

# 2018

ORDINARY BUSINESS PAPER

CAMPBELLTOWN CITY COUNCIL



11 December

## COMMON ABBREVIATIONS

ACF	Animal Care Facility
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	<i>Environmental Planning and Assessment Act 1979</i>
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FA	NSW Food Authority
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
IHAP	Independent Hearing and Assessment Panel
IPR	Integrated Planning and Reporting
JRPP	Joint Regional Planning Panel
KPoM	Koala Plan of Management
LEC	Land and Environment Court
LEC Act	<i>Land and Environment Court Act 1979</i>
LEP	Local Environmental Plan
LEP 2002	Local Environmental Plan 2002
LGA	Local Government Area
LG Act	<i>Local Government Act 1993</i>
LPP	Local Planning Panel
LTFP	Long Term Financial Plan
MACROC	Macarthur Regional Organisation of Councils
MSB	Mine Subsidence Board
NGAA	National Growth Areas Alliance
NOPO	Notice of Proposed Order
NSWH	NSW Housing
OEH	Office of 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	<i>Protection of the Environment Operations Act 1997</i>
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
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 December 2018

You are hereby notified that the next Ordinary Council Meeting will be held at the Civic Centre, Campbelltown on Tuesday 11 December 2018 at 6.30pm.

Lindy Deitz  
General Manager

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## **1. ACKNOWLEDGEMENT OF LAND**

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

## **2. APOLOGIES**

Nil at time of print.

### **3. CONFIRMATION OF MINUTES**

#### **3.1 Minutes of the Ordinary Meeting of Council held 13 November 2018**

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

That the Minutes of the Ordinary Meeting of Council held 13 November 2018, copies of which have been circulated to each Councillor, be taken as read and confirmed.

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##### **Report**

That the Minutes of the Ordinary Meeting of Council held 13 November 2018 are presented to Council for confirmation.

##### **Attachments**

1. Minutes of the Ordinary Meeting of Council held 13 November 2018 (contained within this report)

# CAMPBELLTOWN CITY COUNCIL

## Minutes Summary

**Ordinary Council Meeting held at 6.30pm on Tuesday, 13 November 2018.**

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## Minutes of the Ordinary Meeting of the Campbelltown City Council held on 13 November 2018

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**Present**           The Mayor, Councillor G Brticevic  
                           Councillor M Chivers  
                           Councillor M Chowdhury  
                           Councillor B Gilholme  
                           Councillor K Hunt  
                           Councillor D Lound  
                           Councillor R Manoto  
                           Councillor B Moroney

### 1.     **ACKNOWLEDGEMENT OF LAND**

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

#### **Council Prayer**

The Council Prayer was presented by the Acting General Manager.

### 2.     **APOLOGIES**

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

That the apology from Councillor R George, Councillor G Greiss, Councillor P Lake, Councillor W Morrison, Councillor M Oates and Councillor B Thompson be received and accepted.

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

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

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### 3.     **CONFIRMATION OF MINUTES**

#### **3.1    Minutes of the Extraordinary Meeting of Council held 9 October 2018**

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

That the Minutes of the Extraordinary Council Meeting held 9 October 2018, copies of which have been circulated to each Councillor, be taken as read and confirmed.

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

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### 3.2 Minutes of the Ordinary Meeting of Council held 9 October 2018

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

That the Minutes of the Ordinary Council Meeting held 9 October 2018, copies of which have been circulated to each Councillor, be taken as read and confirmed.

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

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### 3.3 Minutes of the Extraordinary Meeting of Council held 30 October 2018

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

That the Minutes of the Extraordinary Council Meeting held 30 October 2018, copies of which have been circulated to each Councillor, be taken as read and confirmed.

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

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## 4. DECLARATIONS OF INTEREST

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

### **Pecuniary Interests**

Nil

### **Non Pecuniary – Significant Interests**

Nil

### **Non Pecuniary – Less than Significant Interests**

Nil

### **Other Disclosures**

Nil

## 5. MAYORAL MINUTE

## 6. PETITIONS

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## 7. CORRESPONDENCE

### 7.1 Spraying of Noxious Weeds on the M31

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

That the letter be received and the information be noted.

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

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### 7.2 Supporting Drought Relief - Coonamble Shire Council

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

That the letter be received and the information be noted.

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

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## 8. REPORTS FROM OFFICERS

### 8.1 Drought relief assistance to Wollondilly

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

1. That Council support the Dilly Drought Drive through fundraising opportunities at a range of upcoming Council events, with all funds raised matched dollar for dollar
2. That the matched funding provided by Council be capped at \$5,000.

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

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## 8.2 Assisting Koala Carers with the Management of Koala Food

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

That Council provide, on formal request, a 240L garden organics bin free of charge to registered koala carers residing in the Campbelltown Local Government Area holding a valid licence issued by the National Parks and Wildlife Service, to assist with the disposal of organic waste arising from their carer duties.

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

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## 8.3 Household E-Waste Drop Off Event

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

1. That the report be received and noted.
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.

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

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## 8.4 Status of Applications

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

That the information be noted.

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

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## 8.5 Fred Borg Memorial

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

That Council approves to permanently locate the memorial in the garden bed that separates the Athletics Stadium from Campbelltown Stadium as a permanent reminder of the great work undertaken by Fred Borg in founding the 24hr Fight Against Cancer Macarthur which has an annual walkathon event located nearby.

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

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## 8.6 Additional bus services for Blaxland Road and Parkside Crescent, Campbelltown

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

1. That Council approve an additional bus stop in Badgally Road near the intersection with Blaxland Road.
2. That a strategy be developed for the provision of additional CBD bus services to be considered as part of the Reimagining Campbelltown CBD Phase 2.

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

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## 8.7 Tree Request Line

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

That the information be noted.

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

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## 8.8 Policy - Library Collection Development

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

1. That the Library Collection Development Policy as attached to this report be adopted.
2. That the Library Collection Development Policy review date be set at 30 November 2020.

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

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## 8.9 Reports and Letters Requested

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

That the information be noted.

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

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## 8.10 2019 Council Meeting Calendar

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

That consideration of the 2019 Council meeting calendar be deferred to the December Council meeting.

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

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## 8.11 Investment and Revenue Report - September 2018

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

That the information be noted.

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

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## 8.12 Quarterly Budget Review Statement as at 30 September 2018

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

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

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

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## 8.13 Proposed Naming of Parks in the Willowdale Residential Development

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

1. That Council submit an application to the Geographical Names Board of NSW to have Dingu Park, Durelle Park, Ngungi Nguru Park and Yirran Burraay Park assigned as the geographical names of four parks in the Willowdale residential development.
2. That consideration be given to conducting a community event in connection with the naming of these parks to raise awareness of the local Aboriginal heritage

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

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### 8.14 T18/24 City Identity and Brand Strategy

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

1. That Council decline to accept all tenders for the city identity and brand strategy.
2. That Council enter into negotiations with Principals Pty Ltd.
3. That the unsuccessful Tenderers be notified of the result of the tender process.

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

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### 8.15 Resilient Campbelltown

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

1. That Council note the development of a Resilience Strategy for the Campbelltown CBD utilising the foundations of the Resilient Sydney Strategy as part of the Reimagining Campbelltown CBD Phase 2.
2. That the Resilience Strategy for the Campbelltown CBD guide the delivery of enhanced resilience outcomes across the wider City of Campbelltown Local Government Area.
3. That Council provide on-going support, and actively participate in the 35 actions and flagship items contained within the Resilient Sydney Strategy as resources allow.

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

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### 8.16 Urban heat initiatives and opportunities

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

1. That the information regarding Council's involvement in urban heat initiatives be noted.
2. That \$40,000 is sourced from Council's corporate sustainability reserve to enable participation in the project titled Data collection of the outdoor thermal environment.
3. That Council supports and participates in the implementation of the Resilient Sydney Strategy.

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

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## 8.17 2017-2018 Annual Report

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

That Council endorse the 2017-2018 Annual Report.

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

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## 9. QUESTIONS WITH NOTICE

Nil

## 10. RESCISSION MOTION

Nil

## 11. NOTICE OF MOTION

Nil

## 12. URGENT GENERAL BUSINESS

Nil

## 13. PRESENTATIONS BY COUNCILLORS

1. Councillor Margaret Chivers along with Councillor Lound and Councillor Hunt attended The Silver Coin Project Charity Ball on 3 November. The Charity Ball is a fundraiser for The Silver Coin Project which provides basic school needs such as shoes, uniforms and lunches to disadvantaged school students allowing them to concentrate on learning.
2. Councillor Margaret Chivers attended the Lion's Club, Lions Youth of the Year award on 7 November. Five schools were represented by a senior student who gave a speech and delivered an impromptu talk. Councillor Chivers shared with Council one of the speeches delivered by one finalist, Bailey and how moving it was that he shared his personal story to help others.
3. Councillor Margaret Chivers on 10 November attended the Fisher's Ghost Street Fair. Councillor Chivers, noted how lovely it was with Queen Street and Mawson Park buzzing with people and stalls. There was a very happy community atmosphere with the animal petting zoo a real favourite. Councillor Chivers thanked Council staff for organising this wonderful event.

4. Councillor Ben Gilholme attended Kentlyn Public School on 15 October to open the new resurfaced car park. Councillor Gilholme thanked the P&C Committee for their hard work noting that the resurfaced car park has now eliminated trip hazards.
5. Councillor Ben Gilholme attended International Games Week on 3 November at HJ Daley Library. Councillor Gilholme shared how he got 'his nerd on' and had fun joining in with locals. Councillor Gilholme thanked the staff at all the libraries for their dedication to this event.
6. Councillor Ben Gilholme attended the Fisher's Gig 2018 at Bradbury Park on 3 November which was a great opportunity to help promote local talent and support young people in the area. Councillor Gilholme thanked Council and the Youth Entertainment Reference Group for supporting this event.
7. Councillor Ben Gilholme attended the Pokémon GO Event! at Mawson Park. Councillor Gilholme thanked the Macarthur Pokémon GO community for taking part in this event.
8. Councillor Ben Gilholme on 11 November attended the Fisher's Ghost Carnival, Quiet Carnival Hour at Bradbury Oval. The event catered for adults, youth and children with disabilities and their carers and provided a quiet atmosphere with a limited numbers of attendees, less lights and sounds from rides, no PA announcements and quiet sensory activities. Councillor Gilholme hopes this is something that can continue next year.
9. Councillor Rey Manoto on 10 November attended the St Vincent de Paul (Vinnies) Warby Street centre where he was joined by the guest speaker, Alex Popov from Vinnies at Wollongong, Patrick Jordan, Campbelltown's Regional President and Jane Willoughby, the centre's supervisor and to celebrate 25 years of Vinnies being in Campbelltown. Councillor Manoto thanked the staff and volunteers at Vinnies for providing support to the Campbelltown residents.
10. Councillor Darcy Lound on 10 November attended Minto Fruit Orchard to celebrate their 21st birthday. The fruit shop is a family owned business and Councillor Lound passed on his thanks to the family for staying in the area and providing the residents with fresh fruit and vegetables.
11. Councillor Darcy Lound along with Kevin Lynch, Director City Delivery, attended the memorial service at Mawson Park on 11 November. Councillor Lound commented that it was a respectful and moving service.
12. Councillor Karen Hunt on 30 October attended the 30th anniversary celebrations of South West Community Transport. The celebrations were attended by clients, staff and volunteers, with all buses being at the event. Councillor Hunt noted how wonderful it was to hear about services that have remained in Campbelltown.
13. Councillor Karen Hunt along with Councillor Brticevic, Councillor Oates, Councillor Chivers and Councillor Morrison on 2 November attended the Fisher's Ghost Art Award 2018. Councillor Hunt passed on her congratulations to the winners Brian Fuata, Claudia Nicholson, Andrew Vanderschoor, Rosie Deacon, Valentina Schulte, Siena Wallace Johnson, Zanab Almaliky, Liam McCleary, Asmaa Balat, Shane Hobday, Joyel Jiju, Fatima Naqvi, Sarah Frost, Rhonda Banks, Dennis Golding and Peter Gregson.

14. Councillor Masood Chowdhury on 9 November attended Forest Lawn Memorial Park for the Poppy Day to remember the end of WW1 and remember all the members of armed forces who died in the line of duty.
15. Councillor Masood Chowdhury on 9 November attended Al-Faisal College to attend the Remembrance Day service.
16. Councillor Masood Chowdhury along with Councillor Gilholme on 2 November attended the My Gateway Apprentice and Trainee Awards Night. Councillor Chowdhury passed on his congratulations to all who were nominated and a special congratulations to Lachlan Cato who was a finalist in the Certificate IV Trainee of the Year in to Lily Whitfield who was named Certificate III Trainee of the Year.
17. Councillor Masood Chowdhury on 10 November attended the Philippine Christmas Festival in Darling Harbour. The festival included a lantern contest and featured Philippino food, music and cultural performances.
18. Councillor Ben Moroney on 25 October attended the Macarthur Nature Photography Awards Ceremony. Councillor Moroney noted the high standard of the entries. Councillor Moroney noted how great it was to see entries from primary and secondary school students and the talent of these students.
19. Councillor George Brticevic attended the Campbelltown RSL Sub Branch's Remembrance Day Commemorative Service for Schools, A Day to Remember in Mawson Park on 9 November. The day started with a service where students from Minto Public School sang both the Australian and New Zealand National Anthems. After the service there were activities for the children which included an army hospital, letter writing, poppy making and an army obstacle course. Councillor Brticevic passed on his thanks for organising this event.
20. Councillor George Brticevic on 9 November attended St Patrick's Campbelltown for a Remembrance Day assembly. Councillor Brticevic noted the school has 100 students in the History Club who organised and shared stories about their Uncles to pass onto others.
21. Councillor George Brticevic on 11 November attended the Remembrance Day Ceremony at Mawson Park. The event was supported by Council and run by Campbelltown RSL Sub Branch and Councillor Brticevic noted that it was a fantastic event and he would write to the Campbelltown RSL Sub Branch to pass on his thanks.
22. Councillor George Brticevic attended the Fisher's Ghost Twilight Street Parade. Councillor Brticevic noted that holding the parade at twilight worked really well and it was great to see all the lights in the parade displays which was enjoyed by all.
23. Councillor George Brticevic on 11 November participated in the Marsdens Law Group Fisher's Ghost Fun Run taking part in the 10km event. The Mayor noted the good sportsmanship of the other participants.
24. Councillor George Brticevic along with Councillor Lound and Councillor Oates on 9 November attended Marsdens Law Group 50th Anniversary celebrations. The Councillors were joined by the Premier, Gladys Berejiklian, current and former Ministers and local members. Councillor Brticevic noted Marsdens has been great for the local economy providing services and jobs, employing 160 people.

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

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

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

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**The Ordinary Meeting of Council was adjourned at 7.20pm and reconvened as a meeting of the Confidential Committee at 7.21pm.**

## **14. CONFIDENTIAL REPORTS FROM OFFICERS**

### **14.1 Tender Outcome - Child Care Centre Bardia**

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

That Council enters into a lease agreement with the successful tender party on the terms outlined in the body of the report.

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

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### **14.2 Lease, Council Premises - Campbelltown**

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

- That Council approves entering into a new lease for the premises described in this report with the current lessee, based on the terms and conditions outlined below.
- That if agreement is not reached, Council markets the premises for lease and secures a tenant under terms no less favourable than those outlined in this report.
- That all documentation associated with the leases be executed under the Common Seal if required.

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

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

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

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

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**At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 7.27pm.**

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

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

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

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There being no further business the meeting closed at 7.28pm.

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 Director City Growth and Economy Retirement**

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#### **Recommendation**

That the information be noted.

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Jeff Lawrence has been a trusted member of the Council senior leadership team for more than 14 years – firstly in the role of Director Planning and Environment and for the past two years, as Director City Growth and Economy. He tendered his resignation in September and will be on long service leave from 14 December until his official retirement in August 2019.

Jeff has had a long and distinguished career in local government, spanning almost 40 years across several regional and metropolitan councils. Despite his claims that his best work is done with a colouring-in pencil and that he can stay between the lines more often than not, Jeff has achieved much throughout his extensive career, and has taken very seriously his role in the development of Campbelltown as a major growth centre in south west Sydney.

He began his career as a Student Town Planner with Fairfield City Council after graduating from the University of NSW with a Bachelor of Town Planning degree in 1982. During his time at Fairfield, he was seconded into an economic development officer role, working closely with other divisions, before being appointed Manager Strategic Planning.

He soon secured a position at Wingecarribee Council as Manager Strategic Planning which at that time, also encompassed the areas of community services and the arts. He was most proud of writing the LEP, draft DCPs for Bowral, Bundanoon, Moss Vale and Robertson, as well as writing the Landscape Conservation Zone (Rural) which focussed on farming landscapes – a first for NSW.

Jeff was encouraged to apply for a position at Campbelltown City Council and was soon appointed Manager Environmental Planning in 2004. The decision to change employment was an easy one; Jeff has always been passionate about standing up for community, and he wanted to make a difference.

He quickly rose through the ranks, becoming Director Planning and Environment in 2005 and played an integral role in shaping the Campbelltown City we see today, particularly when the Campbelltown LEP was gazetted in 2015.

Jeff also ranks the stage one Campbelltown Hospital redevelopment, the establishment of the Macarthur Clinical School, the Macarthur Square expansion and the Willowdale release area as some of the most gratifying work undertaken during his time at Council.

In 2015, Jeff took on a new, challenging role with a focus on strategy, city growth, city marketing and economic development. As the Director City Growth and Economy, he has worked closely with State and Federal Governments to advocate for increased investment and employment opportunities in the city for the benefit of local residents.

He has been instrumental in the development of a number of high level strategies including the Western Sydney City Deal, the Glenfield to Macarthur Corridor Strategy, Re-imagining Campbelltown CBD phase one, as well as having significant influence on the content of the Western City District Plan including recognition of Campbelltown as part of the Metropolitan Cluster of centres for the Western City.

During his time at Campbelltown, Jeff has had a particular focus on mentoring those around him, taking staff under his guidance and doing his utmost to nurture their talent and guide them through the ever changing and challenging political nature of local government. He is a man that provided great support to his teams, and one that would readily undertake what some would see as an arduous and unpleasant task or make personal sacrifice for the collective benefit of the organisation, the community and his colleagues. Jeff is a selfless man and a selfless worker and would always lead from the front with these values strongly in hand.

I have come to know Jeff as a man who hold a very astute political mind and a person that is highly regarded for his strategic planning and local government expertise, and is respected in his forward planning for Campbelltown and the greater western Sydney area.

Jeff's passion for equity and his commitment to doing the right thing by the local community is what will be sorely missed in his retirement. He has proven himself to be a man beyond reproach, one that upheld and was true to the values of the council. Jeff's retirement will be a loss to Campbelltown City Council and more broadly, the city itself.

Jeff is held in very high esteem by his colleagues and peers and on behalf of all Councillors, the Executive team and staff from across the organisation, I wish him all the best in this next, well deserved phase, of his life.

## **Attachments**

Nil

**6. PETITIONS**

**7. CORRESPONDENCE**

Nil

## 8. REPORTS FROM OFFICERS

### 8.1 No. 2 Kent Street, Minto - St James Anglican Church - Heritage Listing

#### Reporting Officer

Director City Development  
City Development

#### Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.7 - Promote the city's heritage and history, with strong respect for our Aboriginal and Torres Strait Islander history

#### Officer's Recommendation

1. That Council adopt Amendment No.14 to the Campbelltown Local Environmental Plan 2015 (the CLEP 2015) as proposed by this Planning Proposal which lists the St James Anglican Church as an item of (local) environmental heritage under Schedule 5 of the CLEP 2015.
2. That Council's delegate, the General Manager, make Amendment No 14 to the Campbelltown Local Environmental Plan 2015 under delegation, pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979* as authorised by the Minister for Planning and Environment.
3. That Council inform the Department of Planning and Environment of its decision to adopt and make Amendment No 14 to the CLEP 2015.
4. That the residents who made a submission on the Proposal during the public exhibition period be notified of Council's decision.
5. That the landowner be notified of Council's decision.

#### Executive Summary

Gateway Determination to publically exhibit a draft Planning Proposal for No. 2 Kent Street, Minto also known as St James Anglican Church was issued on 10 August 2018. The draft Planning Proposal which seeks to heritage list the old Church as an item of environmental heritage under Schedule 5 of the Campbelltown Local Environmental Plan 2015 (CLEP 2015) was on public exhibition from 5 September to 12 October 2018.

A total of 9 submissions were received. This report considers these submissions. The report recommends that Council proceed to finalise the draft Planning Proposal and make the amendment.

## Purpose

The purpose of this report is to outline a summary of the submissions received during the exhibition period of the potential heritage listing of the St James Anglican Church located at property No. 2 Kent Street, Minto (Lot 12 DP 712599).

A total of nine submissions were received during the public exhibition of the Planning Proposal (the proposal) which included two in-support of the proposal and seven in opposition.

## Site

The subject land at No. 2 Kent Street is legally described as Lot 12 DP 712599, and has an area of approximately 3,395m<sup>2</sup> and is currently zoned R3 – Medium Density Residential under the Campbelltown Local Environmental Plan (CLEP) 2015. The site has a street frontage to Redfern Road and secondary street frontage to Kent Street.

The site contains the old St James Anglican Church, a rectory and church hall. Vehicular access to the land is from Kent Street and via an internal service road through the adjacent property at No. 2 Redfern Road, which is under the same ownership and occupied by the St James Anglican Church.

## History

Development application 2837/2016/DA-DEM was lodged with Council on 30 August 2016 for the demolition of the old St James Anglican Church at No. 2 Kent Street, Minto. Council publicly exhibited the application and received eight written submissions and two petitions objecting to the proposed demolition, generally for reasons relating to the potential heritage significance of the building.

The justification provided by the applicant for the proposed demolition referred to the poor structural condition of the building, the associated safety hazard posed to the public users of the site, and prohibitive cost of repairs.

The use of the building for church services had also been surpassed by the multi-purpose church centre building located on the adjacent allotment, providing a more contemporary venue for the local congregation.

Council at its meeting held 18 April 2017, considered a report on the subject development application and resolved to refuse the proposed demolition for the following reason:

Pursuant to the provisions of Sections 79C (1)(d) and 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, it is considered that having regard for the number of public submissions, the development is not considered to be in the public interest.

The applicant subsequently lodged an appeal with the Land and Environment Court seeking to have the refusal put aside and the proposed demolition of the building approved. As part of Council's legal defence, specialist heritage advice was obtained to consider the building's potential heritage significance. This advice confirmed the potential heritage significance of the subject building, and recommended Council utilise its delegation under the *Heritage Act*

1977 to issue an Interim Heritage Order (IHO) to protect the subject building for a six month period so that further detailed heritage investigations could be undertaken.

Council at its meeting held 10 October 2017 considered a report on the proposed IHO for the old St James Anglican Church (attachment 1), in the context of the Land and Environment Court appeal, and resolved:

1. That Council resolve to make an Interim Heritage Order, pursuant to Section 25 of the *Heritage Act 1977* and the delegations provided to it by the Ministerial Order dated 22 April 2013 in the manner detailed in attachment 3 of this report.
2. That subject to recommendation No. 1, Council notify the owner of the subject property that an Interim Heritage Order has been made and notify the public in accordance with Section 28 of the *Heritage Act 1977*.
3. That Council commission further detailed investigations in relation to the site's potential heritage significance and the condition of the building, which can be utilised to determine a final position on listing the site as an item of local heritage significance within Campbelltown Local Environmental Plan 2015.

An IHO for the subject property was prepared and notified by Council in accordance with the above resolution, and became effective on 13 October 2017 for a six month period expiring on 13 April 2018. A copy of the IHO is provided at attachment 2.

Following the making of the IHO by Council, the appeal to the Land and Environment Court was discontinued on 27 October 2017 by consent of all relevant parties. Accordingly, Council's refusal of the subject development application stands, meaning that there is no active appeal or proposal for demolition or works that may impact the subject building.

On 10 April 2018 Council considered an independent heritage report by Heritage 21 to assist Council in making an informed determination on the potential heritage listing of the subject building. Council resolved to support the heritage listing of St James Anglican Church. Listing the St Andrews Anglican Church as a Local Heritage item would require an amendment to Council's CLEP by way of a draft Planning Proposal.

A report on the draft Planning Proposal (the proposal) was presented to the Campbelltown Local Planning Panel on 27 June 2018 which sought advice on the proposed heritage listing of the old church. The Agenda and Minutes of the Local Planning Panel are provided at (attachment 3).

The Panel supported the listing of the Church and advised the following:

The church building, trees and fence:

- comprise one of the last remnant buildings from the original Minto Village
- exhibit historical significance at the local level as remnant evidence of the historical development of the local area
- represents a continuing presence of the Anglican community in the locale for over a century
- provide historical and cultural link to the local area which would be consistent with the directions of the Greater Sydney Region Plan 2018
- demonstrated land mark qualities.



The church building is a local example of significant technical achievement with the church having been dismantled and reconstructed entirely by hand in 10 weeks in 1918 with minimal change to the original fabric.

The proposal to list the old St James Anglican Church under Schedule 5 of the Campbelltown Local Environmental Plan (CLEP) 2015 was sent to the Department of Planning and Environment for Gateway Determination on 3 July 2018. A Gateway Determination was subsequently issued on 10 August 2018 (attachment 4).

## Report

The proposal (attachment 5) to list the old St James Anglican Church at No. 2 Kent Street, Minto as an item of the environmental heritage under CLEP 2015 was publically exhibited from 5 September to 12 October 2018.

The public exhibition was notified in public newspaper advertisements and letters were mailed to surrounding land owners and the Office of Environment and Heritage.

Exhibition materials were made available at the Council Civic Centre and Ingleburn HJ Daley Library, Eagle Vale Library and on Council's website. The exhibition material included the following:

- Revised Planning Proposal
- Attachment A – Heritage Report undertaken by Heritage 21
- Attachment B – 10 April Council Report including attachments
- Attachment C - Gateway Determination

A summary of the submissions made during the exhibition period are outlined below along with responses from Council staff.

	Concerns	No. of submissions that address the concern	Council Response
<b>In-Support</b>			
1	Support the retention/listing of the Church.	2	This is the recommendation of the report.
2	Preserves the History of Minto	1	Noted
3	Allows for adaptive reuse of the building	1	Heritage listing potentially expands the range of permissible uses for the building.
4	Architect was Henry Austin Wilshire who designed a number of other buildings in Sydney	1	Noted

<b>Objections</b>			
	<b>Concerns</b>	<b>No. of submissions that address the concern</b>	<b>Council Response</b>
1	The cost to carry out the restoration works would place a huge ongoing burden on the current and future congregation who are ordinary rate payers.	6	Noted
2	Council is going against its own policy and is heritage listing an item without the owner's consent.	4	Noted – not a formal policy.
3	There are discrepancies with regards to the exhibition documents.	3	Council staff became aware of discrepancies and amended the proposal and also extended the exhibition period to conform with required exhibition timeframes and practices.
4	Council has previously advised that the building is not structurally adequate.	3	The building would require work to meet current standards.
5	Cost of repair and renovation at an estimate \$566,115 - 667,205 is a large amount for a small congregation.	3	It is acknowledged that there would be a cost associated with the repair of the church. Heritage listing provides access to the heritage incentives of clause 5.10 in CLEP 2015.
6	The Parish Council have exhausted their options for repairing the old building, and it would not be financially viable for the parish to keep the Church.	3	The cost of repairing the building would be significant. Council is able to provide assistance through the heritage fund grant. Listing also provides potential access to heritage grants and the ability to use the heritage incentives clause in CLEP 2015.
7	The original brickwork has been mismatched.	2	Noted
8	Even if the building was restored, the building would not be suitable for current use due to its lack of adequate heating/cooling and kitchen facilities, and also lack of toilet facilities.	2	It is noted that further work would need to be undertaken to restore the building. Heritage listing would provide access to the heritage incentives clause in CLEP2015 which expands the range of land uses permissible with Councils consent in the building.

9	If the old church is listed it will bring financial hardship to the congregation.	2	Repair works if undertaken would be at a cost. However heritage listing provides access to the heritage incentives of clause 5.10 in CLEP 2015.
10	The Parish Council's intentions were to save the foundation stones along with photos to be placed in a garden among the palm trees.	2	Noted
11	Buttress walls on the north side of the building are not part of the original structure. They were constructed to help stabilise the northern wall of the building. Will these buttress walls be subject to the heritage classification even though it is a relatively new structure? If the buttress walls are covered by the heritage order then any restoration project would not be able to return the building to its original state.	2	Noted. However, the works undertaken after the construction of the church would be considered sympathetic to the structure. Any future work would also need to be sympathetic to the building and its surrounds.
12	The building cannot be repaired.	1	The building has the potential to be restored should the land owner choose to do so.
13	There is no opportunity to re-use the building due to its current state.	1	The opportunity to re-use the building is dependent on the building being made safe.
14	The Heritage 21 and Paul Davies assessments indicate that the building is not of architectural heritage value.	1	Heritage listings do not only rely on architectural value and are assessed through a number of criteria such as aesthetic, architectural and historical association among many others.
15	The old Church has not been used since 1984.	1	Noted
16	Council's \$2,000 through the heritage fund would not be enough.	1	Noted
17	Do not want another derelict building such as Dr Redfern's cottage.	1	Noted

18	The building should not be listed just because of its age. It is not necessarily historical.	1	The Heritage 21 Report makes an assessment based on a range of criteria including historical, aesthetic and historical association.
19	The tile roof does not belong to the original structure. Concrete tiles were not even in use in Australia until the 1920s and 1930s. The original roof was probably slate (as is the case with St. Peter's Church at Campbelltown).	1	Noted
20	Fencing will need to be erected to prevent entrance to the building as it becomes derelict.	1	All landowners have the responsibility to maintain a safe site.
21	The item lost credibility when it was reconstructed.	1	The heritage report demonstrates sufficient reasons to heritage list the building.
22	The cement roof tiles are not a part of the original structure, concrete tiles were not even in use when the church was originally built;	1	The Report produced by Heritage 21 acknowledges that some of the works have been undertaken after the original construction of the church. The heritage listing would increase the potential for heritage grants and provide access to the heritage incentives clause in CLEP 2015.
23	The building is likely to become an eyesore and derelict.	1	All landowners have a responsibility to maintain a safe site. The heritage listing would increase the potential for heritage grants and provide access to the heritage incentives clause in CLEP 2015.
24	No economic analysis has been undertaken by the Council engaged consultant.	1	An economic analysis is not required to assess the building for heritage characteristics.
25	The Church did not receive a letter in relation to the Planning Proposal.	1	Council's database indicates that a letter was sent to the Church.
26	The issues regarding the old church are major and make the church unsafe.	1	It would be up to the landowner to bring the old church in line with safety provisions.

Submissions made during the public exhibition of the proposal identified a range of concerns associated with the potential listing of the old building including the structural integrity of the building, feasibility of undertaking the schedule works which would cost between \$566,115 and \$667,205 and the heritage significance of the building as identified by Paul Davies, the Heritage Consultants engaged by the landowner.

The independent assessment undertaken by Heritage 21 (attachment 6) acknowledges that the old church does not display any particular creative achievement however the building does demonstrate landmark qualities. The old church is largely intact which includes scale, built form and dimensions which are all readily eligible including four palm trees and the front fence which also form part of the proposed heritage listing.

The independent assessment acknowledges that a number of additional works have been undertaken over time and have been introduced such as the timber partitions which created the narthex and the upper level internally. The St James Anglican Church also displays a strong social significance to the Anglican Church and the greater locale of Minto. The church is one of the last remaining remnant buildings within the Minto town centre.

Under Clause 5.10 of the CLEP 2015, heritage conservation incentives would be applicable to the old church should the heritage listing of the old church proceed, which would allow the consent authority to grant consent to development even though the development for that purpose would otherwise not be allowed by the CLEP 2015.

The proposed heritage listing of the Church does not prohibit the land owner from lodging a future development application for the demolition of the old church or other development proposals. If the old church was not heritage listed there would also be no guarantee that a development application for demolition would be granted consent as evidenced by Council's previous refusal.

Recommendations outlined within the report undertaken by Heritage 21 indicate that the building should be retained and conserved (including the significant landscape elements such as the front fence and four palm trees) and that repair works are required in order to restore full structural integrity to the building.

### **Delegation to Make the Plan - Amendment No 14 to the CLEP 2015**

As part of the Gateway Determination and after considering the nature of the Planning Proposal, Council was authorised by the Department as the local plan-making authority for this amendment (amendment No 14) to the CLEP 2015.

Accordingly, should Council endorse the Draft Planning Proposal as publicly exhibited, Council can require the General Manager make Amendment No 14 to the CLEP 2015 under delegation.

However, prior to the making of the plan, Council would need to obtain an opinion from the Parliamentary Counsel in relation to the drafting of this Amendment.

### **Conclusion**

A total of nine submissions were received during the exhibition of the draft Planning Proposal to heritage list the old St James Anglican Church at No. 2 Kent Street, Minto.

The public exhibition of the draft Planning Proposal has raised issues relating to the cost of works, safety and feasibility of heritage listing and the change of Council's historical approach to heritage listing, as previously owner's consent was required prior to adding a new item to Council's heritage list. These matters are addressed in this report.

It is recommended that Council adopt the draft Planning Proposal and proceed to make Amendment No 14 to the CLEP 2015 under delegation.

### **Attachments**

1. Council Report of 10 October 2017 (contained within this report)
2. IHO Notice (contained within this report)
3. Campbelltown Local Planning Panel Agenda and Minutes of 27 June 2018 (contained within this report)
4. Gateway Determination Heritage Listing of St James Church (contained within this report)
5. Revised Draft Planning Proposal - Heritage Listing (contained within this report)
6. Heritage Data Form - St James Anglican Church (contained within this report)



## 14.1 No. 2 Kent Street, Minto - St James Anglican Church Interim Heritage Protection Order

### Reporting Officer

Director City Development  
City Development

### Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.7 - Promote the city's heritage and history, with strong respect for our Aboriginal and Torres Strait Islander history

### Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(e) and (g) 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, prejudice the maintenance of law and advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

### Officer's Recommendation

1. That Council resolve to make an Interim Heritage Order, pursuant to Section 25 of the *Heritage Act 1977* and the delegations provided to it by the Ministerial Order dated 22 April 2013 in the manner detailed in attachment 3 of this report.
2. That subject to recommendation No. 1, Council notify the owner of the subject property that an Interim Heritage Order has been made and notify the public in accordance with Section 28 of the *Heritage Act 1977*.
3. That Council commission further detailed investigations in relation to the site's potential heritage significance and the condition of the building, which can be utilised to determine a final position on listing the site as an item of local heritage significance within Campbelltown Local Environmental Plan 2015.

### Purpose

To assist Council with its consideration of using certain provisions within the *Heritage Act 1977* in relation to an ongoing Land and Environment Court appeal following the Council's refusal of a development application proposing the demolition of the original St James Anglican Church building.

Ordinary Council Meeting

10/10/2017

<b>Property Description</b>	Lot 12 DP 712566, No. 2 Kent Street, Minto
<b>Application No</b>	2837/2016/DA-DEM
<b>Applicant</b>	St James Anglican Parish
<b>Owner</b>	Anglican Church Property Trust, Diocese of Sydney
<b>Provisions</b>	<i>Heritage Act 1977</i> <i>Land and Environment Court Act 1979</i> <i>Environmental Planning and Assessment Act 1979</i>

## History

Council received a development application seeking approval to demolish the original St James church building at the subject property in August 2016.

During the assessment and exhibition of the development application, Council received a number of submissions in objection to the proposal.

Council at its meeting held 18 April 2017 resolved to refuse the development application for the following reason:

Pursuant to the provisions of Sections 79C(1)(d) and 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, it is considered that having regard for the number of public submissions, the development is not considered to be in the public interest.

Upon receipt of the refusal, the applicant lodged an appeal against Council's decision with the Land and Environment Court, seeking to have the refusal put aside and the demolition of the building approved.

## Report

On receipt of the notice of appeal lodged against Council's decision to refuse the application for the demolition of the St James Church, officers engaged the services of Marsdens Law Group to represent Council in its defence of the refusal. As part of the representation offer and with the agreement of officers, it was considered prudent to seek independent heritage significance advice regarding the church building.

At present, the building is not listed as an item of heritage significance.

Marsdens engaged a well-known heritage specialist firm (Rappoport Pty Ltd, trading as Heritage 21) to consider the heritage significance of the church. The firm has completed its study of the church and provided a report on the heritage significance of the church. This report/study will be used to assist Council's position, and defence of its refusal of the application to demolish the building.

The heritage significance assessment can be found in its entirety at Attachment 1 to this report.

In summary, the heritage significance assessment found that:



- a. Despite some minor structural issues, the building seems relatively intact from the exterior; and
- b. St James Anglican Church embodies historical, associative, aesthetic, social, and representative values, and is also significant for its rarity in the local context. The building demonstrates continuing links with the Anglican community of New South Wales, was designed by a prominent Federation-era architect, and is a rare and highly intact relic of the early development of Minto Village.

Further to this, the assessment report makes three key recommendations, which are reproduced below:

**1. Listing on Campbelltown Local Environmental Plan 2015 (CLEP)**

The building should be listed as a locally significant item of environmental heritage in Schedule 5 of the Campbelltown Local Environmental Plan 2015, in recognition of the contribution the place makes to the historical environment of Minto. The rarity of places in Minto, listed as heritage items in Schedule 5 of the CLEP, makes this action all the more important.

**2. Interim Heritage Order**

Heritage 21 strongly recommends Campbelltown Council, as a delegate of the NSW Heritage Minister, place an Interim Heritage Order on St James Anglican Church. This action would impose a moratorium on any works at the site for a period of up to 12 months, to allow Council to make a full assessment of the heritage significance of the place (such as the one presented in this report).

**3. Remedial Works**

An assessment of the current condition of the subject building should be undertaken by a suitably-qualified structural engineer. Such a report should also detail remedial works to be undertaken to restore the building and address the identified structural failures.

Of relevance in the immediate short term, and with particular regard to the ongoing Court matter is recommendation 2, which is discussed in more detail later in this report.

**Interim Heritage Order – *Heritage Act 1977***

The *Heritage Act 1977* is the pre-eminent piece of legislation created for the protection of post European settlement heritage in NSW. The *Heritage Act 1977* (the Act) provides for various means to protect heritage items, including (but not limited to) listing in state and local registers and the issuance of conservation orders.

One such means of limited protection of potential heritage items available to Council under the Act, is the issuing of an Interim Heritage Order (IHO).

A short explanation of interim orders is located on the Office of Environment's website. It reads:

Interim Heritage Orders are made by the Minister on the recommendation of the Heritage Council, or by local councils under delegation.

The purpose of an Interim Heritage Order is to provide a breathing space of no more than 12 months during which a full heritage assessment can be completed. Temporary in nature, the majority of Interim Heritage Orders are made in response to community representations or concerns raised by local government.

Councils can only make IHO in those circumstances where a potential heritage item, place or area:

- is or is likely to be of heritage significance
- is under threat of demolition or unsympathetic alteration
- does not have statutory heritage protection under the *Environmental Planning and Assessment Act 1979* or the *Heritage Act 1977*.

The above circumstances are considered to apply to the subject site and its current situation.

In this regard, Council is conferred delegations to impose IHOs pursuant to an instrument made under the *Heritage Act 1977* in 2002 and a more recent update in 2013.

Additional information prepared by the Office of Environment and Heritage regarding the IHO process is provided at Attachment 2 to this report.

Correspondence received from Marsdens during preparations for a hearing on the matter, suggests that Council's position in defending its refusal would be strengthened should an IHO be imposed on the subject item.

The IHO process can be commenced by way of Council resolution, with the interim order made pursuant to Section 25(2) of the *Heritage Act 1977*, which reads:

A council authorised under this section may make an Interim Heritage Order for a place, building, work, relic, moveable object or precinct in the council's area that the council considers may, on further inquiry or investigation, be found to be of local heritage significance, and that the council considers is being or is likely to be harmed.

A draft IHO made in the prescribed format is found at attachment 3 to this report.

Under Council's delegation, the maximum period of time an IHO can be made is 6 months. However, this can be extended by way of a further resolution within that initial 6 month period to place an item on a local heritage register. In these circumstances, the Order's expiry period extends to 12 months from the date of its making.

According to the NSW Heritage Office's Local Government Heritage Guidelines publication:

Council must establish whether a potential heritage item is of local or State significance within a reasonable time frame. As soon as possible after an Interim Heritage Order is made, the Heritage Advisor, council heritage officer or consultant should undertake a detailed assessment of the heritage significance of the item. The assessment should be prepared in accordance with Heritage Council guidelines. In some instances it may be necessary for council to engage a consultant with particular expertise to carry out the assessment.

It would be intended to undertake the further necessary studies to support the site's listing as an item of heritage significance should the IHO be made. As mentioned earlier, it is considered likely that this additional work would assist Council's defence of its decision to refuse the application to demolish the church.

Pursuant to Section 26 of the Act, a council is not required, before making an IHO, to notify any person who will be affected by the order of the intention to make the order.

The IHO becomes effective upon its appearance in the Government Gazette and upon notification of its making to the owner.

Council already has an extensive listing of heritage significant items under its planning instruments, which has ensured that to date there has been no need to utilise the protection mechanisms of the IHO process.

It is important to note that where the Land and Environment Court decides to approve the demolition of the subject building, Council would no longer have the power to make an IHO on the subject building i.e. the making of an IHO must be completed before the Court (or any other authority) makes a decision that allows the demolition of the subject building.

An owner can appeal the making of an IHO to the Land and Environment Court. It is considered likely that should such an appeal be made with the Court against the IHO, such an appeal would be joined to the existing appeal against Council's refusal of the development application.

