

8.8 Minutes of the Audit Risk and Improvement Committee Report

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

That the minutes of the Audit Risk and Improvement Committee held 19 March 2019 be noted.

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

8.9 Investments and Revenue Report - March 2019

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

That the information be noted.

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

8.10 Quarterly Budget Review Statement as at 31 March 2019

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

That the adjustments recommended in the Quarterly Budget Review Statement be adopted.

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

8.11 Local Government Remuneration Tribunal Determination 2019

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

1. That Council adopt the councillor and mayoral remuneration increase of 2.5 percent effective 1 July 2019, as recommended by the Local Government Remuneration Tribunal.

2. That Council fix the remuneration fee for councillors at $25,790 per annum representing an increase of 2.5 percent for the 2019-2020 financial year effective 1 July 2019.

3. That Council fix the remuneration fee for mayor at an additional $68,530 per annum representing an increase of 2.5 percent for the 2019-2020 financial year effective 1 July 2019.

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

9. QUESTIONS WITH NOTICE

Nil

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

Nil

12. URGENT GENERAL BUSINESS

13. PRESENTATIONS BY COUNCILLORS

1. Councillor Margaret Chivers with Councillor Gilholme and Councillor Moroney on 14 April attended the 203rd anniversary of the Appin Massacre Memorial Service at Cataract Dam to remember the Dharawal people who perished in the massacre in 1816. The memorial was a combined event with Campbelltown, Wollondilly and Camden councils. Councillor Chivers noted the high numbers of attendance from Campbelltown. Amongst the attendees was a descendant of one of Governor Macquarie's soldiers. Councillor Chivers recalled how touching it was to watch his descendant embrace decedents of the Dharawal people and to witness the reconciliation.

2. Councillor Margaret Chivers on 16 April attended the HJ Daley Library and Eagle Vale Library for the Sydney Thunder Literacy Program which is part of Campbelltown Council's Change4Campbelltown campaign. The campaign provides creative approaches that contribute to creating healthy environments that support health and wellbeing of the children and their families living in Campbelltown LGA . The event involved two Sydney Thunder cricket stars, Nick Appleton and Matt Barwick reading books to the children. The event concluded with some cricket ball drills outside. Councillor Chivers noted that we are the first Council to partner with Sydney Thunder in a literacy program. A special thanks was passed onto Council for arranging this.

3. Councillor Margaret Chivers on 3 May attended the Campbelltown Senior Cyber Seekers meeting. Councillor Chivers spoke about the importance of inclusivity and Council initiatives that will shape our city ensuring that all members of the community are made to feel welcome. Councillor Chivers shared the feedback received from some attendees that their lives have been changed for the better due to Council initiatives and they feel lucky that they live in an area where they are included and welcomed.

4. Councillor Ben Gilholme along with Councillor Manoto, Councillor Hunt, Councillor Chowdhury, Councillor Oates and the Mayor on 17 April attended the Appin Massacre flag raising ceremony at the Civic Centre forecourt. Councillor Gilholme noted the ceremony was an opportunity for the community to reflect on the massacre as one of the darkest parts of our history.

5. Councillor Ben Gilholme on 3 and 4 May attended the Quota International Regional Conference. Quota International empowers the deaf and hard-of-hearing and people with speech difficulties in local communities around the world. The conference provided the opportunity to listen to a variety of speakers including an inspirational PhD student who is studying hearing loss in Children. The conference also enabled those in attendance to meet other Quota members and learn what their club is doing.

6. Councillor Ben Gilholme on 4 May attended Comic Book Day at the HJ Daley Library. Councillor Gilholme shared that the event is growing each year. The event had numerous activities including video games, virtual reality, cos-play competitions for children and adults and costume workshops. Councillor Gilholme passed on his thanks to the library staff for organising another successful event.

7. Councillor Rey Manoto on 24 April attended an Anzac Day Service at Forest Lawn Memorial Park. Patrick O'Grady, the Vice President of Ingleburn RSL Sub Branch gave an inspirational speech and Fr Peter Caruan read the gospel and gave blessings. Students from Nuwarra Public School, Christian Brothers Lewisham and St Joan of Arc Catholic School, Haberfield were also involved in the service.

8. Councillor Rey Manoto on 4 May attended the Tribute of Mothers' Night at West Leagues Club, organised by the Campbelltown and Region Filipino Community Council. The event was held to acknowledge the contribution by mothers to their family and the wider community. Councillor Manoto wished all mothers a belated Happy Mother's Day.

9. Councillor Karen Hunt on 5 May attended the Campbelltown Collegians Athletics Club presentation day. Councillor Hunt congratulated all athletes noting the club achieved remarkable results with 67 athletes representing Campbelltown at State level. These athletes returned with five gold medals, three silver medals and three bronze medals. Councillor Hunt wished the athletes all the best with athletics for the future.

10. Councillor Karen Hunt on 10 May joined students from Leumeah High School in planting trees for the koala population at Ruse. Councillor Hunt noted it was quite a hard job planting so many trees, but the students took it in their stride, and should be proud that they helped ensure the continuation of the koala population in the community.

11. Councillor Masood Chowdhury on 13 April attended the Boishakhi Festival at Campbelltown Athletics Stadium organised by the Multicultural Society of Campbelltown Inc. The festival celebrated the sub-continental New Year and had over 5000 attendees. The Mayor, Councillor George Brticevic participated in the flag raising ceremony. Attendees included the Minister for Immigration, David Cameron, Federal Member for Macarthur, Dr Mike Freelander and State Member for Campbelltown, Mr Greg Warren. Attendees were encouraged to participate in dancing, singing and drawing competitions for children. Councillor Chowdhury thanked staff for their assistance with the event and noted next year's celebration is scheduled for 4 April 2020.

12. Councillor Masood Chowdhury shared with Council that the holy month of Ramadan had started for those of the Islamic faith. During this month, more than 15,000 residents in the Campbelltown area will be fasting this month and they will celebrate Eid al Fitr with friends and family at the end of this month.

13. The Mayor, Councillor Brticevic on 25 April with Councillor Lound and Councillor Gilholme attended the Anzac Day dawn service at Ingleburn. The service was attended by large crowds with traffic control needed due to the number of attendees. Councillor Brticevic passed on his thanks to the Ingleburn RSL Sub Branch for organising this service.

14. The Mayor, Councillor Brticevic on 25 April with Councillor Chivers, Councillor Gilholme and Councillor Manoto attended the Anzac Day Parade and service organised by Campbelltown RSL Club. Councillor Brticevic noted the large number of local school children in attendance and passed on his thanks to the Council staff for assisting with this event.

15. The Mayor, Councillor Brticevic on 9 May with Councillor Chivers and Councillor Manoto attended the South West Academy of Sport Presentation night at the Campbelltown Arts Centre. The event was very well received by all athletes and volunteers in attendance.

16. The Mayor, Councillor Brticevic on 5 May attended the Wild Koala Day Tree Planting Day at Cook Park in Ruse. The day was run jointly by Bushcare, Greening Australia and WWF Australia. Councillor Brticevic thanked all in attendance as a total of 3000 trees, shrubs and grasses have now been planted. Councillor Brticevic thanked Richard Lonza, Deborah Evans-Clark and Nea Makowski noting that they are always in attendance helping with the native bushland flora and fauna community initiatives.

14. CONFIDENTIAL REPORTS FROM OFFICERS

Confidentiality Recommendation

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

1. That this Ordinary Meeting of Council be adjourned and reconvened as a meeting of the Confidential Committee for discussion of items 14.1 and 14.2 which are considered to be confidential in accordance with Section 10A(2) of the *Local Government Act 1993*, as indicated below:

   Item 14.1 Commercial Opportunity
   Item 14.1 is confidential in accordance with Section 10A(2)(c) of the *Local Government Act 1993* as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

   Item 14.2 Extended Medical Leave Request
   Item 14.2 is confidential in accordance with Section 10A(2)(a) of the *Local Government Act 1993* as the report refers to personnel matters concerning particular individuals (other than Councillors).

2. Council considers that discussion of the business in open meeting would be, on balance, contrary to the public interest.

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

The Ordinary Meeting of Council was adjourned at 7.31pm and reconvened as a meeting of the Confidential Committee at 7.32pm.

Recommendations of the Confidential Committee

14.1 Commercial Opportunity

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

1. That Council approve the letting of an Expression of Interest for a naming rights sponsor for the Campbelltown Sports Stadium.

2. That a further report is provided to Council with the outcome of the Expression of Interest process to make a decision about proceeding to a select tender process for a naming rights sponsor.

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

14.2 Extended Medical Leave Request

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

That extended paid sick leave of six weeks be granted to two Council staff that are seriously ill.

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

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

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

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

At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 7.33pm.

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

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

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

There being no further business the meeting closed at 7.34pm.

Confirmed by Council on

..... General Manager ..... Chairperson

4. DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

Other Disclosures

5. MAYORAL MINUTE

5.1 Emergency Services Levy Increase

Recommendation

1. That Council notes:
    a. That last December, the NSW Government enacted laws to provide better workers compensation coverage for firefighters who are diagnosed with one of twelve specific work-related cancers
    b. That in many areas of NSW, fire services are made up of elected and staff members of local government, and that local governments strongly support this expanded workers compensation scheme
    c. That as a result of these changes, the State Government has decided to implement the new scheme by charging local governments an increased Emergency Services Levy, without consultation
    d. That the expected increase in costs to local governments will be $19m in the first year alone, and that there is little or no time to enshrine this charge in Council's 2019-2020 budgets
    e. That Local Government NSW has long advocated for the Emergency Services Levy to be significantly modified to ensure it is transparent, equitable and accountable.

2. That Council supports Local Government NSW's calls for:
    a. the NSW Government to cover the initial additional $19m increase to local governments for the first year and
    b. the NSW Government to work with NSW local governments to redesign the funding mechanism for the scheme to ensure fairness into the future.

3. That Council requests that the General Manager liaise with Local Government NSW to provide information on:
    a. The impact on council budgets and
    b. Council advocacy actions undertaken.

4. That Council requests that the Mayor:
    a. write to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Customer Services, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and local state member/s to:
        i. call upon the NSW Government to fund the 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated
        ii. explain how this sudden increase will impact council services / the local community.
        iii. highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018
        iv. explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector
        v. ask the Government to work with local governments to redesign the implementation of the scheme to ensure it is fairer for councils and

communities into the future.

5. That Council copy the above letter to Local Government NSW.

Each year, the NSW Government collects payments from councils and insurers to fund emergency services agencies in NSW, with councils required to pay 11.7 percent of the budget required by NSW Emergency Services. These charges are embedded in council rates and insurance premiums.

From 1 July 2019 the NSW Government plans to collect an additional $160m (in 2019-2020) from NSW councils, communities and those paying insurance premiums to provide better workers' compensation coverage for volunteer and career firefighters who are diagnosed with one of 12 specific work-related cancers.

Councils were sent bills with a letter from Revenue NSW in May 2019, saying NSW council contributions will increase by $19m in 2019-2020. The letter also foreshadowed increases in the following year, but not the amount.

Campbelltown City Council received an invoice from Revenue NSW for $1,666,555 for its emergency services levy contribution. This is $245,873 more than last year's levy (a 17.3 percent) increase. This will mean council will need to find additional funds and/or cut planned initiatives or services.

Council supports career and volunteer firefighters in NSW – as it does all emergency services workers and volunteers. Indeed, many NSW council staff and councillors are volunteers. We also support the Bill passed in November 2018 to address what was a workers' compensation shortfall.

However, the sector was at no point advised that it would be required to cover the cost via significant increases to the emergency services levy, or what this cost would be.

Local Government NSW is calling upon the NSW Government to fund the first 12 months of this extra cost and work with local governments to ensure the implementation of the funding mechanism is fairer into the future.

Attachments

Nil

6. PETITIONS

7. CORRESPONDENCE

Nil

8. REPORTS FROM OFFICERS

8.1 Koshigaya Sister City Relationship 35 year Anniversary

Reporting Officer

Executive Officer
General Manager

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.6 - Develop tourism opportunities and promote Campbelltown as a destination

Officer's Recommendation

1. The Council accepts the invitation for the Mayor and General Manager to visit Koshigaya in August to mark the 35th anniversary of the sister city relationship.

2. The Council covers the cost of airfares and accommodation of the Mayor, General Manager and Executive Officer associated with this visit.

Purpose

To provide information to Council about an invitation received for the Mayor and General Manager to visit Koshigaya as part of the 35th anniversary of Campbelltown's sister city relationship with Koshigaya, Japan.

History

Campbelltown and Koshigaya have maintained a successful sister city agreement since 1984. The agreement has seen a range of exchange programs and activities take place over this time including visiting delegations, sporting, school and staff exchanges, business connections and public projects in both cities.

The sister city relationship, recognised as one of the most successful of its kind, provides the opportunity for cultural connection at a global level, focussing on friendship, respect, opportunity and harmony.

Report

Since the beginning of the sister city relationship 35 years ago, milestones have been marked with a range of activities, whether it be a joint capital project, delegation visit or a collaborative program that connects both cities. At each five year milestone, a small formal delegation from both cities have travelled to the other to mark the anniversary by signing the agreement and meeting to discuss future opportunities to grow and strengthen the relationship.

Koshigaya's mayoral office have advised that they will visit Campbelltown in November with their Chairperson, Deputy Mayor (Koshigaya's General Manager equivalent) and international relations staff person and have extended an invitation to our Mayor and General Manager to visit Koshigaya in August to coincide with the annual Awa-Odori Festival.

These visits are an important part of maintaining this highly successful relationship and act to identify and strengthen opportunities to learn from and work with our international counterparts.

It is proposed that Council endorse the visit and cover the accommodation and airfare costs of the Mayor, General Manager and Executive Officer. The cost of this trip is anticipated to be $8000 and can be covered under Council's annual budget for the Koshigaya Sister City Relationship.

Attachments

Nil

8.2 Development Application Status

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**
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	
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	Draft conditions of approval provided to applicant	
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 (IPC) for assessment	Public meeting held on 25th March 2019 – waiting on IPC recommendation
4435/2018/DA-SL	Lot 1 Pembroke Road, Minto	Construction of a seniors living development comprising 315 independent living units, 100 bed residential aged care facility and 32 villas, associated car parking, site works and landscaping in stages	$157,872,000	>$30 million capital investment value	Land and Environment Court appeal received	
130/2019/DA-SL	247 Jamboree Avenue, Denham Court	Construction of a 144 bed residential aged care facility with onsite parking for 48 cars, loading facility and associated site and landscaping works	$39,051,242	>$30 million capital investment value	Under assessment	
308/2019/DA-C	22-32 Queen Street, Campbelltown	Concept plan for a proposed multi-storey mixed use residential and commercial development	$132,572,272	>$30 million capital investment value	Under assessment	

Development Application Register

DAs to be considered by the Regional Panel						
DA No.	**Address**	**Description**	**Value**	**Authority Criteria**	**Status**	**Determination**
1227/2019/DA-M	12-16 Francis Street and 121 Minto Road, Minto	Demolition of four existing dwellings and construction of 23 'affordable rental housing' townhouses and basement car parking	$7,995,408	>$5 million capital investment value for affordable rental housing	Public notification completed, under assessment	

DAs to be considered by the Local Planning Panel						
DA No.	**Address**	**Description**	**Value**	**Authority Criteria**	**Status**	**Determination**
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 car parking	$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	Awaiting further information from applicant	
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	

Development Application Register

DA No.	Address	Description	Value	Authority Criteria	Status	Determination
368/2016/DA-U	150 Georges River Road, Kentlyn	Extension of existing poultry sheds	$10,000	Number of objections	Awaiting further information from applicant	
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 subdivision	$8,026,960	Residential Flat Building – more than 3 storeys	Awaiting further information from applicant	
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 , 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	Number of objections	Awaiting further information from applicant	
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	Awaiting further information from applicant	

Development Application Register

DA No.	Address	Description	Value	Authority Criteria	Status	Determination
975/2019/DA-S	10 Dowie Drive, Claymore	Subdivision and change of use of a residential building	No cost	Council staff	Assessing	
1698/2017/DA-M	2 Albert Street, Ingleburn	Demolition of existing dwelling and construction of two x two storey semi attached dwelling	$400,000	Variation of development standard by more than 10%	Awaiting further information from applicant	
774/2018/DA-C	111 Oxford Road, Ingleburn	Partial demolition of existing heritage-listed dwelling and alterations to the existing dwelling for use as a childcare centre for 150 children and associated car parking	$1,250,000	Heritage	Notifying amended plans	
48/2019/DA-I	1 Magnum Place, Minto	Construction of 5 flour silos and other minor additions used in association with an existing bakery	$366,000	Variation of development standard by more than 10%	Assessing	
440/2019/DA-SL	34 Sturt Street, Campbelltown	Construction of a residential aged care facility	$24,712,636	Development value and others	Assessing	

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**
2142/2017/DA-C	49 Currawong Street, Ingleburn	Demolition of existing dwelling and construction of a 35 place childcare centre and associated basement car parking	$1,030,330	Delegated authority	Completed	Approved with conditions
2808/2018/DA-I	16 Montore Road, Minto	Construction of an industrial unit	$1,707,173	Delegated authority	Completed	Approved with conditions

8.3 Review of the Access to the NSW Roads and Maritime Service's Driver and Vehicle Information System (DRIVES) Policy

Reporting Officer

Manager City Standards and Compliance
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

1. That the revised Access to the NSW Roads and Maritime Service's Driver and Vehicle Information System (DRIVES) Policy as attached to this report be adopted.

2. That the Access to the NSW Roads and Maritime Service's Driver and Vehicle Information System (DRIVES) Policy review date be set at 30 June 2021.

Purpose

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

History

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

Council at its meeting held 1 July 2014 adopted the current Access to the NSW Roads and Maritime Service's Driver and Vehicle Information System (DRIVES) Policy and a policy review date of 30 June, 2019 was set.

Report

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

The changes to the policy are minor and consist of updating the referenced legislation from Road Rules 2000 to Road Rules 2014, responsible Manager details and other minor edits and changes.

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

Attachments

1. Access to the NSW Roads and Maritime Service's Driver and Vehicle Information System (contained within this report)
2. Revised Access to the NSW Roads and Maritime Services Driver and Vehicle Information System (DRIVES) Policy (contained within this report)

campbelltown city council	**POLICY**

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

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

Objectives

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

Policy Statement

1. Only those staff authorised ("authorised user") under the Terms of Access Agreement with the (RMS), shall access data from DRIVES.

2. Access to DRIVES information is only for those Council law enforcement purposes specified in the Terms of Access Agreement, which includes vehicle owner (registration and licence) details for the following matters:

   a) Abandoned Motor Vehicles
   b) Rubbish Dumping from Motor Vehicles
   c) Insecure loads giving rise to Littering
   d) Load Weight Restrictions
   e) Parking Offences

3. Staff requesting an authorised user to access DRIVES information for purposes other than those specified in (2) above will be deemed to have breached Council's Code of Conduct and will be subject to disciplinary action.

4. An authorised officer who accesses DRIVES information for purposes other than those specified in (2) above will be deemed to have breached Council's Code of Conduct and will be subject to disciplinary action.

5. An authorised officer who shares access details, passwords or user identification details for the DRIVES database will be deemed to have breached Council's Code of Conduct and will be subject to disciplinary action.

DATA AND DOCUMENT CONTROL		
Division: Planning and Environment **Section:** Compliance Services **DocSet:** 1555160	**Adopted Date:** 02/09/2003 **Revised Date:** 01/07/2014 **Minute Number:** 105 **Review Date:** 30/06/2016	**Page:** 1 of 3

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

Scope

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

Definitions

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

Legislative Context

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

This Policy is a mandatory requirement to maintain the licence agreement with the RMS.

Principles

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

Responsibility

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

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

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

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

Effectiveness of this Policy

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

Campbelltown City Council

END OF POLICY STATEMENT

DOCUMENT HISTORY AND VERSION CONTROL RECORD

Contact for inquiries and proposed changes

Name	Andrew Spooner
Position/Section	Manager Compliance Services
Contact Number	02 4645 4328

campbelltown city council	**POLICY**
Policy Title	Access to the NSW Roads and Maritime Service's Driver and Vehicle Information System (DRIVES)
Related Documentation	Roads and Maritime Service's DRIVES Terms of Access Agreement Code of Conduct
Responsible Officer	Manager City Standards and Compliance

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

Objectives

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

Policy Statement

1. Only those staff authorised (authorised user) under the Terms of Access Agreement with the (RMS), shall access data from DRIVES.

2. Access to DRIVES information is only for those Council law enforcement purposes specified in the Terms of Access Agreement, which includes vehicle owner (registration and licence) details specified offences relating to the following legislation:

   a) Road Rules ~~2008~~ 2014
   b) *Protection of the Environment Operations Act 1997*
   c) *Local Government Act 1993*
   d) *Impounding Act 1993*
   e) *Companion Animals Act 1998*

3. Staff requesting an authorised user to access DRIVES information for purposes other than those specified in (2) above will be deemed to have breached Council's Code of Conduct and will be subject to disciplinary action.

4. An authorised ~~officer~~ user who accesses DRIVES information for purposes other than those specified in (2) above will be deemed to have breached Council's Code of Conduct and will be subject to disciplinary action.

5. An authorised ~~officer~~ user who shares access details, passwords or user identification details for the DRIVES database will be deemed to have breached Council's Code of Conduct and will be subject to disciplinary action.

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

DATA AND DOCUMENT CONTROL		
Division: City Development **Section:** City Standards, and Compliance **DocSet:** 1555160	**Adopted Date:** 02/09/2003 **Revised Date:** 23/05/2017 **Minute Number:** 116 **Review Date:** 30/06/2019	**Page:** 1 of 2

Scope

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

Definitions

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

Legislative Context

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

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

Principles

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

Responsibility

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

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

Authorised Users are individually responsible to ensure that access to the system is only obtained for the purposes detailed in the Terms of Access Agreement and for the confidential maintenance of access details, passwords or user identification details.

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

Effectiveness of this Policy

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

END OF POLICY STATEMENT

DATA AND DOCUMENT CONTROL		
DocSet: 1555160	**Page:** 2 of 2	

8.4 Draft Voluntary Planning Agreement - Claymore Renewal Project

Reporting Officer

Executive Manager Urban Release and Engagement
City Development

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.5 - Work in partnership with the State Government to achieve positive planning outcomes

Officer's Recommendation

1. That Council authorise the General Manager to execute the draft Voluntary Planning Agreement with NSW Land and Housing Corporation on behalf of Council.

2. That Council authorise the General Manager to execute a Deed of Compensation and Acquisition generally in accordance with the draft Section 30 Agreement attached to this report.

Purpose

The NSW Land and Housing Corporation (LAHC) as part landowner and proponent has made a formal offer to enter into a draft Voluntary Planning Agreement (draft VPA) with Council in connection with their approved Part 3A Concept Plan for the Claymore Renewal Project. The objective of the Agreement is to provide infrastructure, facilities and services to meet the needs of the Project and to provide for the dedication of community lands and roads to Council.

History

The Claymore public housing estate is one of five public housing areas in Campbelltown built in the 1970s and early 1980s. The housing estate was previously one of the largest public housing estates in South Western Sydney, containing 1123 public housing dwellings. As with most public housing estates developed from the 1960s' to the 1980's, significant parts of the Claymore public housing were developed in line with the 'Radburn' urban planning/design principles, which have been over time, found to be a less than successful urban planning/design response for a public housing estate.

In 2016, Claymore had the highest level of disadvantage in Campbelltown City, with a SEIFA index score of 531, followed closely by Airds with 568.2. Both of these scores are in the bottom one percent of suburbs in Australia with regard to disadvantage.

Redevelopment of the Claymore public housing estate is being undertaken by LAHC in accordance with the Claymore Urban Renewal Concept Plan (Concept Plan) granted by the Minister for Planning and Infrastructure on 24 May 2013. The Concept Plan increases dwelling numbers from 1123 public housing dwellings to approximately 1490 public/private dwellings, including the addition of 125 seniors housing units.

Further, the Concept Plan alters the housing mix within the estate with 70 percent of housing stock to be privately owned and 30 percent to be retained as public housing. The Concept Plan also includes the creation of a new Claymore town centre and new and upgraded urban infrastructure such as pathways, lighting, open space, community facilities, drainage and a new road network.

The redevelopment of Claymore, like Airds/Bradbury and the successful and award winning renewal of the Minto public housing estate before it, is aimed at renewing an area of significant disadvantage (the lowest one percent of disadvantage in Australia) through a combination of measures, including altering the public housing mix and providing new and improved supporting infrastructure. This outcome is at the heart of the renewal process and is the central basis behind the Concept Plan approval.

The value of renewing a public housing estate is not limited to just the renewal of infrastructure and/or the improvements in public amenity, but the intangible, less commercial considerations and more longer term value propositions and improvements in social cohesion, sense of pride, choice of ownership across the community, and the positive multiplier effects on the surrounding suburbs and that of the Campbelltown Local Government Area and its community.

Council considered a report on the Concept Plan on 18 December 2012 and resolved to provide its qualified support for the Project subject to specific planning conditions being addressed. Council considered a further report on the proposed modification to the Concept Approval on 13 September 2013. Again, Council was generally supportive subject to two conditions, being:

- that no amendment to the Concept Plan Approval should be considered that would have the effect of altering Council's capacity to negotiate and execute a Voluntary Planning Agreement for the Claymore Renewal Project, in the best interests of the community.

- that Council raises no objection to a modification to the Concept Plan Approval that accounts for the requirement for the proponent to put into place Works in Kind Agreements that are agreed to by Council, to secure the funding and delivery of infrastructure relevant to Stages 1 and 2 of the Renewal Project, and for all subsequent stages through and in accordance with a Voluntary Planning Agreement with Campbelltown City Council, endorsed by Council.

On 22 October 2013, the Claymore Urban Renewal Concept Approval was modified by the Minister to require that a Planning Agreement be negotiated and executed prior to lodgement of any development application for Stage 3, and allow for a Works in Kind Agreement to be negotiated with Council for Stages 1 and 2. This outcome was generally consistent with the resolution of Council on 13 September 2013.

The development application for Stages 1 and 2 of the Concept Plan (1141/214/DA-SW) was approved by the Sydney West Joint Regional Planning Panel on 9 October 2014. Stages 1 and 2 are now fully complete with the following VPA Items delivered as works in kind:

- Item 1 - Roadworks associated with Rosslyn Drive and Badgally Road intersection
- Item 2 – Arkley Avenue and Rosslyn Drive intersection (single lane roundabout)
- Part Item 6 – road works and intersection upgrades relevant to collector roads
- Part Item 7 – road works and intersection upgrades adjacent to parks
- Item 17 – Badgally Reserve open space and landscape works
- Item 19 – Landscape buffer to Badgally Road

On 2 June 2017, the development application for Stage 3 (1700/2017/DA-SW) was lodged with Council and considered by the Local Planning Panel on 26 September 2018. The decision of the Panel was:

- that item 4.2 be deferred and the applicant be asked to submit advice which should be included in a further report to the Local Planning Panel detailing how the requirements of Condition 7 of Schedule 4 of the Concept Approval can be adequately addressed as that condition prevents approval

LAHC subsequently sought modification to the Concept Approval to amend the timing for execution of the Planning Agreement to prior to Council's approval of the Stage 3 subdivision certificate. The modification was determined and approved by the Minister on 6 December 2018, on the basis that:

- prior to the issue of any subdivision certificate for Stage 3, a planning agreement to provide roads, social and community infrastructure, drainage, open space facilities is to be negotiated and Executed with Campbelltown City Council. The Planning agreement should include the nature of any dedications or works in kind and must be consistent with the Approved Statement of Commitments.

- each development application for subdivision for each stage must be consistent with the Statement of Commitments or an executed planning agreement. It should also identify how any relevant contributions or works in kind required for that stage will be delivered.

A further report was considered by the Local Planning Panel on 19 December 2018 with the application approved subject to conditions. As works may not proceed until the VPA and the land acquisition are executed, this report seeks Council's support to adopt the VPA and to agree to the compulsory acquisition of Council land to facilitate the renewal project. The Stage 3 development application (DA1700/2017/DA-SW) was approved on 19 December 2018.

Site

The Claymore redevelopment area is irregular in shape, with and area of some 125 hectares bounded by Badgally Road to the southwest, the Hume Highway to the southeast, and the western and northern boundaries adjoin the existing Eagle Vale residential area. The site is approximately 2 kilometres north of Campbelltown CBD and is accessed from Badgally Road to the south, Dobell to the south and west and Gould Road to the north (attachment 1).

Report

LAHC, as part landowner and proponent, has made a formal offer to enter into a draft Voluntary Planning Agreement (draft VPA) with Council, as required by the Further Assessment Requirements (22 October 2013) placed on the Concept Plan approval. LAHC has developed an Infrastructure Services Delivery Plan (ISDP) which details the items of

work to be delivered by way of the Planning Agreement. The works set out in the ISDP have been designed consistent with the Claymore Renewal Concept Plan approved via Part 3A of the *Environmental Planning and Assessment Act 1979* in May 2013 and the ISDP is a defined term in the Planning Agreement and is specifically referenced in that document.

The draft VPA dated 31 August 2018 (attachment 2) lists $21,330,290 of infrastructure to be delivered by LAHC, as a combination of land, works and monetary contributions, in lieu of developer contributions. This includes:

- Road works and intersection upgrades - $8,607,985
- Detention facilities, gross pollution traps and bio-retention devices - $4,699,256
- Badgally Reserve, including landscape buffer - $751,669
- Davis Park embellishment - $507,078
- Dimeny Park embellishment - $379,879
- Fullwood Reserve embellishment - $2,564,227
- Brady Park embellishment - $1,367,262
- Provision of a new multipurpose community facility centre - $2,452,934

The list of land, works and monetary contributions, to be provided in lieu of developer contributions, are listed in Schedule 3 of the draft VPA. This includes the anticipated timing for delivery of the above works based on either the relevant Stage or a lot threshold.

Works would be delivered subject to the issue of future development consent with future plans to be generally consistent with the ISDP (attachment 3). A copy of the Explanatory Note as exhibited is provided as attachment 4.

1. Public Exhibition

The draft VPA, ISDP and Explanatory Note (attachments 2, 3 & 4 respectively) were publicly exhibited as required and in accordance with by the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*. In this regard the following was undertaken:

- Public Notice in the Chronicle - 18 December 2018
- Public Notice in the Advertiser - 19 December 2018
- Public exhibition of documents from 18 December 2018 until 15 February 2019
- Have Your Say – Campbelltown City Council website
- Hard copies available at the ground floor of Council's Civic Centre during Council's ordinary office hours, HJ Daley Library and Eagle Vale Library, Eagle Vale
- Follow up Public Notice in the Chronicle - 29 January 2019
- Follow up Public Notice in the Advertiser - 30 January 2019

A single email submission was made as part of the public exhibition process. A copy of the submission and comments to the submission are tabled below:

Submission	**Comment**
I believe fixing Claymore is a great idea! However, there are so many more things to be fixed in Claymore. For starters the ongoing crimes in the area such as dirt bike riders that ride in the area. They use the roads that are planned to be fixed such as	It is recognised that the utilisation of Radburn urban design principles are now considered unsuitable in a public housing context and anti-social behaviour is one of the principal drivers behind the Claymore Renewal Project.

Dobell Rd. They are a disturbance to the public. They race throughout Fullwood Reserve making it impossible to use the park. Trying to fix Claymore by adding in more houses won't fix these issues. It will repeat itself and money will be wasted. Please look into the ongoing issues first.	Under the approved Concept Plan, the redevelopment of the Claymore public housing estate will see it completely changed to a contemporary mixed community of private and public housing with new facilities and high quality open space areas. The overall aim is to reduce the level of social disconnect and anti-social behaviour issues that are associated with standalone public housing estates, by way of an integrated private and public housing response.

On consideration of the submission, no amendments to the draft VPA, ISDP and Explanatory Note are proposed.

2. Council's Community owned land at Claymore

Council owns land areas within the Claymore area, many of which adjoin land owned by LAHC. Much of Council's land is zoned R2 - Low Density Residential, with the residual landholdings generally being zoned Open Space.

LAHC (acting as the Crown) is authorised to acquire land by compulsory process under the *NSW Housing Act 2001*. In this regard, LAHC has developed a draft Section 30 Agreement (Section 30 of the *Land Acquisition (Just Term Compensation) Act 1991*), being compulsory acquisition with the consent of owners (attachment 5). In order to deliver on the principles of the Concept Approval, LAHC proposes to compulsorily acquire certain lands owned by Council and with Council's consent, for the purpose of the ongoing renewal of the estate.

Council's land (attachment 6) is contained in multiple lots, which are currently used as parks and footpaths, or for similar recreation purposes. Many of the individual land titles comprise both residential and also open space zoned land. In this regard LAHC wishes to compulsorily acquire each title, but to embellish and return the open space component to Council consistent with the works described in the ISDP.

The areas of land to be acquired by LAHC and those to be retained by Council are shown in Table 1 below.

Property Name	**LAHC Acquire (Sqm) Residential Zoning**	**Council Retain (Sqm) (Open Space Zoning)**	**Total Area (Sqm)**
Fullwood Reserve	913	66,527	67,440
Dobell Reserve	2,178	0	2,178
Davis Park	8,157	0	8,157
Davis Park Field	7,730	8,760	16,490
Highfield Park	22,600	0	22,600
Tate Park	780	0	780
Eldred Park East	1,804	0	1,804
Eldred Park West	5,306	0	5,306
Burdekin Park	2,128	0	2,128
Old Badgally Reserve	3,863	0	3,863
Dimeny Park	9,200	11,300	20,500
	64,659	**86,587**	**151,246**

Table 1 – Lands to be acquired and retained

As part of the acquisition process, LAHC is proposing that the residential land is acquired at nil value, consistent with the approach outlined in the original concept plan approval and other renewal projects in Minto and Airds. Clause 2.3(a) of the proposed Deed of Compensation and Acquisition (the agreement) states that “the benefits received by the landowner (Council) under the VPA are provided as the compensation for LAHC’s acquisition of the landowners interest and no monetary compensation is payable by LAHC.” This requires Council to agree that the compensation is a full and final settlement of every claim in respect of Council’s interest in the land.

3. Proposed transaction

LAHC has requested that Council enters into a variety of land swaps whereby the residential land it owns in Claymore is swapped for other land. The land to be provided by Council comprises approximately 6.5 hectares of land zoned R2 Low Density Residential as detailed in Table 2. All lands but Highfield and Elwood Parks have useful road frontage and prominence and WCELC comprises a building of approximately 350 sqm situated on a land area of 2,482 sqm.

The land parcels that LAHC proposes to transfer to Council are shown in the Table 3 and comprise approximately 10.6 hectares of land zoned as Open Space. This includes additional land at Fullwood Reserve, a new Badgally Reserve, Brady Park and a narrow rectangular shaped “buffer land” area, of approximately seven metres width running parallel to Badgally Road, but separated by a road reserve.

Brady Park is predominantly a riparian corridor comprising heavy vegetation and will be subject to ongoing management obligations and annual cost liability. This has been reflected in the valuation below.

In July 2018, Council sought an independent valuation of all land proposed for the transaction. The valuation suggests a shortfall in value to Council of approximately $14m, were the transaction to proceed. Specific valuation details of each parcel of land involved are shown in Tables 2 and 3 below.

Table 2 - Market Value of proposed LAHC acquisition lands

Property	Area (sqm)	Independent Valuation	Total
Fullwood Reserve	913	$500,000	
Dobell Reserve	2,178	$870,000	
Davis Park	8,157	$2,850,000	
Davis Park Field	7,730	$2,700,000	
Highfield Park	22,600	$6,800,000	
Tate Park	780	$430,000	
Eldred Park East	1,804	$720,000	
Eldred Park West	5,306	$1,850,000	
Burdekin Park	2,128	$850,000	
Old Badgally Reserve	3,863	$1,550,000	
Dimeny Park	9,200	$2,300,000	
Area	**64,659**	**Value**	**$21,420,000**
Waratah Cottage Early Learning Centre – Area	**2,482**	**Value**	**$ 1,625,000**
Total Area	**67,141**	**Total Value of Council Land to LAHC**	**$23,045,000**

Table 3 - Market Value of the land to be returned to Council

Property	Area (sqm)	Independent Valuation	Total
New Badgally Reserve	5,830	$2,040,000	
Badgally Road “buffer land”	1,892	$285,000	
Addition to Fullwood Reserve	17,053	$2,130,000	
			$4,455,000
Brady Park	80,947	$6,070,000	
Less costs for Council into perpetuity		-$1,500,000	
			$4,570,000
Total Area	**105,722**	**Total Value of Zoned Open Space**	**$9,025,000**

Table 4 – Land Area and Value difference

Summary	Area (sqm)	Value	Total
Area and Value of land Council provides	67,141	$23,045,000	**$23,045,000**
Area and Value of land Council receives	105,722	$9,025,000	**$9,025,000**
Area difference	**+ 38,581**	**Value difference**	**- $14,020,000**

In essence Council gains 38,581sqm (3.858 hectares) of land. However based on the zoning and functionality of the respective holdings involved, and when purely considering the commercial land valuation of the proposal, the valuation difference has been determined to be approximately $14m.

4. Transaction Methodology

LAHC proposes that Council enters into an agreement for the transaction under Section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991*. Section 30 allows for many of the traditional processes and legal rights of each party to be waived, provided the parties have agreed in writing on all relevant matters concerning the compulsory acquisition including the compensation to be paid.

A written agreement is therefore necessary between LAHC and Council that the land will be acquired with Council's consent. A Deed of Compensation and Acquisition under Section 30 has been prepared and reviewed by Council legal representatives (attachment 4).

Under the agreement Council would lose the right to negotiate the commercial value of any land lost, or the method of any compensation received. LAHC acquires the land on an "as is" basis, i.e. in its current condition, however Council is responsible for any relocation costs and expenses required for it to deliver vacant possession of the land. Council's legal representatives have recommended modifications to the current Agreement which would be included and/or negotiated with LAHC, should the proposal proceed.

Importantly, this process commenced a number of years ago, with the Concept Plan approval gained in 2013, and it is expected that the redevelopment will take a further 10-15 years to complete. As such, the delivery risk of cost escalation of the ISDP works is entirely borne by LAHC.

While the value of infrastructure proposed via the ISDP has not altered in value to any great extent, the likely value of Council land would have appreciated significantly due to a combination of property price increases across Sydney in the last 10 years as well as a result of the renewal process commencing in the area.

LAHC is committed to proceeding with its residential subdivision and associated works with the majority of the demolition and other works already completed on its own land, prior to receipt of the current DA stages and the proposed land transaction.

Conclusion

The redevelopment of Claymore, like Airds/Bradbury and the successful and award winning renewal of the Minto public housing estate before it, is aimed at renewing an area of significant disadvantage (the lowest 1 percent of disadvantage in Australia) through a combination of measures, including altering the public housing mix and providing new and improved supporting infrastructure. This outcome is at the heart of the renewal process and is the central basis behind the Concept Plan approval.

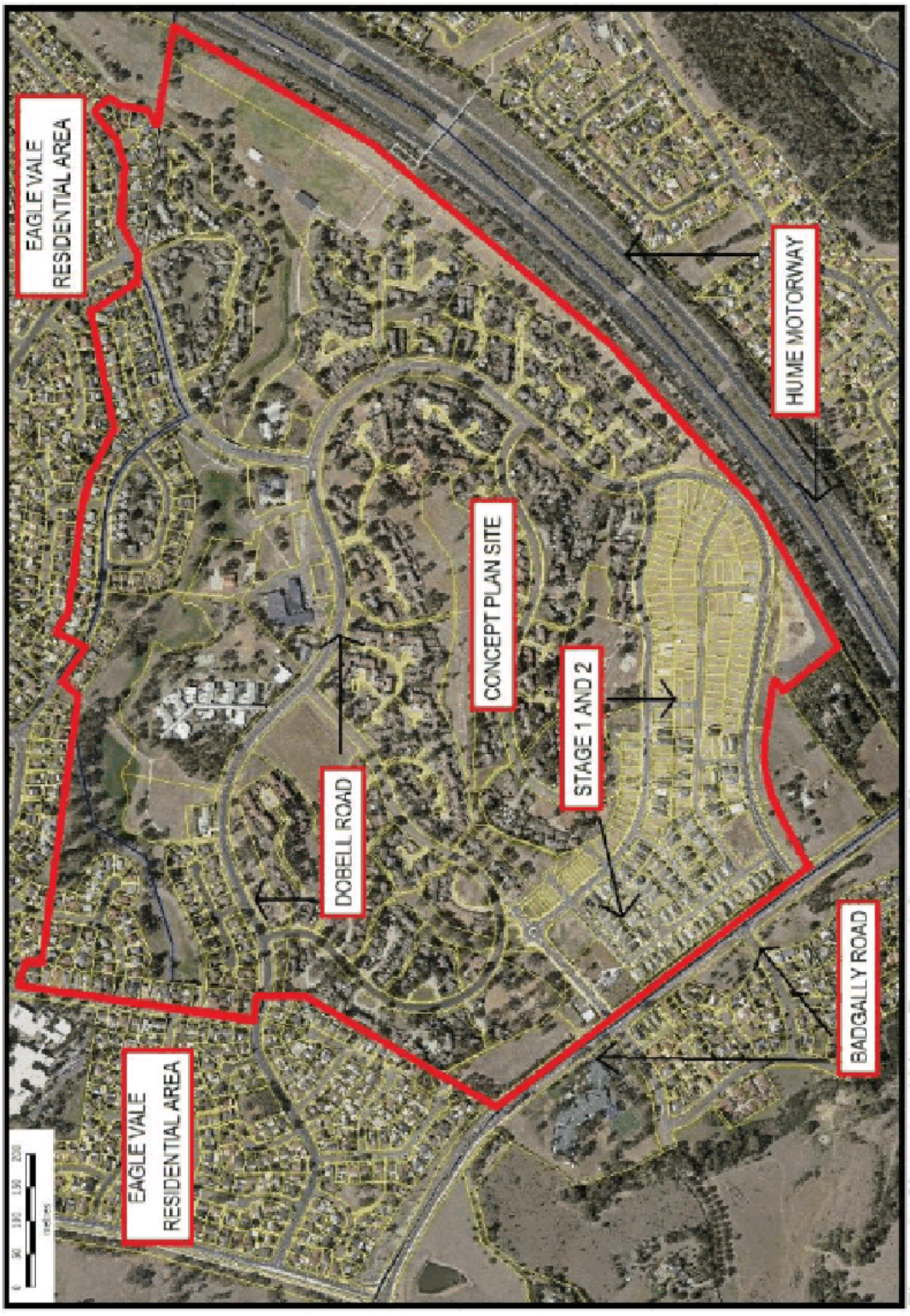
The renewal provides opportunities for the delivery of new infrastructure and improvements in public amenity, but most importantly provides a basis for improved social cohesion, a sense of pride and choice of ownership across the community, diversity of housing product, and the associated positive multiplier effects on the surrounding suburbs and that of the Campbelltown Local Government Area and its community.

Given this, it is recommended that Council resolve to adopt the draft VPA, ISDP and explanatory note. It is further recommended that Council agree to enter into a Section 30 Agreement and authorise the General Manager to execute the Agreement subject to amendments as recommended by Council's solicitor.

Attachments

1. Claymore Urban Renewal Concept Plan (contained within this report)
2. Draft Voluntary Planning Agreement (contained within this report)
3. Infrastructure Services Delivery Plan (contained within this report)
4. Explanatory Note (contained within this report)
5. Section 30 Agreement (contained within this report)
6. Council Owned Land (contained within this report)

Attachment 1: Claymore Urban Renewal Concept Plan Area



Claymore Renewal Project

Planning Agreement

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

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Campbelltown City Council

New South Wales Land and Housing Corporation

31 August 2018

Claymore Renewal Project Planning Agreement August 2018

Campbelltown City Council

New South Wales Land and Housing Corporation

Claymore Renewal Project
Planning Agreement

Table of Contents

Summary Sheet **4**

Parties **6**

Background **6**

Operative provisions **6**

Part 1 - Preliminary 6

1 Definitions & Interpretation 6

2 Status of this Agreement 10

3 Commencement of this Agreement 10

4 Application of this Agreement 10

5 Commencement of Development Contributions obligations 10

6 Part-performance of this Agreement 10

7 Further agreements relating to this Agreement 11

8 Application of s7.11, s7.12 and s7.24 of the Act to the Development 11

9 Ownership of Land 11

10 Provision of Development Contributions 11

11 Variation of scope or timing for provision of Development Contributions 12

Part 2 – Provisions relating to monetary Development Contributions 13

12 Payment of monetary Development Contributions 13

Part 3 – Provisions relating to dedication of Land 13

13 Procedures relating to the dedication of Land 13

14 Contamination 14

Part 4 – Provisions relating to the carrying out of Work 15

15 Design and Specification of Work 15

16 Standard of construction of Work 16

17 Maintenance and management of Works 16

18 Access for Works 16

19 Protection of people and property 17

21 Procedures relating to the rectification of Defects 17

22 Deferral of Work 17

23 Failure to carry out Work 18

24 Hand-over of Works 18

Part 5 –Enforcement and Disputes 19

25 Enforcement 19

26 Council to consult before enforcing this Agreement 19

Final Draft

27 Enforcement in court 19
28 Dispute resolution – expert determination 20
29 Dispute resolution - mediation 20
30 Registration of this Agreement 21
31 Assignment, sale of Land, etc 21
Part 6 - Other provisions 22
32 Indemnity 22
33 Insurance 22
34 Termination of Agreement 22
36 Review of this Agreement 23
37 Confidentiality 23
38 Notices 24
39 Approvals and consent 25
40 Costs 25
41 Entire Agreement 25
42 Further acts 25
43 Notations on section 149(2) Planning Certificates 25
44 Governing law and jurisdiction 25
45 Joint and individual liability and benefits 25
46 Representations and warranties 26
47 Severability 26
48 Modification 26
49 Waiver 26
50 GST 26
Schedule 1 28
Schedule 2 38
Schedule 3 39
Schedule 4 45
Execution 46

Final Draft

Claymore Renewal Project Planning Agreement

Summary Sheet

Council:

Name: Campbelltown City Council

Address: Civic Centre, cnr Queen and Broughton Streets, Campbelltown NSW 2560

Telephone: 4645 4000

Facsimile: 4645 4111

Email: lindy.deitz@campbelltown.nsw.gov.au

Representative: General Manager

The Corporation:

Name: New South Wales Land and Housing Corporation

Address: Level 5, 219 – 241 Cleveland Street, Strawberry Hills NSW 2012

Telephone: 9374 3620

Facsimile: 9374 3689

Email: peter.anderson@facs.nsw.gov.au

Representative: Executive Director, Communities Plus

Land:

See definition of *Land* in clause 1.1.

Development:

See definition of *Development* in clause 1.1.

Development Contributions:

See clause 10 and Schedule 3.

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Claymore Renewal Project Planning Agreement August 2018
Campbelltown City Council
New South Wales Land and Housing Corporation

Application of s7.11, s7.12 and s7.24 of the Act:

See clause 8.

Enforcement:

See clause 25.

Registration:

This Agreement is not to be registered. See clause 30.

Restriction on dealings:

See clause 31.

Dispute Resolution:

Expert determination and mediation. See clauses 28 and 29.

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Claymore Renewal Project Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979*

Parties

Campbelltown City Council ABN 31 459 914 087 of Civic Centre, cnr Queen and Broughton Streets, Campbelltown NSW 2560 (**Council**)

and

New South Wales Land and Housing Corporation ABN 24 960 729 253 of Level 5, 219 – 241 Cleveland Street, Strawberry Hills NSW 2012 (**The Corporation**)

Background

A The Corporation is the owner of part of the Land.

B The Minister has granted the Concept Plan Approval to the Development on 24 May 2013.

C The Corporation intends to lodge Development Applications relating to the Development that are generally consistent with the terms and objectives of the Concept Plan Approval.

D The Corporation is prepared to make Development Contributions in connection with the carrying out of the Development in accordance with this Agreement, generally consistent with the Concept Plan Approval.

Operative provisions

Part 1 - Preliminary

1 Definitions & Interpretation

1.1 In this Agreement the following definitions apply:

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

Agreement means this Agreement and includes any schedules, annexures and appendices to this Agreement.

Alternative Funding means any funding obtained by any Party from persons not a party to this Agreement that may be applied towards the cost of Work.

Authority means the Commonwealth of Australia, the State of New South Wales, or any department or agency of the Commonwealth of Australia or the

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State of New South Wales, any public authority within the meaning of the Act, and any court or tribunal.

Building Work has the same meaning as in the Act.

Claim against any person means any allegation, action, demand, cause of action, suit, proceeding, judgement, debt, damage, loss, cost, expense, or liability howsoever arising and whether present or future, fixed or unascertained, actual or contingent whether at law, in equity, under statute or otherwise.

Concept Plan Approval means the approval made by the Minister on 24 May 2013 for a concept plan for the Development being MP11_0010.

Construction Certificate has the same meaning as in the Act.

Contamination has the same meaning as that term has in the *Contaminated Land Management Act* 1997 (NSW) and **Contaminated** has a corresponding meaning.

Contribution Value in relation to each Item means the amount shown in column 4 of Schedule 3 for that Item, indexed from the date of this Agreement in accordance with the Consumer Price Index (All Groups - Sydney published by the Australian Bureau of Statistics.

Defect means any error, omission, shrinkage, blemish in appearance or other fault in the Works caused by the Corporation which prevents the Works from being reasonably capable of being used for their intended purpose.

Defects Liability Period means:

(a) for any Work in Schedule 3 which indicates is for the public purpose of *'Road works'* and *'Intersection Upgrades'*, *'Water Cycle Management'*, *'Open Space and Landscape Works'*, – 12 months from the date the Work is completed for the purposes of this Agreement; and

(b) for Building Work – 12 months from the date the Work is completed for the purposes of this Agreement.

Designated Land means Land required to be dedicated to the Council by the Corporation in accordance with this Agreement.

Development means the development of the Land described in Schedule 2.

Development Application has the same meaning as in the Act.

Development Area means each of the areas described '1A', '1B', '2A', '2B', '2C', '3A', '3B', '4A', '4B', '5', '6A', '6B', '7', '8', '9', '10', '11', '12', '13' and 'Part 14' on the Development Area Plan.

Development Area Plan means the updated plan in Schedule 4.

Development Consent means a development consent, within the meaning of the Act, or approval to carry out a project under Part 3A of the Act, and, for the avoidance of doubt, does not include an approval of a concept plan under Part 3A of the Act.

Development Contribution means any of the following, or any combination of them, to be used for, or applied towards, a public purpose:

- a monetary contribution;
- the dedication of land free of cost;
- the carrying out of work; and

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- the provision of any other material public benefit.

Environmental Assessment Reports means environmental assessment reports referred to in the Concept Plan Approval.

Final Lot means a lot to be created in the Development for separate occupation and disposal, not being a lot created by a subdivision of the Land:

(a) that is to be dedicated or otherwise transferred to the Council; or

(b) that may be further subdivided.

Hard Landscaping Work means items such as paving, seating, buildings, signage, lighting, playground equipment, and any other landscaping works that is not Soft Landscaping Work.

ISDP means the document titled '*Infrastructure Services Delivery Plan, Claymore Renewal Project*' dated January 2018, or other document agreed to between the Parties that replaces that document.

Item means the object of a Development Contribution specified in Schedule 3.

Land means the land described in Schedule 1 of this Agreement, excluding any land within 'Development Area 14' shown in Schedule 4 which is not owned by the Corporation.

Maintenance Period means:

(a) in respect of Land subject to management actions under the Vegetation Management Plan, a period of sixty (60) months commencing on the date the Work is completed for the purpose of this Agreement;

(b) in respect of Hard Landscaping Work, a period of twelve (12) months commencing on the date the Work is completed for the purpose of this Agreement; and

(c) in respect of Soft Landscaping Work, a period of twenty four (24) months commencing on the date the Work is completed for the purpose of this Agreement.

Minister means the Minister administering the Act.

NEPM means the National Environment Protection (Assessment of Site Contamination) Measure 1999.

Occupation Certificate has the same meaning as in the Act.

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

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

Registrar General means the Registrar General within the meaning of the *Real Property Act 1900* (NSW).

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

Relevant Development Area means, in respect of an Item specified in Column 1 of the Table to Schedule 3, the Development Area specified in Column 6 of the Table.

Security means a letter of undertaking from Landcom.

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Soft Landscaping Work means any Work comprising the planting of vegetation and associated preparation of planting beds or growing medium such as trees, shrubs, groundcovers, mulch and grass.

Stage means a reference to a stage of the Development set out in the plan in Schedule 4.

Subdivision Certificate has the same meaning as in the Act.

Vegetation Management Plan means the Vegetation Management Plan prepared by Cumberland Ecology and approved by Council dated September 2014, which applies to the Land.

Work means the physical result of any building, engineering or construction work in, on, over or under land, required to be carried out by the Corporation under this Agreement.

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

1.2.1 Headings are inserted for convenience only and do not affect the interpretation of this Agreement.

1.2.2 A reference to a business day means a day, other than a Saturday or Sunday, on which banks are open for business generally in Sydney.

1.2.3 If the day on which something is to be done under this Agreement is not a business day, then it must be done on the next business day.

1.2.4 A reference to dollars or $ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.

1.2.5 A reference in this Agreement to a $ value relating to a Development Contribution is a reference to the value exclusive of GST.

1.2.6 A reference to any legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.

1.2.7 A reference to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.

1.2.8 A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.

1.2.9 A reference to a person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.

1.2.10 Where a word or phrase is given a defined meaning, another part of speech or other grammatical form for that word or phrase has a corresponding meaning.

1.2.11 The singular includes the plural, and the plural includes the singular.

1.2.12 References to the word 'include' or 'including' are to be construed without limitation.

1.2.13 A reference to a Party to this Agreement includes a reference to the Party's employees, agents and contractors, and the Party's successors and assigns.

1.2.14 Any schedules, appendices and attachments form part of this Agreement.

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2 Status of this Agreement

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

3 Commencement of this Agreement

3.1 This Agreement commences on the date on which it has been executed by all Parties.

4 Application of this Agreement

4.1 This Agreement applies to the Land and the Development.

4.2 The Parties acknowledge that the Development Contributions required to be made under this Agreement are to meet the expected demand for public facilities arising from the Development.

5 Commencement of Development Contributions obligations

5.1 The Corporation is under no obligation to make the Development Contributions provided for in this Agreement unless and until:

5.1.1 this Agreement is entered into as required by clause 25C(1) of the Regulation and the Council executes this Agreement.

5.2 Until then, this document, executed only by the Corporation, is to be read and construed as containing the Corporation's irrevocable offer to make the Development Contributions once all of the matters specified in clause 5.1 have occurred.

5.3 A Development Contribution which is required to be made in connection with a Development Area, is not required to be made unless and until Development Consent is granted with respect to that Development Area.

5.4 The Council must notify the Corporation immediately after it executes this Agreement and promptly provide the Corporation with the Agreement as executed by the Council.

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6 Part-performance of this Agreement

6.1 The Council is not to raise any objection, requisition or claim, or impose any requirements beyond that provided for in this Agreement in relation to any obligation imposed on the Corporation under this Agreement that had been performed, whether in whole or in part, on the date this Agreement commenced.

7 Further agreements relating to this Agreement

7.1 The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Agreement that are not inconsistent with this Agreement for the purpose of implementing this Agreement.

8 Application of s7.11, s7.12 and s7.24 of the Act to the Development

This Agreement:

8.1 wholly excludes the application of s7.11 and s7.12 of the Act to the Development; and

8.2 does not exclude the application of s7.24 of the Act to the Development.

9 Ownership of Land

9.1 Subject to clause 9.3, the Corporation will ensure that it becomes the registered proprietor of the Land, or any part thereof, that is required to be dedicated and that it does not own as at the date of this Agreement, prior to any obligations arising under this Agreement which require any part of that Land to be dedicated to Council, unless otherwise agreed with Council.

9.2 The Corporation will ensure that it secures the legal right to access, and construct any relevant Works on any part of the Land that it does not own as at the date of this Agreement, prior to any obligations arising under this Agreement which require the carrying out of Works on that part of the Land, unless otherwise agreed with Council.

9.3 The Corporation acknowledges and agrees that:

9.3.1 some of the Land is owned by Council as at the date of this Agreement;

9.3.2 Council is not entering into this Agreement in its capacity as the owner of some of the Land;

9.3.3 this Agreement does not in any way bind Council as the owner of that part of the Land; and

9.3.4 when any part of the Land owned by Council as at the date of this Agreement is transferred to the Corporation;

(a) it will form part of the Land for the purpose of this Agreement; and

(b) the Corporation will be bound by its obligations under this Agreement with respect to that Land as and from the date of the relevant transfer of ownership.

10 Provision of Development Contributions

10.1 The Corporation is to make Development Contributions to the Council in accordance with this Agreement.

10.2 Schedule 3 has effect in relation to Development Contributions to be made by the Corporation under this Agreement.

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10.3 The Corporation may, with the prior written agreement of Council, make a monetary Development Contribution for the provision of a Work in lieu of carrying out the Work, in an amount not exceeding the Contribution Value of the Work.

10.4 A Contribution Value specified in relation to an obligation by the Corporation to carry out Work or dedicate land under this Agreement does not define or limit the extent of the Corporation's obligation in that regard.

10.5 If the cost incurred by the Corporation to properly perform an obligation to carry out Work or dedicate land is less than a Contribution Value specified in relation to the obligation, the Corporation is not required to carry out further Work or dedicate further land or pay money to the Council to make up the difference between the Contribution Value and the cost incurred by the Corporation in performing the obligation.

10.6 The Council is to apply each Development Contribution made by the Corporation under this Agreement towards the public purpose for which it is made and otherwise in accordance with this Agreement.

11 Variation of scope or timing for provision of Development Contributions

11.1 The Corporation may request that the Council approve in writing, a variation to the scope or the timing for the provision of Development Contributions, and the Council must act reasonably in determining whether to approve the variation.

11.2 For the purposes of determining whether to approve a variation under clause 11.1, the Council may consider the content of the ISDP and whether the variation prejudices the provision of public services or public amenities for any Development Area.

11.3 The Council cannot withhold its agreement to a variation of a Work if the variation relates to any matter other than a matter identified as a core element for that Work in the ISDP.

11.4 The Council may request a variation to a Work forming part of a Development Contribution. If the Council requests a variation to a Work, then the Council is liable to pay to the Corporation an amount equal to the increase in the costs incurred by the Corporation of completing the Work which results from the variation requested by the Council.

11.5 The scope or the timing for provision of a Development Contribution (or a Work forming part thereof) is not to be varied unless:

11.5.1 the Parties, acting reasonably, agree in writing to the variation;

11.5.2 any consent or approval required under the Act or any other law to the variation is first obtained, if required; and

11.5.3 unless otherwise agreed by the parties:

(a) the Corporation meets the costs incurred by Council with respect to the relevant variation if that variation was requested by the Corporation; and

(b) the Council meets the costs incurred by the Corporation with respect to the relevant variation if that variation was requested by the Council.

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11.6 If a variation is made to the scope or timing for provision of a Development Contribution pursuant to this clause, then Schedule 3 is taken to have been amended accordingly.

Part 2 – Provisions relating to monetary Development Contributions

12 Payment of monetary Development Contributions

12.1 A monetary Development Contribution is made for the purposes of this Agreement when the Council receives the full amount of the contribution payable under this Agreement in cash or by unendorsed bank cheque or by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by the Council.

12.2 The Corporation is to give the Council not less than 2 business days written notice of its intention to pay a monetary Development Contribution. After notice is given, Council must provide the Corporation with a tax invoice for the amount of the Development Contribution as soon as practicable.

12.3 The Corporation is not required to pay a monetary Development Contribution under this Agreement unless the Council, after having received the Corporation's notice under clause 12.2, has given to the Corporation a tax invoice for the amount of the Development Contribution.

12.4 The Corporation is not in breach of this Agreement if it fails to pay a monetary Development Contribution at the time required by this Agreement by reason only of the Council's failure to give to the Corporation a tax invoice in relation to the amount proposed to be paid by it.

Part 3 – Provisions relating to dedication of Land

13 Procedures relating to the dedication of Land

13.1 The dedication of any part of the Land required to be dedicated by the Corporation to Council in accordance with this Agreement (**Designated Land**) may only be made if, unless agreed otherwise by the parties in writing:

13.1.1 any Works required to be carried out on the Designated Land under this Agreement have been completed at the time of dedication; and/or;

13.1.2 any other obligation with respect to that Land under this Agreement has been discharged, including under clause 14.

13.2 Any easements to be created on Designated Land will require the prior written approval of Council, acting reasonably. Council's approval is not required for easements in relation to:

13.2.1 drainage;

13.2.2 lighting; or

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13.2.3 other services,

where those easements are consistent with a Development Consent granted under the Act.

13.3 A Development Contribution comprising the dedication of the Designated Land is made for the purposes of this Agreement when Council confirms in writing that the matters set out in clause 13.1 have been satisfied, and the land is dedicated to the Council.

13.4 The Corporation will dedicate land to the Council by:

13.4.1 causing a deposited plan to be registered in the register of plans held with the Registrar General that:

(a) dedicates land as a public road (including a temporary public road) under the *Roads Act 1993* (NSW); or

(b) creates a public reserve or drainage reserve under the *Local Government Act 1993* (NSW); or

13.4.2 providing the Council with an instrument (such as a plan of subdivision) in registrable form under the *Real Property Act 1900* that is effective to transfer the title to the relevant part of the Designated Land to the Council when registered.

14 Contamination

14.1 Both parties agree that they will comply with the requirements, and follow the procedures, set out in Section 6 of the ISDP in relation to dealing with Contamination of any part of the Land.

14.2 Where Land on which the Corporation undertakes Development is Contaminated, the Corporation must ensure that land is made suitable for its proposed use under the Concept Plan Approval having regard to the standards and principles set out in the NEPM, prior to the issuing of the subdivision certificate in relation to that Land after the relevant aspect of the Development has been undertaken.

14.3 For the purpose of clause 14.2, unless site-specific criteria are developed, the relevant standard defined in the NEPM to make a site suitable for its proposed use is as shown in the table below:

Land use	**Applicable standard (NEPM)**
Residential with garden/ accessible soil, also includes childcare centres, preschools and primary schools	HIL A / Residential A / HSL A
Residential with minimal opportunities for soil access (e.g. high-rise)	HIL B / Residential B / HSL B
Open space/ park/ sporting fields/ playgrounds	HIL C / Recreational C / HSL C
Commercial/industrial (including premises such as shops, offices, factories and industrial sites)	HIL D / Commercial/industrial D / HSL D

Final Draft

14.4 Where Designated Land on which the Corporation undertakes Development is Contaminated, in addition to the obligations under clause 14.2, the Corporation will provide the Council with a site audit statement prepared by a site auditor accredited by the NSW Environment Protection Agency confirming that the relevant Designated Land is suitable for its proposed use prior to dedicating that land to Council.

14.5 Council is not obliged to accept dedication of any of the Designated Land if the Corporation does not comply with its obligations under:

14.5.1 this clause 14; or

14.5.2 the ISDP.

Part 4 – Provisions relating to the carrying out of Work

15 Design and Specification of Work

15.1 Before commencing construction of a Work, the Corporation is to submit to the Council for its approval the detailed design and specification for the Work.

15.2 If, within 60 days of the date of submission referred to in clause 15.1:

15.2.1 the Council notifies the Corporation in writing of its approval of the design and specification, the Corporation is to carry out and complete the Work in accordance with that design and specification;

15.2.2 the Council fails to notify the Corporation in writing that it approves or does not approve of the design and specification or does not require the Corporation to make modifications, the Council is taken to have approved the design and specification of the Work and the Corporation may carry out and complete the Work in accordance with that design and specification; or

15.2.3 the Council notifies the Corporation in writing that it does not approve of the design and specification or requires the Corporation to make modifications, the Corporation may elect to:

(a) amend the design and specification and submit to the Council the amended design and specification in which case the Corporation must submit the amended detailed design and specification to the Council under clause 15.1; or

(b) if the Corporation does not agree with the modifications requested by the Council, refer the matter for expert determination under clause 28.

15.3 For the purposes of clause 15.2.3, the Council is not to require the Corporation to make modifications to the design and specification of a Work that result in a change to the matters identified as core elements for that Work in the ISDP.

Final Draft

16 Standard of construction of Work

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

16.1.1 this Agreement;

16.1.2 the Concept Plan Approval;

16.1.3 any further agreement entered into by the Parties under clause 7;

16.1.4 any reasonable requirements and directions of the Council notified in writing to the Corporation before the Work is completed for the purposes of this Agreement, that are not inconsistent with this Agreement or any Development Consent for the Development;

16.1.5 the requirements of any approval, consent, permission or licence issued by a relevant Authority;

16.1.6 any Australian standards and other laws applicable to the Work; and

16.1.7 in a proper and workmanlike manner, complying with current industry practice and standards relating to the Work.

17 Maintenance and management of Works

17.1 The parties acknowledge and agree that the Vegetation Management Plan applies to the Land and the Corporation is required to comply with the terms of that document in respect of the Land.

17.2 The Corporation will maintain each Hard Landscaping Work, Soft Landscaping Work and any other parts of the Land subject to management actions as provided for in the Vegetation Management Plan during the Maintenance Period in accordance with any relevant standards set out in clause 16.1.

17.3 Despite any other provision of this Agreement, if the Corporation has complied with its obligations under this clause, the Council cannot make any Claim, objection or demand about the state or condition of a Work after the end of the Maintenance Period for that Work.

17.4 For the purposes of this clause, **maintenance** includes repairing damage caused by vandalism to the Work (including replacement of plants due to vandalism).

18 Access for Works

18.1 The Corporation is to permit the Council, its officers, employees, agents and contractors to enter the Land or any other land subject to the Concept Plan Approval at any time, upon giving reasonable prior notice, to:

18.1.1 inspect, examine or test any Work; or

18.1.2 remedy any breach by the Corporation in carrying out a Work.

18.2 The Council is to grant to the Corporation its officers, employees, agents and contractors to enter and occupy any land owned or controlled by the Council to:

18.2.1 enable the Corporation to carry out or prepare for any Work under this Agreement that is required to be carried out on that land; or

Final Draft

18.2.2 perform any other obligation imposed on the Corporation by this Agreement.

19 Protection of people and property

19.1 The Corporation is to ensure to the fullest extent reasonably practicable in carrying out any Work that:

19.1.1 all necessary measures are taken to protect people and property;

19.1.2 unnecessary interference with the passage of people and vehicles is avoided; and

19.1.3 nuisances and unreasonable noise and disturbances are prevented.

20 Completion of the Works

20.1 Any item (or any part) that comprises a Work is completed for the purposes of this Agreement when the Corporation gives the Council a Compliance Certificate (with respect to that item) issued by the Council or a suitably qualified independent person to that effect.

20.2 In this clause, **Compliance Certificate** has the same meaning as in s6.4(e) of the Act.

21 Procedures relating to the rectification of Defects

21.1 During the Defects Liability Period, the Council may give to the Corporation a Rectification Notice.

21.2 The Corporation must comply with a Rectification Notice:

21.2.1 at its own cost;

21.2.2 within three (3) months of the date it is served on the Corporation or by such other time as agreed between the Parties; and

21.2.3 according to its terms.

22 Deferral of Work

22.1 Notwithstanding any other provision of this Agreement, if the Corporation reasonably considers, at any time, that it is unable to make a Development Contribution comprising a Work by the time the Work is required to be completed under this Agreement, then:

22.1.1 the Corporation is to provide written notice to the Council to that effect;

22.1.2 the Corporation is to provide the Council with Security for the uncompleted part of the Work before the date on which the Work is required to be completed under this Agreement;

22.1.3 the Corporation is to provide to the Council, for approval, a revised completion date for the Work; and

Final Draft

22.1.4 the time for completion of the Work under this Agreement is the revised completion date approved or agreed to by the Council under this clause 22.1.

22.2 If the Corporation complies with clause 22.1 in relation to a Work, then it is not in breach of this Agreement as a result of a failure to complete the Work by the time for completion of the Work specified in Column 5 of Schedule 3.

23 Failure to carry out Work

23.1 Subject to clause 26, if the Council considers that the Corporation 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, the Council may give the Corporation a notice under this clause (**Works Breach Notice**).

23.2 The Works Breach Notice may require the Corporation to:

23.2.1 rectify the breach to the Council's satisfaction; and

23.2.2 immediately cease carrying out further work relating to the Work except to rectify the breach.

23.3 The Works Breach Notice must allow the Corporation not less than 28 days (or such further period as the Council considers reasonable in the circumstances) to rectify the breach.

23.4 Without limiting any other rights the Council has to enforce this Agreement, if the Corporation does not comply with a Works Breach Notice, then the Council may:

23.4.1 carry out and Complete the Work the subject of the Works Breach Notice; and

23.4.2 in the event the costs reasonably incurred by the Council in carrying out the Works the subject the Works Breach Notice cannot be met by the Security, the Corporation must pay the difference to the Council within twenty eight (28) days of receiving written demand for such payment by the Council.

23.5 Clauses 28 and 29 do not prevent the Council from giving a Works Breach Notice, nor do they apply to such a notice or the circumstances relating to the giving of that notice. Any procedure commenced under clause 28 or clause 29 ceases to apply when such a notice is given.

23.6 For the purposes of clause 23.4, the costs which the Council can recover include fees and charges incurred by the Council, the Council's employees, agents and contractors, and legal costs and expenses Works-as-executed-plan

23.7 No later than 60 days after a Work is completed in accordance with this Agreement, the Corporation is to submit to the Council a full works-as-executed-plan for the Work.

24 Hand-over of Works

24.1 Subject to anything to the contrary in this Agreement, Council accepts responsibility for a Work on the later of:

24.1.1 the date when the Work is completed for the purposes of this Agreement; or

Final Draft

24.1.2 if the Work is carried out on land which is to be dedicated to the Council under this Agreement, the date of dedication of that land.

24.2 The Corporation, at its own cost, is to repair and make good to the satisfaction of the Council (acting reasonably) any loss or damage to a Work from any cause whatsoever which occurs before the Work is completed for the purposes of this Agreement.

Part 5 –Enforcement and Disputes

25 Enforcement

25.1 The Parties acknowledge that Council is entitled to withhold a Subdivision Certificate in respect of a Development Area of the Development if the Development Contributions required by this Agreement to be provided prior to the issue of a Subdivision Certificate for that Development Area, have not been provided in accordance with this Agreement.

26 Council to consult before enforcing this Agreement

26.1 If the Council reasonably forms the opinion that the Corporation has failed to comply with an obligation under this Agreement, it is not to enforce this Agreement against the Corporation (including taking any action under clause 23) unless it has first notified the Corporation in writing of its intention to do so and has consulted with the Corporation as to:

26.1.1 the reason for the non-compliance;

26.1.2 the likely effects of the non-compliance; and

26.1.3 the Corporation's capacity in all of the circumstances to reasonably rectify the non-compliance.

26.2 The Council is not to enforce this Agreement against the Corporation unless, after having consulted with the Corporation;

26.2.1 it has reasonably formed the opinion the Corporation has no reasonable excuse for the non-compliance;

26.2.2 it has notified the Corporation in writing that it intends to enforce the Agreement not earlier than 14 days from the date of the notice; and

26.2.3 the notice specifies the enforcement action it intends to take.

26.3 At any time between the date of the notice referred to in clause 26.2 and the time when the Council takes action to enforce this Agreement, the Corporation may notify the Council of a dispute under clause 28 or 29.

26.4 If the Corporation notifies the Council in accordance with clause 26.3, the Council is not to enforce this Agreement against the Corporation in relation to the relevant non-compliance unless and until the dispute resolution process under clause 28 or 29 has been exhausted without resolution between the parties.

27 Enforcement in court

Final Draft

27.1 Subject only to clause 25, the Parties may enforce this Agreement in any court of competent jurisdiction.

27.2 For the avoidance of doubt, nothing in this Agreement prevents:

27.2.1 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; and

27.2.2 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.

28 Dispute resolution – expert determination

28.1 This clause applies to a dispute under this Agreement about a matter that can be determined by an appropriately qualified expert (**Expert Determination Dispute**).

28.2 Such a dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the dispute and requiring it to be determined by an appropriately qualified expert.