### **Conclusion**

Council has refused a development application to demolish the original St James Church building at No. 2 Kent Street, Minto.

The applicant subsequently lodged an appeal with the NSW Land and Environment Court against Council's refusal of the application to demolish the church.

As part of Council's defence of its decision to refuse the application, specialist heritage advice was sought to consider the building's potential heritage significance.

The specialist advice has found that the church has potential heritage significance and recommends that Council issue an Interim Heritage Order on the property and the item to protect it for a maximum of 12 months until such time that further detailed investigations can be undertaken, moving to the item being listed as locally significant in Council's local environmental plan.

Council's established position in relation to listing items of heritage significance has been that it would not do so without the agreement of the landowner. Council's position was held to ensure that there is no motive for owners wanting to diminish the heritage value of properties (by way of neglect) that are being considered for listing.

Council's legal representative has suggested that Council's position in defending its refusal would be strengthened should an Interim Heritage Order be imposed on the site.

The Interim Heritage Order can be made within days of Council's resolution according to the procedures outlined by the NSW Government Parliamentary Counsel.

It would be intended to gazette the Interim Heritage Order with some haste as the initial conciliation conferencing on the applicant's appeal is being held in late October.

Further recommendations would be provided to Council in the coming months in regard to the future listing of the item in Council's local environmental plan once additional detailed heritage significance and building condition reports is received.

### **Attachments**

1. St James Anglican Church, Minto - Assessment of Significance (distributed under separate cover - confidential in accordance with Section 10A(2)((e)) of the *Local Government Act 1993*)
2. Office of Environment and Heritage Interim Heritage Order information sheet (distributed under separate cover - confidential in accordance with Section 10A(2)((e)) of the *Local Government Act 1993*)
3. Proposed Interim Heritage Order to be published in the NSW Government Gazette (contained within this report - confidential in accordance with Section 10A(2)((e)) of the *Local Government Act 1993*)

#### 14.1 No. 2 Kent Street, Minto - St James Anglican Church Interim Heritage Protection Order

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

1. That Council resolve to make an Interim Heritage Order, pursuant to Section 25 of the *Heritage Act 1977* and the delegations provided to it by the Ministerial Order dated 22 April 2013 in the manner detailed in attachment 3 of this report.
2. That subject to recommendation No. 1, Council notify the owner of the subject property that an Interim Heritage Order has been made and notify the public in accordance with Section 28 of the *Heritage Act 1977*.
3. That Council commission further detailed investigations in relation to the site's potential heritage significance and the condition of the building, which can be utilised to determine a final position on listing the site as an item of local heritage significance within Campbelltown Local Environmental Plan 2015.

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

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**CAMPBELLTOWN CITY COUNCIL****INTERIM HERITAGE ORDER NO 1**

Under section 25 of the Heritage Act 1977 Campbelltown City Council does by this order:

- i. make an Interim Heritage Order to cover the item of the environmental heritage specified or described in Schedule "A"; and
- ii. declare that the Interim Heritage Order shall apply to the curtilage or site of such item, being the land described in Schedule "B".

This Interim Heritage Order will lapse six months from the date that it is made unless the local Council has passed a resolution before that date either:

1. in the case of an item which, in the Council's opinion, is of local significance, to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; and
2. in the case of an item which in the Council's opinion, is of State heritage significance, nominate the item for inclusion on the State Heritage Register.

Sydney 10<sup>th</sup> October 2017

LINDY DEITZ, General Manager, Campbelltown City Council

**Schedule "A"**

The property known as St James Anglican Church, situated at 2 Kent Street, Minto on land described in Schedule B.

**Schedule "B"**

All those pieces and parcels of land known as Lot 12, DP 712599 in the Parish of Minto, County of Cumberland.

### 4.3 Planning Proposal for Old St James Anglican Church

#### Community Strategic Plan

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

#### Referral Criteria

Planning Proposals are now required to be forwarded to the Local Planning Panel for advice prior to submission to Gateway.

#### Executive Summary

- A development application (2837/2016/DA-DEM) was lodged with Council on 30 August 2016 for the demolition of the old St James Anglican Church at No. 2 Kent Street, Minto. Council at its meeting held 18 April 2017, considered a report on the subject development application and resolved to refuse the proposed demolition.
- An appeal was lodged with the Land and Environment Court challenging the refusal and the proposed demolition of the building. In Council's legal defence, specialist heritage advice was obtained to consider the building's potential heritage significance. This advice confirmed the potential heritage significance of the subject building, and recommended Council utilise its delegation under the Heritage Act 1977 to issue an Interim Heritage Order (IHO).
- An IHO for the subject property was prepared and notified by Council, and became effective on 13 October 2017. Further investigating where required to be undertaken to confirm as to whether the item had heritage significance.
- Council subsequently considered a report at its meeting on 10 April 2018 which detailed additional investigations undertaken by Heritage 21 to assist Council making an informed determination on the potential heritage listing of the subject building. Council resolved to support the heritage listing of St James Anglican Church. The Heritage 21 study is provided at attachment 2 of this report.
- The independent heritage study supports the heritage listing of the old church for the following reasons:
  - The Church exhibits historical significance at the local level as remnant evidence of the historical development of the local area.
  - It is one of the last remnant buildings from the original Minto Village.
  - The setting including pine trees and fence are all intact from c1930s.
  - The St James Anglican Church represents continuing presence of the Anglican community in the locale for over a century.

Local Planning Panel Meeting

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## Officer's Recommendation

That the Campbelltown Local Planning Panel provide advice on the subject draft Planning Proposal which proposes the listing of St James, Minto as an item of the environmental heritage.

## Purpose

The purpose of this report is to inform and seek the advice of the Campbelltown Local Planning Panel on a draft planning proposal.

<b>Property Description</b>	Lot 12 DP 712599, 2 Kent Street, Minto
<b>Applicant</b>	Campbelltown City Council
<b>Owner</b>	Anglican Church Property Trust Diocese of Sydney
<b>Provisions</b>	Campbelltown Local Environmental Plan 2015 Section 9.1 Ministerial Directions SEPP 55 – Remediation of Lands SEPP 19 – Bushland in Urban Areas SEPP (Exempt and Complying Development Codes) 2008 SEPP (State and Regional Development) 2011 SEPP (Vegetation in Non-Rural Areas) 2017 REP (Sydney harbour Catchment) 2005 Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment Greater Sydney Region Plan Western City District Plan Glenfield to Macarthur Urban Renewal Precinct Campbelltown Community Strategic Plan 2017-2027 Campbelltown Residential Development Strategy 2014 Re-imagining Campbelltown Campbelltown (Sustainable City) Development Control Plan 2015
<b>Date Received</b>	Council initiated Planning Proposal



## History

A detailed table of events that have occurred from the date of lodgement of the Development Application to the current status of the property:

Date	Key Events
30 August 2016	<p>A Development application (2837/2016/DA-DEM) was lodged with Council for the demolition of the old St James Anglican Church. Council publicly exhibited the proposal and received eight written submissions and two petitions objecting to the proposed demolition, generally for reasons relating to the potential heritage significance of the building.</p> <p>The justification provided by the applicant for the proposed demolition referred to the poor structural condition of the building, the associated safety hazard posed to the public and users of the site, and prohibitive cost of repairs. The use of the building for church services had also been surpassed by the multi-purpose church centre building located on the adjacent allotment, providing a more contemporary venue for the local congregation.</p>
18 April 2017	<p>Council considered a report on the subject development application and resolved to refuse the proposed demolition for the following reason:</p> <p>Pursuant to the provisions of Sections 79C(1)(d) and 79C(1)(e) of the <i>Environmental Planning and Assessment Act 1979</i>, it is considered that having regard for the number of public submissions, the development is not considered to be in the public interest.</p> <p>An appeal by the Applicant was subsequently lodged with the Land and Environment Court seeking to have the refusal overturned.</p> <p>As part of Council's legal defence, specialist heritage advice was obtained to consider the building's potential heritage significance. This advice confirmed the potential heritage significance of the subject building, and recommended Council utilise its delegation under the <i>Heritage Act 1977</i> to issue an Interim Heritage Order (IHO) to protect the subject building for a six month period so that further detailed heritage investigations could be undertaken.</p>
10 October 2017	<p>Council considered a report on the proposed IHO for the old St James Anglican Church, in the context of the Land and Environment Court appeal, and resolved:</p> <ol style="list-style-type: none"> <li>1. That Council resolve to make an Interim Heritage Order, pursuant to Section 25 of the <i>Heritage Act 1977</i> and the delegations provided to it by the Ministerial Order dated 22 April 2013 in the manner detailed in attachment 3 of this report.</li> <li>2. That subject to recommendation No. 1, Council notify the owner of the subject property that an Interim Heritage Order has been made and notify the public in accordance with Section 28 of the <i>Heritage Act 1977</i>.</li> <li>3. That Council commission further detailed investigations in relation to the site's potential heritage significance and the condition of the building, which can be utilised to determine a final position on</li> </ol>

## Local Planning Panel Meeting

27/06/2018

	listing the site as an item of local heritage significance within Campbelltown Local Environmental Plan 2015.
13 October 2017	<p>An IHO for the subject property was prepared and notified by Council, and became effective for a six month period expiring on 13 April 2018</p> <p>A copy of the IHO is provided at attachment 3</p> <p>Following the making of the IHO by Council, the appeal to the Land and Environment Court was discontinued on 27 October 2018 by consent of all relevant parties.</p>
10 April 2018	<p>Council considered an independent heritage report by Heritage 21 to assist Council making an informed determination on the potential heritage listing of the subject building</p> <p>Council resolved to support the heritage listing of St James Anglican Church</p> <p>The Heritage 21 heritage study is provided at attachment 3 of this Report.</p>

## Report

### 1. Assessment of the Planning Proposal

#### 1.1 Summary of Planning Proposal Request

In summary, the planning proposal seeks to amend Schedule 5 of the CLEP 2015 to include the old St James Anglican Church located on No. 2 Kent Street, Minto. The proposal is to list the church and curtilage, but not the whole lot on which the church stands.

A copy of the draft planning proposal is located at attachment 1.

#### 1.2 Justification

The NSW Department of Planning and Environment's (DPE) A Guide to Preparing Planning Proposals – issued under s3.33 (3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides guidance and information for preparing planning proposals. The preparation of the draft planning proposal has been undertaken in accordance with the latest version of the guide.

#### 1.3 Consideration of Section 9.1 Ministerial Directions

Section 9.1 (formerly Section 117) of the EP&A Act allows the Minister for Planning to provide direction to Council in relation to the preparation of draft local environmental plans.

The directions that are most relevant to this proposal are listed below:

- Direction 2.3 Environment and Heritage
- Direction 3.1 Residential Zones
- Direction 6.1 Approval and Referral Requirements
- Direction 7.1 Implementation of a Plan for Growing Sydney
- Direction 7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor

The proposal is consistent with the ministerial directions outlined under Section 9.1.

Further detail and explanation of the relevant Ministerial directions are outlined in the draft planning proposal located in attachment 1 to this report.

#### **1.4 Consideration of State Environmental Planning Policies (SEPPs)**

The following SEPPs are applicable to the proposal and have been discussed below:

- SEPP 19 – Bushland in Urban Areas
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (State and Regional Development) 2011
- SEPP (Vegetation in Non-Rural Areas) 2017
- REP (Sydney harbour Catchment) 2005
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

Further detail in relation to the relevant SEPPs is outlined in the draft planning proposal which is located in attachment 1 to this report.

#### **1.5 Consideration of the Campbelltown Local Environmental Plan 2015**

The subject site is currently zoned R3 – Medium Density Residential with a maximum permissible building height of 9 metres. The subject site forms part of the St James Anglican Church landholdings.

The inclusion of the old church as an item of local significance has merit, taking into consideration the independent heritage assessment undertaken by Heritage 21.

The independent assessment advises that the old church represents a strong cultural and social affiliation to the Anglican community and the local area of Minto. The church demonstrates landmark qualities and significant technical achievement, having been dismantled and reconstructed entirely by hand in 10 weeks with minimal change to the original fabric. The site is one of the last remaining buildings in the local area from the Minto Village era.

The proposal to heritage list the subject site as an item of local significance would not be out of character with the existing adjoining development surrounding the church which is predominantly 2 storeys. Future development of the surrounding sites could see an increase in medium density development between 3-6 storeys which would be facilitated by planning proposals to Council.

Future development of the subject site and surrounding sites would need to consider the heritage item.

## **2. Strategic Context – Relationship to State and Local Planning Policies**

### **2.1 Greater Sydney Region Plan 2018**

The Greater Sydney Region Plan has been prepared by the NSW State Government to guide land use planning decisions over the next 40 years in order to achieve a common goal of having a metropolis of three cities, Eastern, Central and Western. The Plan sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 725,000 additional homes and create 817,000 jobs by 2036.

The plan also distinguishes that Greater Sydney is the site of the first colonial settlement in Australia and the history and heritage makes a significant contribution to the region's culture and identity. By conserving the subject site, the old church would provide a historical and cultural link to the local area.

## **2.2 Western City District Plan**

As part of the NSW State Government's Greater Sydney Region Plan, Campbelltown is identified as a metropolitan cluster and health and education precinct in the Western City District Plan. The Plan provides guidance in relation to job creation, housing supply and sustainability. The Plan also establishes the need to preserve cultural history including landscapes and heritage.

The area of Minto currently has four heritage items and the inclusion of the old St James Anglican Church would promote and enhance the Minto centres civic, cultural and heritage role. Future re-development of the area is anticipated which would be consistent with the Plan's objectives of creating stronger local economies close to jobs and housing. The role of heritage items would allow for the opportunity of adaptive re-use of these areas and would complement re-development in the near future.

## **2.3 Glenfield to Macarthur Urban Renewal Corridor Strategy**

The NSW Government recently finalised the Minto Precinct in the Glenfield to Macarthur Urban Renewal Corridor Strategy which aims to provide better connections between homes, jobs and open space close to seven train stations between Glenfield and Macarthur.

As part of the strategy, Minto has been identified as an employment centre which provides a gateway to the South West and serving the wider growth area. The vision encapsulates Minto as an employment precinct which provides a variety of local based jobs within walking distance of the station and housing. Currently, there are no heritage items within the defined precinct of Minto under the Strategy.

Under the Strategy, the subject site is proposed to include 3-6 storey medium density residential development with proposed green links to Coronation Park.

The Proposal to heritage list the church would potentially have an impact on the Strategy to re-develop land for the purposes of medium density residential. Under the Strategy, future re-development would need to consider the Item and allow for sensible integration.

## **2.4 Campbelltown Community Strategic Plan 2027**

The Campbelltown Community Strategic Plan 2027 is a document which will guide Minto over the next ten years through a series of goals and strategies including, but not limited to housing choice, strengthening the local economy and promoting the use of public spaces.

The strategic plan will assist Council in strategic direction over the next nine years which would include redevelopment of land around Minto Train Station for the purposes of employment and housing. The plan outlines the importance of embracing Campbelltown's rich and cultural history. The heritage listing of the old Church would support the idea of conserving local heritage listed items.

## 2.5 Concerns relating to the Planning Proposal

In February 2018, a submission was made to Council by Paul Davies Pty Ltd – Architects Heritage Consultants on behalf of the Anglican Church Property Trust in relation to the IHO placed on the building. The submission on behalf of the Anglican Church Property Trust detailed the following reasons not to heritage list the Church:

- The Church was not listed previously or recommended for listing in any previous studies
- Ongoing maintenance costs would increase as a result of the heritage listing
- There would be no feasibility in keeping the structure due to the large cost of undertaking the structural repair works of the church
- Estimated structural repair works would cost \$560,000 to \$660,000 which would be unfeasible to the Parish
- There is no suitable use for the building due to the current structural integrity
- Heritage listing the building would have consequences on the church into the future.

The heritage report submitted by the consultant to the Church outlined that there is not enough merit in listing the old church. The fees and costs associated with the conservation of the church in order to satisfy building and structural requirements are excessive for the Church.

A copy of the submission can be seen as attachment 4.

## 3. Public Participation

Should the planning proposal proceed through Gateway Determination, community consultation will be undertaken. The specific requirements for community consultation will be provided in the Gateway Determination.

## 4. Conclusion

The planning proposal seeks to achieve the local heritage listing of St James Anglican Church under Schedule 5 of the CLEP 2015. It is recommended to support the heritage listing of the subject property due to the long standing social and cultural significance to the Anglican community and local community of Minto. The heritage listing of the Church would also be the first within the Minto town centre which would complement the rejuvenation of Minto in line with relevant local and state strategies.

## Attachments

1. Draft Planning Proposal (contained within this report)
2. Heritage 21 Study (contained within this report)
3. Interim Heritage Order (contained within this report)
4. Heritage Report (contained within this report)

## Reporting Officer

Executive Manager Urban Centres

### 4.3 Planning Proposal for Old St James Anglican Church

#### Executive Summary

- A development application (2837/2016/DA-DEM) was lodged with Council on 30 August 2016 for the demolition of the old St James Anglican Church at No. 2 Kent Street, Minto. Council at its meeting held 18 April 2017, considered a report on the subject development application and resolved to refuse the proposed demolition.
- An appeal was lodged with the Land and Environment Court challenging the refusal and the proposed demolition of the building. In Council's legal defence, specialist heritage advice was obtained to consider the building's potential heritage significance. This advice confirmed the potential heritage significance of the subject building, and recommended Council utilise its delegation under the Heritage Act 1977 to issue an Interim Heritage Order (IHO).
- An IHO for the subject property was prepared and notified by Council, and became effective on 13 October 2017. Further investigations were required to confirm whether the item had heritage significance.
- Council subsequently considered a report at its meeting on 10 April 2018 which detailed additional investigations undertaken by Heritage 21 to assist Council making an informed determination on the potential heritage listing of the subject building. Council resolved to support the heritage listing of St James Anglican Church. The Heritage 21 study is provided at attachment 2 of this report.
- The independent heritage study supports the heritage listing of the old church for the following reasons:
  - The Church exhibits historical significance at the local level as remnant evidence of the historical development of the local area.
  - It is one of the last remnant buildings from the original Minto Village.
  - The setting including pine trees and fence are all intact from c1930s.
  - The St James Anglican Church represents continuing presence of the Anglican community in the locale for over a century.

#### Advice of the Panel

The Panel supports the Planning Proposal to list St James Anglican Church, Minto as an item of the environmental heritage for the following reasons:

1. The church building, trees and fence:
  - comprise one of the last remnant buildings from the original Minto Village
  - exhibit historical significance at the local level as remnant evidence of the historical development of the local area
  - represents a continuing presence of the Anglican community in the locale for over a century
  - provide a historical and cultural link to the local area which would be consistent with the directions of the Greater Sydney Region Plan 2018; and
  - demonstrate landmark qualities.

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2. The church building is a local example of significant technical achievement with the church having been dismantled and reconstructed entirely by hand in 10 weeks in 1918 with minimal change to the original fabric.

**Voting**

The Local Planning Panel voted 4/0

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PP\_2018\_CAMPB\_003\_00/IRF18/3912

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

Attention: Mr Ante Zekanovic

Dear Ms Deitz

**Planning proposal PP\_2018\_CAMPB\_003\_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) and additional information received on date 3 July 2018 in respect of the planning proposal to heritage list the old St James Anglican Church, early palm tree plantings and front fence at No.2 Kent Street, Minto.

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.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 7.7 Glenfield to Macarthur Urban Renewal Corridor, is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to



meet these commitments, the Greater Sydney Commission may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Matthew Black to assist you. Mr Black can be contacted on 02 9860 1553.

Yours sincerely



*10/8/18*  
**Ann-Maree Carruthers**  
**Director, Sydney Region West**  
**Planning Services**

Encl: Gateway determination  
Local plan-making authority reporting template



## Gateway Determination

***Planning proposal (Department Ref: PP\_2018\_CAMPB\_003\_00): to add the old St James Anglican Church, palm tree plantings and front fence at No.2 Kent Street, Minto as a Local Heritage Item to Schedule 5 of the Campbelltown Local Environmental Plan 2015.***

I, the Director, Sydney Region West 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 add the old St James Anglican Church, palm tree plantings and front fence at No. 2 Kent Street, Minto (part of Lot 12 DP712599) as a Local Heritage Item to Schedule 2 should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the planning proposal, as follows:
  - (a) clarify and amend the DP number pages 2 and 4 of the planning proposal;
  - (b) Clearly describe the trees proposed to be protected within the planning proposal as the proposal currently refers to both 'palm' and 'pine' trees (pages 2, 4, 5, 12 refer);
  - (c) amend Part 2 – Explanation of provisions, Property Description to include Part Lot 12 DP712599
  - (d) Clearly title and attach 'Attachment A' referred to on page 5 of the Planning Proposal;
  - (e) remove the reference to 'Height of Building Maps' on page 12 of the Planning Proposal and amend accordingly;
  - (f) clarify the date of 20 February 2017 shown on page 12 of the planning proposal and amend accordingly;
  - (g) amend Section B to specifically reference the applicable local character and heritage objectives and planning priorities identified in the Greater Sydney Region and Western City District Plans; and,
  - (h) Correct spelling errors, such as 'memebers' and 'neabs' on pages 5 and 6 of the proposal
2. 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 14 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).

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## Planning & Environment

3. Consultation is required with the Office of Environment and Heritage (OEH) under section 3.34(2)(d) of the Act. OEH 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.
4. 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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **6 months** following the date of the Gateway determination.

Dated 10<sup>th</sup> day of August 2018.



**Ann-Maree Carruthers**  
**Director, Sydney Region West**  
**Planning Services**  
**Department of Planning and Environment**  
  
**Delegate of the Greater Sydney Commission**

PP\_2018\_CAMPB\_003\_00 (IRF18/3912)



**Revised Planning Proposal**  
**Heritage Listing**

**Old St James Anglican Church**  
**No. 2 Kent Street, Minto**

**September 2018**

## **INTRODUCTION**

This Planning Proposal explains the intent of, and justification for, the proposed amendment to insert the 'old St James Anglican Church including front fence and early palm tree plantings located on property No. 2 Kent Street, Minto also known as an item of local heritage significance under Schedule 5 of the *Campbelltown Local Environmental Plan 2015*.

### **Existing Situation**

The subject land at No.2 Kent Street Minto is legally described as Lot 12 DP 712599, and has an area of approximately 3,395 square metres and is currently zoned R3 – Medium Density Residential. The site has street frontage to Redfern Road and secondary street frontage to Kent Street.



**Figure 1:** Location of subject site

The site contains the old St James Anglican Church, a rectory and church hall. Vehicular access to the land is from Kent Street and via an internal service road through the adjacent property at No.2 Redfern Road, which is under the same ownership and occupied by the St James Anglican Church Centre.





**Figure 2:** St James Anglican Church c.1937



**Figure 3:** St James Anglican Church 2018

The old St James Anglican Church was originally built on the corner of Minto Road and Cumberland Road in 1897. It was dismantled and re-erected on the subject land in 1918. The building is not listed in Campbelltown Local Environmental Plan (CLEP) 2015 as an item of heritage significance.

The St James Anglican Church Centre is a multi-purpose facility that has been used by the local congregation for church services since it was completed in 1985. In this respect, the old St James Anglican Church ceased its primary function as a church in 1985, and was vacated in 2014 due to safety concerns relating to the structural deterioration of the building.

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.

## **Part 1 – Objectives or intended outcomes**

### **A statement of the objectives and intended outcomes of the proposed instrument**

The objective of the planning proposal is to list the old St James Anglican Church including palm tree plantings and front fence located on No. 2 Kent Street, Minto (Part Lot 12 DP712599) as an item of local heritage significance in the CLEP 2015.

The palm trees and front fence are located towards the road frontage of Redfern Road and are shown in Figure 4 below.



**Figure 4:** View of front fence and three palm trees.

The existing R3 – Medium Density Residential zoning and existing development standards currently applying to the site are not proposed to change as a result of the planning proposal.

## **Part 2 – Explanation of provisions**

The planning proposal seeks to amend Schedule 5 Environmental Heritage of the CLEP 2015 by inserting the following:

<b>Suburb</b>	<b>Item Name</b>	<b>Address</b>	<b>Property Description</b>	<b>Significance</b>	<b>Item No.</b>
Minto	Old St James Anglican Church  Church including early palm tree plantings located at the front of the church building and the front fence	2 Kent Street	Part Lot 12 DP712599	Local	(To be confirmed)

The planning proposal will result in the amendment to the heritage map by colouring the old church including palm tree plantings and front fence so as to indicate a Heritage Item – General. The proposed revised map is shown in Part 4 – Mapping.



### **Part 3 – Justification**

#### **Section A – Need for the planning proposal**

##### ***1. Is the planning proposal a result of any strategic study or report?***

Yes.

An independent heritage assessment was carried out by Heritage 21 on the site following the making of an Interim Heritage Order. A copy of the heritage assessment report is included at Attachment A.

The heritage assessment outlines the statement of significance as follows:

*St James Anglican Church embodies historical, aesthetic, social and representative values, and is also significant for its rarity in the local context.*

*St James Anglican Church exhibits historical significance at the local level as remnant evidence of the historical development of the local area and the increasing population of the late-nineteenth century. Its relocation represents the growth of Minto as a distinct township and has served the needs of the Anglican community for nearly a century.*

*The building is associated with two prominent architects of the Federation period – Henry Austin Wilshire (who designed the original building) and John Burcham Clamp (who oversaw the relocation project). Together, Wilshire and Burcham Clamp are associated with over 40 buildings and/or works which are statutorily protected as heritage items in New South Wales. The subject building forms part of their legacies.*

*Although the building is not notable for displaying any particular creative achievement, the building does demonstrate landmark qualities in the area as one of the last remnant buildings from the original Minto Village. It is intact and its original form, scale, and dimensions are readily legible from all perspectives. Its setting – including early palm tree plantings and intact front fence from c. 1930s – remains intact, and serves to enhance the landmark qualities of the building. Additionally, the building displays significant technical achievement, having been dismantled and reconstructed entirely by hand within 10 weeks, with minimal change to original fabric (save the deletion of the front veranda).*

*St James Anglican Church represents the continuing presence of the Anglican Community in the locale for over a century. Its built fabric displays evidence of community involvement – several renovation works have been undertaken by members of the local community, including extensive working bees in the 1970s. The place also demonstrates ties to the Anglican community in New South Wales, with Wilshire (the original architect) designing the building pro bono, and donations towards the original building made by the trustees of St James Church, Sydney and St Phillips Church, Glebe. In general, the site represents a continuing link between the Anglican Church of NSW and the Anglican community of Minto, and is socially significant.*

*The subject building is one of the last remnant buildings that date to the early beginnings of Minto Village, and its original form and scale, and setting is readily legible. It is a locally rare item. At the same time, the building is a highly intact example of a simple, late-nineteenth century church building and its continued legibility means that it is a fine representation of this type of building.*

**2. Is the planning proposal the best means of achieving the objective or intended outcomes, or is there a better way?**

Yes.

The site has been evaluated as satisfying the NSW Heritage Council's criteria for local heritage significance and the planning proposal is the best means of achieving the objective to conserve the old church.

**Section B – Relationship 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)?**

Yes.

The Planning Proposal is consistent with the relevant objectives and actions outlined in the Sydney Metropolitan Strategy 'A Plan for Growing Sydney', Greater Sydney Region Plan and the Western City District Plan.

**Greater Sydney Region Plan 2018**

The 'Greater Sydney Region Plan' has been prepared by the NSW State Government to guide land use planning decisions over the next 40 years in order to achieve a common goal of having a metropolis of three cities, Eastern, Central and Western. The Plan sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 725,000 additional homes and create 817,000 jobs by 2036.

The plan also distinguishes that Greater Sydney is the site of the first colonial settlement in Australia and the history and heritage makes a significant contribution to the region's culture and identity. The Planning Proposal is particularly consistent with Objective 13 'Environmental heritage is identified, conserved and enhanced. By conserving the subject site, the old church would provide a historical and cultural link to the local area and allow for the potential adaptive re-use of the structure in the future.

**Western City District Plan**

As part of the NSW State Government's Greater Sydney Region Plan, Campbelltown is identified as a metropolitan cluster and health and education precinct in the Western City District Plan. The Plan provides guidance in relation to job creation, housing supply and sustainability. The Plan also establishes the need to preserve cultural history including landscapes and heritage. The proposal would be

consistent with the plan, particularly Planning Priority W6 'Creating and renewing great places and local centres, and respecting the District's heritage'.

The area of Minto currently has four heritage items and the inclusion of the old St James Anglican Church would promote and enhance the Minto centres civic, cultural and heritage role. Future re-development of the area is anticipated which would be consistent with the Plan's objectives of creating stronger local economies close to jobs and housing. The role of the proposed heritage listing of the old St James Anglican Church would allow for adaptive re-use of the building and would complement re-development in the near future and provide a greater connection to the understanding of the area's history for current and future generations.

#### **Glenfield to Macarthur Urban Renewal Corridor Strategy**

The NSW Government recently finalised the Minto Precinct in the Glenfield to Macarthur Urban Renewal Corridor Strategy which aims to provide better connections between homes, jobs and open space close to seven train stations between Glenfield and Macarthur.

As part of the strategy, Minto has been identified as an employment centre which provides a gateway to the South West and serving the wider growth area. The vision encapsulates Minto as an employment precinct which provides a variety of local based jobs within walking distance of the station and housing. Currently, there are no heritage items within the defined precinct of Minto under the Strategy.

Under the Strategy, the subject site is proposed to include 3-6 storey medium density residential development with proposed green links to Coronation Park.

The Proposal to heritage list the church would potentially have an impact on the Strategy to re-develop land for the purposes of medium density residential. Under the Strategy, future re-development would need to consider the Item and allow for sensible integration.

#### ***4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?***

##### **Campbelltown Community Strategic Plan – Campbelltown 2027**

Yes.

The Campbelltown Community Strategic Plan 2027 is a document which will guide Minto over the next 10 years through a series of goals and strategies including, but not limited to housing choice, strengthening the local economy and promoting the use of public spaces.

The Strategic Plan will assist Council in strategic direction over the next 9 years which would include redevelopment of land around Minto Train Station for the purposes of employment and housing. The Plan outlines the importance of embracing Campbelltown's rich and cultural history. The heritage listing of the old Church would support the idea of conserving local heritage listed items.

#### ***5. 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.

<b>State Environmental Planning Policies</b>	<b>Comment</b>
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.
SEPP 62 – Sustainable Aquaculture	Not relevant to the proposal.
SEPP 64 – Advertising and Signage	The proposal is not inconsistent with the aims of the Policy.
SEPP 65 – Design Quality of Residential Apartment Development	Not applicable to this proposal.
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	The proposal is not inconsistent with the aims of the Policy.
SEPP (Educational Establishments and Child Care Facilities) 2017	The proposal is not inconsistent with the aims of the Policy.
SEPP (Affordable Rental Housing) 2009	The proposal is not inconsistent with the aims of the Policy.
SEPP (Exempt and Complying Development Codes) 2008	The proposal is not inconsistent with the aims of the Policy.
SEPP (Infrastructure) 2007	The proposal is not inconsistent with the aims of the Policy.
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	The proposal is not inconsistent with the aims of the Policy.
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 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 would not impact on the water quality and river flows of the Georges River and its tributaries.

#### **6. 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
<b>1. Employment and Resources</b>	
1.1 Business and Industrial Zones	Not applicable.
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.
<b>2. Environment and Heritage</b>	
2.1 Environment Protection Zones	Not applicable.
2.2 Coastal Protection	Not applicable.
2.3 Heritage Conservation	Consistent. The planning proposal is consistent with this Direction which will result in the conservation of a

	property in accordance with the NSW Heritage Council's criteria for items of local significance.
2.4 Recreation Vehicle Areas	Not applicable.
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	Consistent. The subject site is located within a residential zone. The proposal would be consistent with this Direction as the Proposal relates to an established church and in this regard would have no impact on housing choice, infrastructure or the environment.
3.2 Caravan Parks and Manufactured Homes Estates	Not applicable.
3.3 Home Occupations	Not applicable.
3.4 Integrating Land Use and Transport	Not applicable.
3.5 Development Near Licensed Aerodromes	Not applicable.
3.6 Shooting Ranges	Not applicable.
<b>4. Hazard and Risk</b>	
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.
<b>5. Regional Planning</b>	
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	Not applicable.
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	Consistent. The planning proposal requests that a condition be implemented requesting comment from the OEH.
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 not inconsistent with the aims of the Policy.
<b>7. Metropolitan Planning</b>	
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 applicable.
7.3 Parramatta Road Corridor Urban	Not applicable.

Transformation Strategy	
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	<p>The proposal is inconsistent with this Direction as the Proposal will have an impact on the future renewal of the Minto precinct as it will limit the potential redevelopment of the site for the purposes of 3-6 storey development.</p> <p>To limit the impact of the proposal on Direction 7.7, the heritage listing for the site will only apply to the building, fence and palm trees rather than the entirety of the landholding to allow possible medium and high densities in the near future.</p> <p>The heritage listing of the church would also play a vital role in the promotion of local history and would complement future redevelopment of the area.</p>

### **Section C – Environmental, Social and Economic Impact**

#### ***7. Is there any likelihood that critical habitat or threatened species, populations' or ecological communities, or their habitat will be adversely affected as a result of the proposal?***

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.

#### ***8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

No.

The Planning Proposal proposes to include No. 2 Kent Street, Minto as an item of local heritage under Schedule 5 of the CLEP 2015. Accordingly, it is suggested that comments on the proposal should be sought from the Office of Environment and Heritage as a condition of Gateway.

**9. Has the planning proposal adequately addressed any social and economic effects?**

The Planning Proposal is not supported by a social or economic assessment. However, the independent heritage report by Heritage 21 (Shown as Attachment 1) identifies the need for further works to be undertaken in relation to the old church. The report acknowledges the need for repair works due to the slow deterioration of the church. Furthermore, the heritage listing of the old church would not impact on the current existing social configuration of the Anglican Church and its relationship with the local community of Minto.

**Section D – State and Commonwealth Interests****10. Is there adequate public infrastructure for the planning proposal?**

Yes.

Services are available in the vicinity of the site. The proposal would not impose any additional demands on local infrastructure, public or community services. The sites are located in close proximity to existing bus and train services.

**11. What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway Determination?**

Consultation would occur with the public authorities identified in the Gateway Determination, including the Office of Environment and Heritage.

**Part 4 – Mapping**

The Planning Proposal seeks to amend the Campbelltown LEP as proposed below: -

<b>Map</b>	<b>No</b>	<b>Requested Amendment</b>
Heritage Map	Heritage Map HER_007 Date 29 June 2018	Amend the heritage map to include the Old St James Church, front fence and palm trees located on No. 2 Kent Street, Minto as an item of local environmental heritage.



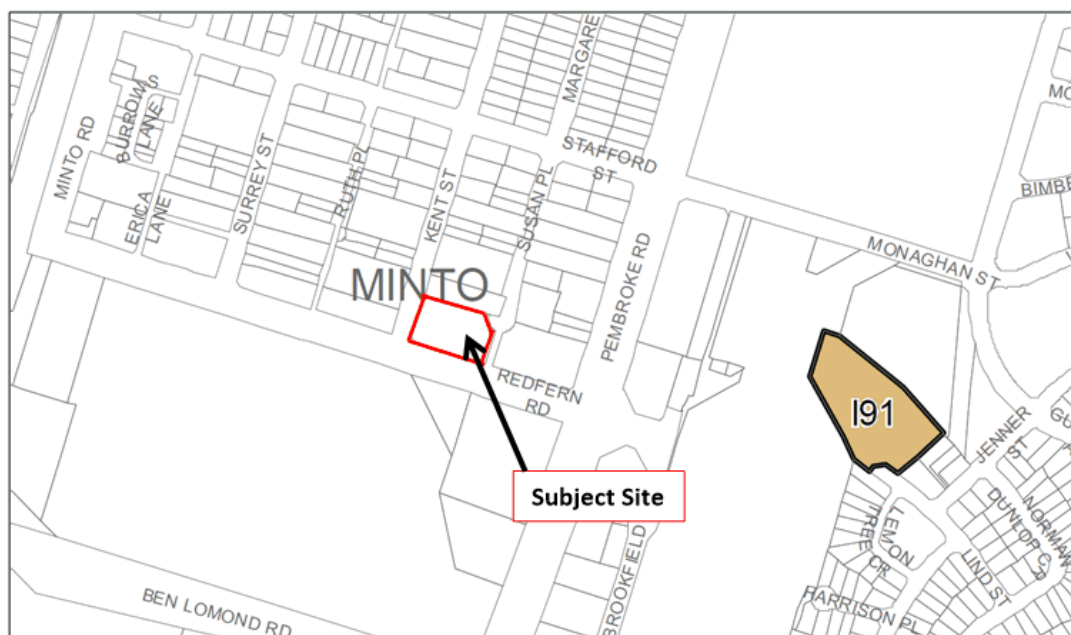


Figure 3: Current CLEP 2015 Heritage Map



Figure 4: Proposed CLEP 2015 Heritage Map

## **Part 5 – Community consultation**

In accordance with “A guide to preparing local environmental plans” prepared by the Department of Planning and Environment (2016), the consultation strategy would include:

### ***Advertisement in the local newspaper***

An advertisement was placed in the Campbelltown-Macarthur Advertiser and Macarthur Chronicle on the 4 and 5 September 2018 for the initial exhibition period and 25 and 26 September 2018 advising of an extension to the exhibition period. The advertisements advised of the locations to view and provide comments on the Proposal.

### ***Advertisement on the Council website***

The Planning Proposal would be exhibited on Council’s website ([www.campbelltown.nsw.gov.au](http://www.campbelltown.nsw.gov.au)). Council’s libraries also have access to the website.

### ***Letters to affected owners***

A letter was sent to landowners who adjoin or are in close proximity to the site, advising them of the exhibition of the Proposal and inviting submissions.

### ***Displays at the Council Administration Buildings and the local libraries***

The Planning Proposal would be displayed at the Council Administration Building, 91 Queen Street, Campbelltown and Eagle Vale and Ingleburn Libraries.

## **Part 6 – Project Timeline**

<b>Weeks after Gateway Determination</b>	<b>Item</b>
10 August 2018	Gateway Determination
5 September 2018	Exhibition Start
20 September	Exhibition extended
12 October 2018	Exhibition End
October/November 2018	Consideration of submissions from exhibition
December 2018/January 2019	Report to Council on submissions
January/February 2019	Request draft instrument be prepared

# *Heritage Data Form*

ITEM DETAILS							
<b>Name of Item</b>	St James Anglican Church						
<b>Other Name/s Former Name/s</b>	-						
<b>Item type (if known)</b>	Built						
<b>Item group (if known)</b>	Religion						
<b>Item category (if known)</b>	Church						
<b>Area, Group, or Collection Name</b>	-						
<b>Street number</b>	2						
<b>Street name</b>	Kent Street						
<b>Suburb/town</b>	Minto					<b>Postcode</b>	2566
<b>Local Government Area/s</b>	Campbelltown						
<b>Property description</b>	Lot 12 / DP 712599						
<b>Location - Lat/long</b>	<b>Latitude</b>	-34.028673			<b>Longitude</b>	150.846923	
<b>Location - AMG (if no street address)</b>	<b>Zone</b>		<b>Easting</b>		<b>Northing</b>		
<b>Owner</b>	Anglican Church of Australia						
<b>Current use</b>	Vacant						
<b>Former Use</b>	Church						
<b>Statement of significance</b>	<p>St James Anglican Church embodies historical, associative, aesthetic, social, and representative values, and is also significant for its rarity in the local context.</p> <p>St James Anglican Church exhibits historical significance at the local level as remnant evidence of the historical development of the local area and the increasing population of the late-nineteenth century. Its relocation represents the growth of Minto as a distinct township and has served the needs of the Anglican community of Minto for nearly a century.</p> <p>The building is associated with two prominent architects of the Federation period – Henry Austin Wilshire (who designed the original building) and John Burcham Clamp (who oversaw the relocation project). Together, Wilshire and Burcham Clamp are associated with over 40 buildings and / or works which are statutorily protected as heritage items in New South Wales. The subject building forms part of their legacies.</p> <p>Although the building is not notable for displaying any particular creative achievement, the building does demonstrate landmark qualities in the area as one of the last remnant buildings from the original Minto Village. It is intact and its original form, scale, and dimensions are readily legible from all perspectives. Its setting – including early palm tree plantings and intact front fence from c. 1930s – remains intact, and serves to enhance the landmark qualities of the building. Additionally, the building displays significant technical achievement, having been dismantled and reconstructed entirely by hand within 10 weeks, with minimal change to original fabric (save the deletion of the front veranda).</p> <p>St James Anglican Church represents the continuing presence of the Anglican community in the locale for over a century. Its built fabric displays evidence of community involvement – several renovation works have been undertaken by members of the local community, including extensive working bees in the 1970s. The place also demonstrates ties to the Anglican community of New South Wales, with Wilshire (the original architect) designing the building pro bono, and donations towards the original</p>						

## *Heritage Data Form*

	<p>building made by the trustees of St James Church, Sydney and St Phillips Church, Glebe. In general, the site represents a continuing link between the Anglican Church of NSW and the Anglican community of Minto, and is socially significant.</p> <p>The subject building is one of the last remnant buildings that date to the early beginnings of Minto Village, and its original form, scale, and setting is readily legible. It is a locally rare item. At the same time, the building is a highly intact example of a simple, late-nineteenth century church building, and its continued legibility means that it is a fine representation of this type of building.</p>					
<b>Level of Significance</b>	State <input type="checkbox"/>			Local <input checked="" type="checkbox"/>		
<b>DESCRIPTION</b>						
<b>Designer</b>	Henry Austin Wilshire					
<b>Builder/ maker</b>	T. P. Latter					
<b>Physical Description</b>	<p><b>Exterior:</b></p> <p>The subject site is a large allotment located at the intersection of Redfern Road and Kent Street. The property frontage displays a wire and timber fence which, although not original, likely dates to the Inter-War period. Between the fence and the Church building are a series of palm trees, which were planted in the late 1910s. The relatively large, grassed allotment gives ample curtilage for the Church building to stand out as the prominent built form at the site.</p> <p>The Church building itself is of simple form – a single-storey building with a prominent gabled roof with a slight parapet at the front and back. The structure is of polychromatic brick masonry construction, with a roof of cement tile sheeting. At the front of the building is a smaller, enclosed gable element with a pointed arch window fronting the street, which serves as the entry point to the Church. Near the apex of the primary gable, at both sides, is a decorative oeil de boeuf opening.</p> <p>At the side elevations to the east and west, the structure is punctured by an identical fenestration pattern of three, pointed arch windows set into bays created by non-load bearing piers, with doors at the northern ends.</p> <p>At the rear, the Church is supported by two buttresses of brick masonry in a polychromatic tonality similar to that of the primary structure. These were added after the building was reconstructed at the present site in 1918.</p> <p><b>Interior:</b></p> <p>Originally, the site would have been divided into two spaces: the front gable entrance, and the nave.</p> <p>Currently, the interior is divided into four spaces: the entrance, a makeshift narthex, the nave, and an upper level (above the narthex, facing into the nave). The narthex and upper level are recent additions of timber construction.</p> <p>The ceiling is of timber planks, with evenly-spaced hardwood trusses. Flooring is timber, and likely early to the construction of the Church.</p> <p>Stained glass windows at the rear wall are visible from within the building.</p>					
<b>Physical condition</b>	A preliminary visual inspection was undertaken in January 2018, which found that the item is in fair condition.					
<b>Archaeological potential</b>	Low – none.					
<b>Construction years</b>	<b>Start year</b>	1897	<b>Finish year</b>	1898 (dismantled and reconstructed 1918)	<b>Circa</b>	<input type="checkbox"/>
<b>Modifications and dates</b>	<p>The original building – located on a different site between the townships of Minto and Ingleburn – was dismantled and reconstructed in its present location in Minto in 1918. The reconstructed Church was exactly the same as the original, although the original veranda which extended across the primary elevation of the building had been deleted in the building's second iteration.</p> <p>Other modifications and alterations to the building and the site include:</p>					



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	<p>Late 1910s: Planting of palm trees at the property frontage, Redfern Road</p> <p>1920: Construction of tennis court</p> <p>Late 1920s: Replacement of four Miller kerosene lights – used to illuminate the interior – with three Aladdin lamps (donated by parishioners)</p> <p>August 1938: Installation of electric lights in interior</p> <p>1948: Connection to new city water supply</p> <p>1962: Expansion of Church to obtain adjacent Guild Hall (currently in use at the Children's Centre)</p> <p>1966: Construction of Sunday School Hall (later demolished to make way for new Church building)</p> <p>1975: Erection of rectory building; Retiling of roof of Church building (the cost of which was borne through an interest-free loan from Mary Monkley, a late parishioner)</p> <p>1977: Internal floor varnished; vestry and broom room removed from interior to allow space for organ, communion table, and dais</p> <p>Late 1970s: Renovation of stained glass window at northern end of building in memory of Mr Apps, a late parishioner; Community working bees – repainting all windows and doors of building; clearing moss from southern end of building; replacement of most fencing around Church and rectory buildings</p> <p>1 December 1984: Laying of foundation stone for new Church building, to the south of the original Church – the new Church building, which is currently in use, was opened on 25 May 1985</p>
<b>Further comments</b>	None.

### HISTORY

<b>Historical notes</b>	<p><b><u>Beginnings:</u></b></p> <p>As a result of significant population growth in the region, St James Church of England was first erected on the corner of Minto and Cumberland Roads in 1897 to serve the suburbs of Glenfield, Ingleburn, and Minto. The architect of the building was Henry Austin Wilshire, the youngest son of James Robert Wilshire MLC, second elected Lord Mayor of Sydney. Henry Wilshire was a prominent social figure and architect in the late nineteenth and early twentieth centuries, and at present 12 of his buildings have been afforded statutory protection as heritage items in NSW. Wilshire provided his services pro bono to the Anglican Church for the design of St James Church. Prior to construction of the Church, a sum of approximately £200 was donated by the trustees of St James Church in central Sydney, with a smaller amount given by St Phillips Church in Glebe.</p> <p><b><u>Construction and Opening:</u></b></p> <p>The foundation stone for the Church was laid on 13 September 1897 by the Bishop of Bathurst, the Right Reverend Dr C.E. Camidge. The ceremony was seen as a "means of bringing a large gathering of the residents together," and was a well-attended affair which was followed by a fundraising concert. Copies of Sydney and local newspapers from the day of the ceremony were placed in a bottle, which in turn was placed into a portion of the foundation stone. Also in the bottle was a written document recording the names of the principal figures in the ceremony.</p> <p>St James Church was officially opened on Saturday 5 February 1898. The Cumberland Herald wrote at length on the Church's opening, describing a service which had "a very large attendance, which included visitors from all parts of the [Minto-Ingleburn-Glenfield] district." The article goes on to describe the building:</p> <p><i>The foundations are built in solid cement, the walls being 9in. with a 3in. cavity. The gables are 14in. with 3in. cavity, dark grey, with red bricks as a string course ; also, door and window openings which are Gothic. The frames are Oregon with Kauri linings and architraves. The roof is open with framed principals, lined on the top with colonial mahogany and covered with Terra Cotta roofing [sic] tiles. The floors are 4in. x 1in. T.G. best tallow-wood. The chancel windows are fitted with lead lights and tinted glass ; all other windows are frosted. The vestry and organ screens are formed of Oregon and diagonal panels of best Kauri. The whole of the seats, pulpit, reading-desk, and front-table are of the same material. The decoration of interior of walls are French grey Alabastine, with a stencil design</i></p>
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## *Heritage Data Form*

*over a dark dado. The principals and rafters are grained, and all other woodwork and furniture varnished throughout, thus producing a very pleasing effect.*

St James would soon become a focal point for community gatherings, with many fundraising events held at the Church grounds. For one such event, a marquee was lent gratis to the Church by Dudley and Co., sailmakers located in Sussex Street, Sydney. Captain Thomas Dudley, of Dudley and Co., was a somewhat infamous figure in the late nineteenth and early twentieth centuries. In July 1884, Dudley was on voyage from Southampton, England to Australia on the yacht Mignonette, which became foundered some 1800 miles from the closest shoreline. Dudley, two men, and a young boy were fortunate enough to escape on a boat, but without any provisions. After two weeks with no food or water, Dudley and one of the other men decided to execute and consume the young boy. The three survivors were eventually rescued and taken to Falmouth. Dudley and the other man responsible for the death of the boy were tried at the assizes of Exeter, where they were sentenced to death for cannibalism on the high seas. The sentence, however, was immediately commuted to six months' prison with no hard labour. After moving to Sydney and finding commercial success as a sail maker and ship chandler, Dudley would become the first person in Australia to die of the bubonic plague in February 1900.

### **Relocation:**

Rising populations in the townships of Minto and Ingleburn in the early twentieth century saw St James increasingly unable to serve the two communities for which it was established. A meeting was convened on 25 June 1915 by the Rural Dean of Cobbity and attended by the rectors of Campbelltown and Ingleburn, together with their wardens. Ingleburn expressed a desire for a new church and St James, in its original location on the border of the two towns, was not seen as adequately central to either one or the other. On 15 February 1915, the people of Minto had purchased two blocks of land in proximity to Minto Village, on Kent Street at the intersection with Redfern Road. This would eventually become the new location for St James Church (where it still stands), although at the time there were inadequate funds to move the structure to a new location.

By the mid-1910s St James was only occasionally being used for Church services, with services mainly being held at the Minto School of Arts. During this time, St James would become something of a haven for 'swaggies' – transient itinerant labourers who would pass through on their way to find employment opportunities wherever they existed.

Research suggests that the initial plan was for the final services at the original St James to be held towards the end of 1915. An article from the Campbelltown Herald dated 25 September 1915 writes of a wedding which was "in all probability" the final service to be held at the Church before the relocation.

However, Church records indicate that the final service to be held at the original St James was on Sunday, 21 July 1918. No records detailing the specifics of this service were kept, however following this and through the end of July, workers began the process of cleaning and clearing the new Kent Street site and dismantling the original Church building.

### **The New Church:**

In July 1918, a contract was signed with builder Syd A. Cross and architect John Burcham Clamp for the dismantling and rebuilding of St James Church on the allotment purchased by the parishioners of Minto in 1915. Burcham Clamp was a prominent architect in the late-nineteenth and early-twentieth centuries, responsible for the original St James Hall on Phillip Street, Sydney (since demolished), Victoria Hall, Manly (since demolished to make way for St Matthews Church), and the conversion of a two-storey residence in Rushcutters Bay to house St Luke's Hospital. Clamp was also an active Anglican and served as the building surveyor for the diocese of Sydney – he designed St Matthews Church, Manly and the Sydney Church of England Grammar School (Shore) chapel, North Sydney, and was a founder of the prestigious Cranbrook School in Rose Bay. At present, 29 works designed by or associated with Burcham Clamp have been afforded statutory protection as heritage items in NSW, including two items listed on the State Heritage Register.

The contract for the relocation of St James included a time allowance of 10 weeks, and included the dismantling of the original building, transportation of all material and fabric from the original site to the new, and reconstruction of the Church at the new site. All transport was done by horse and dray, and all work done by hand.

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	<p>The foundation stone for the rebuilt St James – in its current location on Kent Street, Minto – was laid by Anglican Archbishop of Sydney, John Charles Wright, on Saturday 24 August 1918. The day's editions of the Daily Telegraph and Campbelltown Herald were placed in the cavity, along with details of the Church and a silver coin struck in 1918. The original foundation stone was also laid at this ceremony.</p> <p>The rebuilt St James was open for worship by the end of 1918, with a dedication service being held on 19 November and conducted by the Dean and Archdeacon of Sydney, Albert Edward Talbot. Records indicate that it was a well-attended affair, with 162 seated guests and many others standing.</p> <p>The Church in its new location was almost identical to its original iteration, save for the deletion of the original veranda which extended along the primary elevation of the building. There were also plans to insert a Gothic arched-extension to the north of the building to lead to the Chancel and vestry door, although this plan never came to fruition.</p> <p>The Church was officially consecrated on Sunday, 14 October 1934 by the Archbishop of Sydney, Howard W. K. Mowll.</p>
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THEMES	
<b>National historical theme</b>	3. Developing local, regional and national economies 4. Building settlements, towns and cities 8. Developing Australia's cultural life
<b>State historical theme</b>	Events Land tenure Religion

# *Heritage Data Form*

<b>APPLICATION OF CRITERIA</b>	
<b>Historical significance</b> SHR criteria (a)	<p>St James Anglican Church demonstrates the development of the Minto-Ingleburn locale towards the end of the nineteenth century, and was constructed to serve the needs of the growing population of the area. The original foundation stone is intact and exhibits this early development of the area.</p> <p>In its current location, the site represents the growth of Minto as a distinct locality and is located within the grounds of the first subdivision of the Minto Township, in the original Minto Village. The second foundation stone is intact and demonstrates this early development of Minto. Today, the Church is one of the final extant buildings from the original Minto Village.</p> <p>As such, the site meets the threshold of this criterion and is assessed as exhibiting historical significance at the local level.</p>
<b>Historical association significance</b> SHR criteria (b)	<p>The original design for the Church was that of Henry Austin Wilshire, who was the youngest son of James Robert Wilshire MLC, second elected Lord Mayor of Sydney. Henry Wilshire was a prominent architect in the late nineteenth and early twentieth centuries, and at present 12 of his buildings have been afforded statutory protection as heritage items in NSW. Wilshire provided his services pro bono to the Anglican Church for the design of St James Church.</p> <p>The relocation of St James Church in 1918 was overseen by architect John Burcham Clamp, a prominent architect in the late-nineteenth and early-twentieth centuries. At present, 29 works designed by or associated with Burcham Clamp have been afforded statutory protection as heritage items in NSW, including two items listed on the State Heritage Register.</p> <p>As such, the site meets the threshold of this criterion and is assessed as exhibiting associative significance at the State level.</p>
<b>Aesthetic significance</b> SHR criteria (c)	<p>The subject building is not notable for demonstrating any creative achievement, being of a simple form typical of church buildings. Despite its associations with two prominent late-nineteenth and early-twentieth century architects, the building is not considered a major work by either of these designers.</p> <p>However, the building does demonstrate landmark qualities in the area, being one of the last remnant buildings from the original Minto Village. It is intact, and its original form, scale, and dimensions are readily legible from all perspectives. Its setting – including early palm tree plantings and intact front fence from c. 1930s – remains intact, and serves to enhance the landmark qualities of the building.</p> <p>The subject building also displays significant technical achievement, having been dismantled and reconstructed entirely by hand within 10 weeks, with minimal change to original fabric (save the deletion of the front veranda).</p> <p>As such, the site meets the threshold of this criterion and is assessed as exhibiting aesthetic significance at the local level.</p>
<b>Social significance</b> SHR criteria (d)	<p>St James Anglican Church represents the continuing presence of the Anglican community in the locale for over a century. Its built fabric displays evidence of community involvement – several renovation works have been undertaken by members of the local community.</p> <p>The site exhibits ties to the Anglican community of New South Wales, with the building's original architect Henry Austin Wilshire undertaking the work pro bono and donations made for the original building by the trustees of St James Church, Sydney and St Phillips Church, Glebe. The relocation work was overseen by John Burcham Clamp, who was also a prominent figure in the Anglican Church in the early twentieth century.</p> <p>As such, the site meets the threshold of this criterion and is assessed as exhibiting social significance at the local level.</p>
<b>Technical/Research significance</b> SHR criteria (e)	<p>There is no evidence to suggest that the building demonstrates construction techniques other than those commonly employed at the time.</p> <p>The subject site therefore does not meet the requirements of this criterion.</p>
<b>Rarity</b> SHR criteria (f)	<p>The subject building is one of the last extant buildings that date to the early beginnings of Minto Village.</p> <p>As such, the site meets the threshold of this criterion and is assessed as being locally rare.</p>



## *Heritage Data Form*

<b>Representativeness</b> SHR criteria (g)	<p>Although not of notable design, the subject building is a highly intact example of simple, late-nineteenth century local church buildings in New South Wales. Its original form, scale, and dimensions remain highly legible, and its historical setting – including palm trees and front fence – has been retained, despite later development on the allotment.</p> <p>As such, the site meets the threshold of this criterion and is assessed as exhibiting representative significance at the local level.</p>
<b>Integrity</b>	<p>The original form, scale, and dimensions of the Church are readily legible to the present day.</p> <p>Internally, some intrusive fabric has been recently introduced (namely the timber partitions which have created the narthex and the upper level – including the staircase), however this is readily distinguishable from the original fabric.</p> <p>Extant original / early fabric includes: front fence, palm trees, building envelope of brick masonry, timber window frames, roofing, timber doors and surrounds, stained glass windows, and internal flooring.</p>

### HERITAGE LISTINGS

<b>Heritage listing/s</b>	None.
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### INFORMATION SOURCES

**Include conservation and/or management plans and other heritage studies.**

Type	Author/Client	Title	Year	Repository
Newspaper	Biz; Camden News; Campbelltown Herald; Daily Telegraph; Evening News; Liverpool Herald; Morning Bulletin; The Sydney Morning Herald.		Various	'Trove': National Library of Australia
Publication	Olaf Brockenhuus-Schack	The Church of St James Parish of Minto, Wollongong Region, Anglican Diocese of Sydney	2010	Myrrh – The Moore Institutional Repository, Moore College Library
Online	Manly Library Local Studies Blog	A Cannibal on North Head	16 January, 2014	Northern Beaches Library
Online	Peter Reynolds	Clamp, John Burcham (1869-1931)	1981	Australian Dictionary of Biography
Online	NSW Office of Environment & Heritage	State Heritage Inventory	Various	NSW Office of Environment & Heritage

### RECOMMENDATIONS

<b>Recommendations</b>	<p>Retain and conserve building and setting (including significant landscape elements) within an appropriate curtilage. Repair works should be undertaken – in keeping with the maxim of doing “as much as necessary, but as little as possible” – in order to restore full structural integrity to the building. A suitably-qualified heritage practitioner should be engaged to prepare a Schedule of Conservation Works and to subsequently supervise conservation works.</p> <p>The site should be listed as an item of environmental heritage on Schedule 5 of the Campbelltown Local Environmental Plan 2015.</p> <p>In general, the identified heritage values of the site should be managed in accordance with best practice conservation principles offered by <i>The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance</i>, 2013 and pertinent documentation produced by the NSW Office of Environment and Heritage.</p> <p>Any work at the site which carries the potential to impact upon identified heritage values should entail</p>
------------------------	--

## *Heritage Data Form*

	<p>the preparation of a Heritage Impact Statement, to be written by a suitably-qualified heritage practitioner.</p> <p>Any approved works undertaken at the site should be supervised by a suitably-qualified heritage architect and be undertaken by tradespeople experienced with historical building fabric.</p>
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SOURCE OF THIS INFORMATION			
<b>Name of study or report</b>	N/A	<b>Year of study or report</b>	N/A
<b>Item number in study or report</b>	N/A		
<b>Author of study or report</b>	N/A		
<b>Inspected by</b>	N/A		
<b>NSW Heritage Manual guidelines used?</b>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>This form completed by</b>	Heritage 21	<b>Date</b>	February 2018

## *Heritage Data Form*

### IMAGES

<b>Image caption</b>	Primary (western) elevation and front landscape elements (front fence, palm trees).				
<b>Image year</b>	2018	<b>Image by</b>	Heritage 21	<b>Image copyright holder</b>	Heritage 21



## *Heritage Data Form*

### IMAGES

<b>Image caption</b>	Southern elevation.				
<b>Image year</b>	2018	<b>Image by</b>	Heritage 21	<b>Image copyright holder</b>	Heritage 21





## *Heritage Data Form*

### IMAGES

<b>Image caption</b>	Rear (eastern) elevation.				
<b>Image year</b>	2018	<b>Image by</b>	Heritage 21	<b>Image copyright holder</b>	Heritage 21



## *Heritage Data Form*

### IMAGES

Image caption	Northern elevation.				
Image year	2017	Image by	Heritage 21	Image copyright holder	Heritage 21





## *Heritage Data Form*

### IMAGES

Image caption	Entrance at front gable.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



## *Heritage Data Form*

### IMAGES

Image caption	Foundation stones, next to front entrance.				
Image year	2017	Image by	Heritage 21	Image copyright holder	Heritage 21





## *Heritage Data Form*

### IMAGES

Image caption	Entrance to Church inside front gable.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



## *Heritage Data Form*

### IMAGES

Image caption	Narthex.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21





## *Heritage Data Form*

### IMAGES

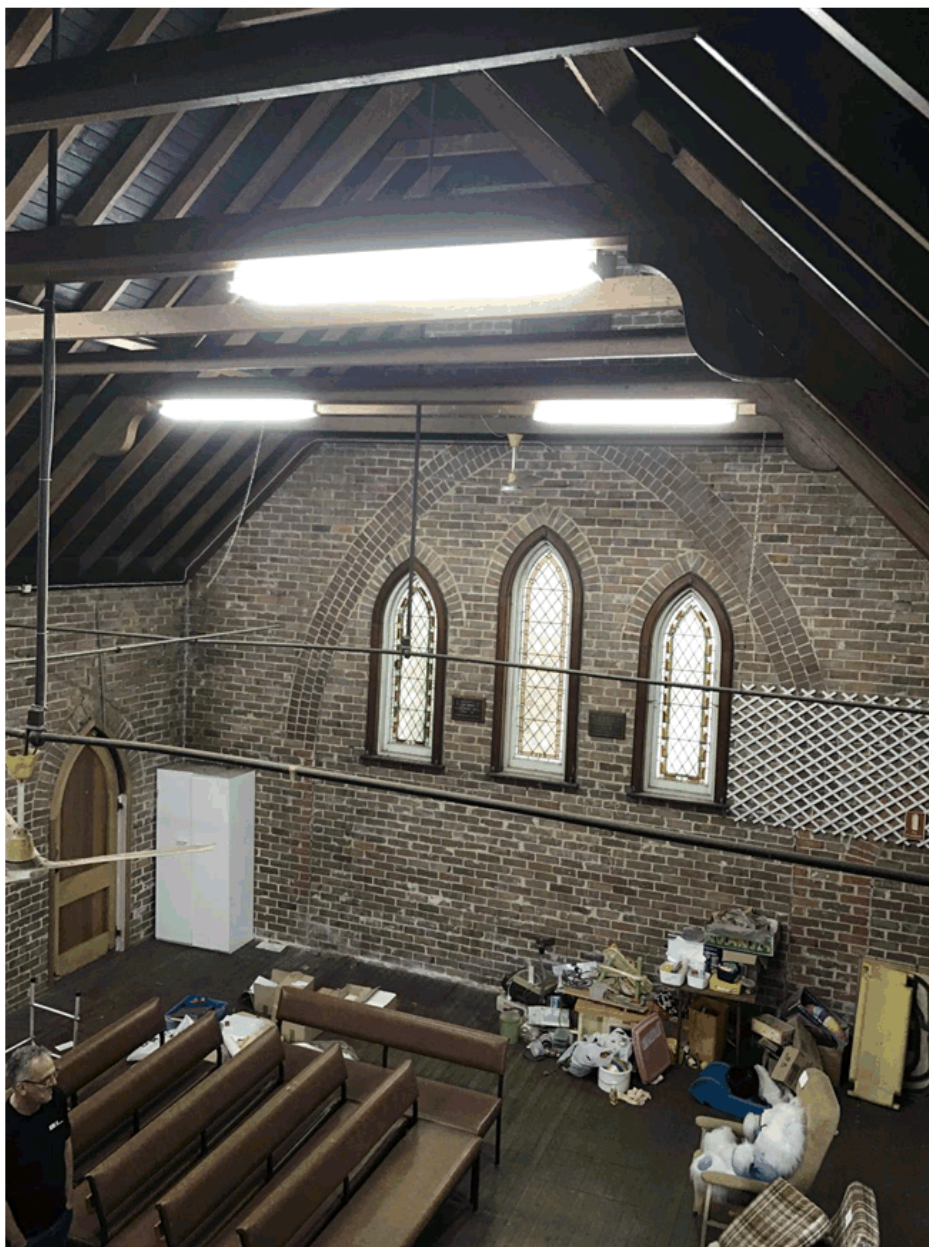
Image caption	Staircase in narthex.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



## *Heritage Data Form*

### IMAGES

Image caption	Nave, as viewed from upper level.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21





## *Heritage Data Form*

### IMAGES

Image caption	Stained glass windows at rear (eastern) elevation.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



## *Heritage Data Form*

### IMAGES

Image caption	Northern elevation, internal view.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21





## *Heritage Data Form*

### IMAGES

Image caption	Southern elevation, internal view.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



## *Heritage Data Form*

### IMAGES

Image caption	Roofing, internal view.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21

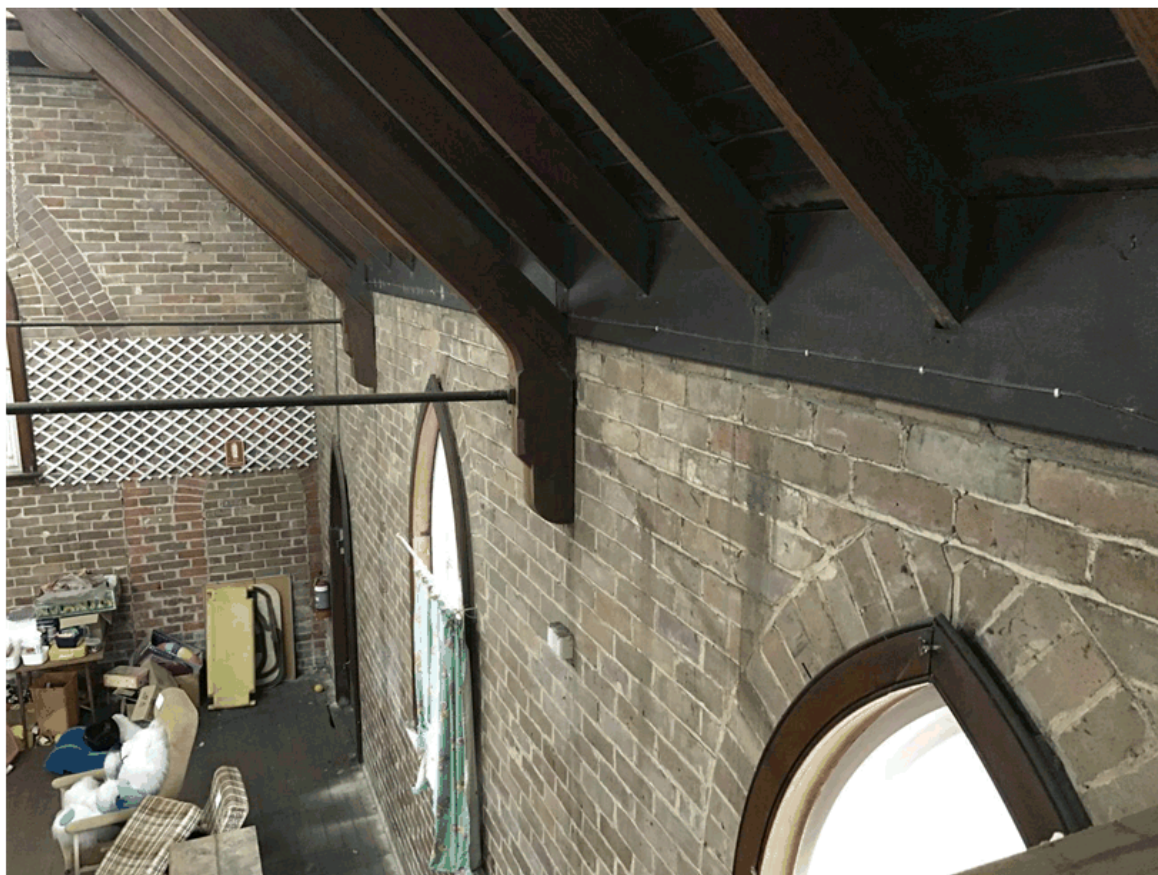




## *Heritage Data Form*

### IMAGES

Image caption	Detail of roofing.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



## *Heritage Data Form*

### IMAGES

Image caption	Detail of floor.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21





## *Heritage Data Form*

### IMAGES

Image caption	Original St James Church, located on the intersection of Minto and Cumberland Roads.				
Image year	n.d.	Image by	Unknown	Image copyright holder	Campbelltown & Airds Historical Society



## *Heritage Data Form*

### IMAGES

<b>Image caption</b>	St James Church in its current form and location.				
<b>Image year</b>	c. 1937	<b>Image by</b>	Unknown	<b>Image copyright holder</b>	Campbelltown City Council (Follan Collection, Local Studies Collection)



## *Heritage Data Form*

### IMAGES

<b>Image caption</b>	Current St James Church, with palm trees at front.				
<b>Image year</b>	n.d.	<b>Image by</b>	Unknown	<b>Image copyright holder</b>	Campbelltown City Council (William Bayley Collection, Local Studies Collection)





## *Heritage Data Form*

### IMAGES

Image caption	Current St James Church, as viewed from Kent Street				
Image year	1979	Image by	Unknown	Image copyright holder	Campbelltown City Council (Local Studies Collection)



## **8.2 Outcome of the Mobile Education Van launch during National Organic Week**

### **Reporting Officer**

Director City Development  
City Development

### **Community Strategic Plan**

<b>Objective</b>	<b>Strategy</b>
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**

That the information be noted.

### **Purpose**

To update Council on the public launch of the Mobile Education Van (MEV) during National Organic Week in September 2018.

### **History**

As part of the Better Waste and Recycling Fund (BWRF) program administered by the NSW Environment Protection Authority (EPA), Council purchased a Mobile Interactive Display Centre (MIDC). The MIDC has been fitted out and delivered to Council, and Council staff have developed a combination of static and interactive display materials to be used with the MIDC for educational purposes at schools and Council events.

Before the MIDC was launched to the public, it was presented to Councillors at a briefing night held on Tuesday 31 July 2018. During the briefing, Councillors were able to view and interact with the display centre, and the rebranding of the vehicle was unveiled, which saw its name changed from the MIDC to the Mobile Education Van (MEV).

### **Report**

The MEV was launched to the public at two free community events held during National Organic Week, which ran from 10 to 16 September 2018. The events aimed to engage the public on the issue of garden organics contamination, as well as provide an introduction to waste reduction and organic gardening practices. These messages were delivered through a number of means, including:

- engagement with the MEV and its educational resources, which were designed to target the issue of contamination in garden organics. These resources included both static display panels and videos explaining the 'life cycle' of garden organics, from disposal and collection at the kerbside to processing, then returning to the market as compost products

- participation in interactive workshops, which were delivered by the Macarthur Centre for Sustainable Living. These introductory workshops covered worm farming, composting and organic gardening practices. To encourage action following the workshop, a worm farm, compost bin and Bokashi bin were awarded as a raffle prize to workshop attendees
- a giveaway of Suez 'Garden to Garden' soil conditioner for all visitors to the event. The 'Garden to Garden' product is composted from the organic material collected from the garden organics bins of Campbelltown residents, and is branded in such a way to deliver an educational message in relation to contamination reduction in the garden organics stream
- in addition to giveaways at each event, 'Garden to Garden' soil conditioner was also made available at the Macarthur Centre for Sustainable Living for residents to collect during National Organic Week.

To improve accessibility for residents, identical events were run in both northern and southern locations across the Campbelltown Local Government Area. A Campbelltown event was run on Tuesday 11 September at HJ Daley Library, and a Macquarie Fields event was run on Friday 14 September at Bunbury Curran Park. Both events were advertised in the Macarthur Chronicle and Macarthur Advertiser, as well as on Council's website and Facebook page.

Each event ran from 10am to 12pm, and attracted approximately 15 to 20 workshop participants on each day, as well as additional attendees that were in the locality at the time. The feedback received on the day was overwhelmingly positive, with comments provided in relation to the MEV and its resources, as well as the quality of workshop delivery. The raffle prizes were also well received, and the 'Garden to Garden' product giveaway provided a unique opportunity to engage with participants in relation to contamination reduction.

The MEV will continue to be utilised at Council events, as well as school visits, to deliver various waste education messages to the public. Further static and interactive resources will continue to be developed over time, with further BWRP program funding allocated to the creation of additional video content for the MEV.

## **Attachments**

Nil



## 8.3 Animal Care Facility Companion Animal Adoption Fees

### Reporting Officer

Director City Development  
City Development

### Community Strategic Plan

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

### Officer's Recommendation

1. That Council reaffirm its current practice of applying a 50 percent discounted sale/adoption fee to assist with the adoption of difficult to rehome animals from the Animal Care Facility, which is to be applied at the discretion of delegated staff.
2. That in light of reduced veterinary contractor costs for desexing cats and dogs sold from the Animal Care Facility, companion animal adoption fees be reduced as follows:
  - Purchase of Cat or Kitten \$170 (inclusive of GST)
  - Purchase of Dog or Puppy \$320 (inclusive of GST)
3. That Council adopt the proposed fee changes at the conclusion of the exhibition period provided that no objections are received.

### Purpose

1. To reaffirm Council's commitment to the continued implementation of a 50 percent discounted adoption fee for difficult to rehome cats and dogs.
2. To seek endorsement of Council to change adoption fees in line with reduced contractor fees for desexing cats and dogs.

### History

Council at its meeting of 13 June 2017 resolved to adopt a 50 percent discount rate to dog and cat sale fees to assist in rehoming of impounded dogs and cats that were difficult to rehome. This discounted sale fee has been applied traditionally at the discretion of the Animal Control Coordinator, from July 2017 to date.

In addition, Council resolved that it be provided with an update of the number of adoptions at the discounted rate for the purposes of determining whether the discount be continued.

Council recently put out a Tender for provision of Veterinary Services for the Animal Care Facility. As a result, contracts have been awarded and commenced on 1 November 2018 as follows:

1. Provision of Vet Services at the Animal Care Facility (ACF) – Macarthur Vet Group
2. Provision of Vet Services remote from ACF (ie In clinic services) – Glenfield Veterinary Hospital Pty Ltd

## Report

### i) Discounted Adoption/Sale Fee

The 50 percent discounted dog and cat sale fee was applied successfully during the 2017-2018 financial year resulting in the adoption of 91 cats and 36 dogs. This was a significant contributor to the achievement of record low euthanasia rates for the 2017-2018 reporting period (2.5 percent for dogs and 3.7 percent for cats).

This is a significant achievement particularly when consideration is given to the fact that council operates as an open admission shelter and the rates include all animals we receive, including dangerous and restricted breed dogs and companion animal surrenders (including old animals and animals that suffer ill health or behaviour problems).

Dog Statistics for the Animal Care Facility			
Financial Year	Total Incoming Dogs	Euthanased	Percentage Euthanased
2016-2017	1074	33	3.1%
2017-2018	1235	33	2.7%

Cat Statistics for the Animal Care Facility			
Financial Year	Total Incoming Cats	Euthanased	Percentage Euthanased
2016-2017	686	35	5.1%
2017-2018	1112	42	3.8%

The low euthanasia rates are a cumulative result of a number of strategies/initiatives including:

- the capacity to reduce adoption/sale fees particularly in respect of long term or elderly animals.
- proactive efforts by staff at the ACF with respect to rehoming of animals and facilitating adoption and rescues with interested persons and groups.
- valuable assistance from Campbelltown Lost, Found and Injured Pets voluntary group that assists with re-uniting stray pets with their owners.

- valuable assistance and support received from 45 affiliated rescue groups in rescuing animals from the ACF and promoting our animals on Facebook and other websites.
- valuable support provided by Campbelltown Pets and Aquarium in promoting animals available at the ACF for adoption.

## ii) Tender for Veterinary Services

As a result of a recent Tender, contracts were awarded to two local veterinary service providers as follows:

- Macarthur Vet Group for services provided at the ACF
- Glenfield Veterinary Hospital Pty Ltd – for services provided off site at their clinic

These arrangements commenced as of 1 November 2018 and have resulted in a decrease in vet fees for certain services, including cat and dog desexings. Therefore the following fee variations are proposed as outlined below:

Purchase of kitten or cat (all prices are inclusive of GST)			
Proposed cost	Previous cost	Proposed rehoming adoption assistance fee (50% discounted rate )	Previous rehoming adoption assistance fee (50% discounted rate )
\$170	\$240	\$85	\$120

Purchase of pup or dog (all prices are inclusive of GST)			
Proposed cost	Previous cost	Proposed rehoming adoption assistance fee (50% discounted rate )	Previous rehoming adoption assistance fee (50% discounted rate )
\$320	\$360	\$160	\$180

## Conclusion

As stated in the report, contractor costs for desexing have reduced and as such it is recommended that our standard sale/adoption fees be reduced accordingly.

Further in consideration of the successful implementation of the 50 percent discounted sale/adoption fee to date, it is also recommended that the discount fee initiative be continued indefinitely.

The abovementioned recommendations will assist in our ongoing efforts to improve animal rehoming rates and for the purchase of dogs and cats from the ACF to become a more attractive and affordable option for our community.

## Attachments

Nil

## 8.4 Quarterly Legal Status Report 1 July to 30 September 2018

### Reporting Officer

Director City Development  
City Development

### Community Strategic Plan

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

### Officer's Recommendation

That the information be noted.

### Purpose

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

### Report

This report contains total costs to date for each matter and the status of the Division's current legal matters for the period of 1 July to 30 September 2018 as they relate to:

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

A summary of year-to-date costs is also included.

### Attachments

1. Legal Status July to September (distributed under separate cover)

## 8.5 Draft City Wide Contributions Plan - Post Exhibition Report

### Reporting Officer

Director City Development  
City Development

### Community Strategic Plan

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

### Officer's Recommendation

1. That the draft Campbelltown Local Infrastructure Contributions Plan 2018 be adopted.
2. That Council give public notice of its decision in a local newspaper within 28 days after the decision is made. The date of the public notice will become the effective date in which the Plan will come into force.

### Executive Summary

- At its meeting on 9 October 2018, Council resolved to exhibit the draft Campbelltown Local Infrastructure Contributions Plan 2018 to meet forecast demand for new and upgraded local infrastructure over the next 15 years.
- The draft Plan was exhibited from 16 October 2018 to 16 November 2018 with notification appearing in local newspapers and on Council's website. No submissions were received.
- Upon commencement of the Plan, new development would be required to make a monetary contribution under either section 7.11 or a fixed development levy under section 7.12 of the *Environmental Planning and Assessment Act*, except where an existing contributions plan applies or where excluded by a voluntary planning agreement.
- It is recommended that Council adopt the Campbelltown Local Infrastructure Contributions Plan 2018.

### Purpose

The purpose of this report is to present the outcome of the public exhibition of the Campbelltown Local Infrastructure Contributions Plan (draft Plan), and recommend that the draft Plan be adopted.

## History

At its Ordinary Meeting of 9 October 2018, Council considered a report that outlined the extensive growth that is expected to occur in the LGA in the next 15 years. According to Council's adopted growth forecast, the Campbelltown Local Government Area (LGA) will see a further 32,000 additional residents (excluding new release and rural residential areas) and at least 15,000 additional workers up to year 2033.

Future residents of these growth areas will demand the provision of new and upgraded local infrastructure, including open space and recreation facilities, community facilities, active transport and public domain works.

Contributions of land, works and money from the developers of land in the LGA will be a key source funding for this infrastructure. The draft Plan was developed as the mechanism by which Council would levy new developments to assist in meeting the demand for new infrastructure which they generated.

Council resolved that the draft Campbelltown Local Infrastructure Contributions Plan 2018 be placed on public exhibition for a minimum of 28 days and that Council receives a further report that outlines the responses to any submissions received during the exhibition period.

## Report

In accordance with Council's resolution of 9 October 2018 and with the requirements of the Environmental Planning and Assessment Regulation 2000 (Part 4 Division 2):

- a public notice was placed in the Macarthur Chronicle on 16 October 2018
- a public notice was placed in the Campbelltown Advertiser on 17 October 2018
- the draft Plan was exhibited from 16 October 2018 until 16 November 2018
- the draft Plan and details were provided on the Council Have Your Say website
- a hard copy of the Plan was made available at the ground floor of Council's Civic Centre during Council's ordinary office hours
- comments were sought either by email, in writing or via an online submission until 4pm, Friday 16 November 2018.

The Have Your Say website was prepared for the purposes of the public exhibition and contained:

- an overview of the anticipated growth in the LGA and the reasons for the draft Plan;
- details of the existing Plans proposed to be repealed by the draft Plan
- a copy of the Draft Plan
- a copy of the Council Report of 9 October 2018
- frequently Asked Questions.

During the exhibition period, the Have Your Say page attracted 56 external views.

### 1. Submissions

There were no submissions received within the submission period ending at 4pm Friday 16 November 2018 either via the website, email or letter to Council.

## 2. What will the Plan do?

The draft Plan, if adopted, would require either a contribution under section 7.11 or a fixed development levy under section 7.12 of the *Environment Planning and Assessment Act 1979* to be made towards the provision, extension or augmentation of local infrastructure required as a consequence of development.

The section 7.11 contribution applies predominately to residential development such as:

- residential subdivisions
- apartments/shop top housing
- dual occupancies, manor houses, multi dwelling housing
- secondary dwellings
- boarding houses, group homes, hostels
- seniors living houses (independent living units).

The section 7.12 levy is a fixed development levy and would apply to:

- seniors living houses (integrated facilities and residential care facilities)
- dwelling houses on land that was not the subject of a section 7.11 contribution
- industrial and business park development
- retail shops, business premises, commercial premises, offices, etc
- educational establishments
- tourist and visitor accommodation
- change from one non-residential use to another with or without fitout.

The contributions/levies received will be used for the purposes of:

Type of Local Infrastructure	Total cost of works \$	Cost attributable to new development \$
Open space and recreation facilities	209,810,000	121,045,211
Community facilities	101,564,607	34,669,965
Traffic, transport and access facilities	72,450,000	34,090,960
Cycleway facilities	21,300,000	11,746,129
Town centre public domain facilities	45,000,000	7,303,308
Plan management and administration	3,160,679	3,056,614
<b>S7.11 sub-total</b>		<b>211,530,894</b>
Estimated section 7.12 contributions		23,000,000
<b>S7.12 sub-total</b>		<b>23,000,000</b>
<b>Total</b>	<b>453,285,286</b>	<b>234,530,894</b>
Current section 7.12 balance		11,000,000
<b>S7.12 balance sub-total</b>		<b>11,000,000</b>
	<b>Total</b>	<b>245,530,894</b>
	<b>Gap (Total)</b>	<b>207,754,392</b>
	<b>Gap (per year)</b>	<b>13,850,293</b>

The table above highlights that the cost attributable to new development is anticipated to contribute \$245,530,894 towards a total infrastructure cost of \$453,285,286 or, roughly 54 percent.

### **3. Development Contributions Cap**

A Ministerial Direction sets a maximum \$20,000 levy for infill residential development. This means that when development consent is issued, a condition of development consent cannot require more than \$20,000 per dwelling.

It is anticipated that in the absence of the cap, the total s7.11 contributions received under this Plan would be \$219,467,664. The application of the cap reduces the potential contributions to \$211,530,894 as shown in the table above.