28.3 Within 14 days of the notice, the Parties are to meet to try to resolve the dispute.

28.4 If within a further 28 days the dispute is not resolved, the dispute must be referred to the President of the NSW Law Society to appoint an expert to determine the dispute.

28.5 The expert determination binds the Parties, except in the case of the expert's fraud or misfeasance.

28.6 Each Party must bear its own costs arising from or in connection with the appointment of the expert and the expert determination.

28.7 If the Parties disagree over whether a dispute is properly an Expert Determination Dispute, then either Party may refer that issue to the Chief Executive Officer (**CEO**) of the professional body that represents persons with the relevant expertise, for a determination of that issue. The CEO's determination is final and binds the Parties.

29 Dispute resolution - mediation

29.1 This clause applies to any dispute under this Agreement other than a dispute to which clause 28 applies.

29.2 Such a dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the dispute.

29.3 The Parties are then to meet within 14 days of the notice to try to resolve the dispute.

29.4 If the dispute is not resolved within a further 28 days, 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.

29.5 If the dispute is not resolved by mediation within a further 28 days, or any longer period that may be needed to complete any mediation process which

Final Draft

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.

30 Registration of this Agreement

30.1 Subject to clause 31, the Parties agree not to register this Agreement on the Land for the purposes of s7.6 of the Act.

31 Assignment, sale of Land, etc

31.1 Unless the preconditions specified in clause 31.2 are satisfied or unless the Council provides its written consent, the Corporation must not:

31.1.1 transfer the Land or any part of it, other than a Final Lot, to any person; or

31.1.2 assign its rights or obligations under this Agreement, or novate this Agreement, to any person.

31.2 The preconditions to be satisfied under clause 31.1 are:

31.2.1 the Corporation has provided to the Council security, in a form reasonably acceptable to Council, for the fulfilment of any Contributions that have not yet been fulfilled that directly relate to that part of the Land sought to be transferred; or

31.2.2 the Corporation has, at no cost to the Council:

(a) procured the execution by the person to whom the Corporation proposes to sell or transfer the Land or to whom the Corporation's rights or obligations under this Agreement are to be assigned or novated (**Third Party**), of an agreement in favour of the Council to the effect that the Third Party is bound as if a party to this Agreement but only in relation to that part of the Land which is being sold or transferred; and

(b) procured the registration of this Agreement on the title to that Land which is being sold or transferred, where Land is proposed to be transferred under clause 31.1.1, prior to registration of a transfer for that Land; and

31.2.3 the Corporation is not in breach of this Agreement.

31.3 An agreement entered into pursuant to clause 31.2.2:

31.3.1 must provide that the Third Party is to do all such things as necessary to enable the Corporation to comply with its obligations under this Agreement, if the Corporation will remain responsible for making any Development Contributions under the Agreement after the transfer, assignment or novation; and

31.3.2 may require the Third Party to provide security in a form acceptable to Council, in respect of the performance by the Third Party of obligations under this Agreement.

31.4 For the avoidance of doubt, unless otherwise agreed this clause does not require the Third Party to assume responsibility for obligations to make Development Contributions under this Agreement beyond those relating to the Development Area/s in which the Land being sold or transferred is located, as specified in Schedule 3.

Final Draft

Part 6 - Other provisions

32 Indemnity

32.1 Each Party indemnifies the other Party from and against all Claims that may be sustained, suffered, recovered or made against the other Party arising in connection with the performance of their obligations under this Agreement except if, and to the extent that, the Claim arises because of the other Party's negligence or default.

33 Insurance

33.1 The Corporation warrants, and Council acknowledges, that:

33.1.1 the Corporation has insurance cover against any liability arising from a breach by the Corporation of its obligations under this Agreement.

34 Termination of Agreement

34.1 This Agreement terminates at the later of:

34.1.1 when the Corporation has satisfied all of its obligations under this Agreement, including its obligations to rectify Defects under this Agreement; or

34.1.2 at the end of the Defects Liability Period for the last of the Works to be Completed.

35 Agreement not to apply to Final Lots

35.1 The parties acknowledge and agree that:

35.1.1 the Corporation intends to develop Final Lots, and associated infrastructure and facilities, on the Land;

35.1.2 it is the present intention of the Corporation to develop the Land into 1,715 Final Lots;

35.1.3 there will be further development on the Land after the creation of Final Lots by the Corporation (for example, the construction of dwellings); and

35.1.4 multiple dwellings may be created on Final Lots created by the Corporation as part of the Development (including the further subdivision of those Final Lots if permissible in the future).

35.2 It is the intention of the parties that this Agreement only apply to the Development of the Land:

35.2.1 by the Corporation, so as to create Final Lots, and associated infrastructure and facilities; and

35.2.2 by the Corporation, or any third party (if applicable), so as to construct the first single dwelling on a Final Lot,

Final Draft

35.3 On account of the matters referred to above, the parties agree that this Agreement no longer applies to any Final Lot upon:

35.3.1 Council issuing a Subdivision Certificate to the Corporation for a plan which, when registered, will create that Final Lot; and

35.3.2 upon the issue of an Occupation Certificate for the first single dwelling in respect of that Final Lot.

36 Review of this Agreement

36.1 The Corporation is to provide the Council with a report every 3 years detailing the performance of its obligations under this Agreement.

36.2 The report is to be:

36.2.1 given no later than every 3 years from the date on which this Agreement is entered into; and

36.2.2 in the form and addressing the matters the Council notifies to the Corporation from time to time.

36.3 The Parties are to review this Agreement every 3 years, and otherwise if either Party considers that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Agreement.

36.4 For the purposes of clause 36.3, the relevant changes include:

36.4.1 any change to a law that restricts or prohibits, or enables the Council or any other planning authority to restrict or prohibit, any aspect of the Development; or

36.4.2 any Alternative Funding has been obtained by any Party.

36.5 For the purposes of addressing any matter arising from a review of this Agreement referred to in clause 36.3, the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Agreement.

36.6 If this Agreement becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Agreement is entered into.

36.7 A Party's failure to agree to take action requested by the other Party as a consequence of a review referred to in clause 36.3 is not a dispute for the purposes of clauses 28 and 29, and is not a breach of this Agreement.

37 Confidentiality

37.1 The terms of this Agreement are not confidential and this Agreement may be treated as a public document and exhibited or reported without restriction by any Party.

37.2 The Parties acknowledge that:

37.2.1 confidential information may have been supplied to some or all of the Parties in the negotiations leading up to the making of this Agreement; and

37.2.2 the Parties may disclose to each other further confidential information in connection with the subject matter of this Agreement.

Final Draft

37.2.3 subject to clauses 37.3 and 37.4, each Party agrees:

(a) not to disclose any confidential information received before or after the making of this Agreement to any person without the prior written consent of the Party who supplied the confidential information; or

(b) to take all reasonable steps to ensure all confidential information received before or after the making of this Agreement is kept confidential and protected against unauthorised use and access.

37.3 A Party may disclose confidential information in the following circumstances:

37.3.1 in order to comply with the law, or the requirements of any Authority; or

37.3.2 to any of their employees, consultants, advisers, financiers or contractors to whom it is considered necessary to disclose the information, if the employees, consultants, advisers, financiers or contractors undertake to keep the information confidential.

37.4 The obligations of confidentiality under this clause do not extend to information which is public knowledge other than as a result of a breach of this clause.

38 Notices

38.1 A notice, consent, information, application or request (**Notification**) 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:

38.1.1 delivered or posted to that Party at its address set out in the Summary Sheet;

38.1.2 faxed to that Party at its fax number set out in the Summary Sheet; or

38.1.3 emailed to that Party at its email address set out in the Summary Sheet.

38.2 A Party may change its address, fax number or email address by giving the other Party 3 business days' notice of the change, in which case the new address, fax number or email address is treated as the address or number in the Summary Sheet.

38.3 A Notification is to be treated as given or made if it is:

38.3.1 delivered, when it is left at the relevant address;

38.3.2 sent by post, 2 business days after it is posted;

38.3.3 sent by fax, as soon as the sender receives from the sender's fax machine a report of an error-free transmission to the correct fax number; or

38.3.4 sent by email, and the sender does not receive a delivery failure message from the sender's internet service provider within a period of 24 hours of the email being sent.

38.4 If a Notification is delivered, or an error-free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm 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.

Final Draft

39 Approvals and consent

39.1 In this clause, a reference to an approval or consent does not include a reference to a Development Consent.

39.2 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.

39.3 A Party is to give its reasons for giving or withholding consent or for giving consent subject to conditions.

40 Costs

40.1 The Parties are each to pay their own costs of preparing, negotiating, executing and stamping this Agreement and any document related to this Agreement.

41 Entire Agreement

41.1 This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with.

41.2 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.

42 Further acts

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

43 Notations on section 149(2) Planning Certificates

43.1 The Council agrees not to make a notation under section 149(5) of the Act regarding this Agreement on any certificate issued under section 149(2) of the Act relating to the Land.

44 Governing law and jurisdiction

44.1 This Agreement is governed by the law of New South Wales.

44.2 The Parties submit to the non-exclusive jurisdiction of its courts, and are not to object to the exercise of jurisdiction by those courts on any basis.

45 Joint and individual liability and benefits

45.1 Except as otherwise set out in this Agreement:

Final Draft

45.1.1 any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually; and

45.1.2 any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

46 Representations and warranties

46.1 The Parties represent and warrant that they have power to enter into this Agreement and to comply with their obligations under the Agreement, and that entry into this Agreement will not result in the breach of any law.

47 Severability

47.1 If a clause or part of a clause 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.

47.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part of it is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

48 Modification

48.1 No modification of this Agreement has any effect unless it is in writing and signed by the Parties.

49 Waiver

49.1 A Party does not waive any of the other Party's obligation or breach of obligation merely by failing to do, or delaying in doing, something under this Agreement.

49.2 A waiver by a Party is effective only if it is in writing.

49.3 A written waiver by a Party is effective only in relation to the particular obligation or breach for which it is given. It is not to be taken as an implied waiver of any other obligation or breach, or as an implied waiver of that obligation or breach in relation to any other occasion.

50 GST

50.1 In this clause:

Adjustment Note, **Consideration**, **GST**, **GST Group**, **Margin Scheme**, **Money, Supply** and **Tax Invoice** have the meaning given by the GST Law.

GST Amount means in relation to a Taxable Supply the amount of GST payable for the Taxable Supply.

GST Law has the same meaning as 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.

Final Draft

Input Tax Credit has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a Party includes an Input Tax Credit for an acquisition made by that Party but to which another member of the same GST Group is entitled under the GST Law.

Taxable Supply has the meaning given by the GST Law, excluding (except where expressly agreed otherwise) a supply for which the supplier chooses to apply the Margin Scheme in working out the amount of GST on that supply.

50.2 Subject to clause 50.4, if GST is payable on a Taxable Supply made under, by reference to or in connection with this Agreement, the Party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.

50.3 Clause 50.2does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Agreement to be GST inclusive.

50.4 No additional amount is payable by the Council under clause 50.2 unless, and only to the extent that, the Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.

50.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Agreement by one Party to the other Party that are not subject to Division 82 of the *A New Tax System (Goods and Services Tax) Act 1999*, the Parties agree:

50.5.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies before issuing Tax Invoices for those Supplies;

50.5.2 that any amounts payable by the Parties in accordance with clause 50.2 (as limited by clause 50.4) to each other for those Supplies will be set off against each other to the extent that they are equivalent in amount.

50.6 No payment of any amount under this clause 50, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided the recipient with a Tax Invoice or Adjustment Note as the case may be.

50.7 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a Party, must exclude the amount of any Input Tax Credit entitlement of that Party in relation to the relevant cost, expense or other liability.

50.8 This clause continues to apply after expiration or termination of this Agreement.

Final Draft

Claymore Renewal Project Planning Agreement August 2018

Campbelltown City Council

New South Wales Land and Housing Corporation

Schedule 1

(Clause 1.1)

Land

Deposited Plan	Lot No	Ownership	Description	Areas
258939	33	Campbelltown City Council	Fullwood Reserve	67440
258939	34	New South Wales Land and Housing Corporation	Superlot	50640
258939	35	New South Wales Land and Housing Corporation	Superlot	113800
258939	50	New South Wales Land and Housing Corporation	Superlot	9690
258939	51	New South Wales Land and Housing Corporation	7 Boyd St Claymore	630.5
258939	52	New South Wales Land and Housing Corporation	1-3 Boyd St Claymore	654.9
258939	53	New South Wales Land and Housing Corporation	2 & 2A Leigh Cres Claymore	604.1
258939	54	New South Wales Land and Housing Corporation	4 Leigh Cres Claymore	566.3
258939	55	New South Wales Land and Housing Corporation	6 Leigh Cres Claymore	561.8
258939	56	New South Wales Land and Housing Corporation	8 Leigh Cres Claymore	582.6
258939	57	New South Wales Land and Housing Corporation	10-12 Leigh Cres Claymore	586.3
258939	58	New South Wales Land and Housing Corporation	16-18 Leigh Cres Claymore	591.2
258939	59	New South Wales Land and Housing Corporation	16-18 Leigh Cres Claymore	560.9
258939	60	New South Wales Land and Housing Corporation	20-22 Leigh Cres Claymore	560.9
258939	61	New South Wales Land and Housing Corporation	24 Leigh Cres Claymore	560.9
258939	62	New South Wales Land and Housing Corporation	26-28 Leigh Cres Claymore	574.7

Final Draft

Claymore Renewal Project Planning Agreement August 2018

Campbelltown City Council

New South Wales Land and Housing Corporation

258939	62	New South Wales Land and Housing Corporation	30 Leigh Cres Claymore	574.7
258939	64	New South Wales Land and Housing Corporation	32 Leigh Cres Claymore	656.3
258939	65	New South Wales Land and Housing Corporation	34 Leigh Cres Claymore	629.5
258939	66	New South Wales Land and Housing Corporation	36-38 Leigh Cres Claymore	598.8
258939	67	New South Wales Land and Housing Corporation	40 Leigh Cres Claymore	591.7
258939	68	New South Wales Land and Housing Corporation	29-31 Boyd St Claymore	673.4
258939	69	New South Wales Land and Housing Corporation	37-39 Leigh St Claymore	764.3
258939	70	New South Wales Land and Housing Corporation	41 Boyd St Claymore	604.3
258939	71	New South Wales Land and Housing Corporation	43-45 Boyd St Claymore	567.1
258940	1	Campbelltown City Council	Dobell Reserve	2178
258940	2	New South Wales Land and Housing Corporation	Superlot	21580
258940	3	New South Wales Land and Housing Corporation	Superlot	11170
258940	4*	New South Wales Land and Housing Corporation	Superlot	11330
* Further subdivided into Stage 1A, DP1203266 Lots 978-1070				
258940	5	New South Wales Land and Housing Corporation	Superlot	6264
258940	6	Campbelltown City Council	Burdekin Park	2128
258940	7	New South Wales Land and Housing Corporation	Superlot	5710
258940	8	Campbelltown City Council	Eldred Park	5306
258940	9	Campbelltown City Council	Eldred Park	1804
258940	10	New South Wales Land and Housing Corporation	Superlot	2137

Final Draft

Claymore Renewal Project Planning Agreement August 2018

Campbelltown City Council

New South Wales Land and Housing Corporation

258940	11	New South Wales Land and Housing Corporation	Superlot	5788
258940	12	Campbelltown City Council	Tate Park	779.5
258940	13	New South Wales Land and Housing Corporation	Superlot	8025
258940	14	New South Wales Land and Housing Corporation	Superlot	13170
258940	15	New South Wales Land and Housing Corporation	Superlot	19790
258940	16	Campbelltown City Council	Davis Park	8157
258940	17	Campbelltown City Council	Davis Park	16490
258940	18	New South Wales Land and Housing Corporation	Superlot	8193
258940	19*	Campbelltown City Council	Badgally Reserve	3863
* Further subdivided into Stage 1A, DP 1203266 Lots 978-1070				
258940	20*	New South Wales Land and Housing Corporation	Superlot	65890
* Further subdivided into Stage 1A, DP 1203266 Lots 978-1070				
258940	21*	New South Wales Land and Housing Corporation	Superlot	35980
* Further subdivided into Stage 1A, DP 1203266 Lots 978-1070				
258940	22*	New South Wales Land and Housing Corporation	Superlot	34560
* Further subdivided into Stage 1A, DP 1203266 Lots 978-1070				
258940	23*	Campbelltown City Council	Dimeny Park	20700
* Further subdivided into DP1210126 Lots 509-513				
258940	24*	New South Wales Land and Housing Corporation	Superlot	17390
* Further subdivided into Stage 1A, DP 1203266 Lots 978-1070				

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Claymore Renewal Project Planning Agreement August 2018

Campbelltown City Council

New South Wales Land and Housing Corporation

258940	25	New South Wales Land and Housing Corporation	Superlot	11490
258940	26	New South Wales Land and Housing Corporation	Superlot	11100
258940	27	New South Wales Land and Housing Corporation	Superlot	15090
258940	28*	Campbelltown City Council	Highfield Park	23280
* Further subdivided into DP1210126 Lots 509-513				
258940	29	New South Wales Land and Housing Corporation	Superlot	44870
258940	30	New South Wales Land and Housing Corporation	Superlot	22360
258940	31	New South Wales Land and Housing Corporation	Superlot	23810
258940	32	New South Wales Land and Housing Corporation	Fullwood Reserve	39210
258941	74	New South Wales Land and Housing Corporation	25 Crozier St Eagle Vale	605.9
258941	75	New South Wales Land and Housing Corporation	23 Crozier St Eagle Vale	569.3
258941	76	New South Wales Land and Housing Corporation	21 Crozier St Eagle Vale	667.4
258941	78	New South Wales Land and Housing Corporation	4 Blake Pl Eagle Vale	538.3
258941	79	New South Wales Land and Housing Corporation	6 Blake Pl Eagle Vale	738.2
258941	80	New South Wales Land and Housing Corporation	8 Blake Pl Eagle Vale	543.7
258941	82	New South Wales Land and Housing Corporation	3 Blake Pl Eagle Vale	601.1
258941	83	New South Wales Land and Housing Corporation	17 Crozier St Eagle Vale	700.2
258941	84	New South Wales Land and Housing Corporation	28 Crozier St Eagle Vale	692
258941	86	New South Wales Land and Housing Corporation	1 Auld Pl Eagle Vale	722.2
258941	87	New South Wales Land and Housing Corporation	3 Auld Pl Eagle Vale	627.6

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Claymore Renewal Project Planning Agreement August 2018

Campbelltown City Council

New South Wales Land and Housing Corporation

258941	88	New South Wales Land and Housing Corporation	5 Auld Pl Eagle Vale	612.4
258941	89	New South Wales Land and Housing Corporation	7 Auld Pl Eagle Vale	692.3
258941	90	New South Wales Land and Housing Corporation	9 Auld Pl Eagle Vale	601
258941	91	New South Wales Land and Housing Corporation	11 Auld Pl Eagle Vale	536.3
258941	92	New South Wales Land and Housing Corporation	8 Auld Pl Eagle Vale	516.3
258941	93	New South Wales Land and Housing Corporation	6 Auld Pl Eagle Vale	568.9
258941	94	New South Wales Land and Housing Corporation	4 Auld Pl Eagle Vale	571
258941	95	New South Wales Land and Housing Corporation	2 Auld Pl Eagle Vale	641.9
258941	96	New South Wales Land and Housing Corporation	36 Crozier St Eagle Vale	631.6
258941	98	New South Wales Land and Housing Corporation	40 Crozier St Eagle Vale	584
258941	99	New South Wales Land and Housing Corporation	42 Crozier St Eagle Vale	555.7
258941	100	New South Wales Land and Housing Corporation	44 Crozier St Eagle Vale	589.6
258941	102	New South Wales Land and Housing Corporation	47 Dobell Rd	614
258941	103	New South Wales Land and Housing Corporation	49 Dobell Rd	603.7
258941	104	New South Wales Land and Housing Corporation	51 Dobell Rd	612.7
258941	105	New South Wales Land and Housing Corporation	53 Dobell Rd	629.8
258941	107	New South Wales Land and Housing Corporation	57 Dobell Rd	700.7
258941	108	New South Wales Land and Housing Corporation	1 Carter Pl	601.9
258941	109	New South Wales Land and Housing Corporation	2 Carter Pl	710.2
258941	110	New South Wales Land and Housing Corporation	3 Carter Pl	675.2

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Claymore Renewal Project Planning Agreement August 2018

Campbelltown City Council

New South Wales Land and Housing Corporation

258941	111	New South Wales Land and Housing Corporation	4 Carter Pl	613.6
258941	112	New South Wales Land and Housing Corporation	5 Carter Pl	569.8
258941	113	New South Wales Land and Housing Corporation	6 Carter Pl	568.9
258941	114	New South Wales Land and Housing Corporation	7 Carter Pl	567.9
258941	115	New South Wales Land and Housing Corporation	8 Carter Pl	566.9
258941	116	New South Wales Land and Housing Corporation	9 Carter Pl	566
258941	117	New South Wales Land and Housing Corporation	10 Carter Pl	668.7
258941	118	New South Wales Land and Housing Corporation	11 Carter Pl	666.7
258941	119	New South Wales Land and Housing Corporation	12 Carter Pl	623.2
258941	120	New South Wales Land and Housing Corporation	37 Dobell Rd	756.9
258941	121	New South Wales Land and Housing Corporation	39 Dobell Rd	679.1
258941	122	New South Wales Land and Housing Corporation	41 Dobell Rd	627.2
258941	123	New South Wales Land and Housing Corporation	43 Dobell Rd	577.2
258941	124	New South Wales Land and Housing Corporation	45 Dobell Rd	584
258941	125	New South Wales Land and Housing Corporation	Reserve to be dedicated	58800
259322	901*	New South Wales Land and Housing Corporation	Badgally Reserve	13600
* Further subdivided into Stage 1A, DP 1203266 Lots 978-1070				
259322	902*	New South Wales Land and Housing Corporation	Badgally Reserve	41360
* Further subdivided into Stage 1A, DP 1203266 Lots 978-1070				
259322	903	New South Wales Land and Housing Corporation	Badgally Reserve	5374

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Claymore Renewal Project Planning Agreement August 2018

Campbelltown City Council

New South Wales Land and Housing Corporation

* Further subdivided into Stage 1A, DP 1203266 Lots 978-1070				
259322	904	New South Wales Land and Housing Corporation	Badgally Reserve	11390
259322	905	Campbelltown City Council	Badgally Reserve	3311
* Further subdivided into Stage 1A, DP 1203266 Lots 978-1070				
259322	906	Campbelltown City Council	Badgally Reserve	1333
262742	486	Land Commission of New South Wales**	2-8 Drysdale St Eagle Vale	2385
263050	5997	Campbelltown City Council	Brady Park	675
263776	501	New South Wales Land and Housing Corporation	Waratah Cottage	2482
263776	505	New South Wales Land and Housing Corporation	Claymore Pre School	5409
703539	2	New South Wales Land and Housing Corporation	Glenroy - Dobell Rd Claymore	22930
714038	507	New South Wales Land and Housing Corporation	Claymore Youth Centre	7422
714038	508	New South Wales Land and Housing Corporation	Reserve to be dedicated	16920
731888	1280	New South Wales Land and Housing Corporation	Non Dedicated Reserve	9690
775571	248	New South Wales Land and Housing Corporation	69 Gould Rd Eagle Vale	562.3
775571	249	New South Wales Land and Housing Corporation	71 Gould Rd Eagle Vale	636.4
775571	250	New South Wales Land and Housing Corporation	73 Gould Rd Eagle Vale	674.1
775571	251	New South Wales Land and Housing Corporation	75 Gould Rd Eagle Vale	740.2
775571	252	New South Wales Land and Housing Corporation	77 Gould Rd Eagle Vale	759.7
775571	253	New South Wales Land and Housing Corporation	2 Beryl Close Eagle Vale	634.1
775571	254	New South Wales Land and Housing Corporation	4 Beryl Close Eagle Vale	675.8

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Claymore Renewal Project Planning Agreement August 2018

Campbelltown City Council

New South Wales Land and Housing Corporation

775571	255	New South Wales Land and Housing Corporation	6 Beryl Close Eagle Vale	601.8
775571	256	New South Wales Land and Housing Corporation	7 Beryl Close Eagle Vale	665.7
775571	257	New South Wales Land and Housing Corporation	5 Beryl Close Eagle Vale	684.5
775571	258	New South Wales Land and Housing Corporation	3 Beryl Close Eagle Vale	709.6
775571	259	New South Wales Land and Housing Corporation	1 Beryl Close Eagle Vale	638.4
775571	260	New South Wales Land and Housing Corporation	83 Gould Rd Eagle Vale	595
804111	218	New South Wales Land and Housing Corporation	47 Boyd St Claymore	568.7
804111	219	New South Wales Land and Housing Corporation	49 Boyd St Claymore	560.2
804111	220	New South Wales Land and Housing Corporation	51 Boyd St Claymore	560.6
804111	221	New South Wales Land and Housing Corporation	53 Boyd St Claymore	561.7
804111	222	New South Wales Land and Housing Corporation	38 Boyd St Claymore	560
804111	223	New South Wales Land and Housing Corporation	36 Boyd St Claymore	560.2
804111	224	New South Wales Land and Housing Corporation	34 Boyd St Claymore	563.1
804111	225	New South Wales Land and Housing Corporation	32 Boyd St Claymore	599.3
804111	226	New South Wales Land and Housing Corporation	30 Boyd St Claymore	604.5
804111	227	New South Wales Land and Housing Corporation	28 Boyd St Claymore	583
804111	228	New South Wales Land and Housing Corporation	26 Boyd St Claymore	577.1
804111	229	New South Wales Land and Housing Corporation	24 Boyd St Claymore	577.1
804111	230	New South Wales Land and Housing Corporation	22 Boyd St Claymore	577.1
804111	231	New South Wales Land and Housing Corporation	20 Boyd St Claymore	582.7

Final Draft

Claymore Renewal Project Planning Agreement August 2018

Campbelltown City Council

New South Wales Land and Housing Corporation

804111	232	New South Wales Land and Housing Corporation	20 Boyd St Claymore	602.5
804111	233	New South Wales Land and Housing Corporation	1 Zeolite Pl Eagle Vale	612.2
804111	234	New South Wales Land and Housing Corporation	14 Boyd St Eagle Vale	583.5
804111	235	New South Wales Land and Housing Corporation	12 Boyd St Eagle Vale	562.7
804111	236	New South Wales Land and Housing Corporation	10 Boyd St Eagle Vale	579.6
804111	237	New South Wales Land and Housing Corporation	8 Boyd St Eagle Vale	653.5
804111	239	New South Wales Land and Housing Corporation	3 Fairweather Pl Eagle Vale	653.2
804111	240	New South Wales Land and Housing Corporation	5 Fairweather Pl Eagle Vale	563.8
804111	241	New South Wales Land and Housing Corporation	7 Fairweather Pl Eagle Vale	560
804111	242	New South Wales Land and Housing Corporation	9 Fairweather Pl Eagle Vale	560
804111	243	New South Wales Land and Housing Corporation	11 Fairweather Pl Eagle Vale	560
804111	244	New South Wales Land and Housing Corporation	13 Fairweather Pl Eagle Vale	560
804111	245	New South Wales Land and Housing Corporation	15 Fairweather Pl Eagle Vale	560
804111	246	New South Wales Land and Housing Corporation	17 Fairweather Pl Eagle Vale	561
804111	247	New South Wales Land and Housing Corporation	19 Fairweather Pl Eagle Vale	658.5
804111	248	New South Wales Land and Housing Corporation	21 Fairweather Pl Eagle Vale	1007
807572	3202	New South Wales Land and Housing Corporation	Claymore Neighbourhood Centre	9763
852796	101	New South Wales Land and Housing Corporation	13 Dobell Rd Claymore	4919
1067086	2	New South Wales Land and Housing Corporation	24-26 Drysdale St Eagle Vale	1197

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Claymore Renewal Project Planning Agreement August 2018

Campbelltown City Council

New South Wales Land and Housing Corporation

1067086	4	New South Wales Land and Housing Corporation	12-14 Drysdale St Eagle Vale	1121
1092945	2	Campbelltown City Council	Closed Rd	155.7
1109874	2	New South Wales Land and Housing Corporation		542
1109874	12	New South Wales Land and Housing Corporation	4 Evergold Pl Eagle Vale	513

** The Corporation is the statutory successor in title to the Housing Commission of New South Wales and the Land Commission of New South Wales. Any land registered in the name of the Housing Commission of New South Wales or the Land Commission of New South Wales is to be read as a reference to The Corporation (without the need for conveyance or transfer) in accordance with section 10 of Schedule 3 of the Housing Act, 2001.

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Schedule 2

(Clause 1.1)

Development

Development means the development of the Land generally in accordance with the Concept Plan Approval and as shown in the updated Development Area Plan at Schedule 4 up to 1,715 Final Lots.

Part 14 means the Land within Development Area 14 owned by the Corporation, being Lot 101 in Deposited Plan 852796 and Lot 501 in Deposited Plan 263776. For the avoidance of doubt, the majority balance of Development Area 14 which is not owned by the Corporation (i.e. Lot 100 in Deposited Plan 852796 and Lot 503 in Deposited Plan 263776) is not part of the Development Area and is excluded from this Planning Agreement.

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Schedule 3

(Clause 10)

Development Contributions

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No.	Item	Public Purpose	Scope	Timing of Provision	Contribution Value
Carrying out of Works and Dedication of Land					
1	Road works associated with Rosslyn Drive and Badgally Road Intersection	Road works	• Carrying out of Works as described under the heading 'Description of Works' in Item 1 of Part A of the ISDP. • Dedication of Land on which the Works are carried out.	• Works to be completed before the issuing of the Subdivision Certificate that creates the Stage 2A Development Area. • Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 2A Development Area .	$350,875
2	Contribution for Rosslyn Drive and Badgally Road Intersection Signalisation and Roadway Modifications	Intersection Upgrades	• The Corporation to provide $250,000 to the Council towards the upgrade costs of installing traffic signals at this intersection	• Payment to be made by the earlier of: (a) the completion of the Badgally Road upgrade by RMS or (b) the issuing of the Subdivision Certificate that creates the Stage 8 Development Area.	$250,000

3	Rosslyn Drive and Arkley Avenue Intersection (single lane roundabout)	Road works and Intersection Upgrades	• Carrying out of Works as described under the heading 'Description of Works' and 'Core Elements' in Item 1 of Part A of the ISDP. • Dedication of Land on which the Works are carried out.	• Works to be completed before the issuing of the Subdivision Certificate that creates the Stage 1A Development Area. • Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 1A Development Area.	$88,550
4	Rosslyn Drive and existing Gidley Crescent Intersection (single lane roundabout	Road works and Intersection Upgrades	• Carrying out of Works as described under the heading 'Description of Works' and 'Core Elements' in Item 1 of Part A of the ISDP. • Dedication of Land on which the Works are carried out.	• Works to be completed before the issuing of the Subdivision Certificate that creates the Stage 6A Development Area. • Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 6A Development Area.	$88,550
5	Rosslyn Drive and existing Dobell Road Intersection (single lane roundabout	Road works and Intersection Upgrades	• Carrying out of Works as described under the heading 'Description of Works' and 'Core Elements' in Item 1 of Part A of the ISDP. • Dedication of Land on which the Works are carried out.	• Works to be completed before the issuing of the Subdivision Certificate that creates the Stage 6B Development Area. • Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 6B Development Area.	$88,550
6	Glenroy Drive and Arkley Crescent Intersection (single lane roundabout	Road works and Intersection Upgrades	• Carrying out of Works as described under the heading 'Description of Works' and 'Core Elements' in Item 1 of Part A of the ISDP. • Dedication of Land on which the Works are carried out.	• Works to be completed before the issuing of the Subdivision Certificate that creates the Stage 10 Development Area. • Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 10 Development Area.	$88,550

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7	Local and other collector roads as shown in their general location on the Development Area Plan	Road works and Intersection Upgrades	• Carrying out of Works as described under the heading 'Description of Works' and 'Core Elements' in Item 1 of Part A of the ISDP. • Dedication of Land on which the Works are carried out.	• Works to be completed before the issuing of the Subdivision Certificate that creates the Development Area within which the local or collector road is located. • Land to be dedicated on or before the registration of the plan of subdivision that creates the Development Area within which the local or collector road is located.	$6,434,581
8	New roads adjacent to parks as shown in their general location on the Development Area Plan	Road works	• Carrying out of Works as described under the heading 'Description of Works' and 'Core Elements' in Item 1 of Part A of the ISDP. • Dedication of Land on which the Works are carried out.	• Works to be completed before the issuing of the Subdivision Certificate that creates the Development Area within which the new road adjacent to a park is located. • Land to be dedicated on or before the registration of the plan of subdivision that creates the Development Area within which the new road is located.	$1,079,179
9	Removal of Existing Underpasses	Road works	• Carrying out of Works as described under the heading 'Description of Works' and 'Core Elements' in Item 1 of Part A of the ISDP. • Dedication of Land on which the Works are carried out.	• Work to be completed before the issuing of the Subdivision Certificate that creates the Stage 8 Development Area. • Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 8 Development Area.	$139,150

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10	Trunk stormwater pipes and pits	Watercycle Management	• Carrying out of Works as described under the heading 'Description of Works' and 'Core Elements' in Item 2 of Part A of the ISDP. • Dedication of Land on which the Works are carried out.	• Works to be completed before the issuing of the Subdivision Certificate that creates the Development Area within which the trunk stormwater pipes and pits are located. • Land to be dedicated on or before the registration of the plan of subdivision that creates the Development Area within which the trunk stormwater pipes and pits are located.	$3,293,841
11	Brady Park Engineering upgrades	Watercycle Management	• Carrying out of Works as described under the heading 'Description of Works' and 'Core Elements' in Item 2 of Part A of the ISDP. • Dedication of Land on which the Works are carried out.	• Work to be completed before the issuing of the Subdivision Certificate that creates the Stage 13 Development Area. • Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 13 Development Area.	$151,800
12	Fullwood Reserve infiltration swale and detention basin works	Watercycle Management	• Carrying out of Works as described under the heading 'Description of Works' and 'Core Elements' in Item 2 of Part A of the ISDP. • Dedication of Land on which the Works are carried out.	• Works to be completed before the issuing of the Subdivision Certificate that creates the Stage 11 Development Area. • Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 11 Development Area.	$810,865
13	Gross pollutant traps	Watercycle Management	• Carrying out of Works as described under the heading 'Description of Works' and 'Core Elements' in Item 2 of Part A of the ISDP. • Dedication of Land on which the Works are carried out.	• Works to be completed before the issuing of the Subdivision Certificate that creates the Development Area within which the gross pollutant traps are located. • Land to be dedicated on or before the registration of the plan of subdivision that creates the Development Area within which the gross pollutant are located.	$442,750

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14	Badgally Reserve (generally in the location shown on the Development Area Plan)	Passive recreation / play area	• Carrying out of Works as described under the heading 'Description of Works' and 'Core Elements' in Item 3 of Part A of the ISDP. • Dedication of Land on which the Works are carried out.	• Works to be completed before the issuing of the Subdivision Certificate that creates the Stage 1A Development Area. • Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 1A Development Area.	$561,770
15	Landscape Buffer to Badgally Road (generally in the location shown on the Development Area Plan)	Passive recreation	• Carrying out of Works as described under the heading 'Description of Works' and 'Core Elements' in Item 4 of Part A of the ISDP. • Dedication of Land on which the Works are carried out.	• Works to be completed before the issuing of the Subdivision Certificate that creates the Stage 1A Development Area. • Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 1A Development Area.	$189,899
16	Davis Park (generally in the location shown on the Development Area Plan)	Passive recreation / play area	• Carrying out of Works as described under the heading 'Description of Works' and 'Core Elements' in Item 5 of Part A of the ISDP. • Dedication of Land on which the Works are carried out.	• Works to be completed before the issuing of the Subdivision Certificate that creates the Stage 6A Development Area. • Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 6A Development Area.	$507,078
17	Dimeny Park (generally in the location shown on the Development Area Plan)	Passive recreation / play area	• Carrying out of Works as described under the heading 'Description of Works' and 'Core Elements' in Item 6 of Part A of the ISDP. • Dedication of Land on which the Works are carried out.	• Works to be completed before the issuing of the Subdivision Certificate that creates the Stage 5 Development Area. • Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 5 Development Area.	$379,879

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18	Fullwood Reserve (generally in the location shown on the Development Area Plan)	Active recreation / play area	• Carrying out of Works as described under the heading 'Description of Works' and 'Core Elements' in Item 7 of Part A of the ISDP. • Dedication of Land on which the Works are carried out.	• Works to be completed before the issuing of the Subdivision Certificate that creates the Stage 11 Development Area. • Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 11 Development Area.	$2,564,227
19	Brady Park (generally in the location shown on the Development Area Plan)	Passive recreation	• Carrying out of Works as described under the heading 'Description of Works' and 'Core Elements' in Item 8 of Part A of the ISDP. • Dedication of Land on which the Works are carried out.	• Works to be completed before the issuing of the Subdivision Certificate that creates the Stage 13 Development Area. • Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 13 Development Area.	$1,367,262
20	Multipurpose Community Facility (to be incorporated into the future Retail Centre Precinct as shown on the Development Area Plan)	Community Facilities	• Carrying out of Works as described under the heading 'Description of Works' and 'Core Elements' in Item 9 of Part A of the ISDP. • Dedication of Land on which the Works are carried out.	• Works to be completed before the issuing of the Subdivision Certificate that creates the Stage 7 Development. • Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 7 Development.	$2,278,645
21	Public Art	Public Art	• Provision of public art as described in the Concept Plan Approval and associated Environmental Assessment Reports.	• Works to be completed as agreed with Council.	$174,289
Total Contribution Value					**$21,330,290**

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Claymore Renewal Project Planning Agreement August 2018
Campbelltown City Council
New South Wales Land and Housing Corporation

Schedule 4

(Clause 1.1)

Development Area Plan

8085607_2

Claymore Renewal Project Planning Agreement August 2018
Campbelltown City Council
New South Wales Land and Housing Corporation

Execution

Executed as an Agreement

Dated:

Executed on behalf of the Council

_____

General Manager

_____

Witness/Name/Position

Executed on behalf of The Corporation by its duly authorised delegate and I have no notice of revocation of such delegation

_____	_____
Signature of Delegate	**Signature of Witness**
_____	_____
Name of Delegate	**Name of Witness**

Final Draft

Infrastructure Services Delivery Plan

Claymore Renewal Project

January 2018

Works listed in Schedule 3 of the Planning Agreement between
NSW Land and Housing Corporation and Campbelltown City Council

Table of Contents

Purpose 1
Proposed development 2
Timing 2
Planning Agreement Summary Table 4
Development Contributions – Carrying Out of Works 10
1. Roads Works (incl. Cycleways and Bus Stops) and Intersection Upgrades 10
2. Detention Facilities, Gross Pollutant Traps and Bio-Retention Devices 17
3. Badgally Reserve 20
4. Landscape Buffer to Badgally Road 22
5. Davis Park 23
6. Dimeny Park 25
7. Fullwood Reserve 27
8. Brady Park 29
9. Community Facilities 31
Part B: 32
Land Dedication and Acquisition Provisions 32
1. Associated Costs 32
2. Dedication Timing 32
3. Public Roads 32
4. Parks and Open Space 33
5. Acquisition 33
6. Land Remediation 34

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Commercial in Confidence

Purpose

The Claymore Renewal Project Infrastructure Services Delivery Plan (ISDP) is a document which details the items of work to be delivered by way of a Planning Agreement between NSW Land and Housing Corporation (the Developer) and Campbelltown City Council (the Council).

The physical and social renewal of the area will be supported by the appropriate provisions of infrastructure necessary to support the existing and new community. The works set out in the ISDP has been designed consistent with the Claymore Renewal Concept Plan (refer to Figure A) approved via Part 3A of the Act in May 2013.

The ISDP is a defined term in the Planning Agreement and is specifically referenced in that document as follows:-

1. In Schedule 3 to Clause 10 of the Planning Agreement which lists the Core Elements to be delivered as Development Contributions; and
2. In Clause 11 of the planning agreement which provides that the content of the ISDP can be considered in determining whether to approve a variation to the scope or timing for the provision of Development Contributions under the Planning Agreement.

To assist in the interpretation and implementation of the Planning Agreement, this ISDP includes:-

- A more detailed description of the scope of works consistent with the approved Concept Plan showing the general location and configuration of works on the site. This is consistent with and in some cases provides more detail than the Plan at Schedule 4 of the Planning Agreement;
- A budget estimate (ex. GST) for the delivery of the item based on the scope of works and/or concept plans referenced; and
- A rationale for the staging of delivery of each item of works based on Development Area/Stage or lot threshold of works. Figure B identifies the development stages/areas for the works.

In reading this document, the following should be noted:-

- The Description of the Works outlines the scope of works proposed to be delivered.
- These cost estimates include allowances for contingency, professions fees, approvals, maintenance and defects liability period.
- All hard landscaping works will be maintained by the Developer for a period no longer than 12 months from the completion of works. Soft landscaping works will be maintained by the Developer for 24 months from the date of completion.
- Maintenance does not include repair works due to vandalism but includes provision for replacement of plants due to vandalism.
- The estimated budgets are outlined to give an understanding and context to the scope of works proposed. There is nothing to stop the same works being delivered at a reduced cost if efficiencies can be negotiated at tender or through the detailed design stage. Any cost savings achieved by the Developer do not need to be passed on to Council.

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- For the ISDP items, a scope of works has been defined as a performance specification (ie. Roads, drainage, utilities etc.) An upper limit fixed price for all items is provided.

- On a project of this size, there is provision for flexibility in time when the Developer and Council can negotiate refinements or changes to the details of the infrastructure provisions and delivery timing pursuant to Clause 11 of the Planning Agreement. The flexibility is subject to the following limitations and assurances:

    - Conditions attached to the Part 3A approval or subsequent planning approvals for the redevelopment of Claymore; and
    - The Description of Works identified in the ISDP cannot be varied without an amendment.

The following schedules provided in Part A and Part B of the ISDP detail the scope, budget and staging of all items of works consistent with Schedule 3 of the Planning Agreement.

Proposed development

The Claymore Renewal Project involves the redevelopment of the existing Claymore public housing estate. The renewal area comprises approximately 1,151 dwellings, 98% of which are in public ownership. The current 'Radburn' design of the estate has resulted in poor amenity and poor environmental and social outcomes, including poor quality open spaces, lack of surveillance and poor maintenance of common areas.

The Claymore Renewal Project seeks to improve the quality of the social and urban environment by creating conditions conducive to the establishment of a sustainable place to live. The project comprises a new urban structure within the renewal area reflecting a new street pattern and subdivision layout based around a series of existing and new infrastructure and dwellings. The Concept Plan will provide in the order of 1,490 dwellings upon completion of the project.

Timing

Timing and provision of items (works and land) of the development project will be generally in accordance with the indicative timing outlined in this ISDP. However, it is recognised that the Development Areas identified in the indicative sequencing plan should only be treated as indicative and it may become necessary to modify the sequencing based on the delivery of the proposed development. Items of material public benefit will be provided in conjunction with the relevant development area.

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Figure A – Claymore Renewal Concept Plan and Development Areas

Figure B – Updated Masterplan

Planning Agreement Summary Table

Item		Public Purpose	Scope	Contribution Value	Timing	Relevant Development Area
1	Roadworks associated with Rosslyn Drive and Badgally Road Intersection	Road Works	Carrying out of Work as described under the heading '*Road Works (incl. Cycleways and Bus Stops) and Intersection Upgrades*' in Part A of the ISDP as relevant to the intersection of Rosslyn Drive and Badgally Road in accordance with the Concept Approval and associated Environmental Assessment Reports.	$350,875	Work to be completed before the issuing of the Subdivision Certificate that creates the Stage 2 Development	1A
			Dedication of Land on which the Works are carried out.		Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 2 Development.	
	Monetary contributions for Rosslyn Drive and Badgally Road Intersection Signalisation and Roadway Modification	Intersection Upgrades	Payment of monetary contribution in the amount of $250,000.00	$250,000	Payment to be made by the earlier of: (a) the completion of the Badgally Road upgrade by RMS or (b) the issuing of the Subdivision Certificate that creates the 825th Final Lot in the Development	1A
2	Arkley Avenue and Rosslyn Drive Intersection (single lane roundabout)	Road Works and Intersection Upgrades	Carrying out of Work as described under the heading '*Road Works (incl. Cycleways and Bus Stops) and Intersection Upgrades*' in Part A of the ISDP as relevant to Arkley Avenue/Rosslyn Drive Intersection in accordance with the Concept Plan Approval and associated Environmental Assessment Reports.	$88,550	Work to be completed before the issuing of the Subdivision Certificate that creates the Stage 1A Development.	1A
			Dedication of Land on which the Works are carried out.		Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 1A Development.	
3	Glenroy Drive and Arkley Avenue Intersection (single lane roundabout)	Road Works and Intersection Upgrades	Carrying out of Work as described under the heading '*Road Works (incl. Cycleways and Bus Stops) and Intersection Upgrades*' in Part A of the ISDP as relevant to Glenroy Drive / Arkley Avenue Intersection in accordance with the Concept Plan Approval and associated Environmental Assessment Reports.	$88,550	Work to be completed before the issuing of the Subdivision Certificate that creates the Stage 11 Development.	10

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			Dedication of Land on which the Works are carried out.		Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 11 Development.	
4	Dobell Road and Rosslyn Drive intersection (single lane roundabout)	Road Works and Intersection Upgrades	Carrying out of Work as described under the heading '*Road Works (incl. Cycleways and Bus Stops) and Intersection Upgrades*' in Part A of the ISDP as relevant to the Dobell Road/Rosslyn Drive intersection, in accordance with the Concept Plan Approval and associated Environmental Assessment Reports.	$88,550	Work to be completed before the issuing of the Subdivision Certificate that creates the Stage 8 Development.	6A
			Dedication of Land on which the Works are carried out.		Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 8 Development.	
5	Glenroy Drive and existing Norman Crescent Intersection (single lane roundabout)	Road Works and Intersection Upgrades	Carrying out of Work as described under the heading '*Road Works (incl. Cycleways and Bus Stops) and Intersection Upgrades*' in Part A of the ISDP as relevant to Glenroy Drive/existing Norman Crescent Intersection in accordance with the Concept Plan Approval and associated Environmental Assessment Reports.	$88,550	Work to be completed before the issuing of the Subdivision Certificate that creates the Stage 10 Development.	10
			Dedication of Land on which the Works are carried out.		Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 10 Development.	
6	Collector Roads	Road Works and Intersection Upgrades	Carrying out of Work as described under the heading '*Road Works (incl. Cycleways and Bus Stops) and Intersection Upgrades*' in Part A of the ISDP as relevant to collector roads in accordance with the Concept Plan Approval and associated Environmental Assessment Reports.	$6,434,581	Work to be commenced before the issuing of the Subdivision Certificate that creates the Relevant Development Area within which the collector road is located.	1A, 1B, 2A, 2B, 3A, 3B, 4A, 5, 6A, 6B, 7, 8
			Dedication of Land on which the Works are carried out.		Arrangements for dedication of Land to be agreed in writing on or before the registration of the plan of subdivision that creates the Relevant Development Area within which the collector road is located and land to be dedicated in accordance with	

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					those arrangements	
7	Road Adjacent Parks	Road Works and Intersection Upgrades	Carrying out of Work as described under the heading '*Road Works (incl. Cycleways and Bus Stops) and Intersection Upgrades*' in Part A of the ISDP as relevant to roads adjacent to parks in accordance with the Concept Plan Approval and associated Environmental Assessment Reports.	$1,079,179	Work to be commenced before the issuing of the Subdivision Certificate that creates the Relevant Development Area within which the road adjacent to parks is located	1A, 2A, 4B, 5, 6A, 9, 11, 13, 14
			Dedication of Land on which the Works are carried out.		Arrangements for dedication of Land to be agreed in writing on or before the registration of the plan of subdivision that creates the Relevant Development Area within which the road adjacent to parks is located and land to be dedicated in accordance with those arrangements	
8	Removal of Existing Underpasses	Road Works and Intersection Upgrades	Carrying out of Work as described under the heading '*Road Works (incl. Cycleways and Bus Stops) and Intersection Upgrades*' in Part A of the ISDP as relevant to removal of existing underpasses in accordance with the Concept Plan Approval and associated Environmental Assessment Reports.	$139,150	Work to be completed before the issuing of the Subdivision Certificate that creates the Stage 7 Development.	6B
			Dedication of Land on which the Works are carried out.		Land to be dedicated on or before the registration of the plan of subdivision that creates the Stage 7 Development.	
9	Trunk stormwater pipes and pits	Watercycle Management	Carrying out Work as described under the heading *'Detention Facilities, Gross Pollutant Traps and Bio-Retention Devices'* in Part A of the ISDP as relevant to trunk stormwater pipes and pits in accordance with Concept Plan Approval and associated Environmental Assessment Reports.	$3,293,841	Work to be commenced before the issuing of the Subdivision Certificate that creates the Relevant Development Area within which the trunk stormwater pipes and pits is located	All Development Areas
			Dedication of Land on which the Works are carried out.		Arrangements for dedication of Land to be agreed in writing on or before the registration of the plan of subdivision that	

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					creates the Relevant Development Area within which the trunk stormwater pipes and pits is located and land to be dedicated in accordance with those arrangements	
10	Brady Park existing basin civil works	Watercycle Management	Carrying out Work as described under the heading *'Detention Facilities, Gross Pollutant Traps and Bio-Retention Devices'* in Part A of the ISDP as relevant to Brady Park existing basin civil works in accordance with Concept Plan Approval and associated Environmental Assessment Reports.	$151,800	Work to be completed before the issuing of the Subdivision Certificate that creates the Stage 13 Development.	13
			Dedication of Land on which the Works are carried out.		Land to be dedicated on or before the completion of works.	
11	Fullwood Reserve infiltration swale civil works	Watercycle Management	Carrying out Work as described under the heading *'Detention Facilities, Gross Pollutant Traps and Bio-Retention Devices'* in Part A of the ISDP as relevant to Fullwood Reserve infiltration swale civil works in accordance with Concept Plan Approval and associated Environmental Assessment Reports.	$431,365	Work to be completed before the issuing of the Subdivision Certificate that creates the Stage 12 Development.	11
			Dedication of Land on which the Works are carried out.		Land to be dedicated on or before the completion of works.	
12	Detention Basin (North-East of development)	Watercycle Management	Carrying out Work as described under the heading *'Detention Facilities, Gross Pollutant Traps and Bio-Retention Devices'* in Part A of the ISDP as relevant to a detention basin (North-East of development) in accordance with Concept Plan Approval and associated Environmental Assessment Reports.	$379,500	Work to be commenced before the issuing of the Subdivision Certificate that creates the Stage 12 Development	11
			Dedication of Land on which the Works are carried out.		Land to be dedicated on or before the completion of works	
13	Gross Pollutant Traps	Watercycle Management	Carrying out Work as described under the heading *'Detention Facilities, Gross Pollutant Traps and Bio-Retention Devices'* in Part A of the ISDP as relevant to gross pollutant traps in accordance with Concept Plan Approval and associated Environmental Assessment Reports.	$442,750	Work to be commenced before the issuing of the Subdivision Certificate that creates the Relevant Development Area within which the Gross Pollutant Traps is located.	6A, 11, 12, 13
			Dedication of Land on which the Works are carried out.		Arrangements for dedication of Land to be agreed in writing on or before	

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					the registration of the plan of subdivision that creates the Relevant Development Area within which the Gross Pollutant Traps is located and land to be dedicated in accordance with those arrangements	
14	Brady Park	Open Space and Landscape Works	Carrying out Work as described under the heading *'Brady Park'* in Part A of the ISDP in accordance with Concept Plan Approval and associated Environmental Assessment Reports.	$1,367,262	Work to be commenced before the issuing of the Subdivision Certificate that creates the Relevant Development Area within which Brady Park is located	12, 13
			Dedication of Land on which the Works are carried out.		Land to be dedicated on or before the completion of works	
15	Davis Park	Open Space and Landscape Works	Carrying out Work as described under the heading *'Davis Park'* in Part A of the ISDP in accordance with Concept Plan Approval and associated Environmental Assessment Reports.	$507,078	Work to be commenced before the issuing of the Subdivision Certificate that creates the Stage 6A Development	6A
			Dedication of Land on which the Works are carried out.		Land to be dedicated on or before the completion of works	
16	Fullwood Reserve	Open Space and Landscape Works	Carrying out Work as described under the heading *'Fullwood Reserve'* in Part A of the ISDP in accordance with Concept Plan Approval and associated Environmental Assessment Reports.	$2,564,227	Work to be commenced before the issuing of the Subdivision Certificate that creates the Stage 11 Development	9, 11
			Dedication of Land on which the Works are carried out.		Land to be dedicated on or before the completion of works	
17	Badgally Reserve	Open Space and Landscape Works	Carrying out Work as described under the heading *'Badgally Reserve'* in Part A of the ISDP in accordance with Concept Plan Approval and associated Environmental Assessment Reports.	$561,770	Work to be commenced before the issuing of the Subdivision Certificate that creates the Stage 1A Development	1
			Dedication of Land on which the Works are carried out.		Land to be dedicated on or before the completion of works	

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18	Dimeny Park	Open Space and Landscape Works	Carrying out Work as described under the heading *'Dimeny Park'* in Part A of the ISDP in accordance with Concept Plan Approval and associated Environmental Assessment Reports.	$379,879	Work to be commenced before the issuing of the Subdivision Certificate that creates the Stage 5 Development	5
			Dedication of Land on which the Works are carried out.		Land to be dedicated on or before the completion of works	
19	Landscape buffer to Badgally Road	Open Space and Landscape Works	Carrying out Work as described under the heading *'Landscape Buffer to Bagdally Road'* in Part A of the ISDP in accordance with Concept Plan Approval and associated Environmental Assessment Reports.	$189,899	Work to be commenced before the issuing of the Subdivision Certificate that creates the Stage 2 Development	1
			Dedication of Land on which the Works are carried out.		Land to be dedicated on or before the completion of works	
20	Community Centre	Community Facilities	Carrying out Work as described under the heading *'Community Facilities'* in Part A of the ISDP in accordance with Concept Plan Approval and associated Environmental Assessment Reports.	$2,278,645	Work to be commenced before the issuing of the Subdivision Certificate that creates the 825th Final Lot in the Development.	3B
			Dedication of Land on which the Works are carried out.		Land to be dedicated on or before the completion of works	
21	Public Art	Public Art	Provision of public art as described in the Concept Plan Approval and associated Environmental Assessment Reports.	$174,289	Work to be commenced before the issuing of the Subdivision Certificate that creates the Relevant Development area within which the public art is located	3B, 11
			Dedication of Land on which the Works are carried out.		Land to be dedicated on or before the completion of works	
			Total Contribution Value	**$21,330,290**		

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Part A:
Development Contributions – Carrying Out of Works

1. Roads Works (incl. Cycleways and Bus Stops) and Intersection Upgrades

Public purpose:	Roads, Traffic and Transport
Development Area/Staging Rationale	Various – refer to Planning Agreement Summary Table.
Description of Works	**Road Works:** The road works include the demolition of redundant roads and underpasses, embellishment of retained existing roads and the construction of new roads, verges, cycleways, footpaths, bus stops and shelters. Whilst some existing roads will be embellished with new landscaping and footpaths, it is not proposed to upgrade the pavement of existing dedicated roads. Refer to figure 1.1 for the Road Hierarchy Plan. The various road types will be designed in accordance with Figures 1.2 - 1.7. **Cycleways and Shared Paths:** The bicycle network includes both on-street cycleways and off-street shared paths. On-street cycleways include standalone bicycle lanes or integrated with parking lanes with appropriate signage and line marking. Off-street shared paths are provided along the verge of roads or through public open space. Refer to Figure 1.8 for Proposed Bicycle Routes. **Bus Stops and Shelters:** Bus stops are to be provided within easy walking distance (maximum 400m) from all residences. Bus stop signage shall be installed in accordance with Campbelltown City Council and the local bus authority. The stops will be located generally in accordance with the Proposed Bus Routes plan shown in Figure 1.9. This will include 3 bus shelters. **Intersection Upgrades:** Existing intersections that require upgrades have been approved via the Concept Plan and will be designed in accordance with Figure 1.10. None of the intersections require any additional land acquisition to provide the intended configurations.
Core Elements	▪ Collector Roads ▪ Roads Adjacent to Parks ▪ Removal of Existing Underpasses ▪ Badgally Road / Proposed Rosslyn Drive Intersection Signalised and Roadway modification ▪ Dobell Road/ Proposed Rosslyn Drive Intersection (Single Lane Roundabout) ▪ Glenroy Drive / Arkley Avenue Intersection (Single Lane Roundabout) ▪ Rosslyn Drive / Arkley Avenue Intersection (Single Lane Roundabout) ▪ Glenroy Drive / Existing Norman Cres Intersection (Single Lane Roundabout)
Estimates Works Value:	The estimated cost for the works listed above is **$8,607,985**

Figure 1.1 – Road Hierarchy Plan

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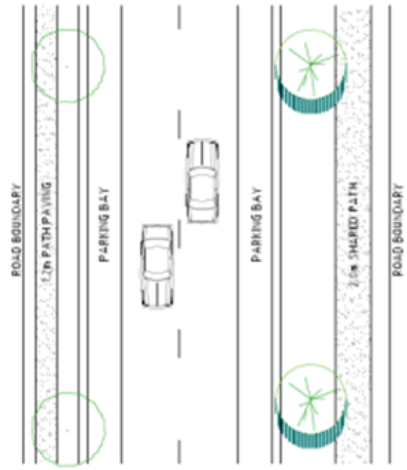
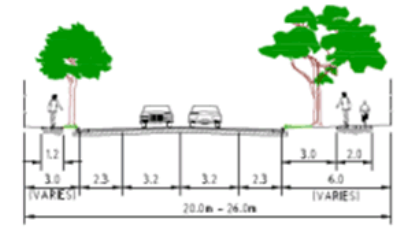
Figure 1.2

Figure 1.3

Road Type A: Existing 20 – 26m Collector

New Line marking and Tree Bays





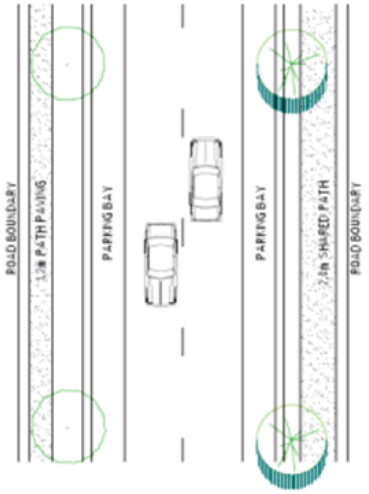
COLLECTOR ROAD 20 - 26m WIDE

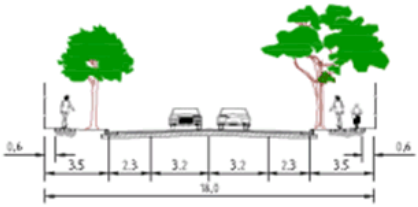
SCALE 1:200

(TYPE A)

Road Type B1: Existing 18m minor Collector

New Line marking and Tree Bays





MINOR COLLECTOR 18.0m WIDE

SCALE 1:200

(TYPE B1)

Figure 1.4

Road Type B2: 18m Minor Collector "Retail Zone"

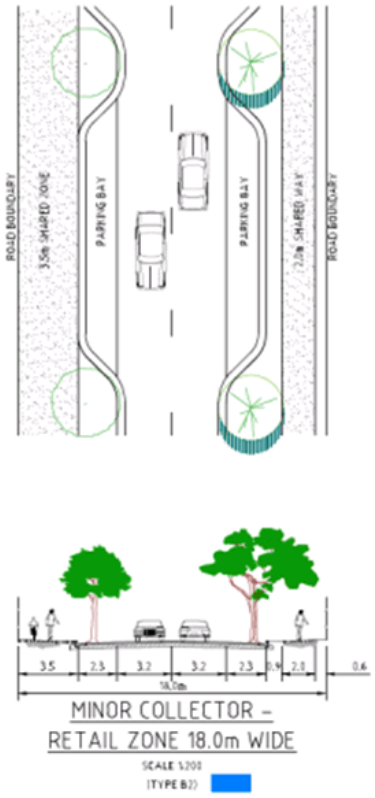


Figure 1.5

Road Type C: Local Street 14.8m

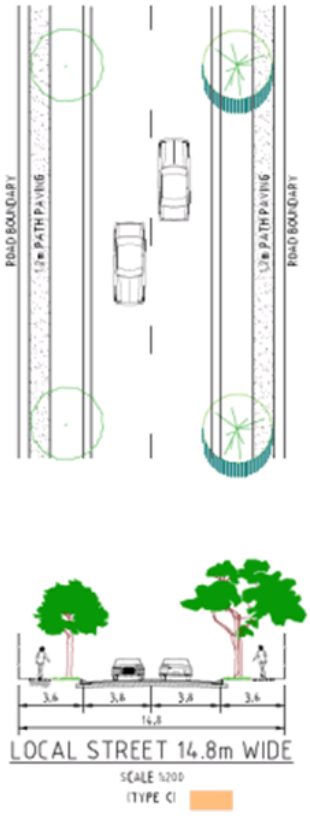


Figure 1.6

Road Type D: 13.2m Cul-de-sac

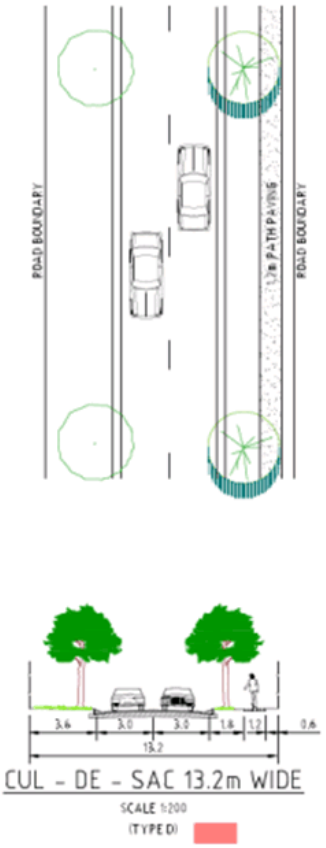


Figure 1.7

Road Type E: 8m Laneway

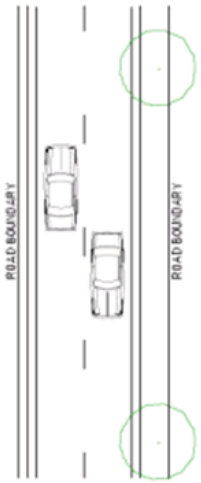


Figure 1.8 – Proposed bicycle routes in Claymore

Figure 1.9: Proposed Bus Routes

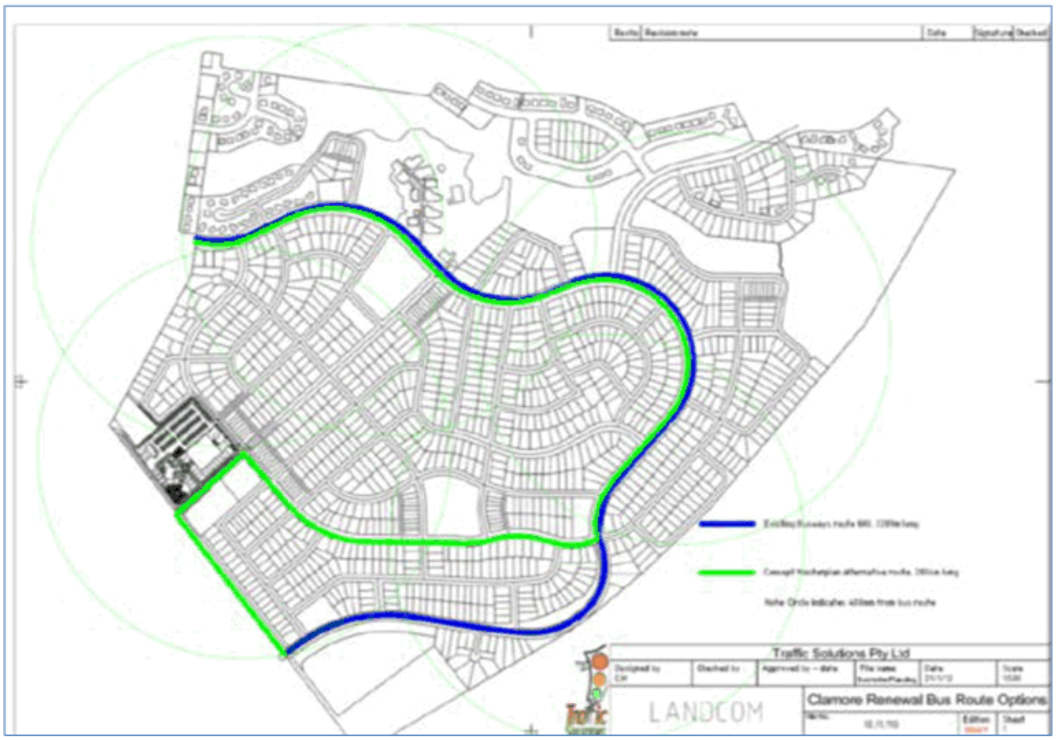
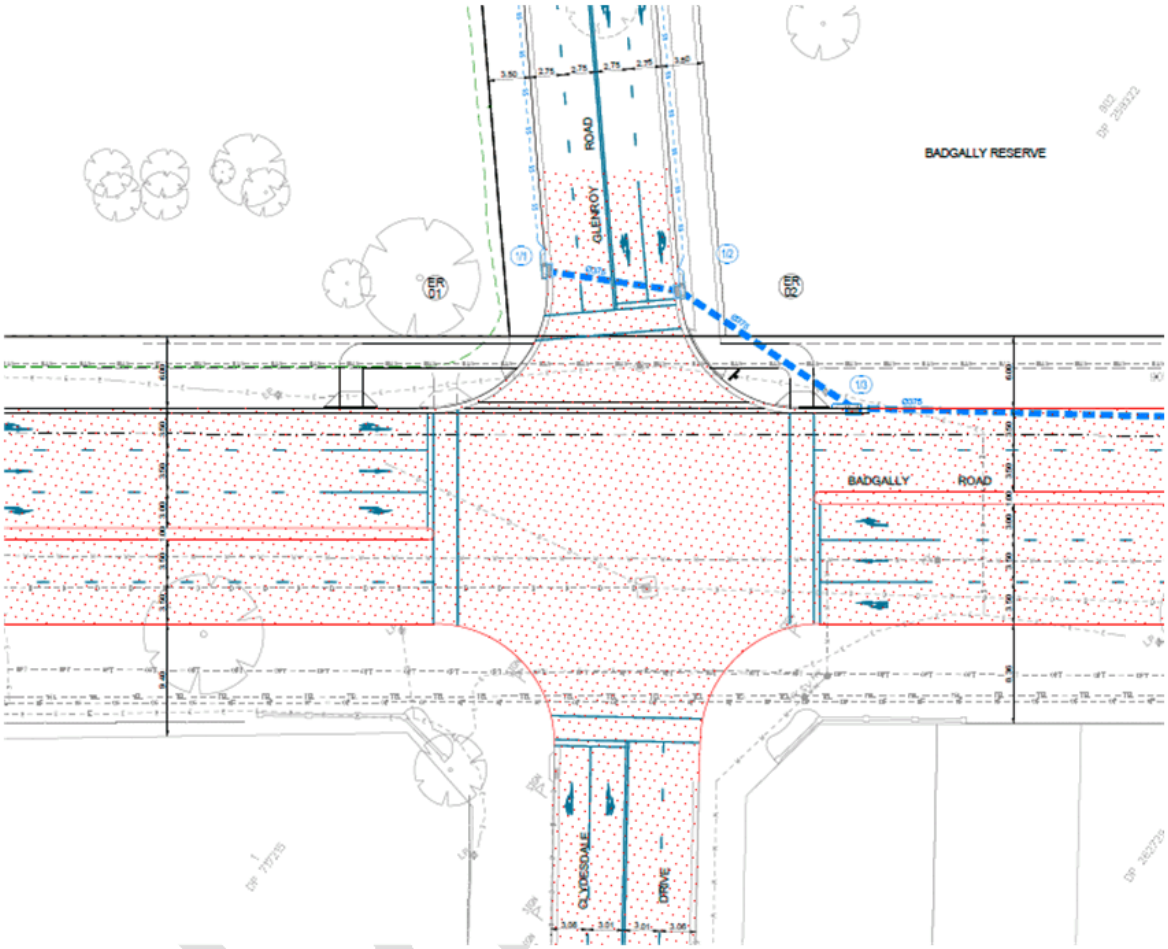


Figure 1.10 – Proposed Intersection Upgrades



2. Detention Facilities, Gross Pollutant Traps and Bio-Retention Devices

Public purpose:	Water Cycle and Water Quality Management
Development Area/Staging Rationale	Various – refer to Planning Agreement Summary Table.
Description of Works	**Detention Facilities:** it is proposed to construct a single, stormwater detention facility in Fullwood Reserve at the location of the existing soccer playing field. As a minimum it will adequately mitigate the stormwater quantity/flooding impacts created by the development before discharging downstream of the proposed development as per the approved Concept Plan documentation. **Gross Pollutant Traps and Bio-Retention Devices:** The GPT's will be standard proprietary pre-cast units requiring excavation and installation. The bio-retention facilities will require excavation, liner material, subsoil drainage, filter media and grass plantings capable of withstanding temporary inundation and periods of drought. Refer to Figures 2.1 and 2.2 for the approved Water Cycle Management Plan and Water Quality Strategy for Claymore Renewal.
Core Elements	▪ Trunk Stormwater Pipes and Pits (ex. network in collector roads) ▪ Brady Park Engineering Upgrades (existing basins) ▪ Proposed Gross Pollutant Traps ▪ Fullwood Reserve Engineering incl. Infiltration Swale ▪ Detention Basin (North-East of development) – existing playing field – Fullwood Reserve ▪ Proposed Gross Pollutant Traps / Bio-Retention Facilities
Estimates Works Value:	The estimated cost for the items of works listed above is **$4,699,256**
Area:	TBA

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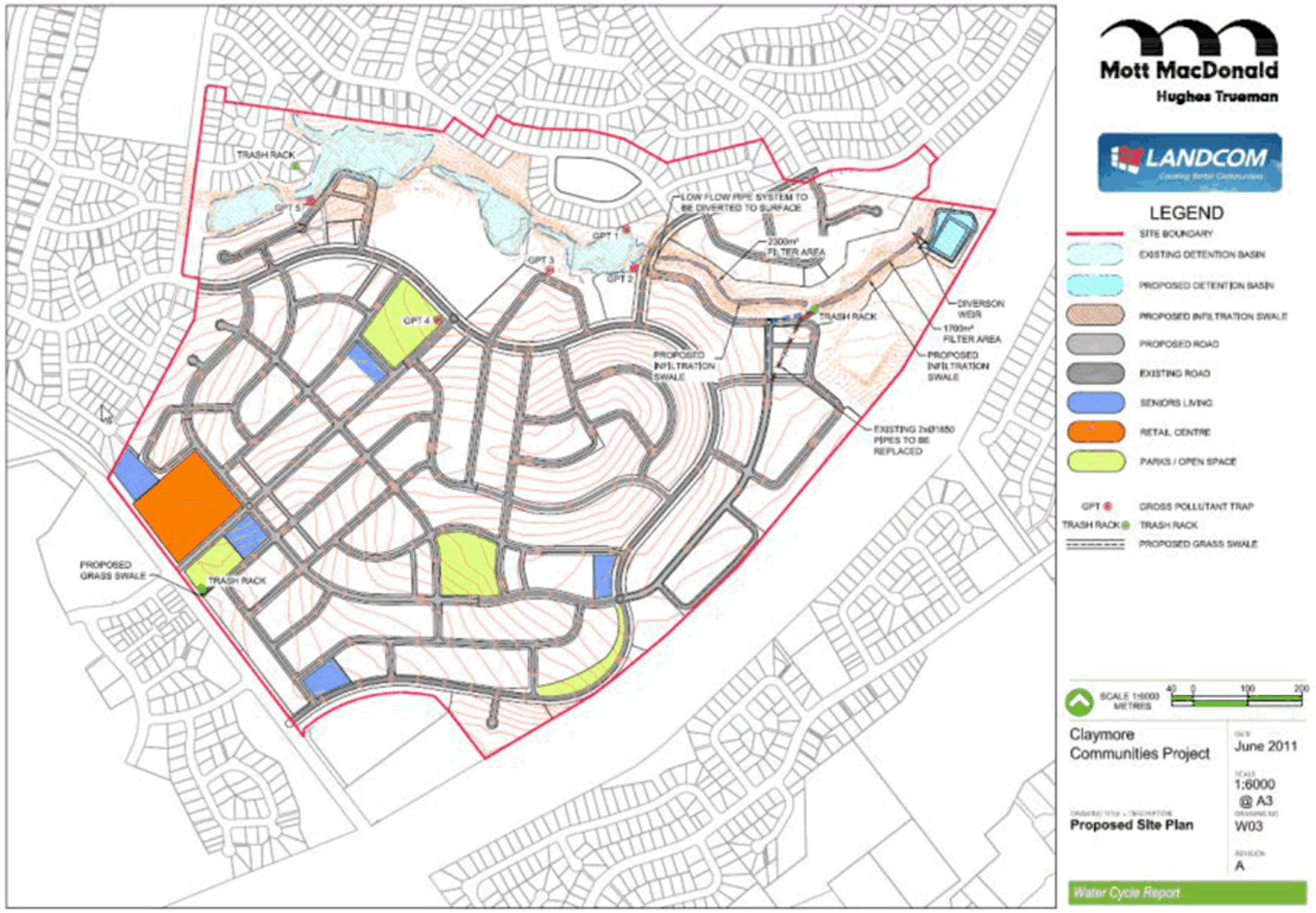
Figure 1.1: Water cycle management plan - general layout