This results in a shortfall of approximately \$7,936,770 over the 15 year life of the plan, or \$529,118 per year.

#### **Financial Implication**

The draft Local Infrastructure Contributions Plan identifies a total infrastructure cost of \$453,285,286 to fund the required works needed to support the future planned growth in residents and employment. The anticipated contributions to be collected under the Plan in addition to existing funds held (\$11m) would result in a shortfall, or gap of \$207,754,392 or \$13,850,293 per year. The funding of the gap would be addressed via alternative funding sources such as rates, grants and other sources. This funding gap is a natural feature of the development contributions system in NSW.

If adopted, the Plan would improve Council's future financial position to fund community infrastructure needed to support the increase in residential and employment growth.

#### **Conclusion**

Campbelltown is experiencing significant development growth and as such it is important that Council receive appropriate development contributions to supply and embellish local infrastructure to support future residents. The draft Plan, if adopted, has the potential to collect \$234.5m towards the cost of this infrastructure. It is recommended that Council adopt the draft Campbelltown Local Infrastructure Contributions Plan 2018 to apply to all relevant development applications lodged upon commencement of the Plan.

#### **Attachments**

1. Draft Campbelltown Local Infrastructure Contributions Plan 2018 - due to size (86 pages) (distributed under separate cover)



## **8.6 Planning Proposal - Request to rezone land for urban and conservation purposes - Appin Road Gilead**

### **Reporting Officer**

Director City Development  
City Development

### **Community Strategic Plan**

<b>Objective</b>	<b>Strategy</b>
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 not proceed with the Planning Proposal Request (PPR) as provided for property Nos. 880, 894, 900 and 880A-900A Appin Road, Gilead for the following reasons:
  - a. The Planning Proposal Request is inconsistent with the recently released Department of Planning and Environment vision – Greater Macarthur 2040: An Interim Plan for the Greater Macarthur Structure Plan (land release areas) (GM 2040) which is seeking to reserve the subject land as a primary Koala movement corridor and remove its previous classification as urban capable.
  - b. The proposal would be inconsistent with metropolitan, district and local planning outcomes, objectives and strategies.
  - c. The capacity of Appin Road to accommodate additional traffic growth is limited to current zoned land.
  - d. The Campbelltown City Local Planning Panel do not support the proposal on the ground that it has insufficient strategic and site specific merit.
2. That the proponent and Department of Planning and Environment be advised of Council's decision.

### **Executive Summary**

- A Planning Proposal Request (PPR) has been submitted by MacroPlan Dimasi in respect of land in the ownership of the Brticevich family (and also land in the ownership of the Office of Strategic Lands) to rezone property Nos 880, 894, 900 and 880A-900A Appin Road, Gilead for urban and conservation purposes.

- The PPR seeks to permit, with development consent, approximately 505 dwellings, a neighbourhood shop and supporting open space and water management facilities. Residue bushland and riparian areas would be zoned and managed principally for environmental conservation purposes.
- The subject lands are located in the Greater Macarthur Priority Growth Area, and identified by the Greater Macarthur Land Release Investigation – Preliminary Strategy and Action Plan (2015) to be developable land within the Menangle Park and Mount Gilead Priority Precinct.
- The DP&E more recently (November 2018) released a land use and infrastructure implementation plan entitled “Greater Macarthur 2040: An Interim Plan for the Greater Macarthur Growth Area” (GM 2040), including the Greater Macarthur Structure Plan (land release areas) (GMSP). In seeking to conserve the Koala population, the draft Plan identifies the subject land as a proposed indicative koala corridor and removes the previous classification as urban capable.
- The Campbelltown City Local Planning Panel, at its meeting of 28 November 2018, resolved not to support the Proposal on the grounds that it has insufficient strategic and site specific merit to advance to Gateway Determination.
- It is therefore recommended that the PPR not proceed to Gateway Determination at this time, due to inconsistencies with metropolitan, district and local planning outcomes, objectives and strategies and preliminary ecological, accessibility and service infrastructure deficiencies.

## Purpose

To consider the merit of a PPR to rezone No's 880,894,900 and 880A-900A Appin Road, Gilead for urban and conservation purposes

<b>Property Description</b>	No's 880, 894, 900 and 880A-900A Appin Road, Gilead
<b>Application No</b>	2469/2018/E-PP
<b>Applicant</b>	Macro Plan Dimasi
<b>Owner</b>	The Brticevich Family and the Office of Strategic Lands
<b>Provisions</b>	Campbelltown Local Environmental Plan 2015 (RU2 – Rural Landscape and RE1 – Public Recreation)
<b>Date Received</b>	11 July 2018

## Background/ Recent Developments

In 2015, the Department of Planning and Environment (DP&E) released the Greater Macarthur Land Release Investigation Preliminary Strategy and Action Plan. The Plan identified the opportunity to provide up to 35,000 new homes in Menangle Park, Mount Gilead and Wilton New Town. It is noted that Mount Gilead (Stage 1) and Menangle Park were released in 2017 and South East Wilton earlier this year. The subject land is identified by this strategy as developable land as illustrated in attachment 2.

Prior to the release of GM 2040, the Department of Planning and Environment held two workshops in April and May 2017 with land owners in the Greater Macarthur Release Area. At these workshops, the Department presented plans that proposed to limit the growth area boundary to Appin Road to support preliminary recommendations of its koala conservation strategy.

On 15 June 2018, the applicant informally submitted the PPR to Council on the basis that payment of the required fee would be promptly made. The proposal was lodged with no pre-lodgement meeting or discussion with staff.

On 3 July 2018, the applicant was advised in writing by Council that due to the proposed growth area boundary amendment, it would be unlikely that the proposal would be supported for Gateway referral if formally lodged. Whilst noting Council's advice, the applicant paid the required fee on 11 July 2018.

More recently (November 2018), the DP&E released GM 2040, a land use and infrastructure implementation plan which includes the GMSP.

The GMSP is noted to preclude urban growth on the eastern side of Appin Road and identifies such land, including the subject land, as "proposed indicative Koala corridor". In doing so the previous classification as urban capable is removed.

At its meeting on 28 November 2018, the Campbelltown City Local Planning Panel considered a report on the proposal and advised that:

1. The Panel considered the verbal submission by the Applicant, noted the matters raised and had regard to such representation in making its decision.
2. That the Campbelltown City Local Planning Panel advise the Council that it does not support the Planning Proposal Request on the grounds that it has insufficient strategic and site specific merit to advance to Gateway Determination given that:
  - a. The Planning Proposal Request whilst prepared in accordance with the 2015 Preliminary Strategy and Action Plan, is now inconsistent with current metropolitan, district and local planning outcomes, objectives and strategies following the release of 'Greater Macarthur 2040: An Interim Plan for Growth of the Macarthur Area' (November 2018).
  - b. A decision in respect of the potential advancement of a relevant Planning Proposal to a Gateway Determination needs to have clear regard to the recently released draft land use and infrastructure plan 'Greater Macarthur 2040: An Interim Plan for the Growth of the Macarthur Area' (November 2018) and the Greater Macarthur Structure Plan (land release areas) (November, 2018).
  - c. The Greater Macarthur Structure Plan in seeking to conserve the Koala Population identifies the subject land as a proposed indicative Koala Corridor and removes the previous classification (2015) as urban capable.
  - d. The Planning Proposal Request does not exhibit sufficient preliminary ecological, accessibility and service infrastructure merit to be advanced.

## The Site

The subject site consists of property Nos. 880,894,900 and 880A-900A Appin Road, Gilead and has a total site area of 61.3 hectares as shown in Figure 1 below. The site is bounded to the east by the Georges River, to the west by Appin Road and to the north and south by rural lands and bushland. It is opposite the recently rezoned Mt Gilead- Stage I Urban Release Area.



**Figure 1:** The subject lands and immediate context

The site is comprised of three privately owned lots fronting Appin Road (totalling 16 hectares) that have been extensively cleared in the past for rural pursuits and are largely absent of established trees. The balance of the land (45.3 hectares) is owned by the Office of Strategic Lands (OSL) and would provide approximately half of the proposed urban development. The majority of the land is comprised of dense bushland and abuts the Georges River.

## Summary of Planning Proposal Request (PPR)

The PPR seeks to amend the Campbelltown Local Environmental Plan 2015 (CLEP 2015) to provide for the residential development of approximately 505 dwellings over 16 hectares and set aside 45.3 hectares of land for open space and conservation purposes.

The PPR is supported by the following technical reports:

- Urban Design Report (Urban Co)
- Market Appraisal (MacroPlan Dimasi)
- Traffic Impact Assessment (GTA Consultants)
- Terrestrial Ecology Constraints Assessment (Eco Logical)
- Riparian Constraints Assessment (Eco Logical)
- Bushfire Constraints Assessment (Eco Logical)

- Aboriginal and Historical Archaeological and Heritage Constraints Assessment (Eco Logical)
- Noise Impact Assessment (Acoustic Logic)
- Preliminary Odour Assessment (JBS&G)
- Preliminary Site Investigation (JBS&G)
- Geotechnical Assessment (Pells Sullivan Meynink)
- Infrastructure Servicing Report (Wood & Grieve Engineers)
- Technical Review, Endeavour Energy (Wood & Grieve Engineers)
- Indicative Layout Plan (refer to attachment 1)

The proponent provides the following justification for the proposal:

- the proposal is consistent with strategic priorities and outcomes as set by the State Government and provides opportunities to contribute to local and district housing targets as provided in the Greater Sydney Region Plan and the Western City District Plan
- the subject site is located within the Greater Macarthur Priority Growth Area (GMPGA) and provides a unique opportunity to deliver a contemporary new residential subdivision of 1465 residents (505 dwellings)
- the supporting technical studies confirm the suitability of the site for future residential development
- is ideally located adjacent to the recently rezoned Mt Gilead and will provide a logical extension to the existing urban footprint of Macarthur
- the proposal is capable of refinement as the Planning Proposal is advanced.

A copy of the Planning Proposal Request (the proposal) is included in attachment 1.

## 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 Content

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

#### 1.1. Greater Sydney Region Plan

The Greater Sydney Region Plan: A Metropolis of Three Cities (GSRP) was released in March 2018 and provides a 40-year vision to 2056 and 20-year plan to manage growth and change.

The GSRP identifies the need for an additional 725,000 dwellings in the period 2016-2036. The Western City District is identified as contributing 29 percent of the total Sydney wide dwelling growth by 2036. The Greater Macarthur Priority Growth Area and the Gilead site are identified as contributors via the Western City District.

The PPR is considered to align with the key direction of Housing and City (Giving People Housing Choice) and related objectives in respect of increased housing supply (Objective 10) and enhanced housing diversity and affordability (Objective 11).

However, the PPR is inconsistent with objectives 25, 27 and 28 in relation to bushland and scenic landscapes when considered against the opportunity to protect and enhance the Georges River bushland corridor.

## **1.2. Western City District Plan**

The Western City District Plan (connecting communities) (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).

The WCDP is noted to; *inter alia*, inform the assessment of planning proposals. Further, the WCDP is identified to assist councils to plan for and support growth and change, and align their local planning strategies to place based outcomes. It guides the decisions of State Agencies and informs the private sector and wider community of approaches to manage growth and change.

The subject site is identified as Land Release Area in the Western City District Structure Plan. This area is identified by the WCDP as having potential to support up to 35,000 new homes with 18,000 future dwellings within the precincts of Menangle Park and Mount Gilead.

The recently released GM 2040 (November 2018) seeks to implement the regional vision of the WCDP, complementing and supporting its delivery. In doing so it establishes the platform of a landscape based approach to the protection of environmental and landscape values, as an extension of the planning principles of the WCDP. The Proposal would now be inconsistent with the WCDP given release of GM 2040 which now seeks to remove the classification of the subject land as urban capable.

## **1.3 Greater Macarthur Growth Area**

The Department of Planning most recently has released GM 2040 and GMSP (November 2018) Together they set a vision and framework for the development of the Greater Macarthur Growth Area.

The documents importantly identify the subject land as “proposed indicative koala corridor” and removes the previous Greater Macarthur planning classification as urban capable.

Concurrently, a draft Special Infrastructure Contribution (SIC) proposal has been released (November 2018). The draft SIC details a potential developer contribution to new and upgraded state and regional infrastructure occasioned by the impacts of development. In the general Gilead development precinct a draft SIC levy of \$39,710 per residential dwelling/lot is proposed.

## **1.4 Section 9.1 Local Planning Directions**

Section 9.1 of the *Environmental Planning and Assessment Act 1979* allows the Minister for Planning to give directions to councils regarding principles, aims, objectives or policies to be achieved, or give effect to, in the preparation of draft local environmental plans.

The directions of most relevance to the PPR are summarised below.



- **Direction 1.2 Rural Zones**

The objective of this Direction is to protect the agricultural value of rural land. Although the value of the subject lands for agriculture is limited due to its size and environmental constraints, rezoning for urban purposes ought not to proceed due to the recommendations of GM 2040.

- **Direction 2.1 Environment Protection Zones**

The objective of this Direction is to protect and conserve environmentally sensitive areas. The most sensitive parts of the site are proposed to be protected in the environmental conservation lands. However, any rezoning for urban purposes is likely to be inconsistent with current and future actions associated with the Cumberland Plain Conservation Plan (CPCP), including the foreshadowed measures to protect the local Koala population.

It is noted that the subject land is identified in the GMSP (November 2018) as “proposed indicative koala corridor” and not as “urban capable land”.

- **Direction 3.1 Residential Zones**

The objective of this Direction is to provide for existing and future housing needs, to make efficient use of existing infrastructure and to minimise the impact of residential development on the environment and resource lands. Notwithstanding the provision of new housing, the proposal would not be immediately serviceable by local road infrastructure and would likely compromise the implementation of a comprehensive Koala Management Strategy.

- **Direction 4.2 Mine Subsidence and Unstable Land**

The objective of this Direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. The subject site includes completed subsurface mining activity, with subsidence understood to be complete. Therefore, the proposal is considered consistent with the Direction; subject to concurrence from Subsidence Australia should the proposal proceed.

- **Direction 7.2 Implementation of Greater Macarthur Land Release Investigation**

The objective of this Direction is to ensure that development within the Greater Macarthur Land Release Investigation Area is consistent with the Greater Macarthur Land Release Preliminary Strategy and Action Plan (the Preliminary Strategy).

The subject site forms part of the Menangle Park and Mount Gilead Development Precinct in the Preliminary Strategy. In the most recently released “GM 2040 (November 2018) and the related GMSP, the subject land is identified as proposed indicative Koala corridor and not as “urban capable”. Notwithstanding, the commentary in respect of protecting Koalas notes that should the land not be needed for conservation, the Department would consider appropriate land uses that complement and are designed around Koala protection. Therefore, the proposal is considered inconsistent with this direction.

## **1.5 Community Strategic Plan – Campbelltown 2027**

The Campbelltown City Community Strategic Plan (CSP) is a 10 year vision that identifies the main priorities and aspirations for the future of the Campbelltown City Local Government Area (LGA) and is Council's long term plan to deliver the community inspired vision.

The CSP acknowledges the need to provide for housing diversity and affordability in a structured way, whilst preserving the important natural attributes of the LGA and facilitating its promotion. Although the proposal is generally consistent with the CSP, urban development would be partly inconsistent with outcomes 2 and 3 in relation to protection of the natural environment and development of tourism opportunities. Development of the subject site would be inconsistent with these objectives on the grounds that protection of a natural habitat corridor for koala preservation is likely to be key driver of future tourism to the region and preservation of the eastern side of Appin Road would be key to this outcome.

## **1.6 Campbelltown Local Environmental Plan 2015 (CLEP 2015)**

The Campbelltown Local Environmental Plan 2015 (CLEP 2015) is the principal environmental planning instrument for the City of Campbelltown.

The proposal seeks to rezone the land from RU2 – Rural Landscape, to part R1 General Residential, part B1 Neighbourhood Centre, part RE1 Public Recreation and part E2 Environmental Conservation. No height of building control is nominated.

Application of the proposed land use zones is generally sound, with the exception of the R1 zone which is not currently applied anywhere in the LGA. This zone permits all forms of residential development including residential flat buildings which is not appropriate. Alternatively, application of the R2 Low Density Residential zone with an 8.5m building height control, consistent with the Gilead Stage 1 would be acceptable.

The proposal is also absent of appropriate revisions to the Terrestrial Biodiversity Map and Urban Release Area Map. Clause 7.20 (Terrestrial Biodiversity) relates to the avoidance, minimisation or mitigation of the vegetation impacts and impacts and Clause 6.1 (Arrangements for designated State Public Infrastructure) would be required in the absence of the Cumberland Plain Conservation Plan which is yet to be exhibited by the Department.

## **1.7 Campbelltown (Sustainable City) Development Control Plan, 2015**

The Campbelltown (Sustainable City) Development Control Plan, 2015 (CSCDCP 2015) is a companion planning document which seeks to assist in realising the objectives of CLEP 2015 through the provision of more detailed general controls, landuse specific controls and site specific controls.

The proposal is generally inconsistent with the CSCDCP 2015 and would require a site specific chapter of the DCP to be prepared if progressed.

## **2. Evaluation**

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

### **2.1 Riparian Lands**

The site slopes generally from Appin Road to the Georges River at the rear. The more significant streams are included in the proposed conservation lands or open space linkages. One lower order drainage path which is not defined as a watercourse is integrated in the proposed Indicative Layout Plan limiting opportunity for its integration as a green link. Confirmation of the stream classification would occur upon consultation with the Office of Environment and Heritage should the proposal proceed.

## 2.2 Terrestrial Ecology

The highly sensitive vegetation present on-site generally aligns with the proposed conservation area and is noted to include the Cumberland Shale-Sandstone Ironbark Forest, which corresponds with the threatened ecological community (TEC) Shale Sandstone Transition Forest in the Sydney Basin Bioregion. The ecological community is also listed as Critically Endangered under the *Biodiversity Conservation Act 2016* (BC Act) and the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The observation of one koala during fieldwork and the nature of vegetation in the bushland area has led the assessment to conclude that the habitat on-site is likely to constitute core koala habitat under State Environmental Planning Policy 44 - Koala Habitat Protection (SEPP44).

On the grounds that the Indicative Layout Plan is largely responsive to the ecological constraints of the site, no concern is raised to the proposed layout. However, the recently released GM 2040 (2018) and GMSP (2018), in seeking to conserve the local Koala population, identify the subject land as a proposed indicative Koala corridor and removes the previous classification as urban capable.

It is also noted that Council recently resolved to support the creation of a Greater Macarthur Partnership Forum to further investigate amongst other things the implementation of a natural assets corridor network for the Greater Macarthur Area supporting the long term vision of future-proofing Koala habitat and movement within the region. The subject land would be fundamental to natural asset corridor development of this nature.

## 2.3 Bushfire Hazard Management

The subject site is bushfire prone, with the hazard largely aligning with the heavily vegetated Georges River extended foreshore lands. The supporting Bushfire Constraints Assessment confirms that a suitable management solution can be provided, consistent with the requirements of Planning for Bushfire Protection 2006. Such a solution would require the provision and management of Asset Protection Zones on the proposed urban development/bushland interface. Their provision and management would need to be further reviewed should the proposal proceed.

## 2.4 Traffic/Transport/Access

Access to the site from Appin Road is proposed from two locations that are intended to align with the indicative layout plan for the Gilead Stage 1 development. Subject to further design, the assessment concludes that the intersections could operate at acceptable levels of service as either a roundabout or signalised layout. Current planning for Appin Road to service the Lend Lease Development at Gilead 1 is based on implementing a signalised design with a Review of Environmental Factors (REF) currently on exhibition.

Unfortunately, the traffic assessment does not assess the northbound performance of Appin Road to Ambarvale. Appin Road is a Classified State Road under the care and maintenance of Roads and Maritime, connecting Campbelltown to the Princes Highway north of Wollongong. Appin Road is currently configured as a two-lane, two-way road, signposted at 80km/h south of Copperfield Drive / Kellerman Drive / Appin Road intersection and 70km/h north of Copperfield Drive / Kellerman Drive / Appin Road intersection.

Lendlease Communities is currently negotiating a voluntary planning agreement with the RMS and DP&E in relation to the duplication of Appin Road for a four kilometre section of the road between the southern extents of the Gilead site and Ambarvale. It is anticipated this planning agreement will be executed in the coming months. Under this agreement, capacity to accommodate future traffic growth would be limited to current zoned land, with no future capacity pending construction of the future east/west link road to Spring Farm Parkway. Accordingly, on traffic grounds, it is not appropriate that the proposal proceed at this time.

## **2.5 Indigenous and European Heritage**

The submitted Aboriginal and Historical Archaeological and Heritage Constraints Assessment identifies the following matters as requiring further investigation:

- areas of moderate to high sensitivity for Aboriginal archaeological sites
- remnant sandstone structure and associated foundations; and
- Statement of Heritage Impact would also be required in respect of the locally listed Glen Lorne property situated some 90 metres to the north, including views and vistas to and from any locally and state registered historical items.

Should the proposal proceed, further investigation of the above matters would be a requirement of Gateway Determination and consultation with the Office of Environment and Heritage.

## **2.6 Noise Impact**

Noise from Appin Road, inclusive of contributory noise from urbanisation of the subject site would be capable of adequate mitigation. Future design of the Appin Road duplication is likely to consider noise mitigation strategies such as noise walls and would be a requirement of any future development consent if progressed.

## **2.7 Odour Impacts**

The submitted odour assessment identifies that no odour generating activities are located within 500 metres of the site boundaries and that future residents would not be subject to offensive odours or annoyance from odours based on land use in the surrounding area.

## **2.8 Contamination/Preliminary Site Investigation**

The submitted Preliminary Site Investigation identifies a number of Areas of Potential Environmental Concern based on past and current uses of the site. Such contamination would be capable of remediation/management at a future development application stage.

The remainder of the site is considered to have low potential for gross or widespread contamination from historical activities.

## **2.9 Geotechnical**

The submitted Preliminary Geotechnical Assessment identifies the site to be suitable for residential development, with appropriate setbacks to the Georges River foreshore areas included in the master plan.

## **2.10 Water Utilities**

The opportunity for future waste water treatment is unclear as the land is not included within Sydney Water's 2017-2022 Growth Servicing Strategy. Additionally, Sydney Water advise that no waste water planning has been undertaken for the site.

Should the site be included in the final Growth Area, a servicing strategy for both waste water and potable water would be prepared by Sydney Water. Further detail and referral to Sydney Water would be a requirement of a Gateway Determination should the matter proceed.

## **3. Developer Contributions**

A draft Campbelltown Local Contribution Plan (draft CLCP) was recently exhibited. This proposal has not been accounted for in the draft CLCP and would generate additional demand for public infrastructure if progressed. In addition, the DP&E recently released a Special Infrastructure Contribution (SIC) for the Greater Macarthur Growth Area to provide funding for NSW Government infrastructure required to support growth.

The draft SIC seeks to fund the cost of new and upgraded state and regional infrastructure required to support growth, including the Gilead precinct, at no additional cost to government. The subject land falls within the Northern Precinct of the draft SIC, which proposes a contribution rate of \$39,710 per additional residential dwelling/lot.

## **4. Next Steps**

Should Council resolve not to proceed with the Proposal, the applicant and DP&E would be notified of Council's decision.

## **Conclusion**

This report has considered the strategic merit of the proposal in relation to state and local planning matters. Although the site was identified in draft strategy plans as having development potential, the implementation plan GM 2040 and in particular the GMSP identifies the subject land as proposed indicative Koala corridor and removes the previous classification as urban capable.

Accordingly, for the reasons outlined in this report, it is recommended that the proposal not proceed as it has insufficient strategic and site specific merit to advance to Gateway Determination.

## **Attachments**

1. Gilead, Appin Road Planning Proposal - due to size of document (58 pages) (distributed under separate cover)
2. Priority Precinct (contained within this report)
3. Assessment of Koala Issues - due to size of document (49 pages) (distributed under separate cover)

# Priority Precinct

## Menangle Park and Mount Gilead

The northern part of Greater Macarthur adjoins the Campbelltown-Macarthur Regional City, and is a logical extension to Sydney's metropolitan urban area. Land in the precinct is relatively unencumbered by constraints to development and it has less requirements for substantial transport and utilities infrastructure upgrades than other parts of Greater Macarthur, given its proximity to the existing metropolitan urban area.

The precinct has relatively direct access to jobs, health care and education opportunities in Campbelltown-Macarthur, and other opportunities in Western Sydney. The extent and density of urban development is subject to further detailed transport assessment. Actions to deliver growth in this area include:

- Upgrade the Hume Highway between Picton Road and Raby Road;

- Rezoning land for 4,900 homes through the Mt Gilead and Menangle Park planning proposals by the end of 2015, with the first new houses possible within two years;
- Upgrades to Appin Road to provide direct connections to Campbelltown-Macarthur;
- Construction of Spring Farm Link Road and new access ramps to the Hume Highway, to help ease congestion on Narellan Road;

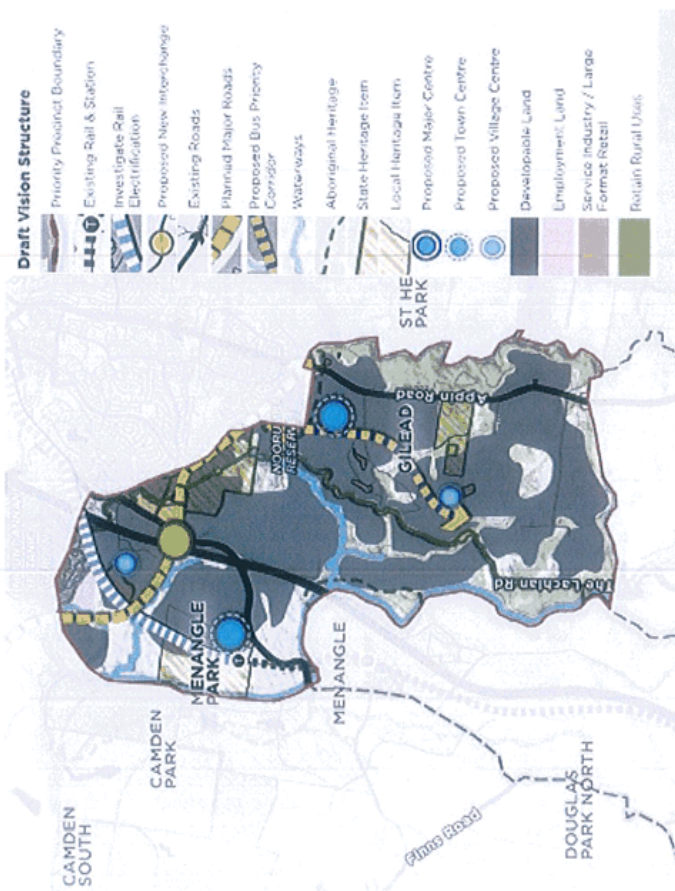


Figure 2 Menangle Park & Mount Gilead Structure

4 Preliminary Strategy & Action Plan- Greater Macarthur Land Release

Potential Development Yields and Land Use			
Type	SUITABLE	ENCUMBERED	TOTAL
Residential	849 ha	363 ha	1,212 ha
Employment	15 ha	9 ha	24 ha
Other			1,060 ha
Constrained			1,305 ha
<b>Total Precinct</b>			<b>3,601 ha</b>
Approximate dwelling yield	12,700 dwellings	5,400 dwellings	<b>18,100 dwellings</b>
The precinct will contain four centres:			
<ul style="list-style-type: none"> <li><b>Mt Gilead</b> - a local centre with approximately 10,000-20,000m<sup>2</sup> of employment GFA.</li> <li><b>Menangle Park</b> - a local centre with approximately 20,000-30,000m<sup>2</sup> of employment GFA.</li> <li><b>Glenlee</b> - a village centre with approximately 5,000m<sup>2</sup> of employment GFA.</li> <li><b>Gilead</b> - a village centre with approximately 5,000-10,000m<sup>2</sup> of employment GFA.</li> </ul>			
The future land uses in the precinct will predominantly be residential of different densities with commercial uses located within centres. The extent and density of urban development is subject to further detailed transport assessment.			
<b>Land Uses</b> <ul style="list-style-type: none"> <li>Residential and Employment. Approximate Net Developable Areas (includes local roads). Employment areas calculated include Service Industry / Large Format Retail located in the northern portion of Gilead.</li> <li>Other from residential / non employment. Estimate for regional / local infrastructure (SOL - Special Activities and SPA - Infrastructure), public open space (POES), water management infrastructure, centres, recreation corridors (Stream order Land 2), heritage outcrops, retained rural lands and/or additional conservation areas.</li> </ul>			

## 8.7 Status of Applications

### Reporting Officer

Director City Development  
City Development

### Community Strategic Plan

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

### Officer's Recommendation

That the information be noted.

### Purpose

To advise Council of the status of development applications within the City Development Division.

### Report

In accordance with the resolution of the Council meeting held 13 March 2018, that:

Councillors be provided with monthly information detailing the status of each report considered by the (IHAP), now known as the Local Planning Panel (LPP), South Western City Planning Panel and approved by the General Manager under delegation of a value of more than \$1m, the attachment to this report provides this information as requested.

### Attachments

1. List showing status of Development Applications (contained within this report)



## Development Application Register

DAs to be considered by the Regional Panel (South Western City Planning Panel)						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
1585/2015/DA-MP	Lot 1097 Goldsmith Ave, Campbelltown	Masterplan for Macarthur Gardens North and construction of stages 1 and 2 of Macarthur Gardens North, involving the construction of 72 dwellings, civil works and subdivision	\$19,640,000	>\$5million Crown	Assessing	
206/2016/DA-RS	Lot 1097 Goldsmith Ave, Campbelltown	Subdivision into nine superlots, a residue allotment, construction of 86 residential dwellings and associated Torrens and Strata subdivision and minor alterations to masterplan	\$19,600,000	>\$5million Crown	Assessing	
726/2016/DA-RS	Lot 1097 Goldsmith Ave, Campbelltown	Masterplan amendments, medium density housing and associated subdivision within stages 7, 8 and 9 in Macarthur Gardens north	\$20,640,000	>\$5million Crown	Assessing	
4204/2016/DA-RA	6-12 Dumaresq Street, Campbelltown	Demolition of existing structures and construction of a 15 storey mixed use residential flat building comprising of 85 residential units, four levels of basement car parking, one level of retail, two levels of commercial and a communal rooftop open space area	\$28,000,000	>20million (registered prior to \$30mil threshold)	Panel meeting held on 29 October	Application deferred pending receipt of more information
389/2017/DA-RA	'Raith' 74 Fern Avenue, Campbelltown	Construction of a residential development containing 134 residences and alterations to and use of the existing heritage building.	\$26,000,000	>20million (registered prior to \$30mil threshold)	Assessing	

## Development Application Register

## 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 carparking	\$8,712,418	Residential Flat Building - more than 3 storeys	Deferred for more information	
3598/2017/DA-SL	1 Reddall Street, Campbelltown	Demolition of existing dwelling and construction of a three storey senior living building consisting of 14 independent living units	\$2,400,000	Residential Flat Building – more than 3 storeys	Deferred for more information	
3885/2017/DA-SW	Lot 3 Menangle Rd, Menangle Park	Stage 1 – Menangle Park Urban Release Area – civil works and subdivision of land to create 255 residential lots and seven superlots	\$19,330,000	VPA	Assessing	
559/2018/DA-RS	10 Wickfield Circuit, Ambarvale	Construction of a mixed use development consisting of 27 residential units, 9 retail premises with basement car parking and strata s'division	\$8,026,960	Residential Flat Building – more than 3 storeys	Deferred for more information	
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	

## Development Application Register

DA No.	Address	Description	Value	Authority Criteria	Status	Determination
3909/2018/DAAL	2 Greenway Street, Ruse	Alterations and additions to an existing dwelling	\$70,000	Council staff	To Panel meeting on 28 November for determination	
2321/2018/DA-S	Farrow Road, Campbelltown	Subdivision of one lot into two Torrens titled lots	Nil (subdivision only, no works)	Council-owned land and Council applicant	To Panel meeting on 28 November for determination	
1998/2018/DA-C	20 Williamson Road, Ingleburn	Alterations and additions to an existing industrial building that is used for warehousing and distribution	\$447,700	Variation of development standard by more than 10%	To Panel meeting on 28 November for determination	

## 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
Nil	Nil	Nil	Nil	Nil	Nil	Nil

## **8.8 Draft Planning Proposal - 194 Campbelltown Road Denham Court (App No. 24/2018)**

### **Reporting Officer**

Director City Development  
City Development

### **Community Strategic Plan**

<b>Objective</b>	<b>Strategy</b>
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**

That Council not support the Planning Proposal request (Application No. 24/2018) to amend the Schedule 1 'additional permitted uses' provisions of Campbelltown Local Environmental Plan 2015 for 194 Campbelltown Road, Denham Court.

### **Executive Summary**

This report relates to a site at 194 Campbelltown Road, Campbelltown which is adjacent to the northbound exit ramp from the M31 Hume Motorway to Campbelltown Road, Denham Court. The site is in an Environmental Living Zone.

Council has previously supported a service station for this site by amending the LEP. This support did not include long vehicles over 7.5 metres in length. Development consent has been issued for a service station consistent with this restriction.

A planning proposal request has now been received to remove the restriction for long vehicles. There are concerns with the use of this site by vehicles over 7.5 metres and it is recommended that Council not support the request.

### **Purpose**

The purpose of the report is to consider a Planning Proposal Request (the Request) to amend the Schedule 1 'additional permitted uses' provisions of Campbelltown Local Environmental Plan 2015 for 194 Campbelltown Road, Denham Court, so as to permit truck access and parking for a service station on the land.

### **History**

The subject site is located at the junction of Campbelltown Road and the Hume Motorway exit ramp at Denham Court, and is zoned E4 Environmental Living under Campbelltown Local Environmental Plan 2015 (CLEP 2015). Service stations are prohibited in the E4 Environmental Living Zone under CLEP 2015.

At its meeting of 17 March 2015 Council supported a planning proposal request for the amendment of Campbelltown (Urban Area) LEP 2002 to permit a service station as an additional permitted use on the subject land, subject to a restriction to deny access to long vehicles over 7.5 metres in length. Campbelltown (Urban Area) LEP 2002 was amended to this effect on 22 May 2015, and the subject clause enabling a service station on the site (without truck access) has been carried over to Schedule 1 of the prevailing instrument CLEP 2015 as follows:

### **Schedule 1 Additional permitted uses**

#### **17 Use of certain land at 194 Campbelltown Road, Denham Court**

- (1) This clause applies to land at 194 Campbelltown Road, Denham Court, being Lots 73 and 74, DP 22711.
- (2) Development for the purpose of a service station is permitted with development consent, if the service station:
  - (a) does not include a diesel or gas fuelling point for long vehicles (within the meaning of rule 200 of the Road Rules 2014), and
  - (b) is not designed or constructed to be used by such long vehicles, and
  - (c) is designed and constructed to be used by heavy vehicles (within the meaning of the Road Rules 2014) only for the purpose of fuelling, and
  - (d) is not able to be accessed from a freeway.

On 23 November 2017, Council approved Development Application 3253/2015 for a service station development on the site, described as demolition of an existing dwelling and associated structures, removal of trees, construction and operation of a 24 hour service station with ancillary sales of convenience food, car wash, vehicle repair workshop, associated civil and landscaping works. The development consent excluded access for trucks and long vehicles in accordance with the abovementioned additional permitted uses clause.

On 26 July 2018, a construction certificate was issued by a private certifier for the approved service station development. The proponent has undertaken demolition and civil works on the subject land.

On 26 September 2018, the Local Planning Panel considered the subject planning proposal and provided comments as outlined in the body of this report. In response to the comments of the Panel, the proponent submitted a separate S4.55 application on 11 October 2018 to modify Development Application 3253/2015. The modification application is being separately assessed.

## Report

### Site Description

The subject site has an area of 1.241 hectares and is located at the junction of Campbelltown Road and the Hume Motorway exit ramp at Denham Court. The site is surrounded by Campbelltown Road to the west, the Hume Motorway to the east and south, and the Denham Court exit off-ramp from the Hume Motorway to the north.

The subject land is vacant, with bulk earthworks and site benching commenced by the proponent. A construction certificate has been issued by a private certifier for the service station development (DA 3253/2015).



Location Image - 194 Campbelltown Road, Denham Court

### CLEP 2015 - Relevant Provisions

The main provisions of CLEP 2015 that are relevant to the assessment of the subject planning proposal are discussed below.

- **E4 Environmental Living Zone**

The site is zoned E4 Environmental Living under Campbelltown Local Environmental Plan 2015 (CLEP 2015). The objectives of the zone are:

- to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values
- to ensure that residential development does not have an adverse effect on those values
- to conserve the rural and bushland character of land that forms the scenic eastern edge of Campbelltown's urban area
- to protect and enhance areas of scenic value and the visual amenity of prominent ridgelines
- to maintain significant stands of native vegetation and wildlife and riparian corridors
- to ensure the preservation and maintenance of environmentally significant and environmentally sensitive land

CLEP 2015 prohibits a number of land uses within the E4 Environmental Living Zone, including service stations defined as follows:

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles
- (b) the cleaning of motor vehicles
- (c) installation of accessories
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration)
- (e) the ancillary retail selling or hiring of general merchandise or services or both

- **Additional Permitted Uses for Particular Land - Clause 2.5**

Clauses 2.5 of CLEP 2015 permits additional land uses for particular sites, over and above those uses identified within the relevant zoning table. Additional permitted uses for nominated sites are identified under Schedule 1 of CLEP 2015.

The subject land is identified under Schedule 1 of CLEP 2015 as follows:

**17 Use of certain land at 194 Campbelltown Road, Denham Court**

- (1) This clause applies to land at 194 Campbelltown Road, Denham Court, being Lots 73 and 74, DP 22711.



- (2) Development for the purpose of a service station is permitted with development consent, if the service station:
- (a) does not include a diesel or gas fuelling point for long vehicles (within the meaning of rule 200 of the Road Rules 2014), and
  - (b) is not designed or constructed to be used by such long vehicles, and
  - (c) is designed and constructed to be used by heavy vehicles (within the meaning of the Road Rules 2014) only for the purpose of fuelling, and
  - (d) is not able to be accessed from a freeway.

### **Description of Planning Proposal Request**

The Planning Proposal Request (the Request) is attached to this report and comprises the following documentation:

1. Submission to Campbelltown City Council - Planning Proposal Request (Amended) - Removal of Restrictions. Land situated at Lot 100 DP 1176622 No 194 Campbelltown Road, Denham Court. Michael Brown Planning Strategies, dated June 2018
2. 'Acoustic DA Assessment' Report – Acouras Consultancy dated 25/06/2018
3. 'Traffic Report for Proposed LEP Amendment for Service Station Site' – Colston Budd Rogers & Kafes Pty Ltd. Dated April 2018 ref: 10909

The Request seeks to amend of the additional permitted uses clause for the subject land under CLEP 2015, by removing the restrictions relating to long vehicles (trucks) accessing a service station on the subject land. In this respect, the proponent has requested that the Schedule 1 clause that permits a 'service station' on the land be amended to read as follows:

### **17 Use of certain land at 194 Campbelltown Road, Denham Court**

- (1) This clause applies to land at 194 Campbelltown Road, Denham Court, being Lots 73 and 74, DP 22711.
- (2) Development for the purpose of a service station is permitted with development consent, if the service station is not able to be accessed from a freeway.

Should the abovementioned restriction on truck access be removed from the LEP amendment, the proponent has advised that their intention is to expand the use of the approved service station (DA 3253/2015) to provide access for truck refuelling and parking activities.

### **Planning Assessment**

#### **• Reasons for Truck Parking Restrictions**

At its meeting of 17 March 2015 Council supported a planning proposal request for the amendment of Campbelltown (Urban Area) LEP 2002 to permit a service station as an additional permitted use on the subject land, subject to a restriction to deny access to long vehicles (trucks) over 7.5 metres in length. Campbelltown (Urban Area) LEP 2002 was

amended to this effect on 22 May 2015, and the subject clause enabling a service station on the site (without truck access) has been carried over to Schedule 1 of the prevailing instrument CLEP 2015.

The decision by Council at its meeting of 17 March 2015 to only support an LEP amendment to permit a service station without truck access followed consideration of traffic and acoustic reports lodged by the proponent at that time which, similar to the current planning proposal, advised truck access could be provided to a service station on the site without causing adverse impacts.

The reasons stated in the Council report of 17 March 2015 to only support an additional permitted use on the site for a service station without truck access are summarised as follows:

- potential to unnecessarily increase the volume of 'passing by' heavy vehicle traffic on the surrounding local roads
- potential increase in road maintenance costs
- increased noise and air pollution
- potential for traffic congestion on both Campbelltown Road and the Hume Motorway associated with trucks queuing for access to the service station site
- potential land use conflict with adjoining rural-residential development and inconsistencies with the objective of the E4 Environmental Living zone
- adverse impacts on the aesthetic and scenic values of the locality

For the above reasons, Council did not assent to the applicant's position and sought legal advice on a mechanism to ensure that a service station at this location would not be utilised by heavy vehicles. The legal advice suggested the inclusion of a prohibition clause similar to that presently included in CLEP 2015.

It is apparent that Council's decision to introduce a land use type which would normally be prohibited had strong regard to the potential land use conflict with adjoining rural-residential development and inconsistencies with the objectives of the E4 Environmental Living zone. As such, there was a clear position made to only permit a limited service station with restricted heavy and long vehicle movements. Accordingly, it is considered that the abovementioned reasons for Council's decision in 2015 to deny truck access for a service station on the site remain valid considerations for the assessment of the current Planning Proposal Request.