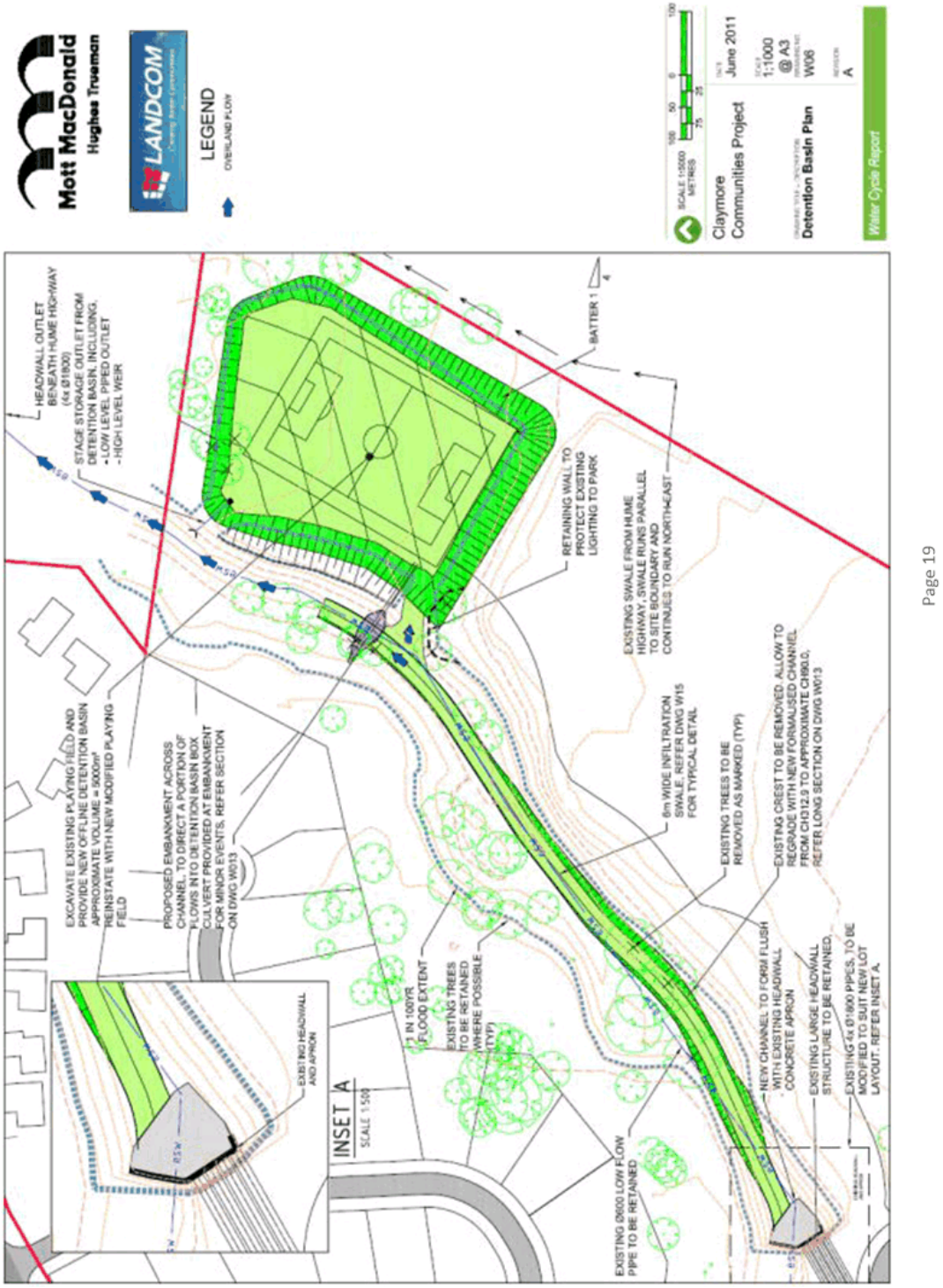


Figure 1.2: Proposed Detention Facilities

3. Badgally Reserve

Public purpose:	Public Open Space
Development Area/Staging Rationale	Stage 1A
Description of works	Badgally Reserve will include landscaping to create a village green. Refer to Figures 3.1 and 3.2 for Badgally Reserve Concept Plans.
Core Elements	**Badgally Reserve Landscaping** ▪ Create Village Green with Concrete seating wall surrounds; ▪ Provide 1.2m wide pedestrian path meandering centrally throughout Badgally Reserve; ▪ Provide additional deciduous trees to line the pedestrian path and highlight the entry to the development; **Playing Areas** ▪ Younger children's play area located in close proximity of shade structure nearby. Rubber softfall to be used under all play equipment. Play equipment to a value of up to $120,000 supply and install; ▪ BBQ and picnic setting to be incorporated.
Estimates Works Value:	The estimated cost for the Badgally Reserve is **$561,770.**
Area:	0.58ha

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Figure 3.1 – Badgally Reserve

4. Landscape Buffer to Badgally Road

Public purpose:	Public Open Space
Development Area/Staging Rationale	Stage 1A
Description of works	Landscape buffer to Badgally Road is to provide a visual separation between the development and Badgally Road.
Core Elements	▪ Provide Mass Planting and a fence with brick piers and timber infill along Badgally Road where residential lots back onto Badgally Road.
Estimates Works Value:	The estimated cost for Landscape Buffer to Badgally Road is **$189,899.**
Area:	0.189ha

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5. Davis Park

Public purpose:	Public Open Space
Development Area/Staging Rationale	Stage 6A
Description of works	Davis Park facilities will be improved and will include realigning the current open space, a new basketball court, younger children's play area and additional tree planting. Refer to Figure 5.1 for Davis Park Concept Plan.
Core Elements	**Playing Fields** ▪ Realign current football field to create a passive kick around open space with over runs of 5 metres around; ▪ Remove existing goal posts and provide new passive fixtures as directed by council; ▪ Provide 2 x shaded seating; ▪ Provide concrete pathway to new seating area; ▪ Provide new Basketball Court; ▪ Pedestrian path linking to school; ▪ Younger children's play area located adjacent to proposed Basketball Court. Rubber softfall to be used under all play equipment; ▪ Demolish existing amenities block.
Estimates Works Value:	The estimated cost for Davis Park works is **$507,078**
Area:	1.289ha

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Figure 5.1 – Davis Park

6. Dimeny Park

Public purpose:	Public Open Space
Development Area/Staging Rationale	Stage 5
Description of works	Dimeny Park will retain as much existing vegetation as possible, embellished with low planting relocate playground equipment centrally and retain cultural items within the park. Refer to Figure 6.1 for Dimeny Park Concept Plan.
Core Elements	▪ Relocate existing shade structure; ▪ Retain and upgrade the existing entry plaza; ▪ Upgrade existing low planting area; ▪ Additional tree planting around the playground; ▪ Maintain existing concrete playing courts; ▪ Provide additional seating in addition to the current seating; ▪ Maintain cultural artefacts. ▪ Younger children's play area to be relocated centrally. Rubber softfall to be used under all play equipment. Play equipment to a value of up to $75,000 supply and install.
Estimates Works Value:	The estimated cost for Dimeny Park works is **$379,879.**
Area:	0.89ha

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Figure 6.1 – Dimeny Park

7. Fullwood Reserve

Public purpose:	Public Open Space
Development Area/Staging Rationale	Various Stages 9 & 11
Description of works	Upgrade existing northern amenities building (Item 3 in Figure 7.1)to the value of $300,000, upgrade playing fields including the provision of lights to fields and other areas of the parks, footpaths to ensure the connectivity to the remainder of the development, additional tree planting, picnic facilities including BBQ, shade structure, bubblers, picnic settings and bins, additional benches and new 80 bay car park.
Core Elements	▪ Maintain current playing field layout of 2 x playing fields and 1 x kick about/warm up area; ▪ Retain existing goal posts; ▪ Provide flood lights on 25m steel poles with a minimum 50 lux to whole field with provision to increase to 100 lux in the future; ▪ Provide lighting to remainder of park to Endeavour Energy's basic standard; ▪ Sports fields to be turfed as required; ▪ Provide picnic facilities including BBQ, shade structure, bubblers, picnic settings and bins; ▪ Provide 6 x benches; ▪ Provide a 2.0m wide pedestrian footpath and 3.0m wide shared adjacent to the sporting fields; ▪ Provide additional tree planting along footpaths and along M5; ▪ Provide additional planting to infiltration areas; ▪ Upgrade existing northern amenities building to the value of $300,000 or provision of monetary contribution in lieu; ▪ Provide a new 80 bay carpark with new driveway and retro fit existing car park; ▪ Younger children's play area located adjacent to proposed carpark. Rubber softfall to be used under all play equipment. Play equipment to a value of up to $75,000 supply and install.
Estimates Works Value:	The estimated cost Fullwood Reserve works is **$2,564,227**
Area:	Approximately 8.88ha

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Figure 7.1 – Fullwood Reserve

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8. Brady Park

Public purpose:	Public Open Space
Development Area/Staging Rationale	Various – Stages 12 & 13
Description of works	The aim is to conserve remnant vegetation of conservation value within Claymore and to undertake long term regeneration and management of the reserves to enhance habitat for threatened species and endangered ecological communities. Refer to Figure 8.1 for Brady Park Plan.
Core Elements	▪ Cumberland Plain Woodland and River Flat Forest Regeneration and Revegetation; ▪ Provide a 1.2m wide pedestrian footpath and 2.5m wide shared footpath to provide connectivity to existing footpath network; ▪ Provide lighting to Brady Park to Endeavour Energy's basic standard.
Estimates Works Value:	The estimated cost for Brady Park bushland regeneration works is **$1,367,262.**
Area:	7.963ha

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Figure 8.1 – Brady Park

9. Community Facilities

Public purpose:	Community Facilities
Development Area/Staging Rationale	Stage 3B
Description of works	Provide a new Multipurpose Community Centre and Facility Centre within the Town Centre.
Core Elements	**Construct New Multipurpose Community Facility Centre** ▪ Construct a new Community Facilities Centre (integration of community centre and, child and family centre) on a minimum 1,450m2 lot within the new Retail Precinct; ▪ 750m2 of Gross Floor Area (includes external accessible toilet facilities and 100m2 of storage, but excludes fixtures, furniture and equipment - defined as any movable furniture, fixtures or equipment that has no permanent connection to the structure of the building); ▪ Provide a building capable of operating a 40 space child care facility; ▪ Provision of a dedicated car parking area of 20 spaces; ▪ Landscaping for the 650m2 curtilage and external lighting inclusive of parking area;
Estimates Works Value:	The estimated cost Multipurpose Community Facility Centre works is **$2,278,645**
Area:	TBC

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Part B:
Land Dedication and Acquisition Provisions

A significant amount of Public Land exists within the Claymore Renewal project site. Much of that land will remain as public land during and after the redevelopment process, while additional public land will also be created. There are three types of land proposed to be dedicated to Campbelltown City Council upon the completion of the works identified in this plan. These are:

- Public Roads (in accordance with the provisions of the Roads Act, 1993);
- Community Land for use as Parks and Open Space (in accordance with the provisions of the Local Government Act 1993); and
- Operational Land to be used for Community Facilities (in accordance with the provisions of the Local Government Act 1993).

1. Associated Costs

It is important to recognise that the cost estimates do not include any costs associated with the acquisition or dedication of land to Council for the purposes of roads and public open space.

Compensation for the Developer's compulsory acquisition of land originally owned by Council is to be based on a 'peppercorn' payment, to reflect the future dedication of land at no cost to Council as public road, public open space and operational community land.

2. Dedication Timing

Following the completion of construction and embellishment works in accordance with this ISDP, all public roads, open space areas and new community facilities shall be dedicated to Council as part of the relevant subdivision certificate process for that stage of development.

3. Public Roads

In order to facilitate the construction of new road connections and intersections, the proposed redevelopment will require that some of the existing public roads within the development site be closed or partially closed, and new public roads built and dedicated in accordance with the new subdivision layout.

Closure or partial closure of the existing public roads will be carried out by compulsory acquisition by the Developer under the Housing Act 2001 and Land Acquisition (Just Terms Compensation) Act. Compulsory acquisition of public roads by the Developer from Campbelltown City Council will have the effect of closing the roads.

Council's agreement would be required prior to any acquisition and road closure process. The dimensions and areas of each public road or part thereof intended to be acquired must be identified in each relevant development application and carried out in accordance with the Roads Act 1993.

Subsequent survey and detailed design would be required on plans of acquisition for lodgement at the Land and Property Information.

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4. Parks and Open Space

Existing public open space areas within the development site are currently owned by both NSW Land & Housing Corporation (Developer) and Campbelltown City Council (Council). Figure 10.1 identifies 15.27 hectares of open space currently owned by Council.

During the redevelopment process, the location and shape of existing open space may be changed to suit the new road and lot layout and so it will be necessary for the Developer to acquire part or all of the existing open space from Council.

The existing and new open space areas will also be enhanced and redeveloped prior to dedication back to Council as public open space. Figure 10.2 identifies the proposed 19.85 hectares of open space that will be dedicated back to Council.

5. Acquisition

NSW Land and Housing Corporation (Developer) and Campbelltown City Council (Council) acknowledge that:

- Some Council owned land will require reclassification and/or transfer out of Council ownership and into the Developer's ownership in order to achieve the subdivision layout and the orderly Development of the Land;
- Some Council owned land may also require the removal of dealings or registration of dealings on title; and
- Some interests in Council owned land may be acquired by the Developer using its acquisition powers, at nil or nominal value,

as required, in order to achieve the orderly development of the Land generally consistent with the updated masterplan at Figure B.

DRAFT

6. Land Remediation

During the redevelopment process, localised existing areas of contaminated ground may become disturbed. As part of the redevelopment works, some existing lands will require validation before handover / dedication. Due to the split ownership of land between NSW Land & Housing Corporation (Developer) and Campbelltown City Council (Council), the following specific remediation protocols will be observed based on current ownership:

- Land currently owned by Council to be compulsorily acquired by the Developer and subsequently dedicated back to Council without works will not be subject to remediation and/or validation;
- Land currently owned by Council to be compulsorily acquired by the Developer and subsequently dedicated back to Council with works will be subject to remediation and/or validation via an unexpected finds protocol or a remediation action plan, only associated with the works;
- Land currently owned by Council to be acquired by the Developer for residential allotments will require validation certificates;
- Land currently owned by the Developer to be dedicated as open space/road reserves to Council will require validation certificates;
- Land currently owned by the Developer as residential allotments to remain unchanged (i.e. no changes to lot layout, cottages to remain) will not physically be able to be validated and therefore will not require certificates;
- Land currently owned by the Developer as residential allotments to remain as such, but with layout changes will require validation certificates.

All validation certificates are to be provided by a suitably qualified Environmental Engineer in accordance with the requirements of SEPP55 – Remediation of Land.

Figure 10.1 – Existing Council Owned Open Space Plan

Figure 10.2 – Proposed Council Owned Open Space Plan

Explanatory Note

Environment Planning and Assessment Regulations 2000

Clause 25E

Claymore Renewal Project Planning Agreement 2018
Campbelltown City Council
New South Wales Land and Housing Corporation

1 Planning Agreement

The purpose of this Explanatory Note is to provide a summary to support the notification of the proposed planning agreement in relation to the Claymore Renewal Project (**Planning Agreement**) under section 7.4 of the Environmental Planning and Assessment Act 1979 (NSW) (**Act**).

This Explanatory Note has been prepared jointly by the relevant parties, in accordance with clause 25E(3) of the Environmental Planning and Assessment Regulation 2000 (NSW) (**Regulation**).

2 Parties

The parties to the Planning Agreement are:

1. **Campbelltown City Council** (ABN 31 459 914 087) of Civic Centre, cnr Queen Street and Broughton Street, Campbelltown, NSW 2560 (**Council**); and
2. **New South Wales Land and Housing Corporation** (ABN 24 960 729 253) of Level 5, 219-241 Cleveland Street, Strawberry Hills, NSW 2012 (**The Corporation**)

3 Description of the Land to which the Planning Agreement applies

The Land to which the Planning Agreement applies is described in Schedule 1 (Clause 1.1) of the Planning Agreement (**Land**).

4 Background

The Corporation is the owner of part of the Land. The Land is located within the Campbelltown local government area.

On 24 May 2013 the Minister granted the Concept Plan Approval for the Claymore Renewal Project (**Renewal Project**). The Concept Plan Approval has been modified once on 22 October 2013. The Renewal Project is a staged residential development of low and medium density residential lots located on the Land, as well as associated roads, utilities, open space, recreation facilities, public art areas and trunk storm water management network. The Corporation intends to develop the Land into up to 1,715 final lots.

The Renewal Project is underway. Stage 1 and Stage 2 are complete, with Stage 3 currently in the planning phase. The Corporation intends to lodge future development applications to Council in relation to further stages of the Renewal Project, which will be consistent with the terms and objectives of the Concept Plan Approval.

There is a significant amount of local infrastructure that is required to be provided to meet the demands of the urban development expected in the Claymore Renewal Project. This Planning Agreement provides for the provision of that infrastructure as well as other public benefits.

5 Summary of Objectives, Nature and Effect of the Planning Agreement

5.1 Objectives

The objectives of the Planning Agreement are as follows:

- to provide infrastructure, facilities and services;
- to provide dedication of part of the Land to the Council; and
- to maximise provision efficiencies by supporting The Corporation's delivery of infrastructure at or around the same time as the Land is subdivided and developed.

5.2 Nature

The nature of the Planning Agreement is a planning agreement under section 7.4 of the Act. It is a voluntary agreement under which The Corporation makes Development Contributions (as defined in clause 1.1 of the Planning Agreement) for various public purposes (as defined in section 7.4(2) of the Act).

The Development Contributions are broadly described as follows:

- carrying out of roads works and intersection upgrades associated with Rosslyn Drive, Badgally Road, Arkley Avenue, Dobell Road and Arkley Crescent as well as other local roads;
- construction of a Multipurpose Community Facility;
- trunk stormwater drainage facilities; and
- embellishment and dedication of active and passive recreation areas within the project area.

The details and timing of these Development Contributions are set out in Schedule 3 (Clause 10) of the Planning Agreement.

The Corporation is not required to pay a monetary Development Contribution under the Planning Agreement unless the Council, after having received The Corporation's notice under clause 12.2, has given to The Corporation a tax invoice for the amount of the Development Contribution.

5.3 Effect

The Planning Agreement:

- relates to the carrying out of the Renewal Project by The Corporation;
- wholly excludes the application of section 7.11 and section 7.12 of the Act to the Renewal Project;
- does not exclude the application of section 7.24 of the Act to the Renewal Project;
- requires dedication of the Land and carrying out of Works;
- is not to be registered on the title to the Land for the purposes of section 7.6 of the Act;
- imposes restrictions on The Corporation transferring the Land or part of the Land or assigning an interest under the Planning Agreement;
- provides dispute resolution methods for a dispute which arises under the Planning Agreement, including expert determination and mediation;

- provides that the Planning Agreement is governed by the law of New South Wales; and
- provides that the A New Tax System (Goods and Services Tax) Act 1999 (Cth) applies to the Planning Agreement.

6 Assessment of the merits of the Planning Agreement

6.1 Impact on Public Interest

The public benefits to be secured by the Planning Agreement flow from the achievement of the Planning Agreement's Objectives (as set out in section 5.1 of this Explanatory Note).

There are provisions in the Planning Agreement relating the implementation of the Planning Agreement which protects and upholds the public interest. These provisions include:

- provisions, including clause 21 of the Planning Agreement requiring The Corporation to the rectification of defects; and
- provisions, including clause 22 of the Planning Agreement requiring The Corporation to provide security for the uncompleted part of the Work, in accordance with clause 22 and clause 23 of the Planning Agreement.

6.2 Promote the Public Interest

The Planning Agreement promotes the public interest by promoting the objects of the Act as set out in section 1.3 of the Act (see section 6.3 of this Explanatory Note).

6.3 Planning Purposes Served by the Planning Agreement

The planning purposes served by the Planning Agreement are addressed in accordance with the objects of the Act, found in section 1.3.

Objects of the Act (section 1.3)	How the Planning Agreement promotes the objects of the Act
(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	The Renewal Project is an undertaking for the long term rejuvenation of the Claymore public housing estate to create a sustainable, mixed community. The urban renewal of the area is designed to address issues of urban structure, housing quality and social mix based on a detailed consideration of the characteristics of the site and its context including the existing community. The Planning Agreement provides a basis for the management of the delivery of the local infrastructure requirements of the Renewal Project. Specifically, the Renewal Project also provides and coordinates community facilities and services, including a multipurpose Community Facility which is to be incorporated into the Renewal Project.
(c) to promote the orderly and economic use and development of land	Orderly development of the Land is encouraged by the Planning Agreement through the delivery of local infrastructure at or around the same time as the surrounding development which requires it.

(d) to promote the delivery and maintenance of affordable housing	The Planning Agreement facilitates the delivery of the Renewal Project. Particularly in relation to housing mix, the Renewal Project will: • facilitate the de-concentration of social housing within the estate; • provide an efficient residential layout that can accommodate a range of lot sizes and housing types; • provide an active and viable community hub which can cater for the retail and social needs of local residents, and potentially the wider community; • create opportunities for seniors living accommodation and affordable housing; and • ensure design options are robust.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	A Vegetation Management Plan has been agreed for the Renewal Project and the Planning Agreement provides that it will be complied with. The Planning Agreement also stipulates that Hard and Soft Landscaping Work will be undertaken in accordance with applicable Australian standards.
(g) to promote good design and amenity of the built environment	The Planning Agreement provides a basis which will shape how the Renewal Project will function but also how it will feel for its inhabitants. It advocates for good design and amenity of the built environment by involving the Council, The Corporation and the community throughout the stages of development to stimulate the economy and enhance the environment.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The Planning Agreement provides a basis for the standard of construction and the maintenance and management of Works undertaken in relation to the Renewal Project. The Planning Agreement provides for the protection of people and property in the carrying out of any work in respect of the Renewal Project.
(j) to provide increased opportunity for community participation in environmental planning and assessment	The Renewal Project has been designed for the community and with the input of the community. The Concept Plan, each development application for each Stage of the development and this Planning Agreement are being exhibited for community consultation.

7 Planning Authority

7.1 Councils

The Planning Agreement promotes the elements of the Council's Charter under section 8 of the Local Government Act 1993 (NSW) by:

- providing services and infrastructure for the benefit of the local community;
- providing effective financial and asset management, including sound policies and processes for performance management reporting and asset maintenance and enhancement;
- providing an opportunity for the community to make submissions to the Council in relation to the Planning Agreement.

7.2 Development Corporation

N/A

7.3 Other Public Authorities

N/A

7.4 Planning Authority's capital works program

The Council's capital works program does not apply to the Planning Agreement.

8 Requirements to be complied with before a certificate is issued

Schedule 3 (Clause 10) of the Planning Agreement contains details of when Development Contributions are to be met by The Corporation.

The requirements to be complied with before the issuing of a Subdivision Certificate are as follows:

- road works associated with Rosslyn Drive and Badgally Road Intersection;
- road works associated with Rosslyn Drive and Arkley Avenue Intersection (single lane roundabout);
- road works associated with Rosslyn Drive and existing Gidley Crescent Intersection (single lane roundabout);
- road works associated with Rosslyn Drive and existing Dobell Road Intersection (single lane roundabout);
- road works associated with Glenroy Drive and Arkley Crescent Intersection (single lane roundabout);
- road works associated with local and other collector roads as shown in their general location on the Development Area Plan;
- road works associated with new roads adjacent to parks as shown in their general location on the Development Area Plan;
- road works associated with the removal of existing underpasses;
- trunk stormwater drainage facilities;
- water cycle management associated with Brady Park Engineering upgrades;

- water cycle management associated with Fullwood Reserve infiltration swale and detention basin works;
- water cycle management associated with Gross pollutant traps;
- passive recreation areas associated with Badgally Reserve;
- passive recreation areas associated with the landscape buffer to Badgally Road;
- passive recreation areas associated with Davis Park;
- passive recreation areas associated with Dimeny Park;
- active recreation areas associated with Fullwood Reserve;
- passive recreation areas associated with Brady Park; and
- delivery of the Multipurpose Community Facillity.

For the Remainder of Development Contributions, the Planning Agreement states that those contributions will be delivered either:

- at the completion of the Badgally Road upgrade by RMS;
- at the issuing of the Subdivision Certificate; or
- as agreed with Council.

These provisions are in place to ensure that all contributions are delivered in lock-step with the Renewal Project.

Deed of Compensation and Acquisition

Section 30 Agreement

Claymore Renewal Project

Acquisition of Campbelltown City Council Land

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

SECTION 30 AGREEMENT

RECITALS

A. Campbelltown City Council ABN 31 459 914 087 (**Landowner**) is the owner of an Interest in the Land.

B. The New South Wales Land and Housing Corporation ABN 24 960 729 253 (**LAHC**) is authorised to acquire land by compulsory process under the *Housing Act 2001* (NSW).

C. LAHC has informed the Landowner that LAHC wishes to exercise its power to compulsorily acquire the Landowner's Interest in the Land for the purposes of the Claymore Urban Renewal Project with the agreement of the Landowner. Accordingly, without issuing a proposed acquisition notice to the Landowner, LAHC and the Landowner have agreed that LAHC will acquire the Interest in the Land by publication of an acquisition notice in the Government Gazette.

D. LAHC and the Landowner have agreed a full and final amount of compensation payable by LAHC to the Landowner in consideration of the acquisition of the Interest in the Land.

E. LAHC and the Landowner agree that this deed is made in accordance with and in satisfaction of section 30 of the Act.

THE PARTIES AGREE:

1. **DEFINITIONS AND INTERPRETATION**

1.1 **Definitions**

The following definitions apply in this deed unless the context requires otherwise.

Act means the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW).

Acquisition means compulsory acquisition by agreement under section 30 of the Act.

Acquisition Date means the date of publication of the Acquisition by LAHC of the Interest in the Land in the Government Gazette.

Business Day means a day that is not a Saturday, Sunday or public holiday in the city of Sydney, New South Wales.

Claim means any claim, duty, obligation, cost or liability of any kind including one which is prospective or contingent (whether or not the subject of a court order) (including, but not limited to, any rights to compensation, injurious affectation or reimbursement of any kind and any other claim the Landowner may have or but for this deed might otherwise have had against LAHC with respect to the Land, the Acquisition of the Land, and other matters included in the Compensation, under the Act or any other legislation).

Claymore Urban Renewal Project means the project outlined in the concept plan approved by the Minister on 24 May 2013 being MP11_0010, as modified from time to time.

Compensation means the compensation stated under clause 2.3(a), being the agreed full and final amount of all compensation to which the Landowner is entitled for the acquisition of the Landowner's Interest in the Land.

Government Gazette means the official journal published by the NSW Government containing proclamations and notifications, including land acquisition notices.

LAHC means the New South Wales Land and Housing Corporation, a statutory body representing the Crown, constituted under section 6 of the *Housing Act 2001* (NSW).

Landowner Assets means all plant, equipment, furnishings and other property in or on the Land owned, leased or licensed by the Landowner or otherwise in the possession of the Landowner.

Interest in the Land means a:

(a) legal or equitable estate or interest in the Land; and

(b) easements, rights, charges, powers or privileges over, or in connection with, the Land.

Land means:

(a) Lot 512 in DP 1210126;

(b) Lot 513 in DP 1210126;

(c) Lot 1 in DP 258940;

(d) Lot 6 in DP 258940;

(e) Lot 8 in DP 258940;

(f) Lot 9 in DP 258940;

(g) Lot 12 in DP 258940;

(h) Lot 16 in DP 258940; and

(i) Lot 17 in DP 258940.

Landowner means Campbelltown City Council ABN 31 459 914 087.

VPA means the planning agreement to be entered into between LAHC and the Landowner in the form annexed and marked "Annexure A".

1.2 **Interpretation**

Headings are for convenience only and do not affect interpretation. The following rules apply unless the context requires otherwise.

(a) the singular includes the plural and vice versa;

(b) if a word or phrase is defined, its other grammatical forms have a corresponding meaning;

(c) a reference to an agreement or document (including a reference to this deed) is to the agreement or document as amended, supplemented, novated or replaced, except to the extent prohibited by this deed or that other agreement or document, and includes the recitals, schedules and annexures to that agreement or document;

(d) a reference to a party to this deed includes the party's successors, permitted substitutes and permitted assigns;

(e) a body (including an institute, association or authority), whether statutory or not which ceases to exist or whose powers or functions are transferred to another body, is a reference to the body which replaces it or substantially succeeds to its powers or functions;

(f) a reference to legislation or to a provision of legislation includes a modification or re-enactment of it, a legislative provision substituted for it and a regulation or statutory instrument issued under it;

(g) if an example is given of anything (including a right, obligation or concept), such as by saying it includes something else, the example does not limit the scope of that thing;

(h) nothing in this deed is to be interpreted against a party solely on the ground that the party put forward this deed or a relevant part of it;

(i) **land** includes any air or water in, on, above or beneath the ground;

(j) **dollars** or **$** is to Australian dollars; and

(k) mentioning anything after "includes" or "including" does not limit what else might be included.

2. ACQUISITION AND COMPENSATION

2.1 This deed

LAHC and the Landowner agree as follows:

(a) pursuant to section 30 of the Act, that LAHC will compulsorily acquire the Interest in the Land from the Landowner in accordance with the terms of this deed; and

(b) this deed is an agreement in writing setting out all relevant matters concerning the acquisition of the Interest in the Land and the compensation to be paid for the acquisition of the Interest in the Land.

2.2 Acquisition of the Interest in the Land

(a) The Landowner acknowledges and agrees that:

(i) on and from the Acquisition Date, the Landowner has no Interest in the Land;

(ii) the Landowner is not entitled to make any claim to possession of, or title to, the Land after the Acquisition Date, despite the fact that the Landowner may still be noted as the registered proprietor or lessee on the certificate of title to the Land after the Acquisition Date; and

(iii) without limiting sub-clauses (a)(i) and (ii), on publication of the acquisition by LAHC of the Interest in the Land in the Government Gazette, the Interest in the Land will formally vest in LAHC under the Act.

(b) LAHC acknowledges and agrees that:

(i) it is acquiring the Landowner's Interest in the Land on an "as is" basis;

(ii) it will acquire the Landowner's Interest in the Land in its present state and subject to all defects, obligations and liabilities (of whatever nature and however described); and

(iii) promptly following the Acquisition Date it will complete and lodge (and where appropriate register) all documents necessary to formally record the change in ownership from the Landowner to LAHC.

2.3 **Compensation**

(a) LAHC and the Landowner acknowledge and agree that the benefits received by the Landowner under the VPA are provided as the compensation for LAHC's Acquisition of the Landowner's Interest in the Land and no monetary compensation is payable by LAHC.

(b) LAHC and the Landowner acknowledge and agree that:

(i) the Compensation is a full and final settlement of every Claim arising out of or in connection with LAHC's acquisition of the Landowner's Interest in the Land;

(ii) the parties expect that no GST will apply to LAHC's acquisition of the Landowner's Interest in the Land;

(iii) if the acquisition of the Interest in the Land is determined to be a taxable supply, the Compensation will be increased by the same amount as the GST payable by the Landowner in connection with the supply of the Interest in the Land (and that amount will be a debt due and payable by LAHC within 10 Business Days of demand for payment by the Landowner); and

(iv) the Compensation includes all reasonable relocation costs and expenses that are expected to be incurred by the Landowner to deliver vacant possession of the Land to LAHC by the Acquisition Date.

(c) The Landowner must not, and must use reasonable endeavours to ensure that any person claiming through it does not, obtain or seek to obtain other compensation or relief under the Act in relation to, arising out of or in connection with the Acquisition of the Landowners' Interest in Land.

2.4 **The Landowner's warranties**

The Landowner warrants in favour of LAHC that it had an estate in fee simple in the Land and any other person having any legal or equitable interest in the Land and the nature and extent of such interests was disclosed by the Landowner to LAHC prior to the date of this deed.

2.5 **Dealings and caveat**

The Landowner acknowledges and agrees that:

(a) it will not, and will not attempt to, deal with or create any Interest in the Land in any way except as expressly directed by LAHC in writing;

(b) LAHC has a caveatable interest in the Land and LAHC is entitled to lodge a caveat on the title to the Land to note its interest in the Land; and

(c) it must not, and must use reasonable endeavours to ensure that any person claiming through the Landowner does not, lodge a lapsing notice in respect of, or otherwise challenge the validity of, any caveat lodged by LAHC as contemplated by subclause (b).

2.6 **Release and indemnity in relation to Acquisition of the Landowner's Interest in Land**

(a) The Landowner:

(i) will not make any Claim against LAHC and unconditionally and forever releases LAHC from any Claim for which the Landowner is or may be liable or may suffer or incur for whatever reason in any way relating to, arising out of or in connection with

the Acquisition of the Landowner's Interest in the Land, except to the extent of any breach of this deed by LAHC; and

(ii) indemnifies LAHC and will keep LAHC indemnified from and against any Claim for which LAHC may be liable for or suffers or incurs in any way relating to, arising out of or in connection with a breach by the Landowner of sub-clause (a)(i).

(b) LAHC:

(i) will not make any Claim against the Landowner and unconditionally and forever releases the Landowner from any Claim for which LAHC is or may be liable or may suffer or incur for whatever reason in any way relating to, arising out of or in connection with the Acquisition of the Landowner's Interest in the Land, except to the extent of any breach of this deed by the Landowner; and

(ii) indemnifies the Landowner and will keep the Landowner indemnified from and against any Claim for which the Landowner may be liable for or suffers or incurs in any way relating to, arising out of or in connection with a breach by LAHC of sub-clause (b)(i).

2. General

2.1 Confidentiality

This deed is confidential and can only be disclosed if required:

(a) by law or in accordance with NSW Government policies and requirements;

(b) to an officer or employee of the party; or

(c) to a person who is engaged by the party to provide professional advice (such as legal, financial or accounting advice) to it about the Land.

2.2 Entire agreement

This deed contains the entire agreement between the parties with respect to its subject matter and sets out the only conduct relied on by the parties and supersedes all earlier conduct and prior agreements and understandings between the parties in connection with its subject matter.

2.3 Assignment

A party cannot assign, charge, encumber or otherwise deal with any of its rights or obligations under this deed, or attempt or purport to do so, without the prior written consent of the other party.

2.4 No waiver

A failure to exercise or a delay in exercising any right, power or remedy under this deed does not operate as a waiver. A single or partial exercise or waiver of the exercise of any right, power or remedy does not preclude any other or further exercise of that or any other right, power or remedy. A waiver is not valid or binding on the party granting that waiver unless made in writing.

2.5 Further assurances

Each party must do anything necessary (including executing agreements and documents) to give full effect to this deed and the transactions contemplated by it.

2.6 **No merger**

The rights and obligations of the parties will not merge on the completion of any transaction contemplated by this deed.

2.7 **Stamp duty**

LAHC is responsible for paying and must pay any duty payable in respect of this deed.

2.8 **Governing law and jurisdiction**

This deed is governed by the laws of New South Wales and each party irrevocably submits to the non-exclusive jurisdiction of courts with jurisdiction in New South Wales.

2.9 **Legal advice**

The Landowner confirms and agrees that it has obtained legal advice from a barrister or solicitor (other than a solicitor acting for LAHC, or a solicitor employed in the legal practice of such a solicitor) explaining the effect of this deed.

EXECUTED AS A DEED

Date of this Deed _____

SIGNED, SEALED and **DELIVERED** for **New South Wales Land and Housing Corporation ABN 24 960 729 253** by its authorised delegate in the presence of:

_____
Signature of authorised delegate

_____
Signature of witness

_____
Name

_____
Name

_____
Position

_____
Address of witness

SIGNED, SEALED and **DELIVERED** for **Campbelltown City Council ABN 31 459 914 087** by its authorised delegate in the presence of:

_____
Signature of authorised delegate

_____
Signature of witness

_____
Name

_____
Name

_____
Position

_____
Address of witness

Annexure "A" – Planning Agreement (VPA)

Attachment 6 – Council Owned Land

8.5 Planning Proposal - 71 St Andrews Road, Varroville

Reporting Officer

Executive Manager Urban Centres
City Development

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.3 - Responsibly manage growth and development, with respect for the environment, heritage and character of our city

Officer's Recommendation

1. That Council forward the Planning Proposal for property No. 71 St Andrews Road, Varroville as attached to this report (attachment 1) to the Department of Planning and Environment seeking endorsement for Gateway Determination, noting the following changes from the proponent's request:

   a) The proposed minimum lot size be increased from 300sqm to 420sqm.

   b) The proposed area of retained land zoned E3 Environmental Management be zoned Part E2 Environmental Protection and part R2 Low Density Residential.

2. That should the Minister determine under Section 3.3.4 (2) of the *Environmental Planning and Assessment Act 1979* that the matter may proceed without significant amendment to the Proposal, Council publicly exhibit the Planning Proposal in accordance with the Gateway Determination.

   That Council not exercise, via the General Manager the functions of the Minister for Planning under section 3.31(3)(b) of the *Environmental Planning and Assessment Act 1979*, pursuant to the instrument of delegation dated 20 November 2012, due to the proposals inconsistency with the objectives of the Metropolitan Rural Area as contained in the Greater Sydney Region Plan 2018.

3. That following the exhibition, a report on submissions be presented to Council.

Purpose

The purpose of this report is to present a proponent initiated planning proposal request (PPR) to Council, which seeks to rezone a portion of property No. 71 St Andrews Road, Varroville from rural to residential purposes and to recommend that Council seek a Gateway Determination to progress the planning proposal with amendments as outlined in this report.

History

Council at its meeting of 15 October 2013 considered a preliminary Planning Proposal Request (PPR) to rezone Property No. 71 St Andrews Road, Varroville for residential purposes and resolved to consider potential development of the land for rural residential/ environmental living allotments, subject to additional information.

On 11 November 2015, GAT and Associates, on behalf of the landowners, lodged a PPR that did not align with the Council's previous resolution (outlined above) requesting the rezoning of the majority of the site to R2 Low Density Residential to permit approximately 173 lots, and adopting planning controls broadly consistent with those in the adjoining East Leppington Growth Centre Precinct.

The matter was subsequently considered by Council at its meeting of 16 February 2016 where it resolved not support the proposal for the following reasons:

- Inconsistencies with higher order planning policies
- Inconsistencies with local planning policy and Council's policy position on residential development in the Scenic Hills
- Potential adverse environmental impacts (Cumberland Plain Woodland).

On 3 April 2017, the Sydney South West Planning Panel considered and rejected a request by the applicant for a pre-gateway review, recommending that the proposal should not be submitted for a Gateway Determination for the following reasons:

- Lack of sufficient strategic merit
- Inconsistency with key strategic plans
- Didn't demonstrate the protection and conservation of environmentally sensitive land
- Didn't adequately consider potential impacts on the Sydney Water Canal.

Councillors were advised of the Sydney South West Planning Panel's decision in the Councillor Weekly Memo dated 2 June 2017.

On 19 September 2017, the proponent presented an amended Planning Proposal (PP) that seeks to retain a greater portion of Cumberland Plain Woodland by reducing the urban footprint. A site inspection was also held on 17 October 2017 and attended by Councillors and senior staff.

A revised PPR was subsequently lodged with Council on 19 February 2018 and considered by the Campbelltown City Council Local Planning Panel on 25 July 2018 who provided the following advice:

1. Development of the subject site for residential purposes has been pre-supposed by the development pattern approved on land adjoining to the west.
2. The site is adjoined on two sides by land developed for residential purposes pursuant to the Growth Centres SEPP and that an electricity easement formes a third boundary of the land proposed to be developed. As a result, the land proposed to be rezoned for residential purposes is currently isolated and appears no longer suitable for its current use.
3. Appropriate future development of the land, with development consent, would provide an improved transition between the adjoining residential lands and other neighbouring land uses than is currently provided were the site remain in its current zoning and use.

4. The land forms part of the Scenic Hills area designated by Campbelltown City Council. However, due to local topography, sight lines to the Scenic Hills would not be compromised by the proposal.
5. The proposal to utilise part of the site for bio banking purposes is supported subject to appropriate arrangements being entered into between the Council and the proponent to secure its long term viability. In this regard, the Panel consider an E3 Environmental Management zoning may not adequately secure the long term ecological integrity of the lands to be retained for environmental purposes. The Panel encourages Council to consider other options that would not provide a dwelling entitlement.
6. The Planning Proposal request is generally consistent with the changed urban-rural interface of the locality defined by recent development in the adjoining East Leppington Growth Precinct.
7. Although the Planning Proposal request would result in a small increase in housing supply in the area, the proposal has not satisfactorily addressed the current strategic framework stablished by the District Plan. Therefore, Council should satisfy itself of an appropriate strategic justification prior to seeking Gateway Determination.
8. Council's assessment of issues that require further consideration post Gateway Determination is supported. However, the following additional matters should also be addressed:
   a) impact of the gas pipeline on the development footprint; and
   b) strategy to ensure the existing urban edge is not replicated by future development and a sensitive interface is achieved.
9. As advised by the applicant at the Panel meeting, a development application has been lodged on 25 July 2018 to clear vegetation from the site. The Panel suggests that the Council carefully consider whether it should assess/determine the proposed removal of vegetation prior to finalisation of the Planning Proposal, as it may prejudice the rezoning assessment and associated environmental strategy.

Subject to addressing the above matters, the Panel recommends to Council that it considers it appropriate for the Planning Proposal request to proceed for a Gateway Determination to enable public comment to be obtained on the proposal.

Those items above that require a response from Council are addressed in Section 2 Evaluation.

Site

The site is known as Property No. 71 St Andrews Road, Varroville and described as Lot 71, DP 706546. It is irregular in shape, has an area of 14 hectares and is zoned E3 Environmental Management under Campbelltown LEP 2015. There is one existing dwelling within the south western part of the site, accessed from St Andrews Road.

The site is bounded to the south by bushland, to the east by the Upper Canal and to north and west by the new residential subdivisions of the Willowdale development (East Leppington Growth Centre Precinct) including a public open space and riparian corridor abutting the northern boundary of the subject land. To the west and east, bushland separates the site from the Willowdale and Emerald Hills (Camden LGA) development precincts.

There is a service infrastructure corridor that runs north-south across the central part of the site that contains two underground gas pipelines and an overhead high voltage electricity transmission line. Apart from the service infrastructure corridor, the land is vegetated with mature trees (Cumberland Plain Woodland) with a generally cleared understorey.

Proposal

The PPR seeks to amend Campbelltown LEP 2015 as follows:

- Zone the western part of the site (between service easements and western boundary) to R2 Low Density Residential
- Amend the Lot Size Map and Height of Buildings Map to permit a minimum lot size of 300 sqm and building height of 9m
- Zone a portion of land for a drainage corridor to SP2 Local Drainage, adjoining drainage land in the Willowdale development
- Zone a portion of land for open space to RE1 Public Recreation, adjoining open space in the Willowdale development
- Introduce a minimum dwelling density of 15 dwellings per hectare for the proposed R2 Low Density Residential Zone
- Zone a portion of land as R2 Low Density Residential to permit a caretakers dwelling on the remaining bushland area
- Retain the E3 Environmental Management Zone on the remaining land.

The proposed amendments are illustrated on page 4 of the PPR as provided in attachment 2. The proposal is supported by specialist studies addressing bushfire, water management, contamination, ecology and traffic impacts.

Report

This report considers the strategic context of the PPR in relation to state and local planning policies and the potential impacts of the Proposal.

1. Strategic Context

The following state and local planning policies are relevant to the proposal as discussed below.

1.1. Greater Sydney Region Plan 2018

The Greater Sydney Region Plan: A Metropolis of Three Cities (GSRP) has been prepared by the NSW State Government to guide land use planning decisions for the next 20 years. The Plan sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 725,000 new homes by 2036. The GSRP identifies that capacity for new homes should be located in areas supported by infrastructure such as the new communities in the land release areas of the South West Growth Areas.

Although consistent with the above growth objectives, the site is located on land identified by the GSRP to form part of the Metropolitan Rural Area (MRA). Accordingly, the proposal would be inconsistent with Objective 28 (Scenic and cultural landscapes are protected) and Objective 29 (Environmental, social and economic values in rural areas are protected and enhanced) which indicate that urban development is not consistent with the values of the MRA which includes the Campbelltown Scenic Hills. Further, the GSRP provides that Greater Sydney has sufficient land to deliver its housing needs within the current boundary of the urban area.

Although the proposal is not consistent with this objective, it is considered that mapping of the MRA as it relates to the subject property is the result of a planning anomaly arising from the:

- location of the site on the Campbelltown City Council and Camden Council LGA boundary
- extent of the South West Priority Growth Area which includes the East Leppington Precinct
- Emerald Hills Precinct located in the Camden LGA and rezoned in September 2014
- Mapping of the MRA which aligns with property boundaries rather than landscape features.

Given the above, the subject site does not exhibit the rural or landscape qualities that comprise the MRA. The site is flanked by urban development on its western and northern boundaries, is bisected by a riparian corridor, gas and high voltage electricity transmission lines that separate it from the Scenic Hills. Accordingly, the impact on scenic and cultural landscape of the Scenic Hills, when viewed from the public realm is considered minimal and any inconsistency with the objectives is considered reasonable in this instance.

1.2. Western City District Plan

The Western City District Plan (WCDP) was released in March 2018 and provides a template for realising the Western Parkland City of the Metropolis of Three Cities (Region Plan for Greater Sydney). It provides a range of planning priorities for councils to consider when undertaking local planning. The planning priorities relevant to the proposal are discussed below:

Planning Priority	Comment
Planning Priority W5: Providing housing supply, choice and affordability, with access to jobs, services and public transport).	Consistent. The proposal would deliver new housing that directly adjoins the existing greenfield developments of Willowdale and Emerald Hills which are serviced by shops and public transport. Further, the area will be serviced by a new school planned for delivery within the Willowdale development.
Planning Priority W14: Protecting and enhancing bushland and biodiversity	Consistent. The proposed development of the site would be consistent with the urban form of adjoining developments and would assist to connect waterfront land, providing a linear open space connection between the Willowdale and Emerald Hills precincts. Any proposal to clear land would be subject to the requirements of the *Biodiversity Conservation Act 2016* with opportunity for the land owner to enter into a biodiversity stewardship agreement to protect in perpetuity land on the eastern side of the riparian corridor to be zoned E3 Environmental Management.

Planning Priority	Comment
Planning Priority W15: Increasing urban tree canopy cover and delivering Green Grid connections)	As above
Planning Priority W17: Better managing rural areas	Inconsistent: As discussed in section 1.1 above, mapping of the site within the Metropolitan Rural Area is considered a planning anomaly. As the land does not exhibit important farming, scenic or cultural values, an exemption from this priority is considered appropriate in this instance.

As outlined above, the inconsistency of the proposal with the MRA is considered of minor significance given the site location. Further, the PPR would achieve the overall intent of the District Plan and would not undermine the overall achievement of the Plan, particularly with respect to implementation of Council's Local Strategic Planning Statement and pending review of the Campbelltown LEP 2015.

1.3. Ministerial Directions (9.1 Directions)

Section 9.1 of the *Environmental Planning and Assessment Act 1979* (EPA Act) allows the Minister for Planning and Public Spaces to give directions to Council regarding principals, aims, objectives or policies to be achieved or given effect to in the preparation of draft local environmental plans. The PPR includes a table listing the Section 9.1 Directions and whether the proposal complies with them.

A planning proposal may be inconsistent with a Section 9.1 Direction only where the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment that the provisions of the planning proposal that are inconsistent are of minor significance.
In this regard, the following minor inconsistencies are relevant to the proposal:

- **Direction 2.1: Environmental Protection Zones**

This direction requires that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. It also requires that a proposal on land within an environment protection zone must not reduce the environmental protection standards that apply.

The current environmental planning standards applying the land are enforced only by virtue of the current E3 Environmental Management zone and lot size standard which provide a single dwelling entitlement on the site. Notwithstanding this limitation, the north-west part of the site currently exhibits low species diversity and no ground or mid storey due to its grazing history.

The proposal provides an opportunity to increase the environmental protections standards that apply to the land by encouraging more sustainable land practices and promote the establishment of a Biodiversity Stewardship Agreement under the *Biodiversity Conservation Act 2016* for the south eastern part of the site. In support of this outcome, it is recommended that the PRR be amended to also identify the areas of Cumberland Plain Woodland on

Council's existing Terrestrial Biodiversity Map and that the zoning of the south eastern part of the site be strengthened to E2 Environmental Conservation.

- **Direction 4.4: Planning for Bushfire Protection**

This direction requires consultation with the Rural Fire Service following receipt of a Gateway determination, that a planning proposal must have regard to Planning for Bushfire Protection 2006, introduce controls that avoid placing inappropriate developments in hazardous areas, and ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).

There is bushland to be retained east of the land proposed to be rezoned as R2. It will however be separated by from the residential development by an existing power line easement that assists in providing an APZ. Appropriate measures such as further APZs to minimise the risk can be put in place as part of the development assessment process and thereby satisfy this direction.

- **Direction 7.1: Implementation of A Plan for Growing Sydney**

The Greater Sydney Region Plan and Western District Plan identify the site as part of the Metropolitan Rural Area. Each plan states that urban development is not compatible with the MRA and that there is sufficient land to deliver housing eliminating the need for expanding into the MRA.

The site is on the western side of the Scenic Hills and is not visible from the eastern side of the Scenic Hills. The site would not link directly to the Campbelltown Urban Areas nor require any major upgrade of infrastructure in Campbelltown LGA and would form an extension of the existing Willowdale development to the North and Emerald Hills Development to the West and South West.

Accordingly, it is considered that the site limitations arising from its classification as being part of the Metropolitan Rural Area is an anomaly and any inconsistency with the direction is justified.

1.4. Campbelltown Residential Development Housing Strategy

The strategy identifies certain release and infill areas for residential development. While it refers to the East Leppington Precinct (commonly known as Willowdale) it does not specifically identify additional lands adjoining the precinct for future residential development.

As outlined in Section 1.1 above, the planning proposal provides an opportunity to regularise the planning controls applying to the land to correct previous planning anomalies arising from the application of historic controls and strategies. Therefore, the insistency with the current Housing Strategy is of minor significance and subject to support, may be included in the current revision of the Housing Strategy required to give effect to the Western City District Plan.

1.5. Campbelltown LEP 2015

The following elements of the proposal are relevant to the CLEP 2015 with respect to the proposed land use zoning and principle development standards.

1.5.1. Land Zoning Map

Consistent with the advice of the Local Planning Panel, the proposal to retain the existing E3 Environmental Management zone on the southern eastern part of the site is not supported on the grounds that a dwelling entitlement is retained. This may present a future conflict with respect to establishing a Biodiversity Stewardship Site over the land as the potential siting of a dwelling would not be known until a development application is submitted.

An alternate outcome similar to that already implemented on St Andrews Road in the Camden LGA would be to apply an E2 zone and require its dedication as public land. Compensation for dedication of the land may be via identification of a suitable development lot zoned R2 Low Density Residential to be accessed from Sawsedge Avenue in the Willowdale development.

1.5.2. Terrestrial Biodiversity Map

As outlined in the response to Ministerial Direction 2.1: Environmental Protection Zones, it is recommended that the PRR be amended to also identify the areas of Cumberland Plain Woodland on Council's existing Terrestrial Biodiversity Map. This approach has been implemented in recent rezonings for areas such as the Caledonia Precinct, Menangle Park and Mt Gilead and would require any future development application to demonstrate how the development minimises disturbance and adverse impacts to remnant vegetation communities, threatened specifies populations and their habitats.

1.5.3. Minimum Lot Size Map

The request to permit a minimum lot size of 300sqm on the grounds that this development is permitted in adjoining developments is generally not supported. Planning controls for the Willowdale precinct fall within State Environmental Planning Policy (Sydney Region Growth Centres) 2006 for that part located in the Campbelltown LGA. This policy does not apply a minimum lot size map but rather a minimum and maximum density approach of between 15 to 20 dwellings per hectare with lots of 300 or 250sqm permitted depending on whether the proposal includes built form or not. This approach is generally not consistent with the current release area controls of CLEP 2105.

The adjoining subdivisions in the Willowdale precinct achieve an average lot size of 415sqm, with most lots having an area between 300 and 450sqm. The minimum permitted lot size in the R2 zone in Menangle Park is 420sqm. There is also scope for subdivision of smaller lots (300sqm) for dual occupancy, semi-detached dwellings, attached dwellings and multi dwelling housing.

The concept layout plan submitted with the PPR indicates that approximately 98 lots could be designed to fit the proposed R2 zoned land based on a 450sqm lot size. However, the proposal to permit a minimum lot size of 300sqm would result in up to 190 lots or approximately 30 dwellings per hectare.

Therefore, to be consistent with the prevailing density of the locality, and to also reflect the distance from shops, public transport and recreation opportunities, it is recommended that a minimum lot size of 420 sqm be applied. This would enable approximately 124 lots over the site which would be in keeping with the character of the locality.

1.5.4. Urban Release Area Map

As the site adjoins existing urban release areas, it is appropriate to amend the Urban Release Area Map. This would ensure that any future proponent enters into satisfactory arrangements for the provision of designated state infrastructure and that appropriate DCP provisions are inforce prior to the issuing of development consent.

A site specific DCP would form a chapter of Council's Sustainable City Development Control Plan and address matters such as street layout, connections to adjoining development, tree canopy, addressing the special uses corridor, bushfire risk, drainage and open space design.

1.6. Campbelltown (Sustainable City) DCP 2015

At this stage, the proponent has not provided a draft development control plan for the site. Should a Gateway Determination be issued by the Department, a draft DCP would be required prior to finalization of the amendment.

1.7. Campbelltown Local Infrastructure Contributions Plan 2018

Future subdivision of the site would be subject to the Campbelltown Local Infrastructure Contributions Plan 2018 and attract a maximum levy of $20,000 per lot.

2. Evaluation

The following environmental impacts are relevant to the Proposal as discussed below.

2.1. Urban Design

As noted by the Local Planning Panel, future development of the land, with development consent, would provide an improved transition between the adjoining residential lands and other neighbouring land uses. In this regard, the proposal provides a possible subdivision layout that in part would provide road frontage to the riparian corridor, consistent with the prevailing character of the Willowdale development. This concept should be incorporated in a future DCP for the site to ensure that any new residential subdivision addresses the riparian corridor and retained bushland to support an attractive open space corridor linking the Willowdale development with areas to the south and west.

The Local Planning Panel also suggested the need for a strategy to ensure the existing urban edge is not replicated by future development and a sensitive interface is achieved. This concern was raised by the panel due to the existing 2m retaining wall the forms the western property boundary and concern that a similar outcome may occur along the sites eastern boundary with the riparian area. This issue would be addressed in a future DCP and upon evaluation of a development application.

2.2. Infrastructure

Future development of the site would require implementation of a local road network, connection to external collector streets and a stormwater management strategy.

Access to the site may be provided from either St Andrews Road, which is currently subject to an upgrade strategy, including a roundabout that will connect the Jamboree Avenue and a new collector street to service the Emerald Hills development with St Andrews Road.

Planning for this connection has been a long standing feature of the Indicative Layout Plan for East Leppington and supporting documents.
Alternatively, access to Aqueduct Street may be negotiated with the owner of adjoining allotments consistent with previous conditions of development consent for this land imposed by Camden Council. Access via Aqueduct Street would ensure better integration with the Willowdale development for future residents.

While the site is not flood-prone, it drains to Bonds Creek and would require an on-site detention basin to attenuate peak flows from the development. A concept plan has been submitted with the proposal detailing how this would be achieved. The feasibility of locating the proposed basin within the riparian area would be addressed during consultation with relevant state authorities and upon further assessment by Council's Development Engineers.

The scale of the residential development generates the need for additional open space. It is considered that the proposed open space along the service infrastructure corridor would be sufficient and provide opportunity to the continuation of existing pedestrian and cycle links.

Consultation with major infrastructure authorities, including those responsible for existing high pressure gas main and electricity easements would be expected to be undertaken as a condition of Gateway Determination supporting the PPR. It should be noted that the existing gas main and electricity easements pass through the Willowdale Precinct.

Should the rezoning proceed, further referrals would occur at the development application stage to obtain general terms of approval that would inform detailed amendment, if any, to the concept subdivision plan.

2.3. Vegetation

The proposal is supported by an Ecological Assessment that confirms the presence of 8.35 hectares of Cumberland Plain Woodland vegetation which is a critically endangered ecological community.

The proposed development would avoid impacting 3.745 hectares of degraded CPW. The impacted vegetation is considered by the assessment to be of low quality, has low species diversity and may regenerate poorly.

The Local Planning Panel (LPP) considered the issue of vegetation and supported the proposal to utilise part of the site for bio banking purposes subject to appropriate arrangements being entered into between the Council and the proponent to secure its long term viability. Any application to clear vegetation would require development consent and would trigger the requirements and assessment methodology of the *Biodiversity Conservation Act 2016*.

2.4. Bushfire risk

The proposal is supported by a Bushfire Assessment that indicates future development would be impacted by bushfire risk associated with existing woodland vegetation that adjoins the site and short heath vegetation located under the electrical services easement. The report confirms that bushfire risk could be appropriately mitigated if appropriate bushfire protection measures are put in place as summarised in the report. This would include suitable evacuation routes via Aqueduct Street and possibly St Andrews Road as well.

This outcome would be confirmed via future consultation with the RFS should a Gateway Determination be issued and would also be a requirement prior to the issuing of future development consent.

2.5. Contamination

A preliminary site investigation report was prepared to assess the potential for land contamination. The report found that there is low to moderate potential for contamination on site and that the site could be made suitable for the proposed subdivision, subject to the undertaking of a Stage 2 detailed site investigation and associated remedial/management works, if warranted.

This is consistent with the procedure envisaged by SEPP 55 - Remediation of Land whereby a preliminary investigation is undertaken to determine whether the extent of contamination should preclude proceeding with a rezoning or whether there is sufficient information to show that there is minimal contamination or that any existing contamination can be adequately remediated as part of development taking place.

3. Public Benefit

The community benefit test is an important element of determining whether a planning proposal has merit. Relevant matters for consideration of a spot rezoning include whether a local environmental plan accurately reflects the strategic direction and changing circumstances of an area, the length of time that has elapsed since the community was consulted about the planning controls applying to the land, and whether the planning controls are too prescriptive to facilitate a sensible development. The test also considers whether there is a demonstrable public interest in considering an alternative proposal to the existing planning scheme, which was not considered by Council or the community when the scheme was adopted.

In the case of this PPR, there is a strong argument to amend the Campbelltown LEP on the following grounds:

- The site is located between two existing urban release areas, and by virtue of its location within the Campbelltown LGA has been inadvertently omitted from previous planning investigation
- Development of adjoining areas is now almost complete, which has altered the previous rural character into that of an urban area
- Future development of the site would be consistent with the objectives and outcomes envisaged by metropolitan, district and local planning strategies
- Would have a negligible impact on the local road network, open space and community facilities.

For the above reasons, the PPR would provide a public benefit commensurate with adjoining development. In addition, any future development would be required to pay a monetary contribution towards the provision of local traffic, open space and community facilities.

4. Formal Consultation

A guide to preparing local environmental plans has been prepared by the Department of Planning and Environment (DP&E) to assist councils in preparing planning proposals and LEPs. Should Council resolve to proceed with the Planning Proposal, and Gateway

Authorisation is issued by the DP&E, consultation would be undertaken in accordance with the Gateway Determination requirements.

5. Statutory Consideration

The preparation of a Planning Proposal is the first step in the process of requesting changes to a planning instrument. Should Council resolve to proceed with the Planning Proposal to Gateway Determination, the DP&E would confirm the technical studies required and relevant parts of the Planning Proposal to be updated or amended prior to public exhibition.

As part of the Gateway Authorisation process, Section 3.34 of the *Environmental Planning and Assessment Act 1979* allows the Minister and the Secretary to delegate functions to a Council and/or an officer or employee of a Council. When submitting a planning proposal, Council is required to identify whether it wishes to Exercise Delegation (the Authorisation). Authorisation delegates the following plan making powers to Council:

- to make and determine not to make an LEP
- to defer inclusion of certain matters
- to identify which matters must be considered and which stages of the plan making process must be carried out again

At its meeting on 20 November 2012, Council resolved to formally accept the plan making delegations and delegate the plan making functions to the General Manager and Director Planning and Environment (now titled Director City Development).

On the grounds that the planning proposal is not consistent with the objectives of the Metropolitan Rural Area, it is recommended that Council not seek to exercise the Authorisation in this instance.

Conclusion

The PPR for the rezoning of 71 St Andrews Road, Varroville for urban development is considered to have sufficient strategic and site specific merit. Therefore, it is recommended that an amended Planning Proposal as provided in attachment 1 be submitted to the Department of Planning and Environment for a Gateway Determination.

Should the Department issue a Gateway Determination, the preparation of an amendment to Council's Sustainable City Development Control Plan would be required to insert a new part for the subject site.

Attachments

1. Planning Proposal (contained within this report)
2. Submitted Planning Proposal Request (due to size 326 pages) (distributed under separate cover)

Planning Proposal – 71 St Andrews Road, Varroville

Proposed amendment of Campbelltown Local Environmental Plan 2015

Background

Council at its meeting of 15 October 2013 considered a preliminary Planning Proposal Request (PPR) to rezone Property No. 71 St Andrews Road, Varroville for residential purposes and resolved to consider potential development of the land for rural residential / environmental living allotments, subject to additional information.

On 11 November 2015, GAT and Associates, on behalf of the landowners, lodged a PPR that did not align with the Council's previous resolution (outlined above) requesting the rezoning of the majority of the site to R2 Low Density Residential to permit approximately 173 lots, and adopting planning controls broadly consistent with those in the adjoining East Leppington Growth Centre Precinct.

The matter was subsequently considered by Council at its meeting of 16 February 2016 where it resolved not support the proposal for the following reasons:

- Inconsistencies with higher order planning policies;
- Inconsistencies with local planning policy and Council's policy position on residential development in the Scenic Hills; and
- Potential adverse environmental impacts (Cumberland Plain Woodland).

On 3 April 2017, the Sydney South West Planning Panel considered and rejected a request by the applicant for a pre-gateway review, recommending that the proposal should not be submitted for a Gateway Determination for the following reasons:

- Lack of sufficient strategic merit;
- Inconsistency with key strategic plans;
- Didn't demonstrate the protection and conservation of environmentally sensitive land; and
- Didn't adequately consider potential impacts on the Sydney Water Canal.

Councillors were advised of the Sydney South West Planning Panel's decision in the Councillor Weekly Memo dated 2 June 2017.

On 19 September 2017, the proponent presented an amended Planning Proposal (PP) that seeks to retain a greater portion of Cumberland Plain Woodland by reducing the urban footprint. A site inspection was also held on 17 October 2017 and attended by Councillors and senior staff.

A revised PPR was subsequently lodged with Council on 19 February 2018 and considered by the Campbelltown City Council Local Planning Panel on 25 July 2018 who provided the following advice:

1. Development of the subject site for residential purposes has been pre-supposed by the development pattern approved on land adjoining to the west.
2. The site is adjoined on two sides by land developed for residential purposes pursuant to the Growth Centres SEPP and that an electricity easement formes a third boundary of the land proposed to be developed. As a result, the land proposed to be rezoned for

residential purposes is currently isolated and appears no longer suitable for its current use.

3. Appropriate future development of the land, with development consent, would provide an improved transition between the adjoining residential lands and other neighbouring land uses than is currently provided were the site remain in its current zoning and use.
4. The land forms part of the Scenic Hills area designated by Campbelltown City Council. However, due to local topography, sight lines to the Scenic Hills would not be compromised by the proposal.
5. The proposal to utilise part of the site for bio banking purposes is supported subject to appropriate arrangements being entered into between the Council and the proponent to secure its long term viability. In this regard, the Panel consider an E3 Environmental Management zoning may not adequately secure the long term ecological integrity of the lands to be retained for environmental purposes. The Panel encourages Council to consider other options that would not provide a dwelling entitlement.
6. The Planning Proposal request is generally consistent with the changed urban-rural interface of the locality defined by recent development in the adjoining East Leppington Growth Precinct.
7. Although the Planning Proposal request would result in a small increase in housing supply in the area, the proposal has not satisfactorily addressed the current strategic framework stablished by the District Plan. Therefore, Council should satisfy itself of an appropriate strategic justification prior to seeking Gateway Determination.
8. Council's assessment of issues that require further consideration post Gateway Determination is supported. However, the following additional matters should also be addressed:
   a) impact of the gas pipeline on the development footprint; and
   b) strategy to ensure the existing urban edge is not replicated by future development and a sensitive interface is achieved.
9. As advised by the applicant at the Panel meeting, a development application has been lodged on 25 July 2018 to clear vegetation from the site. The Panel suggests that the Council carefully consider whether it should assess/determine the proposed removal of vegetation prior to finalisation of the Planning Proposal, as it may prejudice the rezoning assessment and associated environmental strategy.

Subject to addressing the above matters, the Panel recommends to Council that it considers it appropriate for the Planning Proposal request to proceed for a Gateway Determination to enable public comment to be obtained on the proposal.

Definitions and abbreviations

CLEP 2015 means Campbelltown Local Environmental Plan 2015

DCP means Development Control Plan

DPE means Department of Planning and Environment

EP&A Act 1979 means Environmental Planning and Assessment Act 1979

LEP means Local Environmental Plan

LGA means local government area

M means metres

MRA means Metropolitan Rural Area

PP means Planning Proposal

SEPP means State Environmental Planning Policy

Introduction

Existing use

The site is largely covered in bushland and occupied by a dwelling house.

Location

The land adjoins the southern boundary of the East Leppington Precinct of the former South West Growth Centre.

The Site

The land is known as 71 St Andrews Road, Varroville and described as Lot 71, DP 706546. It is irregular in shape, has an area of 14 ha and is zoned E3 Environmental Management under *Campbelltown Local Environmental Plan 2015*. There is one existing dwelling within the south western part of the land, accessed from St Andrews Road.

The land is located on the boundary of the Camden and Campbelltown Local Government Area Boundary.

The land is bounded to the south by bushland, to the east by the Upper Canal and to north and west by the new residential subdivisions of the Willowdale development including a public open space and riparian corridor abutting the northern boundary of the subject land. To the west of the land there is also bushland that separates the Willowdale development from the Emerald Hills development in Camden LGA.

There is a service infrastructure corridor that runs north-south across the central part of the land that contains two underground gas pipelines and an overhead high voltage electricity transmission line. Apart from the service infrastructure corridor, the land is vegetated with mature trees (Cumberland Plain Woodland) with a generally cleared understorey. The precinct is shown on Figure 1.

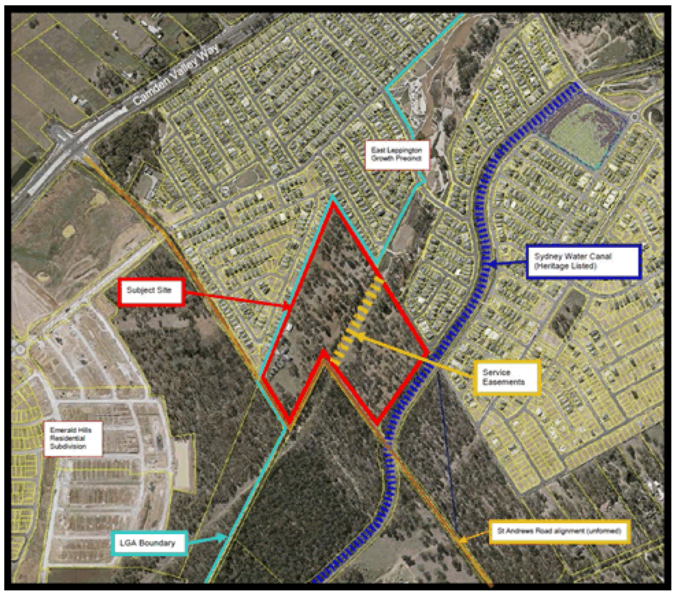


Figure 1 Location Map

Existing Zoning

The site is currently in the E3 Environmental Management zone under the provisions CLEP 2015.

The zoning of adjoining land to the north and west is R2 Low Density Residential under the provisions of SEPP (Sydney Region Growth Centres) 2006. To the south the site is adjoins the upper canal (zoned SP2 Infrastructure) and land zoned E3 Environmental Management under CLEP 2015, including land on the south-east side of the canal.

To the south-west the site is adjoined by bushland in Camden Council that is zoned E2 Environmental Conservation.

Figure 2 shows the subject site in relation to the surrounding land use zones.

Figure 2 Current zoning on site and surrounding Zoning

Part 1 – Objectives or Intended Outcomes

The objectives of this PP are:

a) to enable the development of a portion of the site for residential development and for public recreation; and

b) provide further protection of the remaining bushland on the site.

Part 2 - Explanation of provisions

The proposed amendments are outlined below in Table 1.

Table 1

Changes	Description of changes
Zoning	Change from Zone E3 Environmental Management to: • R2 Low Density Residential; • RE1 Public Recreation; • SP2 Drainage; and • E2 Environmental Conservation.
Minimum Lot Size	Change the Minimum Lot Size from 100 ha to 420 sqm in the proposed R2 zone on the western side of the site.
Dual Occupancy Lot Size	Change the Minimum Lot Size for Dual Occupancy development from 100 ha to 700 sqm in the proposed R2 zone on the western side of the site.
Terrestrial biodiversity	Add the site to the Terrestrial Biodiversity map.
Land Reservation	Include a RE1 zone and SP2 Local Drainage zone.
Urban Release Area	Add the site to the Urban Release Area map.

Part 3 - Justification

Section A – Need for the Planning Proposal

1. **Is the planning proposal a result of any strategic study or report?**

   No. The proposal is a proponent initiated proposal.

2. **Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

   Yes. An amendment to CLEP 2015 to provide for the rezoning of the subject land is the best means of achieving the objectives of this PP.

Section B – Relation to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)

Greater Sydney Region Plan 2018

The Greater Sydney Region Plan 2018 was released in March 2018. While the PP is not consistent with the Plan, the inconsistency can be justified as explained in relation to the relevant objectives and strategies in Table 2.

Table 2

Objective	Comments on consistency
Objective 4 Infrastructure use is optimised Strategy 4.1 Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes, to reduce the demand for new infrastructure, including supporting the development of adaptive and flexible regulations to allow decentralised utilities.	The proposed development would assist in making better use of existing infrastructure.
Objective 27 Biodiversity is protected, urban bushland and remnant	While some of the existing bushland would be lost when developed as residential in the proposed R2 zone the remaining land is proposed to be included in an E2 zone, which is more restrictive than the existing E3 zone.
Objective 28 Scenic and cultural landscapes are protected Strategy 28.1 Identify and protect scenic and cultural landscapes. Strategy 28.2 Enhance and protect views of scenic and cultural landscapes from the public realm.	The site is one of 3 that are on the western side of the Scenic Hills at this location that would not be visible from Campbelltown. The site would not link directly to the Campbelltown Urban Areas nor require any major upgrade of infrastructure in Campbelltown LGA. Subject to subdivision design this area could integrate with the Willowdale development. Development of the subject site or the adjoining parcels could reasonably be considered as not being a precedent for large scale or incremental rezonings east of the ridge or the Upper Canal in this location.

Objective	Comments on consistency
Strategy 27.1 Protect and enhance biodiversity by: • supporting landscape-scale biodiversity conservation and the restoration of bushland corridors • managing urban bushland and remnant vegetation as green infrastructure • managing urban development and urban bushland to reduce edge-effect impacts	The existing E3 zone across the scenic hills area allows a range of rural land uses. It is noted that the adjoining bushland in Camden LGA is zoned as E2 Environmental Conservation, which separates Willowdale and Emerald Hills (in Camden). Therefore it is appropriate that the portion of the site identified for bio-banking be zoned as E2 zone. This would restrict the range of land uses on the site.
Objective 29 Environmental, social and economic values in rural areas are protected and enhanced Strategy 29.1 • Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes.	The Greater Sydney Region Plan and Western District Plan identify the site as part of the Metropolitan Rural Area. Each plan states that urban development is not compatible with the MRA and that there is sufficient land to deliver housing eliminating the need for expanding into the MRA. Although the proposal is not consistent with this objective, it is considered that mapping of the MRA as it relates to the subject property is the result of a planning anomaly arising from the: • location of the site on the Campbelltown City Council and Camden Council LGA boundary; • extent of the South West Priority Growth Area which includes the East Leppington Precinct; • Emerald Hills Precinct located in the Camden LGA and rezoned in September 2014; and • Mapping of the MRA which aligns with property boundaries rather than landscape features. Given the above, the subject site does not exhibit the rural or landscape qualities that comprise the MRA. The site is flanked by urban development on its western and northern boundaries, is bisected by a riparian corridor, gas and high voltage electricity transmission lines that

Objective	Comments on consistency
Strategy 29.2 • Limit urban development to within the Urban Area, except for the investigation areas at Horsley Park, Orchard Hills, and east of The Northern Road, Luddenham.	separate it from the Scenic Hills. Accordingly, the impact on scenic and cultural landscape of the Scenic Hills, when viewed from the public realm is considered minimal and any inconsistency with the objectives is considered reasonable in this instance.
Objective 30 Urban tree canopy cover is increased Strategy 30.1 Expand urban tree canopy in the public realm.	The proposed development would provide a substantial amount of street trees as well as some planting on the proposed open space.
Objective 31 Public open space is accessible, protected and enhanced Strategy 31.1 Maximise the use of existing open space and protect, enhance and expand public open space by: • providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow	It is proposed to extend the open space corridor in the Willowdale development into the site and provide a continuous open space corridor through the site to connect to potentially connect to Emerald Hills and to land to the east in the Scenic Hills.
• investigating opportunities to provide new open space so that all residential areas are within 400 m of open space and all high density residential areas (over 60 dwellings per ha) are within 200 m of open space	Additional open space would be provided in close proximity of the new dwellings that would be created adjoins the riparian corridor.
• requiring large urban renewal initiatives to demonstrate how the quantity of, or access to high quality and diverse local open space is maintained or improved	Not applicable
• planning new neighbourhoods with a sufficient quantity and quality of new open space	Additional open space would be provided with the proposed development.
• delivering shared and co-located sports and recreational facilities including shared school grounds and repurposed golf courses	Not applicable
• delivering or complementing the Greater Sydney Green Grid	The proposal would support the Greater Sydney Green Grid.

Objective	Comments on consistency
• providing walking and cycling links for transport as well as leisure and recreational trips	The proposed development would create a pedestrian and bicycle link from the southern end of the Willowdale development to land around Emerald Hills and to the eastern side of the Scenic Hills.
Objective 32 The Green Grid links parks, open spaces, bushland and walking and cycling paths Strategy 32.1 Progressively refine the detailed design and delivery of: • Greater Sydney Green Grid priority corridors • opportunities for connections that form the long term vision of the network • walking and cycling links for transport as well as leisure and recreational trips.	The proposed development would provide for increased protection of existing bushland and provide a pedestrian and bicycle link from the southern end of the Willowdale development to land around Emerald Hills and to the eastern side of the Scenic Hills.
Objective 37 Exposure to natural and urban hazards is reduced	
Strategy 37.1 • Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.	The site is located adjacent to a corridor containing 2 gas lines and 1 electricity power line that also traverse the adjoining Willowdale development. The 2 gas line corridors within the Willowdale development are located within open space with streets fronting open space. It is proposed that this combined corridor be zoned as RE1. The site is subject to bushfire risk. The proposed R2 zone would be separated from the proposed E2 zone by the proposed RE1 corridor.
Strategy 37.2 • Respond to the direction for managing flood risk in the Hawkesbury-Nepean Valley as set out in resilient Valley, Resilient Communities – Hawkesbury- Nepean Valley Flood Risk Management Strategy.	Not applicable.

Greater Macarthur Land Release Investigation and Greater Macarthur Priority Growth Area

The site is not within the area of these lands.

Western City District Plan

The Western City District Plan was released in March 2018. While the PP is not consistent with the Plan, the inconsistency can be justified as explained in relation to the relevant objectives and strategies in Table 3.

Table 3

Planning Priority	Comments on consistency
Planning Priority W1 Planning for a city supported by infrastructure	
6. Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes, to reduce the demand for new infrastructure, including supporting the development of adaptive and flexible regulations to allow decentralised utilities.	The proposed development would assist in making better use of existing infrastructure.
Planning Priority W5 Providing housing supply, choice and affordability, with access to jobs, services and public transport	The Planning Proposal supports this.
19. Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by: a. prioritising a people-friendly public realm and open spaces as a central organising design principle b. recognising and balancing the dual function of streets as places for people and movement c. providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres d. integrating social infrastructure to support social connections and provide a community hub e. recognising and celebrating the character of a place and its people	The proposed development would create a pedestrian and bicycle link from the southern end of the Willowdale development to land around Emerald Hills and to the eastern side of the Scenic Hills.
Planning Priority W14 Protecting and enhancing bushland and biodiversity 72. Protect and enhance biodiversity by: a. supporting landscape-scale biodiversity conservation and the restoration of bushland corridors b. managing urban bushland and remnant vegetation as green infrastructure c. managing urban development and urban bushland to reduce edge-effect impacts.	The existing E3 zone across the scenic hills area allows a range of rural land uses. It is noted that the adjoining bushland in the Camden LGA is zoned E2 Environmental Conservation, which separates Willowdale and Emerald Hills (in Camden). Therefore it would be appropriate that the portion of the site identified for bio-banking be zoned as E2 zone. This would restrict the range of land uses on the site.
Planning Priority W15 Increasing urban tree canopy cover and delivering Green Grid connections	

Planning Priority	Comments on consistency
73. Expand urban tree canopy in the public realm.	A further bio-banking agreement has the potential to increase tree canopy over the site proposed to be zoned E2. Street tree planting in the proposed R2 zone has the potential to replace the loss of trees in conjunction with the subdivision of land.
74. Progressively refine the detailed design and delivery of: a. Greater Sydney Green Grid priority corridors and projects important to the District b. opportunities for connections that form the long-term vision of the network c. walking and cycling links for transport as well as leisure and recreational trips.	The Planning Proposal is consistent in that it will retain an open space corridor that can be planted with low landscaping as well as retaining bushland via a stricter E2 zone that exists on adjoining lands in Camden LGA.
75. Create Greater Sydney Green Grid connections to the Western Sydney Parklands.	
Planning Priority W16 Protecting and enhancing scenic and cultural landscapes	
76. Identify and protect ridgelines, scenic and cultural landscapes, specifically the Scenic Hills, Mulgoa Valley and the escarpments of the Blue Mountains.	The Planning Proposal is considered consistent as the site is not visible from the Campbelltown side of the Scenic Hills.
77. Enhance and protect views of scenic and cultural landscapes from the public realm.	Building height in the Planning Proposal control would support this action.
78. Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes.	
79. Limit urban development to within the Urban Area, except for the investigation areas at Horsley Park, Orchard Hills, and east of The Northern Road, Luddenham.	It is considered that subject land, due to its location in relation to the adjoining residential development is an anomaly.
Planning Priority W18 Delivering high quality open space	
80. Maximise the use of existing open space and protect, enhance and expand public open space by:	The site is located adjacent to a corridor containing 2 gas lines and 1 electricity power line that also traverse the adjoining Willowdale development. The 2 gas line corridors within the Willowdale development are located within open space with streets fronting open space. It is proposed that this combined corridor be zoned as RE1. The site is subject to bushfire risk. The

Planning Priority	Comments on consistency
a. providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow	proposed R2 zone would be separated from the proposed E2 zone by the proposed RE1 corridor.
b. investigating opportunities to provide new open space so that all residential areas are within 400 m of open space and all high density residential areas (over 60 dwellings per hectare) are within 200 m of open space	Complies
c. requiring large urban renewal initiatives to demonstrate how the quantity of, or access to, high quality and diverse local open space is maintained or improved	Not applicable
d. planning new neighbourhoods with a sufficient quantity and quality of new open space	Complies
e. delivering shared and co-located sports and recreational facilities including shared school grounds and repurposed golf courses	Not applicable
f. delivering or complementing the Greater Sydney Green Grid	The Planning Proposal would support this.
g. providing walking and cycling links for transport as well as leisure and recreational trips.	Consistent as the proposed RE1 zone would link the existing open space system in the Willowdale development with land to the south and east of the site. The PP would create a pedestrian and bicycle link from the southern end of the Willowdale development to land around Emerald Hills and to the eastern side of the Scenic Hills.
Planning Priority W20 Adapting to the impacts of urban and natural hazards and climate change	
87. Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.	The site is located adjacent to a corridor containing 2 gas lines and 1 electricity power line that also traverse the adjoining Willowdale development. The 2 gas line corridors within the Willowdale development are located within open space with streets fronting open space. It is proposed that this combined corridor be zoned as RE1. The site is subject to bushfire risk. The proposed R2 zone would be separated from the proposed E2 zone by the proposed RE1 corridor.

Planning Priority	Comments on consistency
88. Mitigate the urban heat island effect and reduce vulnerability to extreme heat.	It is expected that the development of the R2 zone would be supported by substantial street tree planting and the bushland to be retained in the proposed E2 zone would support this.

4. Is the Planning Proposal consistent with Council's local strategy or other local strategic plan?

Campbelltown Community Strategic Plan – Campbelltown 2027

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

The PP is consistent with the relevant objectives headed accordingly.

Table 4

Outcomes	Comments on consistency
Outcome 1: A vibrant, liveable city Council's goal 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 Planning Proposal does not compromise these goals.
Outcome 2: A respected and protected natural environment Council's goal Our people embrace the city's natural surrounds and see it as a unique point of difference. We work together to ensure development in the LGA is approached in a sustainable manner, and that our natural assets, bushlands and waterways are treated with respect. Our community is engaged and educated on the benefits of managing and accessing open space. We protect biodiversity conservation, our visual landscape and our heritage values, and recognise the importance of creating a sustainable and resilient city for future generations. Strategies 2.1 Implement and advocate for initiatives that conserve the city's natural environment 2.2 Activate the city's natural bushland and open spaces, fostering enhanced community stewardship of these areas 2.3 Promote and educate our community on sustainable practices and encourage practicable take up of more sustainable life-choices 2.4 Conserve and care for our city's biodiversity 2.5 Plan for and ensure that development in our city is sustainable and resilient	The Planning Proposal does not compromise these goals. The Planning Proposal is consistent in that while some bushland would be lost stricter controls would be applied in the remaining land proposed to be zone E2.
Outcome 3: A thriving, attractive city Council's goal	

Outcomes	Comments on consistency
We are a city that encourages and supports the development of the local economy through business innovation and growth. Our city attracts professional organisations which provide a range of employment opportunities for our people. We are a destination which makes the most of our city's natural and man-made assets to build on the experience that is Campbelltown. Our people are engaged in ongoing conversations about matters which affect our city, to ensure Council activities align with its strategic direction and the city's assets are managed strategically and sensitively. We embrace change and look to support the creation of new economies to build the resilience of the city.	The Planning Proposal does not compromise these goals.
Strategies 3.1 Support the resilience, growth and diversity of the local economy 3.2 Ensure that service provision supports the community to achieve and meets their needs 3.3 Become an innovative city where advances in technology, creativity and community participation are nurtured and embraced 3.4 Retain and expand existing businesses and attract new enterprises to Campbelltown, offering opportunities for a diverse workforce including professional, technology and knowledge based skills and creative capacity 3.5 Support for new education opportunities that match workforce skill sets with emerging economic needs underwritten by creative entrepreneurship and innovation capacity within the local community 3.6 Develop tourism opportunities and promote Campbelltown as a destination 3.7 Public funds and assets are managed strategically, transparently and efficiently 3.8 Provide strong governance for all Council activities	The Planning Proposal does not compromise these strategies.
<u>Outcome 4: A successful city</u> Council's goal	

Outcomes	Comments on consistency
We are a modern, forward thinking, connected city. We have built on our history and character, and shaped a city which transforms in line with its community and its needs. Our people value a balance between the built form and open space, and are kept informed of infrastructure delivery, including better health and education infrastructure and services. Our city and our people are connected through strategic road networks, transport systems and pedestrian facilities. Council strategies are developed in line with the draft South West District Plan and complement State Government plans for the city. Our city is reinvigorated – it is a city where people choose to be.	The Planning Proposal does not compromise these goals.
Strategies 4.1 Advocate and plan for enhanced connectivity, accessibility and movement within, to and from our city through improved public transport, road and traffic management infrastructure, cycling and pedestrian movement 4.2 Support and advocate for infrastructure solutions that meet the needs of our city and which pay an economic and liveability dividend 4.3 Responsibly manage growth and development, with respect for the environment, heritage and character of our city 4.4 Maintain and create usable open and recreational spaces that set our city apart from others 4.5 Work in partnership with the State Government to achieve positive planning outcomes 4.5 Work in partnership with the State Government to achieve positive planning outcomes 4.6 Plan and invest in the revitalisation of Campbelltown-Macarthur CBD, Ingleburn and other town centres	The Planning Proposal does not compromise these strategies. The proposed open space link will enhance cycling and pedestrian movement.

Campbelltown Local Planning Strategy 2013

The Local Planning Strategy 2013 was adopted in conjunction with the Campbelltown LEP 2015 to assist in informing future planning decisions.

The Planning Proposal is onsistent with the relevant strategies headed accordingly.

Table 5

Strategy	Comments on consistency
Environmental Management	
Contamination	This issue has been addressed in the background reports.
Salinity	In the absence of extreme localised geotechnical events, the inherent geotechnical constraints are manageable. They can generally be mitigated through the appropriate location of development through ground truthing, geotechnical investigation and environmental and engineering design.
Groundwater and Surface Water • A more comprehensive understanding of groundwater systems should be pursued as a fundamental step in developing and implementing a sustainable groundwater management strategy.	Not applicable to the site.
• Sufficient groundwater recharge areas should be maintained in elevated areas and desirably as vegetated corridors along ridgelines.	Not applicable to the site.
• The opportunities for integrating re-vegetated ridgelines with bio-banking areas should be explored, particularly in the Scenic Hills, as part of a more holistic strategy for the sustainable management of this area.	This Planning Proposal will support the bio-banking of the remaining bushland.
• The general management of water in the landscape should embrace the principles of Total Water Cycle Management and Water Sensitive Urban Design21.	The Planning Proposal will allow development of the site to contribute to this.
• Naturalistic drainage systems should be created or recreated as mechanisms for the management of surface water flows. Such systems should strive to mimic the natural hydrological regime.	The Planning Proposal will allow development of the site to contribute to this.
Sub-surface minerals and gases • A more comprehensive understanding of the nature, extent and aspirations for realising subsurface mineral and gaseous resources is required.	Not applicable to the site.
• A detailed knowledge of any adverse environmental impacts attached to realising subsurface minerals and gases and a comprehensive strategy to oppose inappropriate development of this nature and to mitigate adverse impacts is also required.	Not applicable to the site.
Effluent Disposal • In the absence of reticulated sewer, on-site effluent disposal should be the subject of comprehensive Sewage Management Plans, informed by broad ranging soil and landscape data.	Any future development would be required to provide reticulated sewer.

Strategy	Comments on consistency
Biodiversity • A comprehensive Biodiversity Strategy should be prepared having regard to existing knowledge and include, as a minimum:	The proposed E2 zone will contribute a future biodiversity strategy.
Air Quality	Not applicable to the site.
Noise	Not applicable to the site.
Bushfire	Development on the site will be subject to bushfire planning requirements.
Flooding and Drainage	While the site is not below the flood planning level, detention works will be required to minimise any adverse impacts downstream.
Climate Change • Promote the planting of appropriate trees for shade and solar access.	Vegetation of the proposed E2 lands will assist with this.
Residential Development • "Greenfield" Development refers to the development of land located on the urban fringe that has previously been used for non-urban land uses such as agriculture, for urban uses and particularly for new housing. It is critical to providing some degree of balance in meeting future population growth and provides a different housing and lifestyle choice. If these areas are formally identified as Urban Release Areas they will develop as well planned, integrated communities with a range of housing types and styles, supplied by well-planned services, infrastructure and quality public transport systems and open space networks. Caution should be used when considering proposals to develop land on the urban fringe that is not within a recognised Urban Release Area, as developing such land can lead to uncoordinated development and servicing issues.	The Planning Proposal complies in that it will provide scope for additional housing while further protecting existing bushland.
Economy and Employment (Incorporating Centres and Corridors)	Not applicable
Centres, Corridors and Business Parks	Not applicable.
Transport and Access	

Strategy	Comments on consistency
Overarching Objectives • Integrate land use and transport planning and delivery • Advocate for improved public transport and promote the use of public transport • Promote walking and cycling for local trips • Facilitate access for all users (including persons with disabilities, the aged and persons with young children) and integrate this philosophy into all levels of planning and transportation network and public domain improvements.	The development is expected to integrate with the surrounding street network. The provision of an open space corridor through the site will facilitate walking and cycling links between Willowdale and areas to the east and south.
• Continue to plan and lobby for funding assistance associated with the construction of the Spring Farm Link Road	Not applicable.
Infrastructure, Services and Open Space Overarching Objectives • Adequate infrastructure provision should accompany all proposed development • Development should not be approved if it cannot be adequately serviced by existing or augmented infrastructure • Pursue optimum future conservation and demand management of water • Consult relevant service providers in the preparation of the Comprehensive LEP	The development of the site will be required to provide the required infrastructure. Infrastructure servicing authorities will be consulted during the exhibition process.
Rural Lands	
Scenic and Visual Landscapes	

Strategy	Comments on consistency
• Retain the existing footprint of the Scenic Hills.	As outlined above, it is considered that mapping of the MRA as it relates to the subject property is the result of a planning anomaly arising from the: • location of the site on the Campbelltown City Council and Camden Council LGA boundary; • extent of the South West Priority Growth Area which includes the East Leppington Precinct; • Emerald Hills Precinct located in the Camden LGA and rezoned in September 2014; and • Mapping of the MRA which aligns with property boundaries rather than landscape features. Given the above, the subject site does not exhibit the rural or landscape qualities that comprise the MRA or scenic hills. The site is flanked by urban development on its western and northern boundaries, is bisected by a riparian corridor, gas and high voltage electricity transmission lines that separate it from the Scenic Hills. Accordingly, the impact on scenic and cultural landscape of the Scenic Hills, when viewed from the public realm is considered minimal and any inconsistency with the objectives is considered reasonable in this instance
• Protect the prevailing "undeveloped"/rural state.	As above.
• Urbanisation should be avoided, including in particular intensification of existing uses and the further introduction of institutional development.	As above.
• Development within existing urban areas shall minimise its impact upon significant vistas towards the Scenic Hills.	Not applicable
• Foster an understanding and respect for the complexity and richness of the Scenic Hills landscape.	Complies

Strategy	Comments on consistency
• Protect and conserve the ecological, scenic and environmental qualities of the Mount Annan Botanic Garden, including inward and outward views and adverse edge effects.	Not applicable
• Conserve both the skyline quality and integrity of the Mount Annan ridgeline.	Not applicable
• Include the landscape of Sugarloaf within the area recognised as the Scenic Hills.	Not applicable
• Protect the quality and integrity of the sequential views while travelling south on Menangle Road, Glenlee Road and the Freeway.	Not applicable
• Minimise visual impact of "hard/physical' Infrastructure.	Complies

Campbelltown Residential Development Strategy 2013

The site is not identified as a future residential urban release site. However the strategy does not preclude minor additions to existing greenfield urban areas.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Polices?

The PP is generally consistent with applicable SEPPs. See Table 6 below.

Table 6

State Environmental Planning Policies	Comments on consistency
SEPP No 1 Development Standards	Not applicable as CLEP 2015 is a Standard Instrument LEP and incorporates Clause 4.6 - Exceptions to Development Standards, which negates the need for consistency with SEPP 1.
SEPP No. 19 - Bushland in Urban Areas	The PP satisfies this SEPP in that it applies stricter controls on the remaining bushland by zoning it E2 Environmental Conservation.
SEPP No. 21 - Caravan Parks	Not applicable to this Planning Proposal.
SEPP No. 30 - Intensive Agriculture	Not applicable to this Planning Proposal.
SEPP No. 33 - Hazardous and Offensive Development	Not applicable to this Planning Proposal.
SEPP No. 36 - Manufactured Home Estates	Not applicable in the Campbelltown LGA.
SEPP No. 44 - Koala Habitat Protection	Not applicable to this Planning Proposal.
SEPP No. 47 - Moore Park Showground	Not applicable in the Campbelltown LGA.
SEPP No. 50 - Canal Estate Development	Not applicable to this Planning Proposal.
SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable in the Campbelltown LGA.

State Environmental Planning Policies	Comments on consistency
SEPP No. 55 - Remediation of Land	As the land has been occupied by bushland it is not anticipated that it would be contaminated. A preliminary site contamination investigation was undertaken and no significant contamination was identified. A future development application would be required to comply with the requirements of the SEPP.
SEPP No. 62 - Sustainable Aquaculture	Not applicable to this Planning Proposal.
SEPP No. 64 - Advertising and Signage	Not applicable to this Planning Proposal.
SEPP No. 65 - Design Quality of Residential Flat Development	Not applicable to this Planning Proposal as residential flat buildings is not proposed on the site.
SEPP No. 70 - Affordable Housing (Revised Schemes)	Not applicable in the Campbelltown LGA
SEPP (Affordable Rental Housing) 2009	Not applicable to this Planning Proposal.
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable to this Planning Proposal.
SEPP (Coastal Management) 2018	Not applicable in the Campbelltown LGA.
SEPP (Educational Establishments and Child Care Facilities) 2017	Not applicable to this Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	Consistent as the Planning Proposal. does not propose any provisions contrary to the SEPP.
SEPP (Gosford City Centre) 2018	Not applicable in the Campbelltown LGA.
SEPP (Housing for Seniors or People with a Disability)	Consistent as the Planning Proposal does not propose any provisions contrary to the SEPP.
SEPP (Infrastructure) 2007	Consistent with SEPP.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not applicable in the Campbelltown LGA.
SEPP (Kurnell Peninsula) 1989	Not applicable in the Campbelltown LGA.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable to this Planning Proposal.
SEPP (Miscellaneous Consent Provisions) 2007	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Penrith Lakes Scheme) 1989	Not applicable in the Campbelltown LGA.
SEPP (Rural Lands) 2008	Not applicable to this Planning Proposal.
SEPP (State and Regional Development) 2011	Not applicable to this Planning Proposal.
SEPP (State Significant Precincts) 2005	Not applicable to this Planning Proposal.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable in the Campbelltown LGA.
SEPP (Sydney Region Growth Centres) 2006	Not applicable to this Planning Proposal.
SEPP (Three Ports) 2013	Not applicable in the Campbelltown LGA.
SEPP (Urban Renewal) 2010	Not applicable to this Planning Proposal.

State Environmental Planning Policies	Comments on consistency
SEPP (Vegetation in Non - Rural Areas) 2017	Consistent as the Planning Proposal does not propose any provisions contrary to the SEPP. Any removal of vegetation will be dealt with at the development applications stage.
SEPP (Western Sydney Employment Area) 2009	Not applicable in the Campbelltown LGA.
SEPP (Western Sydney Parklands) 2009	Not applicable in the Campbelltown LGA.
REP No.2 – Georges River Catchment	Not applicable to this Planning Proposal.
REP No.9 - Extractive Industry (No 2)	Not inconsistent
REP No.20 - Hawkesbury-Nepean River (No 2 1997)	Not inconsistent

Is the Planning Proposal consistent with applicable Ministerial Directions (S9.1 directions)?

The PP is either considered consistent, justifiably inconsistent with the applicable Ministerial Directions (S9.1 directions). See Table 7 for an assessment of the PP against the S9.1 Ministerial Directions.

Table 7

Ministerial Direction	Comments on consistency
1. Employment and Resources	
1.1 Business and industrial Zones	Not applicable to this Planning Proposal.
1.2 Rural Zones	Satisfies this direction as the Planning Proposal is of minor significance.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable to this Planning Proposal.
1.4 Oyster Production	Not applicable to this Planning Proposal.
1.5 Rural Lands	Satisfies this direction as no land used for agriculture is affected by this Planning Proposal.
2. Environment and Heritage	
2.1 Environmental Protection Zones	The Planning Proposal can satisfy the in that it would provide greater security of protection of the remaining bushland and provides the opportunity for the conservation of land s as a bio-banking site to provide long term protection.
2.2 Coastal Protection	Not applicable to this Planning Proposal.
2.3 Heritage Conservation	Not applicable to this Planning Proposal.
2.4 Recreation Vehicle Area	Not applicable to this Planning Proposal.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable to this Planning Proposal.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent with Direction as it provides for additional housing choice.

Ministerial Direction	Comments on consistency
3.2 Caravan Parks and Manufactured Home Estates	Not applicable to this Planning Proposal.
3.3 Home Occupations	Not applicable to this Planning Proposal.
3.4 Integrating Land Use and transport	Consistent with Direction as it is of minor significance and unlikely to lead to any other significant rezoning proposals.
3.5 Development Near Licensed Aerodromes	Not applicable to this Planning Proposal.
4. Hazard and Risk	
4.1 Acid Sulphate Soils	Consistent as the land is not known to exhibit acid sulphate qualities.
4.2 Mine Subsidence and Unstable Land	Not applicable to this site.
4.3 Flood Prone Land	Not inconsistent as this Planning Proposal does not propose to rezone any flood affected land.
4.4 Planning for Bushfire Protection	There is bushland to be retained east of the land proposed to be rezoned as R2. It will however be separated by from the residential development by an existing power line easement that assists in providing an Asset Protection Zone. Appropriate measures such as evacuation routes to minimise the risk can be put in place as part of the development assessment process.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable in the Campbelltown LGA
5.2 Sydney Drinking Water catchments	Not applicable in the Campbelltown LGA
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable in the Campbelltown LGA.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable in the Campbelltown LGA.
5.5 -5.7	Revoked.
5.8 Second Sydney Airport	Not applicable in the Campbelltown LGA.
5.9 North West Rail Link Corridor Strategy	Not applicable in the Campbelltown LGA.
5.10 Implementation of Regional Plans	Refer to 7.1 below.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent as the Planning Proposal does not alter the provisions relating to approval and referral requirements.
6.2 Reserving Land for Public Purposes	Consistent, as Campbelltown City Council will be the acquisition authority for the land identified for a public purpose.
6.3 Site Specific Provisions	Consistent with Direction.

Ministerial Direction	Comments on consistency
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	The Greater Sydney Region Plan and Western District Plan identify the site as part of the Metropolitan Rural Area. Each plan states that urban development is not compatible with the MRA and that there is sufficient land to deliver housing eliminating the need for expanding into the MRA. It is considered that mapping of the MRA as it relates to the subject property is the result of a planning anomaly arising from the: • location of the site on the Campbelltown City Council and Camden Council LGA boundary; • extent of the South West Priority Growth Area which includes the East Leppington Precinct; • Emerald Hills Precinct located in the Camden LGA and rezoned in September 2014; and • Mapping of the MRA which aligns with property boundaries rather than landscape features. Given the above, the subject site does not exhibit the rural or landscape qualities that comprise the MRA. The site is flanked by urban development on its western and northern boundaries, is bisected by a riparian corridor, gas and high voltage electricity transmission lines that separate it from the Scenic Hills. Accordingly, the impact on scenic and cultural landscape of the Scenic Hills, when viewed from the public realm is considered minimal and any inconsistency with the objectives is considered reasonable in this instance.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable to the site.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable in the Campbelltown LGA.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable in the Campbelltown LGA.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable in the Campbelltown LGA.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable in the Campbelltown LGA.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable to this Planning Proposal.

Section C – Environmental Social or Economic impact

6. **Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

   The site is occupied by Cumberland Plain Woodland. The existing E3 zone is applied across the entire the Scenic Hills area and allows a range of rural land uses, subject to a 100 ha minimum site area. It is noted that the adjoining bushland in Camden LGA is zoned as E2 Environmental Conservation, which separates Willowdale and Emerald Hills (in Camden).

   It is proposed to zone the eastern portion of the site as E2, which would restrict the range of land uses on the site and assist in protecting the existing bushland. This portion of the site has also been identified by the applicant for future bio-banking.

7. **Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

   While the Planning Proposal is in the vicinity of the Upper Canal, the land proposed to be zoned R2 is located some distance from the boundary of the canal and drains away from the canal.

   It is not expected that there would be any significant visual, acoustic and air quality impacts and any bushfire hazard.

8. **How has the planning proposal adequately addressed any social and economic effects?**

   The site does not contain any items of environmental heritage. No aboriginal heritage study has been carried out at this stage.

Section D – State and Commonwealth interests.

9. **Is there adequate public infrastructure for the planning proposal?**

   Water, sewer, electricity and telecommunications

   The site is adjacent to the Willowdale development. Consultation with infrastructure providers will take place to confirm availability of services.

   Road access

   The provision of road access via St Andrews Road and / or via Aqueduct Street in the adjoining subdivision is being worked out with Camden Council.

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

    It is expected that consultation will take place with various government authorities in accordance with any Gateway determination.

Part 4: Mapping

In seeking to achieve the PP objective and outcomes the following map amendments are proposed:

Table 8

Item	Location
Changes to Land Zoning Map	Annexure 1
Changes to Minimum Lot Size Map	Annexure 2
Changes to Changes to Dual Occupancy Lot Size Map	Annexure 3
Changes to Land Reservation Map	Annexure 4
Changes to Urban Release Area Map	Annexure 5
Changes to Terrestrial Biodiversity Map	Annexure 6

Part 5 - Community Consultation

Public consultation will take place in accordance with a relevant Gateway Determination. All relevant agencies and local community will also be consulted during the mandated minimum public exhibition period.

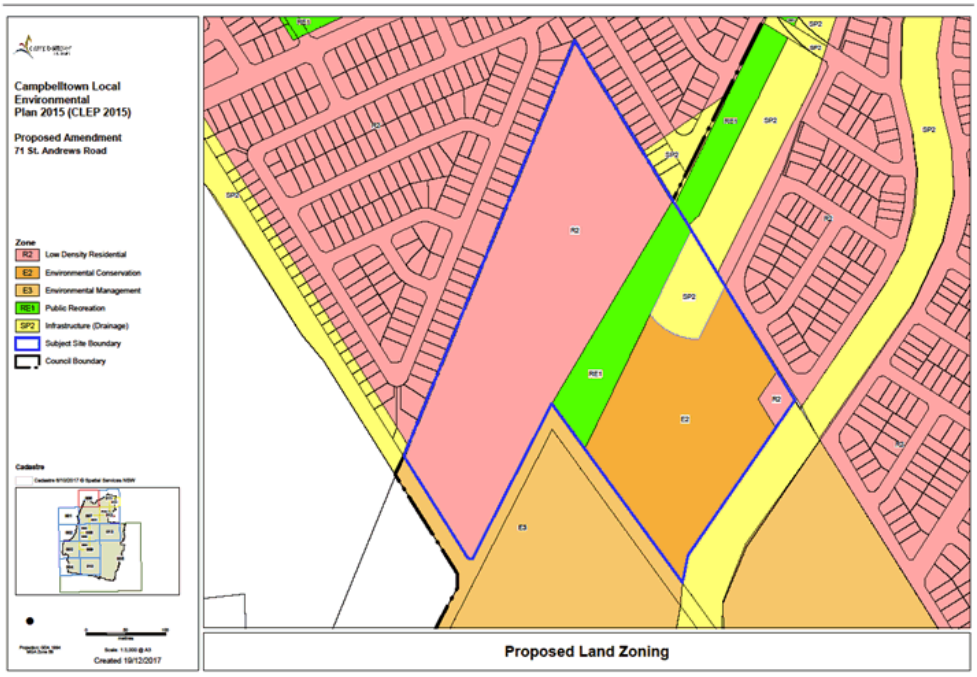
Part 6 Project Timeline

The project timeline has been included in Table 9 below. The anticipated timeframes and dates have been assigned to each milestone of the Gateway process.

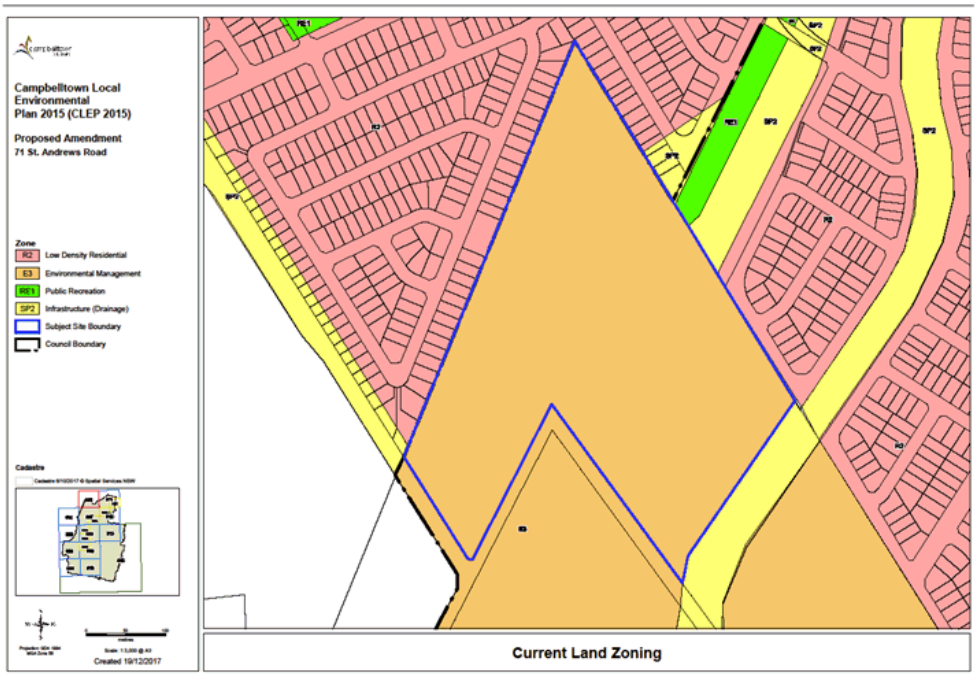
Table 9: Project Timeline

Milestone	Timeline
Commencement date (date of Gateway determination)	August 2019
Anticipated timeframe for the completion of required technical information	December 2019
Commencement and completion dates for public exhibition period	March 2020
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination) – Consultation with government agencies is proposed to be undertaken while the proposal is on public exhibition.	June 2020
Timeframe for consideration of submissions (report to Council)	July 2020
Anticipated date RPA will forward to the Department for notification	August 2020

Annexure 1 Changes to Zoning Map

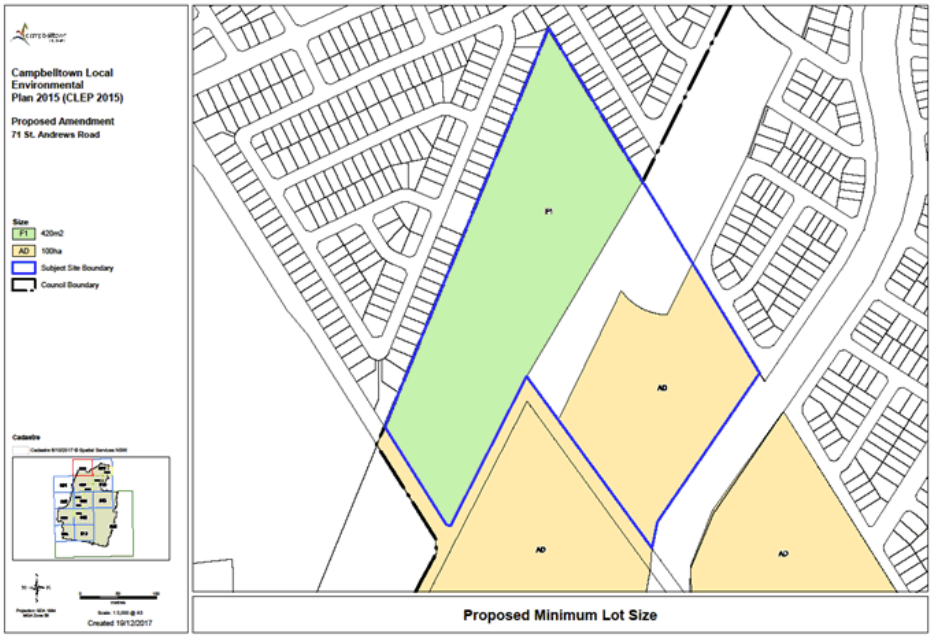


Proposed Land Zoning



Current Land Zoning

Annexure 2 - Changes to Minimum Lot Size Map

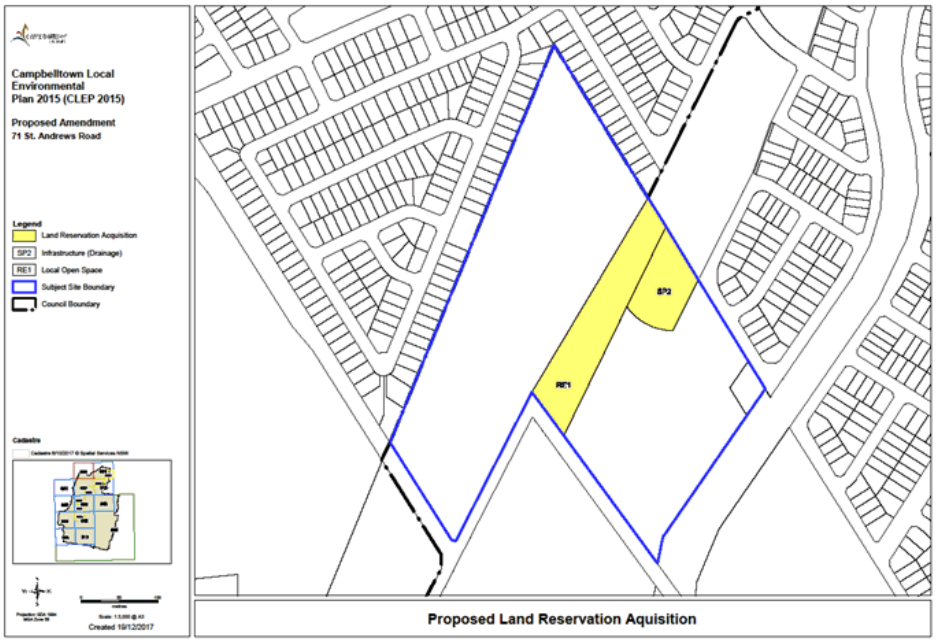


Proposed Minimum Lot Size

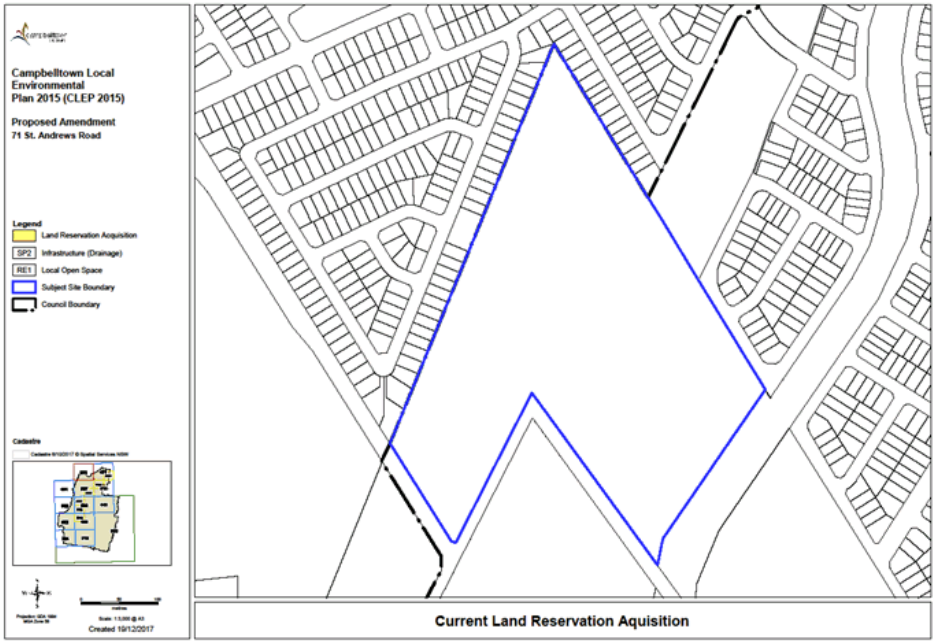
Current Minimum Lot Size

Annexure 3 – Changes to Dual Occupancy Lot Size Map

Annexure 4 - Changes to Land Reservation Map

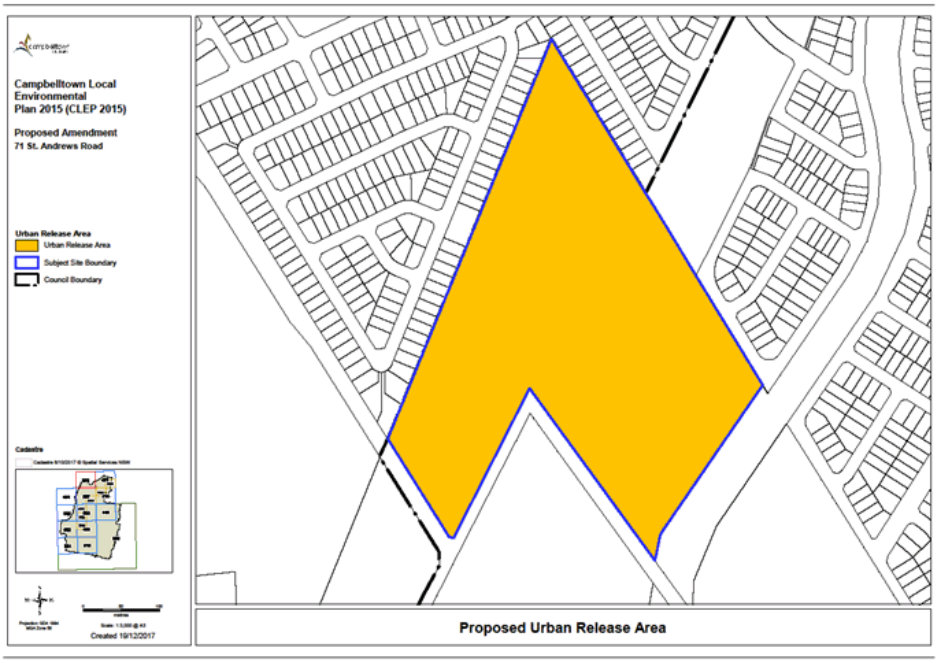


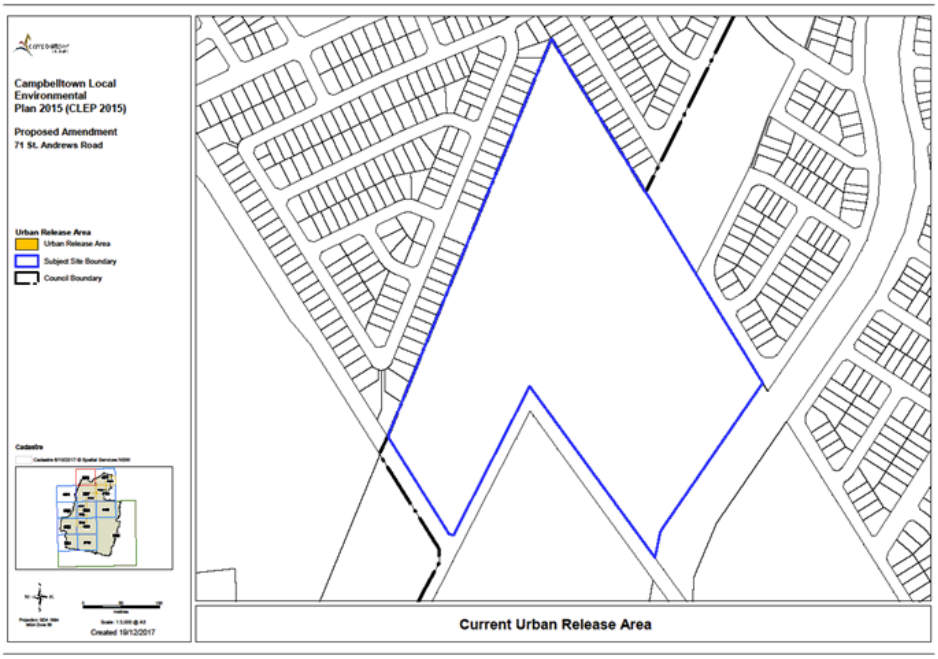
Proposed Land Reservation Aquisition



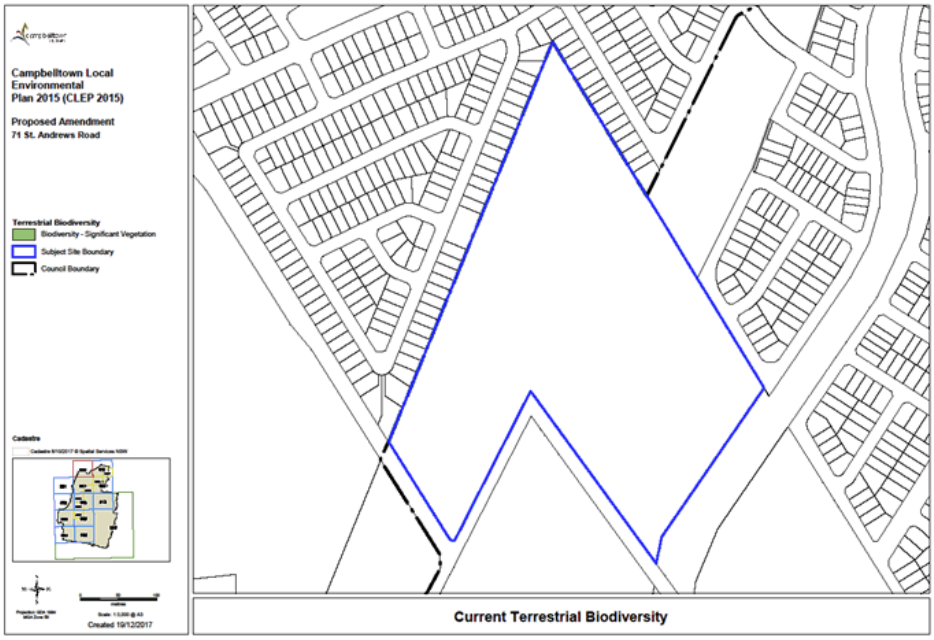
Current Land Reservation Aquisition

Annexure 5 - Changes to Urban Release Area Map





Annexure 6 - Changes to Terrestrial biodiversity Map



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

Reporting Officer

Manager City Standards and Compliance
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

1. That the revised Management of Feral and Infant Companion Animal Policy as attached to this report be adopted.

2. That the Management of Feral and Infant Companion Animal Policy review date be set at 30 June 2021.

Purpose

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

History

Council at its meeting held 8 April 2014 adopted the policy.

The policy was last reviewed in 2017 with minor changes made which did not alter the context or intent of the policy.

Council at its Ordinary Meeting held 23 May 2017 adopted the amended policy and a policy review date of 30 June, 2019 was set.

Report

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

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

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

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

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

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

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

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

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

The changes to the policy consist of updating the responsible officer details from Animal Care Facility Coordinator to Animal Care Facility Team Leader and update of the section title due to the management restructure. Addition of related documents – Infant Animal Assessment Form (Docset: 3520603) and Feral Cat Assessment Form (Docset: 3520597) and other minor edits have been made that do not alter the policy intent or context. It is proposed that the policy be retained in its existing form with the exception of minor editing as indicated above that does not affect the operation of the policy.

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

Attachments

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

campbelltown city council	**POLICY**
Policy Title	Management of Feral and Infant Companion Animals
Related Documentation	DocSet: 2468330 – Procedure Document – Euthanasia of Impounded Animals. DocSet: 2241642 – Procedure Document – Impounding Animals DocSet: 2535841 – Procedure Document – Housing Impounded Animals Risk Identification (R1011ACF) Euthanasia of Animals Risk Identification (R1012ACF) Disposal of Dead Animals
Relevant Legislation/ Corporate Plan	*Companion Animals Act 1998* – S64& 64A; Guideline on the Exercise of Functions under the *Companion Animals Act 1998*
Responsible Officer	Manager City Standards and Compliance and Animal Care Facility Coordinator

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

Objectives

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

Policy Statement

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

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

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

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

DATA AND DOCUMENT CONTROL		
Division: City Development **Section:** City Standards and Compliance **DocSet:** 3829666	**Adopted Date:** 08/04/2014 **Revised Date:** 23/05/2017 **Minute Number:** 117 **Review Date:** 30/06/2019	**Page:** 1 of 3

Definitions

1. **Companion Animal** means a dog or cat and any other animal that is prescribed by the *Companion Animals Act 1998* regulations as a companion animal

2. **Feral** means wild or showing no signs of domestication but does not include any companion animal that is micro chipped or wearing a collar

3. **Infant** means a companion animal that appears to be under 8 weeks of age

4. **Euthanasia** refers to the euthanasing procedure administered by Council's authorised veterinary surgeon in accordance with Procedure Document DocSet 2468330 Euthanasisa of Impounded Animals.

Legislative Context

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

Principles

1. Feral companion animals

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

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

2. Infant companion animals

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

a) if the infant is in good health and able to be cared for and if so

b) if there is a suitable lactating animal at the Animal Care Facility that is able to adopt and care for the infant or

c) if there is an alternative care arrangement (for example an arrangement with a foster carer that is associated with an approved Rescue Group) that is able to be implemented immediately to accept responsibility for, and deliver an appropriate level of care to, the infant.

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

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

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

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

END OF POLICY STATEMENT

campbelltown city council	**POLICY**
Policy Title	Management of Feral and Infant Companion Animals
Related Documentation	DocSet: 3520603 – Form – Infant Animal Assessment Form DocSet: 3520597 – Form – Feral Cat Assessment Form DocSet: 2468330 – Procedure Document – Euthanasia of Impounded Animals. DocSet: 2241642 – Procedure Document – Impounding Animals DocSet: 2535841 – Procedure Document – Housing Impounded Animals Risk Identification (R1011ACF) Euthanasia of Animals Risk Identification (R1012ACF) Disposal of Dead Animals
Relevant Legislation/ Corporate Plan	*Companion Animals Act 1998* – S64& 64A; Guideline on the Exercise of Functions under the *Companion Animals Act 1998*
Responsible Officer	Manager City Standards and Compliance and Animal Care Facility ~~Coordinator~~ Team Leader

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

Objectives

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

Policy Statement

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

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

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

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

DATA AND DOCUMENT CONTROL		
Division: City Development **Section:** City Standards, and Compliance **DocSet:** 3829666	**Adopted Date:** 08/04/2014 **Revised Date:** 23/05/2017 **Minute Number:** 117 **Review Date:** 30/06/2019	**Page:** 1 of 3

Definitions

1. **Companion Animal** means a dog or cat and any other animal that is prescribed by the *Companion Animals Act 1998* regulations as a companion animal

2. **Feral** means wild or showing no signs of domestication but does not include any companion animal that is micro chipped or wearing a collar

3. **Infant** means a companion animal that appears to be under 8 weeks of age

4. **Euthanasia** refers to the euthanasing procedure administered by Council's authorised veterinary surgeon in accordance with Procedure Document DocSet: 2468330 Euthanasia of Impounded Animals.

Legislative Context

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

Principles

1. Feral companion animals

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

Upon receiving the animal at Council's ACF, a feral ~~animal~~ cat assessment form (~~Attachment 1~~ DocSet: 3520597) is to be completed to document and justify the assessment of the animal as feral.

2. Infant companion animals

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

a) if the infant is in good health and able to be cared for and if so

b) if there is a suitable lactating animal at the Animal Care Facility that is able to adopt and care for the infant or

c) if there is an alternative care arrangement (for example an arrangement with a foster carer that is associated with an approved Rescue Group) that is able to be implemented immediately to accept responsibility for, and deliver an appropriate level of care to, the infant.

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

Upon receiving the infant animal at Council's ACF, an Infant Animal Assessment form (~~see Attachment 2~~ DocSet: 3520603) is to be completed to document and justify the assessment of the animal as an infant.

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

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

END OF POLICY STATEMENT

8.7 Review of Second Hand Clothing Bins Policy

Reporting Officer

Manager City Standards and Compliance
City Development

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.2 - Support and advocate for infrastructure solutions that meet the needs of our city and which pay an economic and liveability dividend

Officer's Recommendation

1. That the revised Second Hand Clothing Bins Policy as attached to this report be adopted.

2. That the Second Hand Clothing Bins Policy review date be set at 30 June 2021.

Purpose

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

History

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

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

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

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

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

Council at its meeting of 8 April 2014 adopted the revised draft Second Hand Clothing Bins Policy.

The policy was last reviewed in 2017, with the policy being updated to reflect relevant legislation that relates to exempt development provisions as it applies to clothing bins.

Council at its meeting of 23 May 2017 adopted the revised draft Second Hand Clothing Bins Policy and a policy review date of 30 June 2019 was set.

Report

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

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

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

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

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

It is proposed that the policy be retained in its existing form with the exception of updating of section title and manager details. The changes are minor and do not affect the operation of the Policy.

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

Attachments

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

campbelltown city council	**POLICY**

Policy Title	Second Hand Clothing Bins
Related Documentation	Policy Procedure
Relevant Legislation/ Corporate Plan	*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* *Local Government Act 1993*
Responsible Officer	Manager City Standards and Compliance

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

Objectives

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

Policy Statement

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

DATA AND DOCUMENT CONTROL		
Division: City Development **Section:** City Standards and Compliance **DocSet: 1555156**	**Adopted Date:** 18/10/1988 **Revised Date:** 23/05/2017 **Minute Number:** 115 **Review Date:** 30/06/2019	**Page:** 1 of 3

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

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

Definitions
Within the policy the following definitions apply:

Second-hand clothing bin:	refers to an externally located collection device, usually a large enclosed steel box, used for the placement of unwanted second-hand items by the public, such as clothing, linen, shoes, belts, bags and other similar items.
Temporary Structure:	includes a second-hand clothing bin, booth, tent or other temporary enclosure and also includes a mobile structure.

Legislative Context

SEPP (Exempt and Complying Development Codes) 2008, contains provisions for charity bins including exempt development provisions.

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

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

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

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

a) Be associated with commercial premises or a place of public worship

b) If located on the same lot as the commercial premises or place of public worship - be wholly located within the lot and not located on a road or road reserve

c) Not result in more than three such bins on one lot

d) Be located behind the building line of any road frontage

e) Be operated by a person or organisation that is the holder of an authority under the *Charitable Fundraising Act 1991*

f) Not display any advertising other than details of the person or organisation that operates it

g) Not cause the contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises relating to car parking, loading, vehicular movement, waste management and landscaping.

Local Government Act 1993

Section 124 of the *Local Government Act 1993* contains provisions to enable Council to serve Orders to control and regulate nuisance, amenity or threats to health or safety that may be posed by second- hand clothing bin installations, namely:

Order 10 - To remove or stack articles or matter, to cover articles or matter, to erect fences or screens or to plant trees

Order 21 - To do or refrain from doing such things as are specified to ensure that premises are placed or kept in a safe or health condition

Order 27 - To remove an object or matter from a public place or prevent any object or matter being deposited there.

Section 628 - Failure to comply with Order

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

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

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

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

Principles

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

Responsibility

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

Effectiveness of this Policy

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

END OF POLICY STATEMENT

campbelltown city council	**POLICY**

Policy Title	Second Hand Clothing Bins
Related Documentation	Policy Procedure
Relevant Legislation/ Corporate Plan	*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* *Local Government Act 1993*
Responsible Officer	Manager City Standards and Compliance

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

Objectives

1. To regulate ~~control~~ the location and placement ~~and site~~ of second-hand clothing bins.

2. To ensure all second-hand clothing bins are satisfactorily managed and maintained.

Policy Statement

1. Second-hand clothing bins shall be located only on private property, (with written approval of the landowner.

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

3. Second-hand clothing bins must not contravene any conditions of development consent relating to the use of the land and must not be placed on a landscaped area or occupy any parking space.

4. Second-hand clothing bins shall be marked with appropriate identification information and maintained as directed by Council Policy and Procedures.

5. To ensure the safe and efficient management of second-hand clothing bins the following provisions shall apply:

    - Donation bins are to be located appropriately so as not to detract from site amenity
    - Donation bins to be regularly emptied, cleaned and maintained
    - Donation bins shall not cause obstruction to footpaths and roadways
    - Donation bins are to be adequately fixed to prevent damage to property or injury to persons

DATA AND DOCUMENT CONTROL		
Division: City Development **Section:** City Standards and Compliance **DocSet: 1555156**	**Adopted Date:** 18/10/1988 **Revised Date:** 23/05/2017 **Minute Number:** 115 **Review Date:** 30/06/2019	**Page:** 1 of 3

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

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

Definitions
Within the policy the following definitions apply:

Second-hand clothing bin:	refers to an externally located collection device, usually a large enclosed steel box, used for the placement of unwanted second-hand items by the public, such as clothing, linen, shoes, belts, bags and other similar items.
Temporary Structure:	includes a second-hand clothing bin, booth, tent or other temporary enclosure and also includes a mobile structure.

Legislative Context

SEPP (Exempt and Complying Development Codes) 2008, contains provisions for charity bins including exempt development provisions.

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

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

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

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

a) Be associated with commercial premises or a place of public worship, and

b) If located on the same lot as the commercial premises or place of public worship - be wholly located within the lot and not located on a road or road reserve, and

c) Not result in more than three such bins on one lot, and

d) Be located behind the building line of any road frontage, and

e) Be operated by a person or organisation that is the holder of an authority under the *Charitable Fundraising Act 1991*, and

f) Not display any advertising other than details of the person or organisation that operates it, and

g) Not cause the contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises relating to car parking, loading, vehicular movement, waste management and landscaping.

Local Government Act 1993

Section 124 of the *Local Government Act 1993* contains provisions to enable Council to serve Orders to control and regulate nuisance, amenity or threats to health or safety that may be posed by second- hand clothing bin installations, namely:

Order 10 - To remove or stack articles or matter, to cover articles or matter, to erect fences or screens or to plant trees

Order 21 - To do or refrain from doing such things as are specified to ensure that premises are placed or kept in a safe or health condition

Order 27 - To remove an object or matter from a public place or prevent any object or matter being deposited there.

Section 628 - Failure to comply with Order

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

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

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

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

Principles

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

Responsibility

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

Effectiveness of this Policy

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

END OF POLICY STATEMENT

DATA AND DOCUMENT CONTROL		
DocSet: 1555156	**Page:** 3 of 3	

8.8 Greater Macarthur Koala Partnership Forum

Reporting Officer

Executive Manager Urban Release and Engagement
City Development

Community Strategic Plan

Objective	Strategy
2 Outcome Two: A Respected and Protected Natural Environment	2.1 - Implement and advocate for initiatives that conserve the city's natural environment

Officer's Recommendation

1. That Council note the identification of priority issues contained within the consultants Outcomes report.

2. That all attendees of the Koala Partnership Forum be acknowledged via the issuing of a thankyou letter.

3. That the Outcomes report be posted on Council's website and circulated to all Forum attendees, relevant agencies and institutions.

4. That representations be made to the relevant Federal, State and Local members of parliament in support of the priority issues identified.

Purpose

To update Council on the outcomes of the Greater Macarthur Koala Partnership Forum and to present an Outcomes report for publication on Council's website.

History

Council at its Ordinary Meeting held on 11 September 2018, considered a Notice of Motion in relation to the establishment of a Forum to identify a viable and sustainable care program for injured koalas; comprising local key stakeholders including local veterinarians. The aim of the Forum being to bring together a wide range of stakeholders from the Greater Macarthur region to discuss the future of south-western Sydney's koala population, with an emphasis on conservation planning of the natural asset corridor network in south Campbelltown, and considering the feasibility of developing a koala care program for the region.

A report was presented to Council at its Ordinary Meeting held on 9 October 2018, seeking Council's endorsement of the creation of the Greater Macarthur Koala Partnership Forum, and Council resolved that:

1. Council collaborate with relevant stakeholders in supporting the creation of a 'Greater Macarthur Koala Partnership Forum' to further investigate:

a) the implementation of a natural asset corridor network for the Greater Macarthur Growth Area supporting the long term vision of future-proofing koala habitat and movement within the region

b) the feasibility of developing a koala care program for the Greater Macarthur region; and in doing so explore opportunities for the establishment of local facilities for a koala hospital and rehabilitation sanctuary (that could provide contingencies to further leverage eco-tourism and draw visitors to the area).

2. Council invite Wollondilly Shire Council, relevant community groups including representatives of WIRES and other local koala rescue groups, local veterinarians, relevant State and Commonwealth agencies, landowners within the Greater Macarthur Growth Area, and local Members of Parliament, seeking their direct involvement in the Forum. The structure and membership of the Forum should allow for the addition of future relevant stakeholders as identified.

3. Council invites Wollondilly Shire Council to extend an invitation to interested landowners of the Wollondilly Shire, where their land holdings also exist withn the Greater Macarthur Growth Area (Wollondilly) and form part of important koala corridors.

Council moved to support the creation of the Forum, and in accordance with the Notice of Motion, Council Officers progressed arrangements for the Forum as discussed in this report.

Report

Preparation for the Forum was undertaken in accordance with the Notice of Motion, and Council Officers progressed arrangements for the Forum, in order to:

- secure an appropriate date and venue
- identify and engage relevant industry experts to present
- appoint a suitably qualified and experienced facilitator
- identify relevant stakeholders
- invite Wollondilly Council to extend invitations to landowners within the Greater Macarthur Growth Area
- issue invitations to relevant stakeholders, noting that attendance was by invite only.

On Wednesday 6 March 2019, Council hosted the Greater Macarthur Koala Partnership Forum at the Campbelltown Arts Centre.

The Forum was independently facilitated by staff from Elton Consulting, and a number of industry and community koala experts were invited to present on the key issues and threats affecting the long-term viability of koalas in the Greater Macarthur region.

A total of 54 people attended the Forum, with representation from a range of stakeholder groups including Campbelltown and Wollondilly Council Mayors and Councillors, State and Commonwealth local members, State and Commonwealth government agencies, community advocacy groups, researchers and scientists, veterinarians, developers and landowners.

The theme of the Forum was ‘Local Issues, Collaborative Solutions’, to recognise that while the issues relating to the care and conservation of koalas is regional specific – the actions

required to address these issues are the responsibility of a broad range of stakeholders; both within and outside the Greater Macarthur region.

Forum presentations were provided by key local koala experts from a diverse range of fields including from scientific disciplines (Dr Steve Phillips, Dr David Phalen, Ms Jessica Hagan), community advocacy (Mr Ricardo Lonza) and wildlife care groups (Ms Vickii Lett). Presentations were followed by a facilitated Q&A session, and Forum attendees then participated in a range of workshopping activities which were designed to ensure that a broad range of views and ideas were generated and shared. This interactive approach was taken in order to foster collaboration and promote shared ownership of actions whilst widening the opportunity for innovation through constructive challenge and debate.

The workshop activity sheets that were generated by Forum attendees during the afternoon session were then collected, analysed and compiled into the Outcomes report to identify priority issues for koala care and conservation in the region.

Findings

The main themes and issues raised in the Forum are discussed in detail in the consultants Outcomes report (attachment 1). In summary, the Outcomes report lists twelve priority issues that were identified by Forum participants as the main areas where action is required:

- consolidation of all available data and research about the local koala population from across government, community organisations and research institutions
- strong natural disaster contingency planning for local koala populations to mitigate risk from natural disasters such as bushfire
- additional funding for community care and conservation groups, including training and education
- reducing vehicle strike rates by implementing deterrents such as fencing, bridges, and over/underpasses and, where possible, natural features such as creeks and hills
- improving natural habitat corridors and connectivity
- expanding local habitat trees for koalas
- furthering quarantine efforts to ensure the local population remains disease free
- developing further care initiatives and expanding current facilities such as the Koala Health Hub
- collaring and tracking local populations to build on knowledge and research of local populations
- developing a national tourism park to raise awareness and generate funding for education, care and conservation
- improving development provisions and communication between Councils and developers

- differing views around the sustainability and coexistence between koalas and humans

With respect to addressing Part B of Council's resolution of 9 October 2018, Dr David Phalen provided advice as detailed in Appendix G of the Outcomes report. In this regard, the feasibility of establishing a local koala hospital and rehabilitation sanctuary is considered low on the grounds that a new facility would duplicate services that already exist. In addition, existing services provide separate rehabilitation sites which is ideal for addressing the chlamydia issue.

On the grounds that high quality veterinary care is already provided, it is suggested by Dr Phalen that the most feasible approach would be to support the existing service providers. This suggestion was a recommendation of Council's recent submission on the Macarthur 2040 strategy which is currently under review by the Department of Planning and Environment.

Next steps

The inaugural Greater Macarthur Koala Partnership Forum was well attended with positive and constructive feedback from attendees. The forum provided a unique opportunity to hear from all those who have a part to play in the protection, care and conservation of the koala and its habitat. As the forum has only identified key issues, further work is required to develop an action plan which would largely be the responsibility of state agencies, universities and key wildlife institutions such as Taronga zoo. To this end, many of the issues raised reflect those already under investigation under the NSW Koala Strategy 2018 and regional planning such as the Greater Macarthur 2040 strategy.

Accordingly, it is recommended that the Outcomes report be posted on Council's website and circulated to all forum attendees, relevant agencies and institutions, including relevant Federal, State and Local Members of Parliament. It is also recommended that the Forum attendees as listed in Appendix B of Attachment 1 be acknowledged via the issuing of a thankyou letter.

Conclusion

The Koala Forum represented a highly positive and proactive step in identifying regional priorities for koala care and conservation. Furthermore, Forum participants expressed their strong appreciation of the initiative undertaken by Council to convene the Forum which was attended by a diverse group of stakeholders.

On the grounds that the key issues identified largely reflect the exiting knowledge base and actions of existing plans and strategies, it is recommended that Council note the content of the Outcomes report, endorse its display on Council's website and be circulated to all forum attendees, relevant agencies and institutions.

Attachments

1. Report from Council's consultant containing the Outcomes report for the Greater Macarthur Partnership Forum (due to size 143 pages) (distributed under separate cover)

8.9 Planning Proposal 556/2019E-PP - Prohibition of Multi Dwelling Housing in the R2 Low Density Residential Zone

Reporting Officer

Executive Manager Urban Centres
City Development

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.3 - Responsibly manage growth and development, with respect for the environment, heritage and character of our city

Officer's Recommendation

1. That Council forward draft Planning Proposal 556/2019/E-PP to the Minister for Planning for finalisation pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

2. That all those who provided a submission to Council in response to the public exhibition of the draft Planning Proposal be advised of Council's decision.

Purpose

The purpose of this report is to:

1. Provide Council the details of the community consultation undertaken for Planning Proposal 556/2019/E-PP.

2. Recommend that Council forward the planning proposal to the Department of Planning and Environment for making.

History

At its meeting of 10 July 2018, Council considered a report (attachment 1) on the subject planning proposal to prohibit multi dwelling housing in the R2 Low Density Residential Zone and resolved as follows:

1. That Council note the submission by Council staff to the Department of Planning and Environment requesting the deferral of the operation of the Low Rise Medium Density Housing Code which is proposed to commence on 6 July 2018.

2. That Council consider the advice of the Local Planning Panel from its meeting of 27 June 2018 regarding the subject Planning Proposal.

3. That Council endorse the preparation of a Planning Proposal to amend Campbelltown Local Environmental Plan 2015 (CLEP 2015) to prohibit multi dwelling housing and manor houses in the R2 Low Density Residential Zone.

4. Subject to Recommendation 3, that:

    a. Council submit the Planning Proposal to the Department of Planning and Environment (DPE) for a Gateway Determination and undertake any public exhibition requirements.

    b. Council request the DPE to grant Council delegation to make amendments to Campbelltown Local Environmental Plan 2015 in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

On 15 October 2018, the DPE issued a Gateway Determination for the Planning Proposal subject to a number of conditions being addressed prior to exhibition (attachment 2).

Council provided an updated Planning Proposal to the DPE for review in accordance with the conditions of the Gateway Determination, and approval was issued by DPE on 16 January 2019 to commence the exhibition process. Details of the exhibition outcomes for the subject planning proposal are discussed in the body of this report.

Report

This report discusses the community consultation undertaken for Planning Proposal 556/2019/E-PP in accordance with the Council resolution of 10 July 2018 and Gateway Determination issued by DPE on 15 October 2018.

The reasons for supporting the subject proposal were provided in the report considered by Council at its meeting of 10 July 2018 (attachment 1). These matters remain relevant for Council's consideration and are reviewed in the following discussion.

Multi Dwelling Housing and CLEP 2015

CLEP 2015 was gazetted on 11 December 2015 and became operational on 11 March 2016. The Plan was prepared over an extensive timeframe, and was guided by a number of contributory studies, including Council's Residential Development Strategy 2014. This Strategy informed the decision by Council to include a new medium density housing zone (R3) within CLEP 2015 to facilitate medium density housing in suitable and well planned areas with sufficient supporting infrastructure and accessible to public transport and commercial centres.

In adopting CLEP 2015, Council decided to generally utilise a best fit philosophy with the comparable land zonings under the previous planning instrument Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002). This resulted in multi dwelling housing being included by default in the R2 Low Density Residential Zone under CLEP 2015, given that it was a permissible land use within the generic residential zone under LEP 2002.

Notwithstanding, CLEP 2015 achieved the objective of promoting multi dwelling housing in the more appropriate R3 zoned areas by imposing more stringent development standards for this housing type in the R2 zone. This included a minimum qualifying site area of 1000m^2 for multi dwelling housing in the R2 zone. The long term intention of Council was to review CLEP 2015 to ensure the effectiveness of the Plan, including an assessment of whether multi dwelling housing should remain as a permissible land use within the R2 zone.

Medium Density Housing Code - Implications for the Campbelltown LGA

The Medium Density Housing Code (the Code) has been released by the State Government and will come into effect for the Campbelltown Local Government Area on 6 July 2019 when the current deferral of the policy expires. The Code will operate as an amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and allow medium density housing, to be approved and built as complying development in R1, R2, R3 and RU5 zones, where multi dwelling housing is permitted in that zone under Council's LEP.

As outlined above, multi dwelling housing is permitted (with development consent) in the R2 Low Density Residential and R3 Medium Density Residential zones under CLEP 2015. Consequently, the Code would permit new forms of medium density residential development to be approved and built as complying development in these zones, without any meaningful consultation or consideration of local planning policy as would currently occur through the development application process.

When operational, the Code would also amend CLEP 2015 to introduce manor houses as a permissible land use in all residential zones where multi dwelling housing is currently permissible. Manor houses by definition are a new type of two storey residential flat building comprising three or four dwellings. This would result in manor houses becoming permissible with development consent or as complying development in the R2 zone, without adherence to the current 1000m^2 lot size restriction under CLEP 2015 for multi dwelling housing.