### **Campbelltown Local Planning Panel Comments**

A report on the Planning Proposal Request was considered by the Campbelltown Local Planning Panel (the Panel) at its meeting on 26 September 2018. Following its detailed consideration of the proposal, including representation by the proponent at the meeting, the Panel provided the following comments:

- **Panel Considerations and Reasons for Decision**

The panel considered the officers report and inspected the site and was concerned that the original reasons for restricting truck access to the proposed service station were matters that ought to be dealt with at Development Applications stage. The views of the RMS on the removal of the long vehicles restriction imposed in the LEP ought to have been sought prior to approaching Council and the inspection of the site revealed what appeared to be large amounts of fill at a level that appeared to be inconsistent with easy access from Campbelltown Road.

- **Advice of the Panel**

This matter would be best dealt with by utilisation of the provisions of section 3.38 of the *Environmental Planning and Assessment Act, 1979* which provides for a development application to be submitted and assessed concurrently with a planning proposal. The Panel advises Council that it should invite a development application from the applicant in respect of the matter and that the application should be accompanied by a traffic study assessing the suitability of the proposed long vehicle movements and access and egress arrangements.

- **Deferral Issues**

The applicant has been invited to address a number of issues and concerns relating to the proposal, including consideration of the comments provided by the Panel. The response by the applicant to these issues is outlined below.

**Council Resolution 17 March 2015**

As noted above, the Council report of 17 March 2015 states that the reasons behind Council's decision to restrict the provision of refuelling services to heavy vehicles, includes: impacts of additional volumes of heavy traffic on local roads, road maintenance issues, potential traffic congestion from trucks queuing, increased noise and air pollution, inconsistency with objective of zone and potential land use conflict with adjoining rural-residential development.

A copy of the formal response by the applicant to the issues discussed in the Council report of 17 March 2015 is provided at attachment 3.

The general position stated by the applicant is that the issue of heavy vehicles accessing the service station safely is addressed by the RMS approval. Further, the applicant relies upon their traffic consultant's report which states that the proposal would not adversely impact upon the local road network given a predicted additional traffic generation of five to ten trucks per hour at peak times.

The response of the applicant regarding a RMS approval is not accurate as it is a reference to the concurrence of the RMS to the service station plans approved by Council under DA 3253/2015, which did not provide for truck access (vehicles over 7.5 metres long or over 4.5 tonnes GVM). Accordingly, there is no RMS approval for the subject planning proposal and/or a service station design with unrestricted truck access.

The applicant also relies upon statements made in their traffic report (April 2018) to address the concerns of additional heavy traffic volumes on local roads. A main shortcoming of the traffic report is that there are no traffic counts or traffic analysis provided in the report to support the claims that the predicted impacts of five to ten additional vehicles per hour would have no noticeable effects on the operation of the surrounding network.

**Local Planning Panel**

The comments of the Local Planning Panel have been put to the applicant and are considered to be generally unresolved given that no advice from the RMS has been provided, no development application has been lodged for a concurrent assessment under section 3.38 of the *Environmental Planning and Assessment Act 1979*, and the traffic study has not been updated to respond to the issues raised by the Panel.

Notwithstanding, the applicant has responded to the comments of the Panel by submitting a S4.55 application to modify the existing DA approval (DA 3253/2015) for the service station. Whilst this application will be subject to a separate assessment, it is noted that the lodgement of a S4.55 application does not constitute a development application under the *Environmental Planning and Assessment Act 1979* and therefore does not allow for the concurrent assessment under section 3.38 of the Act as requested by the Panel.

### **Conclusion**

The subject site has an area of 1.241 hectares and is located at the junction of Campbelltown Road and the Hume Motorway exit ramp at Denham Court. The land is zoned E4 Environmental Living under the provisions of CLEP 2015.

At its meeting of 17 March 2015 Council supported a proposal to amend the Campbelltown LEP to permit a service station on the site as an additional permitted use, comprising a land use which would in normal circumstances be prohibited in the zone. Council's decision was subject to a restriction that any service station would not accommodate long vehicles (trucks) over 7.5 metres in length. Campbelltown (Urban Area) LEP 2002 was amended to this effect and the additional permitted uses clause for the site has been carried over to the prevailing instrument CLEP 2015.

The reasons behind Council's decision to restrict the provision of refuelling services to heavy vehicles for a service station on the site related to a number of concerns, including impacts of additional volumes of heavy traffic on local roads, road maintenance issues, potential traffic congestion from trucks queuing, increased noise and air pollution, inconsistencies with the objectives of E4 zone, and potential land use conflict with adjoining rural-residential development.

The current proposal requests the amendment of the additional permitted uses clause under CLEP 2015 to remove the restriction on long vehicles (trucks) accessing a service station on the land. A number of concerns have been raised with the applicant regarding the suitability of the proposal, including the reasons outlined by Council in the report of 17 March 2015, and comments provided by the Campbelltown Local Planning Panel.

The information provided by the applicant in response to these concerns is considered to be insufficient for Council to justify altering its position to restrict truck access to a service station on the site. Accordingly, it is considered that there is insufficient merit for Council to support the Planning Proposal Request as submitted by the applicant.

### **Attachments**

1. Planning Proposal Request (distributed under separate cover)
2. Extract from Council Report 17 March 2015 (contained within this report)
3. Applicants response letter 25 July 2018 (contained within this report)
4. Extract from Campbelltown Local Planning Panel Minutes 26 September 2018 (contained within this report)

## Report

**Property Description:** Lot 100 DP 1176622 (known as No. 194 Campbelltown Rd, Denham Court)

**Owner:** Press Australia PTY LTD

**Applicant:** Smyth Planning

### The Subject site

The subject site is located within the suburb of Denham Court and known as No 194 Campbelltown Road. The site is bounded by major roads on all sides. Campbelltown Road lies to the west, the South Western Freeway (F5) to the east and south and the Ingleburn F5 exit off-ramp to the north. An aerial photo of the site is shown as attachment 3 to this report.

The site has an area of 1.241 hectares and part of the site was previously used by the former Roads and Traffic Authority (RTA) as a storage area for road works material and equipment associated with the F5 Freeway upgrade.

### Existing zoning of the site

The site is currently zoned Zone 7 (d5) - Environmental Protection 1 hectare Minimum Zone (7(d5) Zone) under Campbelltown (Urban Areas) Local Environmental Plan 2002 (LEP 2002) and is proposed to be zoned E4 Environmental Living (E4 Zone) under draft Campbelltown Local Environmental Plan 2014 (draft CLEP 2014).

Under the provisions of LEP 2002, service stations are not permissible on land zoned 7 (d5) Zone. The same provision applies under draft CLEP 2014, as service stations type developments are not proposed to be a permissible land use under the E4 Zone.

### The Planning Proposal

The draft Planning Proposal seeks to amend both LEP 2002 and the draft CELP 2014 by creating a 'scheduled use' for the subject site to allow it to be used for a service station. An additional clause under both planning instruments is also proposed to be included to prohibit the refuelling, servicing and parking of heavy vehicles on site. The current zoning of the site of 7(d5) Zone under LEP 2002 will remain the same. There is no proposal to amend the proposed zoning of the site under the draft CLEP 2014 either.

### Gateway Determination

The Gateway Determination (attachment 1) issued by the Department supported the proposed amendment to LEP 2002 subject to a number of matters being addressed including:

- Consultation with a number of public authorities
  - Public consultation for a period of 14 days
  - Delegation to Council to exercise the Minister's plan making powers
  - A nine month time frame for the completion of the amendment to LEP 2002
  - A number of minor amendments to the draft Planning Proposal prior to the public exhibition
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Prior to the commencement of the public exhibition the planning proposal was revised in line with the amendments required by the Gateway conditions. The following sections of this report address the conditions that were required by the Gateway Determination.

### **Consultation with Public Authorities**

The Department, as part of the Gateway Determination required Council to specifically consult with the following public authorities:

- Office of Environment and Heritage (OEH)
- Transport for NSW - Roads and Maritime Services (RMS)
- Liverpool City Council (LCC)
- Sydney Water

Council consulted with the above public authorities and received written comments from all of them, a copy of which is shown as attachment 4. Notably, no objections were raised to the planning proposal.

OEH recommended that a flora and fauna study be prepared at the development application stage. RMS indicated that it will provide additional detailed comments on the access arrangement at the development application stage.

LCC supported the planning proposal pending the inclusion of the prohibition clause proposed by Council to restrict the refuelling, parking and servicing of heavy vehicles on site. LCC submission stated that "while acknowledges that fuel and other supplies may be delivered to the site via an appropriate heavy vehicle, the use of the site for any other purpose by heavy vehicles should not be permitted in order to limit heavy vehicle traffic on Council's local road network". In addition, LCC suggested some minor amendments to the traffic study to ensure consistency with the planning proposal. These amendments were undertaken by the consultant acting on behalf of the landowner, prior to the commencement of the public exhibition.

### **Public Exhibition**

The revised Planning Proposal (attachment 5), Gateway Determination and other supporting documentation were placed on public exhibition for over two months (from Wednesday 26 November 2014 until Friday 6 February 2015) at the following locations:

- Council's Civic Centre
- HJ Daily Library
- Greg Percival Library
- Council's website

An advertisement was also placed in the two circulated local newspaper advising of the public exhibition of the planning proposal.

Individual letters were sent to property owners within the vicinity of the subject site advising of the public exhibition and inviting them to provide comments on the planning proposal.

### **Extended period of public exhibition**

The Gateway Determination required the planning proposal to be placed on public exhibition

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for 14 days, which was inconsistent with Council's resolution of 1 July 2014, where Council resolved to place the planning proposal on public exhibition for 28 days. In addition, the timing of the public exhibition coincided with last year's Christmas and school holiday period, and for this reason the 28 day public exhibition period was extended until after the commencement of schools to provide sufficient time for residents and nearby landowners to comment on the planning proposal. This is in accordance with Council's common practice for public exhibitions and notifications around this time of year.

### **Submissions received from the general public**

Council received one comprehensive and detailed submission, prepared by Smyth Planning on behalf of the landowner/proponent of the site that is subject to this planning proposal. A copy of this submission is shown as attachment 6 to this report.

The submission requests Council to reconsider its position on restricting the proposed service station from providing refuelling services to heavy vehicles on site. Notably, the submission did not object to Council's decision to prohibit heavy vehicles from parking and undertaking mechanical servicing on site.

In support of this request, the applicant submitted to Council a revised layout/site plan of the service station, an acoustic assessment and a traffic study.

The acoustic assessment concluded that where certain specific measures are implemented, the noise from the proposed development (including refuelling of heavy vehicles/trucks) is predicted to comply with acoustic requirements of the Environment Protection Authority (EPA) noise limits and the relevant Australian standards.

The submission also argues that refuelling of heavy vehicles on site would result in minimal impacts on the aesthetic and scenic values of the locality due to the extent of existing vegetation on site along Campbelltown Road and the vegetated mound along the F5.

The traffic report concluded that the proposed service station including the refuelling of vehicles /trucks on site would not generate an unreasonable amount of additional traffic on the road network within the locality.

### **Comments**

The matter of refuelling, parking and servicing of heavy vehicles on site was considered in the previous report to Council, as it was previously proposed by the applicant. Council did not assent to the applicant's proposal and sought advice from Marsdens Law Group (Marsdens) on a legal mechanism to ensure that a service station at this location would not be utilised by heavy vehicles. Marsdens suggested the inclusion of a prohibition clause under LEP 2002 and the draft CLEP 2014 to this effect.

Allowing a service station on the site to provide specialised refuelling services to heavy vehicles is not recommended for the following reasons:

- It would have the potential to unnecessarily increase the volume of 'passing by' heavy vehicle traffic on the surrounding local roads, thus resulting in adverse environmental impacts including increased noise and air pollution.

Theoretically, trucks travelling on the F5 would access the service station for refuelling services directly from the F5 exit ramp that is adjacent to the site. In order for those

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trucks to continue their journey on the F5 after refuelling, they need to travel through Campbelltown Road to Williamson Road (at the roundabout), to Brooks Road and then back to the F5 (refer to Attachment 7 that shows a map of this route). The trucks' movement (exiting and entering the F5) would potentially and unnecessarily generate additional volumes of heavy traffic on local roads, thus adversely impacting upon the road network within the locality.

Another matter for consideration is the potential additional impacts on local roads (Williamson Road and Brooks Road) pavements and the need to undertake more frequent maintenance on those roads.

- Given the close proximity of the proposed entrance to the service station to the traffic lights at the intersection of Campbelltown Road and the F5 exit ramp, there is a legitimate concern that trucks queuing for refuelling at the service station may potentially cause traffic congestion on both Campbelltown Road and the F5.
- Increased noise and air pollution, particularly where heavy vehicles had to make a complete stop at the refuelling point and restart of the engine to leave the site.
- It is considered that refuelling or servicing of heavy vehicles on site would undermine the objective of this zone and create a land use conflict with adjoining rural-residential development.

The planning proposal (attachment 1) has been updated to include information on the outcome of the public exhibition.

### **Marsdens Legal Advice**

The original planning proposal submitted to Council by the applicant (in July 2013), specifically sought to allow the site to be used for a service station that would provide services such as parking and refuelling of heavy vehicles (including semi-trailers and B-doubles). Council supported the use of the site for a service station subject to an additional requirement that a service station at this location would not provide any services for heavy vehicles.

Council sought advice from Marsdens Law Group on a legal mechanism to ensure that a service station at this location would not be utilised by heavy vehicles. To achieve this, Marsdens recommended that Council add a clause under Schedule 2 Additional Development of the LEP 2002 that reads:

'Development for the purpose of a service station that is not used and is not so constructed or adapted as to be capable of being occupied or used for refuelling, parking, washing, greasing, storing, repairing, installing accessories or servicing of motor vehicles or trailers that have a maximum loaded mass of more than 4.5 tonnes (as specified by the manufacturer or by the Roads and Maritime Services constituted under the *Transport Administration Act 1988*).'

Notably, a GVM is the maximum weight that a vehicle can carry, including its own weight, as measured where the tyres contact the road.

The intention of including the above clause, as part of the amendment to LEP 2002, is to prohibit heavy vehicles from using the site. It is not intended to prohibit smaller type trucks that would normally refuel at typical/car service stations from using the service station.

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Research on this matter showed that for small type trucks there is no defined relationship between the GVM and the overall size of the vehicle. Some smaller trucks with lengths similar to, or slightly larger than cars, have a GVM of 6 tonnes, which exceeds the 4.5 tonne limit referred to in the Marsdens' clause above.

Heavy vehicle operators/drivers (such as B-doubles and the like) refuel their trucks at specialised service stations designed for trucks, or at certain service stations that provide additional services for trucks, usually at a designated diesel/gas refuelling point located away from the car refuelling points. Another criterion that truck operators take into account prior to entering a service station is the size of the truck compared to the design of the service station in terms of the canopy height and ease of manoeuvring (turning circles) in and out of the refuelling point.

From the above discussion, it is concluded that:

- the 'GVM' of a vehicle does not necessarily correlates to its size.
- the use of the '4.5' GVM limit, as recommended by Marsden's clause would potentially exclude smaller type trucks that would normally use typical/car service stations for refuelling; and
- the design features of the service station rather than the "GVM" dictates the size of vehicles that it would service.

The relevant design features of a service station relating to heavy vehicles include:

- **Vehicle's turning paths at refuelling points**

Longer/larger vehicles would require greater turning paths as they enter and leave the refuelling point.

Notably, under the provisions of the NSW Road Rules 2014, a long vehicle means a vehicle that, together with any load or projection, is 7.5 metres long, or longer.

As such, designing a service station at this location for vehicles less than 7.5 metres in length would eliminate the heavy long trucks (i.e. B-doubles, heavy combinations or multi combinations) from using the site for refuelling, while still allowing for smaller trucks to refuel at this location.

- **Designated diesel/gas refuelling point for heavy vehicles**

To ensure that a service station at this location is not designed to accommodate heavy vehicles, a designated diesel/gas refuelling point for heavy vehicles should not be allowed on site.

Notably the mechanical servicing of any vehicle larger than 4.5 GVM on site should still be prohibited as per Marsdens advice.

Given the above, it is now proposed that the Clause originally provided by Marsden's be reworded to read:

Development for the purpose of a service station that:

- is not to be designed or capable of being adapted as to be capable of being occupied or used for, parking, washing, greasing, storing, repairing, installing
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2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road  
Denham Court

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accessories or servicing of motor vehicles or trailers that have a maximum loaded mass of more than 4.5 tonnes (as specified by the manufacturer or by the Roads and Maritime Services constituted under the *Transport Administration Act 1988*)

- is not to be designed or capable of being adapted as to be capable of being used for refuelling long vehicles as defined by NSW Road Rule 2014
- is not to provide a designated diesel or gas refuelling point for long vehicles.

**Proposed amendment to LEP 2002 (Amendment No 28) and draft CLEP 2014**

It is proposed that LEP 2002 be amended in the following manner (Amendment No 28):

- Amend Schedule 2 Additional Development of LEP 2002 to include the following:  
  
12 Development for the purpose of a service station  
  
Lot 100 DP 1176622, 194 Campbelltown Road, Denham Court
- Add a clause under Schedule 2 Additional Development of the LEP 2002 that reads:

Development for the purpose of a service station that:

- is not to be designed or capable of being adapted as to be capable of being occupied or used for, parking, washing, greasing, storing, repairing, installing accessories or servicing of motor vehicles or trailers that have a maximum loaded mass of more than 4.5 tonnes (as specified by the manufacturer or by the Roads and Maritime Services constituted under the *Transport Administration Act 1988*)
- is not to be designed or capable of being adapted as to be capable of being used for refuelling long vehicles as defined by NSW Road Rule 2014
- is not to provide a designated diesel or gas refuelling point for long vehicles as defined by NSW Road Rule 2014

The draft CLEP 2014 is proposed to be concurrently amended in the following manner:

- Amend Schedule 1 Additional Permitted Uses of draft CLEP 2014 to include the following:  
  
14 Development for the purpose of a service station (Service Station):  
  
Lot 100 DP 1176622, 194 Campbelltown Road, Denham Court
- Add a clause under Schedule 1 Additional Permitted Uses of the draft CLEP 2014 (immediately under point 14 above) similar to the proposed clause under LEP 2002.

The exact wording of the amending draft LEP will need to be approved by the Parliamentary Counsel Office prior to the making of the amending plan.

The proposed amendment to the draft CLEP 2014 as part of this planning proposal is considered necessary at this time so as to avoid the need to undertake an additional

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amendment to the forthcoming CLEP 2014 after its gazettal.

**Would a revised Gateway from the Department be required?**

Normally, a revised Gateway would be required where:

- the proposed changes were of substantial nature or
- the revised planning proposal was considered inconsistent with the original Gateway Determination issued by the Department

In this regard, the proposed changes to the planning proposal are not considered substantial, given that a large number of smaller type trucks with a GVM of 4.5 tonnes would have been able to refuel at the service station under Marsdens' prohibition clause that was publicly exhibited as part of the planning proposal.

The proposed rewording of the prohibition clause would clarify Council's intention to not exclude smaller size trucks (with GVMs slightly greater than 4.5 tonne) from utilising the refuelling services at the service station. In line with the planning proposal that was publicly exhibited, B-doubles, semi-trailers and long large heavy vehicles would still not be able to refuel at the service station.

The proposed changes to the planning proposal are also considered to be consistent with the Department's Gateway Determination. Written advice received from the Department has confirmed that a revised Gateway would not be required.

The proposed changes are not considered inconsistent with Liverpool Council submission, as long large vehicle would still not be allowed to refuel on site.

**Delegation to Make the Plan - Amendment No 28 to Campbelltown (Urban Areas) Local Environmental Plan 2002**

As part of the Gateway Determination and pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979*, the Department delegated the Minister's powers to Council to make this plan.

Council on 26 February 2013, under Section 377 and Section 381 of the Local Government Act 1993, delegated its functions to the General Manager, subject to a number of specified limitations.

Accordingly, should Council endorse the planning proposal as publicly exhibited, the General Manager will be able to make Amendment No 28 to Campbelltown (Urban Areas) Local Environmental Plan 2002 under delegation.

**Where to from here**

Should Council decide to adopt the amendment to LEP 2002 as publicly exhibited or as proposed to be amended (as discussed in this report), the next step would be to work directly with the Parliamentary Counsel Office (PCO) to legally draft the instrument. The instrument would then be formally signed by Council's delegate, in this Council's General Manager and sent to the Department to enable publishing in the Government gazette.

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If Council was to decide to vary the planning proposal and allow the site to provide refuelling services for long and heavy vehicles (as per the proponent's request), then it would be recommended that Council re-exhibit the planning proposal to provide the community with the opportunity to comment on the planning proposal. Notably, a revised Gateway determination would not be required.

### **Conclusion**

The site known as No. 194 Campbelltown Road Denham Court is considered suitable to be developed for a service station, providing that refuelling, parking and servicing of long and heavy vehicles such as B-doubles and semi-trailers is not allowed.

It is considered appropriate to allow the site to provide refuelling services for smaller type trucks that are less than 7.5 metres in length that normally utilise car service stations to refuel.

As a result of the public exhibition, only one submission (attachment 2) was received from the proponent. The submission requested Council to allow the refuelling of heavy vehicles on site. It is recommended that Council do not support the applicant's request for the reasons outlined in this report.

Public authorities who were consulted did not object to the planning proposal. However LCC submission indicated that the use of the site by heavy vehicles should not be permitted in order to limit heavy vehicle traffic on Council's local road network. The proposed amendment to allow smaller type vehicles to refuel on site is not considered inconsistent with LCC submission, as large long vehicles (7.5 metres or longer) would still not be allowed to refuel onsite.

It is therefore recommended that Council endorse a variation to the prohibition clause by allowing vehicles less than 7.5 metres in length to refuel on site, and proceed to make the plan under delegation.

### **Officer's Recommendation**

1. That Council adopt Amendment No 28 to LEP 2002 as proposed by this report to allow the site known as 194 Campbelltown Road, Denham Court to be used for a service station with additional restrictions as outlined in this report.
  2. That Council's delegate, the General Manager, make Amendment No 28 to Campbelltown (Urban Areas) Local Environmental Plan 2002 under delegation, pursuant to Section 59 of the *Environmental Planning and Assessment Act 1979* as authorised by the Minister for Planning and Environment.
  3. That Council inform the Department of Planning and Environment of its decision to adopt and make Amendment No 28 to Campbelltown (Urban Areas) Local Environmental Plan 2002.
  4. That Council advise the applicant of its decision on this matter.
-



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ABN 52 162 313 895

25<sup>th</sup> July 2018

Your Ref:

Our Ref: 11/16

The General Manager  
Campbelltown City Council  
PO Box 57  
Campbelltown NSW 2560

Attention: Mr Jeff Burton

Dear Jeff,

**RE: Planning Proposal Request - Lot 100 DP 1176622, No 194 Campbelltown Road, Ingleburn**

Reference is made to Council's email dated 23<sup>rd</sup> July 2018 requesting further information in respect of the following:

1. Council Report 10 March 2015 – as discussed, a focus of my report is addressing the reasons for Council's original decision to restrict truck access under the existing CLEP 2015 Schedule 1 provisions. Are you able to provide a detailed response / justification to the issues outlined in the 2015 Council report?

**Comment**

The report to the Council meeting of 10<sup>th</sup> March 2015 provided legal advice from Marsdens Law Group. The purpose of requiring legal advice is unclear; however, it purports to require a legal mechanism of preventing access directly from the Hume Highway M31, which is part (d) of the following clause to the LEP amendment:

Amendment No 28 was made to rezone the land to permit a service station, subject to the following provisions:

- (a) does not include a diesel or gas fuelling point for long vehicles (within the meaning of rule 200 of the *Road Rules 2014*), and
- (b) is not designed or constructed to be used by such long vehicles, and
- (c) is designed and constructed to be used by heavy vehicles (within the meaning of the *Road Rules 2014*) only for the purpose of fuelling, and
- (d) is not able to be accessed from a freeway.

This application does not seek to delete part (d). Indeed, it is our opinion that the clause is unnecessary as the Roads and Maritime Service (RMS) is the consent authority to permit access from this road.

1

No 194 Campbelltown Road, Ingleburn

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It is highly unlikely that the RMS would ever grant consent for direct access given the speed of vehicles on this road and particularly having regard to a number of safety aspects for such access. The applicant has never sought such access, when there is a clear safer access from Campbelltown Road, which is also an RMS controlled road. Access from RMS controlled roads, and in this case a 'denied access' road as compared to a controlled access road, is contingent on safety not being compromised.

Indeed, the RMS has approved the access and egress points from Campbelltown Road, as shown on the plans. The approval required certain works to be undertaken to ensure vehicles can access and egress the site in a safe manner.

The issue of heavy vehicles accessing the service station safely is addressed by the RMS approval. In addition, Campbelltown Road carries a significant amount of traffic and the location of the service station on the periphery of the Ingleburn Industrial Estate makes the site ideal to service heavy vehicles for fuelling purposes. The industrial estate is already serviced by heavy vehicles and we note the comment in the Council report, which states:

*"The trucks' movement (exiting and entering the F5) would potentially and unnecessarily generate additional volumes of heavy traffic on local roads, thus adversely impacting upon the road network within the locality".*

We simply do not agree with this statement and it is not supported by any traffic report to the contrary. Indeed, the updated traffic report prepared by Colston Budd Rogers & Kafes states:

*"Most traffic generated by service stations (some 70 per cent or more) is passing trade (i.e. traffic which would have driven past the site, regardless of its visit to the site). The additional traffic which would access the development (with the LEP amendment) would therefore include trucks already using the M5 exit and Campbelltown Road.*

*Moreover, trucks would comprise only a proportion of the traffic generated by a development envisaged by the LEP amendment. Such a development would be likely to have a similar traffic generation to that approved in the existing development application.*

*In any event, a small additional traffic generation of five to 10 vehicles per hour (two-way) at peak times would not have noticeable effects on the operation of the surrounding road network.*

*Our previous reports found that the signalized intersection of Campbelltown Road with the M5 exit would operate at a good level of service with the additional traffic from the approved development. The intersection will continue to operate at a good level of service with a development envisaged by the proposed LEP amendment".*

Clearly, the RMS have approved access and egress from the approved service station and the additional truck traffic movements will not compromise traffic safety. If there was a safety issue, then the RMS would not approve such arrangements.

2. Acoustic - the report states that it is based upon Architectural Drawings (Appendix B), described as "Drawing A-02 Issue DA5 Date 14.03.17 Description: Proposed Site Plan". The plan is not annexed, do you have a copy of this plan?

#### **Comment**

The attached acoustic report provides the approved plans at Appendix D.

3. Traffic - What changes if any will be required to the approved DA Plan for the Service Station to accommodate truck access and movements as proposed under the LEP amendment?



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The traffic report states that access and internal layout will be provided at the time of a DA, so I take this to mean changes will be required / proposed under a subsequent DA (or Modification DA)?

**Comment**

No changes required to the approved plans. However, it would be noted that the consent essentially deleted any trucks from entering the site for fuelling purposes and the plans reflect the LEP clauses. If the restriction is lifted, as requested, then an amended application will be submitted to show the truck fuelling area.

4. RMS - your report states that RMS approval was obtained (page 7), and RMS have approved the traffic study (page 23). Is this correct? The RMS will need to be consulted as part of the exhibition process, but it would be highly advantageous if RMS approval could be obtained beforehand and referenced in my report to Council / Planning Panel for the subject LEP amendment and revised Service Station Plan (whatever that may be), particularly given their ownership of the adjoining allotment traversed by the proposed service driveways.

**Comment**

The RMS approved traffic arrangements for access and egress were submitted separately via email due to size of documents.

Should you require clarification of any aspect of this correspondence please do not hesitate to contact me.

Sincerely yours,



M J BROWN  
DIRECTOR  
MICHAEL BROWN PLANNING STRATEGIES PTY LTD

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### **4.3 Draft Planning Proposal - 194 Campbelltown Road, Denham Court**

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#### **Executive Summary**

- The subject site is located at the junction of Campbelltown Road and the Hume Motorway exit ramp at Denham Court, and is zoned E4 Environmental Living under Campbelltown Local Environmental Plan 2015. The site was occupied by a single dwelling that has been recently demolished.
- 'Service stations' are prohibited in the E4 Environmental Living zone.
- At its meeting of 17 March 2015 (CLEP 2015) Council supported a planning proposal requesting the amendment of the Campbelltown LEP to permit a service station on the site as an 'additional permitted use', subject to a restriction to deny access to long vehicles being vehicles over 7.5 metres in length. Campbelltown (Urban Area) LEP 2002 was amended to this effect on 22 May 2015, and the additional permitted uses clause for the site has been carried over to the prevailing instrument CLEP 2015.
- On 23 November 2017 Council approved Development Application 3253/2015 for a service station development on the site, which precluded access for long vehicles in accordance with the relevant LEP clause. On 26 July 2018 a construction certificate was issued by a private certifier for the service station development and works have commenced on the land.
- The current Planning Proposal requests the amendment of the additional permitted uses clause under CLEP 2015 to remove the restriction on long vehicles (trucks) accessing a service station on the land. Should the restriction on trucks be removed, the proponent has advised a development application will be submitted to redesign the approved service station to provide site access for trucks.

#### **Public Address**

The Local Planning Panel was addressed by Josh Hollis and Michael Brown in support of the proposal.

Panel members asked questions that were responded to directly at the meeting.

#### **Panel Considerations and Reasons for Decision**

The panel considered the officers report and inspected the site and was concerned that the original reasons for restricting truck access to the proposed service station were matters that ought to be dealt with at Development Applications stage. The views of the RMS on the removal of the long vehicles restriction imposed in the LEP ought to have been sought prior to approaching Council and the inspection of the site revealed what appeared to be large amounts of fill at a level that appeared to be inconsistent with easy access from Campbelltown Road.

#### **Advice of the Panel**

This matter would be best dealt with by utilisation of the provisions of section 3.38 of the Environmental Planning and Assessment Act, 1979 which provides for a development application to be submitted and assessed concurrently with a planning proposal. The Panel advises Council that it should invite a development application from the applicant in respect

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Local Planning Panel Meeting

26/09/2018

of the matter and that the application should be accompanied by a traffic study assessing the suitability of the proposed long vehicle movements and access and egress arrangements.

**Voting**

The Local Planning Panel voted 4-0

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## 8.9 Use of Drone Technology to Monitor Koala Movement

### Reporting Officer

Executive Manager Open Space  
City Delivery

### 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

That Council monitor and track koala movement as outlined in the draft Campbelltown Comprehensive Koala Plan of Management.

### Purpose

To provide Council with information on the effectiveness and feasibility of the use of drone technology to monitor and track koala movement within the Campbelltown Local Government Area.

### Report

The koala is classified as a vulnerable species under both the *Threatened Species Conservation Act 1995* (NSW) (TSC Act) and *Environment Protection Biodiversity Conservation Act 1999* (C/wealth) (EPBC Act).

Campbelltown is fortunate to be home to a healthy free-living koala population. Council has recently prepared a draft Comprehensive Koala Plan of Management (CKPoM) in accordance with the provisions of State Environmental Planning Policy 44 – Koala Habitat Protection (SEPP44). Council at its meeting held 13 December 2016 resolved:

1. That Council endorse the revised draft Campbelltown Comprehensive Koala Plan of Management for submission to the Director of the NSW Department of Planning and Environment for approval in accordance with SEPP44.
2. That a report be provided investigating the use of a drone with heat detecting cameras to track and monitor koala movement in the Local Government Area.

### Background

In Australia, the use of drones is controlled and regulated by the Australian Government Civil Aviation Safety Authority (CASA). Drones, also commonly referred to as unmanned aerial vehicles (UAV's) or unmanned aircraft systems (UAS), are remotely piloted aircraft systems that have the ability to collect high-resolution aerial data in a distinctly timely, repeatable, and

unobtrusive manner (Chabot and Bird, 2015). Drones have the ability to be controlled by an external user, or can fly autonomously through software-controlled flight plans in their embedded operating systems working in conjunction with on-board sensors and global positioning system (GPS). Drones have a wide variety of applications, and there are a range of drone technology uses that could prove useful in local government.

Drones are sometimes used to monitor wildlife populations, and are particularly useful for wildlife observations and monitoring as they can efficiently capture data with high spatial and temporal resolution (Gonzalez and Johnson, 2017). They are most effective in situations where ground surveys prove difficult, such as when flown over areas of dense vegetation or remote terrain (to monitor GPS-collared animals). Alternatively, drones can be employed for use in harsh climatic conditions such as tropical and polar environments, or to monitor otherwise sensitive or dangerous species (Chabot and Bird, 2015). In this regard, for situations where basic detection data is required, drones can provide significantly more effective and economical monitoring solutions in comparison to more traditional ground survey methods.

The most effective application of drone technology to monitor wildlife is in situations where the true population size is fundamentally unknown. This was the case for the koala population in the Southern Highlands, a region that encompasses nearly 270,000 hectares (ha). Little is known about the koala population in the region, except that the population occurs at very low densities in forests along rugged terrain and with dense canopy, making it particularly difficult to assess koala numbers using traditional techniques (Allen, 2009). This lack of knowledge spurred the development of the Southern Highlands Koala Conservation Project (SHKCP), a partnership project between key agencies including the NSW Office of Environment and Heritage (OEH), Wingecarribee Shire Council and the University of Sydney; with the intent of collecting baseline information on the koala population. As part of the SHKCP study, 450 spotlighting surveys were conducted, and 20 GPS collars were fitted on koalas with satellite trackers used to track koala movements in the area (WSC, 2017).

Subsequently, a top information technology company, Fujitsu, proposed to trial its infra-red drone technology as part of the project. However, the trial was considered largely unsuccessful with the technology requiring further refinements in order to successfully detect koalas (OEH, 2016).

In order to further understand the limitations of the use of drones for the project, Council contacted Wingecarribee Shire Council's Environmental Projects Officer to discuss the trial in further detail (pers comm. Mr Stammers, Wingecarribee Shire Council 17 July 2017). The main issues encountered in the trial are summarised below:

- Operational and navigational difficulties:
  - piloting in remote areas was unreliable, and GPS signal was easily lost with changes in landscape features.
- Infra-red technology was not advanced enough:
  - inability of drones on-board visual system to see past/into tree canopy
  - infra-red technology was not sensitive enough e.g. heat generated on ground was the same as for any animals detected (no visual distinction). Koalas are also well insulated, meaning they do not give off much heat and are therefore particularly difficult to detect.

The technology is looking more promising for other states, however. In Queensland, researchers from the University of Technology are trialling the use of drones to monitor koala populations across Logan, Gold Coast and Tweed Shire Council (QUT, 2016). The technology is currently in development but combines the use of a UAV with thermal imaging, statistical modelling and artificial intelligence (AI) to count and track the species in obtaining an indication of abundance. However, the findings of a recent Logan City Council report, dated 25 July 2017 (Logan City Council, 2017), concluded that although drones have the capacity to offer a more efficient and safer carriage service over more traditional survey methods, the ability to detect koalas was found to be largely unreliable and flight missions provided insufficient data to estimate detection probability, occupancy and abundance with confidence. The report recommends that more research is required to further refine drone technology for the purpose of monitoring koala populations.

### **Potential use of drones in Campbelltown**

The Campbelltown City Council LGA encompasses an area of approximately 31,200ha. The Campbelltown koala population is considered to occur at low density, and the current extent of occupancy for koalas in the LGA is 14,000ha, which means koalas occupy around 45 percent of the LGA. Recent estimates of our koala population indicate that there are around 170 individuals within the LGA (Biolink, 2016), and in general home ranges are 10-20ha within an occupancy area of a relatively narrow strip of contiguous land between the Georges River and areas of urbanised development, between Long Point, St Helens Park and Holsworthy (Ward and Close, 2004).

CASA, as part of its regulations for drone use maintains a mobile phone application named "Can I Fly There". The application advises pilots of both aircraft and drones of local aerodromes and helicopter landing sites and their surroundings where flight restrictions occur. The application specifies large portions of the Georges River Corridor as a "Restricted Area" due to its close proximity to the Holsworthy Army Base. The restriction states that "the use of drones above 100g in weight within 5.5kms of an aerodrome or helicopter landing site is restricted". This area is predominately where drone surveys for koala monitoring would occur and the CASA restriction makes the use of drones within the Georges River Corridor not possible.

As specified earlier in this report, the drone case-studies outline the potential uses of drones in tracking koala populations, and in some instances the ability for the technology to collect data on population size and abundance. However, drone technology has generally been employed in situations where there is a lack of available data and/or challenges associated with remote area access. This is not the case in regards to the Campbelltown koala population.

The Campbelltown koala population has been the subject of extensive research and radio-tracking studies by a number of experts, including Dr Rob Close of Western Sydney University over the last two decades, which has produced substantial and sufficient population specific datasets. As mentioned above, the Campbelltown koala population is also largely located on the peri-urban fringe. Recent research indicates that this is due to the presence of higher nutrient soils associated with shale sediments in this area (as opposed to sandstone closer to the Georges River and Holsworthy Reserve), as preferred koala food trees (PKFTs) growing in shale soils provide more nutrient dense food resources for koalas (pers comm. Dr Rob Close, Western Sydney University and Dr Steven Ward, Infrastructure Sector Lead at EcoLogical Australia, Campbelltown Arts Centre 2 August 2017). The location of these shale soils means that a large portion of koala habitat in the LGA overlaps with

existing residential areas and hence accessibility is not necessarily an issue that would need to be considered when exploring potential monitoring options.

Whilst we have an understanding of Campbelltown's koalas in relation to the species population size, habitat, and location; there are still data gaps that would be best addressed through ongoing monitoring. The most effective monitoring application for the Campbelltown koala population would be to establish permanent monitoring locations across a number of private and Council-owned lands, and undertake regular monitoring fieldwork on an annual basis. This would enable Council to effectively monitor koala presence and/or absence at consistent locations in order to track any changes in population status (eg potential increases or decreases in occupation). Field studies also offer the added possibility of collecting more detailed evidence (such as scat collection), enabling further population parameters to be explored through genetic analysis. Genetic information can then be used to monitor koala populations over time, providing data on size, structure, diversity and health, as well as to investigate movements, relatedness (e.g. inbreeding) and dispersal.

Population monitoring appropriate to our koala population could be achieved through employing a combination of the more standardised monitoring methods, including conventional methods such as the regularised grid-based spot assessment technique (RGB-SAT) sampling approach (Phillips and Callaghan, 2011), however more progressive methods such as scat detection dogs (with the option for scat (animal faeces) collection) are offering promising results. Scat detection dogs are significantly less labour intensive than traditional methods, and as a result, more cost effective. Scat detection dogs regularly cover more than 20 kilometres a day actively searching for scats (OWAD, 2017), and the results of recent scientific trials found scat detection dogs to be 19 times more efficient than human surveys and 153 per cent more accurate (i.e. dogs are able to detect koala scats where human surveys did not). Such findings demonstrate that the use of scat detection dogs decreases false negatives and survey time, thus allowing for significant improvement in the quality and quantity of data collection (Cristescu et al, 2015). Given these recent findings, scat detection dogs offer the possibility to significantly improve the efficiency and reach of koala monitoring programs for conservation, using minimal resources, that far outweigh the possibilities posed by human-only surveys, or even drone technology.

## **Conclusion**

The use of drone technology to monitor koala populations within the Georges River Corridor is largely not possible due to restrictions associated with the Holsworthy Army Base as regulated by CASA. In addition, the technology to monitor koala populations is still in its infancy, with limited examples that do not support it being an effective option for monitoring the Campbelltown koala population.

Under the draft Campbelltown CKPoM, a number of management actions have been proposed including undertaking a comprehensive koala population monitoring program, an action that was endorsed by Council at its Ordinary Meeting on the 17 May 2016. The draft CKPoM has been recently updated, and the revised draft is currently in the process of being sent back to the Department of Planning and Environment (DoPE). Once approved by the DoPE, management actions associated with the CKPoM will be commenced by Council.

## **Attachments**

Nil



## 8.10 Community Capacity Building Grants Program 2018/19

### Reporting Officer

Acting Executive Manager Community Life  
City Lifestyles

### Community Strategic Plan

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

### Officer's Recommendation

1. That Council approve funding under the Community Grants Capacity Building Program to each of the six applications received during the 2018 grants round.
2. That Council approve the expenditure of the remaining funds for a pilot community cultural grant round to be implemented by June 2019 to build capacity of new and emerging cultural groups.

### Purpose

To determine applications for financial assistance under the Community Grants Capacity Building Program and to propose a pilot program to improve community uptake of grant opportunities within the current financial year and budget.

### History

Council makes provision for financial support to locally based non-profit community groups and organisations through the annual Community Grants Capacity Building Program. Council's annual budget for these grants is \$20,000.

Two types of grants are currently available. Seeding funds of up to \$500 are available to assist community groups who do not already receive more than \$50,000 per annum in external funding. These small grants are aimed at helping eligible groups to develop programs and activities that benefit residents of Campbelltown.

Once groups have successfully expended a seeding grant or demonstrated capacity to manage a successful community project, Council may further support recipients with larger grants up to \$5,000 to further their initiatives.

Projects need to demonstrate the following criteria:

- activities that foster a sense of community spirit
- have a self-help focus

- directly build on the strengths of the community to enhance lifestyle or provide a service to the Campbelltown area
- be managed by local resident/service user committees
- maximise access to a broad section of community by providing events, resources, services or facilities and activating places
- purchase of items or equipment that are directly related to a community project.

Applications in both the 2017 and 2018 grant rounds have been limited, with disbursements well below the total available budget (\$7,480 in 2017 and \$7,500 in applications this year). A review is underway to determine how the grants program can better meet the needs of community groups and deliver other place-based community outcomes.