If the Code commences without the proposed amendment to CLEP 2015, it would likely promote unplanned housing densities within the R2 Low Density Residential Zone, being areas typically distant from supporting infrastructure, services and transport links. The promotion of higher density housing is inconsistent with the objectives for development in the R2 zone, and the strategic objective of CLEP 2015 to encourage medium density housing within the R3 Medium Density Housing Zone in more appropriate locations of the City.

Review of Comparable Local Government Areas

A review of the permissibility of multi dwelling housing for comparable local government areas in the Sydney Region has been undertaken and is summarised in the following table.

Council Area	**R2 Zone** **- Multi Dwelling Housing**	**R3 Zone** **- Multi Dwelling Housing**
Liverpool LEP 2008	Prohibited	Permitted with Consent
Camden LEP 2010	Prohibited	Permitted with Consent
Wollondilly LEP 2011	Prohibited	Permitted with Consent
Fairfield LEP 2013	Prohibited	Permitted with Consent
Blacktown LEP 2015	Prohibited	Permitted with Consent
Penrith LEP 2010	Prohibited	Permitted with Consent
Bankstown LEP 2015	Permitted with Consent	Permitted with Consent
Parramatta LEP 2011	Prohibited	Permitted with Consent

The review of comparable Council LEPs indicates that most of these LGAs prohibit multi dwelling housing in the R2 zone in favour of the R3 Medium Density Residential Zone. The proposed amendment to CLEP 2015 is consistent with this planning rationale to promote higher density housing outcomes in the R3 zone having regard to infrastructure capacity and accessibility to services and transport.

The above comparison with comparable Councils also shows that Campbelltown City Council would be one of only two Councils that would be subject to the operation of the Medium Density Housing Code in the R2 zone, given the permissibility of multi dwelling housing in that zone under CLEP 2015. The timing of the subject planning proposal is therefore required to address the consequences of unplanned higher density housing outcomes being promoted in the R2 zone by the Code when it becomes operational for the Campbelltown LGA on 6 July 2019.

Public Exhibition

Planning Proposal 556/2019/E-PP was publicly exhibited from Friday 1 March to Monday 1 April 2019 in accordance with the Gateway Determination issued by DPE (attachment 2) and relevant statutory requirements.

The notification process included:

- Public notice in the Macarthur Advertiser
- Notification to all households within the Local Government Area via the Council Compass Publication
- Letters to all owners of R2 zoned properties residing outside the Local Government Area
- Exhibition material on Council's Website
- Hard copy documents for viewing at Council's Civic Centre and HJ Daley Library.

A total of 57 written submissions were received from the public, and two submissions received from Government Agencies. Discussion of the issues and concerns raised in the submissions is provided below.

- **Government Agency Submissions**

Sydney Water - no objection.

Landcom - no objection. Landcom has stated its support for housing diversity and identification of appropriate locations for low rise medium density development. Council's inclusion of suitable land zoned R3 Medium Density Residential under CLEP 2015 is consistent with the terms of the submission, including work being undertaken by Council to prepare a Local Strategic Planning Statement and Local Housing Strategy as part of the broader LEP review process.

- **Public Submissions**

Council received 57 written submissions from the public during the exhibition period. Of these, 40 submissions objected to the proposal (comprising 21 unique submissions and 19 replicated submissions) and 17 submissions were either supportive or expressed no objection.

Supporting Submissions

The reasons provided in public submissions supporting the proposal are summarised as follows:

- Population growth will better match infrastructure
- Good locations should have more population and development density
- Multi dwelling housing is better located in proximity to public transport
- Proposal would stop the degeneration of our suburbs

Comment

The content of the submissions supporting the proposal is generally consistent with the background discussion provided within this report. Given that these submissions do not raise concerns with the proposal, no further discussion of these submissions is considered necessary.

Objecting Submissions

The reasons provided in the public submissions objecting to the proposal are summarised and discussed below.

- Negative impact on housing affordability and diversity

Comment

A broad diversity and supply of housing is permissible across the Campbelltown LGA within a planned hierarchy of residential, rural and commercial zones under CLEP 2015.

The Campbelltown LGA has sufficient capacity to accommodate long term housing and population growth in an orderly manner within existing and planned urban areas, including development of R3 zoned land introduced under CLEP 2015 to promote multi dwelling housing in proximity to urban centres and public transport. The strategic development of multi dwelling housing in the R3 zone, rather than the R2 zone, is consistent with the land use zone objectives under CLEP 2015 and will result in better located housing choices supported by necessary infrastructure and in closer proximity to essential services and transport links.

The impact of the proposal would be limited to a minority of lots in the R2 zone given the minimum threshold of 1000m^2 site area to qualify for consideration of multi dwelling housing under CLEP 2015. Diversity of housing in the R2 zone would be maintained in accordance with the R2 zone objective through other permissible forms of housing within the R2 zone including attached dwellings, dual occupancies, semi-detached dwellings and secondary dwellings.

For these reasons, the subject planning proposal is unlikely to have any significant impacts on housing supply or diversity within the Campbelltown LGA.

- Cheaper land prices in R2 zone compared to R3/R4 zoned land

Comment

Land within the R2 zone would generally have a lower market value than land within the R3 and R4 zones given the lower development potential and typically greater distances from urban centres and public transport. The lower market value of land within the R2 zone is not in itself considered to be justification for higher density housing within these areas.

- Only a small percentage of lots eligible for Low Rise Medium Density Housing Code

Comment

Council's records indicate that of the total 41,174 lots within the R2 zone, there are 1699 lots with a minimum site area of 1000m^2 that may qualify for multi dwelling housing under the existing provisions of CLEP 2015. Not all of these lots would be suitable for the development for new multi dwelling housing, meaning that the number of lots currently eligible for the development of multi dwelling housing would be a small percentage.

The commencement of the Code in the R2 zone would introduce manor houses as new form of residential development permissible on 600m^2 (minimum) land parcels as complying development or with development consent. This would effectively expand the number of lots within the Campbelltown LGA eligible for medium density housing in the R2 Zone which is inconsistent with the strategic objectives of CLEP 2015 to promote higher density housing in more appropriate locations zoned R3 Medium Density Residential.

- Minimise greenfield development and impacts on the environment.

Comment

The proposal is intended to support the strategic objectives of CLEP 2015 to promote increased medium density housing in more appropriate locations zoned R3 Medium Density Residential. As outlined above, the impacts of the proposal would be limited to a minority of lots in the R2 zone and there is no impact upon alternative housing types including attached dwellings, dual occupancies and secondary dwellings. Accordingly, the proposed removal of multi dwelling housing as a permissible land use within the R2 zone is unlikely to significantly impact the rate of greenfield development for new housing.

- Council should be facilitating development and investment, not obstructing it.

Comment

The reasons for Council preparing and exhibiting the subject planning proposal are outlined in the body of this report, and do not include the obstruction of development or investment outcomes.

- No guarantee that the Glenfield to Macarthur Corridor Strategy will be delivered

Comment

In late December 2017 the Department of Planning and Environment released final plans for the Glenfield to Macarthur Corridor Strategy (after considering the outcomes of public consultation) for all precincts along the corridor, excluding Glenfield. Glenfield is the subject

of more detailed planning by the NSW Department of Planning and Environment in response to the NSW Government's decision to rationalise the use of the Hurlstone Agricultural High School Site.

Council is preparing separate Planning Proposals for Ingleburn, Minto and Macquarie Fields 2015 to deliver the urban renewal outcomes of the Corridor Strategy, having particular regard to the infrastructure impacts of increased housing densities. When finalised, the draft Planning Proposals for each of the precincts will be separately considered by Council for public exhibition and making. Additionally Council is proceeding with Reimagining Campbelltown Phase 2 which will facilitate future planning for the Leumeah, Campbelltown and Macarthur precincts.

- Financial impacts for landowners intending to develop multi dwelling housing

Comment

Council's records indicate that of the total 41,174 lots within the R2 zone, there are 1699 lots with a site area of 1000m^2 minimum that may qualify for multi dwelling housing under the existing provisions of CLEP 2015. In reality however, the number of landowners that would likely be impacted by the proposal would be less given that:

a) not all of the 1699 lots would be suitable for multi dwelling housing given site specific constraints and other applicable development controls
b) some of these lots would already be developed to their potential
c) not all landowners would be seeking to develop their allotments for multi dwelling housing

It is also noted that the number of potentially affected landowners may include those intending to consolidate or purchase adjoining allotments within the R2 Zone to achieve the qualifying site area.

Notwithstanding the difficulties in quantifying the exact number of landowners that may be financially impacted by the proposal, it is apparent that it would be a relatively small proportion of existing landowners in the R2 zone.

To address this issue, the planning proposal (as publicly exhibited) is to include a savings clause that would allow development applications for multi dwelling housing to be considered under the existing provisions of CLEP 2015 if such applications are lodged prior to the subject planning proposal coming into effect. This would provide a limited time period for any affected landowners to lodge a development application for multi dwelling housing under the current provisions of CLEP 2015 without being prejudiced by the proposed amendment.

Conclusion

The subject planning proposal to amend CLEP 2015 to prohibit multi dwelling housing in the R2 Low Density Residential zone has been prepared and publicly exhibited in accordance with the Council resolution of 10 July 2018 and Gateway Determination issued by the Department of Planning and Environment on 15 October 2018.

The proposed removal of multi dwelling housing as a permissible land use in the R2 zone is consistent with Council's strategic objective to promote multi dwelling housing in the more appropriately located R3 zoned areas within the Campbelltown LGA, located in closer proximity to urban centres and required supporting infrastructure. The diversity of lower density housing types is to be maintained in accordance with the R2 zone development objectives, including attached dwellings, dual occupancies, semi-detached dwellings and secondary dwellings.

The timing of the subject proposal is required to address the implications of the State Government's Medium Density Housing Code which is to come into effect on 6 July 2019 for the Campbelltown LGA. Without the subject proposal proceeding, it is considered that the Code would promote increased and unplanned housing densities within the R2 zone under CLEP 2015, including the introduction of manor houses on lots down to 600m^2 in site area.

Following consideration of all submissions made during the public exhibition of the proposal, both for and against, there is considered to be sufficient merit for Council to support the making of the proposal.

Attachments

1. Council Report 10 July 2018 (contained within this report)
2. Gateway Determination dated 15 October 2018 (contained within this report)
3. R2 Zones Planning Proposal (contained within this report)

8.6 Multi Dwellings in R2 Zone Planning Proposal

Reporting Officer

Director City Development
City Development

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.3 - Responsibly manage growth and development, with respect for the environment, heritage and character of our city

Officer's Recommendation

1. That Council note the submission by Council staff (attachment 1) to the Department of Planning and Environment requesting the deferral of the operation of the Low Rise Medium Density Housing Code which is proposed to commence on 6 July 2018.

2. That Council consider the advice of the Local Planning Panel from its meeting of 27 June 2018 regarding the subject Planning Proposal.

3. That Council endorse the preparation of a Planning Proposal to amend Campbelltown Local Environmental Plan 2015 (CLEP 2015) to prohibit "multi dwelling housing" and "manor houses" in the R2 Low Density Residential Zone.

4. Subject to Recommendation 3, that:

   a. Council submit the Planning Proposal to the Department of Planning and Environment (DPE) for a Gateway Determination and undertake any public exhibition requirements.

   b. Council request the DPE to grant Council delegation to make amendments to Campbelltown Local Environmental Plan 2015 in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

Purpose

The purpose of this report is to request Council's endorsement of a Planning Proposal to minimise the impacts of the Low Rise Medium Density Housing Code on the orderly development of housing in the Campbelltown Local Government Area, by amending CLEP 2015 to prohibit "multi dwelling housing" and "manor houses" within the R2 Low Density Residential Zone.

Report

Background - Multi Dwelling Housing and CLEP 2015

CLEP 2015 was gazetted on 11 December 2015 and became operational on 11 March 2016. The Plan was prepared over an extensive timeframe, and was guided by a number of contributory studies, including Council's Residential Development Strategy 2014. This Strategy informed the decision by Council to include a new medium density housing zone (R3) within CLEP 2015 to facilitate medium density housing in suitable and well planned areas with sufficient supporting infrastructure and access to public transport and commercial centres.

In adopting CLEP 2015, Council decided to generally utilise a best fit philosophy with the comparable land zonings under the previous planning instrument LEP 2002. This resulted in multi dwelling housing being included in the R2 Low Density Residential Zone under CLEP 2015, noting that it was a permissible land use within the generic 2B Residential Zone under LEP 2002. However, CLEP 2015 achieved the objective of promoting multi dwelling housing in the more appropriate R3 zoned areas by imposing more stringent development standards for this type of development in the R2 zone. Council also acknowledged that there would be a need to review the Plan and Local Housing Strategy after its inception, including an assessment of whether multi dwelling housing should remain as a permissible land use within the R2 zone.

Medium Density Housing Code - Implications for the Campbelltown LGA

The Medium Density Housing Code (the Code) has been released by the State Government and will come into effect on 6 July 2018. The Code will operate as an amendment to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, and allow medium density housing, to be approved and built as complying development in R1, R2, R3 and RU5 zones, where permitted in that zone under Council's LEP.

Under CLEP 2015, multi dwelling housing is permitted (with development consent) in the R2 Low Density Residential and R3 Medium Density Residential zones. Consequently, the Code would permit new forms of medium density residential development to be approved and built as complying development these zones, without any meaningful consultation or consideration of local planning policy as would currently occur through the development application process.

Manor houses are a new type of 2 storey residential flat building created by the Code, comprising 3 or 4 dwellings, which may be built as complying development on lots of minimum 600m^2 in area. The Code proposes to amend CLEP 2015 to include this new residential land use in the R2 and R3 zones, meaning that this type of development may also be submitted to Council for approval under a development application. However at this time Council has no specific development standards for manor houses given that this type of residential development does not currently exist under the Local Environmental Plan. This will generate difficulties for Council to properly assess and regulate this type of development, particularly within the low density residential R2 zones.

If the Code commences on 6 July 2018 for the Campbelltown LGA, it would likely promote unplanned housing densities within the R2 Low Density Residential Zone under CLEP 2015, being areas typically distant from supporting infrastructure and services. This outcome is inconsistent with the intent of CLEP 2015 to encourage medium density housing within more

appropriate areas zoned R3, and limit multi dwelling housing in R2 zones through more stringent development standards.

Councillor Briefing 29 May 2018

The likely ramifications of the Code for the Campbelltown LGA were discussed at the Councillor Briefing of 29 May 2018. At this briefing, planning staff outlined concerns that the Code would promote medium density housing in low density residential areas distant from supporting infrastructure, and without any merit consideration of the impacts of new housing forms on existing low density residential neighbourhoods. Concerns included the circumvention of local planning controls, encouraging medium density housing within R3 zones rather than R2 zones, and the resultant demands on limited infrastructure, amenity impacts for existing low density neighbourhoods, increased stormwater runoff and traffic generation.

Concern was also raised that the Code may incentivise short term development outcomes on strategic sites along the Glenfield to Macarthur Urban Renewal Corridor, to the detriment of long term planning for higher density growth within these nominated urban renewal precincts.

Given the likely disruption to the planned and orderly development of medium density housing within the LGA, and resulting concerns relating to unplanned housing growth and insufficient supporting infrastructure, there was general consensus from Councillors to request the DPE to defer the operation of this Code for the Campbelltown LGA.

Request to Defer Commencement of Code

On 5 June 2018 the NSW Department of Planning (DPE) advised Campbelltown City Council that it would consider a formal request to defer the operation of the Code for the Campbelltown LGA, if that request was received by 27 June 2018 and was supported by the submission of a Council endorsed draft Planning Proposal to the Gateway Panel by 27 July 2018.

The offer by the DPE to consider a request for deferral of the Code followed the announcement by the Minister for Planning that he would consider deferring the commencement of the Code in low density residential zones if a suitable proposal was received from any concerned Council. It is understood that a number of affected Councils have requested the DPE to defer the operation of the Code within their respective areas, with the Councils of Ryde, Lane Cove, Canterbury-Bankstown and Northern Beaches having been successful to date in obtaining a 12 month deferral until July 2019.

On 18 June Council staff forwarded a written submission to the DPE requesting deferral of the Code for the Campbelltown LGA (attachment 1). DPE has responded in writing (attachment 2) to confirm that it is preparing a recommendation to defer application of the Code to the Campbelltown LGA. It is anticipated that Council's request to defer application of the Code would be favourably received if the supporting Planning Proposal is endorsed by Council and forwarded to the DPE by the nominated deadline of 27 July 2018.

Details are provided below of the supporting Planning Proposal required by the DPE to support Council's written submission.

CLEP 2015 - Proposed Amendments

The proposed amendments to CLEP 2015, in support of Council's written request to defer the operation of the Code for the Campbelltown LGA, comprise the prohibition of multi dwelling housing and manor houses within the R2 zone. This outcome is consistent with the local housing strategy to promote medium density housing forms within more suitably located areas of the LGA, namely the R3 Medium Density Residential Zone.

It is anticipated that Council's formal endorsement and lodgement of the Planning Proposal with DPE would strengthen Council's request for a deferral from the operation of the Medium Density Housing Code for the Campbelltown LGA. If this deferral is granted, then Council will have further opportunity to refine the Planning Proposal in consultation with DPE to ensure that any impacts resulting from the delayed commencement of the Code are better managed.

Local Planning Panel

The proposed amendment of CLEP 2015 to prohibit multi dwelling housing and manor houses within the R2 Low Density Residential Zone was considered by the Local Planning Panel at its meeting of 27 June 2018. The Local Planning Panel provided the following advice for the consideration of Council.

> 1. The panel supports the Councils request for deferral of the Low Rise Medium Density Housing Code.
>
> 2. The panel encourages the Council, through the comprehensive review of the Campbelltown LEP 2015, to pursue a diversity of housing forms across the Local Government Area including consideration of the established R2 zoned land.
>
> 3. The Panel encourage the completion of the comprehensive review of CLEP 2015 and updated Housing Strategy within the next two years.

The advice of the Panel, as outlined above, supports Council's request for deferral of the Code and for further review of CLEP 2015 and an updated Housing Strategy to be undertaken within the next two years.

Conclusion

The commencement of the Low Rise Medium Density Housing Code on 6 July 2018 will circumvent local planning controls and allow for increased housing densities within R2 Low Density Residential Zones under CLEP 2015, being areas typically distant from supporting infrastructure and services. This outcome is inconsistent with planning work being undertaken by Council to encourage medium density housing within more appropriate areas zoned R3, in closer proximity to transport infrastructure and commercial centres.

Given the adverse consequences which are likely to arise as a result of the uncontrolled operation of the Code across the Campbelltown LGA, and in particular for R2 Low Density Residential Zones, it was agreed at the Councillor Briefing of 29 May 2018 to request the DPE to defer the commencement of the Code for the Campbelltown LGA.

On 5 June 2018, the DPE advised Campbelltown City Council that it would consider a formal request to defer the operation of the Low Rise Medium Density Housing Code for the Campbelltown LGA, if that request was received by 27 June 2018 and was supported by submission of a Council endorsed draft Planning Proposal to the Gateway Panel by 27 July 2018.

Council's endorsement of a planning proposal to prohibit multi dwelling housing and manor houses as a permissible land use within the R2 Zone under CLEP 2015 is now required in the short timeframe provided by the DPE to supplement Council's written request of 18 June 2018. Should the DPE grant Council's request to defer operation of the Code for the Campbelltown LGA, then further work will be undertaken to better manage the impacts of the pending Code as part of the planning proposal process and broader review of CLEP 2015.

Attachments

1. Submission to the Department of Planning and Environment (contained within this report)
2. Letter of reply from Department of Planning regarding deferral of Low Rise Medium Density Housing Code (contained within this report)

18 June 2018

Ms Ann-Maree Carruthers
Director, Sydney Region West
Planning Services
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Carruthers,

Medium Density Housing Code – Request for Deferral

I am writing in response to the announcement that the NSW Planning Minister, Anthony Roberts, will consider deferring the operation of the Medium Density Housing Code for any Council that wants to change its planning rules.

Campbelltown City Council has significant concerns that the Medium Density Housing Code would detrimentally impact the orderly and planned development of future housing supply within the Campbelltown Local Government Area by promoting new forms of medium residential housing in inappropriate areas; in an uncontrolled manner; in a way not in keeping with the reasonable expectations of the community; and distant from supporting infrastructure and ill-suited to densification.

A main concern is that the Code will override Council's development standards under Campbelltown Local Environment 2015 (CLEP 2015) for multi-dwelling housing within the R2 zone, resulting in higher density development outcomes inconsistent with Council's objective for the R2 Low Density Zone, which seeks to provide for the housing needs of the community within a low density residential environment. These concerns include the mandated permissibility of 'manor houses' within the R2 zone, comprising a new type of medium density housing for which Council has no specific development controls.

The proposed low rise medium density housing code, in Campbelltown's situation, would allow medium density development within low density residential areas, unplanned for growth and remote from services, shops and transport.

In adopting CLEP 2015, Council committed to the ongoing review of the Plan including amendments of particular clauses relating to the permissibility and development of 'multi-dwelling' housing within the R2 zone to ensure that the intent of promoting multi-dwelling housing in the more appropriate R3 Medium Density Residential zones was achieved.

Campbelltown City Council is continuing to work closely with the Department of Planning and Environment on the revision of CLEP 2015 to facilitate housing diversity and supply in the Greater Macarthur Priority Growth Area, the Glenfield to Macarthur Urban Renewal Corridor, and urban renewal sites at Claymore and Airds. We are actively considering individual planning proposals to increase building heights and densities near the Campbelltown centre.

Additional to this work, Campbelltown City Council will be reviewing its Housing Strategy and updating the Local Environmental Plan as one of the Western Sydney City Deal Councils identified for priority funding to undertake this task. Campbelltown City Council clearly meets the criteria of a place that is committed to reviewing its planning rules to promote housing diversity and supply.

For these reasons, Council formally requests that the operation of the Low Rise Medium Density Housing Code for the Campbelltown LGA is deferred. This will allow the important and necessary planning work on the Campbelltown Housing Strategy and CLEP 2015 to be advanced in consultation with the Department of Planning and Environment.

Should you require any further information or explanation please contact Council's Executive Manager Urban Centres, David Smith on (02) 4645 4598.

Yours sincerely

Signature removed

Jim Baldwin
Director City Development

NSW GOVERNMENT Planning & Environment

Our ref: IRF18/3474

Mr Jim Baldwin
Director City Development
Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Dear Mr Baldwin

I refer to recent conversations on the Low Rise Medium Density Housing Code with Council staff. I also note Council's letter in which you have requested a deferral to the commencement of the code for the Campbelltown local government area.

I can appreciate the issues you have raised over the implementation of the code and I am pleased to advise you that alternative arrangements are available to address your circumstances.

The Minister has asked the Department to prepare a recommendation to defer application of the code to the Campbelltown local government area to allow Council time to consider the application of the code to your residential zones.

A deferral provides Council the opportunity to review these areas and provide a planning proposal to the Department. I look forward to resolving this matter with you over the coming 12 months.

I note that the planning proposal would seek to review the permissibility of multi-dwelling housing in the R2 Low Density Residential zone and associated controls.

I will contact you shortly to discuss how this matter can be progressed. If you have any questions in the interim, please don't hesitate to contact me on 9274 6270, or ann-maree.carruthers@planning.nsw.gov.au.

Yours sincerely

Signature removed

22/6/18

Ann-Maree Carruthers
Director, Sydney Region West
Planning Services

320 Pitt Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | planning.nsw.gov.au

NSW GOVERNMENT Planning & Environment

Gateway Determination

***Planning proposal (Department Ref: PP_2018_CAMPB_004_00)**: to prohibit multi-dwelling housing on land zoned R2 Low Density Residential.*

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Campbelltown Local Environmental Plan (LEP) 2015 to prohibit multi-dwelling housing on land zoned R2 Low Density Residential should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to:
   - (a) amend the format of the planning proposal so the cover page includes Council details and is appropriately dated, the words 'Submission for Gateway Determination' are removed, pages are numbered, and a contents page is added;
   - (b) include a large-scale map identifying the boundaries of the subject R2 Low Density Residential-zoned land;
   - (c) provide a quantitative analysis to assess the impacts of the proposal on housing diversity and supply, as follows:
     - i. the number of lots zoned R2 Low Density Residential under the Campbelltown LEP 2015;
     - ii. the number of potential lots that would become eligible for manor houses/multi-dwelling housing under the Low Rise Medium Density Housing Code in the R2 Low Density Residential zone, considering the SEPP exclusions (such as sites below the minimum lot size and land subject to heritage provisions);
     - iii. the number of multi-dwelling housing developments approved in the R2 Low Density Residential zone in the past five years;
     - iv. the number of lots zoned R2 in the Greater Macarthur Growth Area that are subject to this planning proposal and indicate reduced dwelling potential within that area that would occur as a result of the finalisation of the proposal;
   - (d) following review as required by condition (c) iv, amend the section of the planning proposal referring to Direction 7.2 Implementation of Greater Macarthur Land Release Investigation and, if necessary, seek the approval of the Secretary for any identified inconsistency with this Direction prior to finalisation of the plan;
   - (e) explain whether the proposal is supported by a housing strategy that has been developed in consultation with the community; and
   - (f) under Part 2 – Explanation of Provisions, include the intent, as part of this proposal, to introduce a new savings and transitional clause to ensure that proposed amendments do not affect any development applications or appeal processes.

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2. The revised planning proposal is to be updated in accordance with condition 1 and forwarded to the Department for review and approval prior to exhibition.

3. Council is to inform all affected landowners in writing about the exhibition of the proposal, outlining the effect of the proposed changes.

4. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
   (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
   (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

5. Consultation is required with the NSW Land and Housing Corporation under section 3.34(2)(d) of the Act. NSW Land and Housing Corporation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The time frame for completing the LEP is by 1 July 2019.

Dated 15th day of October 2018.

[redacted]
Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

PP_2018_CAMPB_004_00 (IRF18/4596)

NSW GOVERNMENT Planning & Environment

PP_2018_CAMPB_004_00 /(IRF18/4596)

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

Attn: Mr David Smith

Dear Ms ~~Deitz~~ Lindy

Planning proposal PP_2018_CAMPB_004_00 to amend Campbelltown Local Environmental Plan 2015

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) for the above planning proposal, which seeks to amend the Campbelltown Local Environmental Plan (LEP) 2015 in respect of the Low Rise Medium Density Housing Code.

Council's deferral of the code until 1 July 2019 gives it the opportunity to work closely with the community and industry to provide housing controls that reflect the character of the area.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

Before the planning proposal can be exhibited, additional information is required to support and clearly explain the effect of the amendments on the community in relation to housing supply and diversity within the Campbelltown local government area (LGA). I have conditioned the determination accordingly.

This additional information is necessary to ensure a full understanding of the outcomes of changing the range of permissible uses in the R2 Low Density Residential zone under the Campbelltown LEP 2015 and how this may impact on the future provision of housing diversity in the LGA.

Council will need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of section 9.1 Direction 3.1 Residential Zones and write to all affected landowners about the exhibition of the planning proposal to explain the effect of the proposed changes.

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Council will also need to provide additional information in relation to the proposal's consistency with Direction 7.2 Implementation of Greater Macarthur Land Release Investigation and the impacts of the proposal on the strategy for the Greater Macarthur area.

I have considered the nature of this planning proposal and given the implications it may have on state policy, I have decided not to authorise Council to be the local plan-making authority.

The proposal should be finalised by 1 July 2019 to coincide with the completion of the deferral period from the code. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

Should you have any further enquiries about this matter, I have arranged for Ms Chantelle Chow to assist you. Ms Chow can be contacted on 9860 1548.

Yours sincerely

[redacted] 15 October 2018

Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway determination

PLANNING PROPOSAL

Proposed Amendment
Campbelltown Local Environmental Plan 2015

Prohibition of Multi-dwellings and Manor Houses in the R2 Low Density Residential Zone

December 2018

city environment lifestyle campbelltown city council

Contents

Part 1 – Objectives or Intended Outcomes **3**

Part 2 – Explanation of Provisions **4**

Part 3 – Justification **6**

Section A – Need for the Planning Proposal 6

Section B – Relationship to strategic planning framework 8

Section C – Environmental, social and economic impact 13

Section D – State and Commonwealth interests 13

Part 4 – Maps **14**

Part 5 – Community Consultation **15**

Part 6 – Project Timeline **16**

Part 7 - Supplementary Information **17**

Part 1 – Objectives or Intended Outcomes

The intended outcome of the Planning Proposal is to maintain the strategic intent of the R2 Low Density Residential zone under Campbelltown Local Environmental Plan 2015 (CLEP 2015), by prohibiting multi dwelling housing (and if required 'manor houses' as proposed under *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) 2017*) in the R2 Low Density Residential zone under the Campbelltown LEP 2015.

The commencement of the Low Rise Medium Density Housing Code within the Campbelltown Local Government Area will circumvent local planning controls and allow for increased housing densities within R2 Low Density Residential Zones under CLEP 2015, being areas typically distant from supporting infrastructure and services. This outcome is inconsistent with planning work being undertaken by Council to encourage medium density housing within more appropriate areas zoned R3 Medium Density Residential, in closer proximity to transport infrastructure and commercial centres.

It is therefore intended that the submission of this Planning Proposal to the Department of Planning and Environment will minimise the likely disruption to the planned and orderly development of medium density housing within the Campbelltown LGA resulting from the operation of the Low Rise Medium Density Housing Code within the R2 Low Density Residential Zone.

Part 2 – Explanation of Provisions

Proposed amendments to CLEP 2015

The proposal seeks to amend Campbelltown Local Environmental Plan 2015 as detailed below.

Amendment of Land Use Table - R2 Low Density Residential Zone

The land use table for the R2 Zone Low Density Residential Zone in the CLEP 2015 currently reads as follows:

Zone R2 Low Density Residential

1 Objectives of zone

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

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Multi dwelling housing; Places of public worship; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Schools; Semi-detached dwellings

4 Prohibited

Any development not specified in item 2 or 3

It is proposed that the land use type *'Multi dwelling housing'*, is omitted from Section 3 'Permitted with consent' in the Zone R2 Low Density Residential land use table.

It is also proposed that the land use type 'Manor houses' is omitted from Section 3 'Permitted with consent' in the Zone R2 Low Density Residential land use table, if inserted under amendments proposed under *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) 2017*).

Savings and Transitional Provisions

It is intended to introduce a new savings and transitional clause in CLEP 2015 as part of the proposal, to ensure that any development applications made before the commencement of the proposed amendments are determined as if this Plan had not commenced.

Related Amendments

The following amendments are also proposed to CLEP 2015 to remove related development standards for multi dwelling housing in the R2 Low Density Residential Zone under the following clauses:

- **Clause 4.1C** Minimum qualifying site area and lot size for certain residential and centre-based child care facility development in residential zones

  It is proposed to remove the row from the table relating to '*Multi dwelling housing*' and the corresponding development standards.

- **Clause 4.4** Floor space ratio

  It is proposed to remove the row from the table relating to '*Multi dwelling housing in Zone R2 Low Density Residential*' and the corresponding floor space ratio.

Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

This Planning Proposal was initiated in response to correspondence received from the Department of Planning and Environment (DPE) dated 22 June 2018 regarding a 12 month deferral to the commencement of the Low Rise Medium Density Housing Code (the Code) for the Campbelltown Local Government Area (LGA). This planning proposal has therefore been lodged at the request of the Department to enable a formal review of the permissibility of multi dwelling housing in the R2 Low Density Residential Zone under CLEP 2015.

The Campbelltown Residential Development Strategy 2014 was prepared in consultation with the community in accordance with the requirements of the Department during the preparation of CLEP 2015. The Planning Proposal is consistent with the Campbelltown Residential Development Strategy 2014, which identifies the need to encourage the development/redevelopment of medium density (and higher density) housing forms focused on centres, transport nodes/corridors and services. Specifically, the RDS states that medium density development should be focused in the identified R3 (Medium Density), R4 (High Density) and B4 (Mixed use) zones, in order to negate ad-hoc and unplanned medium density housing outcomes (p12). Conversely, the RDS reinforces the need to ensure low density housing outcomes in the R2 zone, from dwellings and dual occupancies alone. The proposed exclusion of multi dwellings in the R2 zone is therefore consistent with this outcome.

There is strategic work presently occurring on the preparation of an updated Housing Strategy for the Campbelltown LGA which would include relevant consideration of the subject planning proposal and further community consultation as required.

It is therefore anticipated that further discussion will be required with the DPE about how to best deliver the intent of the proposed amendments within the period of deferral from the Code.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Council's submission to the DPE dated 18 June 2018 raised significant concerns that the release of the Low Rise Medium Density Code would detrimentally impact the orderly and planned development of future housing supply within the Campbelltown LGA by promoting new forms of medium density housing in inappropriate areas; in an uncontrolled manner; in a way not in keeping with the reasonable expectations of the community; and distant from supporting infrastructure and ill-suited to densification.

A main concern is that the Code will circumvent Council's local development standards for multi dwelling housing within the R2 zone, resulting in higher density development outcomes inconsistent with the R2 Low Density Zone objective to provide for the housing needs of the community within a low density residential environment. These concerns include the mandated permissibility of 'manor houses' within the R2 zone upon commencement of the Code, comprising a new type of medium density housing for which Council has no specific development controls.

Council submits that the best means of addressing the impacts resulting from the Code to the planned and orderly development of medium density housing in the Campbelltown LGA would be to amend the Low Rise Medium Density Code to remove its operation from the R2 Low Density Residential Zone under CLEP 2015. This would negate the need for Campbelltown City Council to try and resolve the impacts of the Code through amendments to its own planning controls. As such, it is considered that it is beyond the

scope of this Planning Proposal to resolve all issues generated by the Code and therefore amendments to the Code itself should be considered by the DPE in lieu of this Planning Proposal.

Section B – Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objective and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Greater Sydney Region Plan

The Planning Proposal has been reviewed against relevant outcomes of the Greater Sydney Region Plan A Metropolis of Three Cites – connecting people published on 18 March 2018. The Plan identifies a number of strategic directions and specific policy settings with regards to transport, housing growth, employment and existing centres.

The Planning Proposal is consistent with a number of general goals of the Regional Plan, in that it would:

- continue deliver new and more diverse housing in strategically determined localities and zones
- respond to a recognised need (and market demand) for housing in the locality, and
- provide new homes in close proximity to existing infrastructure and services.

Western City District Plan

The Planning Proposal has been reviewed against the Western City District Plan, and is considered to be consistent with the following planning priorities:

- W5. Providing housing supply, choice and affordability, with access to jobs, services and public transport

The Planning Proposal supports the Western City District Plan requirements for housing diversity and choice, by ensuring new housing is in the right places and coordinated with local infrastructure to create liveable, walkable and cycle-friendly neighbourhoods with direct, safe and universally designed pedestrian and cycling connections to shops, services and public transport. Within the Campbelltown LGA, this includes those areas zoned R3 Medium Density Residential under CLEP 2015.

The Planning Proposal is also considered to be consistent with the District Plan's position that Councils are best placed to investigate and confirm which parts of their local government areas are suited to additional medium density opportunities (p42). In this respect the Planning Proposal will, by removing the operation of the Code for the R2 Low Density Residential Zone, maintain the orderly and planned development of medium density housing within appropriate areas identified by Council as being suitable, namely those areas zoned R3 Medium Density Residential under CLEP 2015.

4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

A review of the Planning Proposal has been undertaken in accordance with the following strategic plans of Campbelltown City Council:

Campbelltown 2027 - Community Strategic Plan

Campbelltown 2027 focusses on delivering four key outcomes over the next 10 years:

1. a vibrant, liveable city
2. a respected and protected natural environment
3. a thriving, attractive city
4. a successful city.

The Planning Proposal is consistent with the key outcomes, and specifically, the following strategies identified in the CSP:

- *4.2- Support and advocate for infrastructure solutions that meet the needs of our city and which pay an economic and liveability dividend*
- *4.3- Responsibly manage growth and development, with respect for the environment, heritage and character of our city*
- *4.5- Work in partnership with the State Government to achieve positive planning outcomes*

Campbelltown Residential Development Strategy

The Campbelltown Residential Development Strategy (RDS) is a background document which informed the preparation of Campbelltown Local Environmental Plan 2015.

The Planning Proposal is consistent with the RDS, which identifies the need to encourage the development/redevelopment of medium density (and higher density) housing forms focused on centres, transport nodes/corridors and services. Specifically, the RDS states that medium density development should be focused in the identified R3 (Medium Density), R4 (High Density) and B4 (Mixed use) zones, in order to negate ad-hoc and unplanned medium density housing outcomes (p12).

Conversely, the RDS reinforces the need to ensure low density housing outcomes in the R2 zone, from dwellings and dual occupancies alone. The proposed exclusion of multi dwellings in the R2 zone is therefore consistent with this outcome.

Campbelltown Local Planning Strategy

The Campbelltown Local Planning Strategy (LPS) is a background document which informed the preparation of Campbelltown Local Environmental Plan 2015. The LPS provides the long term strategic planning framework for the future development of the City.

The Planning Proposal is consistent with the LPS, having particular regard to the following:

- The LPS promotes low density outcomes within the R2 Low Density Residential Zone occasioned by dwelling houses and dual occupancies alone.
- the LPS identifies that infill medium density development would be focused in the identified R3 (Medium Density), R4 (High Density) and B4 (Mixed Use) zones, in order to negate ad hoc and unplanned medium density housing outcomes.

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 the following Table.

State Environmental Planning Policies	Applicable to Campbelltown LGA	Consistent
SEPP No. 1 Development Standards	No	N/A
SEPP 14 – Coastal Wetlands	No	N/A
SEPP 19 – Bushland in Urban Areas	Yes	Yes
SEPP 21 – Caravan Parks	Yes	Yes
SEPP 26 – Littoral Rainforests	No	N/A
SEPP 30 – Intensive Agriculture	No	N/A
SEPP 33 – Hazardous or Offensive Development	Yes	Yes
SEPP 36 – Manufactured Home Estates	No	N/A
SEPP 44 – Koala Habitat Protection	Yes	Yes
SEPP 47 – Moore Park Showground	No	N/A
SEPP 50 – Canal Estate Development	No	N/A
SEPP 52 – Farm Dams	No	N/A
SEPP 55 – Remediation of Land	Yes	Yes
SEPP 62 – Sustainable Aquaculture	No	N/A
SEPP 64 – Advertising and Signage	No	N/A
SEPP 65 – Design Quality of Residential Apartment Development	No	N/A
SEPP 70 – Affordable Housing Schemes	Yes	Yes
SEPP 71 – Coastal Protection	No	N/A
SEPP (Building Sustainability Index: BASIX) 2004	Yes	Yes
SEPP (Educational Establishments and Child Care Facilities) 2017	No	N/A
SEPP (Affordable Rental Housing) 2009	Yes	Yes
SEPP (Exempt and Complying Development Codes) 2008	Yes	Yes
SEPP (Infrastructure) 2007	Yes	Yes
SEPP (Housing for Seniors or People with a Disability)	No	N/A
SEPP (Integration and Repeals) 2016	No	N/A
SEPP (Kosciusko National Park) 2007	No	N/A
SEPP (Kurnell Peninsular) 1989	No	N/A
SEPP (Mining and Extractive Industries) 2007	No	N/A
SEPP (Miscellaneous Consent Provisions)	No	N/A
SEPP (Penrith Lakes Scheme) 1989	No	N/A
SEPP (Rural Lands) 2008	No	N/A
SEPP (State and Regional Development) 2011	Yes	Yes
SEPP (State Significant Precincts) 2005	No	N/A
SEPP (Sydney Drinking Water Catchment) 2011	No	N/A
SEPP (Sydney Region Growth Centres) 2006	No	N/A
SEPP (Three Ports) 2013	No	N/A
SEPP (Urban Renewal) 2010	No	N/A
SEPP (Western Sydney Employment Area) 2009	No	N/A
SEPP (Western Sydney Parklands) 2009	No	N/A
SEPP (Vegetation in Non-Rural Areas) 2017	Yes	Yes

6. Is the planning proposal consistent with applicable Ministerial Directions?

The following table provides a brief assessment of consistency against each section 9.1 direction relevant to the planning proposal.

Consideration of s9.1 Directions	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	Not applicable - the planning proposal will not affect business or industrial zones.
1.2 Rural Zones	Not applicable - the planning proposal will not affect land within an existing or proposed rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable - the proposal will not affect the potential development of mining resources.
1.4 Oyster Aquaculture	Not applicable.
1.5 Rural Lands	Not applicable.
2. Environment and Heritage	
2.1 Environment Protection Zones	Not inconsistent - the planning proposal will not reduce environment protection standards.
2.2 Coastal Protection	Not applicable.
2.3 Heritage Conservation	Not inconsistent.
2.4 Recreation Vehicle Areas	Not inconsistent - the planning proposal will not enable land o be developed for the purpose of a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Not inconsistent. The proposal will facilitate the orderly and strategic development of medium density housing on appropriately located and zoned land in proximity to urban infrastructure and services.
3.2 Caravan Parks and Manufactured Homes Estates	Not inconsistent. The planning proposal will not affect caravan parks.
3.3 Home Occupations	Not inconsistent. The planning proposal will not affect home occupations in dwelling houses.
3.4 Integrating Land Use and Transport	Not inconsistent. The proposal will facilitate the orderly development of medium density housing on appropriate zoned land in close proximity to transport infrastructure and services.
3.5 Development Near Licensed Aerodromes	Not applicable.
3.6 Shooting Ranges	Not applicable.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Not applicable.
4.2 Mine Subsidence and Unstable Land	Not inconsistent. The planning proposal will not result in additional development within the South Campbelltown District.
4.3 Flood Prone Land	Not inconsistent. The planning proposal will not result in additional development within flood prone land.
4.4 Planning for Bushfire Protection	Not inconsistent. The planning proposal will not result in additional development within bushfire risk land.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Revoked.
5.2 Sydney Drinking Water Catchments	Not applicable.

5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.
5.5 – 5.7	Revoked.
5.8 Second Sydney Airport	Not applicable.
5.9 North West Rail Link Corridor Strategy	Not applicable.
5.10 Implementation of Regional Plans	Not applicable.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. The planning proposal does not trigger the need for any additional concurrence, consultation or referral to a Minister or Public Authority.
6.2 Reserving Land for Public Purposes	Consistent. The planning proposal does not impact on land reserved for public purposes.
6.3 Site Specific Provisions	Not applicable.
7. Metropolitan Planning	
7.1 Implementation of a Plan for Growing Sydney	The proposal is consistent with the requirements of the strategy as discussed in Part 3 of this Planning Proposal.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not inconsistent. The proposal does not impact the supply of single dwelling lots within the R2 Low Density Residential Zone nor housing yield in higher density residential zones within the South West Priority Growth Areas and priority urban renewal precincts.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Consistent. The proposal is consistent with this Direction as the proposal will provide for the orderly development of medium density housing within appropriately zoned areas in proximity to urban centres and transport corridors.
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Not applicable. The proposal does not impact land identified for land within the Western Sydney Aerotropolis or land affected by the obstacle limitation surface and ANEF contours for Western Sydney Airport.
7.9 Implementation of Bayside West Precincts 2036 Plan	Not applicable.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable.

Section C – Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The Planning Proposal only relates to the R2 Low Density Residential zone.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Planning Proposal will ensure environmental impacts arising from the delivery of the Low Rise Density Code will be better managed.

9. Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal will address adverse social and economic effects arising from the delivery of the Low Rise Density Code as detailed in this Planning Proposal.

Section D – State and Commonwealth interests

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

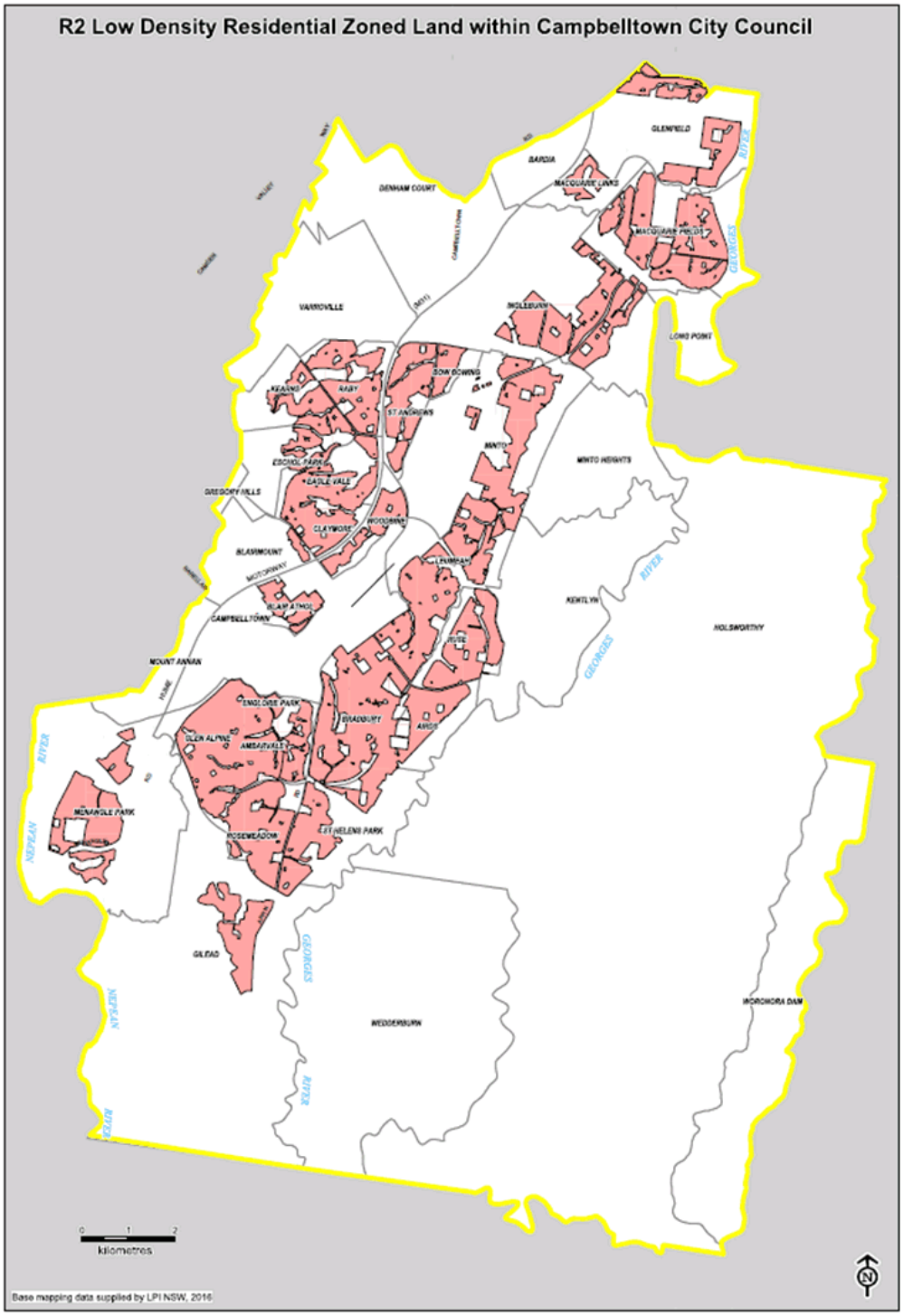
Yes

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

The Planning Proposal has been prepared in consultation with the Department of Environment and Planning as detailed in this Planning Proposal. Consultation will occur with relevant public agencies in accordance with the requirements of any Gateway approval.

Part 4 – Maps

The proposal relates to all land zoned R2 Low Density Residential under Campbelltown Local Environmental Plan 2015, as depicted on the following map:



14

Part 5 – Community Consultation

Council would place the planning proposal on public exhibition in accordance with any Gateway Determination which would likely include:

- A public notice in the local newspaper notifying of the public exhibition;
- Hard copies of the exhibition material at Council's offices; and
- Electronic copies of the exhibition material on Council's website.

The Gateway determination will confirm the public consultation that must be undertaken.

Part 6 – Project Timeline

Task	Anticipated timeframe
Referral to DPE for Gateway Determination	August 2018
Issue of Gateway Determination	October 2018
Revised Planning Proposal submitted to DPE in accordance with Gateway Determination	December 2018
Review and approval of revised Planning Proposal by DPE	January 2019
Public exhibition period	February 2019
Consideration of submissions	March 2019
Post-exhibition report to Council to determine Planning Proposal	April 2019
Submit Planning Proposal to the DPE for determination	May 2019

Part 7 - Supplementary Information

The following information is provided in response to the Gateway Determination (Department Ref: PP_2018_CAMPB_004_00) issued by the NSW Department of Planning and Environment on 15 October 2018:

Quantitative Analysis

i. Number of lots zoned R2 Low Density Residential under Campbelltown LEP 2015:

41,174 (estimate as at November 2018)

For the purpose of comparison, number of lots zoned R3 Medium Density Residential under Campbelltown LEP 2015:

3,810 (estimate as at November 2018)

ii. Number of potential lots that would become eligible for manor houses/multi-dwelling housing under the Low Rise Medium Density Housing Code in the R2 Low Density Residential Zone, considering the SEPP exclusions (such as sites below the minimum lot size and land subject to heritage provisions):

20,657 (estimate as at November 2018, for lots 600m2 or greater and 18m or greater in width and not heritage listed).

iii. Number of multi-dwelling housing developments approved in the R2 Low Density Residential zone in the past 5 years:

15 (for the period 11 March 2016 to November 2018 inclusive). There are no statistics for the R2 zone the subject of the planning proposal prior to the commencement of CLEP 2015 on 11 March 2016 as the R2 zone did not exist under the preceding planning instrument *Campbelltown (Urban Area) Local Environmental Plan 2002*.

iv. Number of lots zoned R2 in the Greater Macarthur Growth Area that are subject to this planning proposal and indicate reduced dwelling potential within that area that would occur as a result of the finalisation of the proposal:

2518 (estimate as at November 2018, based upon lots within the Greater Macarthur Priority Growth Area being 600m2 or greater and 18m or greater in width and not heritage listed).

8.10 Planning Proposal 22 - 32 Queen St Campbelltown

Reporting Officer

Executive Manager Urban Centres and Administration Assistant
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

1. That Council endorse the draft planning proposal to increase the height limit at 22 - 32 Queen St, Campbelltown and introduce other planning controls as detailed in this report and submit it to the Department of Planning and Environment seeking a Gateway Determination.

2. That subject to the Gateway Determination and prior to public exhibition, a further report be presented to Council with a draft development control plan for the site.

Purpose

To consider a planning proposal request for land at 22 - 32 Queen Street Campbelltown (Factory Outlet Centre Site). This report also considers the advice of the Campbelltown Local Planning Panel on the planning proposal request.

Property Description 22 Queen Street, Campbelltown (Lot X DP 409704)
24 Queen Street, Campbelltown (Lot 15 DP 14782)
32 Queen Street, Campbelltown (Lot 1 DP 1154928)

Application No 2193/2018/PP

Applicant Pacific Planning

Owners Campbelltown 88 Pty Ltd
Supa 88 Pty Ltd

Date Received 22 June, 2018

History

- A development application (901/2016/DA-RA) was lodged for the subject site in April 2016. The proposed development had a stated capital investment value of $122.7m and was for:

- Refurbishment and additions to existing commercial building
- Construction of a mixed use commercial/residential development comprising 594 apartments within seven towers
- Provision of new ground level retail tenancies
- Provision of 1190 car parking spaces.

- the development application was withdrawn by the applicant following the finalisation of the Glenfield to Macarthur Urban Renewal Corridor Strategy and the Reimagining Campbelltown CBD vision and the applicant advised that the release of these policies informed a new strategic direction for the site.

- on 22 June 2018 Council received a Planning Proposal Request (PPR) from Pacific Planning Pty LTD which sought an amendment to the CLEP 2015 'Height of Buildings Map' to increase the permissible building height for the subject site from 26 metres to 34 metres, 49.5 metres, 65 metres, 77 metres and 87 metres over various parts of the site.

- on 4 September 2018, the applicant briefed the Council on the PPR after the briefing to Council, on 11 September 2018 the applicant submitted a revised PPR which included a reduction in building height from the previous PPR. The revised building heights were 37 metres, 53 metres, 56 metres, 59 metres and 62 metres.

- the revised PPR was presented to the Campbelltown Local Planning Panel on 28 November 2018. The panel supported the PPR in principle and made a number of recommendations as detailed in attachment 1.

- subsequent to the Local Planning Panel advice, the applicant submitted further revised building heights of 70 metres, 42 metres, 29 metres and zero metres. The zero height limit is proposed for the open space/plaza component of the site. A copy of the applicant's revised Planning Proposal Request is included under attachment 2. It is this revised request that is under consideration in this report.

The Site

The subject site consists of street nos. 22, 24 and 32 Queen Street, Campbelltown and has an area of 20,465.7m^2. The site is highly visible from the bridge over the railway on Campbelltown Road and, as such, is considered to be a significant gateway into the City.

No 32 Queen Street is currently occupied by a Direct Factory Outlet Centre which is a large bulky retail building. The building is currently occupied by a medical centre, however the majority of the building remains vacant. No 22 Queen Street is currently vacant and No 24 Queen Street is occupied by the old bowling alley.

The site is generally flat and has a large frontage to Queen Street. The site adjoins Campbelltown Performing Arts High School located to the south east which includes a number of two storey buildings and large playing fields. The sites to the south west contain low rise mixed use retail/commercial premises and are currently occupied by a medical centre, Office Works and CCA Motorcycle Accessories shop.

The railway line is located on the opposite side of Queen Street with commercial industrial buildings beyond. The site to the north of the property contains the Colonial Motor Inn and a commercial Garden Centre (Tim's Garden Centre).

The subject site is also located adjacent to a state heritage listed item known as 'Warby Barn and Stables' (State Item No. I00497). Further discussion about the impacts on heritage is provided later in this report.

The buildings along Queen Street consist largely of one to two storey commercial premises along with newer residential flat buildings around seven storeys. Among the commercial spaces there are a large amount of health related uses. Queen Street is the main entry road to the Campbelltown CBD from the north.

The site is approximately 1.2 kilometres from the main entrance to the Campbelltown railway station. Queen Street is also a main bus route, and the site is adequately served by public transport.

The site is close to a number of schools including: Campbelltown Performing Arts High School, Beverley Park School and Campbelltown North Public School.

Existing Zoning and Building Height

The site is currently zoned B4 Mixed Use under Campbelltown Local Environmental Plan 2015, and has a maximum building height of 26 metres (approximately eight storeys).

Campbelltown Local Planning Panel

The PPR was presented to the Campbelltown Local Planning Panel on 28 November 2018. The panel supported the PPR in principle and provided advice for Council's consideration.

The building heights that were presented to the Panel were as follows:

37 metres, 53 metres, 56 metres, 59 metres and 62 metres.

Decision of the Panel for advice to Council

1. The Planning Panel supports in principle a proposal to redevelop the subject site to create a precinct with high quality public domain and a distinguished architectural design with demonstrated community benefits commensurate with the scale of the project and the opportunities provided by its location.
2. The panel considers that the information submitted to date does not however present a compelling case for the proposed increase in maximum height limits and considers that further work is required prior to submitting the matter for Gateway determination and prior to the preparation of the Reimagining Campbelltown CBD process.
3. The panel recommends that the applicant be invited to submit further information in this regard in the form of a concept development application and site specific DCP which demonstrate that the proposal will provide:

    a. an appropriate built form which includes a signature building to act as a gateway to the Campbelltown CBD and appropriate streetscape to Queen Street
    b. a larger public park well located to facilitate access by the wider community and of sufficient dimension to meet demand for open space in the precinct
    c. integration with adjacent sites and improved vehicular access and movements to the neighbouring school site to the east and the adjoining sites to the south (34 - 38 Queen Street) with a view to through connection to Chamberlain Street
    d. a revised traffic assessment study to address the concerns raised by Council's engineers

e. an appropriate relationship to the adjacent heritage building including setbacks, building form and use on the first two levels and pedestrian access to the heritage building from the site
f. an economic feasibility study that examines the viability of mixed use development across the 20,465.7sqm site, any potential impact on retail and commercial uses in the Campbelltown CBD and whether an alternate land use zoning is appropriate for all or part of the site.

Panel Considerations and Reasons for Decision

The panel listened to and read the representations from the applicant, owner's representative and consultants. This information together with the Council staff report was considered by the panel and it was felt that the proposal submitted had not been justified in terms of the additional maximum building height requested and particularly in the absence of the Reimagining Campbelltown CBD study completion.

The panel does support the redevelopment of this site as a gateway to Campbelltown CBD and is looking for a desirable architectural outcome with community benefits. This is on the basis that the site is of sufficient size to accommodate redevelopment in the short term, with no further site amalgamation required.

The panel encourages the Council to hasten the progress of phase two of the project Reimagining Campbelltown CBD.

The Revised Planning Proposal Request

In response to the Local Planning recommendations the applicant submitted a revised planning proposal, a supplementary economic report, a revised urban design analysis and a visual analysis study.

The minutes of the Panel meeting are presented in attachment 1 of this report.

The revised Planning Proposal Request (PPR) included under attachment 2 seeks to amend the CLEP 2015 - 'Height of Buildings Map' to increase the permissible building height for the subject site from 26 metres to 70 metres (approx. 23 storeys) for the main signature building, to 42m (approx. 14 storeys) in height for a space suitable for three buildings with 29 metres (approx. nine storeys) located adjacent to the heritage listed 'Warby Barn and Stables', on the western adjoining site.

The PPR considers the subject property to be a gateway site marking the entrance to the Campbelltown CBD with visual prominence from various locations. Gateway sites, by their nature, mark the entry to a place and make a statement about what the place is about.

Concept Development Application

Council has received a Concept Development Application for the site that proposes six buildings and a small plaza. Although the development concept submitted with the proposal is indicative only, the proposed development would have to meet the current requirements of Campbelltown LEP2015 and the Campbelltown (Sustainable City) Development Control Plan as well as the requirements of the Apartment Design Guide. The concept application is consistent with the current height limit of 26 metres. This development application is currently being assessed. The concept application did not include any details in relation to the

demolition of the existing buildings onsite but was made on the basis that demolition would occur through a subsequent DA.

Assessment of the Planning Proposal Request

Strategic Context – Relationship to State and Local Planning Policies

The Planning Proposal has been assessed against all the relevant state and local planning policies and has been found to be not inconsistent with any of the relevant strategies.

Detailed assessment is included in attachment 3 (Draft Planning Proposal) of this report.

Height and Urban Design

The impact any additional height will have on surrounding properties, the streetscape and nearby heritage buildings needs to be carefully considered. The submitted heritage report incorporates an internal street layout which mirrors that of the neighbouring heritage item. The concept provided with the proposal also incorporates lower heights in closer proximity to 'Warby Barn and Stables', however, the proposed heights still exceed what is currently permissible on the land and surrounding sites.

It is considered that the proposed increase in height is not justified, given the site's location and its distance from the Campbelltown CBD Central Core area. The maximum height permissible within the Central Core is currently 45 metres (approx. 15 storeys) on sites, a limited group of site bounded by Hurley Street, Railway Street, Short Street/ Coogan Land and Dumaresq Street with the remainder of the Campbelltown CBD (majority) limited to 32 metres (approx. 10 storeys). The success of the Central Core area of the CBD in providing higher order civic, cultural, employment, residential and retail opportunities is dependent on the concentration of development in proximity to the railway station and other existing retail, government and service industry land uses. Therefore, care needs to be taken to ensure that development not in close proximity to the traditional centre of the CBD does not detract from these goals.

The proposed heights are less than the recently endorsed draft Planning Proposal for the Campbelltown RSL site which sought a maximum permissible height of building of 85m on the rear of the site and 45 metres towards Queen Street. This was endorsed by Council on 14 August 2018. However the Campbelltown RSL site is located in the CBD where the height limit is currently 32 metres. The RSL site is located only about 75 metres from the core area where the current maximum height is 45 metres and is within close proximity to open space and the Campbelltown Railway Station.

While the PPR for 22-32 Queen Street would bring additional housing to the greater CBD area, it has the potential to compete with the core CBD area and proposes a density higher than any other in Campbelltown. Further, such density may not be consistent with the liveability outcomes required to deliver a successful Western Parkland City and the lifestyle envisaged by the Reimagining Campbelltown CBD Vision.

It is recommended that open space be provided within 200 metres of high density living. The proposal incorporates communal open space on the podiums of the indicative building footprints proposed on site. Further open space is proposed to be provided on the rooftops of these buildings. The provided open space is not considered sufficient for the scale of development proposed, given the lack of public open space within this part of the CBD. The

proposal includes the provision of a civic plaza, however no ground level open space is proposed for active recreation purposes.

Further detailed analysis is required in respect to the resultant overshadowing impacts on the surrounding public domain, adjoining properties and open space, in addition to the adjoining school site, however this further work should occur after there is more certainty on height through a gateway determination.

Should the proposal proceed it is recommended that, a detailed Public Domain Plan be prepared for the site. Further consideration should also be given to open space on the ground floor of the site. These matters can be addressed through site specific controls in the Development Control Plan.

The redevelopment of this site, and particularly the demolition of the existing DFO building, is supported and is a great opportunity to redesign the interface between Queen Street and the built form. The majority of the site is currently occupied by a DFO store which is a large bulky retail building that, with the exception of an existing medical centre, remains predominately vacant, in addition to being unsightly and underutilised. However, the proposed increase in building heights, has not been fully justified, and has potential undesirable impacts on the core CBD. As a result of this evaluation, the PPR is not supported in its current form.

The current plans which specify the building height, massing and density submitted with the Planning Proposal Request are still not considered justifiable, ahead of the detailed master planning for the entire Reimagining Campbelltown CBD study area being undertaken. However, a smaller proposal is supported, including the opportunity to enable one iconic signature building on site. It is recommended that Council adopt a revised proposal that reflects its location and distance from the core CBD, Campbelltown and Leumeah Railway Stations. A gateway site would not normally exceed the maximum height permissible within the CBD and therefore it is recommended the height for the signature building should be limited to 45 metres.

Other matters such as traffic, stormwater, contamination and land use issues would also need to be investigated further post gateway determination.

The applicant has submitted an Economic Analysis for the site. This report would need to be revised as it does not factor in the newly adopted Campbelltown Local Infrastructure Contributions Plan (commenced on 14 December 2018) and the possibility that the redevelopment of a site at this scale may attract Special Infrastructure Contributions (SIC) that may be imposed by the Department of Planning and Environment as part of the Gateway Determination.

The applicant prepared a visual analysis to examine the visual impacts of the proposed building heights on the Campbelltown CBD and view corridors from and to the CBD.

The applicant’s visual analysis has demonstrated that the development on this site would be visible from various locations within Campbelltown but also quite limited from others. The impacts would be detrimental when viewed from areas within close proximity to the site, such as the bridge on Campbelltown Road and Moore-Oxley ByPass. A reduced building height is recommended for this Planning Proposal (compared to the applicant’s planning proposal request) and would result in a development that is less intrusive into the CBD skyline and more compatible with the streetscape.

Traffic and Parking

The proposed increase in building height from 26 to 70 metres would accommodate approximately 15 additional storeys of residential apartments above wheat is currently permissible which will also result in a significant increase in vehicle movements accessing and egressing the site. This would be in addition to vehicles (including heavy vehicles) also servicing the commercial component of the completed development.

The applicant has submitted a Traffic and Parking Impact Assessment, prepared by McLaren Traffic Engineering and Road Safety Consultants.

The Report considered the following:

- the potential impacts of the future traffic generation, the appropriate access and circulation arrangements within the site and recommendations for future upgrades to the road network to accommodate growth.

- the potential traffic generation against both the Campbelltown (Sustainable City) DCP 2015 parking rates and the RMS rates, and recommends that the RMS rates be adopted given the proximity of the site to an extensive network of public transport and the reduced impacts of future development.

- the impacts that future development will have on the surrounding road network, and make recommendations on the site access and circulation which will be incorporated and addressed at the concept DA stage. The Report evaluates the geometries of three intersections that will be particularly affected and suggests appropriate upgrades to ensure acceptable intersection performance as the staged development is realised in the future. These intersections include Queen Street/Chamberlain Street, Campbelltown Road/Blaxland Road and Queen Street/Campbelltown Road.

The report recommends that more detailed design and testing of intersection upgrades be undertaken as the development concept is refined and progresses to the next stage of planning and development.

Councils' engineers reviewed the applicant's traffic assessment report and raised the following concerns:

- due to sight distance it would be unlikely to be possible to have a right turn entry to the site from Queen St, and as such the entry would have to be' left in' only. To facilitate this design, a use of a central median would be required. However, this may not be possible given the width of queen corridor. As such, the proposed design would need to be revised and consideration should be given for better utilisation of the existing traffic signals for all vehicle movements.

- traffic generation for the residential component appears low.

- combined loading facilities for retail/commercial/residential use would need to be incorporated in the parking design.
- in the future, there is a possibility that Queen Street may be converted to a one way traffic flow. Flexibility in the design should consider this future condition.

- as the site is impacted by flooding, basement car parking would require careful consideration of access points to ensure that openings are clear of 1 percent AEP flood impact for both flooding in Queen Street and overland flow from the adjacent school.

- a revised traffic study that demonstrates how the surrounding network would be able to accommodate the increase in traffic, as a result of the proposal, was not submitted in response to the Local Planning Panel's request, however this matter can be addressed after the Gateway Determination and prior to public exhibition.

Flooding

The following comments were provided by Council's engineers:

- the site is affected by overland flow from the upstream lands in Campbelltown Performing Arts High School. Sufficient provision must be made to convey these flows through the site. This can be achieved in a number of ways (pipes, swales, etc) and Infrastructure is happy to assist with any discussions in this regard.

- the site is also affected by flooding in Queen Street and control levels will be required. These can be determined as part of the submitted concept application.

- the existing development on the Brands on Sale site contains provision for both overland flow (via two swales through the ground floor level of the carpark) and flooding Queen Street (the development floor levels have been raised to the required levels).

- the proposal appears to provide opportunity to accommodate the above requirements. There appear to be open areas which could be used to convey overland flow. Floor level controls can be set to address flooding in Queen Street. Care would be required to ensure the underground carpark openings were located such that flood waters could not enter.

Heritage

A state heritage listed item Warby's Barn and Stables adjoins the site.

The applicant has submitted to Council a Heritage Study prepared by Lucas, Stapleton and Johnson which provided the following guiding principles:

- provide an appropriate backdrop to the Warby site as seen from the north-east (Campbelltown Road overpass) with the old Campbelltown presented against the "new Campbelltown" without overwhelming the historic site.

- ensure the project does not prejudice the future development of the Warby site, rather provide opportunities for the future development of the Warby site in a way that will enhance its significance and interlink with the Project site.

Any development on the site would need to ensure that the heritage significance of the heritage building is protected and not adversely impacted.

It is recommended that any future development that adjoins the heritage building be limited to 26 metres (approx. eight storeys) and to limit any development on the remaining part of the northern boundary be limited to 32 metres (approx. 10 storeys). It is also recommended

that a height limit of 1.5 metres apply to the open plaza area immediately adjacent to the heritage item.

Subject to Council's endorsement of this draft planning proposal, the heritage study will be referred to Office of Environment and Heritage for comments.

Reimagining Campbelltown CBD

Reimagining Campbelltown CBD sets the community's vision for the future of the Campbelltown, Macarthur and Leumeah centres. It aims to create a Metropolitan CBD, a leading centre of health services, medical research and med-tech activity. The city would be designed for ambition, innovation and opportunity.

Reimagining Campbelltown CBD sets out six pillars/principles for growing Campbelltown-Macarthur CBD as follows:

1. No Grey to be Seen
2. City and Bush
3. Connected Places and Community
4. Confident and Self Driven
5. Centre of Opportunity
6. The Good Life

Council is in the process of preparing Reimagining Campbelltown Phase 2. The next phases of Reimagining Campbelltown includes establishing frameworks to ensure smooth strategic planning and therefore delivery of the Vision. This includes an integrated suite of master plans that cover the economic viability, infrastructure requirements, and physical spatial master planning of the identified precincts. The anticipated frameworks may not assign building heights and floor space ratios for all the sites within Campbelltown CBD, as this would be part of further analysis that would be guided by the outcome of Phase 2.

As such Reimagining Campbelltown does not and will not provide justification for the heights proposed by the applicant. Lower heights are recommended as detailed in this report.

4. Developer Contributions

Campbelltown Local Contribution Plan was adopted by Council last year and came into effect on 14 December 2018. This contribution plan would be used to determine. If the proponent instead sought to enter a voluntary planning agreement a future report would be presented to Council for consideration and any development application would need to be reported to the Local Planning Panel.

The Department of Planning and Environment, may choose to impose a Special Infrastructure Contributions (SIC) to help fund the delivery of some of the key pieces of State and regional infrastructure required to support a growing population.

There are a number of options are available to Council for consideration.

5. Options for Council

- **Option 1** – Endorse the applicants Planning Proposal Request
- **Option 2** – Endorse the draft Planning Proposal prepared by Council staff
- **Option 3** – Reject the proposal

Option 1

Supporting the PPR would facilitate the redevelopment of the site and the replacement of a vacant building by a mixed use development which would improve the economic viability of this site and provide an opportunity to redevelop the site in a manner that would enhance the public domain and streetscape. However it is considered that the heights have not been justified having regards to their location relative to the CBD and their impacts on the CBD.

Option 2 – Endorse an alternative draft Planning Proposal

The recommendation is to support an increase to the current building height, with a signature building of 45 metres and a moderate increase of two to four storeys for the rest of the site.

This increase in building heights would maintain a sensitive transition from the core of the CBD to its edge and would still provide a substantial increase in the number of dwellings on this site. This would subsidise the economic disadvantage that the applicant has raised as a result of demolishing the existing building on site. This option also has less impact on traffic and open space.

The risk with this option is that the applicant may not be satisfied with the proposed heights and may potentially refrain from demolishing the building and the redevelopment of the site altogether.

Option 3 – Reject the proposal

Rejecting the proposal also provides the proponent with an opportunity for a pre-gateway review. Potential adaptation and refitting of the existing building for a use that is economically viable seems unlikely given its history of vacancy. This option would be subject to market demand and the owner's willingness to re-adapt/re-fit the existing building for a suitable purpose. It results in less impact on the environment in terms of the potentially wasted resources and cost and other impacts of demolishing a structurally sound building. However this option reduces the likelihood of redevelopment and the building may continue to be vacant. This is not considered to be a good outcome for the site.

5. Next Steps

Should a planning proposal proceed to Gateway and receive a positive Determination, requirements for additional studies and community consultation would be specified in the Gateway determination.

6. Conclusion

The PPR seeks to achieve an increase in height for the land located at 22 - 32 Queen Street Campbelltown (Factory Outlet Centre Site). This area is identified for the purposes of mixed use under the Corridor Strategy. Although the site is considered to be an important site to the Campbelltown CBD, given its size and location, the proposed increase in height under the proponent's PPR is considered disproportionate due to its relative position on the outer edge of the Campbelltown CBD and the distance (1.2km) from Campbelltown Railway Station.

Given the absence of a strong evidence base for maximum building heights for this part of the Campbelltown CBD and the fact that Reimagining Campbelltown Phase 2 may not necessarily include maximum heights nor floor space ratios for individual sites within the Campbelltown CBD, Council staff prepared a draft planning proposal with heights ranging from 26 to 45 metres (attachment 3). The proposed heights are considered more appropriate within this section of Queen Street, compared to the proponent's PPR.

It is recommended that Council endorse increased heights for the site to facilitate the demolition of a building structure that is under performing and the development of a mixed use residential development for the site.

Draft Planning Proposal Prepared by Council Staff

After careful consideration of the key matters relating to the site including urban design, economic feasibility, heritage solar access, open space and traffic and access, Council staff have prepared a draft planning proposal for the site with lower building heights than requested by the applicant. The recommended planning proposal includes:

- maintain the building height of 26 metres (eight storeys) for the part of the site that is immediately adjacent to the heritage building

- increase the building height from 26 metres (eight storeys) to:

  - 32 metres (ten storeys), 38.5 metres (12 storeys) and 45 metres (15 storeys), as shown in attachment 3.

- decrease the building height from 26 metres to 1.5 metres for the area proposed for ground floor plaza/open space

- include an appropriate FSR requirement (eg 2.5:1 for residential apartment buildings and 1.7:1 for mixed use development). The appropriate FSR control for the site would be confirmed post gateway determination and prior to public exhibition.

- include a local clause to:

  - ensure that future development on this site is of high design standards

  - require a ground floor setback from Queen Street to allow for landscaping and active facades fronting Queen Street

  - Require a setback from the school grounds to allow for landscaping and solar access

  - Provide a minimum qualifying site area

- include a requirement for a site specific DCP that requires the site to be master planned.

Attachments

1. Minutes of Local Planning Panel (contained within this report)
2. Applicants Revised Planning Proposal (due to size 69 pages) (distributed under separate cover)
3. Draft Planning Proposal (contained within this report)

Attachment 1

Minutes of Local Planning Panel Meeting - 28/11/2018

Planning Proposal - 22 - 32 Queen Street, Campbelltown

Decision of the Panel	Response
1. The planning panel supports in principle a proposal to redevelop the subject site to create a precinct with high quality public domain and a distinguished architectural design with demonstrated community benefits commensurate with the scale of the project and the opportunities provided by its location.	The proponent submitted a revised planning proposal to Council on 16 May 2019, which is the subject of this report.
2. The panel considers that the information submitted to date does not however present a compelling case for the proposed increase in maximum height limits and considers that further work is required prior to submitting the matter for Gateway determination and prior to the preparation of the Reimagining Campbelltown CBD process.	Council is in the process of preparing Re-imagining Campbelltown Phase 2. The next phases of Re-imagining Campbelltown includes establishing frameworks to ensure smooth strategic planning in order to deliver this Vision. This includes an integrated suite of master plans that cover the economic viability, infrastructure requirements, and physical spatial master planning of the identified precincts. The anticipated frameworks may not assign building heights and floor space ratios for all the sites within Campbelltown CBD, as this would be part of further analysis that would be guided by the outcome of Phase 2.
3. The panel recommends that the applicant be invited to submit further information in this regard in the form of concept development application and site specific DCP which demonstrates that the proposal will provide: a. an appropriate built form which includes a signature building to act as a gateway to the Campbelltown CBD and appropriate streetscape to Queen Street; b. a larger public park well located to facilitate access by the wider community and of sufficient dimension to meet demand for open space in the precinct; c. integration with adjacent sites and improved vehicular access and	The proponent submitted a revised planning proposal to Council on 16 May 2019, which is the subject of this report. a. Given the absence of compelling statutory planning evidence for maximum building heights in this part of the Campbelltown CBD, Council staff prepared a draft planning proposal with heights ranging from 26 to 45 metres (Attachment 3). These heights are considered more appropriate within this section of Queen Street, compared to the proponent's revised PPR which included a 70m high signature building on site. b. No further provision of any open space or public park areas were provided. c. No further integration with adjacent sites or improved vehicular access to the

movements to the neighbouring school site to the east and the adjoining sites to the south (34 38 Queen Street) with a view to through connection to Chamberlain Street;	neighbouring school site, including those which adjoin it on the south, were addressed.
d. a revised traffic assessment study to address the concerns raised by Council's engineers;	d. No revised traffic assessment study, which addressed the concerns raised by Council's engineers, was provided.
e. an appropriate relationship to the adjacent heritage building including setbacks, building form and use on the first 2 levels and pedestrian access to the heritage building from the site;	e. The submitted heritage report incorporates an internal street layout which mirrors that of the neighbouring heritage item. The concept provided with the revised proposal also incorporates lower heights in closer proximity to 'Warby Barn and Stables'.
f. an economic feasibility study that examines the viability of mixed use development across the 20,465.7sqm site, any potential impact on retail and commercial uses in the Campbelltown CBD and whether an alternate land use zoning is appropriate for all or part of the site	f. The applicant submitted a revised "Supplementary Economic Report" for the site dated 18 January 2019. This report needs to be further revised as it does not factor in the newly adopted Campbelltown Local Infrastructure Contributions Plan (commenced on 14 December 2018) and the possibility that the redevelopment of a site, on this scale, has the potential to attract Special Infrastructure Contributions (SIC) that may be imposed by the Department of Planning and Environment as part of a Gateway Determination.

Planning Proposal

Nos. 22 – 32 Queen Street,

Campbelltown

Table of Contents

History 3
The Site 4
Existing Zoning and Building Height 5
Part 1 – Objectives or intended outcomes 6
Part 2 – Explanation of provisions 7
Part 3 – Justification 8
Section A – Need for the planning proposal 8
Section B – Relationship to strategic planning framework 8
Section C – Environmental, Social and Economic Impact 18
Section D – State and Commonwealth Interests 24
Part 4 – Mapping 25
Part 5 – Community consultation 26
Part 6 – Project Timeline 26

History

- On 22 June 2018 Council received a Planning Proposal Request (PPR) from Pacific Planning Pty LTD which sought an amendment to the CLEP 2015 'Height of Buildings Map' to increase the permissible building height for the subject site from 26 metres to 34 metres, 49.5 metres, 65 metres, 77 metres and 87 metres over various parts of the site.

- On 4 September 2018, the applicant briefed the Council on the proposed PPR.

- As a result of the briefing to Council, on 11 September 2018 the applicant submitted a revised PPR which included a reduction in building height from the previous PPR. The revised building heights were 37 metres, 53 metres, 56 metres, 59 metres, and 62 metres.

- The revised proposal was presented to the Local Planning Panel on 28 November 2018 who supported the PPR in principle and made a number of recommendations as detailed in Attachment 1.

- Subsequent to the Local Planning Panel recommendation, the applicant further revised the building height and submitted revised building heights of 70 metres, 42 metres, 29 metres and zero metres. The zero height limit is proposed for the open space/plaza component of the site.

- Council staff have assessed the applicant's PPR and prepared this planning proposal with heights of 45 metres, 38.5 metres, 32 metres and 26 metres.

  The Planning Proposal has been prepared in accordance with the Environmental Planning and Assessment Act 1979 (EP&A Act) and the Department of Planning and Environment's 'A Guide to Preparing Planning Proposals' August 2016.

The Site

The subject site consists of street nos. 22, 24 and 32 Queen Street, Campbelltown, and has an area of 20,465.7m^2 (see Figure 1.1 – 'Location Map'). The site consists of the following Lots and DPs :

- 32 Queen Street, Campbelltown, Lot 1 DP 1154928, NSW 2560 (owned by Supa 88 Pty Limited)
- 24 Queen Street, Campbelltown, Lot 15 DP 14782 (owned by Campbelltown 88 Pty Ltd)
- 22 Queen Street, Campbelltown, 2560 Lot X DP 409704 (owned Campbelltown 88 Pty Ltd)

The site is highly visible from the bridge on Campbelltown Road and as such is considered to be a significant site.

This site would continue to act as a Gateway to the CBD until such time the site on the corner of Moor Oxley ByPass and Queen Street (Tim's Garden) is developed.

Figure 1.1 Arial Photo of the Site

No 32 Queen Street is currently occupied by a DFO Outlet Store which is a large bulky retail building that, with the exception of an existing medical centre, remains predominately vacant,

unsightly and underutilised. No 22 Queen Street is currently vacant and No 24 Queen Street is occupied by the old bowling club.

The site adjoins Campbelltown High School to the south east. The school comprises of two storey buildings and playing fields. A number of single storey commercial retail is located south west of the site and currently occupied by a medical centre, Office Works and CCA Motorcycle Accessories shop.

Existing Zoning and Building Height

The site is currently zoned B4 Mixed Use under Campbelltown Local Environmental Plan 2015, and has a maximum building height of 26 metres. There is no proposal to amend the zoning of the site.

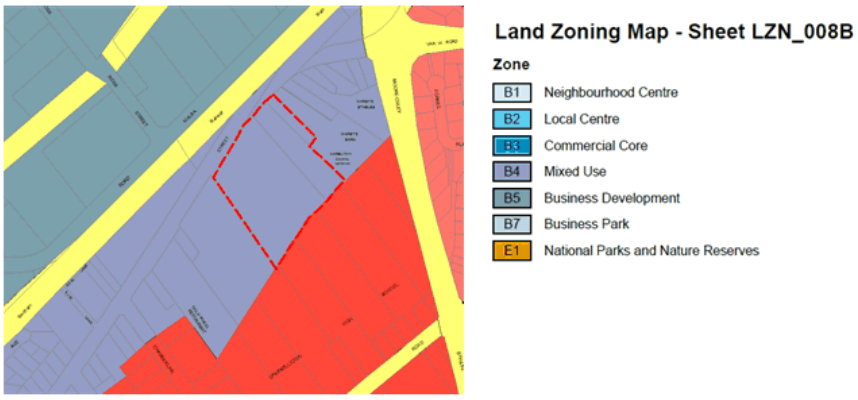


Figure 1.2 Exiting Zoning Map

Figure 1.3 Existing Building Height Map

Part 1 – Objectives or intended outcomes

The planning proposal intends to amend the CLEP 2015 to increase the height of development within the subject site to facilitate higher densities of mixed use residential development compared to what is currently permissible under the CLEP 2015.

The planning proposal aims to:

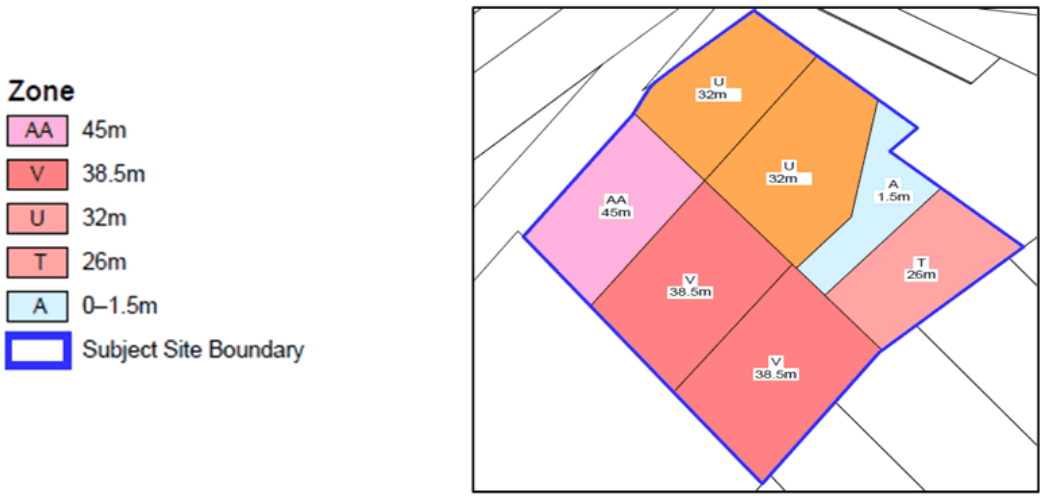
- support urban growth and the provision of housing in the Campbelltown LGA
- provide appropriate development controls for the subject site to facilitate a high density mixed use residential development within a walking distance to Campbelltown train station
- facilitate the provision of additional housing close to public transport, the road network and employment opportunities in close proximity to the heart of Campbelltown CBD
- Ensure that building heights respect the setting of the heritage item adjacent to the site
- Incorporate public domain improvements
- Ensure that the subject site provides open space for the enjoyment of the future residents and provides opportunity to establish a connected open space corridor within the Campbelltown CBD.
- Include development standards to ensure that future development would be setback from Queen Street to facilitate landscaping and enhance the streetscape.
- Ensure that a site specific development control plan is prepared for the site and includes a masterplan to ensure that future buildings on the site are located in a manner that maximises solar access, protects adjoining heritage and provides for an open space area at ground level for the use of the residents.

Part 2 – Explanation of provisions

Proposed amendments to CLEP 2015

The objectives and intended outcomes are proposed to be achieved by:

a) Amending the CLEP Height of Building Map in accordance with the proposed building height Map shown below and at Appendix 1 – Map 1 Proposed Height of Building as follows:
   - Maintain the building height of 26 metres for the part of the site that is adjacent to the heritage building
   - Increase the building height from 26 metres to:
     - 32 metres for the part of the site on the northern boundary forward of the open plaza
     - 38.5 metres for the southern part of the site
     - 45 metres, for the south-west part of the site that adjoins commercial/retail land uses
   - Decrease the building height from 26 metres to 1.5 metres for the area proposed for ground floor plaza/open space
   - Include an FSR requirement of 2.5:1 for residential apartment buildings and 1.7:1 for mixed use development. This proposed numerical control for FSR at this point is indicative only and has not been tested. An FSR control for the site would be confirmed post gateway determination and prior to public exhibition.
   - Include a local clause to:
     - ensure that future development on this site is of high design standards
     - require a ground floor setback from Queen Street to allow for landscaping and active facades fronting Queen Street
     - require a setback from the school grounds to allow for landscaping and solar access
     - provide a minimum qualifying site area
   - Include a requirement for a site specific DCP that requires the site to be master planned



Part 3 – Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not a result of any strategic study or report. However, the planning proposal relates to land currently identified for mixed use development by a number of key strategies and reports including the Glenfield to Macarthur Urban Renewal corridor strategy and the Draft Greater Macarthur 2040

Q2. Is the planning proposal the best means of achieving the objective or intended outcomes, or is there a better way?

Yes. Proceeding with a stand-alone planning proposal is considered appropriate in this instance to enable the timely consideration of urban design, traffic and heritage related issues. Adjoining sites include a heritage item and a school and therefore there is limited likelihood of similar proposals on these sites.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal is consistent with the objectives and aims of the following Strategic Plans:

- A Plan for Growing Sydney
- Towards Our Greater Sydney 2056 and The Greater Sydney Region Plan, A Metropolis of Three Cities
- the Western City District plan
- Draft Greater Macarthur 2040
- Glenfield to Macarthur Urban Renewal Precinct

– **A Plan for Growing Sydney**

'A Plan for Growing Sydney' sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 689,000 new jobs and 664,000 new homes by 2031. The Plan identifies that the most suitable areas for new housing are in locations close to jobs, public transport community facilities and services.

The proposal is consistent with the strategy as it would facilitate high density mixed use and residential development near the Campbelltown CBD and Train Station.

– **Greater Sydney Region Plan**

The Plan provides a framework for the predicted growth in Greater Sydney. The Plan identifies key goals of delivering a metropolis of three 30 minute cities through four key themes, infrastructure and collaboration, liveability, productivity and sustainability.

- Infrastructure and collaboration – The proposal is located in very close proximity to existing infrastructure such as Campbelltown Train Station, Campbelltown Hospital, Campbelltown Public School and Western Sydney University. Additionally, the site would also be located 30km to the proposed Western Sydney Airport.
- Liveability – The concept design supplied with the Planning Proposal outline a variety of enhancements to the surrounding character such as landscaped frontage, shared open space and opportunities for pedestrian links which would create a more liveable space.
- Productivity – The proposal has the potential to provide further productivity within the commercial core of Campbelltown. The proposed hotel would support job creation and housing options in conjunction with pedestrian links and the opportunity for thoroughfares and bike tracks.
- Sustainability – The opportunity for green walls, rooftop gardens and the design of apartments would promote a sustainable development. Sustainability of the developments would be considered at the development application stage.

The Planning Proposal would be the best means of achieving additional housing within the local area to meet the anticipated population increase in the next few years.

– **Western City District Plan**

The Western City District Plan sets out priorities and actions for the Western Parkland City which are structured on themes that are based on the Greater Sydney Region Plan. The proposal will provide additional housing supply in close proximity to existing transport which would support the State Government's direction for creating a 30 minute city.

The Western City District Plan also requires the need for creating a stronger local economy and promoting the commercial core of Campbelltown.

The planning proposal is consistent with the objectives and planning priorities for *Western City District Plan* as demonstrated below:

- Planning Priority W3 - The Planning Proposal supports integrated land uses to provide services that meets the needs of the communities;
- Planning Priority W6 - The planning proposal supports the creation of great local

places with a mix of land uses and provision of well-designed open space; and

- Planning Priority W11 - The planning proposal supports investment and business activity in local centres and the creation of local jobs.

– **Glenfield to Macarthur Urban Renewal Corridor Strategy**

The Glenfield to Macarthur Urban Renewal Corridor Strategy was identified as a growth corridor by the State Government for the purposes of providing further jobs, open space, improved movement networks and revitalisation of existing urban centres through good design. Under the Strategy, Campbelltown has been identified as a priority precinct that provides retail and commercial activity.

The strategy outlines that the vision would be initiated through the lodgement of planning proposals and council initiated LEP amendments. The subject site is identified as being located within a mixed-use retail and residential area under the Strategy.

Under the Strategy, buildings would have ground floor retail that would provide local services for residents and commuters, with the apartments above ranging from 7+ storeys in height. These would be set back from the street to ensure the scale and feel of Queen Street is maintained. Detailed planning would be required to identify appropriate height and built form outcomes in this area. The Proposal is considered to be consistent with this direction.

The Strategy does not include any indication of a maximum height limit for the site. As such the proposed height limits are not considered inconsistent with the Strategy.

– **Draft Greater Macarthur 2040 – An Interim for the Greater Macarthur Growth**

The Department of Planning and Environment has prepared Greater Macarthur 2040: An Interim Plan for the Greater Macarthur Growth Area which incorporates the Glenfield to Macarthur Urban Renewal Corridor and the land release precincts to the south of Campbelltown. The draft Plan sets out the strategic planning framework for this area. When finalised, Greater Macarthur 2040 will guide precinct planning within the Growth Area.

The public exhibition for the Greater Macarthur 2040: An Interim Plan for the Greater Macarthur Growth Area closed Friday 8 February, however the draft Plan has not yet been formally adopted by the State Government.

In terms of Campbelltown, the draft Plan in relation to 'Place" provides the following goals:

- Provide a range of building heights, with high rise buildings close to the station to maximise pedestrian activity and increase trade for local businesses.

- Retain the character of areas east of Lindesay Street, with a mixture of detached dwellings, townhouses and terraces.
- Plan for a large floor plate, campus-style office park west of the station.

This site is nominated for mixed use under the Greater Macarthur Structure Plan (urban renewal areas) Map, however the draft Plan does not propose building heights for the Campbelltown CBD.

The planning proposal is not considered to be inconsistent with the above goals of the draft Plan although there is a clear premise that taller buildings should be located closer to the railway station. Therefore the maximum heights for this site should be less than or equal to those adjacent to the station.

Q4. Is the Planning Proposal consistent with a Council's local strategy or other local strategic plan?

– **Campbelltown Community Strategic Plan – Campbelltown 2027**

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

The Proposal is considered to be consistent with the relevant outcomes headed accordingly within the Plan:

- A vibrant, liveable city;
- A respected and protected natural environment;
- A thriving attractive city; and
- A successful city.

The proposed increase in height has the potential to provide an opportunity for a revitalised commercial and retail core which will support the growth of a strong local economy. The proposal also supports the possibility of integrating open space and walkable thoroughfares to Queen Street.

– **Campbelltown Local Planning Strategy 2013**

The strategy identifies the importance of Queen Street as an existing commercial and retail core of Campbelltown. The strategy also considers the promotion of active street frontages and the conservation of the listed heritage items identified as "Warby Barn and Stables" which are located on the western adjoining property and within close vicinity to Queen Street.

The proposal is consistent with the directions of the Campbelltown Local Planning Strategy 2013.

- **Campbelltown Residential Development Strategy 2014**

  The 2014 Strategy is a background document which informed the preparation of the CLEP 2015. The proposal would assist in the improvement of housing affordability within the area due to the increase in dwellings in close proximity to local transport hubs.

  A theme identified in the Residential Strategy noted that changing population demographics would also continue to challenge the local community. The proposal would assist with providing sustainable and accessible housing, particularly for Campbelltown's aging population as the requirements such as lift access would be considered at the development application stage.

  The proposal is consistent with the Campbelltown Residential Development Strategy 2014

- **Re-imagining Campbelltown CBD – Phase 1**

  Re-imagining Campbelltown CBD sets the community's vision for the future of the Campbelltown, Macarthur and Leumeah centres. It aims to create "a Metropolitan CBD, a leading centre of health services, medical research and med-tech activity." The city would be designed for "ambition, innovation and opportunity."

  Re-imagining Campbelltown CBD sets out six pillars/principles for growing Campbelltown-Macarthur CBD as follows:

  1. No Grey to be Seen – Environment
     - Deliver high quality and diverse open space experiences.
     - Lead the delivery of affordable low resource, low carbon solutions for Campbelltown.
     - Be visionary and tactical in the greening of the urban fabric.
  2. City and Bush – Heritage
     - Regenerate, restore and maintain natural ecosystems.
     - Respect and give life to existing natural, historic and cultural features.
     - Contribute to measurable improvements to local air and water quality.
     - Acknowledge, include and value the Aboriginal history of an area.
     - Heritage items and their settings are conserved, retained and celebrated.
     - Appropriate curtilages for heritage items are maintained.
     - Sensitive and adaptive reuse of heritage items is encouraged.
  3. Connected Places and Community – Mobility
     - Pioneer the development of human scale urban environments that are de-coupled from car dependence and support health and wellbeing.

- Develop the infrastructure and connectivity for Campbelltown to be an accessible southern gateway to the Western City and Sydney as a whole.
- Increase accessibility to local amenities and services.

4. Confident and Self Driven – Culture
   - Ensure adaptability and diversity of built form for innovators, disrupters and entrepreneurs.
   - Drive solutions for climate resilient communities, public space and urban infrastructure.
   - Deliver design-led excellence for both public and private spaces, including assurance for design outcomes.
5. Centre of Opportunity- Economy
   - Create and connect clusters of agglomeration and activity that increase and diversify Campbelltown's productivity.
   - Leverage industry opportunities from, and expedite connectivity with, Western Sydney Airport and Badgery's Creek Aerotropolis.
   - Plan and manage industrial and urban services land's retention and evolution.
6. The Good Life - Living
   - Create inspirational places for all, showcasing culture and the arts especially reflecting our high and diverse population including our Aboriginal and Torres Strait Islander community within Campbelltown.
   - Engage with our communities and other stakeholders to deliver lively, healthy, safe and welcoming places that support diverse and inclusive communities.
   - Delivery of connected places and healthy communities through a range of active recreational spaces for playing sport.
   - Create inclusive communities through housing

The Planning Proposal is consistent with the above principles.

Council is in the process of preparing Re-imagining Campbelltown Phase 2. The next phases of Re-imagining Campbelltown include establishing frameworks to ensure the smooth strategic planning and therefore delivery of the Vision. This includes an integrated suite of master plans that cover the economic viability, infrastructure requirements, and eventually physical spatial master planning of the identified precincts. Notably, the master planning exercise may not necessarily assign building heights for all the sites within the CBD, as this would be part of further analysis that would be guided by the outcome of Phase 2.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The following table provides a brief assessment of consistency against each State Environmental Planning Policy (SEPP) relevant to the Planning Proposal.

State Environmental Planning Policies	Comment
SEPP No. 1 Development Standards	Not applicable as Clause 4.6 of the CLEP 2015 negates the need for SEPP 1.
SEPP 14 – Coastal Wetlands	Not applicable.
SEPP 19 – Bushland in Urban Areas	The site does not contain any significant vegetation.
SEPP 21 – Caravan Parks	Not relevant to the proposal.
SEPP 26 – Littoral Rainforests	Not relevant to the proposal.
SEPP 30 – Intensive Agriculture	Not relevant to the proposal.
SEPP 33 – Hazardous or Offensive Development	Not relevant to the proposal.
SEPP 36 – Manufactured Home Estates	Not relevant to the proposal.
SEPP 44 – Koala Habitat Protection	This site does not contain any koala habitat.
SEPP 47 – Moore Park Showground	Does not apply to land within Campbelltown.
SEPP 50 – Canal Estate Development	Not relevant to the proposal.
SEPP 52 – Farm Dams	Not relevant to the proposal.
SEPP 55 – Remediation of Lands	The existing urban use of the land is unlikely to result in land contamination. Future development of the site will need to address the requirements of this SEPP (55).
SEPP 62 – Sustainable Aquaculture	Not relevant to the proposal.
SEPP 64 – Advertising and Signage	The planning proposal is consistent with the SEPP. Future development of the site would need to take this SEPP (64) into consideration.
SEPP 65 – Design Quality of Residential Apartment Development	The PPR seeks to facilitate high rise development in the form of shop top housing (i.e. residential above commercial). The concept designs submitted with the PPR consider potential design options which address the provisions of this SEPP (65).
SEPP 70 – Affordable Housing Schemes	Not relevant to this proposal.
SEPP 71 – Coastal Protection	Not relevant to this proposal.
SEPP (Building Sustainability Index: BASIX) 2004	Future development of the site would take into consideration the requirements of the SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	The PPR appears to be consistent with the SEPP. Any future child care centre , or the like, would take into consideration the requirements and provisions of this SEPP.
SEPP (Affordable Rental Housing) 2009	The PPR is consistent with the SEPP. Any future development on the site may incorporate affordable housing which would be considered in conjunction with the SEPP.
SEPP (Exempt and Complying Development	Not relevant to the Proposal.

Codes) 2008	
SEPP (Infrastructure) 2007	Future development of the site may constitute traffic generating development and trigger an assessment under this SEPP.
SEPP (Housing for Seniors or People with a Disability)	It is not proposed to carry out the development under the provisions of this SEPP.
SEPP (Integration and Repeals) 2016	Not relevant to the proposal.
SEPP (Kosciusko National Park) 2007	The SEPP does not apply to the land.
SEPP (Kurnell Peninsular) 1989	The SEPP does not apply to the land.
SEPP (Mining and Extractive Industries) 2007	Not relevant to the proposal.
SEPP (Miscellaneous Consent Provisions)	Not relevant to the proposal.
SEPP (Penrith Lakes Scheme) 1989	Not relevant to the proposal.
SEPP (Rural Lands) 2008	Not relevant to the proposal.
SEPP (State and Regional Development) 2011	It is likely that future development of the site will constitute Regional Development thus being determined by the Sydney Western City Planning Panel.
SEPP (State Significant Precincts) 2005	The SEPP does not apply to the land.
SEPP (Sydney Drinking Water Catchment) 2011	The SEPP does not apply to the land.
SEPP (Sydney Region Growth Centres) 2006	The SEPP does not apply to the land.
SEPP (Three Ports) 2013	The SEPP does not apply to the land.
SEPP (Urban Renewal) 2010	The SEPP does not apply to the land.
SEPP (Western Sydney Employment Area) 2009	The SEPP does not apply to the land.
SEPP (Western Sydney Parklands) 2009	The SEPP does not apply to the land.
SEPP (Vegetation in Non-Rural Areas) 2017	The subject site is within a well-established urban area, having historically been used for residential and commercial purposes. The proposal will not impact any significant vegetation.

The following table provides a brief assessment of consistency against each Deemed SEPPs relevant to the Planning Proposal.

Consideration of Deemed SEPPs	**Comment**
REP (Sydney Harbour Catchment) 2005	Not relevant to this Planning Proposal.
Greater Metropolitan Regional Environmental Plan No2 – Georges River Catchment	Consistent. The proposal will not impact on the water quality and river flows of the Georges River and its tributaries. The Proposal would be subject to further assessment relating to stormwater and drainage should a future development application be lodged.

Q6. Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The following table provides a brief assessment of consistency against each section 9.1 direction relevant to the planning proposal.

Consideration of s9.1 Directions	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	The proposal is consistent with this Direction as the amendment to the 'Height of Buildings Map' would not reduce the amount of commercial/retail floor space within the Campbelltown CBD. The proposed amendment would increase the potential for additional retail/commercial floor space due to the B4 zoning of the site.
1.2 Rural Zones	Not applicable.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable.
1.4 Oyster Aquaculture	Not applicable.
1.5 Rural Lands	Not applicable.
2. Environment and Heritage	
2.1 Environment Protection Zones	Not applicable.
2.2 Coastal Protection	Not applicable.
2.3 Heritage Conservation	The planning proposal incorporates controls that facilitate the preservation of the significance of the adjoining heritage item, "Warby's Barn" and therefore is consistent with this direction.
2.4 Recreation Vehicle Areas	Not applicable.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent. The proposal would be consistent with this Direction as additional dwellings would be in close proximity to existing infrastructure and services and would provide for existing and future housing needs of the local area.
3.2 Caravan Parks and Manufactured Homes Estates	Not applicable.
3.3 Home Occupations	Not applicable.
3.4 Integrating Land Use and Transport	Consistent. The subject site is within 800m of Campbelltown Train Station and other forms of

	services such as buses which can provide access to jobs and amenities.
3.5 Development Near Licensed Aerodromes	Not applicable.
3.6 Shooting Ranges	Not applicable.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Not applicable.
4.2 Mine Subsidence and Unstable Land	Not applicable.
4.3 Flood Prone Land	Not applicable.
4.4 Planning for Bushfire Protection	Not applicable.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable.
5.2 Sydney Drinking Water Catchments	Not applicable.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.
5.5 – 5.7	Repealed
5.8 Second Sydney Airport	Not applicable.
5.9 North West Rail Link Corridor Strategy	Not applicable.
5.10 Implementation of Regional Plans	The proposal is consistent with a Plan for Growing Sydney and the Greater Sydney Region Plan and therefore consistent with this direction.
6. Local Plan Making	
6.1 Approval and Referral Requirements	The planning proposal does not trigger the need for any additional concurrence, consultation or referral to a Minister or Public Authority.
6.2 Reserving Land for Public Purposes	The Proposal does not impact on land reserved for public purposes.
6.3 Site Specific Provisions	The proposal is relating to building height, and therefore the proposal is consistent with this Direction.
7. Metropolitan Planning	
7.1 Implementation of a Plan for Growing Sydney	The proposal is consistent with the requirements of the strategy as discussed in Part 3 of this Planning Proposal.
7.2 Implementation of Greater Macarthur Land Release Investigation	Consistent.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.

7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	The PPR is consistent with this Direction as the Proposal will allow for a revitalised and activated Queen Street which will deliver a significant amount of retail and commercial jobs.

Section C – Environmental, Social and Economic Impact

Q 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?

No. The subject site does not contain any known critical habitat or threatened species, populations' or ecological communities, or any other habitat. Therefore, the proposal will not have an impact on any ecological communities.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Yes. The Planning Proposal proposes to increase the maximum building height and therefore the potential development yield. The proposal would have impacts related to urban design, visual, traffic management, flooding and heritage that require careful consideration.

- **Urban Design**

The Planning Proposal submitted by the applicant includes a 3-D graphic design of an indicative development of the site (Figure 1.5 Below) which indicates that the existing factory outlet building is to be demolished.

Demolishing the existing building on site, would present an opportunity to masterplan the site and enhance the streetscape of this part of Queen Street.

Figure 1.4 Existing Factory Outlet Centre

Council has received a Concept development application for the site that proposes six buildings and a small plaza in line with Figure 1.5 below. Although the development concept submitted with the proposal is indicative only, the proposed development would have to meet the current requirements of Council's DCP and LEP as well as the requirements of the Apartment Design Guide. This development application is currently being assessed. The concept application does not include the physical demolition of existing building onsite which be subject of a separate development application.

Figure 1.5 Indicative development on site prepared by the applicant

- **Visual Analysis**

  The applicant was required to prepare a visual analysis to examine the visual impacts of the proposed building heights on the Campbelltown CBD and view corridors from and to the CBD.

  The applicant's visual analysis has demonstrated that the development on this site would be visible from various locations within Campbelltown, however the impacts would be detrimental when viewed from areas within close proximity to the site, such as the bridge on Campbelltown Road and Moore-Oxley ByPass (Figures 1.7 and 1.8 below).A reduced building height as proposed by this Planning Proposal (compared to the

applicant's planning proposal request) would result in a development that is less intrusive into the CBD skyline and more compatible with the streetscape.

Figure 1.7 Proposed building heights as viewed from Moor-Oxley ByPass

Figure 1.8 Proposed building heights as viewed from Queen Street

Figure 1.9 Proposed building heights as viewed from Campbelltown Road

- **Traffic and Parking**

The applicant has submitted a Traffic and Parking Impact Assessment, prepared by McLaren Traffic Engineering and Road Safety Consultants.

The Report considered the following:

- the potential impacts of the future traffic generation, the appropriate access and circulation arrangements within the site and recommendations for future upgrades to the road network to accommodate growth.
- the potential traffic generation against both the Campbelltown (Sustainable City) DCP 2015 parking rates and the RMS rates, and recommends that the RMS rates be adopted given the proximity of the site to an extensive network of public transport and the reduced impacts of future development.
- the impacts that future development will have on the surrounding road network, and make recommendations on the site access and circulation which will be incorporated and addressed at the concept DA stage. The Report evaluates the geometries of three intersections that will be particularly effected and suggests appropriate upgrades to ensure acceptable intersection performance as the staged development is realised in the future. These intersections include Queen Street/Chamberlain Street, Campbelltown Road/Blaxland Road and Queen Street

The report recommends that more detailed design and testing of intersection upgrades be undertaken as the development concept is refined and progresses to the next stage of planning and development.

Councils' engineers reviewed the applicant's traffic assessment report and raised the following concerns:

- due to sight distance it would be unlikely to be possible to have a right turn entry to the site from Queen St, and as such the entry would have to be' left in' only. To facilitate this design, a use of a central median would be required. However, this may not be possible given the width of queen corridor. As such, the proposed design would need to be revised and consideration should be given for better utilisation of the existing traffic signals for all vehicle movements.
- Traffic generation for the residential component appears low.
- Combined loading facilities for retail/commercial/residential use would need to be incorporated in the parking design.
- In the future, there is a possibility that Queen Street may be converted to a one way traffic flow. Flexibility in the design should consider this future condition.

- As the site is impacted by flooding, basement car parking would require careful consideration of access points to ensure that openings are clear of 1% AEP flood impact for both flooding in Queen Street and overland flow from the adjacent school.

A revised traffic study that demonstrates how the surrounding network would be able to accommodate the increase in traffic, as a result of the proposal, was not submitted in response to the Local Planning Panel's request, however this matter can be addressed after the Gateway Determination and prior to public exhibition. It is requested the requirement for a detailed traffic study be a condition of the Gateway determination.

Flooding

The following comments were provided by Council's engineers:

- The site is affected by overland flow from the upstream lands in Campbelltown Performing Arts High School. Sufficient provision must be to convey these flows through the site. This can be achieved in a number of ways (pipes, swales, etc) and Infrastructure is happy to assist with any discussions in this regard.
- The site is also affected by flooding in Queen Street and control levels will be required. These can be provided prior to DA.
  Control levels
- The existing development on the Brands on Sale site contains provision for both overland flow (via two swales through the ground floor level of the carpark) and flooding Queen Street (the development floor levels have been raised to the required levels).
- The proposal appears to provide opportunity to accommodate the above requirements. There appear to be open areas which could be used to convey overland flow. Floor level controls can be set to address flooding in Queen Street. Care would be required to ensure the underground carpark openings were located such that flood waters could not enter.

- **Heritage**

A state heritage listed item Warby's Barn and Stables adjoins the site.

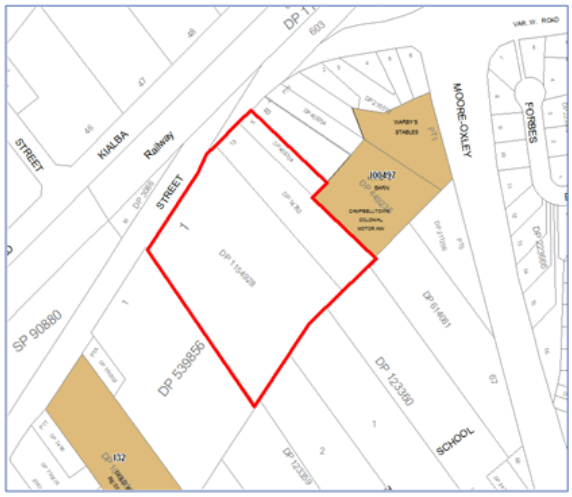


Figure 1.10 LEP 2015 Heritage Map

Any development on the site would need to ensure that the heritage significance of the heritage building is protected and not adversely impacted upon.

It is proposed that any future development that adjoins the heritage building be limited to 26 metres (the current height limit) and to limit any development on the remaining part of the north eastern boundary to 32 metres.

The applicant has submitted to Council a Heritage Study prepared by Lucas, Stapleton and Johnson which provided the following guiding principles:

- Provide an appropriate backdrop to the Warby site as seen from the north-east (Campbelltown Road overpass) with the "old Campbelltown" presented against the "new Campbelltown" without overwhelming the historic site.
- Ensure the project does not prejudice the future development of the Warby site, rather provide opportunities for the future development of the Warby site in a way that will enhance its significance and interlink with the Project site.

Subject to Council's endorsement of this planning proposal, the heritage study will be referred to Office of Environment and Heritage for comments.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Social impacts

No studies to address the social impacts of the planning proposal have been prepared to date. The Planning proposal will facilitate a development that would result in a substantial amount of residential dwellings (over 500 dwellings) and retail/commercial floor space. While this will contribute to housing affordability, it would also increase pressure on Council's services. It is requested that the gateway determination include a condition requiring preparation of a social impact assessment.

Economic Impacts

Currently the site is occupied by a bulky goods and factory outlet that is vastly vacant. It would be considered a positive outcome if the existing building on site were demolished and replaced by a mixed use development. However, there needs to be further analysis and studies to validate the amount of retail and commercial floor space. A site specific clause to reinforce the resultsof this study should be in the CLEP2015.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

Public open space

While the schools playing fields provides for open space within proximity to the site, they are not currently available for public use. The Campbelltown Showground is over 400m from the site, however it is fenced off and also not always available for recreational use. The closest available park to the site is Mawson Park, which is over 800 metres away.

The site is over two (2) hectares in area and as such there is an opportunity to provide open space on site, for the use of future residents.

Council's Open Space Section has provided the following main comments in relation to open space requirements for the site:

- Further information required on the impacts of overshadowing on the surrounding public domain and open space.
- Due to the scale of the development provide a Public Domain Plan of the site, particularly with the creation of new streets.
- Acknowledge the Warby Estate and adjacent heritage buildings through artwork interpretation in the pavement design in the public domain and open space areas.

- The applicant is to provide an open space needs assessment to assess the open space needs of the future residents of the development.
- The extra demand created by the development will require a number of upgrades to existing open space that will occur outside the development envelope.
- With high density development open space needs to be provided within 200 metres of the site.

From the above, the public open space component would need to be resolved in any future masterplan of the site.

Additional Studies

A comprehensive investigation of issues including (but not limited to) the following studies would need to be undertaken prior to public exhibition:

- Traffic and Parking Assessment;
- Public Domain;
- Site Specific DCP that includes a revised master plan for the site;
- Economic study to validate the proposed commercial/retail open space
- Urban design analysis to formulate appropriate development standards in relation to FSR and block depths.
- Infrastructure Needs Assessment

Q11. What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

It is proposed to consult with the following:

- Transport for NSW
- Roads and Maritime Services,
- NSW Police
- Office of Environment and Heritage,
- Department of Education
- Department of Health
- NSW Emergency Services
- Telstra
- Sydney Water
- Endeavour Energy

Part 4 – Mapping

The Planning Proposal seeks to amend the Campbelltown LEP Height of Building Map. It is not proposed to amend any other maps. (Refer to appendix 1)

Part 5 – Community consultation

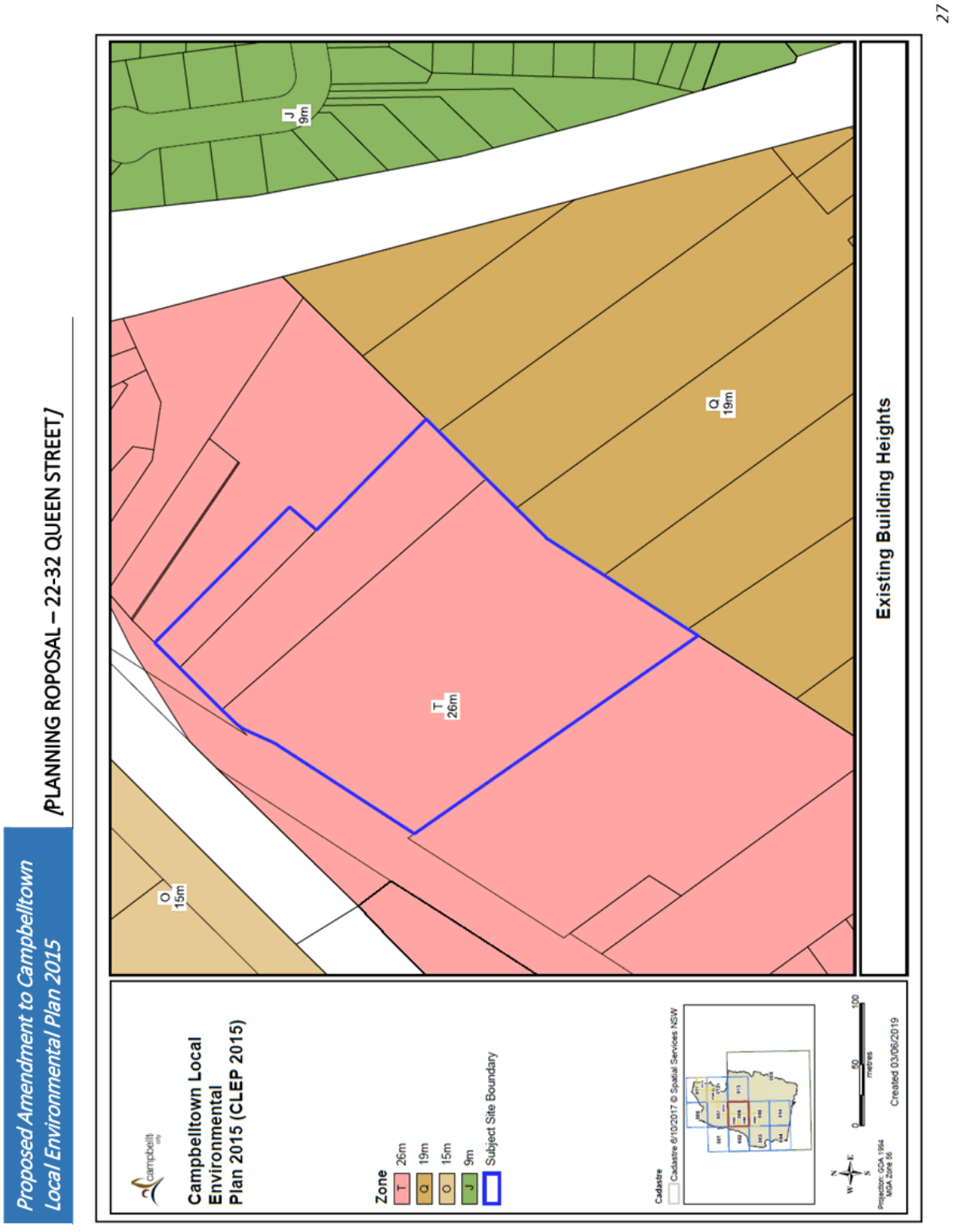
Public consultation will take place in accordance with the Gateway Determination made by the Minister for Planning and Infrastructure in accordance with Sections 56 & 57 of the Environmental Planning & Assessment Act 1979.

A letter would be sent to landowners who adjoin or are in close proximity to the site, advising them of the exhibition of the Proposal and inviting submissions and advertisements would be placed in local newspapers and on Council's website..

Part 6 – Project Timeline

Milestone	Date
– Preparation of the planning proposal and report to Local Planning Panel	28 November 2018
– Report to Council	11 June 2019
– Request Gateway Determination	June 2019
– Gateway Determination issued	August 2019
– anticipated timeframe for the completion of required technical information /background studies	December 2019
– commencement date for public exhibition period	February 2020
– government agency consultation	February 2020
– consideration of submissions (report to Council)	April 2020
– submission to the department to finalise the LEP	April 2020

Appendix 1


Proposed Amendment to Campbelltown Local Environmental Plan 2015
PLANNING ROPOSAL – 22-32 QUEEN STREET
Campbelltown Local Environmental Plan 2015 (CLEP 2015)
Zone
T 26m
Q 19m
O 15m
J 9m
Subject Site Boundary
Cadastre
Cadastre 6/10/2017 © Spatial Services NSW
Projection: GDA 1994 MGA Zone 56
Created 03/06/2019
Existing Building Heights
O 15m
T 26m
Q 19m
J 9m
27
Version 1: June 2019

Campbelltown Local Environmental Plan 2015 (CLEP 2015)
Proposed Amendment
Building Height Amendment
Zone
AA 45m
V 38.5m
U 32m
T 26m
A 0–1.5m
Subject Site Boundary
Cadastre
Cadastre 6/10/2017 © Spatial Services NSW
0 50 100
metres
Projection: GDA 1994 MGA Zone 56
Created 03/06/2019
U 32m
U 32m
A 1.5m
AA 45m
V 38.5m
T 26m
V 38.5m
Proposed Building Heights : Council

8.11 Proposed Biodiversity Certification Process Mount Gilead Stage 2

Reporting Officer

Executive Manager Urban Release and Engagement
City Development

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.3 - Responsibly manage growth and development, with respect for the environment, heritage and character of our city

Officer's Recommendation

1. That Council support the making of an application for Biodiversity certification for Mount Gilead Stage 2 under the provisions of the repealed *Threatened Species Conservation Act 1995* (as saved by the Minister for the Environment's order under clause 37(2) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017).

2. Prior to making a formal application, a further report be presented to Council which is to include a draft Biodiversity Certification Assessment Report and the Bio-Certification Strategy for the Council's evaluation.

Purpose

The purpose of this report is to seek Council's endorsement to enter into discussions with Lendlease and the Office of Environment and Heritage regarding biodiversity certification of Mount Gilead Stage 2. This follows a formal request from Lendlease seeking Council to act as the applicant for the biodiversity certification process under the provisions of the *Threatened Species Conservation Act 1995 (TSC Act).* This is the similar manner in which the Council dealt with the previous Biodiversity Certification application for Mount Gilead Stage 1.

History

On 22 November 2016, Council resolved to apply for biodiversity certification over Mount Gilead Stage 1. This process is nearing completion with granting of biodiversity certification by the Minister for Environment over Mount Gilead Stage 1 imminent. Since 2016, significant changes to biodiversity legislation in NSW have occurred with commencement of the *Biodiversity Conservation Act 2016* and other legislative instruments, including the Biodiversity Conservation (Savings and Transitional) Regulation 2017 on 25 August 2017. Consequently, the TSC Act and associated regulations were also repealed on 25 August 2017.

In lieu of the legislative changes and following a request from the developer, in May 2017 Council staff requested that the Office of Environment and Heritage (OEH) include Mount Gilead Stage 2 on a list of proposed biodiversity certification applications that could continue

to be assessed under the TSC Act under transitional arrangements. Subsequently, Mount Gilead Stage 2 was identified on the list of proposed applications that were declared for the purpose of clause 37 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 within the 'Proposed Applications for Biodiversity Certification Order 2017'. As such the biodiversity certification process for Mount Gilead Stage 2 may proceed under the now repealed TSC Act, on the basis that the biodiversity certification application and associated documentation is lodged with the Mister for the Environment by the 25 August 2019.

On 12 September 2017, the Department of Planning and Environment announced their intent to undertake a strategic biodiversity assessment of the Priority Growth Areas within Western Sydney, which incorporates Mount Gilead Stage 2. This process would enable the Department to grant biodiversity certification over the Priority Growth Areas. This would be achieved through the development of the Cumberland Plain Conservation Plain to meet the legislative requirements for strategic biodiversity certification under the NSW *Biodiversity Conservation Act 2016* and strategic assessment under the Commonwealth *Environment Protection Biodiversity Conservation Act 1999*.

This announcement provided the developer with 3 options to pursue biodiversity certification over Mount Gilead Stage 2:

i) Request that Council lodge an application for Biodiversity Certification under the provisions of the TSC Act prior to 25 August 2019

ii) Pursue Biodiversity Certification under the Cumberland Plan Conservation Plan a process that is being led by the Department of Planning and Environment

iii) lodge an application for biodiversity certification over Mount Gilead Stage 2 under the provisions of the *Biodiversity Conservation Act 2016*. At this stage it is unclear whether an application would be regarded as a strategic application that requires Council to act as the applicant, or whether it would be regarded as a standard application which would enable the developer to act as the applicant for biodiversity certification.

Given the legislative amendments outlined above and ongoing growth area planning, Council considered a report at its Ordinary Meeting on 28 November 2017 on proposed natural asset Corridors and resolved, in part, to endorse a policy position on Natural Asset Corridors comprising draft natural asset corridor maps and conservation principles for:

- submission to the Department of Planning and Environment to inform the Strategic Biodiversity certification process
- continued engagement with key landholders and government authorities involved in developing plans for the area.

On 13 March 2018, Council considered a further report on the South Campbelltown Koala Habitat Connectivity Study which included recommendations for corridor widths and Koala conservation measures associated with the Appin Road upgrade. Council resolved, in part, that:

- Staff continue to engage with respective land owners in order to finalise the identification of primary natural asset corridors.
- Council write to the Minister for Planning seeking an urgent meeting in relation to the provision of a Koala overpass, wildlife exclusion fencing and Koala grids along Appin Road and the provision of east-west natural asset corridors in future planning for South Campbelltown.

At the time, it was unclear as to whether biodiversity certification for Mount Gilead Stage 2 would proceed through Council under the repealed TSC Act or whether the developer wanted to seek certification of Mount Gilead Stage 2 under the Cumberland Plain Conservation Plan.

This uncertainty was resolved via the developers formal request dated 8 February 2019 asking Council to act as the applicant for biodiversity certification for Mount Gilead Stage 2 under the provisions of the TSC Act (attachment 1).

A summary of the developer's request, planning and legislative context was provided to Council's at an informal briefing on 21 May 2019. At this briefing, it was agreed that report be presented for their consideration and formal decision.

Report

The proposed Biodiversity Certification Assessment Area for investigation as part of Mount Gilead Stage 2 is approximately 522.4 hectares as illustrated in attachment 2. The site comprises land on the western and eastern sides of Appin Road, with land on the eastern side of Appin Road intended only for biodiversity offset purposes. The area is rich in both cultural heritage values and ecological values that will need to be effectively conserved as part of any future rezoning and biodiversity certification process.

With respect to ecological values, the area supports two critically endangered ecological communities comprising Cumberland Plain Woodland and Shale Sandstone Transition Forest and two endangered ecological communities. A range of threatened species are also known to occur including the Koala, Cumberland Plain Land Snail, Squirrel Gilder, various species of microchiropteran bats, and the Brown Pommaderris which is a threatened plant.

The site also supports a high number of hollow bearing trees which is an important habitat resource for a range of threatened and non-threatened fauna species and partially comprises two of the east-west corridors that Council is seeking to protect as part of its policy position on natural asset corridors in South Campbelltown.

1. Greater Macarthur 2040

Like other land within the Greater Macarthur Priority Growth Area, Mount Gilead Stage 2 is subject to Greater Macarthur 2040: An interim plan for the Greater Macarthur Growth Area. This land use and infrastructure implementation plan sets the vision for the Growth Area as it develops. The Cumberland Plan Conservation Plan is a key element in the delivery of the vision and planning principles set out in this plan. Noting that biodiversity certification is being sought under the provisions of the TSC Act, the developer has requested that the Cumberland Plain Conservation Plan not apply to Mount Gilead Stage 2.

Notwithstanding, it is recommended that some of the key biodiversity conservation elements outlined in Greater Macarthur 2040 are taken into consideration as part of the biodiversity certification process. These key elements include, but not limited to:

- Conservation of biodiversity and koala colonies at the heart of the Growth Area
- The riparian corridors of the Georges River to the east and the Nepean River to the west and several creeks will be protected

- Development will be separated from important wildlife and koala corridors by appropriate buffers, with these corridors protected in perpetuity and restored and enhanced
- Environmental conservation and protection are central to sustainable development of Greater Macarthur
- Avoid where possible, or minimise impacts on biodiversity
- Protect land with biodiversity value and the integrity and continuity of wildlife

Greater Macarthur 2040 was placed on public exhibited in late 2018 with submissions closing on 8 February 2019 and currently under review by the Department. The delivery of the Cumberland Plan Conservation Plan which is anticipated to occur in late 2019 is likely to inform final amendments to the Greater Macarthur 2040 plan, including the setting of a special infrastructure levy. Noting that the Cumberland Plan Conservation Plan does not apply to Mount Gilead Stage 2, commencement of a Council led biodiversity certification process that incorporates key biodiversity elements of the Greater Macarthur 2040 interim plan may assist in delivering a coordinated biodiversity outcomes across the priority growth area.

2. Proposed Biodiversity Certification Process under the *Threatened Species Conservation Act 1995*

Biodiversity certification is a streamlined assessment process for areas earmarked for development. The process identifies areas that can be developed after they are certified and measures to offset the impacts of development. Upon conferment of biodiversity certification on an area, development may proceed without the usual requirement under the *Environmental Planning and Assessment Act 1979* for site-by-site threatened species assessment. This means that conservation outcomes are determined upfront as part of the strategic planning process and that Council does not need to negotiate such outcomes on a case by case basis.

Under the TSC Act, applications for biodiversity certification need to be accompanied by a biodiversity certification assessment report and biodiversity certification strategy prepared in accordance with the requirements of the biodiversity certification assessment methodology (BCAM). In this regard, it is understood that Lendlease have engaged Ecological Australia to prepare a Biodiversity Certification Assessment Report and Biocertification Strategy for Mount Gilead Stage 2.

Under the BCAM, the impact of development and conservation measures on biodiversity values is quantified using biodiversity credits defined by each biometric vegetation type (ecosystem credits) and species credit species present. The methodology determines the number of credits that are required to offset the adverse impacts of development on existing biodiversity and the number of credits that can be generated by undertaking recognised conservation measures (as outlined in s126L of the TSC Act) that will improve biodiversity values within the identified biodiversity certification assessment area (BCAA).

When the number of credits created in the BCAA or alternately retried from outside of the BCAA is equal to, or exceeds the number required, the improve or maintain test described under BCAM is deemed to be satisfied, provided red flags have been avoided, or a red flag variation has been approved by the Director General of the Office of Environment and Heritage (OEH).

As previously outlined, should Council decide to act as the applicant for biodiversity certification under the provisions of the TSC Act and proceed under the transitional arrangements, the biodiversity certification application and associated biodiversity certification assessment and biodiversity certification strategy must be lodged with the Minister for the Environment by 25 August 2019 which would require Council to formally endorse the strategy at its August 2019 meeting.

Public notification and exhibition of the application may occur after the application has been formally lodge with the Minister. Following exhibition, required updates can be made in response to comments from the OEH or members of the public and a Response to Submissions Report lodged with OEH.

Rezoning Process for Mount Gilead Stage 2

Lendlease has approached Department of Planning and Environment to commence formal arrangements for precinct planning of land within Mount Gilead Stage 2. At this stage, the Department has not provided formal advice regarding its acceptance of the offer, and would likely involve further consultation with Council before announcing a decision.

Notwithstanding, any certification process would need to align with the future land use strategy and would likely undergo numerous iterations before being finalised.

3. Evaluation

At this stage in the process, an evaluation of the relative merits of making a saved application is unclear. Although the making of a saved application under the TSC Act would generally require fewer offsets than required under the *Biodiversity Conservation Act 2016*, it is considered that a Council led process would provide opportunity to pursue Council's adopted strategy of seeking an additional east west natural asset corridor.

Further to this, any future rezoning of Gilead Stage 2 would need to be consistent with the Biodiversity Strategy and may provide Council with additional leverage to ensure that any future rezoning is in the public interest.

Conclusion

This report seeks Council's endorsement to commence formal discussions with Lendlease and the Office of Environment and Heritage regarding the making of an application for biodiversity certification prior to the deadline of 25 August 2019. This process would not commit Council to any particular outcome, with opportunity for Council to review its position upon presentation of a draft Biodiversity Certification Assessment Report and Biocertification Strategy for Mount Gilead Stage 2.

Attachments

1. Request from Lendlease Biodiversity Assessment Process Mount Gilead Stage 2 (contained within this report)
2. Extent of Mount Gilead Stage 2 (contained within this report)

8 February 2019

The General Manager
Campbelltown City Council
GPO BOX 39
Sydney NSW 2001

Attention: Mr Jim Baldwin

Dear Jim,

RE: Biodiversity Certification Process for Gilead 2

As you may be aware the Biodiversity Certification for Gilead 1 is finally nearing conferral. This collaboration between Landowners, Campbelltown City Council (**Council**), NSW Office of Environment & Heritage (**OEH**) and specialist consultants is a fantastic example of multiple parties collaborating on complex issues to create an outcome which is mutually beneficial for the Environment, the Local Community, Council and Lendlease.

In anticipation of the success of the Biodiversity Certification process for Gilead 1, Council successfully lobbied to have Gilead 2 nominated as one of the projects subject to the savings provision for the Threatened Species Conservation Act (**TSC Act**).

Lendlease is seeking to commence the Biodiversity Certification process for Gilead 2 (Lot 2 DP 1218887) and is requesting support from Council to initiate site meetings and discussions with Council, OEH and DPE in order to facilitate the necessary studies, reports and application documentation.

While it is understood that Gilead 1 was more progressed when commencing the Biodiversity Certification process (Gateway Determination) there are several reasons to commence the Biodiversity Certification process for Gilead 2 prior to formal planning applications namely;

- Greater Macarthur Land Use & Infrastructure Implementation Plan (Draft)
- Greater Macarthur Special Infrastructure Contributions Plan (Draft)
- Cumberland Plain Conservation Plan (Western Sydney)
- Campbelltown City Council's Natural Asset Corridor Recommendation Paper
- Campbelltown City Council's Koala Management Plan
- Campbelltown City Council's Koala Forum

In regard to Council's Natural Asset Corridor Recommendation Paper it is noted that Position Paper advises

> *"there is limited opportunity to undertake extensive community and development industry consultation in respect of corridor preservation. The proposed strategy should inform immediate dialogue with the DP&E and OEH in respect of Biodiversity Certification and developer led masterplanning initiatives"*

Council's Natural Asset Corridor Recommendation Paper also nominates the way forward to specifically include the facilitation

> *"engagement on this issue, a position of Council is required with respect to Natural Asset Corridors for the Mount Gilead (South Campbelltown) locality given the immediate need to:*
>
> - *Engage with the DP&E and OEH in respect of regional level Biocertification initiatives*
> - *Enter into masterplanning discussions with the principal Mount Gilead developer/development syndicates.*

Lendlease Communities (Mt Gilead) Pty Ltd, ACN 605 278 331
Level 2, 88 Phillip Street, Parramatta NSW 2150, Australia www.lendlease.com

Upon securing an outcome with the above agencies, a draft Campbelltown Biodiversity Conservation Plan would be finalised and presented to Council seeking a resolution to proceed to public exhibition. The policy would include but not be limited to, proposed final maps and principles for corridor delivery and preservation.

Lendlease believes that the most efficient way forward is to include consultation and engagement on these matters into the Biodiversity Certification Process as this will also ultimately lead to resolution and confirmation of in-perpetuity protections, management actions and ownerships for conservations areas within Gilead 2 and provide another example of a collaborative approach to deliver best practice and mutually beneficial outcomes for the Environment, the Local Community, Council and Lendlease.

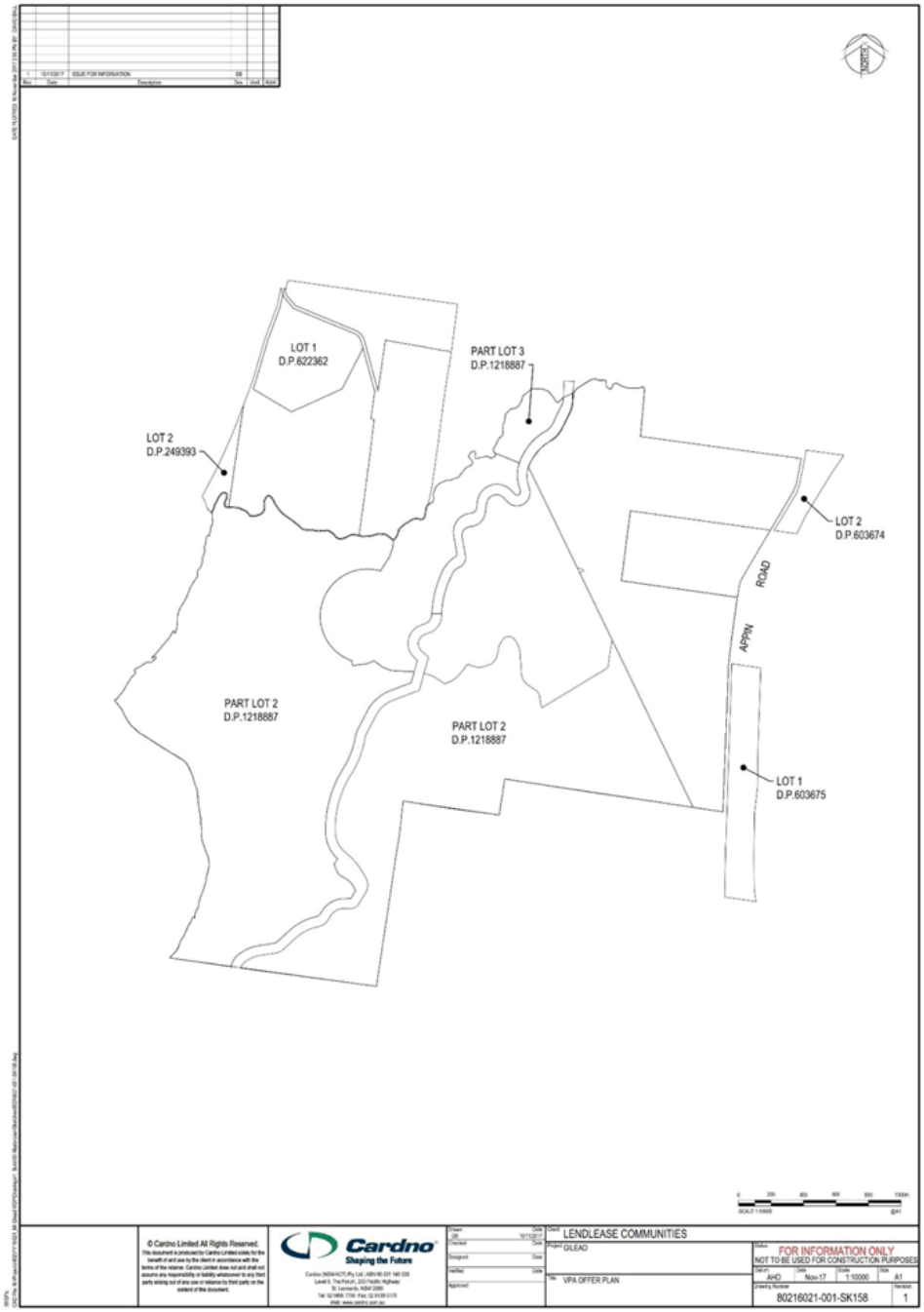
Lendlease look forward to continuing to collaborate closely with Council on this critical topic as we progress the development of Gilead and will follow up this formal request to commence conversations.

Should you have any questions please do not hesitate to contact me on [redacted] or [redacted]

Regards,

[redacted]

Mark Anderson
Senior Development Manager
Lendlease Communities (Mt Gilead) Pty Limited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PART LOT 2
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LOT 1
D.P.603675
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LENDLEASE COMMUNITIES
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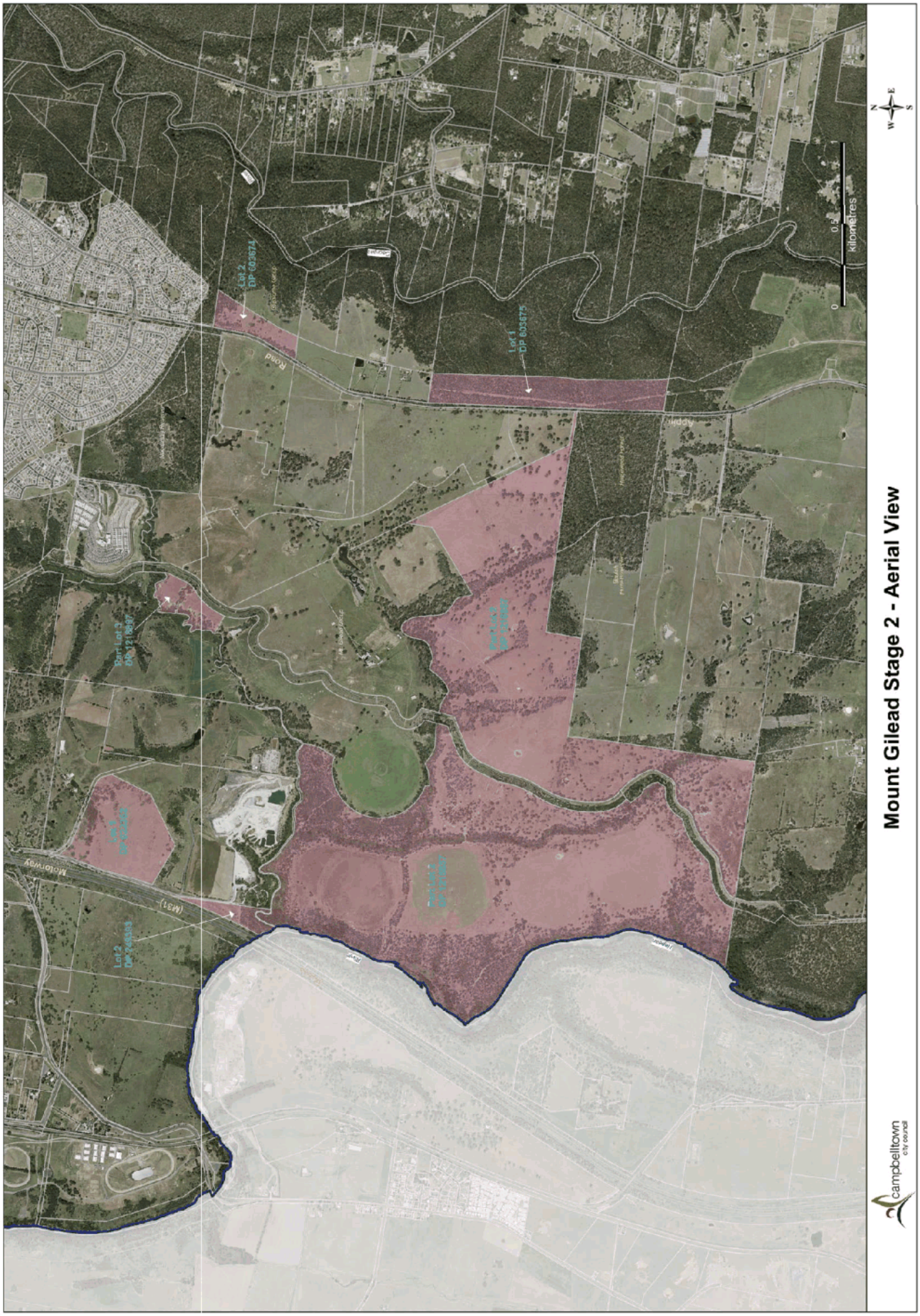
Mount Gilead Stage 2 - Aerial View
campbelltown city council
Lot 1 DP 605675
Lot 2 DP 605674
Road
Motorway
(M31)
Lot 2 DP 240533
Part Lot 3 DP 1218837
Part Lot 3 DP 238887
Part Lot 2 DP 1218837
Lot 3 DP 238887
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8.12 Request for Exclusive Use of Leisure Centres

Reporting Officer

Executive Manager Sport, Recreation and Leisure
City Lifestyles

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.5 - Host and promote major sporting events, showcasing our city's sporting facilities and encouraging community participation in sport and recreation

Officer's Recommendation

1. That Council approve exclusive use of Gordon Fetterplace Aquatic Centre and Macquarie Fields Leisure Centre for swimming carnivals including:

    i) Club carnival as requested by Campbelltown Amateur Swimming Club on 11 August 2019.

    ii) Regional carnival for primary and high schools as requested by Sydney South West School Sport Association on 9 and 10 March 2020.

    iii) Up to 10 Primary and high school swimming carnivals as requested between October 2019 and March 2020.

2. That Council notify impacted swim school program customers upon enrolment.

3. That the swimming carnival dates be advertised by way of:

    i) A large notice displayed in a prominent position at the entrance of each Council Leisure Centre.

    ii) Provision of information leaflets at each Leisure Centre.

    iii) Notification on Council's website and social media pages.

Purpose

To seek Council's approval to provide exclusive use of the Gordon Fetterplace Aquatic Centre and Macquarie Fields Leisure Centre for swimming carnivals to be held at the facilities as scheduled by local swimming clubs, Sydney South West Regional School Sports Association and primary and high schools between August 2019 and August 2020.

History

Council at its meeting 8 May 2018 approved exclusive use of the Gordon Fetterplace Aquatic Centre for club and regional carnivals as requested by Campbelltown Amateur Swimming Club and Sydney South West School Sports Association between June 2018 and July 2019.

As exclusive use of Council's swimming centres is not cited in Council's Booking of Swimming Centre for School Carnivals Policy, and these requests specifically prevent community access to the pools requested, each year these have been presented to Council to report on the justification of closing the pools to the public on these occasions.

Report

Exclusive use of a swimming pool refers to the use of one or more swimming pools for conducting an activity that excludes use to the public.

Requests for exclusive use are considered on an application-by-application basis. Consideration of the request is provided with regard to the number of participants and spectators expected to attend the carnival, the associated ability to adequately officiate the event, and where sharing the space would prove impractical or cause major congestion for the event and public.

Events that require exclusive use include large-scale swimming competitions that are hosted by a resident swimming club or by swimming authority bodies and school swimming carnivals that involve both primary and high school streams.

Large-scale swimming carnivals attract swimmers and spectators from various regions to compete, and attendances for these types of carnivals are typically in the thousands. Carnivals of this nature support the sport of swimming, providing pathways to state and national selection and showcasing Campbelltown's facilities to the wider community.

Council has received requests for exclusive use of the outdoor 50m pool and indoor 25m pool at the Gordon Fetterplace Aquatic Centre from Campbelltown Amateur Swimming Club and the Sydney South West School Sports Association for the purpose of hosting swimming competitions.

Council has also received requests from local primary and high schools for exclusive use of the outdoor 50m pool for the purpose of school level swimming carnivals.

It is expected that Council will receive additional requests for exclusive use for the purpose of swimming carnivals within the next 12 month period.

1. Campbelltown Amateur Swimming Club

Campbelltown Amateur Swimming Club has been a resident swimming club at the Gordon Fetterplace Aquatic Centre since 1967. The club has been an integral component of the Campbelltown swimming community and has many achievements in its history.

Campbelltown Amateur Swimming Club has requested two exclusive use carnivals to be held in the indoor 25m pool at the Gordon Fetterplace Aquatic Centre. The proposed carnivals are to be held in August 2019 and in August 2020, between 8.00am and 2.00pm for both events. Each carnival is expected to attract 550 participants and 250 spectators.

Impact

As the requested dates fall during a winter school term, Council's swim school program will be impacted. To provide the space required for each event, swim school classes would need to be moved to the recreational pool; however it is projected that some classes would need to be cancelled. Public access to the recreational pool between 8.00am and 12.00pm will be minimal.

To minimise the impact to the public and swim school customers, notification would be provided on Council's website and social media pages, notifications will be posted at each Council Leisure Centre, and swim school customers will be informed upon enrolment. Adjustments to the swim school term fees for impacted classes would be made to ensure the carnival dates are not payable.

2. Sydney South West School Sports Association

The Sydney South West School Sports Association (SSW) is part of the Arts, Sports and Initiative Directorate, learning and Teaching within the Department of Education. SSW promotes participation, sport skill development and excellence for all students and is responsible for coordinating the representative school sport pathway.

SSW has requested two dates that would require exclusive use of the outdoor 50m pool for two regional level carnivals (primary and high school). The proposed dates are 9 and 10 March 2020 between 7.30am and 3.30pm. Each carnival date is expected to attract 750 participants and 350 spectators.

Impact

The facility would still be open to the public who wish to use the ancillary pools and services including the 25m indoor pool, recreational pool, toddler pool and splash park. The carnival dates fall during school hours and will not impact Council's swim school program.

To minimise the effect on general use, notification would be provided on Council's website, social media pages and posted at each Council Leisure Centre.