## Report

The 2018 round of the Community Grants Capacity Building Program was advertised in the local newspapers, on social media and circulated through community networks. Information sessions for prospective applicants were held on Tuesday 16 and Tuesday 23 October, where application forms, guidelines and information about other grant opportunities were presented.

The Community Grants Capacity Building Program was open from Wednesday 10 October and closed on Friday 2 November 2018. This year there were five applications for \$500 seeding grants and one application for a \$5,000 grant.

A summary of the applications received is below:

### **Multicultural Society of Campbelltown - \$500 Seeding Grant**

Create Harmony in Life

This project is an event to be held during the 15 Days of Action against family and domestic violence in 2019. The aim of the project is to bring the Bangladeshi, Indian, Nepalese, Sri Lankan and other sub-continent communities together to provide an understanding and awareness of how to identify domestic and family violence. The event will enable the community to come together in a non-threatening environment to examine where domestic and family violence may exist and to reduce the stigma for the victim and perpetrator and encourage engagement with appropriate services. Police, services and experts will be guest speakers and will offer support at the event.

This project responds to the high incidence of family and domestic violence in our Local Government Area and is consistent Council's commitment under the current White Ribbon Workplace Accreditation process.

This project meets Council's Strategic Key Outcomes:

1.1 – Provide opportunities for our community to be engaged in decision making processes and to access information

1.3 – Ensure Campbelltown is an inclusive city

**CUETians in Australia Inc - \$500 Seeding Grant**

## Career Session and New Comer Reception and Family Get Together

This project aims to provide information and support to newly arrived community members on how to apply their overseas academic and professional qualifications, mainly in the engineering field. The project includes a career session to assist newly arrived professionals to understand the requirements for study and registration to meet Australian standards. The project also supports newly arrived community members with settlement and social interaction for the whole family, as the career session is coupled with a family event.

The project responds to the needs and an increasing number of migrants settling in Campbelltown. The group applying for the funding has lived experience of the difficulties of overseas academic and professional qualifications being recognised and the processes to complete further study to meet Australian standards. They also have lived experience of the stresses and challenges involved with settling into a new country.

This project meets Council's Strategic Outcomes:

1.1 – Provide opportunities for our community to be engaged in decision making processes and to access information

1.3 – Ensure Campbelltown is an inclusive city

**Macarthur Ceramics Group - \$500 Seeding Grant**

## Inaugural Workshop Series and Exhibition

This newly established group aims to provide opportunities for ceramic artists in the region to connect with each other, upskill and network. The group aims to increase their membership and engage with a wide audience across our local government area.

The project will increase social connection between ceramics artists and provide a support network. The group will increase their membership through the project, provide opportunities for members to become teachers and for new skills development for emerging artists.

This project meets Council's Strategic Outcomes:

1.3 – Ensure Campbelltown is an inclusive city

1.6 – Foster a creative community that celebrates art and culture

**Airds Bradbury Mens Shed – \$500 seeding grant**

Tow-bar acquisition for Mens Shed utility vehicle

The Airds Bradbury Mens Shed are seeking a grant to purchase and install a tow bar on the groups utility vehicle to facilitate collection and delivery of materials and products. The group collect unwanted materials and tools from residents and also garden materials. After repairs the group also delivers lawnmowers and upcycled furniture and other projects to NGOs (e.g desks made to order at special heights for people with disability) and the community. Currently delivery and pickup is made difficult due to the lack of members with vehicles with tow bars.

The transportation of donated materials and finalised products to residents who do not have access to transport is imperative for the social benefit of the service. This support will increase the capacity of the group to serve the needs of the community and expand their resource to be available for other community activities.

This project meets Council's Strategic Outcomes:

- 1.3 – Ensure Campbelltown is an inclusive city
- 1.6 – Foster a creative community that celebrates arts and culture
- 2.3 – Promote and educate our community on sustainable practices and encourage practicable take up of more sustainable life-choices

**Campbelltown Community Garden – \$500 seeding grant**

Water Efficiency Equipment and Gardening Workshops

The Campbelltown Community Garden is seeking grant support to increase the water efficiency of their community garden through the purchase of a water controller system. The grant will also support conducting workshops on Wicking Beds – self watering garden beds in collaboration with Community Greening. The grant will support the upskilling of community volunteers and workshop participants who will be able to apply the water saving processes in other areas.

The grant will involve providing information to the community for more sustainable gardening practices, supporting both self-sufficiency and resilience in the face of increasing climate variability. The project will also create opportunities for increased social connectivity.

This project meets Council's Strategic Outcomes:

- 1.3 – Ensure Campbelltown is an inclusive city
- 2.3- Promote and educate our community on sustainable practices and encourage practicable take up of more sustainable life-choices

**Tej Gyan Global Foundation - \$5000 Project Grant****Empower Yourself – Train Your Body, Mind and Thoughts**

This project supports community members to participate in a series of workshops that aim to enable good physical and mental wellbeing. The workshops include presentations, case studies, real life examples, group activities and discussion as well as practical yoga activities. The culmination of the project will be an International Day of Yoga event where all participants come together to share community spirit, motivation and a positive outlook developed through the workshops.

This group has successfully completed a seeding grant project, as well as previous community grant projects with outstanding results. This project will have a large reach as workshops will be held in two locations across the local government area giving a broad opportunity for community members to access them. The project focusses on both physical and mental wellbeing for people who may not otherwise have funds to undertake these types of activities.

This project meets Council's Strategic Outcomes:

1.3 – Ensure Campbelltown is an inclusive city

1.4 – Provide and support exciting and curious events and festivals for the local community and visitors

The total budget for the Community Grants Capacity Building Program is \$20,000 therefore the recommended projects are within the allocated budget.

A review of the Community Grants Capacity Building Program is underway given the low response and application rate over the previous two grant rounds. The review will include benchmarking against other councils, considering the needs and opportunities in our community, and the mechanisms by which the Program is administered at present.

As part of this review, a pilot grants program is proposed within the current financial year, utilising the balance funds (\$12,500). The pilot project would focus on community cultural grants, specifically new and emerging community groups to run small place-based activities and programs.

The program would aim to support these groups to celebrate their contribution to community life with grants of between \$1,000 and \$2,000, with matched funding from applicants (including in-kind inputs). The pilot would also include the delivery of workshops to prospective community groups to increase their capacity to apply for grants from Council and potentially other sources.

Following completion of the review of the grants program, a further report will be presented to Council to endorse any changes to the program.

**Attachments**

Nil

## 8.11 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 December 2018.

### Attachments

1. Reports Requested listing (contained within this report)
2. Letters Requested listing (contained within this report)

### Reports Requested effective 4 December 2018

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion date
<b>City Lifestyles</b>			
<b>City Delivery</b>			
21.06.16 FB 4851108	CW1.3 – Flood Study for Bow Bowling Bunbury Curran Creek Catchment 2016  3. - That following completion of the Floodplain Risk Management Study and Plan, a further report be tabled for Council's consideration.	Council is in the process of undertaking community consultation with residents. At the conclusion of the consultation period, this item will be reported back to Council and will be placed on public exhibition.	March 2019
13.12.16 PL 5146315	ORD 8.5 – Outcome of the Public Exhibition of the draft Campbelltown Comprehensive Koala Plan of Management  That a report be provided investigating the use of a drone with heat detecting cameras to track and monitor Koala movement in the Local Government Area.	A report was prepared and presented to Council at the December 2018 meeting.	December 2018
13.02.18 WM 5787318	ORD - NIM - 11.1 Parking at Campbelltown Hospital  3. That a report be presented to Council investigating Council's capacity to secure free or subsidised parking at Campbelltown Hospital for patients, visitors and staff.	Council is currently investigating and liaising with NSW Health and will report back to Council.	March 2019
14.08.18 MC	ORD - NIM - 11.5 Badminton Courts  That a report be presented to Council investigating the feasibility of developing outdoor badminton courts for local community use.	Council is currently investigating suitable locations for the courts. At the conclusion of the investigation a report will be presented to Council.	March 2019



### Reports Requested effective 4 December 2018

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion date
<b>City Delivery</b>			
14.08.18 RM	<p>ORD - NIM - 11.6 Avenue of Native Trees</p> <p>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.</p> <p>2. The report to include the potential to maintain the current road name but to call the new planted area 'Angophora Ave' or 'Claret Ash Lane' or other name appropriate to the selected native species with appropriate signage and well developed wider footpaths to complement the new planting section.</p>	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.	March 2019
<b>City Governance</b>			
14.10.14 RK 4033794	<p>CG2.3 – Claymore Urban Renewal Project – VPA Land Acquisitions, Transfers and Dedications</p> <p>4. That a further report will be submitted to Council once a draft VPA/Infrastructure Services Delivery Plan (ISDP) have been finalised which will deal with the compulsory acquisition/land transfer issues concerning the whole of the Claymore Urban Renewal Project.</p>	Still in the process of finalising the VPA/ISDP with Urban Growth. Strategic Property and Urban Release and Engagement currently reviewing.	February 2019

### Reports Requested effective 4 December 2018

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion date
<b>City Development</b>			
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.	February 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.	
09.10.18 MO	ORD - 8.1 Draft City Wide Contributions Plan  1. That the draft Campbelltown Local Infrastructure Contributions Plan 2018 be placed on public exhibition for a minimum of 28 days. 2. That Council receives a further report that outlines the responses to any submissions received during the exhibition period.	A report was prepared and presented to Council at the December 2018 meeting.	December 2018

### Reports Requested effective 4 December 2018

*Date of Decision *Mover *DocSet	Action Item	Comments / updates	Expected completion date
<b>City Growth and Economy</b>			
11.09.18 MC	<p>ORD – 11.3 Campbelltown Arts Centre Shop</p> <p>1. That a report be returned to council on the feasibility of expanding the shop at Campbelltown Arts Centre.</p> <p>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.</p> <p>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.</p>	The report is currently being prepared with the anticipation of being presented in February 2019.	February 2019

## Letters requested effective 4 December 2018

*Date of Decision *Mover *DocSet	Action Item	Comments / updates
14.08.18	ORD - 11.2 -Status Resolution Support Services (SRSS) payments  4. That Council write to the Federal Members of Parliament Dr Mike Freeland and Ms Anne Stanley to make appropriate representations to the Minister for Home Affairs, Peter Dutton MP.	Letter sent 07/09/18 and a response was received from Ms Anne Stanley MP on 19/09/18. Awaiting a response from the Minister for Home Affairs, Peter Dutton MP.
26.09.17	NM 11.5 – Spraying of Noxious Weeds on the M31  That Council write to the Minister for the Environment, requesting the spraying of noxious weeds (Blackberry Bush and African Olive) along both sides of M31 from Brooks Road to St Andrews Road in the Campbelltown Local Government Area.	Correspondence was sent to the Minister in December 2017. Since this time Council has made a number of attempts to follow up Council's correspondence including telephone calls and emails (recent emails include: 6 September, 19 September and 26 September).  A follow up letter was sent on 23/10/18 to the Hon Melissa Price MP, the Minister for the Environment.
14.08.18 PL	ORD - NM - 11.7 - Paediatric Intensive Care Units  1. That Council write to the state Member for Campbelltown, Greg Warren, to make appropriate representations to the Premier, Gladys Berejiklian, and the leader of the Opposition, Luke Foley, with the intention to secure support for Paediatric Intensive Care Units at Campbelltown Hospital.  2. That the General Manager and Mayor lobby on behalf of the Council the Premier, Gladys Berejiklian, and the leader of the Opposition, Luke Foley, with the intention to secure support for Paediatric Intensive Care Units at Campbelltown Hospital.	Letter sent 31/08/18 awaiting a response letter

## Letters requested effective 4 December 2018

*Date of Decision *Mover *DocSet	Action Item	Comments / updates
13.02.18 WM	ORD - NM - 11.1 Parking at Campbelltown Hospital  2. That Council write to the Minister for Health, the Hon. Brad Hazzard MP, stating our objection to the introduction of paid parking for patients, visitors and staff at Campbelltown Hospital, and a copy of this letter be sent to the Member for Campbelltown Mr. Greg Warren MP.	Letter sent awaiting a response letter
11.09.18 KH	ORD – NM 11.4 – Emergency Veterinary Care for Injured Koalas  1. Council write to the relevant State and Federal government ministers seeking urgent intervention and provision of financial assistance to local veterinary clinics that care for injured koalas; and 2. a forum be organised with local key stakeholders including local veterinarians, representatives of WIREs and other local koala rescue groups, and relevant State and Commonwealth agencies, to identify a viable and sustainable care program for injured koalas; and 3. the above correspondence be forwarded to all Local State and Federal Members with in the Campbelltown Local Government Area, seeking their support with this issue.	Initial discussions have been held with key stakeholders. Letters sent 05/11/18 to the Hon Andrew Constance MP, the Hon Gabrielle Upton MP, the Hon Melissa Price MP, the Hon Melinda Pavey MP, the Hon Michael McCormack MP and the Hon Anthony Roberts MP.

## 8.12 Investment and Revenue Report - October 2018

### Reporting Officer

Executive Manager Corporate Services and Governance  
City Governance

### Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.7 - Public funds and assets are managed strategically, transparently and efficiently

### Officer's Recommendation

That the information be noted.

### Purpose

To provide a report outlining activity in Council's financial services portfolio for the month of October 2018.

### Report

#### Investment Portfolio

Council's investment portfolio as at 31 October stood at approximately \$226m. 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. In accordance with the current policy funds placed with institutions with a BBB long term rating have short term maturity lengths, which effectively means a short term rating of A-2 or higher. The scope of the investment policy is currently under review in consultation with Council's independent investment advisor, with a view to expanding the scope minimally, whilst maintaining a conservative risk profile, in an attempt to enhance investment returns.

The return on Council's investments is tracking in accordance with budget expectations and continues to outperform the benchmark of the AusBond Bank Bill Index.

The portfolio is diversified with maturities ranging between three months and five years.

The official cash rate has remained steady, with no movement since August 2016, at its present level of 1.50 percent.

**Rates Summary**

Rates and Charges levied for the period ending 31 October 2018 totalled \$116,228,751 representing 100 percent of the current budget estimate.

The rates and charges receipts collected to the end of October totalled \$41,500,436. In percentage terms 36.1 percent of all rates and charges due to be paid have been collected, compared to 36 percent collected in the same period last year.

Debt recovery action during the month involved the issue of 156 Statements of Claim to ratepayers with two or more instalments outstanding and a combined balance exceeding \$500. Further recovery on accounts with previous action resulted in six Judgments and nine 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 223 ratepayers with a total arrears balance of \$281,534, 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, 18 of these notices were sent to ratepayers advising them of the amount unpaid on their account and the amount levied in annual rates and charges.

**Sundry Debtors**

Debts outstanding to Council as at 31 October 2018 are \$2,240,760 reflecting an increase of \$552,537 since September 2018. During the month, 1337 invoices were raised totalling \$1,778,064. 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 \$532,107 as at 31 October 2018. A significant portion of this debt relates to Government and Other Grants, one of which is for the upgrade of Bensley Reserve under the Stronger Communities Grants Program totalling \$330,000. Payment has been delayed due to requirements from the Federal Government and proof that the project has been completed. The payment is expected late November 2018.

Other debts relate to Various Sundry Items with an amount of \$15,500 raised for costs involved relating to a motor vehicle accident and damage to Council property (bus shelter) in Ambarvale. This is proving to be a difficult debt to recover as the debtor was uninsured and facing extensive personal circumstances, debt is highly unlikely to be recoverable however efforts are still continuing. Another account with a significant debt of \$10,515 is for commission on amusement rides at a Council event this account has been referred to our collection agency and a Summons has been issued, no contact has been made regarding the account. Public hall hire fees of \$40,747 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, 10 accounts were issued a letter of demand on Council's letterhead, advising that if the account was not settled or an appropriate arrangement was not made, the account will escalate to formal legal action through Council's agent.

Council's agents were instructed to issue a Statement of Claim on one account for unpaid carnival ride commission. No further legal action was taken.

Council officers continue to provide assistance to debtors experiencing difficulties in paying their accounts. Debtors are encouraged to clear their outstanding debts through regular payments where possible, to avoid any further recovery action.

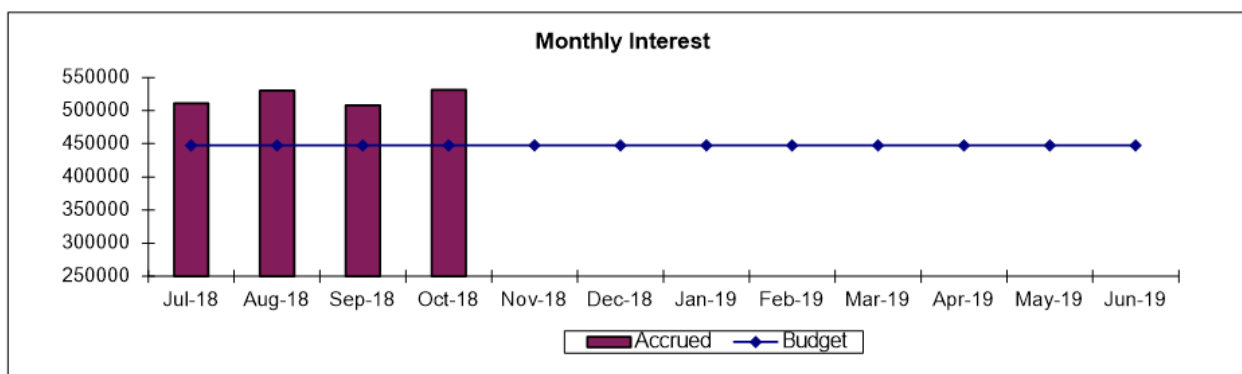
## **Attachments**

1. Investment Report October 2018 Summary (contained within this report)
2. Rates Summary and Statistics October (contained within this report)
3. Debtors Sundry and Ageing October 2018 (contained within this report)

**CAMPBELLTOWN CITY COUNCIL INVESTMENT PORTFOLIO****Oct-18**

Benchmark AusBond Bank Bill Index  
 Portfolio Balance 226,514,907.33

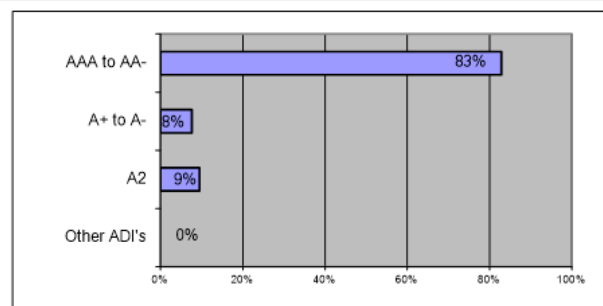
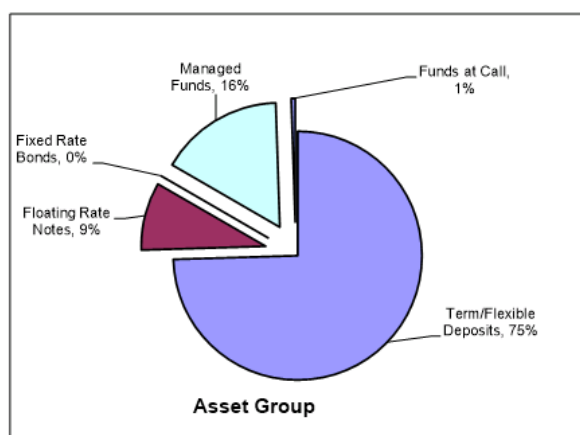
Monthly Performance	Return (mth)	Return (pa)
AusBond Bank Bill Index	0.17%	2.02%
Portfolio - Direct Investments	0.24%	2.83%
<i>Performance to Benchmark</i>	<i>+</i> 0.07%	<i>+</i> 0.81%
Short Term Call Accounts	0.15%	1.75%
Managed Funds	0.21%	2.46%

**Year to Date Performance****Credit Exposure (S&P Long Term Rating)***Rolling 12 Month Period*

2.75% Council Managed Funds  
 1.87% Benchmark

*Interest Budget to Actual*

Budget to Period \$1,790,000  
 Actual Accrued to Period \$2,081,011

**Portfolio Diversity**

			%
Funds at Call	\$ 1,180,745.87	AA-	1%
NSW Treasury	\$ 40,290,489.55	AA+	18%
National Australia Bank	\$ 45,577,698.59	AA-	20%
Westpac Bank	\$ 62,207,828.79	AA-	27%
Commonwealth Bank	\$ 25,211,375.58	AA-	11%
Bank Western Australia	\$ 13,350,365.08	AA-	6%
AMP Bank	\$ 10,000,000.00	A	4%
Suncorp Metway	\$ 4,147,029.75	A+	2%
ING Bank	\$ 3,120,655.31	A-	1%
Members Equity Bank	\$ 4,000,000.00	A2	2%
Rural Bank	\$ 6,133,921.54	A2	3%
Bank of Queensland	\$ 7,119,388.32	A2	3%
Credit Union Aust	\$ 4,175,408.94	A2	2%
	<b>\$ 226,514,907.33</b>		<b>100%</b>

## 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	63,448,766.56	1,367,027.12	318,801.95	64,722,698.44	22,169,877.61	42,552,820.83	271,682.55	42,824,472.74
BUSINESS	327,431.34	18,964,214.43		10,599.39	19,302,245.16	8,204,979.82	11,097,265.34		11,097,265.34
FARMLAND	0.00	516,538.39	459.05	336.34	516,415.68	132,404.31	384,011.37	152,607.60	536,618.97
MINING	0.00	27,126.00		0.00	27,126.00	27,126.00	0.00		0.00
SR - LOAN	0.00	0.00		101.78	101.78	0.00	101.78	658.79	0.00
SR - INFRASTRUCTURE	284,463.25	6,278,552.20		3,401.52	6,566,416.97	2,275,821.61	4,290,595.36	42,315.97	4,333,671.90
TOTAL	\$2,934,051.64	\$89,235,197.58	\$1,367,486.17	\$333,240.98	\$91,135,004.03	\$32,810,209.35	\$58,324,794.68	\$467,264.91	\$58,792,028.95
GARBAGE	682,743.31	23,852,361.72	890,689.46	13,918.22	23,658,333.79	8,162,456.48	15,495,877.31		15,495,877.31
STORMWATER	52,436.22	1,382,801.03		175.56	1,435,412.81	527,770.59	907,642.22		907,642.22
GRAND TOTAL	\$3,669,231.17	\$114,470,360.33	\$2,258,175.63	\$347,334.76	\$116,228,750.63	\$41,500,436.42	\$74,728,314.21	\$467,264.91	\$75,195,548.48

Total from Rates Financial Transaction Summary	74,738,487.93
Overpayments	-457,060.55
Difference	0.00

### ANALYSIS OF RECOVERY ACTION

Rate accounts greater than 6 months less than 12 months in arrears	283,703.44
Rate accounts greater than 12 months less than 18 months in arrears	66,771.01
Rate accounts greater than 18 months in arrears	38,795.24
TOTAL rates and charges under instruction with Council's agents	\$389,269.69

**RATES STATISTICS**

No. of documents Issued	July	August	September	October	November	December	January	February	March	April	May	June	Oct-17
Rate Notices	50,402			608									236
Electronic - DoH	5,190												
Instalment Notices				42,092									45,424
Electronic - DoH				4,939									5,276
Missed Instalment Notices			8,136										
- Pensioners > \$15.00			719										
Notice to new owner	149	47	27	18									27
7-day Letters - Council issued			2,105										
- Pensioners > \$500.00			184										
7-day Letters - Agent Issued			576										
Statement of Claim	108	16	12	156									197
Judgments	6	31	19	9									16
Writs	12	20	21	6									5
Electronic - eRates & BPAYView	4,316	4,629	4,679	4,820									3,631
Arrangements	311	259	425	223									431

**DEBTORS SUMMARY 1 October 2018 to 31 October 2018**

DEBTOR TYPE/DESCRIPTION	ARREARS AT 30/09/2018	RAISED THIS PERIOD	RECEIVED THIS PERIOD	BALANCE AT 31/10/2018	% DEBT RATIO
Corporate Administration	160,252	410,937	147,489	423,701	29.49%
Abandoned Items	1,068	1,100	1,100	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	112,024	94,625	88,087	118,562	5.46%
Government and other Grants	765,732	582,500	377,222	971,011	12.87%
Public Hall Hire	175,283	75,117	79,583	170,817	1.39%
Health Services	350	0	0	350	0.02%
Land and Building Rentals	84,470	156,359	161,355	79,474	5.63%
Healthy Lifestyles	29,571	47,069	48,011	28,630	0.15%
Library Fines and Costs	0	0	0	0	0.00%
Licence Fees	65,509	22,720	28,616	59,613	1.85%
Pool Hire	4,057	353	3,697	713	0.39%
Private Works	2,612	0	0	2,612	0.52%
Road and Footpath Restoration	21,773	4,698	12,058	14,413	28.17%
Shop and Office Rentals	31,079	64,772	83,490	12,361	2.17%
Various Sundry Items	211,494	295,994	159,335	348,154	6.42%
Waste Collection Services	42,827	21,819	35,485	29,162	6.17%
	<b>1,688,223</b>	<b>1,778,064</b>	<b>1,225,526</b>	<b>2,240,761</b>	<b>100%</b>

**AGEING OF SUNDRY DEBTOR ACCOUNTS - 31 October 2018**

	Current Charges	Total 30 Days	Total 60 Days	Total 90+ Days	Balance Due	Previous Month 90+ days
Corporate Administration	371,191	5,056	31,463	15,991	423,701	14,895
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	75,843	9,733	28,557	4,429	118,562	4,644
Government and other Grants	582,500	0	0	388,511	971,011	405,583
Public Hall Hire	60,647	38,452	30,971	40,747	170,817	43,075
Health Services	0	0	0	350	350	350
Land and Building Rentals	79,474	0	0	0	79,474	2,133
Healthy Lifestyles	14,592	4,871	3,565	5,602	28,630	4,823
Licence Fees	20,063	5,945	20,247	13,358	59,613	14,276
Pool Hire	413	0	300	0	713	0
Private Works	1,189	0	0	1,423	2,612	1,423
Road and Footpath Restoration	2,342	8,942	0	3,128	14,413	3,128
Shop and Office Rentals	12,361	0	0	0	12,361	1
Various Sundry Items	245,011	33,468	12,175	57,500	348,154	87,584
Waste Collection Services	8,795	8,846	11,521	0	29,162	0
	<b>1,454,541</b>	<b>115,314</b>	<b>138,799</b>	<b>532,107</b>	<b>2,240,761</b>	<b>582,983</b>

## 8.13 Cost Shifting Survey

### 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 advise Council of the results of the cost shifting survey undertaken by Local Government NSW.

### History

This survey is a continuation of the cost shifting survey undertaken by the Independent Inquiry into the Financial Sustainability of the NSW Local Government for 2006 and surveys for the financial years 2005-2006 through to 2013-2014 undertaken by Local Government NSW. There were 66 councils that were included in the survey conducted during May to November 2017.

The Local Government NSW survey conducted biennially seeks to establish the extent of cost shifting by the Australian and NSW Government's onto NSW Local Government. It measures the amount of cost shifting for a representative sample of the general purpose councils in NSW, calculates a cost shifting ratio for each council and estimates the total amount of cost shifting onto the whole of NSW Local Government.

### Report

Cost shifting occurs when the responsibility for, or merely the cost of, providing a certain service, concession, asset or regulatory function is shifted from one sphere of government to another, without corresponding funding or revenue raising ability required to deliver that new responsibility.

According to the survey findings, cost shifting by the Australian and NSW Government's onto NSW Local Government in the financial year 2015-2016 is estimated to amount to 7.5 percent of Local Government's total income before capital amounts or \$820m.

The survey for 2015-2016 continues to include two cost shifting examples introduced in the survey for 2009-2010 which are contained in question 24 (revenue raising restrictions on

council managed Crown lands) and question 25 (shortfall in cost recovery for assessing development applications as a result of fee regulation). The above figure is inclusive of these two examples.

Over the past decade, the cost shifting burden on councils has increased by an estimated \$440m (from \$380m or 5.8 percent of total income in 2005-2006). This brings the cost shifting figure to an estimated \$6.2b over 10 years. For metropolitan councils, a ratio of 8.56 percent resulted for the sample (including examples 24 and 25) compared to 7.33 percent for 2013-2014. The survey findings found that metropolitan councils are more affected by cost shifting than rural councils. This can be attributed to cost shifting associated with the waste levy (question 21) and the provision of public libraries (question 5).

Campbelltown City Council's total amount of cost shifting in 2015-2016 was \$8.04m equating to 5.29 percent of total income. Major areas of cost shifting include:

- contribution to NSW Fire Brigade of \$821,943
- contribution to Rural Fire Service of \$354,428
- contribution to NSW State Emergency Service \$262,000
- pensioner rates rebate of \$865,515
- public library operations of \$2,100,100
- administration of the *Companion Animal Act (NSW) 1998* of \$674,000
- waste levy of \$2,036,926

The 2015-2016 cost shifting amount has a significant impact on councils' finances. Local Government NSW notes that along with rate capping, cost shifting undermines the financial sustainability of the local government sector by forcing councils to assume responsibility for more infrastructure and services, without sufficient corresponding revenue.

Contributions to the NSW Fire Brigade, NSW Rural Fire Service and NSW State Emergency Service, lack of adequate funding for public libraries and the NSW Government's failure to reimburse for mandatory pensioner rebates for rates are major examples. Councils are also not given sufficient financial resources for their responsibilities to regulate companion animals, manage contaminated land, control noxious weed, manage flood controls, or administer environmental regulation.

It is important to note that the survey excluded any capital expenditure related to the functional areas. Comments were provided by many councils that the inclusion of capital expenditure would significantly increase the amount of cost shifting.

The survey results help quantify the extent of cost shifting onto NSW Local Government and support Local Government's argument for that practice to end.

Local Government NSW now conduct the cost shifting survey biennially, implemented in the 2013-2014 financial year, as opposed to annually as done in past financial years.

## Attachments

1. Cost Shifting Survey October 2018 (contained within this report)

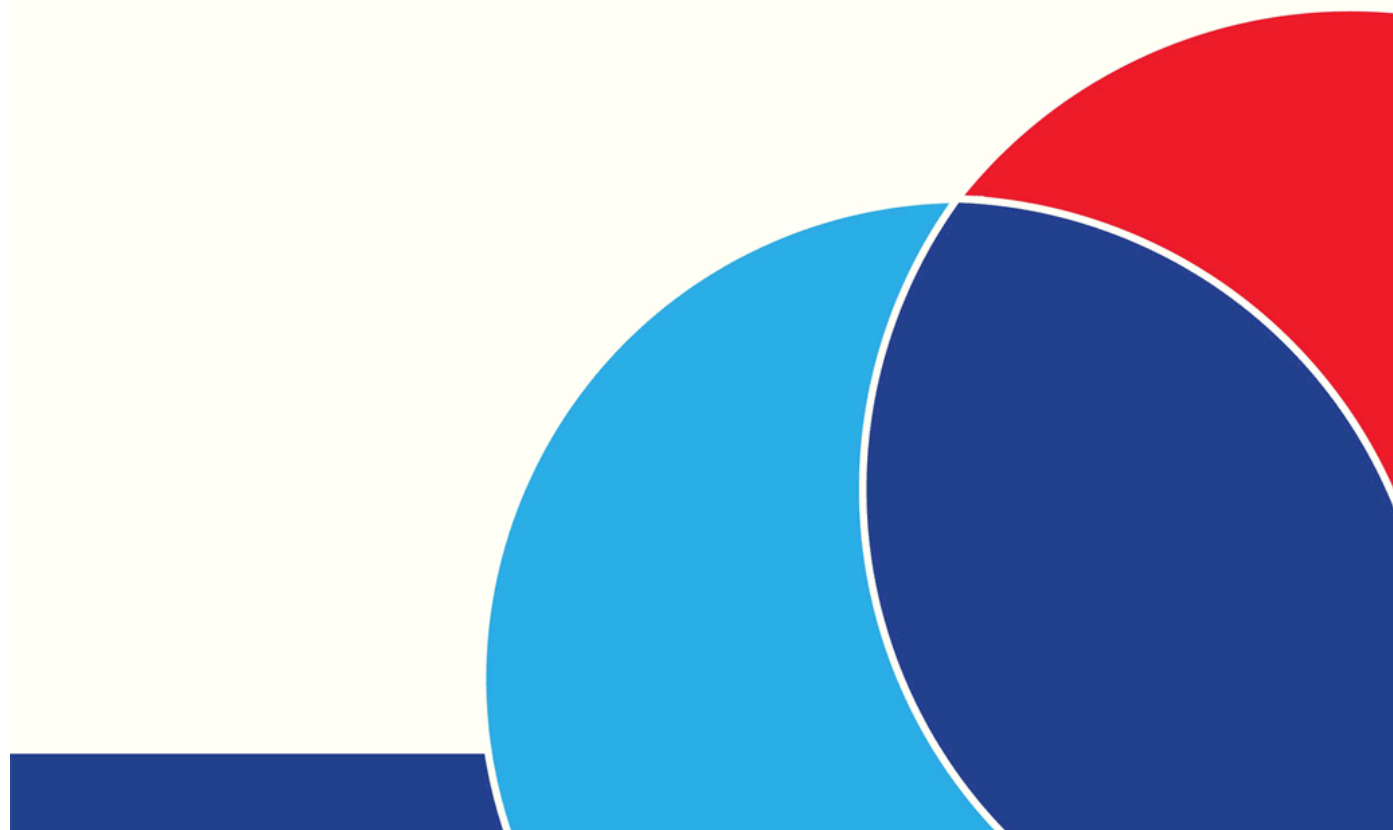




# LGNSW SURVEY REPORT

## IMPACT OF COST SHIFTING ON LOCAL GOVERNMENT IN NSW: A SURVEY OF COUNCILS

### OCTOBER 2018





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### ABOUT LGNSW

Local Government NSW (LGNSW) is the peak industry association that represents the interests of all general purpose councils and related entities in NSW.

LGNSW aims to help strengthen and protect an effective, democratic system of local government across NSW. We do this by supporting and advocating on behalf of members and delivering a range of quality services.

This cost shifting survey is undertaken every two years by LGNSW as part of our advocacy work.



## KEY FINDINGS

Cost shifting by the NSW Government and the Australian Government on to local government in NSW in the financial year 2015/16 is estimated to amount to \$820 million - 7.5% of local government's total income before capital amounts and about \$150 million higher than the result for 2013/14 of \$670 million.

Cost shifting is estimated to have increased significantly, from \$380 million in 2005/06 to \$820 million in 2015/16.

The cost shifting ratio has also increased significantly, from 7% of total council income before capital amounts for 2013/14 to 7.5% for 2015/16.

The trend increase is mainly driven by the NSW waste levy. On a state-wide basis (i.e. all 152 general purpose councils existing at the start of the financial year 2015/16), cost shifting associated with the waste levy increased from \$212.5 million in 2013/14 to \$305.1 million in 2015/16. This is an increase of 43.6%.

The NSW Government is responsible for the vast majority of all cost shifting, with just 2 per cent attributed to the Australian Government.

The accumulated total cost shifting burden since the survey began in 2005/06 is an estimated \$6.2 billion.

## INTRODUCTION

The Local Government NSW survey is based on the work of the *Independent Inquiry into the Financial Sustainability of NSW Local Government*, which found more "hard data" about cost shifting was required and recommended that LGNSW undertake an annual survey of all councils to measure and monitor cost shifting.

LGNSW's survey is a continuation of the cost shifting survey for the financial year 2004/05, undertaken by the Inquiry in 2006.<sup>1</sup>

LGNSW conducted surveys for the subsequent financial years 2005/06, 2006/07, 2007/08, 2008/09, 2009/10, 2010/11, 2011/12 and 2013/14.<sup>2</sup> Since the survey for 2011/12, LGNSW has conducted the survey on a biennial basis to measure and monitor the extent of cost shifting onto NSW local government by the Australian and NSW Governments.

The survey:

- Measures the amount of cost shifting and calculates a cost shifting ratio for each respondent council included in the final survey sample and for the whole sample; and
- Extrapolates, from the sample ratio, an estimate of the amount of cost shifting on to the whole of NSW local government.

This report provides the findings of LGNSW's cost shifting survey for the financial year 2015/16. All NSW councils were invited to participate in the survey, which was conducted during May to November 2017. LGNSW would like to thank all councils and the staff involved for their participation.

<sup>1</sup> Independent Inquiry into the Financial Sustainability of NSW Local Government, *Final Report: Findings and Recommendations*, (2006), page 66-72.

<sup>2</sup> See for survey reports the LGNSW website at [www.lgnsw.org.au/policy/finance/cost-shifting-survey](http://www.lgnsw.org.au/policy/finance/cost-shifting-survey).



### ***Amalgamations and boundary changes in 2015/16***

On 12 May 2016, the NSW Government announced council amalgamations and boundary changes, effective 13 May 2016. For this survey and report, councils were taken as they existed at the beginning of the financial year 2015/16. All amalgamated councils provided separate cost estimates for one or more pre-amalgamation councils. Councils were asked to provide cost estimates covering the financial year and, if necessary, make their own pro-rata adjustments.

### **WHAT IS COST SHIFTING?**

Cost shifting describes a situation where the responsibility for, or the cost of, providing a certain service, concession, asset, or regulatory function is “shifted” from one sphere of government to another sphere of government, without the provision of corresponding funding or the conferral of corresponding and adequate revenue raising capacity.<sup>3</sup>

- The Independent Inquiry into the Financial Sustainability of NSW Local Government in 2006<sup>4</sup> defined cost shifting as including: the imposition of responsibility for providing a certain service, asset or regulatory functions upon local government by the Federal or State Government without the provision of corresponding funding or compensation or the conferral of corresponding and adequate revenue raising capacity;
- the transfer of responsibility to local government for funding certain services or functions (including concessions and rebates) where responsibility for the funding of which lies with other spheres of government;<sup>5</sup>
- the situation where local government agrees to provide a service/function on behalf of another sphere of government but funding is subsequently reduced or stopped, and local government is unable to withdraw because of community demand;
- when another sphere of government ceases or provides insufficient levels of a service/function it is responsible for and local government steps in because of community of demand.

### **PARTICIPATION**

The online survey for 2015/16 was accessible to all general-purpose councils in NSW during a period of about ten weeks during May, June and July 2015. 73 councils completed the survey. From August to November 2015, returned surveys were assessed and issues clarified with councils. Seven returned surveys were rejected from the sample. Rejection took place if:

- Returned surveys were incomplete;
- Doubtful data could not be satisfactorily clarified with council; or
- Cost estimates could not be provided in more than 25 per cent of the 26 functional areas.

Of the 66 councils included in the final sample, 21 are classified metropolitan; 27 urban regional and 18 rural.<sup>6</sup>

<sup>3</sup> This description does not necessarily address the question of which sphere of government should be assigned a particular expenditure function.

<sup>4</sup> Independent Inquiry, op cit, pages 67-70; Moegle S, *The Impact of Cost Shifting on Local Government in NSW - A Survey of Councils*, (2006).

<sup>5</sup> Mere price increases (as long as they are appropriate and apply to all service recipients equally) are not considered cost shifting. In the context of payments to state government agencies, cost shifting can only occur where cost related to a service/function are transferred onto local government even though responsibility for funding lies with other spheres of government (e.g. pensioner rate rebates). This is not the case where local government pays for a service like all other recipients.

<sup>6</sup> The classification is based on the Australian Classification of Local Government. Metropolitan councils include the sub-classifications “capital city” (UCC), “metropolitan developed” (UD...), and “fringe” (UF...) if within the Sydney metropolitan area; urban regional councils



## METHODOLOGY

The survey establishes the following figures:

### Cost shifting amount for each participating council

The survey establishes the total amount of cost shifting based on the council estimates of the net ongoing cost (excluding capital expenditure) in each of the 26 functional areas identified by the survey. Councils were invited to add further financially significant examples of cost shifting. These additional examples were accepted where they were considered consistent with the survey's approach towards cost shifting. A list of the 26 functional areas can be found as appendix A to this report.

Two additional cost shifting examples have been continued since the survey for 2009/10:

- *Question/example 24 - Revenue limitations on crown reserve land under council management*

Cost in \$ associated with limitations imposed by the NSW Government on revenue raising ability on council managed crown reserve land or requirements to transfer revenue from council managed crown reserve land to the NSW Government.

- *Question/example 25 - Processing of development applications*

Cost in \$ of processing development applications under the *Environmental Planning and Assessment Act (NSW) 1979* and associated regulations less any revenue related to this function (e.g. development application fees, state government payments/subsidies).

Net ongoing costs generally refer to the total annual cost of providing the service or function (operational and administrative, excluding capital expenditure) less any annual revenue related to the provision of the service or function, (e.g. grants or subsidies from the NSW or Australian Government, fees or contributions collected by councils).

For consistency purposes, councils were asked to exclude corporate overheads and base their estimate of the direct net ongoing costs only.

In the instance that councils were unable to provide an actual estimate they were given the two following options which both received a cost value of "zero":

- "n/a" (not applicable) if the functional area does not apply; or
- "unable" (unable to reliably estimate) if the functional area applies to council but council is unable to reliably estimate the cost.

### Cost shifting ratio for each council

As a second step, the survey establishes the cost shifting ratio for each individual council by dividing the cost shifting amount established for the council by the council's total income from operations before capital amounts.<sup>7</sup>

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include the sub-classifications "regional town/city" and "fringe" if outside the Sydney metropolitan area; rural councils include all rural sub-classifications (R...).

<sup>7</sup> Total income from continuing operations less grants and contributions provided for capital purposes, less profit from disposal of assets, and less profit from interests in joint ventures & associates as shown in the income statement of council's financial statements.