3. Exclusive use requests by primary and high schools

School based swimming carnivals involve both primary and high school streams with children aged between five years and 18 years of age in attendance. Currently there are 27 swimming carnivals at Macquarie Fields Swimming Centre and 32 at The Gordon Fetterplace Aquatic Centre. A majority of schools use the outdoor pools, although there are some that utilise the indoor pools. Each swimming carnival attracts multiple participants and spectators and can range in attendance levels between 200 and 1500 entries.

Schools often request exclusive use of the outdoor 50m pool with consideration to concerns in relation to sharing the pool space with members of the public. It has been Council's practice to provide a minimum of one lap lane per swimming pool to members of the public at all times. This often means that children who are participating in swimming events share the space. The larger carnivals often present greater complexities as students and spectators are generally located on both sides of the swimming pool and into broader public areas as not all participants can be located within existing grandstands.

Impact

School swimming carnivals are accepted from 1 July of each year in accordance with Council's policy Booking of Swimming Centre for School Carnivals.

School swimming carnivals are held from 1 October to mid March the following year, and are booked between 9am and 2.30pm Monday to Friday during school term. Historically the use of each Leisure Centre during these carnival timeframes is primarily recreational and low frequency programs in the indoor pools (e.g. aqua fitness), with minimal demand on lap swimming and walking. Carnival dates and times fall during school hours and therefore will not affect Council's swim school and swim squad programs.

Upon receipt of school carnival exclusive use requests, Council officers consider each request based on the expected attendance for the school carnival, other facility bookings, other programs and services in operation and associated patronage at the centre for that timeframe. It has been considered reasonable to restrict public lap swimming during carnivals that have between 600 and 1500 children in attendance. Consideration was given to the concentration of students in the surrounds of the pool, and the frequency and intensity of the swimming and recreation festivities of the pool during those carnivals, which are generally not conducive to other swimmers freely entering the pool during these times.

Smaller scale carnivals have previously been able to manage the process and movement of other swimmers. It is recommended that Council staff continuously monitor the expectations of schools in relation to being able to conduct the carnivals and supervise all children within the facility and any restrictions that are placed on the public in accessing water space.

The expected number of school carnival exclusive use requests is up to five bookings at each Leisure Centre.

During the school swimming carnival period, each Leisure Centre would still be open to the public who wish to use the ancillary pools and services including the indoor 25m pool, recreational pool, toddler pool and splash park.

To minimise the impact on general use, notification would be provided on Council's website, social media pages and posted at each Council Leisure Centre.

The school carnival booking process will be reviewed and a report provided to Council on the frequency of exclusive use required at Council's Leisure Centres.

Conclusion

School, club and regional swimming carnivals provide the opportunity to facilitate the provision of sport and recreation use within a formal school competition program. Council facilities provide a key functional requirement for these programs to be able to operate and showcase Campbelltown to the region's students, teacher and parents.

If exclusive use applications are approved, Council officers will work with each school, club and sports association to ensure appropriate booking requirements and communication of booked spaces to the public is effectively publicised.

Attachments

Nil

8.13 Investments and Revenue Report - April 2019

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 Councils financial services portfolio for the month of April 2019.

Report

Investments

Council's investment portfolio as at 30 April 2019 stood at approximately $222m. Funds are currently being managed by both 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.

The return on Council's investments is tracking in accordance with budget expectations and continues to outperform the AusBond Bank Bill Index benchmark. For the month of April Councils weighted average monthly return exceeded the benchmark by seven basis points, and annualised return exceeding 75 basis points, which includes approximately 43 percent of the portfolio linked to investments with floating rate coupon payments. These investments are a positive contributor to the returns and have less interest rate risk than standard term deposits.

The portfolio is diversified with maturities ranging up to a period five years in accordance with Councils investment policy.

The official cash rate has remained steady, with no movement since August 2016, at its present level of 1.50 percent.

Rates

Rates and charges levied for the period ending 30 April 2019 totalled $117,369,989 representing 100 percent of the current budget estimate.

The rates and charges receipts collected to the end of April totalled $91,498,906. In percentage terms 78.8 percent of all rates and charges due to be paid have been collected, compared to 79.6 percent collected in the same period last year.

Debt recovery action during the month involved the issue of 199 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 13 Judgments and 37 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 331 ratepayers with a total arrears balance of $773,932, 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, 32 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 30 April 2019 are $1,737,694 reflecting a decrease of $198,948 since March 2019. During the month, 1269 invoices were raised totalling $1,060,332. 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 $209,764 as at 30 April 2019. A significant portion of this debt relates Various Sundry Items with an amount of $30,447 outstanding for road and footpath occupancy fees for a development in Broughton Street.

Council staff have referred this account to Council’s agents for legal recovery who are seeking further advice for the best recovery outcome. Also incorporated in sundry items are three claims relating to accident’s involving council vehicles for the amount of $17,874. These accounts have also been referred to Council’s agents and payment is expected for two accounts by the end of May, recovery is still continuing for the other. The amount of $15,500 raised for costs involved relating to a motor vehicle accident and damage to Council property (bus shelter) in Ambarvale has been referred to council’s agents with the possibility of recovery. Public hall hire fees of $44,991 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 function.

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 it through the local court.

During the month, 12 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 not instructed to issue any legal action 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. Summary of Council's Investment Portfolio - April 2019 (contained within this report)
2. Rates Summary and Statistics - April 2019 (contained within this report)
3. Debtors Summary and Ageing April 2019 (contained within this report)

Summary of Council's Investment Portfolio

(As at 30 April 2019)

Product Type	Face Value	% of Total
At Call Deposits	1,199,639	0.54%
Term Deposits - Fixed Rate	72,966,135	32.89%
Term Deposits - Fixed/Floating	15,000,000	6.76%
Term Deposits - Floating Rate	70,000,000	31.56%
FRN	25,700,000	11.59%
Managed Funds - TCorp	36,966,444	16.66%
Grand Total	**221,832,217**	**100.00%**

Total Term Deposits (Fixed and Floating Rate) by Institution's Long-Term Credit Rating

Credit Rating	Holdings	% of Total
AAA	3,760,000	2.4%
AA-	124,763,090	79.0%
A+	4,199,359	2.7%
A- *-	8,000,000	5.1%
BBB+	11,243,686	7.1%
Baa1	2,000,000	1.3%
BBB	4,000,000	2.5%
Total Term Deposits	**157,966,135**	**100.0%**

Floating Rate Notes

ISIN	Issuer	Issuer Rating	Maturity Date	Coupon	Face Value
AU3FN0024014	CBA	AA-	18-Oct-19	3m BBSW + 0.85%	$5,000,000
AU3FN0028189	CBA	AA-	17-Jul-20	3m BBSW + 0.90%	$5,000,000
AU3FN0039160	ME Bank	BBB	9-Nov-20	3m BBSW + 1.25%	$2,500,000
AU3FN0046769	Newcastle Perm	BBB	26-Feb-21	3m BBSW + 1.10%	$500,000
AU3FN0031886	CBA	AA-	12-Jul-21	3m BBSW + 1.21%	$5,000,000
AU3FN0044269	Credit Union Aus	BBB	6-Sept-21	3m BBSW + 1.25%	$500,000
AU3FN0046793	Credit Union Aus	BBB	4-Mar-22	3m BBSW + 1.23%	$3,200,000
AU3FN0046777	NAB	AA-	26-Feb-24	3m BBSW + 1.04%	$4,000,000

Long-Term Credit Rating	Exposure of Entire Portfolio			
	Actual	Minimum	Maximum	Compliant
AA+, AA, AA- and above (or MTB*)	**83.7%**	50%	100%	Yes
A+, A, A- and above	**89.2%**	70%	100%	Yes
BBB+, BBB, BBB- and above	**100.0%**	100%	100%	Yes
TCorp Hour Glass Cash Fund	**16.7%**	0%	20%	Yes

Long-Term Credit Rating	Maximum Term	Compliant
AA+, AA, AA- and above (or MTB*)	5 years	Yes
A+, A, A- and above	3 years	Yes
BBB+, BBB, BBB- and above	3 years	Yes
TCorp Hour Glass Cash Fund	At Call	Yes

Portfolio Return

Council's investment portfolio (excluding At Call Deposits but includes TCorp Cash Fund) provided a weighted average return (running yield) of:

Portfolio as at	Portfolio Monthly Return	Portfolio Annualised Return
30-Apr-2019	0.23%	2.77%
Bloomberg AusBond Bank Bill Index	**Benchmark - Monthly Return**	**Benchmark - Rolling 12 months**
30-Apr-2019	0.16%	2.02%

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	63,934,074.32	1,399,957.46	724,746.41	65,581,020.32	50,632,159.10	14,948,861.22	279,050.91	15,227,881.49
BUSINESS	327,431.34	19,063,661.74		44,603.19	19,435,696.27	15,709,231.06	3,726,465.21		3,726,465.21
FARMLAND	0.00	491,554.39	459.05	571.10	491,666.44	443,378.77	48,287.67	225,421.61	273,709.28
MINING	0.00	27,126.00		0.00	27,126.00	27,126.00	0.00		0.00
SR - LOAN	0.00	0.00		236.43	236.43	0.00	236.43	658.79	0.00
SR - INFRASTRUCTURE	284,463.25	6,317,236.59		9,135.72	6,610,835.56	5,086,162.77	1,524,672.79	51,191.77	1,576,759.78
TOTAL	$2,934,051.64	$89,833,653.04	$1,400,416.51	$779,292.85	$92,146,581.02	$71,898,057.70	$20,248,523.32	$556,323.08	$20,804,815.76
GARBAGE	682,743.31	23,971,071.19	911,502.94	38,172.21	23,780,483.77	18,472,007.02	5,308,476.75		5,308,476.75
STORMWATER	52,436.22	1,390,118.30		369.86	1,442,924.38	1,128,841.27	314,083.11		314,083.11
GRAND TOTAL	$3,669,231.17	$115,194,842.53	$2,311,919.45	$817,834.92	$117,369,989.17	$91,498,905.99	$25,871,083.18	$556,323.08	$26,427,375.62

Total from Rates Financial Transaction Summary	25,450,896.45
Overpayments	-976,479.17
Difference	0.00

ANALYSIS OF RECOVERY ACTION

Rate accounts greater than 6 months less than 12 months in arrears	370,000.00
Rate accounts greater than 12 months less than 18 months in arrears	211,391.65
Rate accounts greater than 18 months in arrears	55,393.64
TOTAL rates and charges under instruction with Council's agents	$636,785.29

RATES STATISTICS

No. of documents Issued	July	August	September	October	November	December	January	February	March	April	May	June		Apr-18
Rate Notices	50,402			608			108							
Electronic - DoH	5,190													
Instalment Notices				47,031			47,254			42,662				*45,513*
Electronic - DoH				5,245			5,147			5,095				*5,282*
Missed Instalment Notices			8,136			6,504			6,086					
- Pensioners > $15.00			719			723			677					
Notice to new owner	149	47	27	18	22	53	44	22	13	32				*43*
7-day Letters - Council issued			2,105			2,310			2,104					
- Pensioners > $500.00			184			201			208					
7-day Letters - Agent Issued			576				699							
Statement of Claim	108	16	12	156	13	8	263	21	2	199				*150*
Judgments	6	31	19	9	23	6	9	2	65	13				*10*
Writs	12	20	21	6	0	10	9	1	5	37				*17*
Electronic - eRates & BPAYView	4,316	4,629	4,679	4,820	4,941	4,966	5,130	5,262	5,279	5,566				*4,083*
Arrangements	311	259	425	223	301	412	389	298	503	331				*302*

DEBTORS SUMMARY 1 April 2019 to 30 April 2019

DEBTOR TYPE/DESCRIPTION	ARREARS AT 31/03/2019	RAISED THIS PERIOD	RECEIVED THIS PERIOD	BALANCE AT 30/04/2019	% DEBT RATIO
Corporate Administration	50,392	240,220	22,182	268,430	29.49%
Abandoned Items	1,068	0	0	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	43,509	93,499	29,539	107,470	5.46%
Government and other Grants	1,055,000	211,390	560,000	706,390	12.87%
Public Hall Hire	184,644	59,550	69,901	174,293	1.39%
Health Services	350	0	0	350	0.02%
Land and Building Rentals	134,335	198,767	186,040	147,061	5.63%
Healthy Lifestyles	25,122	56,445	51,524	30,043	0.15%
Library Fines and Costs	0	0	0	0	0.00%
Licence Fees	49,350	16,448	21,854	43,944	1.85%
Pool Hire	26,508	23,003	22,603	26,908	0.39%
Private Works	2,612	0	0	2,612	0.52%
Road and Footpath Restoration	137,905	33,318	160,139	11,084	28.17%
Shop and Office Rentals	37,684	59,090	56,947	39,827	2.17%
Various Sundry Items	185,263	42,438	55,442	172,259	6.42%
Waste Collection Services	22,780	26,164	23,110	25,834	6.17%
	1,936,642	**1,060,332**	**1,259,280**	**1,737,694**	**100%**

AGEING OF SUNDRY DEBTOR ACCOUNTS - 30 April 2019

	Current Charges	Total 30 Days	Total 60 Days	Total 90+ Days	Balance Due	*Previous Month 90+ days*
Corporate Administration	236,979	5,514	5,948	19,989	268,430	*13,372*
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	85,174	7,417	2,500	12,379	107,470	*10,366*
Government and other Grants	211,390	495,000	0	0	706,390	*500,000*
Public Hall Hire	54,017	44,345	30,941	44,991	174,293	*34,928*
Health Services	0	0	0	350	350	*350*
Land and Building Rentals	112,606	12,147	22,308	0	147,061	*0*
Healthy Lifestyles	16,292	5,493	4,100	4,158	30,043	*4,303*
Licence Fees	12,197	9,235	2,055	20,458	43,944	*21,570*
Pool Hire	22,211	1,978	1,795	925	26,908	*925*
Private Works	1,189	0	0	1,423	2,612	*1,423*
Road and Footpath Restoration	5,397	0	0	5,687	11,084	*10,862*
Shop and Office Rentals	38,737	1,090	0	0	39,827	*0*
Various Sundry Items	41,321	3,185	29,417	98,337	172,259	*98,978*
Waste Collection Services	25,834	0	0	0	25,834	*0*
	843,463	**585,403**	**99,064**	**209,764**	**1,737,694**	*698,144*

8.14 Sundry Debtor Write-offs June 2019

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 sundry debtors as listed in the attachment totalling $14,307.56 be written off as uneconomical to recover.

Report

During the past 12 month period, Council has raised 22,778 invoices with a combined value of $18,470,472.

The debts submitted have undergone extensive recovery procedures with every avenue available to Council being explored and eventually exhausted, prior to be determined as un-economical to recover and being recommended for write off.

The list of debts are summarised as follows:

One account for Animal Impounding plus sustenance fees has been raised to the value of $452. The debtor was identified as an at risk person and every internal effort to contact and recover the debt has failed. Formal debt recovery action had been considered however based on the vulnerability of the debtor no action has been taken.

Two debts relate to fees for abandoned motor vehicles which were impounded by Council and sold at auction. These vehicles had no residual value and costs incurred due to impounding towing and formal recovery less sale amount has resulted in a balance remaining. Council has no further avenues through which it would be economical to pursue the recovery of these amounts totalling $2187.30

Six debts totalling $2370.20 relate to unpaid facility hire fees including Campbelltown Stadium, HJ Daley Library Meeting Room, Macquarie Fields Leisure Centre and Greg Percival Community Centre. The debts relating to the stadium and Macquarie Fields Leisure Centre relate to clubs that wound-up without any means to pay their debt. In regards to the meeting room hire, these debtors are unable to be located and further recovery efforts are considered uneconomical.

One debt for $1091.75 relates to electricity charges for floodlighting at Milton Park. The sporting club folded due to a membership shortfall resulting in no capacity to meet their debt obligations.

Thirteen debts relate to food premise licence fees and include recovery costs totalling $8,005.20. In ten of these matters the business has either filed for bankruptcy, liquidation or been deregistered. In three matters the licenced premises have closed and the registered owners are no longer contactable or have moved from the original contact address. Council staff continue to work on early and regular contact with food premise licencee's in an attempt to minimise the risk of non-payment or escalating debts.

Child Care educator levies and harmony subscription to the value of $129.61. The debtor has relocated out of the area and deemed unable to locate.

In many of these cases, the debtors are no longer contactable, rendering recovery of the debt unattainable or at significant costs that may, in future, also not be recoverable. It should be noted, Council's authorisation to write off bad debts does not prevent recovery of the debt in future, should circumstances change. Once written off, debtors are noted as bad debtors within Council's corporate systems ensuring they are easily identified, should the individual or company attempt to transact with Council in the future.

In accordance with accounting standards, Council is required to create a provision for doubtful debts and review that provision at the end of each financial year. The provision currently stands at $15,000.

Attachments

1. Sundry Debtor Write Off (contained within this report)

Sundry Debtor Write-off June 2019

Account	Comments	Total Due
100727254	Admin fees associated with learn to swim fees	$71.50
100626332	Field Hire - Short payment	$10.00
100813013	Educator Levy Fees and Harmony Subscription	$129.61
100780162	Hall Hire Fee - Greg Percival Community Centre unable to locate debtor	$185.00
100700913	Legal Costs Associated with licence fees - Debtor has filed Bankruptcy	$509.20
100808864	Animal Impounding Fees - Unable to locate debtor	$452.00
100708023	Licence Fees - Company in liquidation	$1,492.50
100732957	Licence Fees - Company in liquidation	$549.50
100769967	Licence Fees - Debtor has filed bankruptcy	$245.50
100756576	Licence Fees - Unable to locate debtor	$409.00
100701655	Licence Fees - Business closed - Uneconomical to pursue	$169.50
100768969	Licence Fees - Company in liquidation	$127.00
100785310	Meeting Room Hire - Unable to locate debtor	$209.50
100707934	Licence Fees - Business closed - Uneconomical to pursue	$138.00
100737253	Licence Fees and Legal Costs - Business closed and has been de-registered Council agents recommend no further action	$2,409.50
100725530	Licence Fees - Debtor has filed bankruptcy	$1,002.00
100795525	Licence Fees - Company has been de-registered unable to locate	$135.50
100813856	Licence Fees - Business closed - Current legal action in place from external source Uneconomical to pursue	$491.00
100781780	Licence Fees - Business closed - Uneconomical to pursue	$327.00
100768456	Meeting Room Hire - Unable to locate debtor	$142.00
100625706	Cloudmaster Floodlighting Costs- Junior Rugby Sports Club folded not able to pay debts	$1,091.75
100777093	Campbelltown Stadium Hire - Club folded unable to pay debts	$774.50
100751759	Field Hire Fees and Costs - Club folded unable to pay debts	$1,049.20
100729508	Abandoned Motor Vehicle - Unable to locate debtor Skip tracing used at collection agency	$1,161.80
100767946	Abandoned Motor Vehicle - Unable to locate debtor Skip tracing used at collection agency	$1,025.50
		$14,307.56

8.15 Code of Meeting Practice - Post Exhibition Report

Reporting Officer

Manager Governance and Risk
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 Code of Meeting Practice shown as an attachment to this report be adopted.

2. That the review date for the Code of Meeting Practice be set at 30 September 2021.

Purpose

To advise Council of the outcome of the public exhibition of the revised Code of Meeting Practice, and to seek Council's endorsement of the policy.

History

Council at its meeting held 30 April 2019 resolved that the revised Code of Meeting Practice be publically exhibited for a period of not less than 28 days.

Report

The new Model Code of Meeting Practice contains mandatory provisions that all NSW Councils must adopt and a number of non-mandatory provisions that are considered best practice for meeting procedure. Council may supplement the Model Code of Meeting Practice with additional provisions as long as these provisions are not inconsistent with the mandatory provisions of the Model Code of Meeting Practice.

The draft Code of Meeting Practice (Attachment 1) includes the mandatory provisions of the Model Code of Meeting Practice in **black text** and both non-mandatory provisions of the Model Code of Meeting Practice and supplementary modified provisions to reflect Council's current practice shown in **blue text.**

The review incorporated a briefing to Council on 23 April 2019.

The draft Code of Meeting Practice was placed on public exhibition from 1-28 May 2019 with written submissions being received up until 4.30pm on 11 June 2019. Copies of the revised

Code were available for inspection at the Civic Centre, HJ Daley Central Library and on Council's website.

SUBMISSIONS RECIEVED

At the time of writing the report, one submission from the public was received during the exhibition period.

The submission, whilst supportive of the draft Code, notes the omission of the word 'not' in paragraph three of Clause 1 - Introduction.

The draft Code has been amended to correct this inadvertent omission as follows:
*'Council's adopted Code of Meeting Practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions in so far that any supplementary provisions are **not** inconsistent with the mandatory provisions of the Model Meeting Code.'*

The submission also requests the amendment of the draft Code of Meeting Practice to include a provision that *'in addition to the livestream, an audio-visual recording be placed on Council's website for the length of time in between each meeting to enable residents to watch at their leisure'.*

Any further submissions received by Council after the publication of this business paper, but prior to the Council meeting on 11 June 2019 will be tabled for the Council's consideration.

The new and revised provisions are summarised briefly below.

NEW MANDATORY PROVISIONS

Webcasting
Council will be required to webcast meetings from 14 December 2019.
The new supplementary provisions included in the draft Code of Meeting Practice specify that Council meetings will be livestreamed by way of audio visual recording. The recording of the meeting will be retained on the Council's website for the duration of the meeting and then removed at the conclusion of the meeting.

Use of Mobile Phones and Other Devices
A new mandatory provision of the Model Code of Meeting Practice requires Councillors, council staff and members of the public to ensure that mobile phones are turned to silent during meetings of the council and committees of the council. The Model Code has also been updated to prohibit the use of live stream or an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the Council or the committee.

NON-MANDATORY PROVISIONS

Notices of Motions and Mayoral Minutes
The new Model Code includes non-mandatory provisions relating to the provision of Officers comments in relation to Notice of Motion and Mayoral Minutes that have legal, financial or other implications with the option identifying funding sources for motions and Mayoral Minutes that request new works and/or services. It is considered that the inclusion of funding information will add value in the deliberative processes of the Council and as such, modified new provisions have been included in the draft.

Councillor (Pre-meeting) Briefings
The new Model Code of Meeting Practice contains non-mandatory provisions relating to pre-meeting briefings. As these new provisions are non-mandatory, these provisions have been modified to reflect Council's current briefing practice.

Cancelling Ordinary Meetings
The new Model Code of Meeting Practice contains non-mandatory provisions relating to the cancelling of ordinary meetings, where it is apparent that the meeting won't have a quorum, or where the safety of councillors, staff and public is at risk due to a natural disaster. The Mayor may, in consultation with the General Manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

Public Address
The new Model Code of Meeting Practice contains non-mandatory provisions relating to the Public Address Forum. It is recommended that Council continue its current practice of incorporating public addresses related to items on the Council meeting agenda into the meeting. The public address clauses included in the draft Code of Meeting Practice reflect the current practice outlined in Council's adopted Code.

Modes of Address
The new Model Code contains non-mandatory provisions relating to how the Mayor, Councillors and staff are to be addressed which have been included in Council's draft Code of Meeting Practice.

Dealing with Items by Exception
A new non-mandatory provision of the Code allows the Council to resolve to adopt multiple items of business on the agenda together by way of a single resolution.

Expulsion from Meetings
The new Model Code provides non-mandatory provisions relating to expelling persons from Council or Committee meetings. Currently the Council must resolve to expel any person from a meeting. The draft Code of Meeting Practice gives the Chairperson the authority to expel persons (other than Councillors) from Council or Committee Meetings for engaging in or having engaged in disorderly conduct at the meeting. Councillors may only be expelled by resolution of the Council. Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

Recommitting Resolutions to Correct an Error
The new Model Code provides non-mandatory provisions relating to recommitting resolutions to correct an error, ambiguity or voting record. The new provisions state that the Chairperson must not grant leave to recommit a resolution, unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

Attachments

1. Post Exhibition Draft - Code of Meeting Practice 2019 (contained within this report)

CAMPBELLTOWN CITY COUNCIL
DRAFT CODE OF MEETING PRACTICE

2019

DRAFT

Table of Contents

1 INTRODUCTION 3

2 MEETING PRINCIPLES 4

3 BEFORE THE MEETING 5

5. COMING TOGETHER 10

6. PUBLIC ADDRESS 13

8 THE CHAIRPERSON 17

9 MODES OF ADDRESS 18

10 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS 19

11 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS 20

12 RULES OF DEBATE 23

13 VOTING 26

14 COMMITTEE OF THE WHOLE 28

15 DEALING WITH ITEMS BY EXCEPTION 29

16 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC 30

17 KEEPING ORDER AT MEETINGS 34

18 CONFLICTS OF INTEREST 37

19 DECISIONS OF THE COUNCIL 38

20 TIME LIMITS ON COUNCIL MEETINGS 40

21 AFTER THE MEETING 41

22 COUNCIL COMMITTEES 43

23 IRREGULARITES 46

24 DEFINITIONS 47

1 INTRODUCTION

Campbelltown City Council's Code of Meeting Practice is based on the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) and is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation). Campbelltown City Council's Code of Meeting practice incorporates the mandatory provisions of the Model Meeting Code.

Council and Committee of the Council of which all the members are Councillors must conduct its meetings in accordance with the Code of Meeting Practice adopted by the Council. Council committees whose members include persons other than Councillors may adopt their own rules for meetings unless the Council determines otherwise.

Council's adopted Code of Meeting Practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions in so far that any supplementary provisions are not inconsistent with the mandatory provisions of the Model Meeting Code.

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that Councillors and staff act ethically and make decisions in the interests of the whole community.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3 BEFORE THE MEETING

Timing of ordinary Council meetings

3.1 Ordinary meetings of the Council will be held on the second Tuesday of each month except for January when the Council is in recess. Ordinary meetings of Council start at 6.30pm and are held in the Council Chamber, Level 3, at the Council Civic Centre, 91 Queen Street, Campbelltown, unless otherwise advertised.

The Council is required to meet at least ten times each year, each time in a different month.

(section 365)

Extraordinary meetings

3.2 If the Mayor receives a request in writing, signed by at least two (2) Councillors, the Mayor must call an Extraordinary Meeting of the Council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The Mayor can be one of the two Councillors requesting the meeting.

(section 366)

3.3 The General Manager, in consultation with the Mayor, may call an Extraordinary Meeting of Council for any specific purpose.

(Council protocol)

Notice to the public of Council Meetings

3.4 The Council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of Committees of the Council.

(section 9(1))

3.5 For the purposes of clause 3.4, notice of a meeting of the Council and of a Committee of Council is to be published before the meeting takes place. The notice must be published on the Council's website, and in such other manner that the Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to Councillors of Ordinary Council Meetings

3.7 The General Manager must send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

(section 367(1))

3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, agenda and business papers in that form.

(section 367(3))

Notice to Councillors of extraordinary meetings

3.9 Notice of less than three (3) days may be given to Councillors of an extraordinary meeting of the Council in cases of emergency.

(section 367(2))

Giving notice of business to be considered at Council meetings

3.10 A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted **by 9am, seven** business days before the meeting is to be held.

3.11 A Councillor may, in writing to the General Manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered. Such a request must be made by 9am, seven business days before the meeting is to be held.

3.12 If the General Manager considers that a Notice of Motion submitted by a Councillor for consideration at an ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare supplementary information in relation to the Notice of Motion for the meeting at which the Notice of Motion is to be considered by the Council. If the recommendation is unfunded with the adopted operational plan, the source of funding for the expenditure that is the subject of the recommendation should be identified.

Questions with notice

3.14 A Councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the General Manager about the performance or operations of the Council. Questions must be in writing and must be submitted by 9am, seven business days before the meeting is to be held.

3.15 A Councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the General Manager or a member of staff of the Council, or a question that implies wrongdoing by the General Manager or a member of staff of the Council.

3.16 The General Manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

Agenda and business papers for ordinary meetings

3.17 The General Manager must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting.

3.18 The General Manager must ensure that the agenda for an ordinary meeting of the Council states:

(a) all matters to be dealt with arising out of the proceedings of previous meetings of the Council, and
(b) if the Mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
(c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
(d) any business of which due notice has been given under clause 3.10.

3.19 Nothing in clause 3.18 limits the powers of the Mayor to put a Mayoral Minute to a meeting under clause 11.6.

3.20 The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.

3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting:

(a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
(b) states the grounds under section 10A(2) of the Act relevant to the item of business.

(section 9(2A)(a))

3.22 The General Manager must ensure that the details of any item of business which, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Council and committees of

Council, are to be published on the Council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the Council, at the relevant meeting and at such other venues determined by the Council.

(section 9(2) and (4))

3.24 Clause 3.23 does not apply to the business papers for items of business that the General Manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

(section 9(2A)(b))

3.25 For the purposes of clause 3.23, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.

(section 9(3))

3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

(section 9(5))

Agenda and business papers for extraordinary meetings

3.27 The General Manager must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.

3.28 Despite clause 3.27, business may be considered at an extraordinary meeting of the Council, even though due notice of the business has not been given, if:

(a) a motion is passed to have the business considered at the meeting, and
(b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

3.30 Despite clauses 12.20–12.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.

3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

4. COUNCILLOR BRIEFINGS

4.1 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.

4.2 Councillor briefing sessions are to be held in the absence of the public.

4.3 The Mayor presides at Councillor briefing sessions.

4.4 Councillors must not use Councillor briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council meeting at which the item of business is to be considered.

4.5 Councillors must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a Councillor briefing session, in the same way that they are required to do so at a Council meeting. The Council is to maintain a written record of all conflict of interest declarations made at Councillor briefing sessions and how the conflict of interest was managed by the Councillor who made the declaration.

4.6 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 integrity and security of confidential documents or information distributed or discussed at Councillor Briefings, in accordance with the Code of Meeting Practice, Codes of Conduct and supporting policies.

5. COMING TOGETHER

Attendance by Councillors at meetings

5.1 All Councillors must make reasonable efforts to attend meetings of the Council and of committees of the Council of which they are members.

Note: A Councillor may not attend a meeting as a Councillor (other than the first meeting of the Council after the Councillor is elected or a meeting at which the Councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

5.2 A Councillor cannot participate in a meeting of the Council or of a committee of the Council unless personally present at the meeting.

5.3 Where a Councillor is unable to attend one or more ordinary meetings of the Council, the Councillor should request that the Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

5.4 A Councillor's request for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent and the grounds upon which the leave of absence is being sought.

5.5 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.

5.6 A Councillor's civic office will become vacant if the Councillor is absent from three (3) consecutive ordinary meetings of the Council without prior leave of the Council, or leave granted by the Council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

(section 234(1)(d))

5.7 A Councillor who intends to attend a meeting of the Council despite having been granted a leave of absence should, if practicable, give the General Manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

5.8 The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office at that time and are not suspended from office.

(section 368(1))

5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council.

(section 368(2))

5.10 A meeting of the Council must be adjourned if a quorum is not present:

(a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
(b) within half an hour after the time designated for the holding of the meeting, or
(c) at any time during the meeting.

5.11 In either case, the meeting must be adjourned to a time, date and place fixed:

(a) by the chairperson, or
(b) in the chairperson's absence, by the majority of the Councillors present, or
(c) failing that, by the General Manager.

5.12 The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the Mayor may, in consultation with the General Manager and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the Council or at an extraordinary meeting called under clause 3.3.

Attendance of the General Manager and other staff at meetings

5.15 The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a committee of the Council of which all of the members are Councillors.

(section 376(1))

5.16 The General Manager is entitled to attend a meeting of any other committee of the Council and may, if a member of the committee, exercise a vote.

(section 376(2))

5.17 The General Manager may be excluded from a meeting of the Council or a committee while the Council or committee deals with a matter relating to the

standard of performance of the General Manager or the terms of employment of the General Manager.

(section 376(3))

5.18 The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the General Manager.

Entitlement of the public to attend Council meetings

5.19 Everyone is entitled to attend a meeting of the Council and committees of the Council. The Council must ensure that all meetings of the Council and committees of the Council are open to the public.

(section 10(1))

5.20 Clause 5.19 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

5.21 A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or a committee of the Council if expelled from the meeting:

(a) by a resolution of the meeting, or
(b) by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

(section 10(2))

Note: Clause 17.15 confers a standing authorisation on all chairpersons of meetings of the Council and committees of the Council to expel persons other than Councillors from meetings.

6. PUBLIC ADDRESS

6.1 The Council shall permit oral submissions from residents, ratepayers and other eligible representatives on items of business listed on the Council Meeting agenda.

6.2 To speak at a Council or Committee of Council meeting, a person must first make an application to the Council in the approved form. Applications to speak at Council must be received by **12pm on the day the Council meeting** is to be held. Each speaker requesting to address the Council must provide the following details:

(a) Name
(b) The organisation or group representing (if applicable)
(c) Agenda item number and title
(d) Indication of whether 'For' or 'Against' the Officers recommendation in the Council meeting agenda report.
(e) The interest of the speaker (for example, affected person, neighbour, applicant, applicants representative)

6.3 The application must relate to a matter which is an item of business listed on the Council Meeting agenda with the exclusion of the following:

(a) Notice of Rescission
(b) Questions with Notice
(c) All personnel related matters

6.4 Applicants seeking to address Council or a Committee of Council must meet one of the following eligibility criteria:

(a) a resident or owner of land within the City of Campbelltown Local Government Area
(b) a person or entity entitled to vote in the City of Campbelltown under the Local Government Act 1993
(c) the representative of an entity owning land, conducting a business or providing a service in the Campbelltown Local Government Area
(d) a duly appointed person including the legal, financial or town planning representative of any person or entity listed above with a matter before Council
(e) a local community organisation representative
(f) any representative of a State or Federal Government Agency with a matter before Council.

6.5 A person may apply to speak on no more than **three** items of business on the agenda of the Council meeting.

6.6 The General Manager or their delegate may refuse an application to speak at a Council meeting. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.

6.7 No more than **three** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting.

6.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who

are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the General Manager or their delegate will select speakers based on the order of receipt.

6.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the General Manager or their delegate may, in consultation with the Mayor or the Mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business.

6.10 Approved speakers are to register with the Council any written, material to be presented in support of their address to the Council.

6.11 Each speaker will be allowed **five** minutes to address the Council. This time is to be strictly enforced by the Chairperson.

6.12 Speakers must not digress from the item on the agenda of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

6.13 A Councillor may, through the chairperson, ask questions of a speaker following their address at a Council meeting. Questions put to a speaker must be direct, succinct and without argument.

6.14 Speakers are under no obligation to answer a question put under clause 6.13. Answers by the speaker, to each question are to be limited to **two** minutes.

6.15 Speakers cannot ask questions of the Council, Councillors or Council staff.

6.16 The General Manager or their nominee may, with the concurrence of the chairperson, address the Council for up to **five** minutes in response to an address to the Council after the address and any subsequent questions and answers have been finalised.

6.17 When addressing the Council, speakers must comply with this code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's code of conduct or making other potentially defamatory statements.

6.18 If the chairperson considers that a speaker has engaged in conduct of the type referred to in clause 6.17, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.

6.19 Clause 6.18 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at Council meetings in accordance with the provisions of Part 15 of this code.

6.20 Where a speaker engages in conduct of the type referred to in clause 6.17, the General Manager or their delegate may refuse further applications from that person to speak at a Council meeting for such a period as the General Manager or their delegate considers appropriate. A decision to refuse an application to speak at a Council meeting on the basis of disorderly conduct must be reviewed within three months of the refusal.

7 WEBCASTING OF MEETINGS

7.1 All meetings of the Council and committees of the Council are to be webcast on the Council's website. The webcast of the meeting will be livestreamed by way of audio visual recording.

7.2 Clause 7.1 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.

7.3 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.

7.4 A recording of each meeting of the Council and committee of the Council is to be retained on the Council's website for the duration of the meeting. Council meetings will be livestreamed and then removed from the website at the conclusion of the meeting. Recordings of meetings may be disposed of in accordance with the provisions of *State Records Act 1998.*

8 THE CHAIRPERSON

The chairperson at meetings

8.1 The Mayor, or at the request of or in the absence of the Mayor, the deputy Mayor presides at meetings of the Council.

(section 369(1))

8.2 If the Mayor and the deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

(section 369(2))

Election of the chairperson in the absence of the Mayor and deputy Mayor

8.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

8.4 The election of a chairperson must be conducted:

(a) by the General Manager or, in their absence, an employee of the Council designated by the General Manager to conduct the election, or
(b) by the person who called the meeting or a person acting on their behalf if neither the General Manager nor a designated employee is present at the meeting, or if there is no General Manager or designated employee.

8.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

8.6 For the purposes of clause 8.5, the person conducting the election must:

(a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
(b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

8.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

8.8 Any election conducted under clause 8.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

8.9 When the chairperson rises or speaks during a meeting of the Council:

(a) any Councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
(b) every Councillor present must be silent to enable the chairperson to be heard without interruption.

9 MODES OF ADDRESS

9.1 If the chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.

9.2 Where the chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.

9.3 A Councillor is to be addressed as 'Councillor [surname]'.

9.4 A Council officer is to be addressed by their official designation or as Mr/Ms [surname].

10 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

10.1 The general order of business for an ordinary meeting of the Council shall be:

Opening meeting and Notification of webcast
01 Acknowledgement of country
02 Apologies and applications for a leave of absence by Councillors
03 Confirmation of minutes
04 Declarations of interests
05 Mayoral minute(s)
06 Petitions
07 Correspondence
08 Reports from Officers
09 Questions with notice
10 Recission Motion
11 Notice of Motion
12 Urgent General Business (without notice)
13 Presentations by Councillors
14 Confidential Reports from Officers
Conclusion of the meeting

10.2 The order of business as fixed under clause 10.1 may be altered for a particular meeting of the Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

10.3 Despite clauses 12.20–12.30, only the mover of a motion referred to in clause 10.2 may speak to the motion before it is put.

11 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a Council meeting

11.1 The Council must not consider business at a meeting of the Council:

(a) unless a Councillor has given notice of the business, as required by clause 3.10, and
(b) unless notice of the business has been sent to the Councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.

11.2 Clause 11.1 does not apply to the consideration of business at a meeting, if the business:

(a) is already before, or directly relates to, a matter that is already before the Council, or
(b) is the election of a chairperson to preside at the meeting, or
(c) subject to clause 11.9, is a matter or topic put to the meeting by way of a Mayoral minute, or
(d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the Council.

11.3 Despite clause 11.1, business may be considered at a meeting of the Council even though due notice of the business has not been given to the Councillors if:

(a) a motion is passed to have the business considered at the meeting, and
(b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

11.4 A motion moved under clause 11.3(a) can be moved without notice. Despite clauses 12.20–12.30, only the mover of a motion referred to in clause 11.3(a) can speak to the motion before it is put.

11.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 11.3(b).

Mayoral minutes

11.6 Subject to clause 11.9, if the Mayor is the chairperson at a meeting of the Council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.

11.7 A Mayoral minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of a Mayoral minute without the motion being seconded.

11.8 A recommendation made in a Mayoral minute put by the Mayor is, so far as it is adopted by the Council, a resolution of the Council.

11.9 A Mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

11.10 If the General Manager considers that a Mayoral Minute submitted by a Councillor for consideration at an ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare supplementary information in relation to the Mayoral Minute for the meeting at which the Mayoral Minute is to be considered by the Council. If the recommendation is unfunded with the adopted operational plan, the source of funding for the expenditure that is the subject of the recommendation should be identified.

Staff reports

11.11 A recommendation made in a staff report is, so far as it is adopted by the Council, a resolution of the Council.

Reports of committees of Council

11.12 The recommendations of a committee of the Council are, so far as they are adopted by the Council, resolutions of the Council.

11.13 If in a report of a committee of the Council distinct recommendations are made, the Council may make separate decisions on each recommendation.

Questions

11.14 A question must not be asked at a meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.

11.15 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.

11.16 A Councillor may, through the General Manager, put a question to a Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the General Manager at the direction of the General Manager.

11.17 A Councillor or Council 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 to documents. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.

11.18 Councillors must put questions directly, succinctly, respectfully and without argument.

11.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

12 RULES OF DEBATE

Motions to be seconded

12.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

12.2 A Councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.

12.3 If a Councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.

12.4 In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:

(a) any other Councillor may, with the leave of the chairperson, move the motion at the meeting, or
(b) the chairperson may defer consideration of the motion until the next meeting of the Council.

Chairperson's duties with respect to motions

12.5 It is the duty of the chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.

12.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

12.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

12.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

12.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan should identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the Council may defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

12.10 An amendment to a motion must be moved and seconded before it can be debated.

12.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.

12.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

12.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before Council at any one time.

12.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.

12.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.

12.16 An amendment may become the motion without debate or a vote where it is accepted by the Councillor who moved the original motion.

Foreshadowed motions

12.17 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.

12.18 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

12.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

12.20 A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

12.21 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

12.22 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.

12.23 Despite clause 12.22, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

12.24 Despite clause 12.22, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

12.25 Despite clauses 12.20 and 12.21, a Councillor may move that a motion or an amendment be now put:

(a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
(b) if at least two (2) Councillors have spoken in favour of the motion or amendment and at least two (2) Councillors have spoken against it.

12.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 12.25. A seconder is not required for such a motion.

12.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 12.20.

12.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.

12.29 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this code, remain silent while another Councillor is speaking.

12.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

13 VOTING

Voting entitlements of Councillors

13.1 Each Councillor is entitled to one (1) vote.

(section 370(1))

13.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

(section 370(2))

13.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at Council meetings

13.4 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

13.5 If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.

13.6 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) Councillors rise and call for a division.

13.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the meeting.

13.8 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 13.4 of this code.

13.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

Voting on planning decisions

13.10 The General Manager must keep a register containing, for each planning decision made at a meeting of the Council or a Council committee (including, but not limited to a committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

13.11 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council committee.

13.12 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

13.13 Clauses 13.10–13.12 apply also to meetings that are closed to the public.

(section 375A)

Note: The requirements of clause 13.12 may be satisfied by maintaining a register of the minutes of each planning decision.

14 COMMITTEE OF THE WHOLE

14.1 The Council may resolve itself into a committee to consider any matter before the Council.

(Clause 12.1)

14.2 All the provisions of this code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 12.20–12.30 limit the number and duration of speeches.

14.3 The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager, is responsible for reporting to the Council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.

14.4 The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

15 DEALING WITH ITEMS BY EXCEPTION

15.1 The Council or a committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.

15.2 Before the Council or committee resolves to adopt multiple items of business on the agenda together under clause 15.1, the chairperson must list the items of business to be adopted and ask Councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

15.3 The Council or committee must not resolve to adopt any item of business under clause 15.1 for which a Councillor has declared a conflict of interest.

15.4 The Council or committee must not resolve to adopt any item of business under clause 15.1 that is a planning decision and requires a division to be recorded under clauses 13.12-13.13.

15.5 The Council or committee must not resolve to adopt any item of business under clause 15.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

15.6 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Council or committee must resolve to alter the order of business in accordance with clause 10.3.

15.7 A motion to adopt multiple items of business together under clause 15.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.

15.8 Items of business adopted under clause 15.1 are to be taken to have been adopted unanimously.

16 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

16.1 The Council or a committee of the Council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

(a) personnel matters concerning particular individuals (other than Councillors),
(b) the personal hardship of any resident or ratepayer,
(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
(d) commercial information of a confidential nature that would, if disclosed:
    (i) prejudice the commercial position of the person who supplied it, or
    (ii) confer a commercial advantage on a competitor of the Council, or
    (iii) reveal a trade secret,
(e) information that would, if disclosed, prejudice the maintenance of law,
(f) matters affecting the security of the Council, Councillors, Council staff or Council property,
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
(i) alleged contraventions of the Council's code of conduct.

(section 10A(1) and (2))

16.2 The Council or a committee of the Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

(section 10A(3))

Matters to be considered when closing meetings to the public

16.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

(a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
(b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

(section 10B(1))

16.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 16.1(g) unless the advice concerns

legal matters that:

(a) are substantial issues relating to a matter in which the Council or committee is involved, and
(b) are clearly identified in the advice, and
(c) are fully discussed in that advice.

(section 10B(2))

16.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 16.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 16.1.

(section 10B(3))

16.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

(a) a person may misinterpret or misunderstand the discussion, or
(b) the discussion of the matter may:
    (i) cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
    (ii) cause a loss of confidence in the Council or committee.

(section 10B(4))

16.7 In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

(section 10B(5))

Notice of likelihood of closure not required in urgent cases

16.8 Part of a meeting of the Council, or of a committee of the Council, may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

(a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 16.1, and
(b) the Council or committee, after considering any representations made under clause 16.9, resolves that further discussion of the matter:
    (i) should not be deferred (because of the urgency of the matter), and
    (ii) should take place in a part of the meeting that is closed to the public.

(section 10C)

Representations by members of the public

16.9 The Council, or a committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

(section 10A(4))

16.10 A representation under clause 16.9 is to be made after the motion to close the part of the meeting is moved and seconded.

16.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 16.9, members of the public must first make an application to the Council in the approved form. Applications must be received by **12pm on the day of the** meeting at which the matter is to be considered.

16.12 The General Manager (or their delegate) may refuse an application made under clause 16.11. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.

16.13 No more than **three** speakers are to be permitted to make representations under clause 16.9.

16.14 If more than the permitted number of speakers apply to make representations under clause 16.9, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom to nominate to make representations under clause 16.9, the General Manager or their delegate is to determine who will make representations to the Council.

16.15 The General Manager (or their delegate) is to determine the order of speakers.

16.16 Where the Council or a committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 16.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **three** speakers to make representations in such order as determined by the chairperson.

16.17 Each speaker will be allowed **five** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-Councillors from meetings closed to the public

16.18 If a meeting or part of a meeting of the Council or a committee of the Council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a Councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

16.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

16.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:

(a) the relevant provision of section 10A(2) of the Act,
(b) the matter that is to be discussed during the closed part of the meeting,
(c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(section 10D)

Resolutions passed at closed meetings to be made public

16.21 If the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

16.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 16.21 during a part of the meeting that is webcast.

17 KEEPING ORDER AT MEETINGS

Points of order

17.1 A Councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.

17.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.

17.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the Councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

17.4 The chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.

17.5 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.

17.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.

17.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

17.8 A Councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

17.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.

17.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

17.11 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:

(a) contravenes the Act or any regulation in force under the Act or this code, or
(b) assaults or threatens to assault another Councillor or person present at the meeting, or
(c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the committee, or addresses or attempts to address the Council or the committee on such a motion, amendment or matter, or
(d) insults or makes personal reflections on or imputes improper motives to any other Council official, or alleges a breach of the Council's code of conduct, or
(e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the committee into disrepute.

17.12 The chairperson may require a Councillor:

(a) to apologise without reservation for an act of disorder referred to in clauses 17.11(a) or (b), or
(b) to withdraw a motion or an amendment referred to in clause 17.11(c) and, where appropriate, to apologise without reservation, or
(c) to retract and apologise without reservation for an act of disorder referred to in clauses 17.11(d) and (e).

How disorder at a meeting may be dealt with

17.13 If disorder occurs at a meeting of the Council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The Council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

17.14 All chairpersons of meetings of the Council and committees of the Council are authorised under this code to expel any person other than a Councillor, from a Council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the committee of the Council.

17.15 Clause 17.14, does not limit the ability of the Council or a committee of the Council to resolve to expel a person, including a Councillor, from a Council or committee meeting, under section 10(2)(a) of the Act.

17.16 A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under clause 17.12. The expulsion of a Councillor from the

meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

17.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.

17.18 Where a Councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

17.19 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

17.20 Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and committees of the Council.

17.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a committee of the Council without the prior authorisation of the Council or the committee.

17.22 Any person who contravenes or attempts to contravene clause 17.21, may be expelled from the meeting as provided for under section 10(2) of the Act.

17.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

18 CONFLICTS OF INTEREST

18.1 All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Council and committees of the Council in accordance with the Council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

19 DECISIONS OF THE COUNCIL

Council decisions

19.1 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

(section 371)

19.2 Decisions made by the Council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering Council decisions

19.3 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

(section 372(1)).

19.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

(section 372(2))

19.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

(section 372(3))

19.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

(section 372(4))

19.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

(section 372(5))

19.8 The provisions of clauses 19.5–19.7 concerning lost motions do not apply to motions of adjournment.

(section 372(7))

19.9 A notice of motion submitted in accordance with clause 19.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

19.11 A motion to alter or rescind a resolution of the Council may be moved on the

report of a committee of the Council and any such report must be recorded in the minutes of the meeting of the Council.

(section 372(6))

19.12 Subject to clause 19.7, in cases of urgency, a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, where:

(a) a notice of motion signed by three Councillors is submitted to the chairperson, and
(b) a motion to have the motion considered at the meeting is passed, and
(c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

19.13 A motion moved under clause 19.12(b) can be moved without notice. Despite clauses 12.20–12.30, only the mover of a motion referred to in clause 19.12(b) can speak to the motion before it is put.

19.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 19.12(c).

Recommitting resolutions to correct an error

19.15 Despite the provisions of this Part, a Councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

(a) to correct any error, ambiguity or imprecision in the Council's resolution, or
(b) to confirm the voting on the resolution.

19.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 19.15(a), the Councillor is to propose alternative wording for the resolution.

19.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 19.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

19.18 A motion moved under clause 19.15 can be moved without notice. Despite clauses 12.20–12.30, only the mover of a motion referred to in clause 19.15 can speak to the motion before it is put.

19.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 19.15.

19.20 A motion moved under clause 19.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

20 TIME LIMITS ON COUNCIL MEETINGS

20.1 Meetings of the Council and committees of the Council are to conclude no later than **10.30pm.**

20.2 If the business of the meeting is unfinished at 10.30pm, the Council or the committee may, by resolution, extend the time of the meeting by 30 minutes.

20.3 If the business of the meeting is unfinished at 10.30pm, and the Council does not resolve to extend the meeting, the chairperson must either:

(a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the Council, or
(b) adjourn the meeting to a time, date and place fixed by the chairperson.

20.4 Clause 20.3 does not limit the ability of the Council or a committee of the Council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.

20.5 Where a meeting is adjourned under clause 20.3 or 20.4, the General Manager must:

(a) individually notify each Councillor of the time, date and place at which the meeting will reconvene, and
(b) publish the time, date and place at which the meeting will reconvene on the Council's website and in such other manner that the General Manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

21 AFTER THE MEETING

Minutes of meetings

21.1 The Council is to keep full and accurate minutes of the proceedings of meetings of the Council.

(section 375(1))

21.2 At a minimum, the General Manager must ensure that the following matters are recorded in the Council's minutes:

(a) details of each motion moved at a Council meeting and of any amendments moved to it,
(b) the names of the mover and seconder of the motion or amendment,
(c) whether the motion or amendment was passed or lost, and
(d) such other matters specifically required under this code.

21.3 The minutes of a Council meeting must be confirmed at a subsequent meeting of the Council.

(section 375(2))

21.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

21.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

(section 375(2))

21.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

21.7 The confirmed minutes of a Council meeting must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

21.8 The Council and committees of the Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

(section 11(1))

21.9 Clause 21.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

(section 11(2))

21.10 Clause 21.8 does not apply if the Council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to

be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

(section 11(3)

21.11 Correspondence or reports to which clauses 21.9 and 21.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the Council

21.12 The General Manager is to implement, without undue delay, lawful decisions of the Council.

(section 335(b))

22 COUNCIL COMMITTEES

Application of this Part

22.1 This Part only applies to committees of the Council whose members are all Councillors.

Council committees whose members are all Councillors

22.2 The Council may, by resolution, establish such committees as it considers necessary.

22.3 A committee of the Council is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.

22.4 The quorum for a meeting of a committee of the Council is to be:

(a) such number of members as the Council decides, or
(b) if the Council has not decided a number – a majority of the members of the committee.

Functions of committees

22.5 The Council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

22.6 The General Manager must send to each Councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

(a) the time, date and place of the meeting, and
(b) the business proposed to be considered at the meeting.

22.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

22.8 A committee member (other than the Mayor) ceases to be a member of a committee if the committee member:

(a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
(b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

22.9 Clause 22.8 does not apply if all of the members of the Council are members of the committee.

Non-members entitled to attend committee meetings

22.10 A Councillor who is not a member of a committee of the Council is entitled to attend, and to speak at a meeting of the committee. However, the Councillor is not entitled:

(a) to give notice of business for inclusion in the agenda for the meeting, or
(b) to move or second a motion at the meeting, or
(c) to vote at the meeting.

Chairperson and deputy chairperson of Council committees

22.11 The chairperson of each committee of the Council must be:

(a) the Mayor, or
(b) if the Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the Council, or
(c) if the Council does not elect such a member, a member of the committee elected by the committee.

22.12 The Council may elect a member of a committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

22.13 If neither the chairperson nor the deputy chairperson of a committee of the Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

22.14 The chairperson is to preside at a meeting of a committee of the Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

22.15 Subject to any specific requirements of this code, each committee of the Council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the Council unless the Council or the committee determines otherwise in accordance with this clause.

22.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the Council or the committee determines otherwise in accordance with clause 22.15.

22.17 Voting at a Council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

22.18 The provisions of the Act and Part 16 of this code apply to the closure of meetings of committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.

22.19 If a committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

22.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 22.19 during a part of the meeting that is webcast.

Disorder in committee meetings

22.21 The provisions of the Act and this code relating to the maintenance of order in Council meetings apply to meetings of committees of the Council in the same way as they apply to meetings of the Council.

Minutes of Council committee meetings

22.22 Each committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

(a) details of each motion moved at a meeting and of any amendments moved to it,
(b) the names of the mover and seconder of the motion or amendment,
(c) whether the motion or amendment was passed or lost, and
(d) such other matters specifically required under this code.

22.23 The minutes of meetings of each committee of the Council must be confirmed at a subsequent meeting of the committee.

22.24 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

22.25 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

22.26 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

22.27 The confirmed minutes of a meeting of a committee of the Council must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of meetings of committees of the Council on its website prior to their confirmation.

23 IRREGULARITES

23.1 Proceedings at a meeting of a Council or a Council committee are not invalidated because of:

(a) a vacancy in a civic office, or
(b) a failure to give notice of the meeting to any Councillor or committee member, or
(c) any defect in the election or appointment of a Councillor or committee member, or
(d) a failure of a Councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or committee meeting in accordance with the Council's code of conduct, or
(e) a failure to comply with this code.

(section 374)

24 DEFINITIONS

the Act	means the *Local Government Act 1993*
act of disorder	means an act of disorder as defined in clause 17.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the Council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 22.11 of this code
this code	means the Council's adopted code of meeting practice
committee of the Council	means a committee established by the Council in accordance with clause 22.2 of this code (being a committee consisting only of Councillors) or the Council when it has resolved itself into committee of the whole under clause 14.1
Council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two Councillors under clause 13.7 of this code requiring the recording of the names of the Councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a Councillor under clause 12.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a Councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a Council under the *Environmental Planning and Assessment Act 1979* including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance	means an order issued under section 438A of

improvement order	the Act
quorum	means the minimum number of Councillors or committee members necessary to conduct a meeting
the Regulation	means the *Local Government (General) Regulation 2005*
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

8.16 Councillors Access to Information and Interaction with Staff Policy

Reporting Officer

Manager Governance and Risk
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.

A report in response to parts 1(c) and 1(d) of the resolution was presented to Council on 11 September 2018. At this meeting, consideration of this policy was deferred by Council pending the release of the new Model Code of Conduct.

Given the Code of Conduct and procedures were adopted by Council on 14 May 2019, the Access to Information and Interaction with Staff policy is presented back to Council for consideration. Please note, Parts 1(a) and 1(b) of the resolution 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 new 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 with a review date of 30 June 2021, following the next local government election in September 2020.

Attachments

1. Current Version - Councillors Access to Information and Interaction with Staff (contained within this report)
2. Revised Version - Councillors Access to Information and Interaction with Staff Policy (contained within this report)

campbelltown city council	**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 *Local Government Act 1993*
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.

DATA AND DOCUMENT CONTROL		
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 6

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.

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.

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

- 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.

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		
DocSet:1856170	Page: 6 of 6	

campbelltown city council	**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
Relevant Legislation	*Local Government Act 1993* *Government Information (Public Access) Act 2009*
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

DATA AND DOCUMENT CONTROL		
Division: City Governance **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

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 that complements and supports the Code of Conduct.

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.

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,

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,

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 7.5 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.

In accordance with Clause 7.6 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 matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters

b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters

c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor

d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council

e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting

f) councillors and administrators being overbearing or threatening to council staff

g) council staff being overbearing or threatening to councillors or administrators

h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media

i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make

j) 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

k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals

l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

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 in which a Council meeting is to be run.

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.

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.

Council's Code of Meeting practice also outline how Councillors and Officers are to be addressed during meetings.

a) If the chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.

b) Where the chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.

c) A Councillor is to be addressed as 'Councillor [surname]'.

d) A Council officer is to be addressed by their official designation or as Mr/Ms [surname].

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 integrity and security of confidential documents or information distributed or discussed at Councillor Briefings, in accordance with the Code of Conduct, Code of Meeting Practice 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,
      - 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 Councillor's 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.

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

ATTACHMENT 1 - AUTHORISED STAFF

Division	General Manager *Leadership, Mayoral and Councillor support*	City Delivery *Infrastructure delivery and maintenance*	City Development *Land use planning, compliance and waste*	City Governance *Corporate support to the organisation*	City Growth *Strategy and forward planning for the City & organisation*	City Lifestyles *Planning and providing for people*
Authorised Positions and staff	**General Manager** Lindy Dietz **Personal Assistant** **Executive Officer**	**Director City Delivery** Kevin Lynch **Personal Assistant**	**Director City Development** Jim Baldwin **Personal Assistant**	**Director City Governance** Phu Nguyen **Personal Assistant** **Manager Governance & Risk**	**Director, City Growth** Rebecca Grasso **Personal Assistant**	**Director City Lifestyles** Jenny Franke **Personal Assistant**
Areas of responsibility	**Media & Communications** • Civic events • Citizenship • Media management • Digital content • Design & publications • Sister City relationships **Internal Audit** • Audit, Risk,Improvement Committee **Strategic Partnerships** • State & Federal Government relations	**Operations** • Civil Works - Maintenance works to footpaths, roads • Open space & Horticulture - Parks & Gardens; Public trees • Sports field maintenance • City Cleansing • Depot Workshop **Infrastructure** • Infrastructure design & delivery • Capital works delivery • Asset management, maintenance, renewal • Security & facility services • Project Management **Open Space** • Open Space Planning for Recreation & Natural Areas • Plans of Management • Environmental programs & initiatives • Sustainable outcomes for open space • Dog parks • Walk/cycle ways • Bush care • Flood plain management • Playground planning	**Urban Release & Engagement** • New release areas • Major urban renewal - Strategic Land use planning - Planning proposals - Development Contributions - Development assessment - Building construction assessment & inspections - Subdivision certificates on all new release areas **Urban Centres** • CBD • Urban Development - Strategic Land use planning - Planning proposals - Development Contributions - Development assessment - Building construction assessment & inspections - Subdivision certificates on all new release areas **City Standards & Compliance** • Rangers • Parking officers • Animal care facility • Food inspections • On street dining • Illegal works • Fire inspections • Swimming pool inspections •Domestic waste service	**Corporate Services & Governance** • Financial functions • Business papers • Governance • GIPA (former Freedom of Information) • Code of conduct • Councillor support • Risk Management & WHS • Procurement & contracts **People and Performance** • Human resource functions **Corporate Support Systems** • Information technology • Customer services • After hours number • Records & Information Management **Strategic Property** • Property strategy • Property portfolio • Property development and portfolio income generation • Acquisition & disposal of properties • Leases and licences • Road/walkway closures • Approvals for public access onto Council land	**City Growth & Strategy** • High level strategic & organisational planning • Policy and strategy development • Strategy alignment • Key relationship management & Advocacy including Greater Sydney Commission liaison / contact point • Corporate Planning & strategy • Integrated Planning & Reporting (including Community Strategic Plan) • City Analytics **City Marketing & Economy** • Economic development • Chamber liaison • Jobs growth • Marketing the City for investment & visitation **Creative Life** • Campbelltown Arts Centre **Sustainability & Resilience** • Sustainability policies & strategies • Resilient Sydney Strategy • Sustainability & resilience education • Energy efficiency improvements	**Community Connections** • Child care centres • Mobile book & toy library • Outside school hours care • Family day care • Bicycle Education Centre • Community learning • Library Services • Visitor Information Centre **Community Life** • Social Policy & planning • Community grants • Place programs • Public art • Community safety • Community events & activations **Sport, Recreation & Leisure Facilities** • Stadium • Leisure centres & pools • Recreation planning • Centre of Excellence • Sports club liaison

8.17 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 4 June 2019.

Attachments

1. Reports requested listing (contained within this report)
2. Letters requested listing (contained within this report)

Reports Requested effective 4 June 2019

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion date
City Lifestyles			
11.12.18 MC	ORD - NM 11.1 - Improvements to Minto Sports Centre 1. That a report be presented on the feasibility of improvements to the exterior of Minto Sports Centre. 2. That the report should include options to improve the exterior facade and entrance, such as new signage and flags to enhance the visual appeal of the facility to the community, and the associated costs. 3. That the exterior wall facing the railway line should be included in any enhancement works.	• Exterior sign has been installed. • Costings on other improvements being collated for inclusion in report. • Working with the operations team on the feasibility to the exterior of the centre.	August 2019
14.05.19 MC	ORD - 14.1 Commercial Opportunity 2. That a further report is provided to Council with the outcome of the Expression of Interest process to make a decision about proceeding to a select tender process for a naming rights sponsor.		

Reports Requested effective 4 June 2019

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion date
City Delivery			
14.08.18 RM	ORD - NM - 11.6 Avenue of Native Trees 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.	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.	July 2019
12.03.19 BM	ORD - 11.1 Weed Control Methods That a report be presented to Council investigating weed control methods without the use of glyphosate herbicide, such as foam weeding or steam weeding, their potential costs and benefits, as well as their potential applicability to other Council functions such as cleaning and sanitisation.	Council is currently investigating alternative herbicide products and a report will be presented with the findings.	July 2019

Reports Requested effective 4 June 2019

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion date
City Governance			
11.12.18 BM	ORD - 14.4 - Engagement of Architects for Construction of a New Childcare Centre 1. That Council approves the engagement of the preferred Architects based on their fee proposal submitted to Council – subject to legal confirmation that the negotiated contract terms are satisfactory 2. That the scope of works and risk mitigation strategies are undertaken in accordance with this report and within the cost estimates 3. That a further report be submitted to Council once a Development Approval has been obtained consistent with the analysis contained in this report.	Council has engaged the architect and commenced Stage one of the scope works.	May 2020
30.04.19 DL	EXORD - 4.1 Draft Code of Meeting Practice 2. That the Draft Code of Meeting Practice as amended in point 1 be placed on public exhibition for a period of 28 days 3. That Council receive a further report outlining the submissions received during the exhibition period.	The draft code of Meeting Practice was placed on public exhibition form 1 - 28 May 2019 with written submissions being received up until 11 June 2019. Report presented to Council at June 2019 meeting.	June 2019
City Development			
14.10.14 RK 4033794	CG2.3 – Claymore Urban Renewal Project – VPA Land Acquisitions, Transfers and Dedications 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.	VPA exhibited from December 2018 - February 2019. Matter under consideration with report under preparation for future briefing and report to Council. Report presented to Council at June 2019 meeting.	June 2019

Reports Requested effective 4 June 2019

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion 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.	Further discussions currently being organised with development representatives to discuss financial contribution for street tree damage. Estimate of financial contribution prepared for further consideration and consultation.	September 2019
13.11.18 GB	ORD - 8.3 Household E-Waste Drop Off Event 2. That a further report be provided to Council on the future recycling arrangements for e-waste upon confirmation of the completion timeframe for the construction of the Community Recycling Centre.	This report is subject to the time frame of the Community Recycling Centre.	November 2019
09.04.19 WM	ORD - 8.2 Planning Proposal - Ingleburn CBD 4. That a further report be provided to Council after the Gateway Determination with public exhibition with the planning proposal a draft Development Control Plan for Ingleburn CBD to be placed on public exhibition with the draft planning proposal.		August 2019
09.04.19 WM	ORD - 8.3 Draft Amendment No.7 - Campbelltown (Sustainability City) Development Control Plan 2015 3. That a further report be provided to Council following the completion of the public exhibition of the draft amendment to the Campbelltown (Sustainable City) Development Control Plan 2015.		August 2019

Reports Requested effective 4 June 2019

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion date
City Development			
09.04.19 BG	ORD 8.4 Re-establishment of North Area Alcohol Free Zones 4. That a further report be provided to Council on the re-establishment of the Alcohol Free Zones specified in Recommendation 1 at the completion of the period for comment by the organisations/groups listed in Recommendation 3.		September 2019
09.04.19 BT	ORD 8.6 Submission Report - Amendment to Campbelltown Sustainable City Development Control Plan (Caledonia Precinct) 5. That a further report be submitted to Council in regard to the acquisition of No. 306 Bensley Road, Ingleburn for open space purposes.	To be included in the next amendment to the Contributions Plan.	February 2020

Reports Requested effective 4 June 2019

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion date
City Growth			
11.09.18 MC	ORD – 11.3 Campbelltown Arts Centre Shop 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.	A review of the retail shop was undertaken by a Cultural Commerce Consultant and the team is waiting on a report from his findings.	August 2019
30.04.19 BG	EXORD - 4.2 Draft Delivery Program 2017-2021 and Operations Plan 2019-2020 including the Draft Budget, Fees and Charges 1. That the Draft Delivery Program 2017-2021 and Operational Plan 2019-2020 including the Draft Budget and Fees and Charges be placed on public exhibition for a period not less than 28 days between 1 May 2019 and 29 May 2019. 2. That a further report be submitted to Council on the exhibition of the draft documents prior to consideration of the formal adoption of these documents.	The Draft Delivery Program 2017-2021 and Operational Plan 2019-2020 have been placed on public exhibition from 1 - 29 May 2019. A report is being prepared and is expected to be presented at the Extraordinary Council meeting on 25 June 2019.	June 2019

Letters requested effective 4 June 2019

*Date of Decision *Mover	Action Item	Comments / updates
City Development		
14.05.19 KH	ORD - 7.1 - Emergency Veterinary Care for Injured Koalas 1. That the letters be received and the information be noted. 2. As a result of the recent State election and the imminent Federal election, the General Manager write again to the new State Ministers with appropriate portfolio responsibilities, including the Treasurer, and any new Federal Ministers, if required; and 3. That Council continue to emphasise the importance of our local koalas being the only disease-free colony in the State and lobby for emergency veterinary care for injured koalas.	

8.18 Minutes of the Audit Risk and Improvement Committee meeting held 21 May 2019

Reporting Officer

Executive Manager Corporate Services and Governance
City Governance

Officer's Recommendation

That the minutes of the Audit Risk and Improvement Committee held 21 May 2019 be noted.

Purpose

To seek Council's endorsement of the minutes of the Audit Risk and Improvement Committee meeting held 21 May 2019.

Report

Detailed below are the recommendations of the Audit Risk and Improvement Committee. Council officers have reviewed the recommendations and they are now presented for Council's consideration.

Reports listed for consideration

6.1 Internal Audit Progress Report on 2018-2019 Audit Plan

1. That the Committee receive and note the progress report on the 2018-2019 Audit Plan.

2. That the Director City Governance work with the Internal Auditor on improved reporting on outstanding management action items from the 2018-2019 Audit Plan.

6.2 Follow Up Review, Asset Management - Plant and Equipment

That the Committee receive and note the follow up review on Asset Management – Plant and Equipment.

6.3 Business Excellence

That the information be noted.

6.4 Update on Enterprise Risk Management

That the committee note the information in this report.

6.5 Outstanding Actions

That the information be noted.

Attachments

1. Minutes of the Audit Risk and Improvement Committee held 21 May 2019 (contained within this report)

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Audit Risk and Improvement Committee Meeting held at 4.00pm on Tuesday, 21 May 2019.

ITEM	TITLE	PAGE
1.	**ACKNOWLEDGEMENT OF LAND**	**2**
2.	**APOLOGIES**	**2**
3.	**CONFIRMATION OF MINUTES**	**2**
3.1	Minutes of the Ordinary Meeting of the Audit Risk and Improvement Committee held 19 March 2019	2
4.	**DECLARATIONS OF INTEREST**	**2**
5.	**GENERAL MANAGER – VERBAL UPDATE**	**3**
6.	**REPORTS**	**4**
6.1	Internal Audit Progress Report on 2018-2019 Audit Plan	4
6.2	Follow Up Review, Asset Management - Plant and Equipment	4
6.3	Business Excellence	5
6.4	Update on Enterprise Risk Management	5
6.5	Outstanding Actions	6
7.	**GENERAL BUSINESS**	**6**

Minutes of the Audit Risk and Improvement Committee Meeting held on 21 May 2019

Present Mr Bruce Hanrahan - Independent Member (Chairperson)
Mr Robert Rofe - Independent Member
Mr Jim Mitchell - Independent Member
Councillor Warren Morrison – Elected Council Representative

In attendance Ms Lindy Deitz - General Manager
Mr Sam Helweh - Internal Auditor
Mr Phu Nguyen - Director City Governance
Mr Kevin Lynch - Director City Delivery
Ms Somaiya Ahmed - Director, Financial Audit Services - Audit Office of NSW
Ms Monique Dunlop - Manager Governance and Risk
Ms Cathy Gavin - Senior Financial Accountant
Ms Melinda Champion - Senior Business Excellence Officer
Mr Warren Kear - Risk Coordinator
Ms Erin Austin - Executive Support

1. ACKNOWLEDGEMENT OF LAND

An Acknowledgement of Land was presented by the Chairperson Mr Bruce Hanrahan.

2. APOLOGIES

The Committee noted the apologies from Mr Kenneth Leung - Audit Leader - Audit Office of NSW and Ms Corinne Mears - Executive Manager Corporate Services and Governance.

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of the Audit Risk and Improvement Committee held 19 March 2019

Committee's Recommendation: (Hanrahan/Rofe)

That the information be noted.

4. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

5. GENERAL MANAGER – VERBAL UPDATE

The General Manager provided the Committee with an update covering:

- The Executive Group now has a full leadership team as Rebecca Grasso, Director of City Growth has commenced. The Executive Group is focused on ensuring they engage all staff and as part of that focus they have met with staff at all sites.

- The new A-League team, the Macarthur FC Bulls was launched last week. Council expect this team to bring financial benefit and community engagement to the area. The Committee was advised that an upgrade to Campbelltown Sports Stadium (the home ground for Macarthur FC Bulls) has not been requested, but funding is being allocated for future asset improvement when required, as part of Council's normal budgeting practices. The General Manager noted that the Macarthur FC Bulls will provide many opportunities for youth development football programs, including an Indigenous youth program.

The General Manager provided the Committee with an update on the major projects covering:

- Reimagine Campbelltown CBD Phase 2 – a master planning project of Campbelltown CBD that also covers Leumeah to Macarthur. The General Manager advised that the finer details of master plan are now being completed, with the master plan based on data and evidence.

- City Identity and Branding of the City – The project looks at new ways to promote the city. As part of this project, over 800 people have been consulted, with the Aboriginal community being very engaged in this process.

- Recent State and Federal elections – The Committee was advised the Executive Group will advocate for reform and change with the new Ministers. Topics to be addressed include exempt rates with a potential $5m impact on Council. The General Manager advised that the State Emergency Services Levy was also increasing materially with the burden falling on Local Government. The General Manager welcomed the Committee to suggest any areas of concern that could be raised with the relevant Ministers.

- Planning issues – the Committee was advised of the new *Crown Land Management Act* and the greater range of risks and responsibilities it places upon Council in respect of Crown Land. A range of legal and associated work is currently underway, to identify and review risks in respect of existing Crown sites and potential future work which may impact them.

6. REPORTS

6.1 Internal Audit Progress Report on 2018-2019 Audit Plan

Purpose

To provide the Committee an update on the progress of the internal audit work undertaken in accordance with the approved 2018-2019 Audit Plan.

Officer's Recommendation

That the Committee receive and note the progress report on the 2018-2019 Audit Plan.