### Cost shifting ratio for sample

As a third step, the survey establishes the cost shifting ratio for the sample councils by dividing the cost shifting amount established for the sample of councils by the sample's total income from operations before capital amounts.

### Cost shifting amount for all councils in NSW

Finally, the survey extrapolates the total amount of cost shifting onto NSW local government by applying the established cost shifting ratio for the sample to the total income from operations before capital amounts of all NSW councils.

## FINDINGS FOR INDIVIDUAL COUNCILS

Table 1 below shows the survey findings for individual councils, council groups and the total sample for the financial year 2015/16. The total cost shifting amount for the sample is \$473,701,520 (ratio of 7.49%) including questions 24 and 25 and \$434,295,823 (ratio of 6.87%) excluding questions 24 and 25.

**Table 1: Cost shifting amounts and cost shifting ratios (cost shifting in relation to total income before capital amounts) for individual councils in the survey sample, sample groups of metropolitan, urban regional and rural councils and total sample; financial year 2015/16**

Council	ACLG Cl.	Total income from operations before capital amounts in \$	Including questions 24 and 25		Excluding questions 24 and 25	
			Total amount of cost shifting in \$	Cost shifting in relation to total income	Total amount of cost shifting in \$	Cost shifting in relation to total income
Metropolitan						
Ashfield Council (former, now Inner West Council)	UDM	37,531,000	6,520,850	17.37%	6,021,570	16.04%
Bankstown City Council (former, now Canterbury-Bankstown Council)	UDV	149,257,000	20,944,874	14.03%	19,872,945	13.31%
Blacktown City Council	UDV	291,280,000	17,130,080	5.88%	17,003,392	5.84%
Burwood Council	UDM	42,769,000	4,613,756	10.79%	4,328,912	10.12%
Camden Council	UFM	80,291,000	4,630,270	5.77%	4,630,270	5.77%
Campbelltown City Council	UFV	151,996,000	8,043,450	5.29%	8,043,450	5.29%
Canada Bay City Council	UDL	81,573,000	6,349,612	7.78%	6,018,107	7.38%
Canterbury City Council (former, now Canterbury-Bankstown Council)	UDV	108,162,000	13,488,013	12.47%	12,506,250	11.56%
Hornsby Shire Council	UFV	135,214,986	12,421,213	9.19%	11,671,213	8.63%
Hunters Hill Council	UDS	14,293,000	2,104,657	14.73%	1,637,583	11.46%
Ku-Ring-Gai Council	UDL	120,875,622	9,300,823	7.69%	9,226,486	7.63%
Leichhardt Municipal Council (former, now Inner West Council)	UDM	86,005,381	7,672,158	8.92%	6,335,937	7.37%
Liverpool City Council	UFV	173,040,000	13,177,749	7.62%	13,177,749	7.62%
Marrickville Council (former, now Inner West Council)	UDL	102,603,000	6,550,347	6.38%	6,408,933	6.25%



Council	ACLG Cl.	Total income from operations before capital amounts in \$	Including questions 24 and 25		Excluding questions 24 and 25	
			Total amount of cost shifting in \$	Cost shifting in relation to total income	Total amount of cost shifting in \$	Cost shifting in relation to total income
Mosman Council	UDS	44,425,000	4,552,589	10.25%	3,449,333	7.76%
Parramatta City Council	UDV	191,513,000	18,310,373	9.56%	14,224,373	7.43%
Randwick City Council	UDV	143,512,000	11,932,291	8.31%	10,859,027	7.57%
Ryde City Council	UDL	133,772,000	13,493,690	10.09%	11,945,568	8.93%
Sutherland Shire Council	UDV	224,215,000	17,752,808	7.92%	17,426,248	7.77%
The Hills Shire Council	UFV	154,456,000	10,735,504	6.95%	9,241,503	5.98%
Warringah Council (former, now Northern Beaches Council)	UDV	172,756,402	16,256,662	9.41%	14,690,305	8.50%
<b>Summary Metropolitan</b>		<b>2,639,540,391</b>	<b>225,981,769</b>	<b>8.56%</b>	<b>208,719,154</b>	<b>7.91%</b>
Urban Regional						
Albury City Council	URM	116,751,000	2,890,289	2.48%	2,890,289	2.48%
Ballina Shire Council	URM	78,873,000	3,316,600	4.20%	2,662,600	3.38%
Bathurst Regional Council	URM	82,595,000	3,082,457	3.73%	2,892,958	3.50%
Bega Valley Shire Council	URM	80,947,000	3,576,558	4.42%	2,697,385	3.33%
Blue Mountains City Council	UFL	105,731,000	9,976,768	9.44%	8,658,811	8.19%
Broken Hill City Council	URS	33,680,000	1,471,310	4.37%	1,376,224	4.09%
Byron Shire Council	URM	76,643,000	1,770,145	2.31%	1,758,644	2.29%
Cessnock City Council	URM	69,422,000	11,326,361	16.32%	9,936,173	14.31%
Clarence Valley Council	URM	117,778,000	7,641,641	6.49%	6,802,981	5.78%
Coffs Harbour City Council	URL	160,231,000	5,484,617	3.42%	4,975,231	3.11%
Dubbo City Council (former, now Dubbo Regional Council)	URM	93,472,000	3,593,144	3.84%	3,055,773	3.27%
Hawkesbury City Council	UFM	67,556,000	7,067,197	10.46%	7,061,009	10.45%
Kempsey Shire Council	URS	64,615,000	4,698,314	7.27%	4,146,456	6.42%
Lake Macquarie City Council	URV	207,672,000	19,692,492	9.48%	17,673,600	8.51%
Lismore City Council	URM	101,470,000	9,095,198	8.96%	7,000,909	6.90%
Maitland City Council	URL	86,915,000	13,878,564	15.97%	13,878,564	15.97%
Mid-Western Regional Council	URS	61,879,000	2,622,482	4.24%	1,846,279	2.98%
Newcastle City Council	URV	249,660,000	11,031,970	4.42%	11,031,970	4.42%





Council	ACLG Cl.	Total income from operations before capital amounts in \$	Including questions 24 and 25		Excluding questions 24 and 25	
			Total amount of cost shifting in \$	Cost shifting in relation to total income	Total amount of cost shifting in \$	Cost shifting in relation to total income
Orange City Council	URM	91,249,000	4,360,450	4.78%	3,326,062	3.65%
Port Macquarie-Hastings Council	URL	164,171,000	7,889,748	4.81%	7,889,748	4.81%
Shellharbour City Council	URM	92,299,000	11,341,126	12.29%	11,292,527	12.23%
Shoalhaven City Council	URL	211,855,000	17,135,796	8.09%	16,547,644	7.81%
Wagga Wagga City Council	URM	102,923,000	3,526,714	3.43%	2,911,714	2.83%
Wingecarribee Shire Council	URM	99,852,000	5,914,021	5.92%	4,594,065	4.60%
Wollondilly Shire Council	UFM	48,638,000	3,893,310	8.00%	3,563,853	7.33%
Wollongong City Council	URV	254,350,000	27,630,333	10.86%	24,185,175	9.51%
Wyong Shire Council (former, now Central Coast Council)	UFV	280,677,636	24,247,902	8.64%	22,921,768	8.17%
<b>Summary Urban Regional</b>		<b>3,201,904,636</b>	<b>228,155,507</b>	<b>7.13%</b>	<b>207,578,412</b>	<b>6.48%</b>
<b>Rural</b>						
Bogan Shire Council	RAM	17,797,000	499,412	2.81%	499,412	2.81%
Boorowa Council (former, now Hilltops Council)	RAM	9,509,000	464,784	4.89%	401,184	4.22%
Cabonne Shire Council	RAV	35,861,000	1,486,926	4.15%	1,486,926	4.15%
Coonamble Shire Council	RAM	19,756,000	534,205	2.70%	516,149	2.61%
Cowra Shire Council	RAV	33,896,000	1,048,040	3.09%	878,593	2.59%
Dungog Shire Council	RAL	15,316,000	1,454,593	9.50%	1,191,172	7.78%
Forbes Shire Council	RAL	35,087,000	946,356	2.70%	885,356	2.52%
Gunnedah Shire Council	RAV	42,687,000	1,120,665	2.63%	814,761	1.91%
Harden Shire Council (former, now Hilltops Council)	RAM	14,254,000	578,808	4.06%	530,840	3.72%
Inverell Shire Council	RAV	38,388,000	2,528,967	6.59%	2,195,924	5.72%
Kyogle Shire Council	RAL	23,579,000	981,372	4.16%	981,372	4.16%
Lockhart Shire Council	RAM	12,442,000	360,107	2.89%	351,107	2.82%
Muswellbrook Shire Council	RAV	43,087,000	2,601,002	6.04%	2,501,717	5.81%
Narrabri Shire Council	RAV	43,332,000	1,079,283	2.49%	1,079,283	2.49%
Temora Shire Council	RAL	16,721,000	847,491	5.07%	805,697	4.82%
Upper Lachlan Shire Council	RAL	29,267,981	932,222	3.19%	901,222	3.08%



Council	ACLG Cl.	Total income from operations before capital amounts in \$	Including questions 24 and 25		Excluding questions 24 and 25	
			Total amount of cost shifting in \$	Cost shifting in relation to total income	Total amount of cost shifting in \$	Cost shifting in relation to total income
Walgett Shire Council	RAL	30,104,000	977,626	3.25%	977,626	3.25%
Wellington Council (former, now Dubbo Regional Council)	RAL	22,584,000	1,122,385	4.97%	999,916	4.43%
<b>Summary Rural</b>		<b>483,667,981</b>	<b>19,564,244</b>	<b>4.04%</b>	<b>17,998,257</b>	<b>3.72%</b>
<b>Total sample</b>		<b>6,325,113,008</b>	<b>473,701,520</b>	<b>7.49%</b>	<b>434,295,823</b>	<b>6.87%</b>

## GENERAL FINDINGS AND DISCUSSION

### *Survey ratio - baseline (questions 1 to 23)*

The cost shifting ratio for the complete survey sample is 6.87% of total income before capital amounts. This ratio is significantly higher than ratios established for previous financial years:

- 6.35% for 2013/14;
- 5.60% for 2011/12;
- 5.70% for 2010/11;
- 5.72% for 2009/10 and 2008/09;
- 5.92% for 2007/08;
- 5.95% for 2006/07; and
- 5.84% for 2005/06.

### *Survey ratio - baseline plus additional questions 24 and 25*

Including the examples contained in questions 24 and 25, the ratio increases to 7.49% of total income before capital amounts. This ratio is significantly higher than the equivalent ratios established for previous financial years:

- 6.96% for 2013/14;
- 6.26% for 2011/12;
- 6.34% for 2010/11; and
- 6.35% for 2009/10.

Question 25 alone adds \$38,590,696 to the sample cost shifting amount.



### Cost shifting ratios of different council groups

The table below provides findings for each of the three groups of councils (metropolitan, urban regional and rural) compared to previous surveys.

**Table 2: Cost shifting ratios for metropolitan, urban regional and rural for 2015/16 survey and compared to previous surveys**

Year	Metropolitan councils		Urban regional councils		Rural council	
	Survey baseline	Survey baseline plus questions 24 and 25	Survey baseline	Survey baseline plus questions 24 and 25	Survey baseline	Survey baseline plus questions 24 and 25
2015/16	7.91%	8.56%	6.48%	7.12%	3.72%	4.04%
2013/14	6.56%	7.33%	6.60%	7.12%	3.64%	3.97%
2011/12	5.98%	6.82%	5.63%	6.18%	3.56%	3.95%
2010/11	6.20%	6.96%	5.49%	6.06%	3.88%	4.23%
2009/10	6.30%	6.98%	5.47%	6.09%	4.04%	4.45%
2008/09	6.21%	n/a	5.44%	n/a	4.11%	n/a
2007/08	6.62%	n/a	5.63%	n/a	4.22%	n/a
2006/07	6.30%	n/a	6.00%	n/a	4.50%	n/a
2005/06	6.10%	n/a	5.90%	n/a	4.50%	n/a

### Total cost shifting amounts

By applying the established cost shifting ratio of 6.87% to the figure of total income from operations before capital for 2015/16 for all NSW councils (\$10,948,154,844)<sup>8,9</sup>, the amount of cost shifting onto local government in NSW (i.e. all 152 general purpose councils) is calculated to amount to \$751,723,789. Including the new examples contained in questions 24 and 25, the amount of cost shifting onto local government in NSW (i.e. all 152 general purpose councils) is calculated as being \$819,931,214 (ratio of 7.49%).

### Discussion

The significant increase in the cost shifting ratio from 6.4% for 2013/14 to 6.9% of total income before capital amounts (survey baseline) or 7% for 2013/14 to 7.5% (survey baseline plus additional questions 24 and 25) is mainly driven by significant increases above total sample trend in cost shifting in the metropolitan council grouping associated with the waste levy (question 21). Accordingly, cost shifting ratios have increased in the metropolitan grouping and remained relatively stable in the urban regional and rural grouping. On a state-wide basis (i.e. all 152 general purpose councils), cost shifting associated with the waste levy has increased by 43.6% from \$212,491,325 in 2013/14 to 305,072,543 in 2015/16.

<sup>8</sup> The NSW Office of Local Government provided data on the total income from continuing operations before grants and contributions provided for capital purposes, gains from asset sales, and gains from interests in joint ventures as shown in the statement of financial performance for the financial year 2015/16 for 151 of the 152 NSW general purpose councils on 20 November 2017 (\$10,824,321,549). Financial data for Botany Bay City Council was not available for 2015/16 and 2014/15. The survey used data from Botany Bay City Council's financial statements of 2013/14 and indexed it, reflecting income growth patterns of other metropolitan councils between 2013/14 and 2015/16 (i.e. \$57,374,000 for 13/14 and 13.5% revenue growth equals \$65,119,490).

<sup>9</sup> Total income from operations before capital figures for 2015/16 used in the survey are slightly different to the reported figures provided by OLG insofar as the survey uses income estimates for the whole financial year up to 30 June 2016 from three amalgamated councils (Leichhardt Municipal Council, Warringah Council and Wyong Shire Council) and one boundary-changed council (Hornsby Shire Council) instead of income amounts up to 12 May 2016 as required of amalgamated councils pursuant to financial reporting requirements.



The group comparison also shows that metropolitan and urban regional councils suffer more from cost shifting than rural councils. This can be explained by a number of factors, including the greater exposure of urban regional councils and metropolitan councils to the waste levy (question 21), the provision of public libraries (question 5), and to a lesser degree, pensioner rate rebates (question 3) and the development application process (question 25).

The table in Appendix B shows the cost shifting ratios for the total sample and each council group in the sample for each individual cost shifting item.

Only a small portion of cost shifting can be attributed to the Australian Government (\$834,659 for immigration and citizenship ceremonies (question 12); \$1,108,345 for half of the funding shortfall in the flood mitigation program (question 16) and an unidentified proportion of the funding shortfall in community and human services amounting to \$15,263,853 (question 20)).<sup>10</sup> The remainder is attributed to the NSW Government.

### **Significant cost shifting items**

The table below provides the amount of cost shifting onto local government in NSW for selected significant cost shifting items as calculated from the survey sample.

**Table 3: Amount of cost shifting for selected significant cost shifting items in 2015/16 compared to 2013/14**

Cost shifting item	Amount in 2013/14	Amount in 2015/16
Waste levy paid by councils not returned to local government (question 21)	\$212 million	\$305 million
Shortfall in library funding (question 5)	\$119 million	\$130 million
Contribution to fire and emergency service funding (questions 1, 2, 2a)	\$110 million	\$127 million
Shortfall in cost recovery for DA process (question 25)	\$58 million	\$67 million
Only half reimbursement for pensioner rebates (question 3)	\$55 million	\$61 million
Shortfall in funding for companion animal regulation (question 7)	\$22 million	\$23 million
Shortfall in funding for noxious weed management (question 10)	\$12 million	\$12 million

The tables below provide the dollar amount of cost shifting onto local government per council category. These are based on the Federal Government Australian Classification of Local Governments' categories.

**Table 4: Top five cost shifting items for metropolitan councils in 2015/16**

Cost shifting item	Amount in 2015/16	% of total metro cost shifting
Waste levy paid by councils not returned to local government (question 21)	\$160 million	38%
Shortfall in library funding (question 5)	\$77 million	18%
Contribution to fire and emergency service funding (questions 1, 2, 2a)	\$68 million	16%
Shortfall in cost recovery for DA process (question 25)	\$31 million	7%
Only half reimbursement for pensioner rebates (question 3)	\$27 million	6%

\* Dollar values of survey sample councils are extrapolated to all councils.

<sup>10</sup> Calculation based on baseline plus questions 24 and 25 scenario.



**Table 5: Top five cost shifting items for urban regional councils in 2015/16**

Cost shifting item	Amount in 2015/16	% of total urban regional cost shifting
Waste levy paid by councils not returned to local government (question 21)	\$138 million	42%
Contribution to fire and emergency service funding (questions 1, 2, 2a)	\$43 million	13%
Shortfall in library funding (question 5)	\$43 million	13%
Shortfall in cost recovery for DA process (question 25)	\$30 million	9%
Only half reimbursement for pensioner rebates (question 3)	\$29 million	9%

\* Dollar values of survey sample councils are extrapolated to all councils.

**Table 6: Top five cost shifting items for rural councils in 2015/16**

Cost shifting item	Amount in 2015/16	% of total rural cost shifting
Contribution to fire and emergency service funding (questions 1, 2, 2a)	\$16 million	24%
Shortfall in library funding (question 5)	\$10 million	15%
Shortfall in cost recovery for functions under the companion Animal Act (question 7)	\$9 million	13%
Waste Levy paid by councils not returned to local government (only applies to North Coast NSW) (question 21)	\$7 million	10%
Only half reimbursement for pensioner rebates (question 3)	\$6 million	9%

\* Dollar values of survey sample councils are extrapolated to all councils.

### Comparison with previous surveys

Table 7 outlines the results of the surveys undertaken so far by LGNSW.

**Table 7: Ratio and total amount of cost shifting onto NSW local government**

Financial year	Sample size (no. of councils)	Total income from operations before capital amounts for all NSW councils	Ratio and total amount of cost shifting			
			Survey baseline (questions 1 to 23)	Baseline plus 2008 election cost shift	Baseline plus questions 24 and 25	Baseline plus questions 24 and 25 and 2008 election cost shift
2015/16	66	\$10,948,154,844	6.87% \$751,723,789	n/a*	7.49% \$819,931,214	n/a*
2013/14	72	\$9,617,445,003	6.35% \$610,650,884	n/a*	6.96% \$669,654,954	n/a*
2011/12	73	\$9,268,064,244	5.60% \$519,236,368	5.63% \$521,498,905	6.26% \$579,981,213	6.28% \$582,243,750
2010/11	76	\$8,723,492,462	5.70% \$497,038,850	5.72% \$499,301,387	6.34% \$553,033,109	6.37% \$555,295,646
2009/10	84	\$8,209,306,141	5.72% \$469,191,741	5.74% \$471,454,278	6.35% \$521,626,171	6.38% \$523,888,708
2008/09	69	\$7,664,066,547	5.72% \$438,007,674	5.74% \$440,270,211	n/a**	n/a**
2007/08	65	\$7,280,361,566	5.92% \$431,284,746	n/a*	n/a**	n/a**



Financial year	Sample size (no. of councils)	Total income from operations before capital amounts for all NSW councils	Ratio and total amount of cost shifting			
			Survey baseline (questions 1 to 23)	Baseline plus 2008 election cost shift	Baseline plus questions 24 and 25	Baseline plus questions 24 and 25 and 2008 election cost shift
2006/07	84	\$6,928,487,164	5.95% \$412,244,986	n/a*	n/a**	n/a**
2005/06	84	\$6,502,482,000	5.84% \$379,744,949	n/a*	n/a**	n/a**

\*Cost shifting associated with the 2008 local government election is distributed among the relevant financial years 08/09, 09/10, 10/11 and 11/12.

\*\*Questions 24 and 25 were included for the first time in the survey for 09/10.

As table 4 shows, in absolute terms, cost shifting on to NSW local government is estimated to have increased significantly to approximately \$752 million (\$820 million including the new questions 24 and 25) in 2015/16 from approximately:

- \$380 million in 2005/06,
- \$412 million in 2006/07,
- \$431 million in 2007/08,
- \$440 million in 2008/09,
- \$471 million (\$524 million including the new questions 24 and 25) in 2009/10,
- \$499 million (\$555 million including the new questions 24 and 25) in 2010/11
- \$521 million (\$582 million including the new questions 24 and 25) in 2011/12; and
- \$611 million (\$670 million including the new questions 24 and 25) in 2013/14;

### Others

Finally, the cost shifting ratio and amount established by the survey can be regarded as conservative for several reasons:

- Although councils were encouraged to add financially significant examples, councils basically worked within the 26 functional areas identified in the survey.
- The survey asked councils to exclude corporate overheads from the individual cost estimates for each cost shifting area. The addition of corporate overheads could increase costs by around 10% based on the average corporate overheads ratio established by the Independent Inquiry into the Financial Sustainability of NSW local government in a separate survey.<sup>11</sup>
- If councils were not able to reliably estimate the cost of individual areas of cost shifting these areas were assigned a zero costing.<sup>12</sup>
- While most councils that were amalgamated as of 13 May 2016 adjusted their estimates to reflect the full financial year until 30 June 2016, a few councils provided estimates only up to 12 May 2016, understating the total cost shifting amount.

<sup>11</sup> DG & AB Maxwell, *Corporate Overheads of Local Government*, (2006), page 14; Local Government Inquiry, *Interim Report: Findings and Options*, table 10.2, page 201.

<sup>12</sup> Unless returned surveys were rejected because cost estimates could not be provided in more than 25 per cent of the 26 functional areas.



## APPENDIX A – LIST OF THE 26 FUNCTIONAL AREAS

### Contribution to Fire and Rescue NSW

The amount of the emergency service levy invoice from the NSW Government.

### Contribution to NSW Rural Fire Service

The relevant amount of the emergency service levy invoice from the Ministry for Police and Emergency Services.

### Contribution to NSW State Emergency Service

The relevant amount of the emergency service levy invoice from the Ministry for Police and Emergency Services.

### Pensioners rate rebates

NSW is the only state that requires councils to fund approximately half the cost of mandatory pensioner concessions (ss575-584 of the *Local Government Act (NSW) 1993*). This category thus refers to the net dollar cost incurred due to mandatory pensioners rebates for rates and charges (total amount of mandatory concession minus state reimbursement). However, it excludes rebates for water supply and sewerage charges, as these charges are subject to a separate fund and cost can be recovered across all users.

### Voluntary conservation agreements

Pursuant to section 555 of the *Local Government Act (NSW) 1993*, land (or the proportion of the landholding) that is subject to a voluntary conservation agreement between the landowner and the relevant NSW Minister (environment portfolio) under section 69 of the *National Parks and Wildlife Act (NSW) 1974* is exempt from all council rates. This category thus relates to the net dollar cost incurred due to rate exemptions as a result of voluntary conservation agreements.

### Public library operations

Dollar cost representing the proportion of operational expenditure that was not funded by the State Government but would have been funded had the original funding arrangement of a State Government subsidy of half the amount expended by council on the operation of libraries been applied (i.e. shortfall between actual State Government subsidies (prescribed amount pursuant to s13(4)(b) *Library Act (NSW) 1939* and the regulation) and the subsidy council would have been eligible for pursuant to s13(4)(a) *Library Act (NSW) 1939* (the original funding arrangement of a state subsidy of half the amount expended by council on the operation of libraries from rate income). This category excludes capital expenditure.

### Shortfall in cost recovery for regulation of on-site sewerage facilities

Councils are required to regulate the installation, approve and monitor the operation and keep a register of all on-site sewage management systems (section 68 of the *Local Government Act (NSW) 1993*).

This category this covers the dollar cost of services/functions, less any revenue related to them (fees, state government payments/subsidies). It includes only necessary costs that cannot be recovered as a result of regulatory constraints and excludes capital expenditure.

### Shortfall in cost recovery for regulatory functions/services under the *Companion Animal Act (NSW) 1998*

Councils' role was expanded from a pure enforcement role to a regulatory body with functions including preparation of companion animal management plan, operation of lifetime registration system, separation of cats and dogs, maintaining facilities, enforcement, and the collection of fees for the Office of Local Government which returns only a small proportion of those fees to local government. This category therefore covers the dollar cost of services or functions under the Act,





minus any revenue related to them such as State Government grants or subsidies. The category excludes capital expenditure.

**Shortfall in cost recovery for regulatory functions/services under the *Contaminated Land Management Act (NSW) 1997***

Councils are required to respond to contaminated land issues, undertake the administration, registration and mapping of contaminated sites not regulated by the NSW Environment Protection Authority, develop policies, and consider contamination in land-use planning processes. This category relates to the dollar cost of services/functions less any revenue related to them (fees, state government payments/subsidies), but excludes capital expenditure.

**Shortfall in cost recovery for functions under the *Protection of the Environment Operations Act (NSW) 1997***

Councils are required to administer the licensing system and enforce protective regulation (issuing of environmental notices, prosecution of environmental offences, undertaking of environmental audits) in relation to all non-scheduled activities not regulated by the NSW Environment Protection Authority. This category relates to the dollar cost of regulatory services/functions less any revenue related to them (fees, state government payments/subsidies).

**Shortfall in cost recovery for functions as control authority for noxious weed**

Councils are required to regulate and control noxious weeds pursuant to the *Noxious Weeds Act (NSW) 1993* and s183 of the *Local Government Act (NSW) 1993*.

This category covers the dollar cost of regulatory services/functions less any revenue related to them (fees, state government payments/subsidies; e.g. grants from the NSW Department of Primary Industries) or cost in \$ of net contributions to other authorities for reasonably necessary regulation of noxious weeds on land other than council land and council managed Crown land. Excludes capital expenditure, and cost of other environmental weeds control or general bushland care.

**Functions under the *Rural Fires Act (NSW) 1997***

Councils are required to administer and remedy complaints about fire hazards on council property, and to map and administer bushfire prone land (e.g. asset protection work, fire trails). This category includes the net cost of assistance provided to the Rural Fire Service to fight bushfires declared under s44 of the *Rural Fires Act (NSW) 1997* on any land within the council area, minus any revenue related to them (e.g. fees, state government payments, or subsidies). It excludes capital expenditure, along with any contributions to the Rural Fire Service and/or NSW Fire Brigade (which were captured in Categories 1 and 2).

**Immigration services and citizenship ceremonies**

Councils conduct citizenship ceremonies under the *Australian Citizenship Act (Cth) 2007*. This category covers the dollar cost of providing these services less any revenue related to them (fees, state government payments/subsidies).

**Shortfall in cost recovery in the administration of food safety regulation**

Councils are required to undertake registration and inspection of food and food premises under the *Food Act (NSW) 2003*. This category covers the dollar cost of the relevant services/functions, less any revenue related to them (fees, state government payments/subsidies). It is limited to necessary costs that cannot be recovered as a result of regulatory constraints.

**Provision of educational services**

Net cost of providing educational services due to the State Government's withdrawal from providing educational services that should be state government responsibility (e.g. sporting facilities used by public schools, education programs, classes for disadvantaged children in youth



centres, but not child care). Excludes capital expenditure and council education programs for which the state government is not responsible for (e.g. waste and sustainability education). This category also excludes any proportion of operational or maintenance costs which could be allocated to use by other government organisations (e.g. public schools).

#### **Crime prevention/policing**

Net cost of crime prevention/policing services in public spaces necessitated by insufficient services by other spheres of government (e.g. CCTV surveillance, security patrols, crime prevention programs). This only applies to crime prevention or policing activities that should have been undertaken by other spheres of government (e.g. police). It does not include council activities to protect community from other risks (e.g. surfer and swimmer injuries or beach patrols), safety at council events, or security of council facilities). Also excludes capital expenditure.

#### **Flood Mitigation program**

Dollar cost representing the proportion of expenditure that was not funded by other levels of government but would have been funded had the original funding arrangement been applied (e.g. if the Federal and State Governments originally provided 80% of the required funds; but now the Australian Government provides one third and the State Government is required to provide another third, and the rest must be made up by council). This category is restricted to activities eligible for or receiving funding from other levels of government under the flood mitigation program.

#### **Transfer of responsibilities for roads under RMS road reclassification reviews**

Net cost (operational only) associated with all roads inherited due to reclassification of regionally important roads as local roads, state-important roads as regional or local (since the significant reclassifications in the early 1990s). This category measures the ongoing maintenance and depreciation cost (or annualised renewal cost) associated with all roads so transferred since the 1990s. The figure does not include any compensation received in association with a reclassification.

#### **Medical services**

Net cost in \$ of providing medical services necessary because of insufficient services by other levels of government (e.g. retaining general practitioners, nurses and dentists; aboriginal and other medical services required by the community). Excludes capital expenditure.

#### **Road safety**

Net cost of road safety officer/road safety program necessary due to the NSW Government's (RMS) withdrawal of funding or cost of net contribution to other authorities that provide such officer/program. Does not include capital expenditure.

#### **Community and human services**

Community and human services include children service programs, aged and disabled care programs, community development/liaison programs, youth development programs, aboriginal community programs, cultural development programs etc.

Net cost of all programs necessary to the community where other levels of government have initiated the program and initially provided adequate funds but now provide inadequate funds or have withdrawn completely; e.g. State Government contribution do not increase in line with these actual costs (e.g. employment cost). This category covers the shortfall between adequate and actual funding for such programs that were initiated by other levels of government but excludes capital expenditure.

#### **Waste levy**



The waste levy applies to the Sydney metropolitan area; the Illawarra, Hunter and Central Coast area (extended regulated area); and the area including the Blue Mountains, Wollondilly and local government areas along the coast north of Port Stephens to the Queensland border (regional regulated area). The category includes the dollar cost of the levy paid to the NSW Government (dependent on the amount of waste produced by council), less any amounts recovered through "Waste Less Recycle More" program grants

Net costs for the 2015/16-scheme have been calculated on the basis of a levy of \$133.10 per tonne (Sydney metro), \$133.10 (extended regulated area), and \$76.70 (regional regulated area).

#### **Sewerage treatment system license fee**

Councils are required to pay this fee as polluter under the *Protection of the Environment Operations Act (NSW) 1997*. This category therefore relates to the dollar cost of the load-based and administrative license fee paid to the State Government in relation to sewer effluent discharge.

#### **Waste management site license fee**

Councils are required to pay this fee as polluters under the *Protection of the Environment Operations Act (NSW) 1997*, so this category covers the cost of license fee (administrative, not load-based) paid to State Government.

#### **Taking away of revenue from crown reserve land under council management**

Under the *Crown Land Act (NSW) 1989*, councils have full responsibility to maintain crown reserves under council management and are expected to subsidise shortfalls in maintenance cost from general revenue. This is considered appropriate as the benefits from crown reserves under council management generally accrue to the local community.

However, as a result, councils should also be entitled to any current or potential revenue from crown reserves that is required to cover maintenance and improvement cost (e.g. revenue from refreshment facilities, telecommunication facilities). Any action by the State Government to limit revenue raising capacity or require the transfer revenue to the State Government is considered cost shifting.

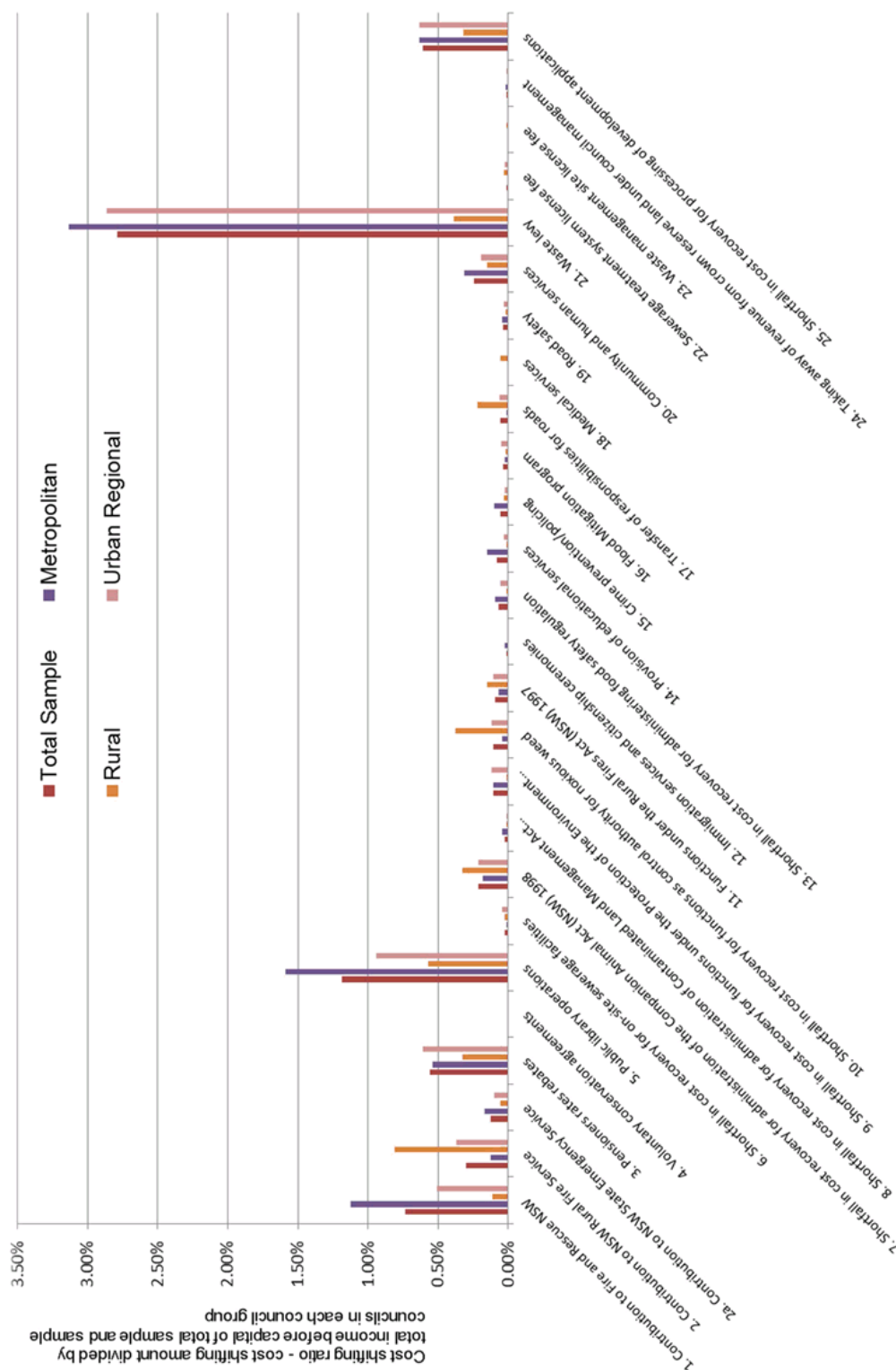
This category covers the cost associated with the NSW Government assuming allowable revenue raising activities on council-managed crown reserve land, or with requirements to transfer revenue from council-managed crown reserve land to the NSW Government. This does not represent the total net cost of managing (maintaining) crown lands, and excludes transfers associated with the caravan park levy, along with any surplus revenue over and above the total amount of maintenance and improvement cost.

#### **Shortfall in cost recovery for processing of development applications**

Cost of processing development applications under the *Environmental Planning and Assessment Act (NSW) 1979* and associated regulations, less any revenue related to this function (e.g. development application fees, state government payments/subsidies).

This category is limited to the costs of processing development applications that cannot be recovered through development application fees or any other related income, but does include costs associated with services by other agencies (e.g. initial fire safety reports from the NSW Fire Brigades, s144 of the *Environmental Planning and Assessment Regulation (NSW) 2000*).

**APPENDIX B – COST SHIFTING SURVEY FOR 2015/16 – COST SHIFTING RATIO FOR SAMPLE AND SAMPLE COUNCIL GROUPS (METROPOLITAN, RURAL AND URBAN REGIONAL) FOR INDIVIDUAL COST**





## 8.14 Revised Policy - Investment

### 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

1. That the revised investment policy attached to this report be adopted.
2. That the Investment Policy review date be set at 31 December 2019.

### Purpose

To advise Council that the current Investment Policy has been reviewed.

### Report

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

The policy was recently reviewed as at 30 June 2018, however Council has since appointed a new independent investment advisor and accordingly has taken the opportunity to review policy settings.

Council's new external investment advisor, Amicus Advisory were consulted and have advised that, in their view, the policy is consistent with the conservative approach required for the stewardship of Council's restricted and unrestricted reserve monies. This conservative approach remains a fundamental approach of policy settings.

Amicus Advisory have however, indicated that to allow for potentially higher than average returns, expanding the scope of the policy as it currently allows for maturity lengths with some tier two Australian Deposit Taking Institutions (ADI's), would increase flexibility.

It is proposed to expand the maximum duration from 12 months to 36 months for financial institutions with an A rating and include a provision to invest in institutions with a BBB rating for up to the same duration, however maintaining the following restrictions:

Rating	Individual Counterparty Limit	Cumulative Portfolio Limit
A- and higher	20%	70%
BBB+ to BBB-	5%	30%

A provision for grandfathering which takes into account, where at the time of placing an investment, it complies with the current policy, however, during the term of the investment there is a downgrade in ratings profiles or through the redemption of any other investment, may trigger a breach to policy.

A section for the consideration of socially responsible (ESG) investments has also been added.

Position titles have been updated in line with the organisational structure.

### **Attachments**

1. Current Investment Policy current (contained within this report)
2. Proposed Investment Policy (contained within this report)

 <b>campbelltown</b> city council		<b>POLICY</b>
Policy Title	Investment Policy	
Related Documentation	Accounting Practices Statement	
Relevant Legislation/ Corporate Plan	<i>Local Government Act 1993</i> <i>Local Government General Regulation 2005</i> Ministerial Investment Order Local Government Code of Accounting Practice and Financial Reporting Australian Accounting Standards Division of Local Government Circulars	
Responsible Officer	Executive Manager Corporate Services and Governance	

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

### Objectives

~~To maximise earnings through a diversified portfolio invested in approved investments that recognise Council's planning and cash flow forecasts.~~

~~To minimise the risk of loss of principal through a policy based on high credit levels (counterparty risk) and diversification.~~

~~To seek to ensure earnings are positive over the life of the investment.~~

~~To minimise the risk of loss (both principal and interest) through clear management procedures and investment discretions.~~

~~To provide a planning framework for ongoing monitoring and review of Council's investments and its policy.~~

~~To consider investment management in the wider context of Treasury Risk Management.~~

To comply with the legislative requirements and regulations relevant to the management of Councils investments.

To maximise returns to Council consistent with all requirements of the policy.

To preserve the capital of the investment portfolio. Investments are to be placed in a manner that seeks to ensure the security and safeguarding of the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

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### Campbelltown City Council

To ensure the investment portfolio has sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.

To establish a framework for monitoring the investments. The investment portfolio is expected to achieve a predetermined market average rate of return that considers Councils risk tolerance. Any additional return target set by Council will also consider appropriate risk limitations and prudent investment principles.

To confirm delegations and other relevant governance matters in relation to Councils investments.

### Policy Statement

Interest on these investments represents a significant contribution to the total income of Council and it is essential that Council has clear policy guidelines as to how funds can be invested. While the *Local Government Act 1993* – Order (relating to investments by Councils) is quite explicit as to the types of institutions with which Council can invest, there are nevertheless variations in the financial ratings of these institutions and the types of investments that can be purchased, which are not explained. This policy aims to clearly state the institutions and parameters within which Council can invest the maximum proportion of funds that may be placed with individual organisations and the types of investments entered into.

### Scope

This policy applies to Investment monies built up through:

- General unrestricted reserves created through rate income and other revenue sources exceeding (re)current expenditure, sale of properties and other assets
- Restricted reserves that accrue through contributions under Section 94 7.11 of the *EPA Act* and grants and contributions etc
- Internally restricted reserves
- Loan proceeds drawn down awaiting expenditure
- Revenues received from the sale of property
- Timing differences within the year between rate receipts and expenditures.

### Definitions

Working Funds ——— Maturities up to 180 days

Contingent Reserves ——— Maturities 6 months to 24 months

Core Holdings ——— Maturities beyond 24 months.

MTB Major Trading Bank

ADI Approved Deposit Taking Institution

### Legislative Context

Council's power to invest is derived from Section 625 of the *Local Government Act 1993*, as amended by the *Statute Law (Miscellaneous Provisions) Act 2000* – which limits investments to only those that the Minister approves.

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## Campbelltown City Council

### *The Local Government Act 1993*

Section 625 (2) of the Act provides that:

"Money may be invested only in a form of investment notified by order of the Minister published in the Gazette".

~~Investments previously authorised under the *Trustee Act* are no longer available to Council.~~

The current Ministerial order – 12 January 2011.

### Principles

#### *Authority for Investment*

Investment of Council funds is limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government in accordance with the following guidelines:

### Guidelines

#### Authorised Investments

- i) Public funds or securities issued by or guaranteed by the Commonwealth, State of the Commonwealth or a Territory
- ii) Debentures or securities issued by a Council (within the meaning of the *Local Government Act 1993* (NSW))
- iii) Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit taking institutions (as defined by the *Banking Act 1959* (Cwlth)), but excluding subordinated debt obligations
- iv) Bills of exchange which have maturity dates of not more than 200 days; and if purchased for value confers on the holder in due course the right of recourse against a bank which has been designated as an authorised deposit taking institution by the Australian Prudential Regulation Authority (APRA)
- v) Deposits with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

#### ~~b) Council's Own Direct Investments~~

~~Council's policy is to only invest with the four major tier one Australian trading banks and their subsidiaries, as well as other tier two publicly listed Australian banks, in term deposits and senior debt instruments in accordance with the Ministerial order.~~

~~Investments in other tier two Australian banks are not to exceed twelve months in duration, be limited to 5% of the portfolio per institution to a maximum of 20% of the portfolio for this group and each institution must have a short term Standard & Poor's rating of not less than A-1 or A-2.~~

~~Council may take the opportunity to allocate core funds in longer term investments such as floating rate notes and fixed rate bank bonds. This will depend on the interest rate outlook and be based on Council's cash flow forecast and the need to hold contingent reserves.~~

**Short Term Rating** (0-365 days) means the institution's capacity to repay debt in the short term. Example of short term paper are:

- i) Commercial Bills
- ii) Certificate of Deposits

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## Campbelltown City Council

- iii) ~~Term Deposits~~
- iv) ~~Bill Lines and~~
- v) ~~11am Deposits etc.~~

**The Short Term Rating Order** (as defined by S&P Australian Ratings) is:

- A1+ ~~extremely strong degree of safety regarding timely payment~~
- A1 ~~a strong degree of safety~~
- A2 ~~a satisfactory capacity for timely payment~~

**Long Term Paper Credit Ratings** is usually Bonds, Government and Semi-Government Securities etc. The rating order scale from Standard and Poor's (S&P) ratings agency, a globally recognised rating agency is:

- AAA } an extremely strong capacity to repay debt
- AAA- }
  
- AA+ }
- to } a very strong capacity to repay debt
- AA- }
  
- A+ }
- to } a strong capacity to repay debt
- A- }
  
- BBB+ }
- to } an adequate capacity to repay debt
- BBB- }

Council will use S&P ratings in the first instance for assessing the credit rating of any debt instrument under this policy. However, if the debt instrument is not rated by S&P, but is rated by either of the other globally recognised credit ratings agencies, being Fitch and Moody's, their equivalent S&P rating will be used. If the instrument is rated by both Fitch and Moody's but not S&P and the Fitch and Moody's rating differ, then the S&P equivalent of the lower of the two ratings will be used.

### Quotations on Investments

If practical, not less than three quotations shall be obtained from authorised institutions whenever an investment is proposed. The best quote on the day will be successful after allowing for administrative and banking costs, as well as having regard to the limits set above in the schedule.

### General Policy Guidelines

#### Diversification

Diversification is used to spread risk through utilisation of maximum percentage investment limits to the following:

- Individual Institutions (varies per credit rating)
- Credit Rating Bands (eg, AAA v A BBB) - these are Standard & Poors Long Term ratings (or Moody's and Fitch equivalents).

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## Campbelltown City Council

These limits are as per the following schedule:

<b>Credit Rating of Institution Standard &amp; Poors <u>Long Term Rating</u></b>	<b>Maximum Minimum % of Total Investments (cumulative)</b>	<b>Maximum % with one Institution</b>	<b>Maximum Term</b>
AAA and above <del>An extremely strong capacity to pay</del>	<del>10</del> 50%	45%	5 yrs
AA+, AA, AA- and above (or MTB) <del>A very strong capacity to pay</del>	<del>10</del> 50%	45%	5 yrs
A+, A, A- and above <del>A strong capacity to pay</del>	6 70%	20%	<del>13</del> yrs
BBB+, BBB, BBB- and above	100%	5%	3 yrs
<b>Standard &amp; Poor's Short Term Rating</b> <del>A-1 strong capacity to pay</del> <del>A-2 satisfactory capacity to pay</del>	20%	5%	1-yr
T Corp Hour Glass Cash Fund	20%	20%	At Call

#### Authorised Investments

- a) Major trading banks (MTB's) refer only to ANZ Banking Group Ltd, Commonwealth Bank of Australia, National Australia Bank and Westpac Banking Corporation, and the wholly owned and guaranteed subsidiaries of these banks provided the investment is authorised under the current Order; and the subsidiary carries the same credit rating as the parent from Standard and Poor's, Moody's and Fitch;
- b) Any debt security issued by an Authorised Deposit Taking Institution (ADI) whose rating is BBB- or higher at the time of purchase which is authorised under the current Investment Order.

~~Wholly-owned bank subsidiaries of MTB's refer to Bankwest (CBA) and St George Bank (Westpac). Both bank subsidiaries carry the same short and long term credit ratings as their parent (A1+ / AA) but neither is guaranteed by their parent.~~

~~Other ADI's refer to those entities listed at any time on APRA's website, <http://www.apra.gov.au/adi/pages/adilist.aspx>. Listed Australian banking entities include Bank of Queensland, Suncorp Metway, Bendigo and Adelaide Bank and Macquarie Bank.~~

#### Maturities Liquidity

Working funds representing Council's liquidity requirements available to finance day to day requirements are managed so as to minimise the use of expensive overdraft to meet Council's day to day trading needs. ~~An amount of at least \$3m or 5% of the value of the total investment portfolio~~

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## Campbelltown City Council

~~must be accessible within seven days~~ Access to cash for operational purposes on a day to day basis will be managed through the timing of maturities, cash at call and overdraft facility.

### Maturities

Funds may be invested for a period up to five years. ~~Investments exceeding a term of 12 months will only be placed with tier one institutions or wholly owned and guaranteed subsidiaries thereof, provided the institution is authorised under the current Ministerial Investment Order, and the subsidiary's rating from Standard and Poors, Moody's or Fitch is at least equivalent to its parent tier one institution rating.~~

The maturity allocation of core funds, and whether fixed or floating rates, will be determined by the interest rate outlook and be apportioned based on Council's cash flow forecast in conjunction with Council's Financial Independent Investment Advisor and as per the restrictions outlined in this policy. Spectra Financial Services.

### Grandfathering

Any investment purchased when compliant with the investment policy may be held to maturity or sold as Council believes best, dependent on the individual circumstances, so long as the chosen risk management strategy is in accordance with the principles of the Investment Guidelines above; the prevailing legislation and the prudent person guidelines.

Specifically, grandfathering will apply to any investment that:

- Was made ineligible by a previous change to the external legislation if that change allows for grandfathering,
- Is made ineligible as a result of a change to this investment policy,
- Is in breach of the investment policy due to a change of circumstance (because the investment has been downgraded or has had its credit rating withdrawn post purchase),
- Is in breach due to a change of portfolio size or composition (eg. Because the overall portfolio size has decreased causing the percentage of total portfolio limit which applies to individual remaining investments to increase therefore causing a breach).

### Environmental, Social and Governance (ESG) Investing

Where financial institutions are offering equivalent investment returns with the same credit rating and assessed financial risk and the investment fits within the provisions of this Investment Policy, consideration will be given to placing funds with institutions identified as having the higher ESG standards, which may include but not limited to, investing with institutions not financing fossil fuel companies.

### Independent Financial Investment Advice

Council's independent financial investment advisor must be licensed by the Australian Securities and Investment Commission. The advisor must be independent person who has no actual or potential conflict of interest in relation to investment products being recommended.

New investment instruments that are promoted by an appropriately rated financial institution must be the subject of a review by Council's Independent financial Investment Advisor. Funds may not be placed in any new financial product before this review has been completed.

### Review of Investment Portfolio Performance

Council is presented with a monthly report on the performance of each fund/product that makes up Council's Investment portfolio. In conjunction with Spectra Financial Services, Council's Independent Investment Advisor, the Investment Policy will be reviewed at least annually or as required in the event of legislative or other changes.

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**Campbelltown City Council**

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Council's Independent Investment Advisor will provide a quarterly compliance certificate based on Council's portfolio at the end of each calendar quarter.

**Benchmarks**

Cash                      Reserve Bank Cash Reference Rate  
Direct Investments      ~~Bloomberg 90 Day~~ AUSBOND Bank Bill Index

**Responsibility**

Executive Manager Corporate Services & Governance, Finance & Tax  
~~Senior Financial~~ Accountant and other authorised signatories.

**Effectiveness of this Policy**

This policy will be reviewed annually in accordance with Regulations and Departmental Guidelines to ensure its continuing suitability and effectiveness. Records of reviews shall be maintained.

**END OF POLICY STATEMENT**

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		<b>POLICY</b>
Policy Title	Investment Policy	
Related Documentation	Accounting Practices Statement	
Relevant Legislation/ Corporate Plan	<i>Local Government Act 1993</i> <i>Local Government General Regulation 2005</i> Ministerial Investment Order Local Government Code of Accounting Practice and Financial Reporting Australian Accounting Standards Division of Local Government Circulars	
Responsible Officer	Executive Manager Corporate Services and Governance	

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

### Objectives

To comply with the legislative requirements and regulations relevant to the management of Council's investments.

To maximise returns to Council consistent with all requirements of the policy.

To preserve the capital of the investment portfolio. Investments are to be placed in a manner that seeks to ensure the security and safeguarding of the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

To ensure the investment portfolio has sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.

To establish a framework for monitoring the investments. The investment portfolio is expected to achieve a predetermined market average rate of return that considers Council's risk tolerance. Any additional return target set by Council will also consider appropriate risk limitations and prudent investment principles.

To confirm delegations and other relevant governance matters in relation to Council's investments.

### Policy Statement

Interest on these investments represents a significant contribution to the total income of Council and it is essential that Council has clear policy guidelines as to how funds can be invested. While the *Local Government Act 1993* – Order (relating to investments by Councils) is quite explicit as to the types of institutions with which Council can invest, there are nevertheless variations in the financial ratings of these institutions and the types of investments that can be purchased, which are

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	<b>Minute Number:</b> 137	
	<b>Review Date:</b> 30/06/2018	



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## Campbelltown City Council

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not explained. This policy aims to clearly state the institutions and parameters within which Council can invest the maximum proportion of funds that may be placed with individual organisations and the types of investments acquired.

### Scope

This policy applies to Investment monies built up through:

- General unrestricted reserves created through rate income and other revenue sources exceeding (re)current expenditure, sale of properties and other assets
- Restricted reserves that accrue through contributions under Section 7.11 of the *EPA Act* and grants and contributions etc
- Internally restricted reserves
- Loan proceeds drawn down awaiting expenditure
- Revenues received from the sale of property
- Timing differences within the year between rate receipts and expenditures.

### Definitions

MTB Major Trading Bank

ADI Approved Deposit Taking Institution

### Legislative Context

Council's power to invest is derived from Section 625 of the *Local Government Act 1993*, as amended by the *Statute Law (Miscellaneous Provisions) Act 2000* – which limits investments to only those that the Minister approves.

*The Local Government Act 1993*

Section 625 (2) of the Act provides that:

“Money may be invested only in a form of investment notified by order of the Minister published in the Gazette”.

The current Ministerial order – 12 January 2011.

### Principles

#### *Authority for Investment*

Investment of Council funds is limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government in accordance with the following guidelines:

### Guidelines

#### Authorised Investments

- i) Public funds or securities issued by or guaranteed by the Commonwealth, State of the Commonwealth or a Territory
- ii) Debentures or securities issued by a Council (within the meaning of the *Local Government Act 1993* (NSW))

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### Campbelltown City Council

- iii) Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit taking institutions (as defined by the *Banking Act 1959 (Cwlth)*), but excluding subordinated debt obligations
- iv) Bills of exchange which have maturity dates of not more than 200 days; and if purchased for value confers on the holder in due course the right of recourse against a bank which has been designated as an authorised deposit taking institution by the Australian Prudential Regulation Authority (APRA)
- v) Deposits with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

#### Long Term Credit Ratings

The rating scale from Standard and Poor's (S&P) ratings agency, a globally recognised rating agency is:

AAA } an extremely strong capacity to repay debt

AA+ }  
to } a very strong capacity to repay debt  
AA- }

A+ }  
to } a strong capacity to repay debt  
A- }

BBB+ }  
to } an adequate capacity to repay debt  
BBB- }

Council will use S&P ratings in the first instance for assessing the credit rating of any debt instrument under this policy. However, if the debt instrument is not rated by S&P, but is rated by either of the other globally recognised credit ratings agencies, being Fitch and Moody's, their equivalent S&P rating will be used. If the instrument is rated by both Fitch and Moody's but not S&P and the Fitch and Moody's rating differ, then the S&P equivalent of the lower of the two ratings will be used.

#### Quotations on Investments

If practical, not less than three quotations shall be obtained from authorised institutions whenever an investment is proposed. The best quote on the day will be successful after allowing for administrative and banking costs, as well as having regard to the limits set in the schedule.

#### General Policy Guidelines

##### Diversification

Diversification is used to spread risk through utilisation of maximum percentage investment limits to the following:

- Individual Institutions (varies per credit rating)
- Credit Rating Bands (eg, AAA v BBB) - these are Standard & Poor's Long Term ratings (or Moody's and Fitch equivalents).

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### Campbelltown City Council

These limits are as per the following schedule:

<b>Credit Rating of Institution Standard &amp; Poors Long Term Rating</b>	<b>Minimum % of Total Investments (cumulative)</b>	<b>Maximum % with one Institution</b>	<b>Maximum Term</b>
AA+, AA, AA- and above (or MTB)	50%	45%	5 yrs
A+, A, A- and above	70%	20%	3 yrs
BBB+, BBB, BBB- and above	100%	5%	3 yrs
T Corp Hour Glass Cash Fund		20%	At Call

#### Authorised Investments

- a) Major trading banks (MTB's) refer to ANZ Banking Group Ltd, Commonwealth Bank of Australia, National Australia Bank and Westpac Banking Corporation, and the wholly owned and guaranteed subsidiaries of these banks provided the investment is authorised under the current Order; and the subsidiary carries the same credit rating as the parent from Standard and Poor's, Moody's and Fitch;
- b) Any debt security issued by an Authorised Deposit Taking Institution (ADI) whose rating is BBB- or higher at the time of purchase which is authorised under the current Investment Order.

#### Liquidity

Working funds representing Council's liquidity requirements available to finance day to day requirements are managed so as to minimise the use of expensive overdraft to meet Council's day to day trading needs. Access to cash for operational purposes on a day to day basis will be managed through the timing of maturities, cash at call and the overdraft facility.

#### Maturities

Funds may be invested for a period up to five years.

The maturity allocation of core funds, and whether fixed or floating rates, will be determined by the interest rate outlook and be apportioned based on Council's cash flow forecast in conjunction with Council's Independent Investment Advisor and as per the restrictions outlined in this policy.

#### Grandfathering

Any investment purchased when compliant with the investment policy may be held to maturity or sold as Council believes best, dependent on the individual circumstances, so long as the chosen risk management strategy is in accordance with the principles of the Investment Guidelines above; the prevailing legislation and the prudent person guidelines.

Specifically, grandfathering will apply to any investment that:

- Was made ineligible by a previous change to the external legislation if that change allows for grandfathering,
- Is made ineligible as a result of a change to this investment policy,
- Is in breach of the investment policy due to a change of circumstance (because the investment has been downgraded or has had its credit rating withdrawn post purchase),

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**Campbelltown City Council**

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- Is in breach due to a change of portfolio size or composition (eg. because the overall portfolio size has decreased causing the percentage of total portfolio limit which applies to individual remaining investments to increase therefore causing a breach).

**Environmental, Social and Governance (ESG) Investing**

Where financial institutions are offering equivalent investment returns with the same credit rating and assessed financial risk and the investment fits within the provisions of this Investment Policy, consideration will be given to placing funds with institutions identified as having the higher ESG standards, which may include but not limited to, investing with institutions not financing fossil fuel companies.

**Independent Investment Advice**

Council's Independent Investment Advisor must be licensed by the Australian Securities and Investment Commission. The Advisor must be independent person who has no actual or potential conflict of interest in relation to investment products being recommended.

New investment instruments that are promoted by an appropriately rated financial institution must be the subject of a review by Council's Independent Investment Advisor. Funds may not be placed in any new financial product before this review has been completed.

**Review of Investment Portfolio Performance**

Council is presented with a monthly report on the performance of each fund/product that makes up Council's Investment portfolio. In conjunction with Council's independent investment advisor, the Investment Policy will be reviewed at least annually or as required in the event of legislative or other changes.

Council's Independent Investment Advisor will provide a quarterly compliance certificate based on Council's portfolio at the end of each calendar quarter.

**Benchmarks**

Cash	Reserve Bank Cash Reference Rate
Direct Investments	AUSBOND Bank Bill Index

**Responsibility**

Executive Manager Corporate Services and Governance, Senior Financial Accountant and other authorised signatories.

**Effectiveness of this Policy**

This policy will be reviewed annually in accordance with Regulations and Departmental Guidelines to ensure its continuing suitability and effectiveness. Records of reviews shall be maintained.

**END OF POLICY STATEMENT**

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## 8.15 2019 Council Meeting Calendar

### Reporting Officer

Executive Manager Corporate Services and Governance  
City Governance

### Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.8 - Provide strong governance for all Council activities

### Officer's Recommendation

1. That the 2019 Council meeting calendar be noted and adopted.
2. That the General Manager be delegated authority to amend the meeting calendar in consultation with Councillors provided notice of a meeting has not been given.

### Purpose

To submit for Council's consideration a meeting calendar for 2019.

### Report

The meeting calendar for 2019 proposes that meetings continue to be held on Tuesday evenings with Council meetings being held on the 2nd Tuesday of each month and briefings on other Tuesdays available within that month. The schedule is as follows:

- 1st Tuesday of the month - Briefing
- 2nd Tuesday of the month - Council meeting
- 3rd Tuesday of the month - Briefing
- 4th Tuesday of the month - Briefing
- 5th Tuesday of the month – Briefing (if required)

The draft meeting calendar for 2019 provides for the first briefing to be held on Tuesday 29 January and the first Council Meeting to be held on Tuesday 12 February.

Under section 365 of the *Local Government Act 1993*, a council is required to meet at least 10 times each year, each time in a different month.

### Attachments

1. 2019 Council Meeting Calendar (contained within this report)

## 2019 Council Meeting Calendar

S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
January							February							March						
		1	2	3	4	5						1	2	31						
6	7	8	9	10	11	12	3	4	5	6	7	8	9	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28			24	25	26	27	28	29	30
May							June							July						
		1	2	3	4		30						1	1	2	3	4	5	6	
5	6	7	8	9	10	11	2	3	4	5	6	7	8	7	8	9	10	11	12	13
12	13	14	15	16	17	18	9	10	11	12	13	14	15	14	15	16	17	18	19	20
19	20	21	22	23	24	25	16	17	18	19	20	21	22	21	22	23	24	25	26	27
26	27	28	29	30	31		23	24	25	26	27	28	29	28	29	30	31			
September							October							November						
1	2	3	4	5	6	7			1	2	3	4	5							
8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9
15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16
22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23
29	30						27	28	29	30	31			24	25	26	27	28	29	30
December							August							April						
1	2	3	4	5	6	7								1	2	3	4	5	6	
8	9	10	11	12	13	14	4	5	6	7	8	9	10	7	8	9	10	11	12	13
15	16	17	18	19	20	21	11	12	13	14	15	16	17	14	15	16	17	18	19	20
22	23	24	25	26	27	28	18	19	20	21	22	23	24	21	22	23	24	25	26	27
29	30						25	26	27	28	29	30	31	28	29	30				

Council Meetings	Council and Extraordinary Meeting	Briefings and Extraordinary Meetings	Briefing Nights	Annual General / Council Meeting
LG Conference	Public Holidays	Councillor Strategic Planning Days		

## 8.16 T18/31 Design and Construct Lift at Civic Centre

### 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 Council enter into negotiations with suitably experienced and qualified companies for the design and construct of a lift at the Civic Centre.

### Purpose

To advise Council that no tenders were received for the design and construction of a new lift at the civic centre and recommend that Council enter into negotiations with suitably qualified and experienced organisations pursuant to section 178(3)(e) of the Local Government (General) Regulation 2005.

### History

Council had identified a requirement for the design and construction of a new lift at the civic centre. It was anticipated the lift would replace the external stairs for better accessibility.

### Report

#### Legislation

This tender process was conducted in accordance with the *Local Government Act 1993*, the Local Government (General) Regulation 2005 and Council's Procurement Policy and Procedures.

#### Contract Expenditure

Funds for these works are allocated in Council's budget.

#### Advertising of Tenders

Tenders were advertised in The Sydney Morning Herald, The Macarthur Advertiser and The Macarthur Chronicle in the weeks commencing 22 and 29 October 2018. Tenders were also advertised on Tenderlink and Council's website. The Ingleburn and Campbelltown Chambers of Commerce and Industry were notified.



**Tenders Received**

At the time of closing on Tuesday 13 November 2018, no tenders were received.

**Recommendation of the Evaluation Panel**

The Evaluation Panel recommends that Council enter into negotiations with suitably experienced and qualified companies in accordance section 178 of the Local Government (General) Regulation 2005 which provides:

- (3) A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:
  - (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender

**Delegation**

As the recommendation is to enter into negotiations with any person, the Council must resolve to do so. The General Manager does not hold the delegation under the *Local Government Act 1993*.

**Attachments**

Nil

## **8.17 Minutes of the Audit Risk and Improvement Committee meeting held 24 September 2018**

### **Reporting Officer**

Executive Manager Corporate Services and Governance  
City Governance

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### **Officer's Recommendation**

That the minutes of the Audit Risk and Improvement Committee held 24 September 2018 be noted.

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### **Purpose**

To seek Council's endorsement of the minutes of the Audit Risk and Improvement Committee meeting held 24 September 2018.

### **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**

#### **5.1 Council's 2017-2018 Annual Financial Statements**

That the financial reports for the period 1 July 2017 to 30 June 2018 be received and recommended to Council for endorsement.

### **Attachments**

1. Minutes of the Audit Risk and Improvement Committee held 24 September 2018 (contained within this report)

# **CAMPBELLTOWN CITY COUNCIL**

## **Minutes Summary**

**Audit Risk and Improvement Committee Meeting held at 4.00pm on Monday, 24 September 2018.**

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<b>ITEM</b>	<b>TITLE</b>	<b>PAGE</b>
1.	<b>ACKNOWLEDGEMENT OF LAND</b>	<b>2</b>
2.	<b>APOLOGIES</b>	<b>2</b>
3.	<b>DECLARATIONS OF INTEREST</b>	<b>2</b>
4.	<b>MINUTES OF THE PREVIOUS MEETING</b>	<b>2</b>
5.	<b>REPORTS</b>	<b>3</b>
5.1	Council's 2017-2018 Annual Financial Statements	3
6.	<b>GENERAL BUSINESS</b>	<b>3</b>

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**Minutes of the Audit Risk and Improvement Committee Meeting held on 24 September 2018**

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**Present** Chairperson - Mr B Hanrahan  
Member - Mr J Mitchell  
Member - Mr R Rofe  
Councillor W Morrison

**Also Present** General Manager - Mrs L Deitz  
Director City Governance - Mr P Nguyen  
Director City Governance - outgoing - Mr M Sewell  
Executive Manager Corporate Services and Governance - Mrs C Mears  
Senior Financial Accountant - Mrs C Gavin  
Director, Financial Audit Services - Audit Office of NSW - Ms S Ahmed  
Audit Leader - Audit Office of NSW - Mr K Leung  
Executive Support - Ms B Buckley

## **1. ACKNOWLEDGEMENT OF LAND**

An Acknowledgement of Land was presented by the Chairperson Mr Hanrahan.

## **2. APOLOGIES**

That the apologies from Sam Helweh be received.

## **3. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at this meeting.

## **4. MINUTES OF THE PREVIOUS MEETING**

### **Officer's Recommendation**

That the minutes be approved.

### **Committee's Recommendation: (Rofe/Mitchell)**

The minutes were approved.

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## **5. REPORTS**

### **5.1 Council's 2017-2018 Annual Financial Statements**

#### **Purpose**

To present Council's annual financial statements for the period 1 July 2017 to 30 June 2018

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

That the financial reports for the period 1 July 2017 to 30 June 2018 be received and recommended to Council for endorsement.

#### **Committee's Recommendation: (Mitchell/Rofe)**

That the financial reports for the period 1 July 2017 to 30 June 2018 be received and recommended to Council for endorsement.

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## **6. GENERAL BUSINESS**

The next meeting of the Audit Risk and Improvement Committee will be held on Tuesday 20 November 2018 in Committee Room 3, Level 3, Campbelltown City Council at 4.00pm.

Bruce Hanrahan

**Chairperson**

Meeting Concluded: 4.55pm

## 8.18 Campbelltown Destination Management Plan

### Reporting Officer

Manager City Marketing and Economy  
City Growth and Economy

### Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.1 - Support the resilience, growth and diversity of the local economy

### Officer's Recommendation

That Council endorses the Campbelltown Destination Management Plan.

### Purpose

To present Council with the draft Campbelltown Destination Management Plan for endorsement.

### Report

Councillors were briefed on the Campbelltown Destination Management Plan on 18 September 2018. Since that time the document has been further refined to address items raised at the briefing and outcomes from discussions with key stakeholders.

In April 2018, Council engaged The Stafford Strategy Group to develop a Destination Management Plan (DMP) for the City of Campbelltown – with the focus to be primarily on the CBD precinct between Leumeah and Macarthur to align with the Re-imagining Campbelltown CBD project area, as well as some key locations across the broader local government area.

As one of the four Metropolitan Centres designated by the NSW Government for the Western Parkland City, the Campbelltown CBD needs to develop further in order to cement its position as the capital of Sydney's south west and the economic, lifestyle and cultural hub for the greater Macarthur region. The Campbelltown DMP identifies opportunities to address this need and sustainably grow Campbelltown's visitor economy.

Recent projects such as the Community Strategy Plan (Campbelltown 2027), the Campbelltown Health and Education Precinct Vision and Strategy, Re-imagining Campbelltown CBD (the CBD vision), Campbelltown Night Time Economy Strategy (also in development) were used to inform the development DMP.

Meetings, one-on-one discussions, workshops and focus groups were also held with both internal and external key stakeholders to ensure there was extensive consultation throughout the development and draft documentation review stages.

The DMP identifies six main goals aimed at strengthening the visitor economy in Campbelltown, including:

1. Activate our CBD – ensuring our CBD is a vibrant destination for locals and visitors to enjoy during the day and evening.
2. Expanding and diversifying our accommodation and product mix – to continue to attract visitors to our area, we need to introduce new and interesting things to do and places to stay.
3. Leverage off our strengths and niches – in an increasingly competitive environment, we need to leverage off our strengths and niches (medical, health, sport, legal, arts and culture) rather than competing for market share.
4. Grow our destination events program – events are an important part of our visitor economy. We want to ensure we have a diverse and coordinated calendar of events, including signature destination events.
5. Stronger destination profiling of our area – to be competitive, we need to align with trend and new technology for marketing our area as a desirable place to visit, live, work and invest.
6. Achieve stronger support and coordination for tourism – it is important we work together (Council and Industry) to achieve stronger coordination, partnerships and to activate new investments.

The DMP identifies a number of opportunities to help Campbelltown achieve these goals, as well as providing an implementation plan to guide Council and industry in delivering the various initiatives. Some of the opportunities identified in the DMP include further investigation of the Georges River Recreation Trail, an Indigenous Cultural Hub and product development, development of an event tool kit and gateway resource, and positioning Campbelltown as a destination for medical tourism to capitalise on Campbelltown's strength in the health and education sector.

While the opportunities identified in the DMP are primarily clustered around the CBD precinct, the economic benefits will flow throughout the rest of the LGA.

## **Attachments**

1. Draft Campbelltown Destination Management Plan - due to size (distributed under separate cover)



## 8.19 Western Parkland City Regional Collaboration

### Reporting Officer

Director City Growth and Economy  
City Growth and Economy

### 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 notes the proposed Memorandum of Understanding between the eight Western City Councils; and
2. That Council adopts, in principle, the framework for regional collaboration described in the Memorandum of Understanding.

### Purpose

To update Council of the progress made concerning the development of a regional collaboration framework between the eight councils of the Western Parkland City.

### History

#### MACROC

At its meeting on 12 June 2018 Council resolved, amongst other resolutions as follows:

1. That Council commence the process to withdraw from MACROC with a view to working towards a regional collaborative model having regard to the changing circumstances in the broader region.
2. That Council write to the other seven Western City Councils advising of this decision and seeking to expedite discussions in relation to the establishment of a new collaborative arrangement.

### Western Sydney City Deal

Further, Council considered a report on the Western Sydney City Deal at its extraordinary meeting on 28 August 2018. At this meeting Council relevantly resolved, amongst other resolutions, as follows:

1. adopts, in principle, the Relationship Framework as attached to this report and;
2. notes that further reports may be brought back to Council from time to time on matters arising under the City Deal and issues of regional collaboration.

## Report

The Mayors, General Managers, Lead Officers and various working parties from the eight councils of the Western Parkland City have been continuing to implement initiatives from the Western Sydney City Deal and to collaborate on issues of regional significance.

As contemplated in the earlier reports referred to above, the Councils are now proposing to confirm their commitment and formalise the arrangements to cooperate with each other and act jointly to deliver:

1. an integrated and connected Western Parkland City through smart rail, bus, road and digital infrastructure
2. growth of the regional economy, increasing the supply and diversity of local jobs as well as opportunities for new investment and enterprise development
3. existing and future workers' access to the education and skills they need to secure jobs of the future
4. a liveable and resilient Western Parkland City that delivers affordable housing choice with access to essential services and opportunities that promote lifestyle diversity and choice, good health and well-being
5. conservation and celebration of open space, the natural environment and the region's unique cultural attributes
6. strategic city partnerships that align with and facilitate these objectives
7. the implementation of an enduring Western Sydney City Deal and other programs that address the objectives of the Partnership.

## Funding and Resourcing

The requirements of chairing and administering the various 'regional' forums are beginning to strain the resources of the councils affected. It is proposed that collective resources be allocated towards the establishment of a secretariat for the various forums, drive improvements to the way the councils work together on regional issues, as well as providing a Local Government interface with the Western Sydney City Deal Delivery Office with the aim of driving delivery of the seven outcomes listed above.

The Commonwealth and State Governments have committed to provide \$200,000 (shared equally) to support the Councils in their initial administration and governance.

The funding is proposed to be committed to the appointment of an Executive Officer and Administrative Officer for an initial period of 12 months (with provision for review subject to achieving ongoing funding) to facilitate the ongoing regional collaboration function.

It is anticipated that the Councils will each be required to contribute an amount up to \$20,000, to fund the required resources, in addition to the Commonwealth and State Government contribution. It is proposed that the funds already allocated to the regional development program which historically funded MACROC, will be used for this purpose, as was contemplated by the earlier report to Council.

It is proposed that the Executive Officer will then work closely with the City Deal Delivery Office to develop a business case for recurrent, longer term funding.

### **Memorandum of Understanding**

In order to formalise the relationship framework, the eight councils are proposing they enter into a non-binding Memorandum of Understanding, outlining the purpose and objectives of the relationship and undertaking to adhere to the principles of regional collaboration outlined therein.

### **Consultation**

The Memorandum of Understanding has been co-developed by all of the General Managers of the eight councils of the Western Parkland City.

### **Attachments**

1. Draft Memorandum of Understanding (contained within this report)

## PARTIES

**WOLLONDILLY SHIRE COUNCIL** of 62-64 Menangle Street, Picton (WSC)

**EXPLANATORY NOTE**

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The eight Councils of the Western Parkland City intend to work together to deliver long-term outcomes for the Western Parkland City, through the Western Sydney City Deal, the Western City District Plan and other important regional initiatives over the next 20 years. A Memorandum of Understanding (MOU) is an immediate and interim action the Councils are taking towards the realisation of their objectives.

**BACKGROUND**

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- A. The Councils have responsibilities under the LGA with respect to the effective, efficient and sustainable delivery of goods, services and facilities to their local communities within their respective local government areas.
- B. The Councils have entered into the City Deal, a copy of the City Deal is annexed and marked with the letter "A".
- C. For the purpose of the City Deal and this MOU, the Councils have agreed to act jointly
- D. The Councils have agreed to co-operate with each other and to use their best endeavours to ensure that they achieve their objectives.

**OPERATIVE PART**

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**1. AIM**

- 1.1 This MOU provides for the establishment of administrative and governance arrangements for the Councils of the Western Parkland City to deliver the objectives set out in this MOU.
- 1.2 Through working collaboratively the Councils will seek to improve the lives of the people of the Western Parkland City through better connectivity, enhanced liveability, additional and better jobs, access to the best education and skills training opportunities and innovation in planning and service delivery so as to provide improved development outcomes and strengthen our community's resilience and sustainability.
- 1.3 The Councils will build on the platform created by the Western Sydney City Deal by consolidating the partnerships that have been built with the Commonwealth and State Governments to deliver a shared vision for the Western Parkland City.

**2. OBJECTIVES AND PURPOSE**

- 2.1 The Objectives and purposes are as follows:
  - (a) An integrated and connected Western Parkland City through smart rail, bus, road and digital infrastructure
  - (b) Growth of the regional economy, increasing the supply and diversity of local jobs as well as opportunities for new investment and enterprise development
  - (c) Existing and future workers having access to the education and skills they need to secure jobs of the future

- (d) A liveable and resilient Western Parkland City that delivers affordable housing choice with access to essential services and opportunities that promote lifestyle diversity and choice, good health and well-being
- (e) Conservation and celebration of open space, the natural environment and the region's unique cultural attributes
- (f) Strategic city partnerships that align with and facilitate these objectives.
- (g) The implementation of an enduring Western Sydney City Deal and other programs that address the objectives of the Partnership.

### **3. VISION**

- 3.1 To co-operate together to ensure sustainable and integrated growth in the region comprising the eight Councils.

### **4. COMMITMENTS**

- 4.1 Operational guidelines include:

- (a) The group of 8 Mayors, form the Mayoral Forum which is the authority for the regional local government position on a given issue, relevant to the objectives, other than when Council resolutions are required;
- (b) The Mayoral Forum will regulate its own procedures, including meeting arrangements and chairing of meetings;
- (c) An Executive Officer and support staff will be employed, initially auspiced by one of the Councils, to provide a secretariat for services and administration. This will include;
  - i. Working closely with the City Deal Delivery Office to secure recurrent, longer term funding beyond 2019, noting that the Commonwealth and State Governments have committed to provide \$200K in total as initial funding to support administration and governance for the 2019 year;
  - ii. Holding of meetings as necessary and the maintaining of written records of decisions made, commitments undertaken and strategies pursued. (Note that meetings, discussions and documents produced are 'without prejudice' unless otherwise noted in the minutes and any matter may also be deemed 'in confidence' if so agreed.
- (d) Distribution of approved printed and promotional material.

### **5. WORKING RELATIONSHIPS**

- 5.1 The key principles of how all parties will work collaboratively together by:
- (a) positively contributing to the delivery of the objectives jointly;
  - (b) agreeing on a timeframe and dedicate resources for delivery of the Objectives;
  - (c) regularly meeting to guide and facilitate the implementation of the Objectives;
  - (d) ensuring that the work is progressing in accordance with the agreed timeline

5.2 The Councils agree to continue to work with the Commonwealth and State Governments to achieve the outcomes of the City Deal during the term of this MOU.

5.3 The Councils agree to continue to include the best skilled and most appropriate representative(s) to forums involving Commonwealth and State Governments. In providing input these representatives will have regard for the best interests of the Western Parkland City as a whole in determining their position, advice, direction or otherwise.

**6. STATUS OF THE COMMITTEE**

- 6.1 Nothing in this MOU shall be deemed or construed by the Councils or any third party as creating any legal relationship including joint venture or the relationship of principal or agent between the Councils.
- 6.2 This MOU is a statement of intent only and is not intended to operate as a binding agreement or to create any other legal relations between the Councils.
- 6.3 It is the intention of the Councils to explore a more formal arrangement as to the management of the Partnership once sufficient longer term funding arrangements with the Commonwealth and State Governments are secured.
- 6.4 This MOU shall terminate by mutual Agreement or a majority of the Councils giving written notice of such termination.

**7. FINANCIAL MANAGEMENT**

- 7.1 The Councils will agree who and how the finances are managed to meet the legislative requirements.

**SIGNED**

**Executed on behalf of BLUE MOUNTAINS CITY COUNCIL** by its duly authorised officer in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Clr Mark Greenhill OAM (Mayor)

**Executed on behalf of CAMPBELLTOWN CITY COUNCIL** by its duly authorised officer in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Clr George Brticevic (Mayor)

**Executed on behalf of CAMDEN COUNCIL** by its duly authorised officer in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Clr Peter Sidgreaves (Mayor)

**Executed on behalf of FAIRFIELD CITY COUNCIL** by its duly authorised officer in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Frank Carbone (Mayor)

**Executed on behalf of HAWKESBURY CITY COUNCIL** by its duly authorised officer in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Clr Barry Calvert (Mayor)



**Executed on behalf of LIVERPOOL CITY COUNCIL** by its duly authorised officer in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Wendy Waller (Mayor)

**Executed on behalf of PENRITH CITY COUNCIL** by its duly authorised officer in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Clr Ross Fowler (Mayor)

**Executed on behalf of WOLLONDILLY SHIRE COUNCIL** by its duly authorised officer in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Clr Judith Hannan (Mayor)

**9. QUESTIONS WITH NOTICE**

Nil

**10. RESCISSION MOTION**

Nil

## **11. NOTICE OF MOTION**

### **11.1 Improvements to Minto Sports Centre**

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#### **Notice of Motion**

Councillor Masood Chowdhury has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 11 December 2018.

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.
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## **11.2 Quite Hour at Multi Day Community Events**

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### **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 December 2018.

1. That where feasible, all multi day community events, including the upcoming Water Wonderland, incorporate a 'Quiet Hour' or similar to enable inclusive participation for people with disability, and their families and carers.
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## **11.3 Citizenship Ceremonies**

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### **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 December 2018.

1. That Council include the singing of the Australian National Anthem in Dharawal language at each of its Citizenship Ceremonies.
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## **11.4 Refurbishing of Beersheba and Gallipoli Bridges, Ingleburn**

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### **Notice of Motion**

Councillor Darcy Lound has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 11 December 2018.

1. That a report be presented to Council regarding the refurbishing of Beersheba and Gallipoli bridges at Ingleburn.

The report is to include funding opportunities, such as grants or budgetary measures to improve the overall appearance of both bridges, upgrading of fencing and footpaths, and the addition of more prominent plaques/signage to achieve a more respectful and presentable appearance.

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## **11.5 Defibrillators in Campbelltown LGA**

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### **Notice of Motion**

Councillor Darcy Lound has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 11 December 2018.

1. That an audit be conducted on all sporting Associations in the Campbelltown LGA to ascertain if they currently have a defibrillator within their premises.
  2. That, post audit, Council assists clubs to seek funding opportunities through State funding grants.
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## **11.6 Development of the Georges River Recreation Trail**

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### **Notice of Motion**

Councillor Meg Oates has given Notice in writing of her intention to move the following Motion at the next meeting of Council on 11 December 2018.

1. That Council includes within its long term financial plans, the planning, development and delivery of the Georges River Recreation Trail, linking Glenfield to Wedderburn as an active transport link for walkers and cyclists, commencing with the detailed design for the trail to be included as part of the preparation of Council's 2019-2020 budget.
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## 11.7 Greater Macarthur 2040 Interim Plan

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### 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 December 2018.

1. That Council notes the Greater Macarthur 2040 interim plan for the Greater Macarthur Growth Area and the media release by Planning Minister Anthony Roberts.
2. That Council notes the serious deficits in the interim plan for the provision of necessary infrastructure and protection of unique local wildlife and biodiversity.
3. That Council calls on the state government to hand back planning powers for the Greater Macarthur Growth Area to Campbelltown and Wollondilly Councils to jointly determine the future of their local area according to the following principles:
  - (a) protect all high value conservation land and maintain the existing east west wildlife corridors
  - (b) defer all future residential rezoning in the corridor until the current diesel rail line from Macarthur to Douglas Park is electrified and integrated into the Sydney Trains network
  - (c) ensure the special infrastructure contribution (SIC) provided by developers covers 100 percent, not 60 percent, of the infrastructure costs associated with development
  - (d) focus more intense development in the immediate surrounds of local centres based around upgraded rail infrastructure
  - (e) ensure that the Appin Road upgrade delivers multiple wildlife over and underpasses to maintain vital east west connections for the local koala and other native animal populations.
4. That Council calls on the next State Government to commit to transport upgrades for Campbelltown and the Macarthur region in accordance with the identified needs in Council's submission to the Western Sydney Rail Needs Scoping Study Discussion Paper, and electrification and upgrade of the existing rail corridor by 2021.
5. That Council calls on the State government to provide access to:
  - (a) the Office of Environment and Heritage to assist with the mapping and protection of the environmental values in the Greater Macarthur Precinct
  - (b) Roads and Maritime Services to assist council with road infrastructure planning and constructions and special infrastructure contribution costings
  - (c) NSW Health for planning for the health needs of the growing population
  - (d) NSW Department of Education for planning for student accommodation and resourcing for the growing population.

**12. URGENT GENERAL BUSINESS**

**13. PRESENTATIONS BY COUNCILLORS**

## **14. CONFIDENTIAL REPORTS FROM OFFICERS**

### **14.1 Sale of Surplus Land**

#### **Reason for Confidentiality**

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

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

### **14.2 Tender for Sale of Council Property**

#### **Reason for Confidentiality**

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

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

### **14.3 Lease of Council Land, Macquarie Fields**

#### **Reason for Confidentiality**

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

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

### **14.4 Engagement of Architects for Construction of a New Childcare Centre**

#### **Reason for Confidentiality**

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

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

## **14.5 Carpark Licence - Wickfield Circuit, Ambarvale**

### **Reason for Confidentiality**

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

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

## **14.6 Michael and Marilyn Reardon-Small Bequest**

### **Reason for Confidentiality**

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

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



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