Committee's Recommendation: (Rofe/Mitchell)

1. That the Committee receive and note the progress report on the 2018-2019 Audit Plan.

2. That the Director City Governance work with the Internal Auditor on improved reporting on outstanding management action items from the 2018-2019 Audit Plan.

6.2 Follow Up Review, Asset Management - Plant and Equipment

Purpose

To report on the follow up of the Asset Management - Plant and Equipment review.

Officer's Recommendation

That the Committee receive and note the follow up review on Asset Management – Plant and Equipment.

Committee's Recommendation: (Hanrahan/Morrison)

That the Committee receive and note the follow up review on Asset Management – Plant and Equipment.

6.3 Business Excellence

Purpose

To provide the Committee with an update on continuous improvement activities including the introduction of a Business Excellence Action Plan 2019-2020.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Rofe/Mitchell)

That the information be noted.

6.4 Update on Enterprise Risk Management

Purpose

To update the committee on the status of risk management within Council.

Officer's Recommendation

That the committee note the information in this report.

Committee's Recommendation: (Morrison/Hanrahan)

That the committee note the information in this report.

6.5 Outstanding Actions

Purpose

To ensure the Committee is aware of all outstanding actions and all completed actions.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Rofe/Mitchell)

That the information be noted.

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7. GENERAL BUSINESS

1. Independent Member, Robert Rofe raised the issue of Worker Compensation self-insurance and if a review had been done against external insurance recently. It was confirmed that an actuary review is undertaken annually into the cost of self-insurance in comparison to general insurance.

2. The Audit Office of NSW provided the Committee with an update, advising that they met with Council's internal valuer and understand the scope and valuing equations that are being used. The Audit Office of NSW will return to Council in July 2019 and during this time, detailed testing of the valuing equations will be undertaken.

3. The Internal Auditor reminded the Committee that under the Audit Risk and Improvement Committee Charter the Committee is required to "provide an annual performance report to Council, on its operation and activities during the year, including evaluation of the Internal Audit function."

4. The Internal Auditor advised that the membership for the three independent members to the Committee will expire in September 2019 and Council will look at invitations for extension/renewal. The Internal Auditor advised that the Charter is due for review in September 2020.

The next meeting of the Audit Risk and Improvement Committee will be held Tuesday 20 August 2019 at 4.00pm at the Committee Room 3, Level 3, Campbelltown City Council.

Bruce Hanrahan
Chairperson
Meeting Concluded: 5.00pm

8.19 Minutes of the Campbelltown Arts Centre Strategic Committee meeting held 3 April 2019

Reporting Officer

Executive Manager Creative Life
City Growth

Officer's Recommendation

1. That the minutes of the Campbelltown Arts Centre Strategic Committee held 3 April 2019 be noted.

2. That Council work with the Friends of Campbelltown Arts Centre Inc. and local artists to promote practices through various digital platforms.

3. That Council refer to the 2020 Bicentennial Committee for investigation as a potential project, the creation of a monument/sculpture representing Fisher's Ghost.

4. That Council refer to the 2020 Bicentennial Committee for investigation as a potential project to assist in the production of Yvonne Line's quilt.

5. That Council creates an online payment process for membership registration, renewal and payment to the Friends of Campbelltown Arts Centre Inc.

Purpose

To seek Council's endorsement of the minutes of the Campbelltown Arts Centre Strategic Committee meeting held 3 April 2019.

Report

Detailed below are the recommendations of the Campbelltown Arts Centre Strategic Committee. Council officers have reviewed the recommendations and they are now presented for Council's consideration.

Reports listed for consideration

4.1 Minutes of the previous Campbelltown Arts Centre Strategic Committee Meeting held 29 August 2018

That the information be noted.

CARRIED

5.1 Campbelltown City Council Collection - New Acquisitions

That the following proposed acquisitions be endorsed by the Campbelltown Arts Centre Strategic Committee for further consideration by Council to be acquired as a part of the Campbelltown City Council collection:

- Donation by Jagath Dheerasekara - Not so white: regained territories
- Donation by Megan Cope - untitled (barracoon)
- Donation by Abdul Abdullah - looking at me and through you
- Donation by Blak Douglas - 65030 (not a postcode but a fact)

CARRIED

5.2 Festival of Fisher's Ghost events

That the Campbelltown Arts Centre Strategic Committee on review of the Festival of Fisher's Ghost events held at Campbelltown Arts Centre agreed upon the following changes as proposed by the Executive Manager Creative Life:

a. Increase the general entry fee from $25 to $50 per artwork
b. Increase entry fee for the Friends of Campbelltown Arts Centre from $20 to $25 per artwork
c. Restrict the number of entries from primary and secondary students to one entry per student instead of two
d. Restrict entries from primary and secondary students to the Macarthur school catchment area only
e. Increase the prize money from $20,000 to $25,000 for Open Award
f. Reduction of commission on artworks sales from 30% to 25%
g. Charge $5 per child (parents and carers free) to attend the Fisher's Kids event.

CARRIED

5.3 Handpicked | 2018 Annual Makers Market update

That the information be noted.

CARRIED

5.4 2019 Campbelltown Arts Centre Strategic Committee Meeting Dates

The Committee resolved that 26 June 2019 be the date of the next Campbelltown Arts Centre Strategic Committee Meeting.

Executive Manager Creative Life is to liaise with Mariah Calman in regards to her availability and as such, determine the start time of the next meeting as well as dates for future 2019 meetings.

Once confirmed calendar invitations will be sent out to Committee members.

CARRIED

6.1 Letter for consideration

1. That Council work with the Friends of Campbelltown Arts Centre Inc. and local artists to promote practices through various digital platforms.

2. That Council refer to the 2020 Bicentennial Committee for investigation as a potential project, the creation of a monument/sculpture representing Fisher's Ghost.

3. That Council refer to the 2020 Bicentennial Committee for investigation as a potential project to assist in the production of Yvonne Line's quilt.

CARRIED

6.2 Printing of agenda documents

1. That the Campbelltown Arts Centre Strategic Committee agenda document be presented on a projector at future Committee meetings to showcase any artwork within the document.

2. That only black and white hard copies of the Campbelltown Arts Centre Strategic Committee agenda document be printed and that a maximum of one copy per Committee member be printed.

CARRIED

6.3 Audit of existing artist's works

That at the next valuation of works, the status and their relevance to the Campbelltown City Council Collections Policy be considered.

CARRIED

6.4 Friends of Campbelltown Arts Centre Inc. membership payment options

That Council creates an online payment process for membership registration, renewal and payment to the Friends of Campbelltown Arts Centre Inc.

CARRIED

6.5 Rejuvenation of artworks at Campbelltown Train Station

That the Executive Manager Creative Life investigate who is responsible for and request the rejuvenation of public artwork around the Campbelltown train station.

CARRIED

6.6 Distribution of catalogue documents

That the Executive Manager Creative Life present a report to a future Campbelltown Arts Centre Strategic Committee meeting outlining a distribution strategy of catalogue documents older than three years to local schools.

CARRIED

Attachments

1. Minutes of the Campbelltown Arts Centre Strategic Committee held 3 April 2019 (contained within this report)

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Campbelltown Arts Centre Strategic Committee Meeting held at 6.00pm on Wednesday, 3 April 2019.

ITEM	TITLE	PAGE
1.	**ACKNOWLEDGEMENT OF LAND**	**2**
2.	**APOLOGIES**	**2**
3.	**DECLARATIONS OF INTEREST**	**2**
4.	**MINUTES OF THE PREVIOUS CAMPBELLTOWN ARTS CENTRE STRATEGIC COMMITTEE MEETING HELD 29 AUGUST 2018**	**3**
5.	**REPORTS**	**4**
5.1	Campbelltown City Council Collection - New Acquisitions	4
5.2	Festival of Fisher's Ghost events	12
5.3	Handpicked | 2018 Annual Makers Market update	15
5.4	2019 Campbelltown Arts Centre Strategic Committee Meeting Dates	15
6.	**GENERAL BUSINESS**	**16**

Minutes of the Campbelltown Arts Centre Strategic Committee Meeting held on 03 April 2019

Present

Cr Meg Oates	Chairperson, Campbelltown City Council
Cr Masood Chowdhury	Committee Member, Campbelltown City Council
Cr Ben Moroney	Committee Member, Campbelltown City Council
Dr Cheryle Yin-Lo	Committee Member, Camden Council
Mr Rudi Kolkman	Committee Member, Business Sector/Community
Ms Lucy Stackpool	Committee Member, Business Sector/Community
Mr Steven Donaghey	Committee Member, Business Sector/Community
Ms Lorna Grear	Committee Member, Education Sector
Mrs Joan Long	Committee Member, Friends of Campbelltown Arts Centre
Mr Andrew Christie	Committee Member, Arts Community

Also Present

Ms Rebecca Grasso	Director City Growth, Campbelltown City Council
Mr Michael Dagostino	Executive Manager Creative Life
Kelly Wooden	Executive Support

1. ACKNOWLEDGEMENT OF LAND

An Acknowledgement of Land was presented by the Chairperson Councillor Meg Oates.

2 APOLOGIES

Committee's Recommendation: Moved Councillor Oates/**Seconded** Councillor Chowdhury:

That the apologies from Campbelltown Arts Centre Strategic Committee members and representatives, General Manager Lindy Deitz, Councillor Michael Banasik, Ms Alison Derrett, Ms Mariah Calman and Ms Dorothy Heatley be received and accepted.

CARRIED

3. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

4. MINUTES OF THE PREVIOUS CAMPBELLTOWN ARTS CENTRE STRATEGIC COMMITTEE MEETING HELD 29 AUGUST 2018

Reporting Officer

Executive Manager Community Connections
City Lifestyles

Officer's Recommendation

That the information be noted.

Committee's Recommendation: **(Donaghey/Grear)**

That the information be noted.

Report

The minutes of the Campbelltown Arts Centre Strategic Committee Meeting held 29 August 2018, copies of which have been circulated to each Sub Committee member, were adopted by Council at its meeting held 9 October 2018.

Attachments

Nil

5. REPORTS

5.1 Campbelltown City Council Collection - New Acquisitions

Reporting Officer

Executive Manager Creative Life
City Growth and Economy

Officer's Recommendation

That the following proposed four donations be endorsed by the Campbelltown Arts Centre Strategic Committee for further consideration by Council to be acquired as a part of the Campbelltown City Council collection:

- Donation by Jagath Dheerasekara - Not so white: regained territories
- Donation by Megan Cope - untitled (barracoon)
- Donation by Abdul Abdullah - looking at me and through you
- Donation by Blak Douglas - 65030 (not a postcode but a fact)

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

That the following proposed acquisitions be endorsed by the Campbelltown Arts Centre Strategic Committee for further consideration by Council to be acquired as a part of the Campbelltown City Council collection:

- Donation by Jagath Dheerasekara - Not so white: regained territories
- Donation by Megan Cope - untitled (barracoon)
- Donation by Abdul Abdullah - looking at me and through you
- Donation by Blak Douglas - 65030 (not a postcode but a fact)

CARRIED

Purpose

To seek the endorsement of the Campbelltown Arts Centre Strategic Committee of the acquisition of donated works to the Campbelltown City Council collection.

Report

Campbelltown City Council's Collection Policy provides a framework for the management of Council's permanent collection by Campbelltown Arts Centre. Listed below are the proposed donated works to be acquired for Council's collection in line with the policy objectives.

Donation 1

Jagath Dheerasekara
Not so white: regained territories
2016
MP4 video with no sound, video graphics, digital photographs, 120 second loop

Biography

Jagath Dheerasekara is an Amnesty International Human Rights Innovation Fund Grant recipient. He was granted political asylum in France in the early 1990s when he had to leave Sri Lanka due to political and human rights activism. On returning to Sri Lanka, Dheerasekara began a career in telecommunications and his second spell of photography.

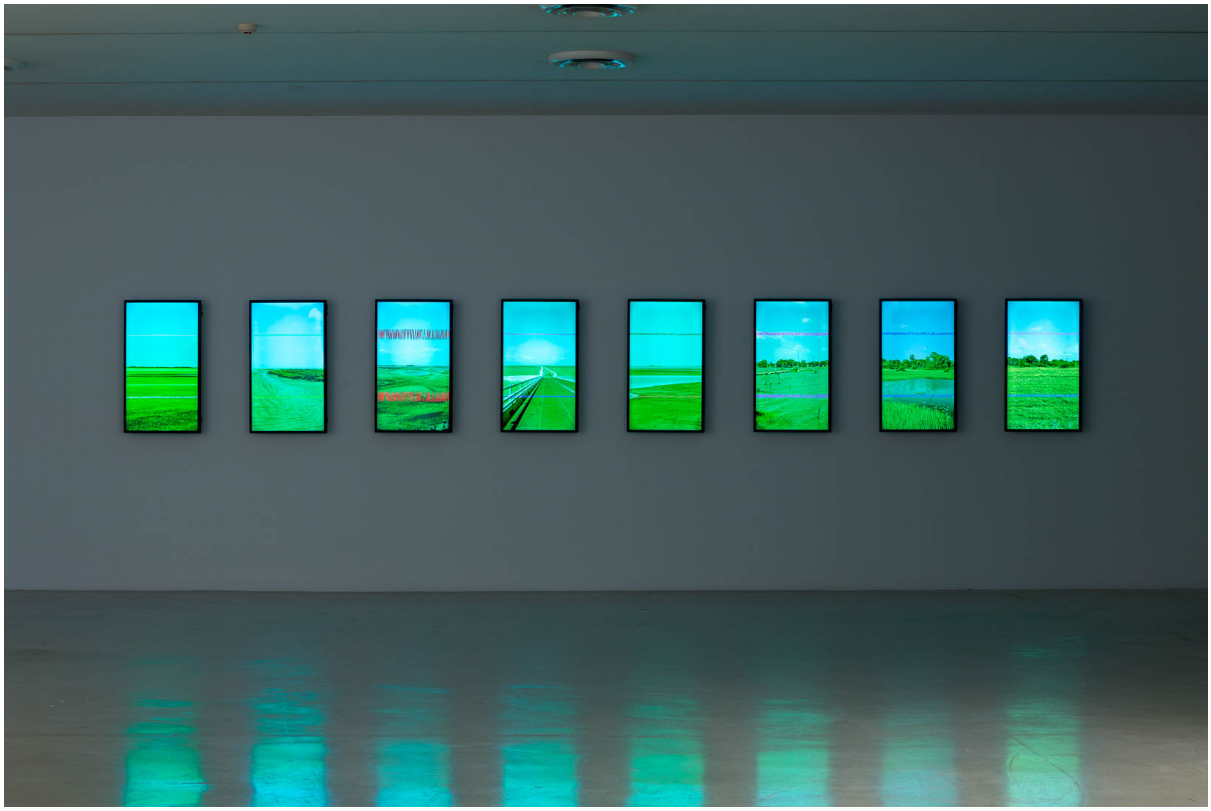
As time went by, both his personal and commissioned work took an increasingly larger role. He settled in Australia with his family in 2008. Dheerasekara's multi-disciplinary work is chiefly informed by the incidents of fragility of the principles of humanity. He has presented his work in a number of solo exhibitions and selected group exhibitions. His work is held in both institutional and private collections. Dheerasekara holds a master degree in information technology and is a passionate facilitator for community cultural development and participatory art projects. He lives and works in south west Sydney.

Artist Statement

'Everyone has the right to life, liberty and security of person'.

The right to life is a moral principle and a social contract, founded on the tenet that a human shall not be killed by another human. However, the more pressing issue has always been the question of precisely who, if anyone – an individual or an institution – has a legitimate right to take another's life. Evolving responses to this question continue to re-calibrate the principles of human societies and different justice systems.

The Sri Lankan state's war in the predominantly Tamil North of the island continued for over 30 years with the loss of tens of thousands of lives. The United Nations estimated that over 70,000 Tamil civilians were killed in the final stage of the Sri Lankan state's offensive against the armed militancy of the Tamil Tigers (Liberation Tigers of Tamil Eelam) in 2009. Soon after the war ended, there was an influx of tourists from the Buddhist-Sinhala South into the Tamil lands of the North. War 'relics' became the backdrops for photographs. Social media was awash with colourful photographs of the battered yet picturesque regained territories that the local tourists brought back. In the company of some Tamil friends, in 2015, I travelled across the Northern Province with my children. A few families who had returned from the camps for the internally displaced persons spoke with me. Anandi who embroiders sarees for the markets as a member of a grassroots collective of women trying to rebuild their lives said 'the sounds of the war still echo' in her ears.



Installation shot of Not so white: regained territories, 2016. MP4 video with no sound, video graphics, digital photographs, 120 second loop, at Campbelltown Arts Centre as part of Another Day in Paradise exhibition. Image: Document Photography

Donation 2

Megan Cope
Untitled (barracoon)
2017
Bamboo, jute, paper, PVA
Dimensions variable

Biography

Megan Cope is an exciting young artist with a quickly growing profile, attracting attention for her paintings, video work, sculptural installations and site-specific commissions. A Quandamooka woman from North Stradbroke Island, Queensland, her work explores the intricate relationship between environment, geography and identity. Maps feature prominently in Cope's work; she draws on toponymy (the study of place names) to probe myths and methodologies around colonisation.

Cope's work has been exhibited in Australia and internationally including at Queensland Art Gallery/Gallery of Modern Art, Gold Coast City Art Gallery, MONA FOMA (Hobart), ARC Biennial (Brisbane), Cairns Regional Art Gallery, Koori Heritage Trust (Melbourne), City Gallery (Wellington, New Zealand), Para Site Contemporary Art Space (Hong Kong), Careof Art Space (Milan), the Embassy of Australia (Washington) and 2014 Next Wave Festival (Melbourne). In 2015 Cope's work was curated into an exhibition at Musées de la Civilisation in Québec, Canada, which has also acquired her work for their permanent collection. She

undertook a Time_Space_Place: Nomad Residency 2014 awarded through Performance Space, Sydney.

Cope was commissioned to create major site-specific work for the exhibition 'My Country, I still call Australia Home' at Queensland Art Gallery/Gallery of Modern Art, 2013, as well as for the Melbourne Museum and the Australian Catholic University, Melbourne, 2015. Cope is a member of Aboriginal art collective proppaNOW.

Artist Statement

Courtesy of the artist and This Is No Fantasy + Dianne Tanzer Gallery.

Untitled (barracoon) traces the etymology of Barracoon as a means to locate systematic failures that are predicated on race and connect these histories globally and locally. The barracoon, from the Spanish barracón, from barraca meaning soldiers tent and later becoming a structure in which African slaves and convicts were housed during the Atlantic slave trade is said to be an origin for the racial slur Coon, a term that also found its way to the shores of Australia. Untitled (barracoon) is a reflection of the structures and institution of intergenerational trauma and terror both disseminated and perpetuated onto young black bodies.

Both the matting in the floor and thatching on the roof is woven from legal documents serving the Royal Commission into Aboriginal Deaths in Custody and the judicial review from Indonesian Supreme Court.

Installation shot with Megan Cope's work Untitled (barracoon) 2017 in foreground commissioned as part of Another Day in Paradise exhibition, 2017 at Campbelltown Arts Centre. Image: Document Photography

Donation 3

Abdul Abdullah

looking at me
2017
150 x 180cm
Oil on canvas

through you
2017
150 x 180cm
Oil on canvas

Biography

Abdul Abdullah is an artist from Perth, currently based in Sydney, who works across painting, photography, video, installation and performance. As a self-described ‘outsider amongst outsiders’, his practice is primarily concerned with the experience of the ‘other’ in society. Abdullah’s projects have engaged with different marginalized minority groups and he is particularly interested in the experience of young Muslims in the contemporary multicultural Australian context. Through these processes and explorations Abdullah extrapolates this outlook to an examination of universal aspects of human nature.

Artist Statement

Abdul Abdullah has produced two large-scale paintings in response to his time spent with a class of year 12 students at Eaglevale High School located in Claymore. Claymore as a suburb in fact, holds an Australian record for having the youngest median age of residents at 17 years old, with the average national median age being 37. The students in the class averaged 17 years old and reflected what Abdullah saw as a fair representation of the demographics in the area. Another response was how these young people reflected Abdullah’s own story growing up in East Cannington in Western Australia. On a personal level the title of the exhibition, looking at me through you referred to ideas of perception and 'in group'/'out group' mentalities. Abdullah saw the students as a reflection of me.

Looking at these two factors I developed my paintings as fantastical manifestations of what people like us (my 'in group', and including the students) are potentially imagined as by those on the outside (the 'out group'). These artworks speak to the potential threat we represent as bodies for those whose power and privilege rely on denying us our agency, and us staying in our place. The features in each of the faces have been borrowed from the students who participated in my workshops.

Installation shot of Abdul Abdullah's works Looking at me, left, and through you, right 2017 as part of the exhibition Looking at Me Through You, 2017 at Campbelltown Arts Centre. Image: Document Photography

Donation 4

Blak Douglas

65030 (not a postcode but a fact), 2018
Synthetic polymer on canvas
200 x 300 cm

Biography

Adam Douglas Hill was born in Blacktown (1970), Western Sydney to a Koori father and Caucasian mother. Originally trained in illustration and photography, observing a family of artisans, he became self–practiced in painting with a style influenced by the study of Graphic Design and devoutly politicised in relation to social justice.

Blak Douglas was a Telstra National Indigenous Art Award finalist in 2003-2008, Art Gallery of NSW Archibald Prize finalist in 2015, Art Gallery of NSW Wynne Prize finalist in 2009, Mosman Art Prize finalist in 2017, 2016 & 2014, Parliament of NSW Aboriginal Art Prize finalist in 2004-2009 and 2011-2015, Xstrata Emerging Artists Award finalist in 2007 as well as numerous other art prizes. He had exhibited extensively including at the National Indigenous Triennial at National Gallery of Australia, Tarnanthi festival in Adelaide, Utrecht Gallery in Netherlands as well as various regional galleries and museums. Blak Douglas' work is in the collection of Aboriginal Art Museum (Utrecht), National Gallery of Australia, National Maritime Museum, National Museum of Australia, Taipei Museum, Artbank, NSW Parliament House, Western Sydney University, Bangarra Dance Company, City of Sydney Town Hall, Lane Cove, Blacktown and Liverpool City Councils.

Blak Douglas is also a classically trained Yidaki (Didgeridoo) player.

He has performed extensively at various festivals, opening ceremonies and tours including Festival of the Dreaming, Australian Idol final, The Deadlys, Rugby World Cup opening ceremony, ‘Requiem’ Peter Sculthorpe and International tours (Musica Viva) and Paul Jarman Projects.

Douglas has been an active artist engaged with the community of Campbelltown and the Arts Centre program, with several artworks currently at Campbelltown train station bus shelters.

Artist Statement

This piece is a dedication to the Dharawal through the stylising of the Aboriginal flag. The flag designed by Arrente artist Harold Thomas, 1972 only became a ‘national’ flag by 1995. 65030 is designed as a double celebration. For the Tharawal first nations peoples and for the Campbelltown Arts Centre.

Through its alluring architectural design and its geographical position, Campbelltown Arts Centre to me has always conjured a place of significant artistic spiritual presence. Despite its timeless facade, there's something multi-dimensional that contrasts, yet embraces energy.

I see it as a modern day dreaming site where I've personally witnessed many a ceremony take place. Given the energy that emits from the centre, I saw it only fit to place it as the sun within the landscape, hence stylising the Aboriginal flag by using the silhouette of the dynamic shape of the centre. My trademark cracked effect on both the yellow and the outline of the red number represents the antiquity of place. The number itself a reminder of the consistent presence of the local culture.

Consistent with recent works, I’m using clear stylised motifs to create distinct patterns that can only be read when one positions themselves at the correct angle and within certain light. This to me is metaphoric of ‘reading culture’, i.e: you’ll only see what you’ve been taught to understand. In this instance, I’ve presented the Dharawal totem across the black band of the flag. Across the red band we see the figure 65030, the approximate years of custodianship of first nations peoples upon this continent. 65000yrs + 30yrs of CAC’s existence = 65030.

What an exciting cultural equation!

Blak Douglas 65030 (not a postcode but a fact), 2018 Synthetic polymer on canvas 200 x 300cm. Image: Document Photography

Attachments

Nil

5.2 Festival of Fisher's Ghost events

Reporting Officer

Executive Manager Creative Life
City Growth and Economy

Officer's Recommendation

That the Campbelltown Arts Centre Strategic Committee discuss and review the Festival of Fisher's Ghost events held at Campbelltown Arts Centre.

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

That the Campbelltown Arts Centre Strategic Committee on review of the Festival of Fisher's Ghost events held at Campbelltown Arts Centre agreed upon the following changes as proposed by the Executive Manager Creative Life:

a. Increase the general entry fee from $25 to $50 per artwork
b. Increase entry fee for the Friends of Campbelltown Arts Centre from $20 to $25 per artwork
c. Restrict the number of entries from primary and secondary students to one entry per student instead of two
d. Restrict entries from primary and secondary students to the Macarthur school catchment area only
e. Increase the prize money from $20,000 to $25,000 for Open Award
f. Reduction of commission on artworks sales from 30% to 25%
g. Charge $5 per child (parents and carers free) to attend the Fisher's Kids event.

CARRIED

Committee Note:

The committee brainstormed options for a possible ticketed dinner or back tie event that would promote and encourage a higher level of participation and sponsorship for the Fisher's Ghost Art Award. The committee agreed that such an event in addition to a sponsors party would be beneficial and that the Executive Manger Creative Life is to investigate options for an event to be held in November this year.

Purpose

To discuss and review the Fisher's Ghost Art Award and Fisher's Kids events held at Campbelltown Arts Centre annually.

Report

Fisher's Ghost Art Award

The Fisher's Ghost Art Award is open to artists of all disciplines and ages.

Categories, awards, prize money and sponsors

Category/Award	Prize Money	Current Sponsor
Open Category	$20,000	Campbelltown City Council & Friends of Campbelltown Arts Centre
Contemporary Category	$3,000	Marsden's Law Group
Traditional Category	$2,000	Australian Labor Party Councillors
Sculpture Category	$2,500	Coonamble Shire Council
Photography Category	$1,000	Macarthur Greens
Primary Students	Three students receive workshop vouchers for Campbelltown Arts Centre's workshop program valid for 12 months.	Rotary Club of Ingleburn
Secondary Students	Four students receive workshop vouchers for Campbelltown Arts Centre's workshop program valid for 12 months.	Western Suburbs Leagues Club
James Gleeson Surrealism Award	$5,000	Michael and Marilyn Reardon-Small
Macarthur Award	$3,000	Campbelltown Catholic Club
Aboriginal Art Award	$1,000	Liberal Party of Australia Councillors
Macability Award	$500	Macarthur Disability Services

Entry Fees

General Entry: $25.00 per artwork; artists may enter two artworks, one artwork per category.
Friends of Campbelltown Arts Centre: $20.00 per artwork
Primary and secondary students: $5.00 per artwork, a maximum of two works per artist.

Conditions of entry

- all artworks must be for sale - Campbelltown Arts Centre deducts 30% commission from the specified sale price
- artworks must have been produced within the last two years
- previous entries are not accepted
- the entrant warrants that the artwork is original and does not infringe copyright, moral rights or other rights of any third party
- entry grants Campbelltown Arts Centre a non-exclusive copyright license to reproduce images of artworks for publicity and educational purposes
- entry warrants that the artwork is the encumbered property of the entrant and that there are no restrictions on passing on title to Campbelltown City Council if the artwork is the winner of the 'Open' acquisitive award.

Statistics

2017

Total entries received: 1066
Finalists: 348
Macarthur region finalists: 142
Primary and secondary students entries: 286

2018

Total entries received: 1126
Finalists: 308
Macarthur region finalists: 121
Primary and secondary students entries: 342

All finalists as well as primary and secondary students artworks are displayed in the exhibition.

Opening night and award announcement

In 2016 a review of the Fisher's Ghost Art Award opening night was undertaken. It was decided that an entry fee of $20.00 per person be introduced to cover the cost of catering and entertainment. Complimentary tickets are given to the sponsors, all finalists, and students entering the primary and secondary categories. Due to the increased number of entrants as well as guests, the entry fee has been increased to $25.00 this year.

Fisher's Kids

Fisher’s Kids is one of the many free, family-friendly activities on offer through the Festival of Fisher’s Ghost. It’s a chance to celebrate community spirit as well as the spirit of Fred Fisher, Australia’s best known ghost. Each year, Fisher's Kids takes over, Campbelltown Arts Centre for an action packed day that provides children hours of fun and creativity with hands-on workshops and activities. Fisher's Kids increases in popularity each year and more than 400 children and their families attended the event last year.

Attachments

Nil

5.3 Handpicked | 2018 Annual Makers Market update

The Campbelltown Arts Centre Director will provide the Committee with an update on the 2018 Annual Makers Market, Handpicked

Attachments

Nil

Committee's Recommendation: (Masood/Kolkman)

That the information be noted.

5.4 2019 Campbelltown Arts Centre Strategic Committee Meeting Dates

It is proposed that discussions be held with members of the Campbelltown Arts Centre Strategic Committee in relation to proposed meeting dates for 2019 for their consideration and feedback.

Attachments

Nil

Committee's Recommendation: (Masood/Christie)

The Committee resolved that 26 June 2019 be the date of the next Campbelltown Arts Centre Strategic Committee Meeting.

Executive Manager Creative Life is to liaise with Mariah Calman in regards to her availability and as such, determine the start time of the next meeting as well as dates for future 2019 meetings.

Once confirmed calendar invitations will be sent out to Committee members.

CARRIED

6. GENERAL BUSINESS

6.1 Letter for consideration

A letter to Michael Dagostino of Campbelltown Arts Centre from the Friends of Campbelltown Arts Centre Inc. was submitted for the Committee's information and consideration.

The submitted letter made the following proposals and requests for consideration:

1. That Campbelltown City Council provide a website similar to the Weave Artists Directory, for all artists in the area.

2 The continuation of a previously shelved project, the creation of a Fisher's Ghost monument/sculpture. The project originally involving Claire St Claire and Ronald Farmer.

3. For the 200 year anniversary next year, Campbelltown and Airds Historical Society has requested Yvonne Line make a quilt. Yvonne has proposed that for the Fisher's Ghost Art Award, a new section for children is created under the title "How do children see Campbelltown". The artworks from this section could then be incorporated by Yvonne in her quilt.

Committee's Recommendation: (Oates/Kolkman)

1. That Council work with the Friends of Campbelltown Arts Centre Inc. and local artists to promote practices through various digital platforms.

2. That Council refer to the 2020 Bicentennial Committee for investigation as a potential project, the creation of a monument/sculpture representing Fisher's Ghost.

3. That Council refer to the 2020 Bicentennial Committee for investigation as a potential project to assist in the production of Yvonne Line's quilt.

CARRIED

6.2 Printing of agenda documents

It was noted that a number of copies of agenda documents are unnecessarily printed each meeting. A suggestion was made for black and white printing only and that fewer copies be provided to minimize wastage of paper and printing resources.

Committee's Recommendation: (Grear/Christie)

1. That the Campbelltown Arts Centre Strategic Committee agenda document be presented on a projector at future Committee meetings to showcase any artwork within the document.

2. That only black and white hard copies of the Campbelltown Arts Centre Strategic Committee agenda document be printed and that a maximum of one copy per Committee member be printed.

CARRIED

6.3 Audit of existing artist's works

In consideration of storage space limits within the facility, it was suggested that an audit of works being held at the Campbelltown Arts Centre be conducted to determine if any surplus works were being held.

Committee's Recommendation: (Kolkman/Chowdhury)

That at the next valuation of works, the status and their relevance to the Campbelltown City Council Collections Policy be considered.

CARRIED

6.4 Friends of Campbelltown Arts Centre Inc. membership payment options

It was noted that there was no online membership registration, renewal and payment for the Friends of Campbelltown Inc.

Committee's Recommendation: (Grear/Kolkman)

That Council creates an online payment process for membership registration, renewal and payment to the Friends of Campbelltown Arts Centre Inc.

CARRIED

6.5 Rejuvenation of artworks at Campbelltown Train Station

It was noted that the public artwork by Blak Douglas around the Campbelltown train station is in need of maintenance and cleaning.

Committee's Recommendation: (Grear/Kolkman)

That the Executive Manager Creative Life investigate who is responsible for and request the rejuvenation of public artwork around the Campbelltown train station.

CARRIED

6.6 Distribution of catalogue documents

It was noted that Campbelltown Arts Centre holds a large number of internally produced catalogue documents that would be more beneficial being donated to libraries of local schools.

Committee's Recommendation: (Oates/Grear)

That the Executive Manager Creative Life present a report to a future Campbelltown Arts Centre Strategic Committee meeting outlining a distribution strategy of catalogue documents older than three years to local schools.

CARRIED

The next meeting of the Campbelltown Arts Centre Strategic Committee will be held on Wednesday 26 June 2019 at the Campbelltown Arts Centre.

Councillor Meg Oates
Chairperson

Meeting Concluded: 7.50pm

9. QUESTIONS WITH NOTICE

Nil

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

11.1 Legal Advice - Standard Contracts

Notice of Motion

Councillor Ben Gilholme has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 11 June 2019.

1. That legal advice be sought on making amendments, if necessary, to Council's existing standard contract clauses to provide for flexibility in tender contracts.

2. That a report be presented on the findings and any recommended changes.

11.2 Local Youth Art Showcase

Notice of Motion

Councillor Ben Gilholme has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 11 June 2019.

1. That Council investigate the feasibility of showcasing the art of local young people, in partnership with schools, at locations across the LGA, in Council facilities, including libraries.

2. That the outcome of the feasibility investigation be reported back to Council.

11.3 Pop Culture Convention Event

Notice of Motion

Councillor Ben Gilholme has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 11 June 2019.

1. That Council investigate the feasibility of a Pop Culture Convention event to be held in Campbelltown LGA.

2. That the outcome of the feasibility investigation be reported back to Council.

11.4 Women's Domestic Violence Service

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 June 2019.

1. That Council investigate the opportunity of facilitating the establishment of a women's domestic violence service, including the region's growing multicultural community, in partnership with interested corporate partners and relevant service providers.

2. That a report be provided detailing the outcomes of the investigations including potential corporate and service provision partners, project feasibility, location options, service delivery models and funding implications and strategies.

3. That consideration be given to holding a domestic violence forum.

11.5 Global Climate Change

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 11 June 2019.

1. That Council notes the recent IPCC Special Report giving a 12-year timeframe to limit global warming to less than 1.5 degrees Celsius.

2. That Council notes the recent IPBES Report warning of the potential for extinction of over a million species worldwide, partially due to climate change.

3. That Council notes the already-substantial impact of climate change on local liveability, resilience, agriculture and biodiversity, and the potential for future impacts.

4. That Council joins with 594 local and national governments worldwide in recognising a state of climate emergency, and commits to continued efforts through our sustainability and resilience programs to assist in efforts against global climate change.

12. URGENT GENERAL BUSINESS

13. PRESENTATIONS BY COUNCILLORS

14. CONFIDENTIAL REPORTS FROM OFFICERS

14.1 Appointment of Native Title Manager

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

personnel matters concerning particular individuals (other than Councillors).

14.2 Willowdale Precinct 15 Park Grant of Easement

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

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

14.3 Sale of Surplus Land

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

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

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SUPPLEMENTARY BUSINESS PAPER

2019

CAMPBELLTOWN CITY COUNCIL

11 June

COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BASIX	Building Sustainability Index Scheme
BC	Building Certificate
BCA	Building Code of Australia
BPB	Buildings Professionals Board
CLEP	Campbelltown Local Environmental Plan
CBD	Central Business District
CPTED	Crime Prevention Through Environmental Design
CSG	Coal Seam Gas
DA	Development Application
DCP	Development Control Plan
DDA	*Disability Discrimination Act 1992*
DPE	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA Act	*Environmental Planning and Assessment Act 1979*
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
FFTF	Fit for the Future
FSR	Floor Space Ratio
GRCCC	Georges River Combined Councils Committee
GSC	Greater Sydney Commission
HIS	Heritage Impact Statement
IDO	Interim Development Order
IPR	Integrated Planning and Reporting
KPoM	Koala Plan of Management
LEC	Land and Environment Court
LEC Act	*Land and Environment Court Act 1979*
LEP	Local Environmental Plan
LEP 2002	Local Environmental Plan 2002
LGA	Local Government Area
LG Act	*Local Government Act 1993*
LPP	Local Planning Panel
LTFP	Long Term Financial Plan
MSB	Mine Subsidence Board
NGAA	National Growth Areas Alliance
NOPO	Notice of Proposed Order
NSWH	NSW Housing
OEH	Office and Environment and Heritage
OLG	Office of Local Government, Department of Premier and Cabinet
OSD	On-Site Detention
OWMS	Onsite Wastewater Management System
PCA	Principal Certifying Authority
PoM	Plan of Management
POEO Act	*Protection of the Environment Operations Act 1997*
PMF	Probable Maximum Flood
PN	Penalty Notice
PP	Planning Proposal
PPR	Planning Proposal Request
REF	Review of Environmental Factors
REP	Regional Environment Plan
RFS	NSW Rural Fire Service
RL	Reduced Levels
RMS	Roads and Maritime Services (incorporating previous Roads and Traffic Authority)
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
SSD	State Significant Development
STP	Sewerage Treatment Plant
SWCPP	Sydney Western City Planning Panel (Regional Planning Panel)
TCP	Traffic Control Plan
TMP	Traffic Management Plan
TNSW	Transport for NSW
VMP	Vegetation Management Plan
VPA	Voluntary Planning Agreement

SECTION 149 CERTIFICATE - Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE - Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE - Certificate from Sydney Water regarding Subdivision

Urgent Items

ITEM	TITLE	PAGE
12.	**URGENT GENERAL BUSINESS**	**4**
12.1	Draft Local Strategic Planning Statement	4

12. URGENT GENERAL BUSINESS

12.1 Draft Local Strategic Planning Statement

Reporting Officer

Executive Manager City Growth and Strategy
City Growth

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.3 - Responsibly manage growth and development, with respect for the environment, heritage and character of our city

Officer's Recommendation

1. That the draft Local Strategic Planning Statement be endorsed for exhibition for a period not less than 28 days.

2. That a copy of the draft Local Strategic Planning Statement be sent to the Greater Sydney Commission as a part of the assurance process initiated by the Greater Sydney Commission.

3. That a further report be presented to Council at the completion of the public exhibition period detailing outcomes of exhibition.

Purpose

To provide Council an update on the progress of the Local Strategic Planning Statement (LSPS), and seek endorsement of the draft document for public exhibition.

History

The NSW Government have mandated that Councils prepare a LSPS to ensure alignment from State Government planning through to Local Government responses. Legislation has outlined that Councils in metropolitan Sydney are required to have their draft LSPS on public exhibition by 1 July 2019 and finalised by December 2019.

Report

The LSPS represents Council's 20 year vision for land use that is spatially based. It identifies special characteristics of the Local Government Area (LGA), shared community values, and is required to demonstrate Council's priorities and actions for managing growth and change over time (in a spatial sense). It should be noted that this is a new level of planning document and this is the first round of LSPS documents being drafted by Councils.

The LSPS will be Council's plan for our community's social, environmental and economic land use needs over the next two decades. It provides context and direction for land use decision making within the Campbelltown LGA. Its purpose is to:

- provide a 20 year land use vision for the Campbelltown LGA
- outline the characteristics that make our city special
- identify shared values to be enhanced or maintained
- direct how future growth and change will be managed
- prioritise changes to planning rules in the Local Environmental Plan (Campbelltown Local Environmental Plan 2015) and Council's Development Control Plans
- implement the Region and District Plans as relevant to the Campbelltown LGA
- identify where further detailed strategic planning may be needed.

The LSPS needs to respond to a number of key strategic documents produced by the Federal and NSW State Governments and Council. These documents include:

- Directions for a Greater Sydney 2017-2056
- Greater Sydney Region Plan – A Metropolis of Three Cities – Connecting People
- Building Momentum – State Infrastructure Strategy 2018-2036
- Future Transport Strategy 2056
- Our Greater Sydney 2056 – Western City District Plan – Connecting Communities
- Western Sydney City Deal – Vision, Partnership, Delivery
- Greater Macarthur 2040 (currently draft)
- Reimagining Campbelltown CBD Phase 1, strategic vision.

Importantly, the LSPS gives effect to the Western City District Plan, implementing the directions, priorities and relevant actions at a local level, and outlines how the range of plans listed above will initiate changes locally.

The LSPS must integrate with Council's Community Strategic Plan (CSP) which has a similar but broader role in setting out how Council will work to meet the needs of its community.

Campbelltown's CSP aims to deliver the following four key outcomes:

1. A vibrant, liveable city
2. A respected and protected natural environment
3. A thriving, attractive city
4. A successful city

The LSPS has adopted the CSPs four key themes as the same themes for the future of our City's land use. This will ensure a clear line of sight between these two important documents.

These four key themes also align closely with the 10 Directions for a Greater Sydney, the four areas of focus in the region and district plans, and the key commitments under the Western Sydney City Deal.

The LSPS needs to understand and reflect the future of the LGA ensuring that appropriate land based approaches will be identified and planned for. The Campbelltown CBD has long been considered as the regional centre for South West Sydney, providing jobs and higher order facilities, services and opportunities for the Macarthur area and beyond. We have also been identified as the gateway to Southern Sydney.

More recently, the Campbelltown-Macarthur Centre has been identified as one of four key metropolitan centres for Greater Sydney's Western Parkland City, along with the future Aerotropolis, and the existing centres of Liverpool and Penrith.

By 2036, our City's population is forecast to grow to between 233,000 and 275,778 (depending on whether the city experiences a moderate or high growth scenario). Council, in collaboration with the NSW Government, will need to provide new infrastructure, homes, jobs and services for the growing population, whilst protecting our City's unique natural environmental setting and values, respecting its heritage and diverse culture, its distinctive local character and identity. The LSPS planning priorities, strategic directions and actions provide the basis for decisions about how we will use our land resources and assets to achieve our community's broader goals. That is, the LSPS sets out a plan for how these needs can be met.

As previously indicated Council has had a short timeframe to produce this document. Once finalised and endorsed, the LSPS acts as the overarching strategic document adding strategic value to Council's land use documents and polices including Campbelltown's Local Environmental Plan and Development Control Plan. As such it is a statutory and technical document.

Formulating the LSPS

This document has been drafted with cross organisational input and represents a level of strategic land use document that has not previously existed.

During the drafting of this document significant work has gone into ensuring the development and alignment of actions, measures and priorities. Outcomes arising from a Councillor workshop in February 2019 also informed this element.

The draft LSPS has been developed based on information provided by our community during recent consultation on a number of related projects including:

- Campbelltown 2027 – Community Strategic Plan – Ambition, Innovation, Opportunity (2017) and related delivery mechanisms
- Council's Community/Customer Satisfaction Survey (2018)
- Reimagining Campbelltown CBD - Phase 1 (2018)
- Love Leumeah (2018)
- Love Ingleburn (2018-2019)
- Campbelltown City Branding and Identity Project (2019).
- It also draws on earlier community engagement in 2014 when the Campbelltown Local Environmental Plan 2015 (LEP) was being prepared, including issues that have been raised during consideration of other recent LEP amendments.

A LSPS team have worked on the document facilitated by the City Growth and Strategy team. Internal assurance and quality management of the content has been undertaken though the LSPS team, the Executive Team, Executive Managers, Managers and Officers, and a number of professional staff. The actions and measures contained within the document have an alignment with Council's strategic priorities and projects as well as the draft Delivery Program and Operational Plan. The document also references works that have been funded as a result of the LEP review. This level of input and alignment has assured Council of a strong and robust document that will give strategic oversight to land use planning.

Council staff have also worked with a number of State Government agencies during the drafting of this document including:

- The Department of Planning and Environment (12 March)
- The Greater Sydney Commission (2 April)
- Department of Planning and Environment (2 April)
- Roads and Maritime Services (2 April)
- Transport for NSW (2 April).

The City Growth and Strategy team have also worked to align the outcomes of the document to the LEP review, of which is currently underway.

The resultant LSPS has responded to the issues shown to resonate with our community through a number of recent high profile engagement processes as well as the themes outlined in the District Plan. This level of input reflects a clear alignment of the themes though the state agencies as well as the Council. The alignment of these has been carried through to the draft document and enabled a strategic position for land use.

Council was required to present a draft working of the document to the Greater Sydney Commission on 2 April 2019 as a part of their 'Assurance' functionality. This presentation on themes, alignment, actions, key works to date and vision acted as a checking process whereby Council could gain feedback on whether we were heading in the appropriate direction, and the Greater Sydney Commission (GSC) could audit our works to date.

During this assurance presentation Council obtained positive feedback on our draft works to date. Special mention was made of our proposed vision. The GSC indicated that this was a very strong and localised element of our work. Councillors may recall the LSPS briefing/workshop undertaken by the City Growth and Strategy team in February, the results of which have directly been reflected in the vision and document. It is this local and authentic voice that the GSC responded to.

Since this time we have been refining the document, checking on the actions and measures included, and ensuring alignment with other major projects such as Reimagining Campbelltown CBD Phase 2.

Next Steps

The next steps for the LSPS include:

- a public exhibition period commencing in June 2019 and running for a period no less than 28 days (we are proposing an exhibition period of approximately five and a half weeks)
- liaising with the GSC on the draft
- collating and responding to submissions
- providing feedback to Councillor's via a Councillor Briefing at the completion of the exhibition period
- reporting back to Council (post exhibition) seeking adoption of the final LSPS
- a final adopted LSPS is required to be sent to the GSC for final assurance ahead of the December deadline. It should be noted that the GSC will be reviewing our draft document while it is on exhibition. Feedback will be given to Council at this time if required. The GSC has also indicated that they require an "adopted', that is post exhibition, LSPS sent to them for review and sign off. It should be noted that should the GSC require changes to the document at this point, that re-exhibition may be required.

Attachments

1. Draft Local Strategic Planning Statement (Draft LSPS) (due to size) (distributed under separate cover)
2. Draft LSPS – Structure Plan Map (due to size) (distributed under separate cover)
3. Draft LSPS – Regional Context Map (due to size) (distributed under separate cover)
4. Draft LSPS – Estimated Dwelling Potential Map (due to size) (distributed under separate cover)
5. Draft LSPS – Glenfield to Macarthur Corridor Strategy Precincts Map (due to size) (distributed under separate cover)
6. Draft LSPS – The Complex Scenic Hills Landform Map (due to size) (distributed under separate cover)
7. Draft LSPS – Catchment Areas Map (due to size) (distributed under separate cover)
8. Draft LSPS – Existing Open Space Map (due to size) (distributed under separate cover)
9. Draft LSPS – Bushfire Map (due to size) (distributed under separate cover)

10. Draft LSPS – Centres and Existing Industrial Zoned Land Map (due to size) (distributed under separate cover)
11. Draft LSPS – Metropolitan and Supporting Centres Map (due to size) (distributed under separate cover)
12. Draft LSPS – Preliminary Reimagining Campbelltown Phase 2 & Collaboration Area Boundary Map (due to size) (distributed under separate cover)
13. Draft LSPS – Estimated Employment Growth Potential Map (due to size) (distributed under separate cover)
14. Draft LSPS – Existing Industrial Zoned Land Map (due to size) (distributed under separate cover)
15. Draft LSPS – Transport Connectivity Map (due to size) (distributed under separate cover)

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CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Ordinary Council Meeting held at 6.30pm on Tuesday, 11 June 2019.

ITEM	TITLE	PAGE
1.	**ACKNOWLEDGEMENT OF LAND**	**3**
2.	**APOLOGIES**	**3**
3.	**CONFIRMATION OF MINUTES**	**3**
3.1	Minutes of the Ordinary Meeting of Council held 14 May 2019	3
4.	**DECLARATIONS OF INTEREST**	**4**
	Pecuniary Interests	
	Non Pecuniary – Significant Interests	
	Non Pecuniary – Less than Significant Interests	
	Other Disclosures	
5.	**MAYORAL MINUTE**	**5**
5.1	Emergency Services Levy Increase	5
6.	**PETITIONS**	**6**
7.	**CORRESPONDENCE**	**6**
	Nil	
8.	**REPORTS FROM OFFICERS**	**6**
8.1	Koshigaya Sister City Relationship 35 year Anniversary	6
8.2	Development Application Status	6
8.3	Review of the Access to the NSW Roads and Maritime Service's Driver and Vehicle Information System (DRIVES) Policy	7
8.4	Draft Voluntary Planning Agreement - Claymore Renewal Project	7
8.5	Planning Proposal - 71 St Andrews Road, Varroville	7
8.6	Review of the Management of Feral and Infant Companion Animal Policy	8
8.7	Review of Second Hand Clothing Bins Policy	9
8.8	Greater Macarthur Koala Partnership Forum	9
8.9	Planning Proposal 556/2019E-PP - Prohibition of Multi Dwelling Housing in the R2 Low Density Residential Zone	9
8.10	Planning Proposal 22 - 32 Queen St Campbelltown	10

8.11	Proposed Biodiversity Certification Process Mount Gilead Stage 2	11
8.12	Request for Exclusive Use of Leisure Centres	11
8.13	Investments and Revenue Report - April 2019	12
8.14	Sundry Debtor Write-offs June 2019	12
8.15	Code of Meeting Practice - Post Exhibition Report	12
8.16	Councillors Access to Information and Interaction with Staff Policy	12
8.17	Reports and Letters Requested	13
8.18	Minutes of the Audit Risk and Improvement Committee Report	13
8.19	Minutes of the Campbelltown Arts Centre Strategic Committee Report	13
9.	**QUESTIONS WITH NOTICE**	**14**
	Nil	
10.	**RESCISSION MOTION**	**14**
	Nil	
11.	**NOTICE OF MOTION**	**14**
11.1	Legal Advice - Standard Contracts	14
11.2	Local Youth Art Showcase	15
11.3	Pop Culture Convention Event	15
11.4	Women's Domestic Violence Service	15
11.5	Global Climate Change	16
12.	**URGENT GENERAL BUSINESS**	**16**
12.1	Draft Local Strategic Planning Statement	16
13.	**PRESENTATIONS BY COUNCILLORS**	**17**
14.	**CONFIDENTIAL REPORTS FROM OFFICERS**	**19**
	Confidentiality Recommendation	
	Recommendations of the Confidential Committee	
14.1	Appointment of Native Title Manager	20
14.2	Willowdale Precinct 15 Park Grant of Easement	20
14.3	Sale of Surplus Land	20

Minutes of the Ordinary Meeting of the Campbelltown City Council held on 11 June 2019

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 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 Greiss, **Seconded** Councillor Thompson:

That an apology from Councillor P Lake be received and accepted.

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

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

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held 14 May 2019

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

That the Minutes of the Ordinary Council Meeting held 14 May 2019, copies of which have been circulated to each Councillor, be taken as read and confirmed.

090 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 Greiss – Item 8.5 – Planning Proposal – 71 St Andrews Road, Varroville. Councillor Greiss advised he is a member of the Sydney Western City Planning Panel and that he will leave the chamber.

Councillor Lound – Item 8.5 – Planning Proposal – 71 St Andrews Road, Varroville. Councillor Lound advised he is a member of the Sydney Western City Planning Panel and that he will leave the chamber.

Councillor Oates – Item 8.5 – Planning Proposal – 71 St Andrews Road, Varroville. Councillor Greiss advised she is an alternate member of the Sydney Western City Planning Panel and that she will leave the chamber.

Councillor Greiss – Item 8.10 – Planning Proposal 22 - 32 Queen St Campbelltown. Councillor Greiss advised he is a member of the Sydney Western City Planning Panel and that he will leave the chamber.

Councillor Lound – Item 8.10 – Planning Proposal 22 - 32 Queen St Campbelltown. Councillor Lound advised he is a member of the Sydney Western City Planning Panel and that he will leave the chamber.

Councillor Oates – Item 8.10 – Planning Proposal 22 - 32 Queen St Campbelltown. Councillor Oates advised she is an alternate member of the Sydney Western City Planning Panel and that she will leave the chamber.

Non Pecuniary – Less than Significant Interests

Nil

Other Disclosures

Nil

5. MAYORAL MINUTE

5.1 Emergency Services Levy Increase

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

1. That Council notes:
    a. That last December, the NSW Government enacted laws to provide better workers compensation coverage for firefighters who are diagnosed with one of twelve specific work-related cancers
    b. That in many areas of NSW, fire services are made up of elected and staff members of local government, and that local governments strongly support this expanded workers compensation scheme
    c. That as a result of these changes, the State Government has decided to implement the new scheme by charging local governments an increased Emergency Services Levy, without consultation
    d. That the expected increase in costs to local governments will be $19m in the first year alone, and that there is little or no time to enshrine this charge in Council's 2019-2020 budgets
    e. That Local Government NSW has long advocated for the Emergency Services Levy to be significantly modified to ensure it is transparent, equitable and accountable.

2. That Council supports Local Government NSW's calls for:
    a. the NSW Government to cover the initial additional $19m increase to local governments for the first year and
    b. the NSW Government to work with NSW local governments to redesign the funding mechanism for the scheme to ensure fairness into the future.

3. That Council requests that the General Manager liaise with Local Government NSW to provide information on:
    a. The impact on council budgets and
    b. Council advocacy actions undertaken.

4. That Council requests that the Mayor:
    a. write to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Customer Services, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and local state member/s to:
        i. call upon the NSW Government to fund the 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated
        ii. explain how this sudden increase will impact council services / the local community.
        iii. highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018
        iv. explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector
        v. ask the Government to work with local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future.

5. That Council copy the above letter to Local Government NSW.

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

6. PETITIONS

7. CORRESPONDENCE

Nil

8. REPORTS FROM OFFICERS

8.1 Koshigaya Sister City Relationship 35 year Anniversary

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

1. The Council accepts the invitation for the Mayor and General Manager to visit Koshigaya in August to mark the 35th anniversary of the sister city relationship.

2. The Council covers the cost of airfares and accommodation of the Mayor, General Manager and Executive Officer associated with this visit.

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

8.2 Development Application Status

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

That the information be noted.

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

8.3 Review of the Access to the NSW Roads and Maritime Service's Driver and Vehicle Information System (DRIVES) Policy

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

1. That the revised Access to the NSW Roads and Maritime Service's Driver and Vehicle Information System (DRIVES) Policy as attached to this report be adopted.

2. That the Access to the NSW Roads and Maritime Service's Driver and Vehicle Information System (DRIVES) Policy review date be set at 30 June 2021.

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

8.4 Draft Voluntary Planning Agreement - Claymore Renewal Project

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

1. That Council authorise the General Manager to execute the draft Voluntary Planning Agreement with NSW Land and Housing Corporation on behalf of Council.

2. That Council authorise the General Manager to execute a Deed of Compensation and Acquisition generally in accordance with the draft Section 30 Agreement attached to this report.

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, W Morrison, B Thompson and G Greiss.

Voting against the Resolution were Councillor B Moroney.

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

Meeting note: Having declared an interest in Item 8.5 Councillor Greiss, Councillor Lound and Councillor Oates left the Chamber at 6:44pm and did not take part in the discussion or vote on the matter.

8.5 Planning Proposal - 71 St Andrews Road, Varroville

Meeting note: Mr Gerard Turrisi addressed the meeting.

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

1. That Council forward the Planning Proposal for property No. 71 St Andrews Road,

Varroville as attached to this report (attachment 1) to the Department of Planning and Environment seeking endorsement for Gateway Determination, noting the following changes from the proponent's request:

a) The proposed minimum lot size be increased from 300sqm to 420sqm.

b) The proposed area of retained land zoned E3 Environmental Management be zoned Part E2 Environmental Protection and part R2 Low Density Residential.

2. That should the Minister determine under Section 3.3.4 (2) of the *Environmental Planning and Assessment Act 1979* that the matter may proceed without significant amendment to the Proposal, Council publicly exhibit the Planning Proposal in accordance with the Gateway Determination.

   That Council not exercise, via the General Manager the functions of the Minister for Planning under section 3.31(3)(b) of the *Environmental Planning and Assessment Act 1979*, pursuant to the instrument of delegation dated 20 November 2012, due to the proposals inconsistency with the objectives of the Metropolitan Rural Area as contained in the Greater Sydney Region Plan 2018.

3. That following the exhibition, a report on submissions be presented to Council.

A Division was recorded in regard to the Resolution for Item 8.5 with those voting for the Motion being Councillors K Hunt and W Morrison.

Voting against the Resolution were Councillors G Brticevic, M Chowdhury, R Manoto, B Gilholme, M Chivers, B Moroney and B Thompson.

The motion on being Put was **LOST**.

Meeting note: At the conclusion of the discussion regarding Item 8.5 Councillor Greiss, Councillor Lound and Councillor Oates returned to the Chamber at 6:52pm.

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

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

1. That the revised Management of Feral and Infant Companion Animal Policy as attached to this report be adopted.

2. That the Management of Feral and Infant Companion Animal Policy review date be set at 30 June 2021.

Councillor Moroney noted his vote against Item 8.6.

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

8.7 Review of Second Hand Clothing Bins Policy

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

1. That the revised Second Hand Clothing Bins Policy as attached to this report be adopted.

2. That the Second Hand Clothing Bins Policy review date be set at 30 June 2021.

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

8.8 Greater Macarthur Koala Partnership Forum

Meeting note: Mr Barry Durman addressed the meeting.

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

1. That Council note the identification of priority issues contained within the consultants Outcomes report.

2. That all attendees of the Koala Partnership Forum be acknowledged via the issuing of a thankyou letter.

3. That the Outcomes report be posted on Council's website and circulated to all Forum attendees, relevant agencies and institutions.

4. That representations be made to the relevant Federal, State and Local members of parliament in support of the priority issues identified.

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

8.9 Planning Proposal 556/2019E-PP - Prohibition of Multi Dwelling Housing in the R2 Low Density Residential Zone

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

1. That Council forward draft Planning Proposal 556/2019/E-PP to the Minister for Planning for finalisation pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

2. That all those who provided a submission to Council in response to the public exhibition of the draft Planning Proposal be advised of Council's decision.

A Division was recorded in regard to the Resolution for Item 8.9 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme, M Chivers, B Moroney, W Morrison, B Thompson and G Greiss.

Voting against the Resolution were Nil.

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

Meeting note: Having declared an interest in Item 8.10 Councillor Greiss, Councillor Lound and Councillor Oates left the Chamber at 7:06pm and did not take part in the discussion or vote on the matter.

8.10 Planning Proposal 22 - 32 Queen St Campbelltown

Meeting note: Mr Matthew Daniel addressed the meeting.

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

1. That Council endorse option two within the report and the draft planning proposal at attachment 3 to increase the height limit at 22 - 32 Queen St, Campbelltown and introduce other planning controls as detailed in this report and submit it to the Department of Planning and Environment seeking a Gateway Determination.

2. That subject to the Gateway Determination and prior to public exhibition, a further report be presented to Council with a draft development control plan for the site.

A Division was recorded in regard to the Resolution for Item 8.10 with those voting for the Motion being Councillors G Brticevic, M Chowdhury, K Hunt, R Manoto, B Gilholme, M Chivers, W Morrison and B Thompson.

Voting against the Resolution were Councillor B Moroney.

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

Meeting note: At the conclusion of Item 8.10 Councillor Greiss, Councillor Lound and Councillor Oates returned to the Chamber at 7:26pm.

8.11 Proposed Biodiversity Certification Process Mount Gilead Stage 2

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

1. That Council support the making of an application for Biodiversity certification for Mount Gilead Stage 2 under the provisions of the repealed *Threatened Species Conservation Act 1995* (as saved by the Minister for the Environment's order under clause 37(2) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017).

2. Prior to making a formal application, a further report be presented to Council which is to include a draft Biodiversity Certification Assessment Report and the Bio-Certification Strategy for the Council's evaluation.

3. That a letter be sent to the Department of Planning and Infrastructure noting our previous stated objections to the state Governments treatment of Beulah and Noorumba reserves and seek commitment that future bio banking sites will remain accessible to local wildlife populations.

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

8.12 Request for Exclusive Use of Leisure Centres

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

1. That Council approve exclusive use of Gordon Fetterplace Aquatic Centre and Macquarie Fields Leisure Centre for swimming carnivals including:

    i) Club carnival as requested by Campbelltown Amateur Swimming Club on 11 August 2019.

    ii) Regional carnival for primary and high schools as requested by Sydney South West School Sport Association on 9 and 10 March 2020.

    iii) Up to 10 Primary and high school swimming carnivals as requested between October 2019 and March 2020.

2. That Council notify impacted swim school program customers upon enrolment.

3. That the swimming carnival dates be advertised by way of:

    i) A large notice displayed in a prominent position at the entrance of each Council Leisure Centre.

    ii) Provision of information leaflets at each Leisure Centre.

    iii) Notification on Council's website and social media pages.

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

8.13 Investments and Revenue Report - April 2019

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

That the information be noted.

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

8.14 Sundry Debtor Write-offs June 2019

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

That the sundry debtors as listed in the attachment totalling $14,307.56 be written off as uneconomical to recover.

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

8.15 Code of Meeting Practice - Post Exhibition Report

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

1. That the Code of Meeting Practice shown as an attachment to this report be adopted.
2. That the review date for the Code of Meeting Practice be set at 30 September 2021.

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

8.16 Councillors Access to Information and Interaction with Staff Policy

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

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.

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

8.17 Reports and Letters Requested

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

That the information be noted.

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

8.18 Minutes of the Audit Risk and Improvement Committee Report

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

That the minutes of the Audit Risk and Improvement Committee held 21 May 2019 be noted.

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

8.19 Minutes of the Campbelltown Arts Centre Strategic Committee Report

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

1. That the minutes of the Campbelltown Arts Centre Strategic Committee held 3 April 2019 be noted.

2. That Council work with the Friends of Campbelltown Arts Centre Inc. and local artists to promote practices through various digital platforms.

3. That Council refer to the 2020 Bicentennial Committee for investigation as a potential project, the creation of a monument/sculpture representing Fisher's Ghost.

4. That Council refer to the 2020 Bicentennial Committee for investigation as a potential project to assist in the production of Yvonne Line’s quilt.

5. That Council creates an online payment process for membership registration, renewal and payment to the Friends of Campbelltown Arts Centre Inc.

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

9. QUESTIONS WITH NOTICE

Nil

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

11.1 Legal Advice - Standard Contracts

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

1. That legal advice be sought on making amendments, if necessary, to Council's existing standard contract clauses to ensure they are providing the best value and flexibility for rate payers of Campbelltown.

2. That a report be presented on the findings and any recommended changes.

An **Amendment** was **Moved** Councillor Greiss, **Seconded** Councillor Thompson:

That we invite a legal expert in contract law to provide a briefing to Council in relation to tenders and contract law and Council's rights and responsibilities under the appropriate legislation.

The Amendment on being Put was **LOST**.

A Division was recorded in regard to the Resolution for Item 11.1 with those voting for the Motion being Councillors M Oates, M Chowdhury, K Hunt, W Morrison, B Thompson and G Greiss.

Voting against the Resolution were Councillors G Brticevic, D Lound, R Manoto, B Gilholme, M Chivers and B Moroney.

Note: the Mayor used his casting vote.

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

11.2 Local Youth Art Showcase

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

1. That Council investigate the feasibility of partnering with schools to showcase the art of local young people at locations across the LGA, such as Council libraries, or any other participating facilities.
2. That the outcome of the feasibility investigation be reported back to Council.

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

11.3 Pop Culture Convention Event

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

1. That Council investigate the feasibility of a Pop Culture Convention event to be held in Campbelltown LGA.
2. That the outcome of the feasibility investigation be reported back to Council.

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

11.4 Women's Domestic Violence Service

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

1. That Council investigate the opportunity of facilitating the establishment of a women's domestic violence service, including the region's growing multicultural community, in partnership with interested corporate partners and relevant service providers.
2. That a report be provided detailing the outcomes of the investigations including

potential corporate and service provision partners, advise relevant Government bodies, project feasibility, location options, service delivery models and funding implications and strategies.

3. That consideration be given to holding a domestic violence forum.

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

11.5 Global Climate Change

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

That a report and briefing be provided to Council detailing the IPCC and IPBES reports and what actions other Councils have taken in regards to declarations of climate emergency.

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

12. URGENT GENERAL BUSINESS

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

That the following item of Urgent General Business be accepted.

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

12.1 Draft Local Strategic Planning Statement

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

1. That the draft Local Strategic Planning Statement be endorsed for exhibition for a period not less than 28 days.

2. That a copy of the draft Local Strategic Planning Statement be sent to the Greater Sydney Commission as a part of the assurance process initiated by the Greater Sydney Commission.

3. That a further report be presented to Council at the completion of the public exhibition period detailing outcomes of exhibition.

A Division was recorded in regard to the Resolution for Item 12.1 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme, M Chivers, B Moroney, W Morrison, B Thompson and G Greiss.

Voting against the Resolution were Nil.

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

13. PRESENTATIONS BY COUNCILLORS

1. Councillor Ben Moroney on 28 April attended the University of NSW Jewish Board of Deputies memorial service for the Holocaust Martyrs' and Heroes' Remembrance Day. The service was a day of remembrance with the message taken away being never again. Councillor Moroney shared a prayer in honour of the martyred dead with Council in Hebrew.

2. Councillor George Greiss on 17 May attended the Macarthur Young Champions Award. Councillor Greiss was honoured to present the Leadership Award and passed on his congratulations to all.

3. Councillor Bob Thompson passed on this thanks to all Council staff for their work in producing all the reports for the June Council meeting. Councillor Thompson thanked the staff for all the assistance they provide to him and the community.

4. Councillor Warren Morrison on 15 May attended the HJ Daley Library for the opening of refurbished entrance. Councillor Chivers opened the event and Councillor Morrison thanked the library staff for their efforts.

5. Councillor Warren Morrison on 24 May attended National Sorry Day at The Australian Botanical Garden, Mount Annan. Councillor Gilholme gave a moving speech. After the ceremony, the attendees walked through the Stolen Generations Gardens where Uncle Darryl shared stories of the stolen generation.

6. Councillor Warren Morrison on 31 May attended the Reconciliation Action Plan launch. Councillor Morrison passed on his congratulations to Council staff for a wonderful event. Councillor Morrison gave a special mention to Hamani Tanginoa who shared his singing talents with the attendees. Hamani is a great example of the wonderful talent we have in the local area.

7. Councillor Warren Morrison with Councillor Gilholme on 5 June attended Ingleburn Public School for the Parent-Child Interaction Therapy. The program is a skills based clinic, that has been organised in partnership with University of NSW. Councillor Morrison passed on his thanks to the principal, Graeme Green and Katerina Dolezalova who coordinated the day.

8. Councillor Warren Morrison attended the Macarthur Multicultural Children's Festival at Koshigaya Park. The festival included rides, games and had Children's' awards that came from nominations from the parents.

9. Councillor Darcy Lound on 1 June attended the Kids of Macarthur Health Foundation Annual Ball. The Ball was a successful event, with over $100,000 being raised for paediatric health care at Campbelltown Hospital.

10. Councillor Darcy Lound on 8 June attended the opening of the U15, U17s and Senior Women's 2019 State Netball Titles at Coronation Park, Minto. Councillor Lound congratulated Campbelltown District Netball Association for a wonderful event that included a march past, injecting lots of colour and atmosphere.

11. Councillor Margaret Chivers on 17 May attended Campbelltown Art Centre for the opening night of the exhibition 'Okay Democracy, We Need to Talk'. Councillor Chivers encouraged everyone to attend as it is a fantastic exhibition. Councillor Chivers passed on her thanks to Adam Porter, the curator, who guided her though the exhibition and spoke about each piece sharing his knowledge.

12. Councillor Ben Gilholme on 24 May attended Sorry Day at The Australian Botanic Garden. Uncle Darryl, Uncle Ivan and Aunty Glenda were present. The day remembered saddening and rewarding events that Aboriginals have had to go through. Councillor Gilholme passed on his thanks to City Lifestyles and Deb McCall.

13. Councillor Ben Gilholme on 29 May attended Making the Connection - a Campbelltown STEAM (Science Technology Engineering Arts Mathematics) event at the Ingham Institute. The event was a collaboration between Council, South West Sydney Local Health District and the Ingham Institute. The event was an opportunity for students from local high schools to learn about the wide variety of careers available in the health industry.

14. Councillor Ben Gilholme on 2 June attended the Hume Region Scouts AGM. Councillor Gilholme was a former Cub and was honoured to be asked by the Regional Commissioner to step in as the Regional President for the area. Councillor Gilholme is excited to watch the numbers of children in the area involved in Scouts grow.

15. Councillor Ben Gilholme on 5 June attended the Ingleburn Public School for the launch of the Parent-Child Interaction Therapy. The program is one of the most effective programs for managing emotional and behavioural problems in children. Ingleburn Public School hosted the world's first school-based clinic. Councillor Gilholme thanked the staff for their hard work behind the scenes to help.

16. Councillor Ben Gilholme on 7 June attended Speaking 4 the Planet at Mount Annan Botanic Gardens. Students shared their solutions to improve our environment with solutions on how to address air quality as South-West Sydney has the highest rate of asthma.

17. Councillor Masood Chowdhury shared that Ramadan finished on 4 June with the celebration of Eid Muberak. To celebrate the end of Ramadan, those of the Muslim faith shared food and visited family.

18. The Mayor, Councillor Brticevic attended with Councillor Chowdhury the Australian Muslim Welfare Centre at El Fasial College to celebrate Eid and the end of Ramadan. The event was well attended and marked an important event in the Muslim calendar.

19. The Mayor, Councillor Brticevic attended the Reconciliation Action Plan launch on 31 May at Campbelltown Arts Centre. Councillor Brticevic thanked Deb McCall for her assistance.

20. The Mayor, Councillor Brticevic with Councillor Chivers on 3 June attended the Rotary Youth Excellence Awards. Councillor Brticevic passed on his congratulation to all recipients.

21. The Mayor, Councillor Brticevic with Councillor Lound on 8 June attended the Macarthur Football Association, City vs Country women's and men's games. Councillor Brticevic commented on the great crowd and atmosphere at both games and the great interactions he had with the crowd. Councillor Brticevic passed on his thanks to the Board and General Manager who worked really hard to create such a successful event.

14. CONFIDENTIAL REPORTS FROM OFFICERS

Confidentiality Recommendation

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

1. That this Ordinary Meeting of Council be adjourned and reconvened as a meeting of the Confidential Committee for discussion of items 14.1, 14.2 and 14.3 which are considered to be confidential in accordance with Section 10A(2) of the *Local Government Act 1993*, as indicated below:

   Item 14.1 Appointment of Native Title Manager
   Item 14.1 is confidential in accordance with Section 10A(2)(a) of the *Local Government Act 1993* as the report refers to personnel matters concerning particular individuals (other than Councillors).

   Item 14.2 Willowdale Precinct 15 Park Grant of Easement
   Item 14.2 is confidential in accordance with Section 10A(2)(c) of the *Local Government Act 1993* as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

   Item 14.3 Sale of Surplus Land
   Item 14.3 is confidential in accordance with Section 10A(2)(c) of the *Local Government Act 1993* as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

2. Council considers that discussion of the business in open meeting would be, on balance, contrary to the public interest.

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

The Ordinary Meeting of Council was adjourned at 9.42pm and reconvened as a meeting of the Confidential Committee at 9.43pm.

Recommendations of the Confidential Committee

14.1 Appointment of Native Title Manager

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

That Council endorses the appointment of the individual named in the Conclusion section of this report as Council's Native Title Manager.

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

14.2 Willowdale Precinct 15 Park Grant of Easement

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

1. That Council approve the granting of an easement to Sydney Water Corporation situated at Lot 1501 DP 1218623 forming part of the Leppington East Precinct within the Campbelltown Local Government Area.

2. That once resolution is granted the easement on title is lodged for registration at NSW Land Registry Service.

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

14.3 Sale of Surplus Land

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

That Council approve the creation of an easement for access over the property described below, on the terms and conditions outlined in this report.

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

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

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

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

At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 9.44pm

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

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

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

There being no further business the meeting closed at 9.45pm.

Confirmed by Council on

..... General Manager ..... Chairperson

CONFIRMATION OF COUNCIL'S ORDINARY MEETING MINUTES

At the Council Meeting held 9 July 2019 the following Council minutes were adopted:

There being no further business at the meeting of 11 June 2019, the meeting closed at 9.45pm.

Confirmed by the Chairperson: