



CAMPBELLTOWN
CITY COUNCIL

ORDINARY BUSINESS PAPER

2 NOVEMBER 2021

COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BASIX	Building Sustainability Index Scheme
BCA	Building Code of Australia
BIC	Building Information Certificate
BPB	Buildings Professionals Board
CLEP 2002	Campbelltown Local Environmental Plan 2002
CLEP 2015	Campbelltown Local Environmental Plan 2015
CBD	Central Business District
CPTED	Crime Prevention Through Environmental Design
CSG	Coal Seam Gas
DA	Development Application
DCP	Development Control Plan
DDA	<i>Disability Discrimination Act 1992</i>
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
FPL	Flood Planning Level
FFTF	Fit for the Future
FSR	Floor Space Ratio
GRCCC	Georges River Combined Councils Committee
GSC	Greater Sydney Commission
HIS	Heritage Impact Statement
IDO	Interim Development Order
IPR	Integrated Planning and Reporting
KPoM	Koala Plan of Management
LEC	Land and Environment Court
LEC Act	<i>Land and Environment Court Act 1979</i>
LEP	Local Environmental Plan
LGA	Local Government Area
LG Act	<i>Local Government Act 1993</i>
LPP	Local Planning Panel
LTFP	Long Term Financial Plan
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
SANSW	Subsidence Advisory NSW
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
SSD	State Significant Development
STP	Sewerage Treatment Plant
SWCPP	Sydney Western City Planning Panel (District Planning Panel)
TCP	Traffic Control Plan
TMP	Traffic Management Plan
TNSW	Transport for NSW
VMP	Vegetation Management Plan
VPA	Voluntary Planning Agreement
PLANNING CERTIFICATE	- A Certificate setting out the Planning Rules that apply to a property (formerly Section 149 Certificate)
SECTION 603 CERTIFICATE	- Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	- Certificate from Sydney Water regarding Subdivision



26 October 2021

You are hereby notified that the next Ordinary Council Meeting will be held at the Civic Centre, Campbelltown on Tuesday 2 November 2021 at 6:30 pm.

Lindy Deitz
General Manager

Agenda Summary

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1. ACKNOWLEDGEMENT OF LAND

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

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

2. APOLOGIES/LEAVE OF ABSENCE

Nil at time of print.

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held 12 October 2021

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held 12 October 2021, copies of which have been circulated to each Councillor, be taken as read and confirmed.

Report

That the Minutes of the Ordinary Meeting of Council held 12 October 2021 are presented to Council for confirmation.

Attachments

1. Minutes of the Ordinary Meeting of Council held 12 October 2021 (contained within this report)

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Ordinary Council Meeting held at 6:30 pm on Tuesday, 12 October 2021.

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Minutes of the Ordinary Meeting of the Campbelltown City Council held on 12 October 2021

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

1. ACKNOWLEDGEMENT OF LAND

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

Council Prayer

The Council Prayer was presented by the General Manager.

2. APOLOGIES/LEAVE OF ABSENCE

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

That the apology from Councillor B Thompson be received and accepted.

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

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

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held 14 September 2021

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

That the Minutes of the Ordinary Council Meeting held 14 September 2021, copies of which have been circulated to each Councillor, be taken as read and confirmed.

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

4. DECLARATIONS OF INTEREST

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

Pecuniary Interests

Nil

Non Pecuniary – Significant Interests

Councillor George Greiss – Item 8.4 – Planning Proposal – Reclassification of Land – Campbelltown Sports Stadium, Leumeah. Councillor Greiss advised he is a member of the Sydney Western City Planning Panel and will leave the meeting.

Councillor George Greiss – Item 8.6 – Planning Proposal – Signage as Exempt Development under Campbelltown Local Environmental Plan 2015. Councillor Greiss advised he is a member of the Sydney Western City Planning Panel and will leave the meeting.

Councillor Darcy Lound – Item 8.4 – Planning Proposal – Reclassification of Land – Campbelltown Sports Stadium, Leumeah. Councillor Lound advised he is a member of the Sydney Western City Planning Panel and will leave the meeting.

Councillor Darcy Lound – Item 8.6 – Planning Proposal – Signage as Exempt Development under Campbelltown Local Environmental Plan 2015. Councillor Lound advised he is a member of the Sydney Western City Planning Panel and will leave the meeting.

Councillor Ben Gilholme – Item 8.4 – Planning Proposal – Reclassification of Land – Campbelltown Sports Stadium, Leumeah. Councillor Gilholme advised he is an alternate member of the Sydney Western City Planning Panel and will leave the meeting.

Councillor Ben Gilholme – Item 8.6 – Planning Proposal – Signage as Exempt Development under Campbelltown Local Environmental Plan 2015. Councillor Gilholme advised he is an alternate member of the Sydney Western City Planning Panel and will leave the meeting.

Non Pecuniary – Less than Significant Interests

Councillor Paul Lake – Item 8.4 – Planning Proposal – Reclassification of Land – Campbelltown Sports Stadium, Leumeah. Councillor Lake declared a non pecuniary and less than significant interest and will remain in the meeting.

Councillor Warren Morrison – Item 14.1 – Lease on Council Investment Property. Councillor Morrison declared a non pecuniary and less than significant interest but will leave the meeting.

Other Disclosures

Nil

5. MAYORAL MINUTE

5.1 Community Service Award - Mr Noel Laming

It was **Moved** Councillor Brticevic:

That Noel Laming be recognised with a posthumous Community Service Award in recognition of his contributions to the Campbelltown community.

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

6. PETITIONS

Nil

7. CORRESPONDENCE

Nil

8. REPORTS FROM OFFICERS

8.1 Annual General Meeting Presentation

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

That Council note the Annual General Meeting Presentations.

A call for a Division was **Moved** Councillor Brticevic, **Seconded** Councillor Moroney

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

Voting against the Resolution were Nil.

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

8.2 Financial Statements 2020-21

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

That the financial reports and the Auditors reports for the period 1 July 2020 to 30 June 2021 be received and noted.

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

Procedural Motion

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

That Item 8.7 - Koala Sympathetic Development - Draft Amendment to the Campbelltown (Sustainable City) Development Control Plan 2015 be brought forward to be considered after Item 8.2.

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

8.3 Development Application Status

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

That the information be noted.

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

Procedural Motion

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

That Item 8.6 - Planning Proposal - Signage as Exempt Development under Campbelltown Local Environmental Plan 2015 be brought forward to be considered after Item 8.4.

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

Meeting note: Having declared an interest in Items 8.4 and 8.6 Councillor Greiss, Councillor Gilholme and Councillor Lound left the meeting at 8:13 pm and did not take part in the discussions or vote on the matters.

8.4 Planning Proposal - Reclassification of Land - Campbelltown Sports Stadium, Leumeah

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

1. That Council endorse the Planning Proposal at attachment 1 which seeks to reclassify part of 12 Old Leumeah Road, Leumeah, identified in the Planning Proposal, from community land to operational land and forward the Planning Proposal to the Department of Planning, Industry and Environment for a Gateway Determination.
2. That should the Minister determine that the proposal may proceed, public exhibition occur in accordance with the Gateway Determination.
3. That following the completion of the public exhibition, a separate public hearing be held with the outcome of both the public exhibition and the public hearing reported back to Council.

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

Voting against the Resolution were Nil.

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

8.5 Electric Vehicle Charging Stations - Draft Amendment to Campbelltown (Sustainable City) Development Control Plan 2015

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

1. That Council endorse the public exhibition of the draft amendment to the Campbelltown (Sustainable City) Development Control Plan 2015 shown at attachment 1.
2. That where submissions are received through the exhibition period, a further report be provided to Council tabling the issues raised in those submissions.
3. That where no submissions are received during the exhibition period, the draft amendment be adopted and commenced upon public notification being completed in accordance with Environmental Planning and Assessment Regulations, 2000.

A Division was recorded in regard to the Resolution for Item 8.5 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme, M Chivers, B Moroney, P Lake, W Morrison, G Greiss and T Rowell.

Voting against the Resolution were Nil.

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

8.6 Planning Proposal - Signage as Exempt Development under Campbelltown Local Environmental Plan 2015

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

1. That Council endorses and forwards the Planning Proposal at attachment 1 to the Department of Planning, Industry and Environment for a Gateway Determination.
2. That should the Minister determine that the proposal may proceed, public exhibition occur in accordance with the Gateway Determination.
3. That following the public exhibition either:
 - a) where submissions are received a further report be presented to Council on those submissions, or
 - b) where no submissions are received during the public exhibition period, the Planning Proposal be finalised.
4. The NSW Department of Planning, Industry and Environment be requested to issue authority to the General Manager to exercise plan making delegations.

A Division was recorded in regard to the Resolution for Item 8.6 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, R Manoto, M Chivers, B Moroney, P Lake, W Morrison and T Rowell.

Voting against the Resolution were Nil.

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

Meeting note: At the conclusion of the discussion regarding Items 8.4 and 8.6 Councillor Greiss, Councillor Gilholme and Councillor Lound returned to the meeting at 8:28 pm.

8.7 Koala Sympathetic Development - Draft Amendment to the Campbelltown (Sustainable City) Development Control Plan 2015

Meeting note: Ms Sue Gay, Mrs Patricia Durman and Mr Barry Durman addressed the meeting.

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

1. That Council endorse the public exhibition of the draft Amendment to the Campbelltown (Sustainable City) Development Control Plan 2015 shown at attachment 1 with the exception that the wording of 11.4.1(vii) is amended prior to public exhibition so that it expresses the proposed replacement planning controls in plain English rather than as a ratio.
-

-
2. That where submissions are received through the exhibition period, a further report be provided to Council tabling the issues raised in those submissions.
 3. That where no submissions are received during the exhibition period, the draft amendment be adopted and commence upon public notification being completed in accordance with the Environmental Planning and Assessment Regulation 2000.

A Division was recorded in regard to the Resolution for Item 8.7 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme, M Chivers, B Moroney, P Lake, W Morrison, G Greiss and T Rowell.

Voting against the Resolution were Nil.

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

8.8 Reports and Letters Requested

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

That the comments and updates to the reports and letters requested be noted.

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

8.9 Disclosure of Interest Returns 2020-21

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

That the information be noted.

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

8.10 Investments and Revenue Report - August 2021

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

That the information be noted.

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

8.11 Revised Policy – Closure and Sale of Walkways

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

That Council endorse the proposed amendments to the Policy – Closure and Sale of Walkways with the additional amendment to Principle 3 to remove the duplication of words regarding payment of costs.

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

8.12 Campbelltown City Council Collection – New Acquisitions

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

That the following proposed donations to be acquired as a part of the Campbelltown City Council collection be endorsed by Council:

- donation by Karla Dickens – ‘Colonial Bottom Feeders’ by Karla Dickens
- donation by Khaled Sabsabi – ‘Bring the Silence’ by Khaled Sabsabi

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

9. QUESTIONS WITH NOTICE

9.1 Wildlife Corridors – Appin Road, Gilead

Councillor Ben Moroney asked the following Question with Notice.

1. Can the Director confirm that, despite the absence of appropriate wildlife corridors on some of Lendlease's planning documentation, that wildlife corridors of between 425 m and 250 m, of 350 m average width, can and should be applied to development at Lot 1 Appin Road, Gilead, and that the Local Planning Panel will receive advice to this effect?

Response provided by the Director City Development.

Council is working closely with the developer and state government to ensure wildlife corridors within the Gilead area provide safe passage, an ecologically viable habitat and are able to be protected forever.

Overall planning for the wildlife corridors will be consistent the draft Cumberland Plain Conservation Plan which is likely to identify an average corridor widths of 350 m or more.

Previous decisions of the Local Planning Panel have been consistent with the advice of Dr Steve Phillips, and Council's advice to the Panel will also be guided by the finalised Cumberland Plain Conservation Plan.

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

11.1 Bushfire Evacuation Planning

Notice of Motion

Councillor Ben Moroney withdrew the following Motion.

1. That Council, as part of its ongoing resilience and risk strategies for the city, incorporate bushfire evacuation planning, including route timing and emergency shelter, for bushfire-prone areas.
-

11.2 Local Community Fresh Produce Market

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

That a report be presented on the opportunity for Council to facilitate the development of a Local Community Fresh Produce Market to support our local small businesses, community groups, small farmers and bakers, post COVID-19.

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

12. URGENT GENERAL BUSINESS

Nil

13. PRESENTATIONS BY COUNCILLORS

1. Councillor Ben Gilholme on 6 October attended a virtual games night to celebrate Headspace Day organised by headspace Campbelltown. Participants socialised and shared knowledge playing Kahoot, Jeopardy! and Scattergories online and all involved are looking forward to an in person games day in the future.
2. Councillor Ben Gilholme acknowledged that Sunday 10 October was World Mental Health Day. Councillor Gilholme advised that many strategies had been shared online regarding how to cope with any mental health struggles and encouraged the community to keep their mental health in check particularly given the recent restrictions.
3. Councillor Paul Lake expressed his congratulations in the Campbelltown LGA who have come out in large numbers to get vaccinated with the Campbelltown LGA having high rates of residents who have received their second vaccination. The Mayor, Councillor Brticevic echoed Councillor Lake's comments on the fantastic efforts by the community.
4. Councillor Ben Moroney noted the recent relaxation of the Health Orders and applauded the community for remaining vigilant in their safety against COVID-19 by wearing masks, ensuring they continue QR check-ins and with local businesses checking vaccination status.
5. Councillor Ben Moroney advised that 11 October was International Coming Out Day. The day is an opportunity to celebrate the act of coming out and recognising how difficult it is. Councillor Moroney encouraged the community to accept everyone in society as they are.
6. Councillor Warren Morrison congratulated the community on the high numbers of double vaccinations, ensuring they are protected and protect the community against COVID-19. Councillor Morrison thanked the community and local businesses.
7. The Mayor, Councillor George Brticevic announced that Milton Park, Macquarie Fields had recently opened, with the official opening to take place in November. Milton Park was a project from 2016 and was designed in house. The park features artwork from local artists Aunty Susan and Natalie Valiente that were inspired by local school and preschool children. Councillor Brticevic commended and passed on his appreciation to all the City Delivery team for their efforts.
8. The Mayor, Councillor George Brticevic advised that the LED lighting had been installed at the Pump Track at Leumeah Skate Park. Councillor Brticevic shared how this has now enabled extended use of the pump track at night, allowing riders to enjoy this facility in the evenings. Councillor Brticevic noted what a wonderful addition the Pump Track is for our city.

14. CONFIDENTIAL REPORTS FROM OFFICERS

Confidentiality Recommendation

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

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

Item 14.1 Lease on Council Investment Property

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

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

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

The Ordinary Meeting of Council was adjourned at 8:54 pm and reconvened as a meeting of the Confidential Committee at 8:55 pm.

Recommendations of the Confidential Committee

Meeting note: Having declared an interest in Item 14.1 Councillor Morrison left the meeting at 8:56 pm and with Item 14.1 being the last Item to discuss Councillor Morrison did not re-join the meeting.

14.1 Lease on Council Investment Property

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

1. That Council endorse the proposed terms of a new lease on the subject property on terms and conditions set out in this report.
2. That Council endorse that all documentation associated with this transaction is executed by way of delegated authority under Section 377 of the *Local Government Act 1993*.

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

It was **Moved** Councillor Lake, **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.

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

At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 8:58 pm. The Mayor read the recommendations from the Confidential Committee for Item 14.1.

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

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

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

There being no further business the meeting closed at 9:00 pm.

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

6. PETITIONS

7. CORRESPONDENCE**7.1 Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021**

Officer's Recommendation

That the letter be received and the information be noted.

A letter from the Hon. Mark Latham MLC, Member of the Legislative Council confirming One Nation's opposition to the NSW Government's Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 in support of Sydney Metropolitan Councils.

Attachments

1. Letter from the Hon. Mark Latham MLC regarding Infrastructure Contributions (contained within this report) [↓](#)



LEGISLATIVE COUNCIL

27 SEP 2021

21 September 2021

Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Dear General Manager,

I am writing to let your Council know that in the NSW upper house, One Nation (myself and Rod Roberts MLC) will not be supporting the NSW Government's Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021.

We regard this Bill as poorly conceived, given the way in which it acts against the best interests of local government and community service provision in our State.

The Bill is flawed in the following critical ways:

1. The proposed Regional Infrastructure Contributions (RICs) are an invitation for government pork barreling and political favouritism, in a government notorious for pork barreling and the misallocation of resources. RICs will also likely lead to a reduction in general State Government effort on infrastructure spending - a cost shifting exercise.
2. The reforms shift the cost of infrastructure and service provision in growth areas from developers to ratepayers.
3. The question of local government rate reform should be considered separately from infrastructure contribution reform.
4. Developer contributions should be paid to Councils as quickly as possible, certainly at Construction Certificate stage rather than Occupation Certificate as proposed (and adopted during the current Covid period).
5. The RICs lack the benefits of hypothecation so that developers and residents paying them know there will be a direct community return.
6. There is no evidence that RICs developed for the inclusion of affordable housing and biodiversity funding will achieve their stated goals.
7. The Planning Minister should be required to make RIC plans, similar to the Section 7.11 plans required of Councils.

8. The new benchmarking of 'best practice infrastructure provision' does not take into account regional cost variations around NSW and will lead to a lowest-common-denominator approach imposed upon Councils.
9. Many Councils will be worse off financially under the Bill, given the fiscal overhang caused by the immediate loss of some developer contribution money but a slow 20-year build up in rating capacity in growth LGAs.
10. Local government servicing capacity should be strengthened by guaranteeing Section 7.12 contributions for State Significant Developments - a key oversight in the Bill.

As you can see, the Bill has little to commend it. The Government's consultation with upper house MPs has been poor, almost non-existent. Councils have also felt ignored in the process.

One Nation sees many reasons for opposing the Bill and we will vote against it when our Parliament resumes.

Can you please inform your Council of this information.

If there are other matters with which we can assist in your local government area, please let us know.

Yours sincerely,



SIGNATURE HAS BEEN REMOVED

The Hon. Mark Latham MLC
Member of the Legislative Council
Phone: 02 9230 3682
Email: mark.latham@parliament.nsw.gov.au

8. REPORTS FROM OFFICERS

8.1 Planning Proposal (Mount Gilead Urban Release Area) - Outcome of Public Exhibition

Reporting Officer

Executive Manager Urban Release and Engagement
City Development

Community Strategic Plan

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

Officer's Recommendation

1. That Council adopt the Planning Proposal at attachment 1, relating to land within the Mt Gilead Urban Release Area with the following post exhibition amendments:
 - a) Amend the Land Use Zoning map and associated maps to zone 3.07 ha of R3 Medium Density Residential north of the village centre; and
 - b) Increase the area zoned SP2 Special Purpose (infrastructure) by 1,155 m².
2. That subject to recommendation No.1, Council forward the Planning Proposal to the Department of Planning, Industry and Environment and request the Minister for Planning and Public Spaces finalise the plan.
3. That the submission authors be advised of Council's decision.

Executive Summary

- Lendlease Communities (Mt Gilead) Pty Ltd (Lendlease) submitted a Planning Proposal Request in 2019 seeking to amend the Campbelltown Local Environmental Plan 2015 (CLEP 2015) in respect of land within the Mount Gilead Urban Release Area, which forms part of the Greater Macarthur Growth Area.
- At its Ordinary Meeting of 10 March 2020, Council endorsed progression of the Planning Proposal, with a Gateway Determination issued by the NSW Department of Planning, Industry and Environment (DPIE) on 15 October 2020.
- On 14 April 2021, DPIE approved a Gateway alteration request to extend the timeframe for completion to 8 April 2022.

- Public exhibition and agency consultation commenced from the 5 July 2021 to 2 August 2021.
- Six submissions were received from the public authorities, 25 submissions received from the public and one submission received from the proponent in relation to the Planning Proposal.
- It is recommended that Council adopt the Planning Proposal and request that the Minister for Planning and Public Spaces finalise the plan.

Purpose

The purpose of this report is to provide Council with details of submissions received from State authorities and the community in response to the public exhibition of the Planning Proposal for Mount Gilead Urban Release Area (MGURA) and to recommend that Council adopt and finalise the amendment.

History

Council resolved at its Ordinary Meeting of 10 March 2020, to support progression of a Planning Proposal for land within the MGURA, comprising:

- Lot 1 DP 1240836
- Lot 2 DP 1240836
- Lot 3 DP 1240836
- Lot 4 DP 1240836
- Lot 5 DP 1240836 and
- Lot 61 DP 752042.

The Planning Proposal seeks to amend the CLEP 2015 to:

- Rezone land to include R3 Medium Density Residential, B4 Mixed Use and E2 Environmental Conservation.
- Amend the Minimum Lot Size map to part, 450 m² within the R2 Low Density Residential and 100 ha to 5 ha in the RU2 zone on Lot 3 DP 730136.
- Amend the Maximum Building Height to include heights ranging from 9 m to 15 m, depending on zone.
- Amend the land reservation map to align with the public infrastructure.
- Include a Dual Occupancy map implementing a minimum lot size of 700 m² in the R2 Low Density Residential zone.

- Amend the Floor Space Ratio map to delete the FSR for R2 Low Density Residential, and include a 2:1 ratio within the B4 Mixed Use zone.
- Amend clause 4.4(2A) Floor Space Ratio to exclude its application for areas shown on the Urban Release Map.
- Deletion of clause 4.1E in respect to Lot 3, DP 1218887 Appin Road, Gilead.
- Insert new clause 4.1H to support the subdivision of 510 lots less than the Lot Size Map within the R2 Low Density Residential zone and to establish subdivision standards for the R3 Medium Density Residential zone.

The proposal would enable the site to be developed for predominately residential uses, comprising approximately 1,700 lots. The amendment would support the future urban development of the land, consistent with the Greater Macarthur Growth Area.

A Gateway Determination was issued by DPIE on 15 October 2020, with an alteration granted on 14 April 2021 to extent the timeframe for completion to April 2022.

In accordance with the Gateway Alteration, exhibition of the Planning Proposal occurred from 5 July 2021 to 2 August 2021.

The exhibition was notified on Council's 'Over to You' webpage, and the Department of Planning's 'Planning Portal' in accordance with the Environmental Planning and Assessment (Public Exhibition) Regulation 2020 and was supported by the following studies:

Specialist Technical Studies	Author	Date
Gilead Landscape Masterplan	ASPECT Studios	October, 2018
Detailed Site Investigation with Limited Sampling - Mt Gilead	Douglas Partners Pty Ltd	October, 2016
Remediation Action Plan - Mt Gilead	Douglas Partners Pty Ltd	August, 2017
Report on Preliminary Site Investigation	Douglas Partners Pty Ltd	December, 2016
Mount Gilead Project (MDP Lands) Aboriginal Cultural Heritage Assessment	Cultural Heritage Connections & Virtus Heritage Pty Ltd.	July, 2017
Heritage Assessment and Management Strategy	TKD Architects	June, 2017
Remediation Action Plan - Mt Gilead	Douglas Partners Pty Ltd	August, 2017

Additional Studies – Post Gateway	Author	Date
Visual Analysis of Figtree Hill B4 and R3	TKD Architects	December, 2020
Market Potential Assessment	Location IQ	November, 2020
Ecologist Biodiversity Certification Assessment	Ecological Australia	December, 2020
Gilead Landscape Masterplan Report	Aspect Studios	May, 2021
Ecologist Biodiversity Certification Assessment (Addendum)	Ecological Australia	June, 2021
Additional Studies – Post Exhibition	Author	Date
Ecologist Biodiversity Certification Assessment (Addendum)	Ecological Australia	September, 2021
Heritage Impact Assessment	TKD Architects	September, 2021
Bushfire Assessment Report	Building Code and Bushfire Hazard Solutions	September, 2021

Report

During the exhibition period, Council received 6 public State authority submissions, 25 public submissions and one submission from the proponent.

1. Public Authority Submissions

a) NSW Rural Fire Service

Submission requested an updated Bushfire Report that addresses Section 4 Strategic Planning of the NSW RFS Planning for Bushfire Protection 2019.

Response: The applicant commissioned an updated Bushfire Report that the NSW RFS confirms is satisfactory. Notwithstanding, future development applications for subdivision would still be required to satisfy Section 5 (Residential and Rural Residential Subdivisions) and Section 6 (Special Fire Protection Purpose Developments) of Planning for Bushfire Protection 2019.

b) Subsidence Advisory NSW

No concern raised, however advice provided detailing the 'Surface Development Guideline' would apply to all properties located within a Mine Subsidence District.

Response: The Surface Development Guideline would be considered during assessment of future subdivision works and development applications.

c) NSW Resources and Geoscience

No submission received.

Response: No action required

d) Transport for NSW (TfNSW)

Concern raised in relation to the proposed B4 Mixed Use zone and potential for increased yield due to no minimum lot size and potential for increased traffic generation. The potential impact of the proposed E2 Environmental Conservation Zones on the achievement of future link roads is also raised as a concern.

TfNSW recommends that CLEP 2015 be amended to ensure that development does not exceed the cap of 1,700 dwellings as contained within the State Voluntary Planning Agreement. Alternatively, an amendment to the State Voluntary Planning agreement should be considered.

Response: The original rezoning of the land in November 2017 was based on potential for 1,700 dwellings and forms part of the agreed Local and State Voluntary Planning Agreements (2018/9398).

The exhibited Planning Proposal does not alter this yield and only seeks, in part, to introduce opportunity for dwelling diversity, which is a key objective of Council's Local Strategic Planning Statement. On balance, opportunity for smaller lots would be offset by opportunity for larger, more conventional dwellings in areas of high amenity and environmental sensitivity.

As demonstrated by the recent removal of dwelling caps for Macarthur Gardens, Claymore and Airds, despite the developer meeting its requirements for the registration of final lots, future landowners would have entitlements under various State Environmental Planning Policies to make applications for uses that may be determined as complying development. A new clause in CLEP 2015 would not be effective as it is unable to be enforced in preventing developer actions that are otherwise allowed under the various and higher order State Environmental Planning Policies. Therefore a new clause within the CLEP 2015 is not considered appropriate.

Vehicle trips associated with the B4 Mixed Use centre would assist to reduce outbound trips for daily convenience and therefore lessen trip demand on Appin Road. The supporting Retail Demand Analysis identifies that provision for up to 4,400 m² of commercial floor space is supportable, comprising a retail component of around 2,500 m² with the balance forming non-retail uses which is consistent with the requirements of Greater Macarthur 2040.

Although the impact of E2 Environmental Conservation land on the street network is noted, this land is required for the Biodiversity Certification Agreement and the Bio-Bank Agreement that applies to the land. Therefore, the local road network avoids impact on these areas.

e) Environment, Energy and Science Group (EES)

The submission considers that the Planning Proposal is generally not inconsistent with the biodiversity certification conferral, including the Ministerial Order and Biodiversity Certification Agreement.

However, EES recommends that the Planning Proposal be reviewed against the findings of the report prepared by the Office of the Chief Scientist and Engineer (OCSE) – Advice on the Protection of Campbelltown Koala.

The report, and subsequent follow up advice, sets out recommendations in regard to corridor widths, functionality, buffers and fencing to implemented to protect Koalas in the Mt Gilead area and across the Greater Macarthur Growth Area.

Response: Condition 22A of DA 2984/2020/DA-CW determined by the Campbelltown Local Planning Panel (the Panel) required a revised boundary of proposed works adjacent to the section of the Noorumba-Mt Gilead Biobank/Conservation Stewardship Site located between Lot 3 DP 730136 Appin Road Gilead and Pt Lot 102 DP 611552 Noorumba Reserve.

A minimum width of 250 m was specified by the Panel to be consistent with the advice of Dr Steve Phillips, as reported to Council's Ordinary Meeting on 13 October 2020.

Since this time, the recommendations of the Chief Scientist and Engineer – Advice on the protection of the Campbelltown Koala Population – has been considered by DPIE and TfNSW for an update to the Greater Macarthur 2040 strategy and draft Cumberland Plain Conservation Plan. These policy documents are yet to be finalised by the NSW Government.

The requirements of condition 22A are considered appropriate and would assist in providing a more substantive, viable and sustainable corridor linkage between the Georges River and Nepean River via Menangle Creek, which is in keeping with the advice of the Chief Scientist and Engineer as to viable and useful corridors.

The provision of the elements required under condition 22A would allow for a corridor having an average width of at least 400m along Menangle Creek between Appin Road and the Nepean River, which is consistent with the average corridor widths of between 390 m-425 m recommended by the Chief Scientist and Engineer.

An important component of a viable environmental corridor along Menangle Creek will be the provision of fauna crossings at both Appin Road and the Upper Canal.

f) Heritage NSW

The submission acknowledges the close proximity of the site to the State Heritage Item Gilead Homestead and identifies that the planning proposal does not give consideration to the following heritage principles:

- View corridor from the historic Mount Gilead gateway entrance on Appin Road to Mount Gilead Mill
- View corridor from the Hillsborough archaeological site to One Tree Hill
- Interpretive drive from the historic Gilead gateway entrance continuing around the artificial lake.

Notwithstanding, the submission also welcomes the rezoning to support dedication of the Hillsborough archaeological site within dedicated public open space.

Concern is raised that the 15 m height limit may impact on the Hillsborough archaeological site to One Tree Hill view corridor. The submission acknowledges the TKD Architects Visual Analysis and recommends that, at the detailed design stage, further planting closer to the residential development be required to minimise impact.

Heritage NSW recommends that any future indicate landscape plan, subdivision plan or other detailed strategic or statutory plan incorporate the Heritage Principles as described in the current site Specific DCP. It is also recommended that an interpretive strategy be prepared that will provide and explanation of the history of the site and the significance of the retained historic elements, and significant views and vistas.

The submission also makes reference to the consideration of impacts to the Aboriginal cultural landscape, including potential impacts on visual corridors.

Response: The Planning Proposal does not amend the existing objectives of the Mount Gilead Development Control Plan. However, a future amendment would be progressed to ensure retention and interpretation of view corridors and requirement to prepare an Interpretation Plan to address the history and significance of the site and its proximity to the State Heritage Item - Mount Gilead Homestead.

The exhibited Visual Analysis prepared by TKD Architects demonstrates the view corridors would be protected. Retention of Ironbark vegetation and water bodies would maintain the visual context and proposed B4 Mixed Use zoned land would be obstructed by protected stands of Cumberland Plain vegetation.

The proposal is unlikely to have a significant adverse impact on the historical setting of the landscape as the proposal involves a reduction in developable land and increase of open space that contributes to maintaining and enhancing the view corridors.

In response to comments from Heritage NSW, the applicant engaged TKD Architects to prepare a Heritage Impact Assessment (HIS). The HIS concludes the proposed E2 Environmental Conservation and RE1 Public Open space land would support visual protection of the visual landscape of the local heritage items. The visual relationship between the Homestead and One Tree Hill would be preserved and enhanced by landscape screening. Similarly, views from One Tree Hill and the proposed B4 and R3 zones would also be enhanced through further plantings to minimise any dominance of buildings within the landscape.

An updated Aboriginal Cultural Heritage Assessment (ACHA) is not required as an Aboriginal Heritage Impact Permit (AHIP) (C0005248) for the MDP lands was issued by Heritage NSW in April 2020. The applicant would comply with all requirements for legislative consultation during the ongoing management of the AHIP conditions. Therefore, no further analysis is required.

g) Water NSW

Concern is raised with various issues including the identification of the Upper Canal corridor as public open space, the reconfiguration of the R2 Low Density Residential Zone, the intensification of planning controls for development east of the Upper Canal, and the reduction in Minimum Lot Size for the RU2 Rural Landscape zone west of the Upper Canal.

Response: The Planning Proposal does not alter the existing zones or protections to the Upper Canal. Although the Landscape Masterplan Report identifies opportunity for the Canal to form part of a regional recreation link, it holds no statutory purpose and may be the subject separate engagement with Water NSW.

The reconfiguration of areas of R2 Low Density Residential to RE1 Public Open Space is to support, in part, delivery of stormwater management infrastructure in accordance with the Local Voluntary Planning Agreement. Future development applications adjoining the Canal would require referral to Water NSW for concurrence.

To further protect the canal, residential development that has an interface to the Upper Canal would be bounded by a local road. Lot sizes within the MDP lands are larger than those approved in other release areas and is not considered relevant.

The 5 ha Minimum Lot Size control for Lot 5 DP 1240836 is to facilitate excision of this land. No dwelling entitlement on the remaining RU2 land is proposed and clause 4.2A of CLEP 2015 restricts the permissibility for a new dwelling. The land benefits from an existing easement and crossing of the Upper Canal and would be secured to restrict public access.

Should Council support finalisation of the Planning Proposal, the Development Control Plan would be updated to reflect the updated landscape plan.

2. Public Submissions

Twenty five submissions were received by the public. Of these, 24 were in objection and one neutral.

A response to the issues raised is summarised below:

a) Exhibition Process and Other Exhibitions

Concern raised that exhibition of the Planning Proposal process was not consistent with Council policies and the lack of individual notifications. There was also some confusion regarding the exhibition of the Mount Gilead Development Control Plan which did not relate to the Planning Proposal.

Comment: Campbelltown's Community Participation Plan (2019) identifies that Planning Proposals require exhibition for 28 days or as specified by the Gateway Determination. The Planning Proposal was publicly exhibited for 28 days from 5 July 2021 to 2 August 2021 and displayed on DPIE's Planning Portal and Council's 'Over to You' webpage.

Although the Community Participation Plan does not specify a minimum distance for the issuing of notification letters for Planning Proposals, properties within a distance of 100 m were notified, consistent with the requirement for development applications. Council also notified relevant public authorities identified in the Gateway Determination.

A separate and unrelated exhibition of the Campbelltown (Sustainable City) Development Control Plan Volume 2, Part 7 Mount Gilead was exhibited from 2 August 2021 until 30 August 2021. This amendment proposes new controls for the various form of residential development already permitted by CLEP 2015.

Upon finalisation of the Planning Proposal, a further amendment to Campbelltown (Sustainable City) Development Control Plan Volume 2, Part 7 Mount Gilead would occur in 2022.

b) Inadequate Assessment

Concern raised that the Planning Proposal does not adequately address certain constraints such as contamination, the Nepean Hawkesbury River system, heritage, bushfire, mine subsidence, air quality and traffic implications.

Comment: The land has already been determined as urban capable given the original rezoning of the MDP lands in 2017. Constraints are addressed at the development application stage via technical studies and Agency requirements in accordance with the Integrated Development process.

The Gateway Determination issued by the DPIE on 15 October 2020 prescribed the studies required and were available for viewing as outlined in this history section of this report.

The exhibited Planning Proposal also addresses consistency with relevant State Environmental Planning Policies and/or Section 9.1 Ministerial Directions which are either justifiably inconsistent or consistent. Where Ministerial Directions are justifiably inconsistent, justification is provided. For example, consistency with Direction 1.2 Rural Zones is justifiably inconsistent due to the proposed rezoning of the RU2 Rural Landscape land into E2 Environmental Conservation and RE1 Public Open Space to align with the intended purpose of the land.

c) Appin Road Upgrades

Concern raised about the upgrade of Appin Road not occurring prior to the approval of the Planning Proposal.

Comment: The upgrade of Appin Road is the subject of a State Voluntary Planning Agreement between DPIE and the landowners. The Agreement requires the staged upgrade of Appin Road to coincide with lot registrations. This would ensure that upgrades occur in accordance with the schedule of works as determined by TfNSW and DPIE. Delivery of upgrades prior to finalisation of the Planning Proposal or subdivision works would not be feasible.

d) Impact to adjoining properties

Concern raised in respect to Appin Road and future arrangements for access and egress that affect their property and zoning potential.

Comment: The Planning Proposal does not alter land use at the interface of Appin Road and therefore does not generate any additional impact.

Access and egress provisions of the original masterplan anticipated a third central access point. This was to assist the precinct if developed by multiple landowners, which is now under single ownership. TfNSW has since approved the Appin Road REF which confirmed that the third central access point is not required and a median would be incorporated into Appin Road as a result of the upgrade. The Planning Proposal does not alter this outcome.

e) Koala and Koala Habitat

Submissions raised concern with Koalas and their habitat. Key issues include:

- Lack of acknowledgement of the conditions of consent for DA 2984/2020/DA-CW
- The corridor in the NSW Chief Scientist report was not identified in the Planning Proposal
- Lack of consistency with the Campbelltown Koala Plan of Management (CKPoM)
- The need for a combination of underpasses, overpasses and exclusion fencing along Appin Road
- The limited support for koalas and increasing destruction of koala habitats.

Comments: Condition 22A of DA 2984/2020/DA-CW determined by the Campbelltown Local Planning Panel (the Panel) required a revised boundary of proposed works adjacent to the section of the Noorumba-Mt Gilead Biobank/Conservation Stewardship Site located between Lot 3 DP 730136 Appin Road Gilead and Pt Lot 102 DP 611552 Noorumba Reserve.

A minimum width of 250 m was specified by the Panel to be consistent with the advice of Dr Steve Phillips, as reported to Council's Ordinary Meeting on 13 October 2020.

Since this time, the recommendations of the Chief Scientist and Engineer - Advice on the protection of the Campbelltown Koala Population - has been considered by DPIE and TfNSW for an update to the Greater Macarthur 2040 strategy and draft Cumberland Plain Conservation Plan. These policy documents are yet to be finalised by the NSW Government.

The requirements of condition 22A are considered appropriate and would assist in providing a more substantive, viable and sustainable corridor linkage between the Georges River and Nepean River via Menangle Creek, which is in keeping with the advice of the Chief Scientist and Engineer as to viable and useful corridors.

The provision of the elements required under condition 22A would allow for a corridor having an average width of at least 400m along Menangle Creek between Appin Road and the Nepean River, which is consistent with the average corridor widths of between 390 m-425 m recommended by the Chief Scientist and Engineer. An important component of a viable environmental corridor along Menangle Creek will be the provision of fauna crossings at both Appin Road and the Upper Canal.

As much of the land within the buffer area is biodiversity certified, any variation to Condition 22A of DA 2984/2020/DA-CW to widen the koala corridor would need to be voluntary. It is anticipated this would be considered in association with an updated State Voluntary Planning Agreement to address the upgrade of Appin Road and provision for an underpass at Naroomba Reserve.

In response to concerns about a lack of consistency with Council's Comprehensive Koala Plan of Management (CKPOM), EES has reviewed the applicant's Biodiversity Certification Assessment report, prepared by Ecological Australia (December 2020) and advise it is not inconsistent with the conferral of biodiversity certification. Furthermore, the provisions of Clause 10 of Koala SEPP 2020 is not applicable to the determination of development applications on the site due to biodiversity certification of the land.

The issue of underpasses and exclusion fencing of Appin Road is not relevant to the Planning Proposal. TfNSW is the relevant road authority and has prepared a Review of Environmental Factors for the proposed upgrade of Appin Road. Lendlease has entered into a State Voluntary Planning Agreement (SVPA) to fund this work and has since written to the NSW Government, offering to amend the SVPA to support underpasses at both the Menangle Creek/Noorumba Reserve and Woodhouse Creek corridor crossings.

f) Buffers

Submissions raise concern about the removal of the ecological buffer area to Beulah as well as that the buffer around the BioBanks.

Comments: There is a small parcel located between Beulah and the precinct that holds a biodiversity certification under the *Threatened Species Conservation Act*. The buffers to the existing and proposed BioBanks have been considered and provided for in the ecological assessments and approvals and are not altered by the Planning Proposal.

g) Heritage Values

Submissions raise concern in relation to potential reduction of views across the property and diminishing of heritage values.

Comment: As part of the Gateway Determination, the applicant was required to submit a historical visual analysis. TKD Architects also prepared a Heritage Impact Assessment (HIS) that identifies the view corridors from One Tree Hill and the Homestead would be retained and improved through additional plantings. Similarly, views from One Tree Hill and the proposed B4 and R3 zones would also be enhanced through further plantings to minimise any dominance of buildings within the landscape. Future development applications would be required to meet the objectives and controls of the 'Heritage and Views' within the Mount Gilead Development Control Plan.

h) Urban Heat Island

Concern raised with increases to urban heat island effect.

Comment: In 2018, Council collaborated with Western Sydney University to investigate the distribution of heat across the Campbelltown Local Government Area. At a high level, the study finds:

- Increasing the area of hard surfaces and buildings leads to warming
- Increasing the area of open spaces and tree canopy leads to cooling
- When provided in equal proportions warming from hard surfaces exceeds cooling from open space
- Tree canopy cover generates less cooling benefits compared to open space

- Increasing tree canopy cover has no effect on maximum daytime air temperatures
- The magnitude of attainable cooling effects in urban space is 0.8-1.3°C for mean summer air temperatures
- The capacity to lower peak heatwave air temperatures is very limited
- Open space and tree canopy cover can markedly reduce summer night-time air temperatures.

The Planning Proposal seeks to increase open space and environmental land from 29.91 ha to 53.20 ha, which significantly improves the urban cooling opportunity for the precinct. In addition, Council has recently exhibited an amendment to the Campbelltown (Sustainable City) Development Control Plan, Part 7 Mt Gilead that seeks to introduce a new development control that requires building materials to meet a solar absorption ratio to mitigate urban heat.

i) Density

Submissions raise concern that increased density would impact surrounding Koala habitat and reduced opportunity for deep soil planting due to reduced lot size, which would be out of character with existing suburbs.

Comment: The Planning Proposal maintains the proposed and already approved yield of 1,700 lots, as per the State and Local Voluntary Planning Agreement. There is no evidence this current Planning Proposal would exacerbate edge effects to ecological communities. Edge effects were considered during the Biodiversity Certification Assessment of the precinct as approved by the NSW Office of Environment and Heritage on 28 June 2019.

Although there is a reduction of some lot sizes, the recently exhibited amendment to the Campbelltown (Sustainable City) Development Control Plan, Part 7 (Mt Gilead) proposes rear setbacks that exceed the requirements of State Environmental Planning Policy (Exempt and Complying Development) 2008 and also requires a tree to be planted in the front and rear yard of each new dwelling.

A variety of lot sizes is required to provide for housing choice would exceed the average lot size of similar, recent land release precincts within Campbelltown and adjoining LGAs subject to State Environmental Planning Policy (Sydney Region Growth Centres) 2008.

j) Court Case

Submissions raise concern in relation to the Land and Environment Court appeal proceedings, *Save Sydney's Koalas (South West) Inc v Lendlease Communities (Figtree Hill) Pty Ltd (No 2) (2021) NSWLEC 102* regarding inconsistency with the Campbelltown Comprehensive Koala Plan of Management (CCKPOM) and whether the CCKPOM is invalid.

Comment: On 24 September 2021, Her Honour, Duggan J handed down her judgement on this appeal and dismissed all grounds of the challenge, thereby confirming the validity of the CCKPOM.

k) Voluntary Planning Agreements

Submissions raise concern that the Planning Proposal should void the biodiversity certification, and the Planning Proposal is absent of a north south environmental bushland corridor that allows wildlife through the site between Noorumba Reserve and Beulah BioBank.

Comment: The Planning Proposal seeks to provide further protection to conservation areas through the increase of public open space. The Planning Proposal seeks to retain and expand the link between the Hillsborough BioBank site and retention of an existing dam adjacent to the Macarthur Onslow Biobank.

Where the 'Biodiversity Certification' identifies 'retained' areas, these may require additional environmental assessment prior to the granting of development consent. This would be in line with the requirements of current legislation.

A direct connection between Noorumba and Beulah BioBanks is not consistent with Council's adopted position on koala strategic linkage areas or by the NSW Chief Scientist and Engineer, which favours east - west connectivity.

l) Dam Removal

Submissions raise concern that a majority dams within the precinct are not in line with the original zoning that supported bio-certification, with dewatering and filling of these dams to affect natural watercourses.

Comment: The Planning Proposal seeks to retain Dam 7 (referred to by submission authors as "the Lilly Pond") wholly within open space. While there may be some adjustments required during detailed design stage, the intention is to keep the dam within the landscape. The Biodiversity Certification approval required the development of a Dam-Dewatering plan to be prepared and approved by Council.

A Construction Environmental Management Plan (that addresses dam dewatering) was approved by the delegated Council officer on 18/05/20. Development application 2984/2020/DA-SW which was determined for approval by the Panel on 16 December 2020, provided development consent for the dewatering and removal of dams (consistent with the Biodiversity Certification Agreement), which includes Dam 7.

m) Sewer Treatment and Disposal

Submissions raise concern with how sewerage would be treated and whether a pump-out system or sewage treatment plant is proposed in the northwest corner of Mount Gilead.

Comment: Sydney Water's current strategy is to service the treatment of wastewater via the Glenfield Wastewater Treatment Plant.

Employment

Concern raised the proposed town centre would only support small, owner run shops and not benefit the community by generating local jobs.

Comment: The proposal to rezone urban land to B4 Mixed Use zoning would increase employment opportunities within the site for locals. The sizing of the proposed B4 zoned area has been assessed by Location IQ as appropriate for forecast local population.

n) Insufficient Facilities

Concern raised in respect of inadequate infrastructure such as schools, hospitals and employment generating industries and utilities such as electricity supply.

Comment: The Planning Proposal is not proposing to increase the yield from the original rezoning approved in 2018.

o) Importation of Fill

Concern raised regarding whether development should occur due to the quantity of imported fill.

Comment: The Planning Proposal reduces the area of urban development and will see a reduction in the quantity of material required to be imported to the site.

Additionally, development consent for the importation of fill materials was approved by the Panel in December 2020 which further reduced the development footprint as discussed in issue E above.

3. Submission from Applicant

The applicant for the Planning Proposal Request (Lendlease) made a submission of support, including a request that the following additional matters be included/amended.

a) Housing Diversity

That the zoning map and associated development standards be amended to locate 3.07 ha of R3 Medium Density Residential zoned (currently proposed as R2 Low Density Residential) on the northern side of the main entry boulevard, north of the proposed B4 Mixed Use Village Centre.

The amendment would support greater housing choice in proximity to the proposed Village Centre, via the provision of rear loaded, terrace style homes that would enjoy the amenity of local shopping, access to the proposed 'Commons' open space and provide an improved development interface with the village.

Comment: The zoning of land to support medium density housing is consistent with Council's Local Strategic Planning Statement and Local Housing Strategy, which identifies a shortfall of housing suitable for smaller families or lone person households. The request is supportable given increasing pressure to protect environmentally sensitive land.

The supporting visual analysis confirms the amendment would not impact significant views from the Mt Gilead State Heritage Item and is therefore supported.

b) Minimum lot size in the R3 Medium Density zone

Requests that proposed Clause 4.1H(6) be amended to reduce the minimum lot size for dwelling houses in the R3 Medium Density Residential zone from 250 m² to 225 m². The amendment is requested to support new home owners with the option of buying a dwelling without having to pay stamp duty on the combined value of the house and the land, based on the delivery of lots with dimensions of 9 m x 25 m suiting many standard home builder designs.

Under the proposed controls, these products can only be delivered as a completed house and land package that increases overall costs for builders and the customer. The applicant estimates that about 6 per cent of the 1,700 lots would be delivered this way, and would support an important housing need.

Comment: Proposed Clause 4.1H(6) would only require the sale of a house and land package for a dual occupancy, semi-detached or attached dwelling. The clause does not require a proposed lot of 250 m² on land zoned R3 Medium Density Residential to include the dwelling design. Council's approach is to only require a building envelope plan, as dwelling approval could be provided by the Council through the DA/Development Consent process or otherwise by a Certifying Authority through the issue of a Complying Development Certificate.

Therefore, the proposal to reduce the minimum lot size in the R3 zone is not supported.

c) Unburdening of Open Space

The applicant seeks to increase the SP2 Special Purpose (infrastructure) land in the north-east Figtree Hill by 1,155 m² to ensure critical service infrastructure and associated retaining structures are wholly contained within SP2 Special Purpose land.

Comment: There is no concern with increasing the land reservation for infrastructure purposes. Council would remain the acquisition authority for this land and would form part of an updated Local Voluntary Planning Agreement.

4. Statutory Considerations

Having regard to the proposed amendments to the Planning Proposal, Clause 3.36(2)(a) of the EP&A Act, provides that the local plan making authority may, following the completion of community consultation, make a local environmental plan with or without variation, in the terms the local plan-making authority considers appropriate.

As reported above, and as outlined in the recommendation of this report, amendments to the exhibited plan are proposed. The amendments are considered minor in nature and are in response to a submission made by the applicant.

Having regard to the minor nature of the proposed amendments, it is considered that in accordance with Clause 3.36(2)(a) the Council has the authority to make the plan without the need for re-exhibition. As such, it is recommended the Council resolve to forward the Planning Proposal to the Minister for Planning and Public Spaces for finalisation.

5. Caretaker period provisions

The local government elections in NSW have been postponed until Saturday 4 December 2021 and the care-taker period does not commence until Friday 5 November 2021. Accordingly, there is no reason why Council is prevented from making a decision on this matter, particularly as decisions on Planning Proposals are not a matter limited by Clause 393B of the Local Government (General) Regulation 2005.

Conclusion

The Planning Proposal to amend various maps and development standards now satisfies the Gateway Determination issued by DPIE, with Agency and community submissions addressed in this report.

The applicant's request to introduce an additional area of R3 zoned land and to increase the provision of SP2 Infrastructure land has merit, and forms the updated Planning Proposal at attachment 1.

The recommendations of the Office of the Chief Scientist and Engineer contained within the report 'Advice on the Protection of Campbelltown Koala' is consistent with the long standing adopted position of Council to support the protection of east – west corridors for the Koala.

Given that provision for a buffer along a 400 m section of Menangle Creek is already reflected in DA 2984/2020/DA-CW, a further amendment to the Planning Proposal is not required at this time.

Formal endorsement of the Office of the Chief Scientist and Engineer recommendations is likely to form a future update to the Greater Macarthur 2040 Strategy and exhibited Cumberland Plain Conservation Plan. Upon endorsement of these plans by the NSW Government, planning to protect the corridors and associated underpasses of Appin Road may proceed.

Accordingly, it is recommended that Council adopt the amended Planning Proposal attached to this report and forward to the Minister for Planning and Public Spaces for finalisation.

Attachments

1. Gilead Planning Proposal- (Post - Exhibition V6) - Due to size - (73 pages) (distributed under separate cover)

8.2 Menangle Park Development Control Plan - Outcome of Public Exhibition

Reporting Officer

Executive Manager Urban Release and Engagement
City Development

Community Strategic Plan

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

Officer's Recommendation

1. That Council adopt the Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2 Part 8 Menangle Park in attachment 1, relating to land within the Menangle Park Urban Release Area.
2. That upon Council's adoption, Volume 2 Part 8 Menangle Park Development Control Plan be published on Council's website and take effect from the date of publication.
3. That the submission authors be advised of Council's decision.

Executive Summary

- Dahua Australia has requested an amendment to the Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2 Part 8 Menangle Park (draft CSCDCP).
- At its Ordinary Meeting of 13 July 2021, Council endorsed public exhibition of the draft CDCDCP that commenced from 2 August 2021 until 30 August 2021, resulting in submissions from 4 State authorities and one community member.
- It is recommended that Council adopt the amendment to the Menangle Park Development Control Plan.

Purpose

The purpose of this report is to provide Council with details of the submissions received in response to the public exhibition of draft Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2 Part 8 Menangle Park (draft CSCDCP) and to recommend that Council adopt and publish the amendment.

Background

The first stage of subdivision at Menangle Park for 255 residential allotments is now registered and lot owners able to submit applications for dwelling approval, by development application or complying development certificate.

To ensure that Council's development guidelines reflect contemporary requirements, the exhibited amendments introduce new requirements for improved dwelling design to provide a feasible merit assessment pathway that also includes measures to reduce the heat island impact of building materials and tree planting requirements.

Report

Public exhibition of the draft CSCDCP was notified on Council's 'Over to You' webpage in accordance with the Campbelltown's Community Participation Plan from 2 August 2021 until 30 August 2021.

In response, submissions were received from 4 State authorities and one community member as summarised below.

1. Public Authority Submissions

a) Endeavour Energy

The submission refers to their policy document 'Guidance Notes for Electricity Distribution' that provides an overview of issues that affect electricity distribution network for consideration by the developers and Council in relation to development applications.

Concern is raised regarding the absence of development controls for pad-mount substations due to potential impact on block and lot layouts. The general requirement for pad-mount substations is to be at ground level, have direct access from a public street (unless in easement), to meet the minimum size and include appropriate lot restrictions on the registered plan.

Comment: Council applies the guidance notes and requirements for pad-mount substations during the residential subdivision process. Further improvement to Section 3.10 (Development on or adjacent to Electricity and Gas Easements) of the DCP is appropriate and would be included within the next round of amendments in early 2022.

b) APA Group

APA Group supports the inclusion of pipeline planning controls within the Development Control Plan and welcome the use of linear open space corridors to providing better protection of the pipeline whilst, giving additional open space to the community.

The submission also recommends a Safety Management Study be undertaken prior to lodgement of future development applications in locations where sensitive uses may be located along the existing gas pipeline. This would assist to recommend specific modifications earlier in the development process.

Comment: Although the DCP includes pipeline-planning controls, the responsibility to undertake Safety Management Studies is the responsibility of the applicant at the development application stage.

Staff will continue to ensure this requirement and early engagement with APA Group occurs at the application pre-lodgement stage.

c) WaterNSW

The submission seeks clarification on why mapping of the Upper Canal is omitted from the draft CSCDCP and identifies the access road within Lot 26 and 27 DP 249530 as unsuitable for general public access.

The submission also references the 'Guidelines for Development Adjacent to the Upper Canal and Warragamba Pipelines' and new provisions under the State Environmental Planning Policy (Infrastructure) 2007 which now require development to be consistent with the guideline.

Comment: Figure 2.1 of the indicative layout plan now correctly identifies the location of the Sydney Upper Water Canal.

Clause 2.18 in Part 2 (Requirements Applying to all Types of Development) of the CSCDCP already details the requirements for development applications adjacent to the Canal. The inclusion of the corridor within the Infrastructure SEPP strengthens this requirement.

d) Sydney Water

The submission identifies that tree planting must comply with Sydney Water's Building Over Assets (BOA) Policy. Concern is raised that the species list in appendix 1 of the draft CSCDCP cannot comply with the BOA policy and would be in breach of the Sydney Water Act if planted over assets in the verge/footpath area. To resolve this issue, the species list should be consistent with their technical requirements.

Comments: The list of street tree species is unchanged from the original adopted and in-force DCP for Menangle Park. Amendments to the list of suitable street trees will be investigated and implemented in the next amendment of the DCP which is likely in early 2022.

2. Public Submission

A public submission that objects to the development of Menangle Park is summarised below.

a) Climate Change

Although efforts to address urban heat island effect are supported, the responsibility for tree planting in the front and rear of yards should be met by the developer, with a requirement the tree be maintained or replaced if they do not survive.

Comment: The draft CSCDCP proposes that future owners are required to plant at least one tree in the front and rear setback. This would be the responsibility of the future lot owner to satisfy prior to seeking an occupation certificate for the dwelling.

b) Bushfire Emergency Plan

Concern is raised regarding lack of information concerning bushfire evacuation.

Comments: The purpose of a development control plan is to give effect to the Campbelltown Local Environmental Plan 2015 and to specify local development guidelines for development. This includes a requirement for development to be consistent with Planning for Bushfire Protection 2019 that requires referral to the NSW Rural Fire Service (RFS) for land identified on the Bushfire Prone Land Map. The RFS considers evacuation in its assessment of subdivision applications and specifies requirements for developers in regard to layout planning, street design and asset protection zones.

Conclusion

The amendment to Volume 2, Part 8 Menangle Park Development Control Plan seeks to provide contemporary controls to support new housing development.

The recent registration of the Stage 1 plan of subdivision for 255 lots now permits the individual owners of these lands to submit applications for new dwellings by either development application or complying development certificate.

In response to submissions, Council officers will continue to liaise with State authorities to implement improvements to the DCP in early 2022. Until this time, it is recommended that Council adopt the exhibited amendments attached to this report.

Attachments

1. Menangle Park Development Control Plan (due to size)(distributed under separate cover)

8.3 Reclassification of Land at Apex and Bradbury Parks, Bradbury - Outcome of Public Exhibition and Public Hearing

Reporting Officer

Executive Manager Urban Centres
City Development

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.2 - Create safe, well maintained, activated and accessible public spaces

Officer's Recommendation

1. That Council forward the Planning Proposal to reclassify land at Apex and Bradbury Parks, Bradbury at attachment 1 to this report to the Minister for Planning and Public Spaces, and request that the Planning Proposal be sent to the Governor for final approval and that, subject to that approval, the Planning Proposal be made.
2. That all those who made a submission during the public exhibition and at or following the public hearing be notified of Council's decision.

Purpose

The purpose of this report is:

- To advise Council of the outcome of the public exhibition and public hearing of the subject Planning Proposal (PP) in accordance with the Council resolution of 9 February 2021.
- To seek Council's endorsement of the proposed next steps in regards to the proposed land reclassification through an amendment to the Campbelltown Local Environmental Plan 2015 (CLEP 2015).

Property Description: Part Lot 532 DP 230227, The Parkway, Bradbury, (Incorporating Apex Park, Bradbury Park and The Gordon Fetterplace Aquatic Centre)
Lot 1 DP 137067, The Parkway, Bradbury, (incorporating Bradbury Park)
Lot 4 DP 259807, The Parkway, Bradbury, (incorporating Bradbury Park)
Lot 66 DP 1127402, The Parkway, Bradbury, (incorporating Bradbury Park)
Part Lot 67 DP 1127402, The Parkway, Bradbury
Part Lot 68 DP 1127402, 318 Queen Street, Campbelltown
Lot 35 DP 702933, The Parkway, Bradbury, (incorporating Bradbury Park)

Part Lot 1 DP 213026, The Parkway, Bradbury, (incorporating Bradbury Park)

Applicant: Campbelltown City Council

Owners: Campbelltown City Council

Executive Summary

- At its meeting on 9 February 2021 Council resolved to forward the subject PP and attachments to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination. The PP sought to reclassify the subject site from community land to operational land.
- DPIE issued a Gateway Determination on 12 April 2021.
- A further alteration to the Gateway Determination was issued by DPIE on 6 May 2021 to resolve anomalies in the initial Gateway Determination.
- In response to the positive Gateway Determination, the PP and associated attachments were publicly exhibited from 1 June to 29 June, 2021.
- Twelve submissions were received during the public exhibition, 9 of those were from members of the public. Eight public submissions were in-opposition to the proposal and one was neutral.
- State Agency submissions were received from Transport for NSW and NSW Mining, Exploration and Geoscience. No objections were raised in either submission.
- One submission was received from the State Member for Macquarie Fields who was in opposition to the proposal.
- A public hearing was held on 30 September, 2021 which was chaired by an independent chairperson in accordance with the *Local Government Act 1993* (LG Act).
- A total of 26 submissions were made to the public hearing, 5 verbally at the hearing and 21 written submissions made directly to the independent chairperson.
- The Gateway Determination requires the PP must be submitted to DPIE for finalisation by 24 December, 2021 to allow adequate time for DPIE to seek the Governor's approval and assess the proposal.

Background

In March 2018 the Greater Sydney Commission released 'A Metropolis of Three Cities – The Greater Sydney Region Plan', together with 5 supporting district plans which establish a clear future vision for Greater Sydney to 2056. This proposal is consistent with that vision.

Campbelltown City Council is a signatory to the Western Sydney City Deal. As part of the Western Sydney City Deal, the 3 levels of government committed to provide \$150 million towards the Western Parkland City Liveability Program. The Program includes \$60 million each from the Australian and NSW governments and a minimum contribution of \$30 million from City Deal Councils (Blue Mountains City, Camden, Campbelltown City, Fairfield City, Hawkesbury City, Liverpool City, Penrith City and Wollondilly Shire). Some Councils contributed additional funding which will result in the Program far exceeding the initial \$150 million commitment. Taken together the total funding for the Program will exceed \$190 million.

In January 2019, the Federal Minister for Population, Cities and Urban Infrastructure, the Hon Alan Tudge MP and NSW Minister for Western Sydney, the Hon Stuart Ayres MP jointly announced projects valued at up to \$149.82 million under Round One of the Western Parkland City Liveability Program. These projects will provide vital community infrastructure and public spaces across the Western Parkland City, including parks, sporting facilities, rejuvenated town centres and art and cultural event spaces.

As part of the Western Sydney City Deal Campbelltown City Council will deliver the Campbelltown Billabong Parklands, a landmark and iconic swimming lagoon at Apex Park and Bradbury Park in Bradbury. The project will create a series of interlinked and flexible open spaces in a riverine-like parkland setting. It will offset the urban heat island effect experienced in the Campbelltown CBD, integrate with adjacent areas to create a community and recreational hub and celebrate Campbelltown's Aboriginal community through sensitive interpretation within the project design.

As part of the greater project a PP to reclassify the entire site has been prepared and publically exhibited. The PP aims to facilitate the project and provide greater flexibility for the future management of the site.

Report

The PP and associated attachments were publically exhibited from 1 June to 29 June, 2021. A public hearing for the PP was also held on 30 September, 2021.

Land owners located within 200 m of the subject site were notified of the public exhibition in accordance with the Council's Community Participation Plan. Exhibition materials were made available on Council's website and on the NSW Planning Portal website.

Two public authorities were also notified in writing of the public exhibition in accordance with requirements of the Gateway Determination.

In response, 9 public submissions, one submission from the Member for Macquarie Fields and 2 State Agency submissions were received.

A public hearing on the PP was also held on 30 September, 2021 in accordance with the LG Act. A total of 26 submissions were made to the public hearing. A copy of the Public Hearing Report prepared by the Independent Chairperson is attachment 2 to the report.

The following submissions were made:

Submissions made during the public exhibition		
	Submission	Response
1 Resident	The submission is in opposition to the PP as it would remove the playing fields as green space.	The PP does not seek to remove the playing fields as green space. The PP seeks to reclassify the land only.
2 Campbelltown Collegians	<p>The submission is in opposition to the PP for the following reasons.</p> <ul style="list-style-type: none"> • Traffic issues caused by the Billabong. • High rise apartments will be built. • Safe by design evaluation is required to be undertaken on the site. • Prime location for the local community to undertake physical activity as well as the club who has a number of sporting teams. • Blowout costs on the Billabong project has resulted in Council undertaking this PP. 	<p>The PP relates to the reclassification of the entire site. There is no information to suggest high rise apartments will be built on the site.</p> <p>The reclassification of the site does not result in the need for a safer by design study as it does not of itself change the sites use. The sporting fields would remain should the PP be gazetted. The costs relating to the PP are not related to the construction costs.</p>
3 Resident	The submission is in opposition to the PP as it would take away the fields from the Campbelltown Collegians who have utilised the fields for decades.	<p>The PP does not seek to amend the current use of the sporting fields or remove any lease arrangement for their use.</p> <p>Council is making significant investment to upgrade the facilities at Bradbury Oval.</p>
4 Resident	<p>The submission is in opposition to the PP for the following reasons.</p> <ul style="list-style-type: none"> • The PP would increase traffic flow. • Impact on existing parking. • The Billabong is considered to be in a poor location. • The funds used on the Billabong could have been used elsewhere such as roads, homelessness and children's education. • The PP would remove the opportunity for kids to get active. 	<p>The PP relates to reclassification of land and would not generate existing traffic around the site and there are no plans to alter the existing car parking arrangements on the site.</p> <p>Although the Campbelltown Billabong development is located on the same site of the proposed reclassification, the construction and design are not related to this PP.</p> <p>The funding arrangements relating to the Campbelltown Billabong were agreed to by three tiers of Government. Council's budget is reviewed on a financial year basis and is available on Council's website.</p>

		There is no information to suggest that the PP would remove the opportunity for kids to get active.
5 Resident	The submission is in opposition to the PP as the fields will not remain for community purposes.	The PP does not seek to amend the current sporting fields from the site.
6 Resident	<p>The submission is in opposition to the PP for the following reasons.</p> <ul style="list-style-type: none"> • The land should remain community land to stop the land from being sold in the future. • The funds should be used on other infrastructure projects and not on the current site. • The land should remain solely green space as there are café's and eateries in close proximity. • Cafes and eateries would be more suitable at Koshigaya Park. 	<p>The PP does not seek to sell the land once the land is made operational land.</p> <p>Funding has been used on the subject site as recently as 2021 to upgrade the lighting of the sports fields.</p> <p>The RE1 – Public Recreation zone for the site ensures that the land is used as a public recreation and green space.</p> <p>Further investigation into the suitability of commercial premises complementary to the Billabong will be undertaken in the future and would not be located on either Bradbury 1 or Bradbury 2.</p>
7 Resident	<p>The submission is in opposition to the PP for the following reasons.</p> <ul style="list-style-type: none"> • The oval has been used for sport for decades. • The oval is used to get kids active. • The reclassification would impact on the sporting clubs that use the grounds all year round. 	<p>Noted.</p> <p>Noted.</p> <p>The PP does not impact on the sporting clubs use of the fields as the proposal does not seek to amend any current lease/user arrangements.</p>
8 Resident	<p>The submission is in opposition to the PP for the following reasons.</p> <ul style="list-style-type: none"> • Why is it necessary to reclassify the land if Council does not intend to change the continual use of the site as a community space? • The oval is a highly used area by both children and adults. • The PP states that Council seeks to investigate parts of the site that are considered underutilised. How has this benchmark been established? 	<p>The PP seeks to reclassify the land to provide a greater flexibility in the options to manage the land which is consistent with other Council assets such as the Campbelltown Arts Centre.</p> <p>It is noted that the sporting fields are used by both children and adults.</p>

	<ul style="list-style-type: none"> • The current space promotes good psychological impacts on the community. • What assurances are there that Council will not sell the site? 	<p>Further investigation into the useability of space on the site would be able to occur once the land is made operational.</p> <p>It is noted that the current site promotes positive outcomes for the community.</p> <p>While the classification of the land as operational in theory enables Council to sell the land, there is no intention to do so. Council has other key sites classified as operational land, such as the Campbelltown Arts Centre and has continued to hold and develop these sites. In the case of the Arts Centre the classification as operational land provides greater flexibility in the management of the site similar to what is proposed for Apex and Bradbury Parks. Council could only choose to sell the land through a public process and given the significant public investment on the land its sale is clearly not Council's intention.</p>
9 Resident	<p>The submission is neutral however some points are raised in relation to the PP.</p> <ul style="list-style-type: none"> • Why does Council need to reclassify the site? • What does Council envisage for the entirety of the site? • Would the site be rezoned to another use? • Will the Gordon Fetterplace Aquatic Centre be relocated? • What are the objectives of the Planning Proposal? • Is a housing estate planned for the site? • Council has spent a lot of money over the last few years on the ovals. Was this a mismanagement of funding? • The Local Planning Panel advised in their comments that "The reclassification of land would also 	<p>The PP seeks to reclassify the land to provide a greater flexibility in the options to manage the land which is consistent with other Council assets such as the Campbelltown Arts Centre.</p> <p>Council would undertake an investigation to determine uses that would be suitable in conjunction with the sporting fields in the future.</p> <p>There are no current plans to relocate Gordon Fetterplace Aquatic Centre.</p> <p>A housing estate is not planned for the site.</p>

	<p>allow Council to potentially investigate options for other uses that seek to complement the Campbelltown Billabong. The Panel noted that the substantial works proposed on the site render it different to other public recreation land. It is a reasonable approach to classify a significant community infrastructure site as operational land. This approach should not be extended to general public open space which should remain as community land and therefore this should not be seen as a precedent to similar decisions for other open space." What are the concerns of the panel to make this statement?</p>	<p>Due to the uniqueness of the site which incorporates an aquatic centre, sporting fields and the future Campbelltown Billabong the Local Planning Panel advised Council that the site is not a usual community land space as a lot of construction work and financial investment is being undertaken on the site, and this justifies it being treated differently to other community land like neighbourhood parks.</p>
<p>10 Federal MP for Macquarie Fields</p>	<p>The submission is in opposition of the PP for the following reasons.</p> <ul style="list-style-type: none"> • Insignificant detail relating to the funding increase for the Billabong project. • The PP does not provide clear details about what the reclassification will mean. • How will the PP impact the existing sporting fields and their use by sporting clubs? • If commercial operations are established on the site will Council be the owner? • What potential management options would be unlocked as a result of the PP? • The submission raises concerns relating to the Billabong project. 	<p>The funding in relation to the Campbelltown Billabong does not form part of this PP.</p> <p>All information provided in the PP, attachments and public hearing report are aimed to inform the public of the aims of the proposed reclassification.</p> <p>The PP does not impact on the existing sporting fields and use of the fields will continue should the land be changed to operational land.</p> <p>Investigation will occur into the future on the best approach to commercial operations that could be co-located on the site including ownership.</p> <p>Potential management options such as maintenance of the site and co-locate commercial opportunities would be able to be investigated for the site.</p> <p>The Campbelltown Billabong project forms a small part of the greater site. The Billabong will provide a great community facility which is co-located with existing sporting fields and aquatic centre.</p>

Public Hearing

A public hearing chaired by an independent chairperson was held on 30 September, 2021 in accordance with the LG Act 1993. The hearing was chaired by Sandy Hoy of Parkland Planners. A total of 7 people attended the virtual public hearing and 5 made submissions at the hearing. A further 21 submissions were made in writing to Sandy Hoy. The following concerns were raised.

No.	No. of times raised	Submission	Council Response
1 In - opposition	18	Do not support reclassification of Bradbury Park - impact on cricket, rugby league and other sports using Bradbury Ovals 1 and 2	The PP does not impact on the continued use of the site for sporting teams. The PP only seeks to amend the classification of the land from public to operational land. The proposal would allow for a simplified approach to the management of the land.
2 In - opposition	1	Do not support - impact on place to exercise	The PP would not impact on the site and its freedom to undertake exercise.
3 In - opposition	1	Do not support - community will be charged for access	There are no plans to charge the community for access to the site and Campbelltown Billabong.
4 Neutral	1	Concerns that the assumption of commercial success may not eventuate and will only further compound the financial risk to ratepayers.	Investigations into viable options for the site would be undertaken to ensure that the most sensible commercial operations will operate in a manner that is considered successful and also co-locate with existing sporting fields.
5 In - support	1	Support - Billabong Parklands will be a recreation asset for the community	Noted.

The following table provides the recommendations from the Chairperson and responses to each recommendation.

No.	Recommendation	Response
1.	Consider the community's viewpoints and issues raised in the verbal and written submissions outlined in detail in Section 5 and summarised in Section 6.1 when making the decision whether to proceed with the proposed reclassification.	The submissions received both through the public exhibition period and public hearing process have been considered. The PP is the most suitable approach when considering the site in its entirety. The reclassification of land would provide greater flexibility for future use and management of the site.

2.	Consider reclassifying only part of the proposed Billabong Precinct Area ie. Apex Park as operational land.	Reclassifying part of the land would not be a suitable approach for the site. It is likely that split reclassification would in future result in different standards of management on different parts of the site.
3.	Consider retaining Bradbury Ovals 1 and 2, Gordon Fetterplace Aquatic Centre and the sports courts as community land.	Reclassifying only part of the land would not be a consistent approach to the greater site and would cause issues in terms of management options. Bradbury Ovals 1 and 2, Gordon Fetterplace Aquatic Centre and the sports courts will remain as accessible to the community even if the land classification for the site is amended.
4.	Ensure continued access by sporting organisations to Bradbury Ovals 1 and 2.	The PP does not remove ongoing public access to Bradbury Ovals 1 and 2 and does not alter Council's ability to manage existing site users.
5.	Provide more information to the community to address their concerns about commercial ventures, financial viability, leasing and management of the Billabong Parklands.	All future considerations for the site will be presented to the community through relevant communication materials.
6.	Continue to engage the local community about plans for and progress of the Billabong Parklands.	Noted.

The submissions identified concerns relating to the ongoing future of the entire site particularly Apex and Bradbury Parks. A copy of the public hearing report and submissions are located within attachment 6.

Partial reclassification of the Apex/Bradbury Park lands

Councillors were provided with a briefing on the submissions received on Tuesday 19 October, 2021. At this briefing it was requested that the Council report include some explanation of the benefits and potential implications of reclassifying only part of the site to operational land, in response to recommendations 2 and 3 of the independent chair persons report.

A partial reclassification of the site for the purposes of this section of the report would mean that just the proposed Billabong site would become operational land and the remainder of the site, being Bradbury Ovals 1 and 2, the Gordon Fetterplace Aquatic Centre and the sports courts would remain as community land.

The benefits of a partial classification with only the Billabong area reclassified are:

- Reduced community concern over how the reclassification of land might impact on the community's ongoing use of the non-Billabong lands.
- The management controls for the sports courts, Gordon Fetterplace Aquatic Centre and Bradbury 1 and 2 ovals would not change.

- The management options for the sports courts and Bradbury 1 and 2 ovals would remain consistent with the majority of other sports fields owned by Council.

The disbenefits and consequences of only reclassifying part of the site are:

- The partial reclassification creates an inefficient management structure across the Apex and Bradbury Parks. It is more efficient if classification boundaries match land title boundaries.
- Due to there being no legal boundary along the perimeter of the Billabong, the delineation of the actual classification boundary would be arbitrary and inefficient. Future changes to this classification boundary would create an unnecessary administrative burden.
- The partial reclassification would hinder the regularising of the lot and boundary arrangement across the wider Apex/Bradbury Park area due to the restrictions that apply to community land.
- The partial reclassification would result in 2 different management regimes across the site, potentially leading to different standards of management and to community concern if one area was clearly managed to a higher standard than the other.
- The partial reclassification would not be consistent with the current NSW Government's Gateway determination for the entire land to hold a single classification, and it is expected that the process would need to start again from the beginning if the whole site is not reclassified.
- Reclassifying part of the site may result in missed opportunities to take advantage of management options and the benefits of co-location.
- The partial reclassification would limit Council's ability to take commercial opportunities within the Gordon Fetterplace Aquatic Centre.

It is important to note that there are some elements that remain constant regardless of the classification of the site:

- The use of Bradbury 1 and 2 ovals, Gordon Fetterplace Aquatic Centre, sports courts, remains unchanged.
- Council's ability to continue current user agreements remains unchanged.
- Council's ability to remove or renew current users and/or future users of the land remains unchanged.
- Any decision to alter the use of Bradbury 1 and 2 ovals, or the sports courts would be made independent of its classification and would be subject to a completely separate public engagement process.
- There is no intention to sell any of the land and any decision to do so would need to be made by the whole Council through a public process.

On balance it is considered that the disbenefits and consequences of a partial reclassification outweigh the benefits and accordingly it is recommended that the whole site be reclassified as operational land.

Government Agency Submissions

NSW Mining, Exploration and Geoscience

NSW Mining, Exploration and Geoscience raised no objection to the PP and associated attachments as there would be no resource sterilisation issues for consideration under section 9.1 of the EP&A Act, Direction 1.3 Mining, Petroleum Production and Extractive industry.

Transport for NSW

Transport for NSW raised no significant objection to the PP and associated attachment.

However, the response notes that the Narellan Road/Oxley Street/The Parkway/Appin Road signalised intersection is already heavily congested, and careful consideration is needed of proposals that will likely attract more traffic to the area in terms of its ongoing operations. As such, Council should consider assessing the traffic impacts on this intersection, for the scenario when the Billabong is operational and for any other proposed uses that will generate traffic.

Response

The submission is noted. Any future work relating to the site will require consultation with Transport for NSW. It is anticipated that further work relating to the Campbelltown Billabong and traffic arrangements will also be considered in the near future.

Gateway Determination Conditions

The following table provides responses to the gateway determination conditions that are required to be met in order for the PP to be finalised.

No.	Condition/Requirement	Response
1	The PP, Part 2 Explanation of Provision, is to be updated to align with the requirements of LEP Practice Note 16-001: a) where all relevant interests proposed to be extinguished and discharged are to be identified; and b) confirm which part of Schedule 4 of the LEP 2015 is to be amended.	The PP has been amended to reflect the changes.
2	Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows: a) The PP must be made publicly available by 1 September 2021 for a minimum of 28 days; and c) The PP 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 6.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment, 2018).	The PP was publically exhibited for 28 days from 1 June to 29 June, 2021. The PP and associated attachments were made publically available on Council's website and the NSW Planning Portal website. Section 10.17 and 10.18 of the EP&A Act allows Councils to satisfy public exhibition requirements during the COVID-19 pandemic.

3	<p>Consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act:</p> <p>a) Transport for NSW</p> <p>b) NSW Mining, Exploration and Geoscience</p>	<p>Both State Agencies notified of the PP.</p> <p>Transport for NSW provided comments relating to the existing road network and NSW Mining, Exploration and Geoscience raised no concerns in relation to the PP.</p>
4	A public hearing is required before 1 November 2021, to be held into the matter by any person or body under section 3.34(2)(e) of the Act.	A public hearing was held on 30 September, 2021. The Independent Chairperson for the hearing was Sandy Hoy from Parkland Planners.
5	Council must send the PP to the Department, for Governor Approval and finalisation of the LEP, by 24 December 2021.	Subject to the outcome of the Council Meeting, Council Staff will forward the PP to DPIE for Governor approval and making prior to 24 December 2021.
6	<p>The PP 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</p> <p>a) The PP authority has satisfied all the conditions of the Gateway determination;</p> <p>b) the PP is consistent with section 9.1 directions or the Secretary has agreed that any inconsistencies are justified; and</p> <p>c) there are no outstanding written objections from public authorities.</p>	<p>The PP has satisfied all the conditions of the gateway determination as well as the Section 9.1 directions.</p> <p>There are no outstanding written objections from public authorities in relation to the PP.</p>
7	The time frame for completing the LEP is to be 12 months following the date of the Gateway determination.	<p>Should the Councillors resolve to proceed the Planning Proposal to finalisation, the PP would be lodged prior to the 24 December, 2021 deadline as outlined in condition 5 of the gateway determination.</p> <p>The deadline for the finalisation of the amendment is 12 April, 2022.</p>

A copy of the original gateway determination and alteration are located at attachments 4 and 5 respectively.

Next Steps and Timeframe

The next step in the process is to forward the PP and attachments to DPIE requesting Governor's approval. The deadline for this step is 24 December, 2021.

Conclusion

A total of 38 submissions were received during both the public exhibition and the public hearing of the PP. Twelve submissions were received during the public exhibition of the proposal which included 9 from the general public, 2 from State Agencies and one from the Member for Macquarie Fields.

During the public hearing held on 30 September, 2021 a total of 26 representations were made verbally and in-writing to the Chairperson.

The submissions received mainly relate to the construction of the Campbelltown Billabong project and the ongoing future of the Apex and Bradbury Parks sporting ovals. The Planning Proposal does not seek to amend the current RE1 – Public Recreation zone under CLEP 2015 and the ongoing use of the sporting ovals will continue to operate and be accessible to the public.

The Planning Proposal seeks to reclassify the land to provide a greater flexibility in the options to manage the land which is consistent with other Council assets such as the Campbelltown Arts Centre. Any future proposals for the site would be undertaken in a transparent way and include appropriate consultation to allow the community to provide feedback on proposals.

The reclassification of land does not amend the existing use of the site for sporting purposes.

Attachments

1. Planning Proposal Billabong for Public Exhibition (contained within this report) [↓](#)
2. LEP Practice Note and responses (contained within this report) [↓](#)
3. Title Search (contained within this report) [↓](#)
4. Council Meeting Agenda and Minutes 9 Feb 2021 (contained within this report) [↓](#)
5. Gateway Determination 12 April 2021 (contained within this report) [↓](#)
6. Alteration to Gateway Determination 6 May 2021 (contained within this report) [↓](#)
7. Apex and Bradbury Parks Reclassification – Public Hearing Report 15 October 2021 (contained within this report) [↓](#)



Planning Proposal

**Reclassification of Land at Apex Park and Bradbury Park
from Community Land to Operational Land to facilitate the
Campbelltown Billabong Project**

May 2021

Introduction

This Planning Proposal seeks to amend the Campbelltown Local Environmental Plan 2015 (CLEP 2015) and explains the intent of, and justification for, the reclassification of land located at Apex Park and Bradbury Park from Community to Operational Land. The purpose of the reclassification of land is to facilitate the ongoing use and management of the Billabong which is under construction, and any future co-located facilities, following funding under the Western Sydney City deal to construct the Billabong.

The Site

The subject site currently includes the following properties:

- Part Lot 532 DP 230227, The Parkway, Bradbury, (Incorporating Bradbury Park and The Gordon Fetterplace Aquatic Centre)
- Lot 1 DP 137067, The Parkway, Bradbury, (incorporating Bradbury Park)
- Lot 4 DP 259807, The Parkway, Bradbury, (incorporating Bradbury Park)
- Lot 66 DP 1127402, The Parkway, Bradbury, (incorporating Bradbury Park)
- Part Lot 67 DP 1127402, The Parkway Bradbury,
- Part Lot 68 DP 1127402, 318 Queen Street, Campbelltown
- Lot 35 DP 702933, The Parkway, Bradbury, (incorporating Bradbury Park)
- Part Lot 1 DP 213026, The Parkway, Bradbury, (incorporating Bradbury Park)

A map of the subject site is provided in Figure 1 below.



Figure 1: Subject site

The subject site incorporates 8 lots as identified above and are all owned and managed by Council. The site is currently zoned RE1 – Public Recreation and is identified as Community Land. The purpose of the planning proposal is to reclassify the land from community to operational land.

Background

In March 2018 the Greater Sydney Commission released 'A Metropolis of Three Cities – The Greater Sydney Region Plan', together with five supporting district plans which establish a clear future vision for Greater Sydney to 2056.

As part of the Western Sydney City Deal, the three levels of government committed to provide \$150 million towards the Western Parkland City Liveability Program. The Program includes \$60 million each from the Australian and NSW governments and a minimum contribution of \$30 million from City Deal Councils (Blue Mountains City, Camden, Campbelltown City, Fairfield City, Hawkesbury City, Liverpool City, Penrith City and Wollondilly Shire). Some Councils contributed additional funding which will result in the Program far exceeding the initial \$150 million commitment. Taken together with committed the total funding for the Program will exceed \$190 million.

In January 2019, the Federal Minister for Population, Cities and Urban Infrastructure, the Hon Alan Tudge MP and NSW Minister for Western Sydney, the Hon Stuart Ayres MP jointly announced

projects valued at up to \$149.82 million under Round One of the Western Parkland City Liveability Program. These projects will provide vital community infrastructure and public spaces across the Western Parkland City, including parks, sporting facilities, rejuvenated town centres and art and cultural event spaces.

As part of the Western Sydney City Deal Campbelltown City Council will deliver the Campbelltown Billabong Parklands, a landmark and iconic swimming lagoon at Apex Park and Bradbury Park, Bradbury. The project will create a series of interlinked and flexible open spaces in a riverine-like parkland setting. It will offset the urban heat island effect experienced in the Campbelltown CBD, integrate with adjacent areas to create a community and recreational hub and celebrate Campbelltown's Aboriginal community through sensitive interpretation within the project design.

The project received funding of \$31,000,000 which included \$7,500,000 from the Australian Government, \$7,500,000 from the NSW Government and \$16,000,000 from Council.

In order to facilitate the project and ensure that the site successfully operates as a Billabong, a planning proposal is required to make the land operational.

Existing Situation

The site currently comprises 8 lots of land that form part of Bradbury Park and Apex Park. The site is located on the corner of Moore-Oxley Bypass and The Parkway in Bradbury. The site incorporates Bradbury Oval and associated clubhouse, a skate park, basketball and netball courts and the Gordon Fetterplace aquatic centre.

The site is zoned RE1 – Public Recreation under the Campbelltown Local Environmental Plan 2015. A zoning map of the site is shown in Figure 2 below.

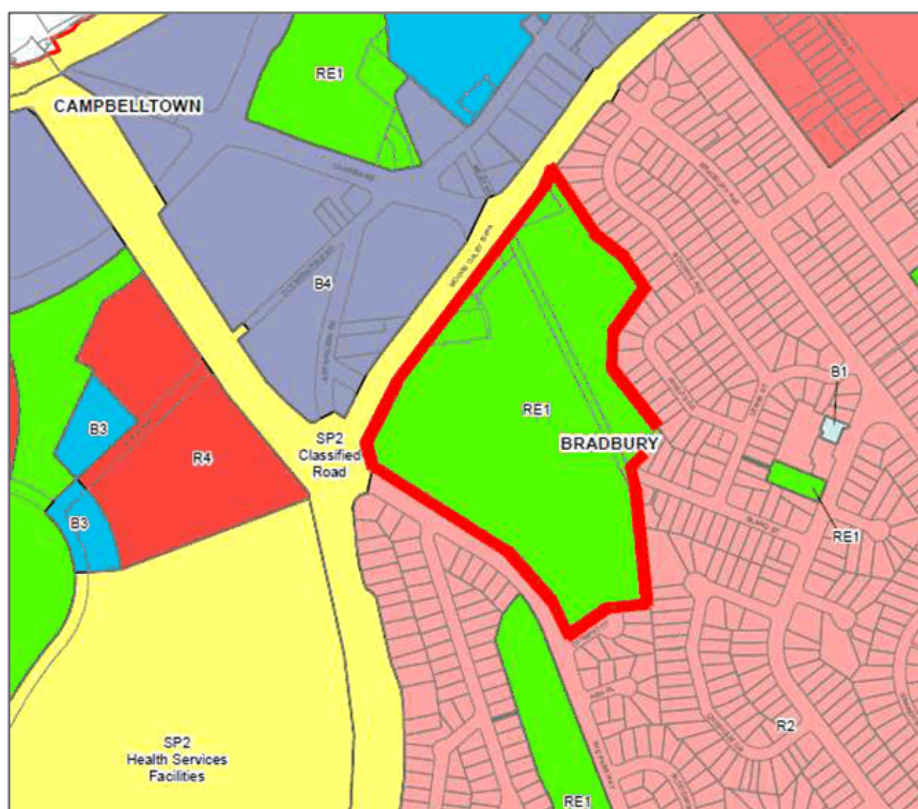


Figure 2: Zoning of subject site.

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to reclassify the subject site from community to operational land. The proposed reclassification would assist Council in the process of turning the proposed Billabong into a functioning project once it is completed in 2022. The reclassification would also allow Council to unlock land that may be considered under utilised and promote other uses that would work in cohesion with the Billabong.

The land is currently owned by Campbelltown City Council and is classified as 'Community Land' under the Local Government Act 1993. In order for the land to be functioning and used for business purposes it will be required to reclassify the land to 'Operational Land' which is undertaken by a Local Environmental Plan amendment under the Environmental Planning and Assessment Act 1979.

The planning proposal does not seek to amend the zoning or any other planning controls under CLEP 2015. The proposed use as a Billabong would be considered a permissible use in accordance with the RE1 – Public Recreation zone under CLEP 2015 thus not requiring an amendment to the LEP.

Part 2 – Explanation of provisions

The objectives and intended outcomes of the planning proposal will be achieved by amending the CLEP 2015 through the inclusion of the subject site as 'Operational Land' under Schedule 4 of the CLEP 2015. The proposed wording is outlined below in Figure 3.

Insert into Part 1 of Schedule 4 of CLEP 2015:

Column 1	Column 2
Locality	Description
Bradbury Park and Apex Park	Lot 1 DP 137067

Insert into Part 2 of Schedule 4 of CLEP 2015:

Column 1	Column 2
Locality	Description
Bradbury Park and Apex Park	Part Lot 532 DP 230227 Lot 4 DP 259807 Lot 66 DP 1127402 Part Lot 67 DP 1127402 Part Lot 68 DP 1127402 Lot 35 DP 702933 Part Lot 1 DP 213026

Figure 3: Proposed wording to be inserted into CLEP 2015

The following table in figure 4 provides greater detail in response to the Secretary's requirements as stated in the Practice Note 16-0001 checklist including interests in the land. A detailed response to each checklist item can be found in attachment 1 and the results of a title search of each lot can be found in attachment 2.

Lot and DP	Interest	Proposed Action	Recommended Schedule 4 Part	Are all interests proposed to be removed	Certificate of title provided	Public reserve	Is Council the Landowner?
Lot 532 DP 230227	The lot currently incorporates the Gordon Fetterplace Aquatic Centre. Caveat by the Registrar General	No further action is required to the caveat. It is proposed to extinguish the caveat as part of the	2	Yes	Yes	Yes	Yes

Lot and DP	Interest	Proposed Action	Recommended Schedule 4 Part	Are all interests proposed to be removed	Certificate of title provided	Public reserve	Is Council the Landowner?
	<p>forbidding registration of instruments not authorised by the provisions of the Local Government Act 1919, relating to public reserves.</p> <p>Council is the landowner. The land was dedicated as public reserve on registration of DP 230227 on 28 November 1966.</p>	<p>planning proposal. It is recommended that a condition of the gateway determination be included requiring the caveat be discharged after public exhibition of the planning proposal.</p>					
Lot 1 DP 137067	<p>Land excludes minerals under section 536AA of the Local Government Act 1919. The land subject to the lot and dp is outlined as</p>	<p>No further action is required.</p>	1	No	Yes	Yes	Yes

Lot and DP	Interest	Proposed Action	Recommended Schedule 4 Part	Are all interests proposed to be removed	Certificate of title provided	Public reserve	Is Council the Landowner?
	<p>a public reserve.</p> <p>Council is the landowner. The lot is a former road resumed by Council under the Local Government Act 1919 for the purpose of 'the replanning or resubdivision of existing parcels of land in one or more lots, the closing of a public road and providing, controlling and managing grounds for public recreation' (Government Gazette No.20 of 18 February 1966, page 871).</p>						

Lot and DP	Interest	Proposed Action	Recommended Schedule 4 Part	Are all interests proposed to be removed	Certificate of title provided	Public reserve	Is Council the Landowner?
Lot 4 DP 259807	Land excludes minerals vide memorandum V595431. E471945 – Restriction(s) on the use of the land. By the Roads and Traffic Authority. E977491 – Transfer from Roads Authority to Council. Council is the landowner. Council purchased the lot from the RTA for \$10,000 on 15 December 1992 (registered dealing E977491).	It is recommended that a condition of the gateway determination be included requiring the restriction on the land be discharged after public exhibition of the planning proposal.	2	Yes	Yes	Yes	Yes
Lot 66 DP 1127402	Limited title – Section 28T of the Conveyancing Act.	It is recommended that a condition of the gateway determination be	2	Yes	Yes	Yes	Yes

Lot and DP	Interest	Proposed Action	Recommended Schedule 4 Part	Are all interests proposed to be removed	Certificate of title provided	Public reserve	Is Council the Landowner?
	Council is the landowner. Council purchased from Marjorie Helen Wonson and Patricia Ann Robinson for \$42,500 on 10 April 1972 (old system conveyance Bk 3048 No 414).	included requiring the restriction on the land be discharged after public exhibition of the planning proposal.					
Lot 67 DP 1127402	Limited title – Section 28T of the Conveyancing Act. Council is the landowner. Council purchased from Marjorie Helen Wonson and Patricia Ann Robinson for \$42,500 on 10 April 1972 (old system conveyance	It is recommended that a condition of the gateway determination be included requiring the restriction on the land be discharged after public exhibition of the planning proposal.	2	Yes	Yes	Yes	Yes

Lot and DP	Interest	Proposed Action	Recommended Schedule 4 Part	Are all interests proposed to be removed	Certificate of title provided	Public reserve	Is Council the Landowner?
	e Bk 3048 No 414).						
Lot 68 DP 1127402	Limited title – Section 28T of the Conveyancing Act. Council is the landowner. Council purchased from Marjorie Helen Wonson and Patricia Ann Robinson for \$42,500 on 10 April 1972 (old system conveyance Bk 3048 No 414).	It is recommended that a condition of the gateway determination be included requiring the restriction on the land be discharged after public exhibition of the planning proposal.	2	Yes	Yes	Yes	Yes
Lot 35 DP 702933	Departmental Dealing – V256669 Council is the landowner. The lot was resumed by Council under the Local Government Act 1919 for the	It is recommended that a condition of the gateway determination be included requiring the restriction on the land be discharged	2	Yes	Yes	Yes	Yes

Lot and DP	Interest	Proposed Action	Recommended Schedule 4 Part	Are all interests proposed to be removed	Certificate of title provided	Public reserve	Is Council the Landowner?
	purpose of 'improving and embellishing the area by planning new roads and subdivisions, rearranging existing roads and replanning or resubdividing existing parcels of land, and selling or leasing the whole or any portion of such land in one or more lots' (Government Gazette No.151 of 20 November 1970, page 4739, listed in the schedule of land as 'lot 35 of the Bradbury Park Estate shown on Roll Plan 378').	after public exhibition of the planning proposal.					

Lot and DP	Interest	Proposed Action	Recommended Schedule 4 Part	Are all interests proposed to be removed	Certificate of title provided	Public reserve	Is Council the Landowner?
Lot 1 DP 213026	<p>BK 2630 No 60 Covenant – for land to be used as public park and recreation</p> <p>BK 3596 No 31 – Land excludes Road as shown in DP 259807 attached</p> <p>Council is the landowner. Council purchased the lot from Meryl Esther McLean for £8,500 on 14 September 1962 (old system conveyance Bk 2630 No 60). Note: this conveyance states that 'the purchaser covenants with the vendor that the land</p>	It is recommended that a condition of the gateway determination be included requiring the restriction on the land be discharged after public exhibition of the planning proposal.	2	Yes	Yes	Yes	Yes



Figure 5: Billabong Masterplan

The Billabong Parklands are identified with green on the map. The Billabong precinct is outlined by a red line.

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

The Planning Proposal is the best way to achieve the intended outcomes and objectives. It follows the LEP practice note for Classification and reclassification of public land through a local environmental plan issued by the NSW Department of Planning, Industry and Environment.

Lot and DP	Interest	Proposed Action	Recommended Schedule 4 Part	Are all interests proposed to be removed	Certificate of title provided	Public reserve	Is Council the Landowner?
	subject of this conveyance will be used for the purposes of a public park and recreation ground.						

Figure 4: Interests on the subject site

Part 3 – Justification**Section A – Need for the planning proposal****1. Is the planning proposal a result of any strategic study or report?**

The subject site is currently in Council ownership and is a public reserve containing two ovals, an aquatic centre and a skate park. As part of the Billabong development Bradbury Oval and the Aquatic Centre will continue to operate during and after construction.

The planning proposal is a result of the joint funding agreement between the Federal Government, State Government and Campbelltown City Council. The Western Sydney City Deal signed in March 2018 is the catalyst for a collaborative approach across three tiers of government to create world-class jobs and a great quality of life through the vision of the Western Parkland City. The Billabong project forms part of the Livability Program and seeks to respect and build on the local character of the area.

Figure 4 below outlines the extent of the Billabong project.

The planning proposal also responds to the PN 16-001 Checklist (Attachment 1) and provides additional detail relating to historical information that exists for the relevant lots as well as a Title Search (Attachment 2).

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 Greater Sydney Region Plan and the Western City District Plan.

A Plan for Growing Sydney

'A Plan for Growing Sydney' sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 689,000 new jobs and 664,000 new homes by 2031. The Plan identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

This Planning Proposal is not inconsistent with the objectives outlined within the Plan.

Greater Sydney Region Plan

The Plan provides a framework for the predicted growth in Greater Sydney. The Plan identifies key goals of delivering a metropolis of three 30 minute cities through four key themes, infrastructure and collaboration, liveability, productivity and sustainability.

The Planning Proposal is consistent with the Greater Sydney Region Plan as it aims to improve the quality of open space and provide a state of the art facility for the community to use. The planning proposal is considered to be consistent with Objective 7 'Communities are healthy, resilient and socially connected' of the Plan. The planning proposal will facilitate flexibility in the future management and operation of the precinct thereby enhancing opportunities for another major meeting place that will promote connected communities and an additional facility for residents to use.

Western City District Plan

The Western City District Plan sets out priorities and actions for the Western Parkland City which are structured on themes that are based on the Greater Sydney Region Plan. The planning proposal is considered to be consistent with Planning Priorities W3, W6 and W18 identified in the Plan. The proposed development of the Billabong will create a new and improved open space area that will be utilised by a large number of community residents when it is opened in June 2022. The design of the Billabong is aligned with local Indigenous and Aboriginal communities to promote the

importance that the community has played in the past and in the future. The reclassification of the land will assist Council in establishing the Billabong as a key meeting point within the LGA.

Glenfield to Macarthur Urban Renewal Corridor Strategy

The Glenfield to Macarthur Urban Renewal Precinct was identified as a growth corridor by the State Government for the purposes of providing further jobs, open space, improved movement networks and revitalisation of existing urban centres through good design.

The Planning Proposal is not inconsistent with the Strategy.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Campbelltown Community Strategic Plan – Campbelltown 2027

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

The proposal is considered to be consistent with the relevant outcomes headed accordingly within the Plan:

- A vibrant, liveable city;
- A respected and protected natural environment;
- A thriving attractive city; and
- A successful city.

The planning proposal is consistent with the outcomes listed.

Campbelltown Local Strategic Planning Statement (LSPS)

The Campbelltown Local Strategic Planning Statement (LSPS) came into effect on 31 March 2020.

The LSPS is Campbelltown City Council's plan for our community's social, environmental and economic land use needs over the next 20 years.

The LSPS provides context and direction for land use decision making within the Campbelltown Local Government Area (LGA).

Its purpose is to:

- Provide a 20 year land use vision for the Campbelltown LGA
- Outline the characteristics that make our city special
- Identify shared values to be enhanced or maintained
- Direct how future growth and change will be managed
- Prioritise changes to planning rules in the Local Environmental Plan (Campbelltown Local Environmental Plan 2015) and Council's Development Control Plans

- Implement the Region and District Plans as relevant to the Campbelltown LGA
- Identify where further detailed strategic planning may be needed.

The LSPS responds to region and district planning initiatives and information received from the Campbelltown community during the public exhibition period for the future of our city. The public exhibition of the Draft LSPS provided an opportunity for our community and key stakeholders to provide feedback. Consultation with Government Departments and Agencies, and the Greater Sydney Commission was also undertaken to ensure alignment with other planning initiatives and priorities for Greater Sydney.

The LSPS identifies the Campbelltown Billabong as a key component in Theme 1 of the document which promotes Campbelltown as becoming a vibrant and liveable city. In accordance with priority 4 of the LSPS the construction of the Campbelltown Billabong is noted as being a short term action which would aid in developing a new space to be utilised for the residents of Campbelltown.

As part of the process, the reclassification of the subject site would assist Council in achieving a timely opening of the site and unlocking potential management options and future complementary co-located uses. The reclassification of the land would allow for greater flexibility to the greater site which would potentially unlock other land uses for community benefit. Investigation is also being undertaken for the potential embellishment of the remainder of the site that does not encompass the Billabong. The regional level parklands to accompany the Billabong will encompass the whole land including the current playing fields at the northern end of the site so that the facilities are able to cater for large groups and provide recreational opportunities for the whole the year, including periods when it is too cold to swim.

Re-imagining Campbelltown CBD

The Re-imagining Campbelltown City Centre Master Plan is a key strategic vision that provides a structured plan for the future growth of the Campbelltown CBD which includes the suburbs of Leumeah, Campbelltown and Macarthur. The subject site is within the boundary of the Re-imagining Campbelltown CBD study area and is consistent with the Master Plan.

The planning proposal is consistent with the four key growth principles outlined within the document:

- Centre of opportunity
- No grey to be seen
- City and bush
- The good life

The planning proposal assists in the development of the Billabong and will provide a green friendly Council amenity within the Campbelltown CBD and will provide an environmental outlet within an urban setting that will be able to be utilised by the residents of Campbelltown.

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.

State Environmental Planning Policies	Comment
SEPP No. 1 Development Standards	Not relevant to the proposal
SEPP 14 – Coastal Wetlands	Not applicable
SEPP 19 – Bushland in Urban Areas	Consistent. The planning proposal does not affect the bushland in the subject area.
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	Consistent. The planning proposal to reclassify does not impact on koala habitat.
SEPP 47 – Moore Park Showground	Not relevant to the Proposal
SEPP 50 – Canal Estate Development	Not relevant to the Proposal
SEPP 52 – Farm Dams	Not relevant to the Proposal
SEPP 55 – Remediation of Lands	Consistent. The use of the land for public recreation purposes is not changing as part of this planning proposal.
SEPP 62 – Sustainable Aquaculture	Not relevant to the Proposal
SEPP 64 – Advertising and Signage	Not relevant to the Proposal. Any future signage would be subject to the provisions of SEPP 64.
SEPP 65 – Design Quality of Residential Apartment Development	Consistent. Residential apartment development is not proposed as part of this Planning Proposal.
SEPP 70 – Affordable Housing Schemes	Not relevant to the Proposal
SEPP 71 – Coastal Protection	Not relevant to the Proposal
SEPP (Building Sustainability Index: BASIX) 2004	Not relevant to the Proposal
SEPP (Educational Establishments and Child Care (Facilities) 2017	Not relevant to the Proposal
SEPP (Affordable Rental Housing) 2009	Not relevant to the Proposal
SEPP (Exempt and Complying Development Codes) 2008	Not relevant to the Proposal
SEPP (Infrastructure) 2007	Not relevant to the Proposal
SEPP (Housing for Seniors or People with a Disability)	Not relevant to the Proposal
SEPP (Integration and Repeals) 2016	Not relevant to the Proposal
SEPP (Kosciusko National Park) 2007	Not relevant to the Proposal
SEPP (Kurnell Peninsular) 1989	Not relevant to the Proposal

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	Not relevant to the Proposal
SEPP (State Significant Precincts) 2005	This SEPP does not apply to the land
SEPP (Sydney Drinking Water Catchment) 2011	This SEPP does not apply to the land
SEPP (Sydney Region Growth Centres) 2006	The proposal is consistent with this SEPP
SEPP (Three Ports) 2013	This SEPP does not apply to the land
SEPP (Urban Renewal) 2010	This SEPP does not apply to the land
SEPP (Western Sydney Employment Area) 2009	This SEPP does not apply to the land
SEPP (Western Sydney Parklands) 2009	This SEPP does not apply to the land
SEPP (Vegetation in Non-Rural Areas) 2017	Not relevant to the Proposal

Figure 6 - Consistency with State Environmental Planning Policies

Consideration of Deemed SEPPs	Comment
REP (Sydney Harbour Catchment) 2005	Not relevant to this Planning Proposal
Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment	Consistent. The proposal would not impact on the water quality and river flows of the Georges River and its tributaries. The proposal is designed to mimic the Georges River and thereby will provide greater community affinity with the River and its qualities.

Figure 7 - Consistency with Deemed State Environmental Planning Policies

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
1. Employment and Resources	
1.1 Business and Industrial Zones	Not applicable
1.2 Rural Zones	Not relevant to the Proposal. The Proposal does not propose any amendments to rural zones.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	The Proposal is not inconsistent with this Direction.
2. Environment and Heritage	
2.1 Environment Protection Zones	Not applicable
2.2 Coastal Protection	Not applicable
2.3 Heritage Conservation	Not applicable
2.4 Recreation Vehicle Areas	Not applicable

3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Not applicable
3.2 Caravan Parks and Manufactured Homes	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
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Not applicable
4.2 Mine Subsidence and Unstable Land	Not applicable
4.3 Flood Prone Land	The planning proposal is consistent with this Direction. The proposed amendments do not propose to increase the planning provisions related to flood prone land.
4.4 Planning for Bushfire Protection	The proposed amendments will not impact on this Direction and the Proposal is generally consistent.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable
5.2 Sydney Drinking Water Catchments	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.5 – 5.7	Repealed
5.8 Second Sydney Airport	Not applicable
5.9 North West Rail Link Corridor Strategy	Not applicable
5.10 Implementation of Regional Plans	The proposal is consistent.
6. Local Plan Making	
6.1 Approval and Referral Requirements	The Planning proposal does not trigger the need for any additional concurrence, consultation or referral to a Minister or Public Authority. The Gateway Determination issued for the planning proposal requires consultation with Transport for NSW and NSW Mining, Exploration and Geoscience.
6.2 Reserving Land for Public Purposes	The Proposal does not propose any additional land for public purposes. The planning proposal seeks to reclassify already existing public land from community to operational land to facilitate the start of the Billabong.
6.3 Site Specific Provisions	The planning proposal is not inconsistent with this Direction.
7. Metropolitan Planning	

7.1 Implementation of a Plan for Growing Sydney	The Proposal is consistent with this Direction.
7.2 Implementation of Greater Macarthur Land Release Investigation	The proposal is not inconsistent with this Direction.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	<p>The Proposal is not inconsistent with this Direction.</p> <p>The planning proposal seeks to facilitate the reclassification of the land from community to operational for the purposes of a Billabong.</p>

Figure 8 – Consistency with Section 9.1 Directions

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.

There is no critical habitat or threatened species, populations' or ecological communities or habitat located on the site.

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

No.

It is anticipated that there would be no environmental effects as a result of the planning proposal. The planning proposal seeks reclassification of land only.

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

No.

The Planning Proposal is not supported by a social or economic assessment. The planning proposal seeks to reclassify the land from community to operational land to facilitate the development of

the Campbelltown Billabong which will continue to be owned by Council and open to the community to use.

Section D – State and Commonwealth Interests

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

No.

The planning proposal will not result in a need for additional public infrastructure.

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

Consultation will occur with public authorities identified in the Gateway Determination. Three tiers of Government have already been involved in the process and have provided funding to undertake the construction of the Campbelltown Billabong.

The reclassification planning proposal aims to validate the development and allow for the operation and opening of the Billabong to commence in July 2022.

Part 4 – Mapping

The Planning Proposal does not seek to amend any mapping as part of the planning proposal.

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 is:

An advertisement placed in any local paper in publication at the time of exhibition (potentially including the Macarthur Chronicle and Campbelltown – Macarthur Advertiser) identifying the purpose of the Planning Proposal and where the Planning Proposal can be viewed.

The Planning Proposal to be exhibited on Council's website (www.campbelltown.nsw.gov.au). Council's libraries also have access to the website.

The Planning Proposal will also be exhibited on the NSW Planning Portal website (<https://www.planningportal.nsw.gov.au/ppr/under%20exhibition>).

Due to the recent events relating to COVID-19, an amendment to the EP&A Act, specifically the inclusion of Clauses 10.17 and 10.18, allowed Council's to satisfy the requirements for public exhibition by having documentation on Council's website.

- **Public Hearing**

A public hearing will be held and facilitated by an independent chairperson following the exhibition period. A report from the independent chairperson on the outcomes of the hearing will be submitted to Council and incorporated in a report to Council on the public exhibition of the planning proposal.

Part 6 – Project Timeline

The planning proposal will require the Governor's approval in accordance with attachment 1 (PN-16-001). Where an LEP requires the Governor's approval, delegation to make the plan cannot be requested. In this instance, Council will request that DPIE make the amendment.

Weeks after Gateway Determination	Item
16 December 2020	Local Planning Panel advice
February 2021	Council endorsement
February 2021	Referral to DPIE for Gateway Determination
April 2021	Gateway Determination
June 2021	Public exhibition of planning proposal
July 2021	Public Hearing
October 2021	A report to Council on Submissions received and Independent Public Hearing report
October/November 2021	Send planning proposal to DPIE for finalisation
December 2021	Council request DPIE to seek Governor's approval and make LEP Amendment
February 2022	Making of LEP Amendment

It should be noted that the Council elections will be held in September 2021 and the project timeline has taken this into account.

LEP practice note

LOCAL PLANNING

Ref No.	PN 16-001
Issued	5 October 2016
Related	Supersedes PN 09-003

Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update guidance on classifying and reclassifying public land through a local environmental plan (LEP). This practice note emphasises the need for councils to demonstrate strategic and site specific merit, includes a comprehensive information checklist and clarifies issues arising for public reserves and interests in land. It should be read in conjunction with *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

Classification of public land

Public land is managed under the *Local Government Act 1993* (LG Act) based on its classification. All public land must be classified as either community land or operational land (LG Act ss.25, 26).

- **Community land** – is land council makes available for use by the general public, for example, parks, reserves or sports grounds.
- **Operational land** – is land which facilitates the functions of council, and may not be open to the general public, for example, a works depot or council garage.

What is public land?

Public land is defined in the LG Act as any land (including a *public reserve*) vested in, or under council control. Exceptions include a public road, land to which the *Crown Lands Act 1989* applies, a common, land subject to the *Trustees of Schools of Arts Enabling Act 1902* or a regional park under the *National Parks and Wildlife Act 1974*.

Why classify public land?

The purpose of classification is to identify clearly that land made available for use by the general public (community) and that land which need not (operational). How public land is classified determines the ease or difficulty a council can have dealings in public land, including its sale, leasing or licensing. It also provides for transparency in council's strategic asset management or disposal of public land.

Community land must not be sold, exchanged or otherwise disposed of by a council. It can be leased,

but there are restrictions on the grant of leases and licences, and also on the way community land can be used. A plan of management (PoM), adopted by council, is required for all community land, and details the specific uses and management of the land.

There are no special restrictions on council powers to manage, develop, dispose, or change the nature and use of operational land.

How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- council resolution under ss.31, 32, or 33 (through LG Act s.27(2)), or
- an LEP under the *Environmental Planning and Assessment Act* (through LG Act s.27(1)).

Councils are encouraged to classify or reclassify land by council resolution where suitable.

Classification of public land occurs when it is first acquired by a council and classified as either community or operational.

Reclassification of public land occurs when its classification is changed from community to operational, or from operational to community.

Reclassification through an LEP

Classification and reclassification of public land through an LEP is subject to both the local plan-making process in the EP&A Act and the public land management requirements of the LG Act.

A planning proposal to classify or reclassify public land, will need to be prepared in accordance with this practice note and the additional matters specified in Attachment 1 to this practice note.

Reclassification through an LEP is the mechanism with which council can remove any public reserve status applying to land, as well as any interests affecting all or part of public land (LG Act s.30).

It is critical that all interests are identified upfront as part of any planning proposal. If public land is reclassified from community to operational, without relevant interests being identified and discharged, then the land will need to be reclassified back to community (usually by council resolution under LG Act s.33¹) before being reclassified in a new planning proposal to operational, to explicitly discharge any interests.

While a reclassification proposal to remove the public reserve status of land and/or discharge interests may not necessarily result in the immediate sale or disposal of the land, the community should be aware the public land in question is no longer protected under the LG Act from potential future sale once it has been reclassified to operational.

Councils should obtain their own advice when proposing to discharge any interests and be aware that this may attract a claim for compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Where land has been dedicated to council by a State agency for a particular purpose and a trust exists, it is advisable for council to seek the views of that agency prior to council commencing any planning proposal affecting the land.

Public reserve is defined in the LG Act and includes a public park and land declared or dedicated as a public reserve.

Land can be dedicated as a public reserve by either:

- registering a deposited plan with a statement creating a lot(s) as 'public reserve', or
- publishing a notification in the Government Gazette for an existing parcel.

Interests in land refers to property ownership as well as rights and privileges affecting land, such as leasehold, easements, covenants and mortgages.

For the purpose of reclassification through an LEP, 'interests' means trusts, estates, dedications, conditions, restrictions and covenants affecting the land.

A legal owner of land may not be the only person with an interest in the land. For example, one person may have the benefit of an easement for services, such as water, electricity or sewerage over someone else's land.

Certain interests are registered on title to ensure they are on record and cannot be disregarded if sold to a new owner. An electronic title search is generally conducted to determine the land owner, correct land description and the type of interests which may affect the land.

Standard Instrument LEP requirements

Clause 5.2—Classification and reclassification of public land in Standard Instrument LEPs enables councils to classify or reclassify public land as operational land or community land in accordance with the LG Act. The land to be reclassified or classified is described in Schedule 4 of the LEP.

Schedule 4 is not to refer to any land already classified or reclassified.

Where there is no public land to be classified, or reclassified, through a principal LEP (i.e. the LEP applies to the whole of a local government area), Schedule 4 will appear blank.

Note: At a later stage council may lodge a planning proposal to remove previous listings in Schedule 4. This will not affect the classification status of these parcels of land.

Department assessment

A proposal to classify or reclassify public land through an LEP must have planning merit. The Department will undertake an assessment to determine whether the proposal demonstrates strategic and site specific merit.

Community consultation

Planning proposals to reclassify public land are to be publicly exhibited for at least 28 days.

A copy of this practice note is to be included in the public exhibition materials.

¹ Note: Council is required to give public notice of the proposed resolution and provide a period of at least 28 days during which submissions may be made (LG Act s.34).

Public hearings

Councils must hold a public hearing when reclassifying public land from community to operational (EP&A Act s.57 & LG Act s.29). This gives the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

After the exhibition period has ended, at least 21 days public notice is to be given before the hearing. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised.

There are specific requirements for the independence of the person chairing the hearing, their preparation of a public hearing report and council making the report publicly available (LG Act s.47G).

Governor's approval

The Governor's approval is required when a reclassification proposal seeks to remove any public reserve status and/or discharge any interests affecting public land (s.30).

When a council reports back to the Department on the community consultation undertaken and requests the Department make the LEP, the Department will arrange legal drafting of the LEP, including recommending the Governor approve the provisions before the LEP can be legally made.

Where the Governor's approval is required, the council's report accompanying the final planning proposal must address:

- council's interests in the land;
- whether the land is a 'public reserve';
- the effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status;
- the strategic and site specific merits of the reclassification and evidence to support this;
- any current use of the land, and whether uses are authorised or unauthorised;
- how funds obtained from any future sale of the land will be used;
- the dates the planning proposal was publicly exhibited and when the public hearing was held;
- issues raised in any relevant submissions made by public authorities and the community;
- an explanation of how written and verbal submissions were addressed or resolved; and
- the public hearing report and council resolution.

Authorisation of delegation

Local plan making functions are now largely delegated to councils.

A Written Authorisation to Exercise Delegation is issued to a council as part of the Gateway determination. However, where an LEP requires the Governor's approval, this council delegation cannot be issued. In this instance, the council must request the Department make the LEP.

A decision to classify or reclassify public land cannot be sub-delegated by council to the general manager or any other person or body (LG Act s.377(1)(l)).

Background

On July 1, 1993 when the LG Act commenced, the following land under council ownership or control, was automatically classified as *community* land:

- land comprising a public reserve,
- land subject to a trust for a public purpose,
- land dedicated as a condition of consent under s.94 of the EP&A Act,
- land reserved, zoned or otherwise designated for use under an environmental planning instrument as open space,
- land controlled by council and vested in Corporation Sole - Minister administering the EP&A Act.

Councils must keep a register of land under their ownership or control (LG Act s.53) and anybody can apply to a council to obtain a certificate of classification (LG Act s.54).

Further information

A copy of this practice note, *A guide to preparing planning proposals* and *A guide to preparing local environmental plans* is available at:

<http://www.planning.nsw.gov.au>

For further information, please contact the Department of Planning and Environment's Information Centre by one of the following:

Post: GPO Box 39, Sydney NSW 2001.

Tel: 1300 305 695

Email: information@planning.nsw.gov.au

Authorised by:
Carolyn McNally
Secretary

Important note: This practice note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this practice note.

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ATTACHMENT 1 – INFORMATION CHECKLIST FOR PROPOSALS TO CLASSIFY OR RECLASSIFY PUBLIC LAND THROUGH AN LEP

The process for plan-making under the EP&A Act is detailed in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*.

Importantly, *A guide to preparing local environmental plans* contains the Secretary's requirements for matters that must be addressed in the justification of all planning proposals to reclassify public land. Councils must ensure the Secretary's requirements are addressed.

Councils must also comply with any obligations under the LG Act when classifying or reclassifying public land. More information on this can be found in *Practice Note No. 1 - Public Land Management* (Department of Local Government, 2000).

All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration. These are in addition to the requirements for all planning proposals under section 55(a) – (e) of the EP&A Act (and further explained in *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*).

- ☐ the current and proposed classification of the land;
- ☐ whether the land is a 'public reserve' (defined in the LG Act);
- ☐ the strategic and site specific merits of the reclassification and evidence to support this;
- ☐ whether the planning proposal is the result of a strategic study or report;
- ☐ whether the planning proposal is consistent with council's community plan or other local strategic plan;
- ☐ a summary of council's interests in the land, including:
 - how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)
 - if council does not own the land, the land owner's consent;
 - the nature of any trusts, dedications etc;
- ☐ whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;
- ☐ the effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);
- ☐ evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);
- ☐ current use(s) of the land, and whether uses are authorised or unauthorised;
- ☐ current or proposed lease or agreements applying to the land, together with their duration, terms and controls;
- ☐ current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);
- ☐ any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);
- ☐ how council may or will benefit financially, and how these funds will be used;
- ☐ how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;
- ☐ a Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and
- ☐ preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

Responses to Attachment 1

- The current and proposed classification of the land

The subject site is currently community land. The planning proposal seeks to reclassify the land from Community land to Operational land.

- Whether the land is a public reserve (defined in the LG Act)

The land is considered a public reserve under the Local Government Act 1993.

- The strategic and site specific merits of the reclassification and evidence to support this.

The strategic and site specific merits of the reclassification and evidence are outlined within the planning proposal.

- Whether the planning proposal is consistent with council's community plan or other local strategic plan.

The proposed reclassification is considered consistent with Council's community plan and other local strategic plans. Further detail is outlined in the planning proposal.

- A summary of council's interests in the land, including:
 1. how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)
 2. if council does not own the land, the land owner's consent;
 3. the nature of any trusts, dedications etc;

Council is the relevant land owner with regards to the subject site. Further information relating to the land is outlined in figure 4 of the planning proposal.

- Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why.

As part of the planning proposal, interests in the land are proposed to be discharged. The subject site is currently owned by Council in its entirety and there are no interests on the land that would impact on the proposed reclassification. The reclassification of land does not impact on the current interests on the land.

- The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged).

The reclassification does not seek or achieve to diminish the public open space. The use of the site will continue to operate as a publicly accessible area through the development and future functioning as a Billabong.

- Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);

Title searches for all lots are located in attachment 2 to this proposal.

- Current use(s) of the land, and whether uses are authorised or unauthorised

The site currently serves as a public reserve. Further information relating to the current status of the land is provided in the planning proposal.

- Current or proposed lease or agreements applying to the land, together with their duration, terms and controls;

There are currently no lease agreements applying to the land.

- Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);

Council does not currently have any business dealings proposed as part of the reclassification of the site. Council will investigate potential uses in the future that will accompany the Billabong. Potential uses on the site will relate to business establishment and would thus require a future rezoning for a portion of the site. A rezoning of any portion of the land is not proposed as part of this planning proposal and would be subject to a future planning proposal when appropriate.

- Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);

Not applicable to this planning proposal.

- How council may or will benefit financially, and how these funds will be used.

Through the reclassification of the land, Council will be able to start operating the Billabong precinct on time. The reclassification of the land will unlock further uses of the land and allow Council to investigate potential other uses that would complement and assist the functioning of the Campbelltown Billabong.

- How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.

Council has already formed an agreement along with the State and Federal Governments to develop and construct the Campbelltown Billabong. The Campbelltown Billabong will maintain its use as a useable space for the residents of Campbelltown.

- A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot.

A Land Reclassification Map is not proposed as part of this proposal.

- Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

Not applicable.



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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/137067

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
18/11/2020	10:30 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 1 IN DEPOSITED PLAN 137067
AT BRADBURY
LOCAL GOVERNMENT AREA CAMPBELLTOWN
PARISH OF ST PETER COUNTY OF CUMBERLAND
TITLE DIAGRAM DP137067

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF CAMPBELLTOWN

SECOND SCHEDULE (2 NOTIFICATIONS)

- * 1 LAND EXCLUDES MINERALS S. 536AA LOCAL GOVERNMENT ACT, 1919
- * 2 THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE

NOTATIONS

NOTE: CERTIFICATE OF TITLE NOT ISSUED LODGED DEALINGS SHOULD BE
ACCOMPANIED BY PRIOR CERTIFICATE OF TITLE VOL. 11269 FOL. 239

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Property

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Received: 18/11/2020 10:30:34



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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/213026

SEARCH DATE	TIME	EDITION NO	DATE
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18/11/2020	10:30 AM	-	-

VOL 14617 FOL 72 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 1 IN DEPOSITED PLAN 213026
LOCAL GOVERNMENT AREA CAMPBELLTOWN
PARISH OF ST PETER COUNTY OF CUMBERLAND
TITLE DIAGRAM DP213026

FIRST SCHEDULE

CAMPBELLTOWN CITY COUNCIL

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 BK 2630 NO 60 COVENANT
- * 3 BK 3596 NO 31 LAND EXCLUDES THE ROAD(S) BEING LOT 9 IN DP259807 BY
GOV. GAZ. DATED 25.7.1980 FOL. 3792
- * 4 LAND EXCLUDES THE ROAD(S) BEING THE 25.3 SQ.M. PARCEL RESUMED AND
VESTED IN THE COMMISSIONER FOR MAIN ROADS VIDE NOTIFICATION IN
GOV. GAZ. DATED 28.7.1967 FOL.2698, SHOWN DESIGNATED IN DP259807

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Property

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 4/259807

SEARCH DATE	TIME	EDITION NO	DATE
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18/11/2020	10:30 AM	3	15/12/1992

LAND

LOT 4 IN DEPOSITED PLAN 259807
AT BRADBURY
LOCAL GOVERNMENT AREA CAMPBELLTOWN
PARISH OF ST PETER COUNTY OF CUMBERLAND
TITLE DIAGRAM DP259807

FIRST SCHEDULE

CAMPBELLTOWN CITY COUNCIL (T E977491)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS VIDE MEMORANDUM V595431
- 2 E471945 RESTRICTION(S) ON THE USE OF LAND

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Property

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Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 35/702933

SEARCH DATE	TIME	EDITION NO	DATE
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18/11/2020	10:29 AM	2	19/7/1984

LAND

LOT 35 IN DEPOSITED PLAN 702933
AT CAMPBELLTOWN
LOCAL GOVERNMENT AREA CAMPBELLTOWN
PARISH OF ST PETER COUNTY OF CUMBERLAND
TITLE DIAGRAM DP702933

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF CAMPBELLTOWN (DD V256669)

SECOND SCHEDULE (0 NOTIFICATIONS)

NIL

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Property

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SERVICES****Title Search**NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH
-----FOLIO: 66/1127402

SEARCH DATE	TIME	EDITION NO	DATE
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18/11/2020	10:30 AM	1	28/7/2008

LAND

LOT 66 IN DEPOSITED PLAN 1127402
AT BRADBURY
LOCAL GOVERNMENT AREA CAMPBELLTOWN
PARISH OF ST PETER COUNTY OF CUMBERLAND
TITLE DIAGRAM DP1127402

FIRST SCHEDULE

CAMPBELLTOWN CITY COUNCIL (CA103621)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Property

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 67/1127402

SEARCH DATE	TIME	EDITION NO	DATE
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18/11/2020	11:23 AM	1	28/7/2008

LAND

LOT 67 IN DEPOSITED PLAN 1127402
AT BRADBURY
LOCAL GOVERNMENT AREA CAMPBELLTOWN
PARISH OF ST PETER COUNTY OF CUMBERLAND
TITLE DIAGRAM DP1127402

FIRST SCHEDULE

CAMPBELLTOWN CITY COUNCIL (CA103621)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 68/1127402

SEARCH DATE	TIME	EDITION NO	DATE
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18/11/2020	10:30 AM	1	28/7/2008

LAND

LOT 68 IN DEPOSITED PLAN 1127402
AT BRADBURY
LOCAL GOVERNMENT AREA CAMPBELLTOWN
PARISH OF ST PETER COUNTY OF CUMBERLAND
TITLE DIAGRAM DP1127402

FIRST SCHEDULE

CAMPBELLTOWN CITY COUNCIL (CA103621)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

UNREGISTERED DEALINGS: NIL

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 532/230227

SEARCH DATE	TIME	EDITION NO	DATE
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12/11/2020	11:22 AM	-	-

VOL 10429 FOL 50 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 532 IN DEPOSITED PLAN 230227
LOCAL GOVERNMENT AREA CAMPBELLTOWN
PARISH OF ST PETER COUNTY OF CUMBERLAND
TITLE DIAGRAM DP230227

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF CAMPBELLTOWN (R S160474)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 K200000P CAVEAT BY THE REGISTRAR GENERAL FORBIDDING
REGISTRATION OF INSTRUMENTS NOT AUTHORISED BY THE
PROVISIONS OF THE LOCAL GOVERNMENT ACT, 1919, RELATING
TO PUBLIC RESERVES
- * 3 LAND EXCLUDES THE ROAD(S) BEING LOT 19 IN DP 259807

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Property

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8.2 Planning Proposal - Reclassification of Land - Campbelltown

Reporting Officer

Executive Manager Urban Centres and Administration Assistant
City Development

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.2 - Create safe, well maintained, activated and accessible public spaces

Officer's Recommendation

1. That Council endorse the planning proposal at attachment 1 which seeks to reclassify land from community to operational land and forward the planning proposal to the Department of Planning, Industry and Environment for a Gateway Determination.
2. That subject to satisfying the requirements of the Gateway Determination, the draft planning proposal be placed on public exhibition and the outcome of the exhibition and public hearing be reported to Council.

Purpose

The purpose of the report is to inform the Council of a planning proposal (the proposal) which seeks to reclassify land at Apex Park and Bradbury Park, Bradbury from community land to operational land to provide flexibility in the future management options for the Campbelltown Billabong and any future co-located facilities. The report also seeks the Council's endorsement for the proposal to be forwarded to the Minister for Planning and Public Spaces for a Gateway Determination. The planning proposal is located at attachment 1 to this report.

History

In March 2018 the Greater Sydney Commission released 'A Metropolis of Three Cities – The Greater Sydney Region Plan', together with five supporting district plans which establish a clear future vision for Greater Sydney to 2056. This proposal is consistent with that vision.

Campbelltown City Council is a signatory to the Western Sydney City Deal. As part of the Western Sydney City Deal, the 3 levels of government committed to provide \$150 million towards the Western Parkland City Liveability Program. The Program includes \$60 million each from the Australian and NSW governments and a minimum contribution of \$30 million from City Deal Councils (Blue Mountains City, Camden, Campbelltown City, Fairfield City, Hawkesbury City, Liverpool City, Penrith City and Wollondilly Shire). Some Councils contributed additional funding which will result in the Program far exceeding the initial \$150 million commitment. Taken together the total funding for the Program will exceed \$190 million.

Ordinary Council Meeting

09/02/2021

In January 2019, the Federal Minister for Population, Cities and Urban Infrastructure, the Hon Alan Tudge MP and NSW Minister for Western Sydney, the Hon Stuart Ayres MP jointly announced projects valued at up to \$149.82 million under Round One of the Western Parkland City Liveability Program. These projects will provide vital community infrastructure and public spaces across the Western Parkland City, including parks, sporting facilities, rejuvenated town centres and art and cultural event spaces.

As part of the Western Sydney City Deal Campbelltown City Council will deliver the Campbelltown Billabong Parklands, a landmark and iconic swimming lagoon at Apex Park and Bradbury Park in Bradbury. The project will create a series of interlinked and flexible open spaces in a riverine-like parkland setting. It will offset the urban heat island effect experienced in the Campbelltown CBD, integrate with adjacent areas to create a community and recreational hub and celebrate Campbelltown's Aboriginal community through sensitive interpretation within the project design.

In order to facilitate the project and create sufficient flexibility to ensure the site's commercial viability, a planning proposal is required to make the land operational.

Report

1. Summary of the draft Planning Proposal

The draft planning proposal seeks to reclassify the following lots from community land to operational land.

- Part Lot 532 DP 230227, The Parkway, Bradbury
- Lot 1 DP 137067, The Parkway, Bradbury
- Lot 4 DP 259807, The Parkway, Bradbury
- Lot 66 DP 1127402, The Parkway, Bradbury
- Part Lot 67 DP 1127402, The Parkway Bradbury
- Part Lot 68 DP 1127402, 318 Queen Street, Campbelltown
- Lot 35 DP 702933, The Parkway, Bradbury
- Part Lot 1 DP 213026, The Parkway, Bradbury

The lots form part of Apex and Bradbury Parks and are located within the Campbelltown Billabong Precinct area which is under construction.

The subject site is owned by Campbelltown City Council and is classified as community land. The land currently incorporates 2 sporting facilities known as Bradbury Oval and the Gordon Fetterplace Aquatic Centre. The current zoning of the site being RE1 – Public Recreation under Campbelltown Local Environmental Plan 2015 (CLEP 2015) is considered an appropriate zone for the proposed use of the site. It is not proposed to change the current zone.

The proposed reclassification of the land from community land to operational land will facilitate the orderly future use of the Campbelltown Billabong.

The proposed reclassification of land is unlikely to have an impact on the use of the site. The future use of the site will be as a Billabong with surrounding park facilities and the Gordon Fetterplace Aquatic Centre remaining in operation.

The Campbelltown Billabong once open is intended to provide another use for the subject land. The Billabong will be an important facility for both locals and visitors from across the Macarthur Region.

The reclassification of the subject site will allow greater flexibility to occur in the future once the Campbelltown Billabong is established. Council may investigate options for other uses that seek to complement the Campbelltown Billabong and the reclassification of the land will provide greater flexibility for this to occur.

There are a number of interests (eg easements) across the site. Further information regarding these interests is contained in attachment 1.

2. Assessment of the draft Planning Proposal

2.1 Justification

The State Government's – 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 proposal subject of this report has been undertaken in accordance with the latest version of the guide.

The guide states that planning proposals should contain enough information to identify relevant environmental, social, economic and other site specific considerations. The scope for investigating any key issues should be identified in the initial planning proposal that is submitted for Gateway Determination.

The purpose of this Gateway Determination stage is to ensure there is sufficient justification in the process to proceed with a planning proposal. It enables planning proposals that lack strategic merit to be stopped early in the process before time and significant human and financial resources are committed.

The Gateway Determination is expected to confirm the information, detailed studies and consultation required before the proposal can be finalised and placed on public exhibition. As the necessary information is gathered and the investigations/studies completed, the proposal may need to be updated/amended by including additional documentation as a result of the studies completed.

2.2 Section 9.1 Ministerial Directions

Section 9.1 (formerly Section 117) of the EP&A Act allows the Minister for Planning and Public Spaces to provide direction to Council in relation to the amendment or preparation of draft local environmental plans. The section 9.1 Ministerial Directions are outlined in the planning proposal located in attachment 1.

Overall, the proposal is considered consistent with the relevant section 9.1 directions as the proposal does not seek to rezone any land or alter the land uses permissible on the land.

2.3 Consideration of State Environmental Planning Policies

An assessment of the proposal against all State Environmental Planning Policies (SEPPs) has confirmed that the proposal is not inconsistent with those SEPPs. Further detail in relation to the relevant SEPPs is outlined in the planning proposal which is located at attachment 1.

2.4 Consideration of the Campbelltown Local Environmental Plan 2015

The land is zoned RE1 – Public Recreation. No change is proposed to the zoning of the land under this planning proposal.

2.5 Consideration of the Local Government Act 1993

The *Local Government Act 1993* (LG Act) establishes the concept of classifying Council land as either being Community land or Operational land.

Community land is generally Council land made available for use by the general public such as parks, reserves and sports grounds.

Operational land is generally Council land that facilitates the functions of Council. Typically, operational land would not be open to the general public such as works depot or council garage and could be sold without the need for public comment. There are no plans, however to either sell the land on which will be located this important community facility or to prevent the public from accessing the facility. The LG Act places restrictions on the management of community land which may make any future kiosk or related commercial enterprise difficult to establish and it is considered that to maximise the future flexibility of the site and the ability to take opportunities as they arise that the land is best classified as operational land.

The LG Act establishes a procedure for reclassifying land to either community or operational land. The procedure allows for public comment and utilises the Local Environmental Plan amendment process to initiate the reclassification. The reclassification of land can arise from a change in circumstances in relation to particular land parcels which is evident in this case.

3. Strategic Context – Relationship to State and Local Policies

3.1 Greater Sydney Region Plan

The Plan provides a framework for the predicted growth in Greater Sydney. The plan identifies key goals of delivering a metropolis of 3x 30 minutes cities through 4 key themes, infrastructure and collaboration, liveability, productivity and sustainability.

The planning proposal is consistent with the Greater Sydney Region Plan as it aims to improve the quality of open space and provide a state of the art facility for the community to use. Further information is provided in attachment 1.

3.2 Western City District Plan

The Western City District Plan (WCDP) sets out priorities and actions for the Western Parkland City which are structured on themes that are based on the Greater Sydney Region Plan. The planning proposal is considered to be consistent with Planning Priorities W3, W6 and W18 identified in the WCDP. The consistency of the proposal with the WCDP is outlined further in attachment 1.

3.3 Campbelltown Community Strategic Plan 2027

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

The proposal is considered to be consistent with the relevant outcomes headed accordingly within the Plan:

- A vibrant, liveable city
- A respected and protected natural environment
- A thriving attractive city and
- A successful city.

3.4 Reimagining Campbelltown City Centre Master Plan

The Reimagining Campbelltown City Centre Masterplan is a key strategic vision that provides a structured plan for the future growth of the Campbelltown City Centre. The subject site is within the boundary of the City Centre Master Plan study area and is consistent with the masterplan.

The planning proposal is consistent with the four key growth principles outlined within the document:

- Centre of opportunity
- No grey to be seen
- City and bush
- The good life

The planning proposal assists in the development of the Billabong and will provide a green friendly public amenity within the Campbelltown City Centre and provide an environmental outlet within an urban setting that will be able to be utilised by the residents of Campbelltown and beyond.

3.5 Glenfield to Macarthur Corridor Strategy

The Glenfield to Macarthur Urban Renewal Corridor Strategy (Corridor Strategy) was identified as a growth corridor by the State Government for the purposes of providing further jobs, open space, improved movement networks and revitalisation of existing urban centres through good design.

The site of the planning proposal is identified as open space within the Campbelltown Precinct Plan in the Corridor Strategy. The proposal does not alter the proposed use of the land for open space, as Billabong, and is therefore consistent with the Corridor Strategy.

3.6 Campbelltown Local Strategic Planning Statement (LSPS)

The Campbelltown Local Strategic Planning Statement (LSPS) came into effect on 31 March 2020.

The LSPS is Campbelltown City Council's plan for our community's social, environmental and economic land use needs over the next 20 years.

The LSPS provides context and direction for land use decision making within the Campbelltown Local Government Area (LGA).

Its purpose is to:

- Provide a 20 year land use vision for the Campbelltown LGA
- Outline the characteristics that make our city special
- Identify shared values to be enhanced or maintained
- Direct how future growth and change will be managed
- Prioritise changes to planning rules in the CLEP 2015 and Council's development Control Plans
- Implement the Region and District Plans as relevant to the Campbelltown LGA
- Identify where further detailed strategic planning may be needed.

The LSPS identifies the Billabong as a key component in Theme 1 of the document and the reclassification of land would assist Council in achieving a timely opening on the site and unlocking potential management options and future complementary co-located uses. Further information is detailed in attachment 1.

3.7 Campbelltown Local Planning Panel

On 16 December 2020 the Campbelltown Local Planning Panel (the Panel) considered a confidential report on the planning proposal. The Panel provided comments on the proposal and recommended advancing the planning proposal to Council for their consideration and also to the Department of Planning, Industry and Environment for Gateway consideration. The following paragraphs are the record of the Panel's considerations and advice to Council:

The Panel notes the Report and proposed reclassification of land at Apex and Bradbury Parks from community to operational land. The Panel observed during the site visit the commencement of the construction of the Campbelltown Billabong.

The Panel is of the view that the reclassification of land would allow great flexibility in the options for future management of the Billabong. The Panel considers that this will be of benefit to the ongoing management and use of the site as a community meeting place. The reclassification of land would also allow Council to potentially investigate options for other uses that seek to complement the Campbelltown Billabong.

The Panel noted that the substantial works proposed on the site render it different to other public recreation land. It is a reasonable approach to classify a significant community infrastructure site as operational land. This approach should not be extended to general public open space which should remain as community land and therefore this should not be seen as a precedent to similar decisions for other open space.

To ensure the public have an appropriate level of scrutiny in regards to this decision, a public meeting with an independent chairperson should be held in regards to this planning proposal, post gateway determination.

The Panel considers the draft planning proposal has strategic and site specific merit and is appropriate. The Panel supports Council seeking a Gateway Determination.

4. Public Participation

In the case that the Council supports the proposal, or otherwise amends it, the proposal will be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.

Should a Gateway Determination be obtained then the planning proposal would be publically exhibited at which time the public and anyone with an interest in the land would have the opportunity to comment.

Additionally, under the provisions of the LG Act a public hearing would need to be held in regards to the planning proposal after the completion of the exhibition period. This public hearing would be facilitated by an Independent chairperson. The results of the public exhibition and a report prepared by the independent chairperson following the public hearing would be subsequently reported to Council.

Conclusion

Council is constructing a Billabong at Apex Park and Bradbury Park, Bradbury. To increase the level of flexibility for the future management of the site, it is proposed to reclassify the land from community land to operational land.

There is no intention to sell the land or to prevent public access to the land.

The proposed reclassification is considered reasonable in the circumstances and will not impact on the continual use of the site as an accessible community space.

Attachments

1. Planning Proposal - Billabong (contained within this report)



Planning Proposal

**Reclassification of Land at Apex Park and Bradbury
Park from Community Land to Operational Land to
facilitate the Campbelltown Billabong Project**

February 2021

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Introduction

This Planning Proposal seeks to amend the Campbelltown Local Environmental Plan 2015 (CLEP 2015) and explains the intent of, and justification for, the reclassification of land located at Apex Park and Bradbury Park from Community to Operational Land. The purpose of the reclassification of land is to facilitate the ongoing use and management of the Billabong which is under construction, and any future co-located facilities, following funding under the Western Sydney City deal to construct the Billabong.

The Site

The subject site currently includes the following properties:

- Part Lot 532 DP 230227, The Parkway, Bradbury, (Incorporating Bradbury Park and The Gordon Fetterplace Aquatic Centre)
- Lot 1 DP 137067, The Parkway, Bradbury, (incorporating Bradbury Park)
- Lot 4 DP 259807, The Parkway, Bradbury, (incorporating Bradbury Park)
- Lot 66 DP 1127402, The Parkway, Bradbury, (incorporating Bradbury Park)
- Part Lot 67 DP 1127402, The Parkway Bradbury,
- Part Lot 68 DP 1127402, 318 Queen Street, Campbelltown
- Lot 35 DP 702933, The Parkway, Bradbury, (incorporating Bradbury Park)
- Part Lot 1 DP 213026, The Parkway, Bradbury, (incorporating Bradbury Park)

A map of the subject site is provided in Figure 1 below.



Figure 1: Subject site

The subject site incorporates 8 lots as identified above and are all owned and managed by Council. The site is currently zoned RE1 – Public Recreation and is identified as Community Land. The purpose of the planning proposal is to reclassify the land from community to operational land.

Background

In March 2018 the Greater Sydney Commission released 'A Metropolis of Three Cities – The Greater Sydney Region Plan', together with five supporting district plans which establish a clear future vision for Greater Sydney to 2056.

As part of the Western Sydney City Deal, the three levels of government committed to provide \$150 million towards the Western Parkland City Liveability Program. The Program includes \$60 million each from the Australian and NSW governments and a minimum contribution of \$30 million from City Deal Councils (Blue Mountains City, Camden, Campbelltown City, Fairfield City, Hawkesbury City, Liverpool City, Penrith City and Wollondilly Shire). Some Councils contributed additional funding which will result in the Program far exceeding the initial \$150 million commitment. Taken together with committed the total funding for the Program will exceed \$190 million.

In January 2019, the Federal Minister for Population, Cities and Urban Infrastructure, the Hon Alan Tudge MP and NSW Minister for Western Sydney, the Hon Stuart Ayres MP jointly announced projects valued at up to \$149.82 million under Round One of the Western Parkland City Liveability Program. These projects will provide vital community infrastructure and public spaces across the Western Parkland City, including parks, sporting facilities, rejuvenated town centres and art and cultural event spaces.

As part of the Western Sydney City Deal Campbelltown City Council will deliver the Campbelltown Billabong Parklands, a landmark and iconic swimming lagoon at Apex Park and Bradbury Park, Bradbury. The project will create a series of interlinked and flexible open spaces in a riverine-like parkland setting. It will offset the urban heat island effect experienced in the Campbelltown CBD, integrate with adjacent areas to create a community and recreational hub and celebrate Campbelltown's Aboriginal community through sensitive interpretation within the project design.

The project received funding of \$31,000,000 which included \$7,500,000 from the Australian Government, \$7,500,000 from the NSW Government and \$16,000,000 from Council.

In order to facilitate the project and ensure that the site successfully operates as a Billabong, a planning proposal is required to make the land operational.

Existing Situation

The site currently comprises 8 lots of land that form part of Bradbury Park and Apex Park. The site is located on the corner of Moore-Oxley Bypass and The Parkway in Bradbury. The site

The planning proposal does not seek to amend the zoning or any other planning controls under CLEP 2015. The proposed use as a Billabong would be considered a permissible use in accordance with the RE1 – Public Recreation zone under CLEP 2015 thus not requiring an amendment to the LEP.

Part 2 – Explanation of provisions

The objectives and intended outcomes of the planning proposal will be achieved by amending the CLEP 2015 through the inclusion of the subject site as 'Operational Land' under Part 1 of Schedule 4 of the CLEP 2015. The proposed wording is outlined below in Figure 3.

Insert into Part 2 of Schedule 4 of CLEP 2015 the following:

Column 1	Column 2
Locality	Description
Bradbury Park and Apex Park	Part Lot 532 DP 230227 Lot 1 DP 137067 Lot 4 DP 259807 Lot 66 DP 1127402 Part Lot 67 DP 1127402 Part Lot 68 DP 1127402 Lot 35 DP 702933 Part Lot 1 DP 213026

Figure 3: Proposed wording to be inserted into CLEP 2015

The following table provides greater detail on each of the lots including the interests in the land.

Lot and DP	Interest	Proposed Action
Lot 532 DP 230227	The lot currently incorporates the Gordon Fetterplace Aquatic Centre. Caveat by the Registrar General forbidding registration of instruments not authorised by the provisions of the Local Government Act 1919, relating to public reserves.	No further action is required to the caveat. It is proposed to extinguish the caveat as part of the planning proposal. It is recommended that a condition of the gateway determination be included requiring the caveat be discharged prior to public exhibition of the planning proposal.
Lot 1 DP 137067	Land excludes minerals under section 536AA of the Local Government Act 1919. The land subject to the lot and dp is outlined as a public reserve.	No further action is required.
Lot 4 DP 259807	Land excludes minerals vide memorandum V595431.	It is recommended that a condition of the gateway determination be included requiring the restriction on

incorporates Bradbury Oval and associated clubhouse, a skate park, basketball and netball courts and the Gordon Fetterplace aquatic centre.

The site is zoned RE1 – Public Recreation under the Campbelltown Local Environmental Plan 2015. A zoning map of the site is shown in Figure 2 below.

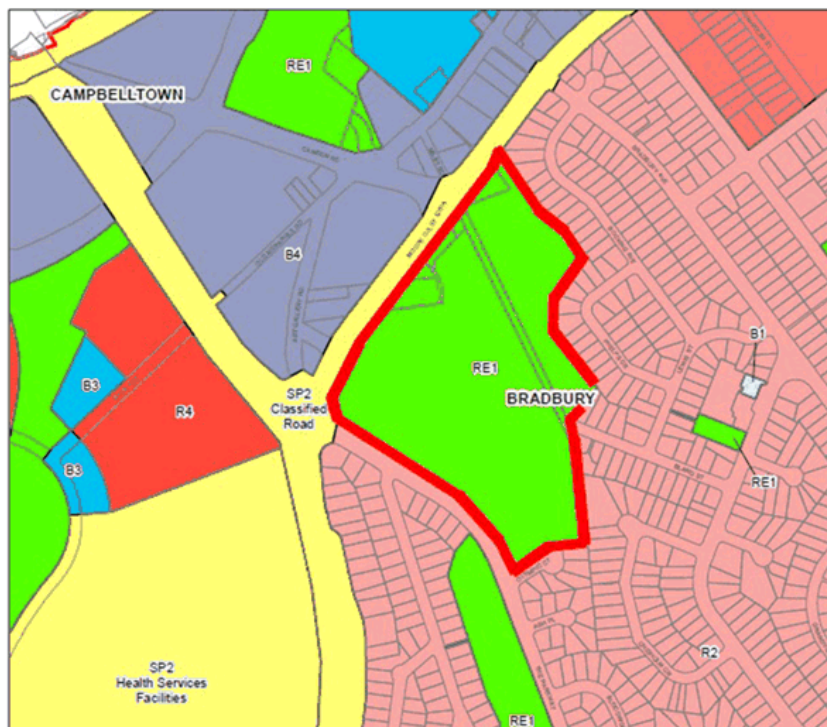


Figure 2: Zoning of subject site.

Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to reclassify the subject site from community to operational land. The proposed reclassification would assist Council in the process of turning the proposed Billabong into a functioning project once it is completed in 2022. The reclassification would also allow Council to unlock land that may be considered under utilised and promote other uses that would work in cohesion with the Billabong.

The land is currently owned by Campbelltown City Council and is classified as 'Community Land' under the Local Government Act 1993. In order for the land to be functioning and used for business purposes it will be required to reclassify the land to 'Operational Land' which is undertaken by a Local Environmental Plan amendment under the Environmental Planning and Assessment Act 1979.

	E471945 – Restriction(s) on the use of the land. By the Roads and Traffic Authority. E977491 – Transfer from Roads Authority to Council.	the land be discharged prior to public exhibition of the planning proposal.
Lot 66 DP 1127402	Limited title – Section 28T of the Conveyancing Act.	It is recommended that a condition of the gateway determination be included requiring the restriction on the land be discharged prior to public exhibition of the planning proposal.
Lot 67 DP 1127402	Limited title – Section 28T of the Conveyancing Act.	It is recommended that a condition of the gateway determination be included requiring the restriction on the land be discharged prior to public exhibition of the planning proposal.
Lot 68 DP 1127402	Limited title – Section 28T of the Conveyancing Act.	It is recommended that a condition of the gateway determination be included requiring the restriction on the land be discharged prior to public exhibition of the planning proposal.
Lot 35 DP 702933	Departmental Dealing – V256669	It is recommended that a condition of the gateway determination be included requiring the restriction on the land be discharged prior to public exhibition of the planning proposal.
Lot 1 DP 213026	BK 2630 No 60 Covenant – for land to be used as public park and recreation BK 3596 No 31 – Land excludes Road as shown in DP 259807 attached	It is recommended that a condition of the gateway determination be included requiring the restriction on the land be discharged prior to public exhibition of the planning proposal.

Figure 4: Interests on the subject site

Part 3 – Justification**Section A – Need for the planning proposal****1. Is the planning proposal a result of any strategic study or report?**

The subject site is currently in Council ownership and is a public reserve containing two ovals, an aquatic centre and a skate park. As part of the Billabong development Bradbury Oval and the Aquatic Centre will continue to operate during and after construction.

The planning proposal is a result of the joint funding agreement between the Federal Government, State Government and Campbelltown City Council. The Western Sydney City Deal signed in March 2018 is the catalyst for a collaborative approach across three tiers of government to create world-class jobs and a great quality of life through the vision of the Western Parkland City. The Billabong project forms part of the Livability Program and seeks to respect and build on the local character of the area.

Figure 4 below outlines the extent of the Billabong project.



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Figure 5: Billabong Masterplan

The Billabong Parklands are identified with green on the map. The Billabong precinct is outlined by a red line.

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

The Planning Proposal is the best way to achieve the intended outcomes and objectives. It follows the LEP practice note for Classification and reclassification of public land through a local environmental plan issued by the NSW Department of Planning, Industry and Environment.

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 Greater Sydney Region Plan and the Western City District Plan.

A Plan for Growing Sydney

'A Plan for Growing Sydney' sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 689,000 new jobs and 664,000 new homes by 2031. The Plan identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

This Planning Proposal is not inconsistent with the objectives outlined within the Plan.

Greater Sydney Region Plan

The Plan provides a framework for the predicted growth in Greater Sydney. The Plan identifies key goals of delivering a metropolis of three 30 minute cities through four key themes, infrastructure and collaboration, liveability, productivity and sustainability.

The Planning Proposal is consistent with the Greater Sydney Region Plan as it aims to improve the quality of open space and provide a state of the art facility for the community to use. The planning proposal is considered to be consistent with Objective 7 'Communities are healthy, resilient and socially connected' of the Plan. The planning proposal will facilitate flexibility in the future management and operation of the precinct thereby enhancing opportunities for another major meeting place that will promote connected communities and an additional facility for residents to use.

Western City District Plan

The Western City District Plan sets out priorities and actions for the Western Parkland City which are structured on themes that are based on the Greater Sydney Region Plan. The planning proposal is considered to be consistent with Planning Priorities W3, W6 and W18 identified in the Plan. The proposed development of the Billabong will create a new and improved open space area that will be utilised by a large number of community residents when it is opened in June 2022. The design of the Billabong is aligned with local Indigenous and Aboriginal communities to promote the importance that the community has played in the past and in the future. The reclassification of the land will assist Council in establishing the Billabong as a key meeting point within the LGA.

Glenfield to Macarthur Urban Renewal Corridor Strategy

The Glenfield to Macarthur Urban Renewal Precinct was identified as a growth corridor by the State Government for the purposes of providing further jobs, open space, improved movement networks and revitalisation of existing urban centres through good design.

The Planning Proposal is not inconsistent with the Strategy.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?**Campbelltown Community Strategic Plan – Campbelltown 2027**

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

The proposal is considered to be consistent with the relevant outcomes headed accordingly within the Plan:

- A vibrant, liveable city;
- A respected and protected natural environment;
- A thriving attractive city; and
- A successful city.

The planning proposal is consistent with the outcomes listed.

Campbelltown Local Strategic Planning Statement (LSPS)

The Campbelltown Local Strategic Planning Statement (LSPS) came into effect on 31 March 2020.

The LSPS is Campbelltown City Council's plan for our community's social, environmental and economic land use needs over the next 20 years.

The LSPS provides context and direction for land use decision making within the Campbelltown Local Government Area (LGA).

Its purpose is to:

- Provide a 20 year land use vision for the Campbelltown LGA
- Outline the characteristics that make our city special
- Identify shared values to be enhanced or maintained
- Direct how future growth and change will be managed
- Prioritise changes to planning rules in the Local Environmental Plan (Campbelltown Local Environmental Plan 2015) and Council's Development Control Plans
- Implement the Region and District Plans as relevant to the Campbelltown LGA
- Identify where further detailed strategic planning may be needed.

The LSPS responds to region and district planning initiatives and information received from the Campbelltown community during the public exhibition period for the future of our city. The public exhibition of the Draft LSPS provided an opportunity for our community and key stakeholders to provide feedback. Consultation with Government Departments and Agencies, and the Greater Sydney Commission was also undertaken to ensure alignment with other planning initiatives and priorities for Greater Sydney.

The LSPS identifies the Campbelltown Billabong as a key component in Theme 1 of the document which promotes Campbelltown as becoming a vibrant and liveable city. In accordance with priority 4 of the LSPS the construction of the Campbelltown Billabong is noted as being a short term action which would aid in developing a new space to be utilised for the residents of Campbelltown.

As part of the process, the reclassification of the subject site would assist Council in achieving a timely opening of the site and unlocking potential management options and future complementary co-located uses.

Re-imagining Campbelltown CBD

The Re-imagining Campbelltown City Centre Master Plan is a key strategic vision that provides a structured plan for the future growth of the Campbelltown CBD which includes the suburbs of Leumeah, Campbelltown and Macarthur. The subject site is within the boundary of the Re-imagining Campbelltown CBD study area and is consistent with the Master Plan.

The planning proposal is consistent with the four key growth principles outlined within the document:

- Centre of opportunity
- No grey to be seen
- City and bush
- The good life

The planning proposal assists in the development of the Billabong and will provide a green friendly Council amenity within the Campbelltown CBD and will provide an environmental outlet within an urban setting that will be able to be utilised by the residents of Campbelltown.

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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.

State Environmental Planning Policies	Comment
SEPP No. 1 Development Standards	Not relevant to the proposal
SEPP 14 – Coastal Wetlands	Not applicable
SEPP 19 – Bushland in Urban Areas	Consistent. The planning proposal does not affect the bushland in the subject area.
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	Consistent. The planning proposal to reclassify does not impact on koala habitat.
SEPP 47 – Moore Park Showground	Not relevant to the Proposal
SEPP 50 – Canal Estate Development	Not relevant to the Proposal
SEPP 52 – Farm Dams	Not relevant to the Proposal
SEPP 55 – Remediation of Lands	Consistent. The use of the land for public recreation purposes is not changing as part of this planning proposal.
SEPP 62 – Sustainable Aquaculture	Not relevant to the Proposal
SEPP 64 – Advertising and Signage	Not relevant to the Proposal. Any future signage would be subject to the provisions of SEPP 64.
SEPP 65 – Design Quality of Residential Apartment Development	Consistent. Residential apartment development is not proposed as part of this Planning Proposal.
SEPP 70 – Affordable Housing Schemes	Not relevant to the Proposal
SEPP 71 – Coastal Protection	Not relevant to the Proposal
SEPP (Building Sustainability Index: BASIX) 2004	Not relevant to the Proposal
SEPP (Educational Establishments and Child Care (Facilities) 2017	Not relevant to the Proposal
SEPP (Affordable Rental Housing) 2009	Not relevant to the Proposal
SEPP (Exempt and Complying Development Codes) 2008	Not relevant to the Proposal
SEPP (Infrastructure) 2007	Not relevant to the Proposal
SEPP (Housing for Seniors or People with a Disability)	Not relevant to the Proposal
SEPP (Integration and Repeals) 2016	Not relevant to the Proposal
SEPP (Kosciusko National Park) 2007	Not relevant to the Proposal

SEPP (Kurnell Peninsular) 1989	Not relevant to the Proposal
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	Not relevant to the Proposal
SEPP (State Significant Precincts) 2005	This SEPP does not apply to the land
SEPP (Sydney Drinking Water Catchment) 2011	This SEPP does not apply to the land
SEPP (Sydney Region Growth Centres) 2006	The proposal is consistent with this SEPP
SEPP (Three Ports) 2013	This SEPP does not apply to the land
SEPP (Urban Renewal) 2010	This SEPP does not apply to the land
SEPP (Western Sydney Employment Area) 2009	This SEPP does not apply to the land
SEPP (Western Sydney Parklands) 2009	This SEPP does not apply to the land
SEPP (Vegetation in Non-Rural Areas) 2017	Not relevant to the Proposal

Figure 6 - Consistency with State Environmental Planning Policies

Consideration of Deemed SEPPs	Comment
REP (Sydney Harbour Catchment) 2005	Not relevant to this Planning Proposal
Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment	Consistent. The proposal would not impact on the water quality and river flows of the Georges River and its tributaries. The proposal is designed to mimic the Georges River and thereby will provide greater community affinity with the River and its qualities.

Figure 7 - Consistency with Deemed State Environmental Planning Policies

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
1. Employment and Resources	
1.1 Business and Industrial Zones	Not applicable
1.2 Rural Zones	Not relevant to the Proposal. The Proposal does not propose any amendments to rural zones.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	The Proposal is consistent with this Direction. The Proposal seeks to expand terrestrial Biodiversity mapping in certain areas within the LGA.

2. Environment and Heritage	
2.1 Environment Protection Zones	Not applicable
2.2 Coastal Protection	Not applicable
2.3 Heritage Conservation	Not applicable
2.4 Recreation Vehicle Areas	Not applicable
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Not applicable
3.2 Caravan Parks and Manufactured Homes	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
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Not applicable
4.2 Mine Subsidence and Unstable Land	Not applicable
4.3 Flood Prone Land	The planning proposal is consistent with this Direction. The proposed amendments do not propose to increase the planning provisions related to flood prone land.
4.4 Planning for Bushfire Protection	The proposed amendments will not impact on this Direction and the Proposal is generally consistent.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable
5.2 Sydney Drinking Water Catchments	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.5 - 5.7	Repealed
5.8 Second Sydney Airport	Not applicable
5.9 North West Rail Link Corridor Strategy	Not applicable
5.10 Implementation of Regional Plans	The proposal is consistent.
6. Local Plan Making	
6.1 Approval and Referral Requirements	The Planning proposal does not trigger the need for any additional concurrence, consultation or referral to a Minister or Public Authority.
6.2 Reserving Land for Public Purposes	The Proposal does not propose any additional land for public purposes. The planning proposal seeks to reclassify already existing public land from community to operational land to facilitate the start of the Billabong.
6.3 Site Specific Provisions	The planning proposal is not inconsistent with this Direction.

7. Metropolitan Planning	
7.1 Implementation of a Plan for Growing Sydney	The Proposal is consistent with this Direction.
7.2 Implementation of Greater Macarthur Land Release Investigation	The proposal is not inconsistent with this Direction.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	<p>The Proposal is not inconsistent with this Direction.</p> <p>The planning proposal seeks to facilitate the reclassification of the land from community to operational for the purposes of a Billabong.</p>

Figure 8 - Consistency with Section 9.1 Directions

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.

There is no critical habitat or threatened species, populations' or ecological communities or habitat located on the site.

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

No.

It is anticipated that there would be no environmental effects as a result of the planning proposal. The planning proposal seeks reclassification of land only.

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

No.

The Planning Proposal is not supported by a social or economic assessment. The planning proposal seeks to reclassify the land from community to operational land to facilitate the

development of the Campbelltown Billabong which will continue to be owned by Council and open to the community to use.

Section D – State and Commonwealth Interests

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

No.

The planning proposal will not result in a need for additional public infrastructure.

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

Consultation will occur with public authorities identified in the Gateway Determination. Three tiers of Government have already been involved in the process and have provided funding to undertake the construction of the Campbelltown Billabong.

The reclassification planning proposal aims to validate the development and allow for the operation and opening of the Billabong to commence in July 2022.

Part 4 – Mapping

The Planning Proposal does not seek to amend any mapping as part of the planning proposal.

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 is:

An advertisement placed in any local paper in publication at the time of exhibition (potentially including the Macarthur Chronicle and Campbelltown – Macarthur Advertiser) identifying the purpose of the Planning Proposal and where the Planning Proposal can be viewed.

The Planning Proposal to be exhibited on Council's website (www.campbelltown.nsw.gov.au). Council's libraries also have access to the website.

The display of the planning proposal at the Council Administration Building, 91 Queen Street, Campbelltown.

Due to the recent events relating to COVID-19, an amendment to the EP&A Act, specifically the inclusion of Clauses 10.7 and 10.8, allowed Council's to satisfy the requirements for public exhibition by having documentation on Council's website.

- **Public Hearing**

A public hearing will be held and facilitated by an independent chairperson following the exhibition period. A report from the independent chairperson on the outcomes of the hearing will

be submitted to Council and incorporated in a report to Council on the public exhibition of the planning proposal.

Part 6 – Project Timeline

Weeks after Gateway Determination	Item
16 December 2020	Local Planning Panel advice
February 2021	Council endorsement
February 2021	Referral to DPIE for Gateway Determination
April 2021	Gateway Determination
June 2021	Public exhibition of planning proposal
July 2021	Public Hearing
September 2021	A report to Council on Submissions received and Independent Public Hearing report
September 2021	Send planning proposal to DPIE for finalisation
November 2021	Making of LEP Amendment

ATTACHMENT 1 – INFORMATION CHECKLIST FOR PROPOSALS TO CLASSIFY OR RECLASSIFY PUBLIC LAND THROUGH AN LEP

The process for plan-making under the EP&A Act is detailed in A guide to preparing planning proposals and A guide to preparing local environmental plans.

Importantly, A guide to preparing local environmental plans contains the Secretary's requirements for matters that must be addressed in the justification of all planning proposals to reclassify public land. Councils must ensure the Secretary's requirements are addressed.

Councils must also comply with any obligations under the LG Act when classifying or reclassifying public land. More information on this can be found in Practice Note No. 1 - Public Land Management (Department of Local Government, 2000).

All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration. These are in addition to the requirements for all planning proposals under section 55(a) – (e) of the EP&A Act (and further explained in

- the effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);
- evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);
- current use(s) of the land, and whether uses are authorised or unauthorised;
- current or proposed lease or agreements applying to the land, together with their duration, terms and controls;
- current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);
- any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);

A guide to preparing planning proposals and
A guide to preparing local environmental
plans).

- the current and proposed classification of the land;
- whether the land is a 'public reserve' (defined in the LG Act);
- the strategic and site specific merits of the reclassification and evidence to support this;
- whether the planning proposal is the result of a strategic study or report;
- whether the planning proposal is consistent with council's community plan or other local strategic plan;
- a summary of council's interests in the land, including:
 1. how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)
 2. if council does not own the land, the land owner's consent;
 3. the nature of any trusts, dedications etc;
- whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;
- how council may or will benefit financially, and how these funds will be used;
- how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;
- a Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and
- preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

Responses to Attachment 1

- The current and proposed classification of the land

The subject site is currently community land. The planning proposal seeks to reclassify the land from Community land to Operational land.

- Whether the land is a public reserve (defined in the LG Act)

The land is considered a public reserve under the Local Government Act 1993.

- The strategic and site specific merits of the reclassification and evidence to support this.

The strategic and site specific merits of the reclassification and evidence are outlined within the planning proposal.

- Whether the planning proposal is consistent with council's community plan or other local strategic plan.

The proposed reclassification is considered consistent with Council's community plan and other local strategic plans. Further detail is outlined in the planning proposal.

- A summary of council's interests in the land, including:
 1. how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)
 2. if council does not own the land, the land owner's consent;
 3. the nature of any trusts, dedications etc;

Council is the relevant land owner with regards to the subject site. Further information relating to the land is outlined in the planning proposal.

- Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why.

As part of the planning proposal, interests in the land are proposed to be discharged. The subject site is currently owned by Council in its entirety and there are no interests on the land that would impact on the proposed reclassification. The reclassification of land does not impact on the current interests on the land.

- The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged).

The reclassification does not seek or achieve to diminish the public open space. The use of the site will continue to operate as a publicly accessible area through the development and future functioning as a Billabong.

- Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);

Title searches for all lots are attached to this planning proposal.

- Current use(s) of the land, and whether uses are authorised or unauthorised

The site currently serves as a public reserve. Further information relating to the current status of the land is provided in the planning proposal.

- Current or proposed lease or agreements applying to the land, together with their duration, terms and controls;

There are currently no lease agreements applying to the land.

- Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);

Council does not currently have any business dealings proposed as part of the reclassification of the site. Council will investigate potential uses in the future that will accompany the Billabong. Potential uses on the site will relate to business establishment and would thus require a future rezoning for a portion of the site. A rezoning of any portion of the land is not proposed as part of this planning proposal and would be subject to a future planning proposal when appropriate.

- Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);

Not applicable to this planning proposal.

- How council may or will benefit financially, and how these funds will be used.

Through the reclassification of the land, Council will be able to start operating the Billabong precinct on time. The reclassification of the land will unlock further uses of the land and allow Council to investigate potential other uses that would complement and assist the functioning of the Campbelltown Billabong.

- How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.

Council has already formed an agreement along with the State and Federal Governments to develop and construct the Campbelltown Billabong. The Campbelltown Billabong will maintain its use as a useable space for the residents of Campbelltown.

- A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot.

A Land Reclassification Map is not proposed as part of this proposal.

- Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

Not applicable.

Ordinary Council Meeting

09/02/2021

7.3 National Broadband Network (NBN) - Business Fibre Zones in the Campbelltown LGA

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

That the letter be received and the information be noted.

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

8. REPORTS FROM OFFICERS

8.1 Development Application Status

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

That the information be noted.

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

8.2 Planning Proposal - Reclassification of Land - Campbelltown

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

1. That Council endorse the planning proposal at attachment 1 which seeks to reclassify land from community to operational land and forward the planning proposal to the Department of Planning, Industry and Environment for a Gateway Determination.
2. That subject to satisfying the requirements of the Gateway Determination, the draft planning proposal be placed on public exhibition and the outcome of the exhibition and public hearing be reported to Council.

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

Voting against the Resolution were Nil.

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



Planning,
Industry &
Environment

(PP-2021-2980) IRF21/1313

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

Attn: David Smith

Dear Ms Deitz

Planning proposal PP-2021-2980 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) on 11 February 2021 in respect of the planning proposal for the reclassification of land located at Apex Park and Bradbury Park, Campbelltown from Community to Operational land.

As delegate of the Minister for Planning and Public Spaces, 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 consistency with section 9.1 directions. No further approval is required.

As directed in LEP Practice Note LEP Practice Note 16-0001 for the reclassification of land, the Department will request Governor Approval and be the local plan-making authority.

The Department is committed to reduce processing times with the Gateway Time frame provided. The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination and sooner if possible. Council should commence public exhibition and hold a public hearing of the planning proposal as soon as possible. The finalisation package must be forwarded to the Department not later than 24 December 2021, this will allow adequate time to seek the Governors approval and complete the LEP.

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 Minister 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 enquiries about this matter, I have arranged for Ms Naomi Moss to assist you. Ms Moss can be contacted on 9274 6351.

Yours sincerely

12 April 2021

Adrian Hohenzollern
Director, Western
Central River City and Western Parkland City
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and Environment

Delegate of the Minister for Planning and Public Spaces

Encl: Gateway determination



Gateway Determination

Planning proposal (Department Ref: PP-2021-2980): reclassification of land located at Apex Park and Bradbury Park, Campbelltown from Community to Operational land.

I, the Director Western, Central River City and Western Parkland City at the Department of Planning, Industry and Environment (the Department), as delegate of the Minister for Planning and Public Spaces, 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 for the reclassification of land located at Apex Park and Bradbury Park should proceed subject to the following conditions:

1. The planning proposal is to be updated to align with the requirements of Practice Note 16-0001, where all relevant interests be extinguished and discharged prior to public exhibition, and confirm wording be inserted into Insert into Part 2 of Schedule 4 of the LEP 2015.
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 by 1 September 2021 for a minimum of 28 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act.
4. A public hearing is required before 1 November 2021, to be held into the matter by any person or body under section 3.34(2)(e) of the Act.
5. Council must send the planning proposal to the Department, for Governor Approval and finalisation of the LEP, by 24 December 2021.
6. 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.
7. The time frame for completing the LEP is to be 12 months following the date of the Gateway determination.

Dated 12 April 2021.

Adrian Hohenzollern
Director Western,
Central River City and Western Parkland City
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces

PP-2021-2980 (IRF21/1313)



**Planning,
Industry &
Environment**

PP-2021-2980 / IRF/1804

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

Attn: David Smith

Dear Ms Deitz

Planning proposal PP-2021-2980 to amend Campbelltown Local Environmental Plan 2015

I am writing to inform you that amendment has been made to the Gateway determination for the planning proposal for the reclassification of land located at Apex Park and Bradbury Park, Campbelltown from Community to Operational land.

This decision was based on discussions between the Department and Council officers in relation to LEP Practice Note 16-001.

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 12 April 2021 for PP-2021-2980, to amend the wording in condition 1 and 3 to better reflect the direction required by LEP Practice Note 16-001. The Alteration of Gateway determination is enclosed.

Should you have any enquiries about this matter, I have arranged for Mr Stuart McIntosh to assist you. Mr McIntosh can be contacted on 9995 5821.

Yours sincerely

6 May 2021

Adrian Hohenzollern
Director, Western
Central River City and Western Parkland City
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and Environment

Delegate of the Minister for Planning and Public Spaces

Encl: Gateway determination



**Planning,
Industry &
Environment**

Alteration of Gateway Determination

Planning proposal (Department Ref: PP-2021-2980): reclassification of land located at Apex Park and Bradbury Park, Campbelltown from Community to Operational land.

I, Director Western, Central River City and Western Parkland City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 12 April 2021 for the proposed amendment to the Campbelltown Local Environmental Plan 2015 as follows:

1. Delete:

Condition 1: "The planning proposal is to be updated to align with the requirements of Practice Note 16-001, where all relevant interests be extinguished and discharged prior to public exhibition, and confirm wording be inserted into Part 2 of Schedule 4 of the LEP 2015."

and replace with:

new Condition 1: "The planning proposal, Part 2 Explanation of Provision, is to be updated to align with the requirements of LEP Practice Note 16-001:

- (a) where all relevant interests proposed to be extinguished and discharged are to be identified; and
- (b) confirm which part of Schedule 4 of the LEP 2015 is to be amended."

2. Delete:

condition 3: "No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act."

and replace with:

new Condition 3: "Consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act:

- (a) Transport for NSW
- (b) NSW Mining, Exploration and Geoscience."

6 May 2021

**Adrian Hohenzollern
Director Western,
Central River City and Western Parkland
City
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and
Environment**

PP-2021-2980 (IRF/1804)

**Delegate of the Minister for Planning and
Public Spaces**

PP-2021-2980 (IRF/1804)



PROPOSED RECLASSIFICATION OF COMMUNITY LAND AT APEX AND BRADBURY PARKS, BRADBURY PUBLIC HEARING REPORT

FINAL

15 OCTOBER 2021



CAMPBELLTOWN CITY COUNCIL

PROPOSED RECLASSIFICATION OF
COMMUNITY LAND AT
APEX AND BRADBURY PARKS, BRADBURY

PUBLIC HEARING REPORT

FINAL

15 OCTOBER 2021

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1 INTRODUCTION

1.1 Purpose of this report

This report has been prepared under Section 29 of the *Local Government Act 1993* to report to Campbelltown City Council on the public submissions made at and after the public hearing on Thursday 30 September 2021 regarding the proposed reclassification of parcels of Council-owned land comprising Apex and Bradbury Parks in Bradbury from community land to operational land.

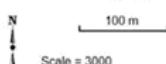
The proposed reclassification of the subject land is explained in detail in the *Planning Proposal: Reclassification of Land at Apex Park and Bradbury Park from Community Land to Operational Land to facilitate the Campbelltown Billabong Project* (Campbelltown City Council, May 2021) referred to as “the planning proposal”. The planning proposal relates to this matter alone, and does not seek any other change to the current planning provisions including the zoning of the land.

This report also makes recommendations to Council regarding the proposed reclassification.

1.2 Land to which the proposed reclassification applies

The proposed reclassification applies to the Council-owned land comprising Apex and Bradbury Parks. This land includes the Gordon Fetterplace Aquatic Centre and the proposed Campbelltown Billabong.

Figure 1 Apex and Bradbury Parks



Apex / Bradbury Park - Council Owned Land

Source: Campbelltown City Council

The eight lots comprising the subject area are:

- ❑ Part Lot 532 DP 230227, The Parkway, Bradbury (incorporating Bradbury Park and Gordon Fetterplace Aquatic Centre)
- ❑ Lot 1 DP 137067, The Parkway, Bradbury (incorporating Bradbury Park)
- ❑ Lot 4 DP 259807, The Parkway, Bradbury (incorporating Bradbury Park)
- ❑ Lot 66 DP 1127402, The Parkway, Bradbury (incorporating Bradbury Park)
- ❑ Part Lot 67 DP 1127402, The Parkway, Bradbury
- ❑ Part Lot 68 DP 1127402, 318 Queen Street, Campbelltown
- ❑ Lot 35 DP 702933, The Parkway, Bradbury (incorporating Bradbury Park)
- ❑ Part Lot 1 DP 213026, The Parkway, Bradbury (incorporating Bradbury Park)

1.3 Contents

The remainder of this report contains:

- ❑ a general explanation of the proposed reclassification of the subject land from community land to operational land (Section 2)
- ❑ explanation of the proposed reclassification of Apex and Bradbury Parks (Section 3)
- ❑ the public hearing details (Section 4)
- ❑ submissions (Section 5)
- ❑ assessment of submissions and recommendations (Section 6).

2 RECLASSIFICATION OF COMMUNITY LAND

2.1 What is reclassification of community land?

Under the *Local Government Act 1993*, public land is classified as either 'operational' or 'community' land. Apex and Bradbury Parks are classified as community land under the *Local Government Act 1993*.

Community land would ordinarily comprise land accessible to the public, such as a park, sporting fields, or a community centre. Community land must not be sold, except in the limited circumstances referred to in Section 45 (4) of the Act.

The use of community land must be consistent with a plan of management. It is understood that Apex Park and Bradbury Park are included in the *Plan of Management No. 6 prepared under the Local Government Act 1993 for Sportsgrounds* (Campbelltown City Council, 1998).

Community land may only be leased or licensed for up to 21 years without the Minister's consent or up to 30 years with the Minister's consent. Community land may only be leased or licensed for more than 5 years if public notice of the proposed lease or licence is given and, in the event that an objection is made to the proposed lease or licence, the Minister's consent is obtained. Council also cannot grant a lease, licence or other estate for private purposes over community land.

Operational land would ordinarily comprise land held as a temporary asset or as an investment, land which facilitates the carrying out by a Council of its functions, or land which may not be open to the general public, such as a works depot. Operational land may be leased for a longer period of time, and may be sold/ transferred. Operational land does not have any special restrictions and can be used by Council for a broad range of purposes.

Classification or reclassification of land does not affect any estate or interest a council has in the land.

2.2 Process of reclassification of community land

The *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979* set out requirements that Councils must follow when reclassifying community land to operational land. Relevant legislation can be accessed at www.legislation.nsw.gov.au.

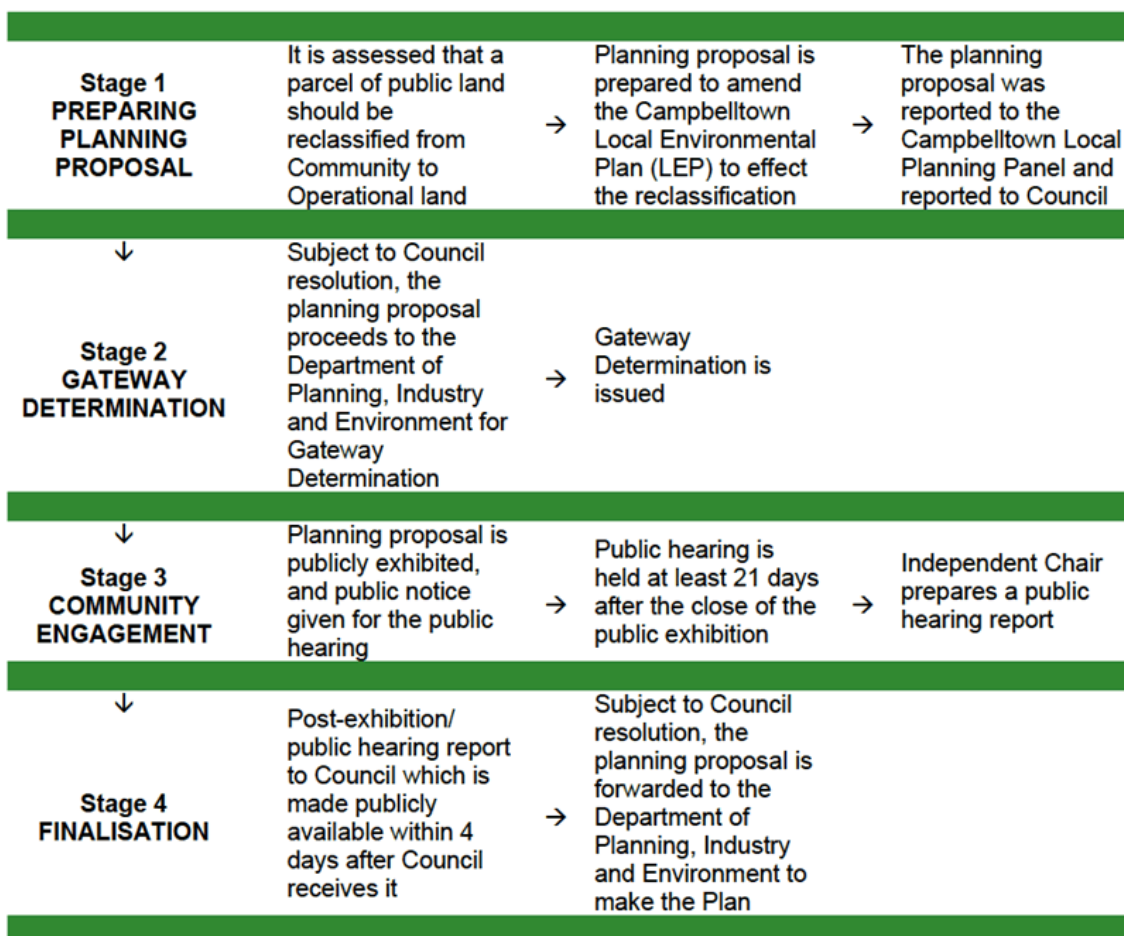
Reclassification may be carried out by either:

1. A Local Environmental Plan under the *Environmental Planning and Assessment Act 1979* through Section 27(1) of the *Local Government Act 1993*, or
2. Council resolution under Section 27(2) of the *Local Government Act 1993*.

Council is proposing to reclassify the Council-owned community land under Option 1 ie. by amendments to the Campbelltown Local Environmental Plan 2015.

The process of reclassifying community to operational land by changes to the Campbelltown Local Environmental Plan 2015 is in Figure 2.

Figure 2 Process of reclassifying community land to operational land by local environmental plan



2.3 Background to the proposed reclassification

The background to and reasons for the proposed reclassification are set out in detail in the planning proposal.

The planning proposal was prepared to reclassify Council-owned land at Apex and Bradbury Parks from 'Community' land to 'Operational' land by amending *Campbelltown Local Environmental Plan 2015* Schedule 4, Part 1 to include Apex and Bradbury Parks.

2.4 Process of the public hearing and report

Table 1 Process of the public hearing and report

Dates	Process	Relevant legislation
16 December 2020	Campbelltown Local Planning panel advice	

Dates	Process	Relevant legislation
9 February 2021	Campbelltown City Council resolved to support the proposal to reclassify Apex and Bradbury Parks from community to operational land	
February 2021	Council referred the planning proposal to the NSW Department of Planning, Industry and Environment for Gateway Determination	Section 3.34(1) of the <i>Environmental Planning and Assessment Act 1979</i>
12 April 2021	Gateway Determination issued by DPIE	Section 3.34(2) of the <i>Environmental Planning and Assessment Act 1979</i>
6 May 2021	Gateway Alteration received due to an anomaly in the initial Gateway Determination	
1 June to 29 June 2021	Council places copies of the planning proposal and supporting information on public exhibition for comment. Copies were available on Council's website, and Council's administration centres. 12 submissions were received.	
9 September 2021	Public notice of the public hearing after the conclusion of the statutory public exhibition of the planning proposal	
Thursday 30 September 2021	The public hearing into the proposed reclassification was held. The person presiding at the public hearing is not a councillor or employee of the council holding the public hearing, or has been a councillor or employee of that council at any time during the 5 years before the date of her appointment.	Section 29 of <i>Local Government Act 1993</i> Department of Planning and Environment Practice Note PN 16-001 Section 47G of <i>Local Government Act 1993</i>
October 2021	Independent chairperson at public hearing prepared the public hearing report and issued it to Council.	
October 2021	Council must make a copy of the public hearing report available for inspection by the public at a location within the area of the council no later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing.	Section 47G of <i>Local Government Act 1993</i>
Consideration of the public hearing report and public submissions to the planning proposal by Council.		
<i>If Council decides to proceed with the reclassification:</i>		
Council requests the Department of Planning, Industry and Environment to prepare the draft Local Environmental Plan to give effect to the planning proposal.		
Amendment made to the <i>Campbelltown Local Environmental Plan 2015</i> to reclassify the community land as operational land may make provision to the effect that, on commencement of the plan, the land ceases to be a public reserve, and that the land is by operation of the plan discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land.		Section 27 of <i>Local Government Act 1993</i>
Reclassification of the land to operational land.		Section 30(1) of <i>Local Government Act 1993</i>

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3 PROPOSED RECLASSIFICATION OF APEX AND BRADBURY PARKS

3.1 Land description

Figure 3 Local site context of Apex and Bradbury Parks



Campbelltown Billabong Parklands under construction



Bradbury Park clubhouse



Bradbury Oval 1



Bradbury Oval 1 wicket



Informal open space Bradbury Ovals 1 and 2



Amenities building between Bradbury Ovals 1 and 2



Bradbury Oval 2 wicket



Bradbury Oval 2



Bradbury Oval 2



Basketball courts



Gordon Fetterplace Aquatic Centre



Gordon Fetterplace Aquatic Centre



Gordon Fetterplace Aquatic Centre

Australian Government, \$7,500,000 from the NSW Government and \$16,000,000 from Council.

As part of the process, the reclassification of the subject site would assist Council in achieving a timely opening of the site and unlocking potential management options and future complementary co-located uses. The reclassification of the land would allow for greater flexibility to the greater site which would potentially unlock other land uses for community benefit. Investigation is also being undertaken for the potential embellishment of the remainder of the site that does not encompass the Billabong. The regional level parklands to accompany the Billabong will encompass the whole land including the current playing fields at the northern end of the site so that the facilities are able to cater for large groups and provide recreational opportunities for the whole year, including periods when it is too cold to swim.

In order to facilitate the project and ensure that the site successfully operates as a Billabong, a planning proposal is required to make the land operational.

The objective of the planning proposal is to change the classification of the land from community to operational land.

The proposed reclassification would:

- ☐ assist Council in the process of turning the proposed Billabong into a functioning project once it is completed in 2022
- ☐ allow Council to unlock land that may be considered under-utilised and promote other uses that would work in cohesion with the Billabong
- ☐ provide a greater level of flexibility in the options to manage the land, consistent with other important Council assets like the Campbelltown Arts Centre
- ☐ increase the commercial attractiveness of the site for potential longer term lease purposes
- ☐ improve Council's ability to respond to opportunities that may come along to collocate other community assets in line with the site's status as a community and cultural precinct as outlined in the Reimagining Campbelltown City Centre Master Plan.

The planning proposal does not seek to amend the RE1 – Public Recreation zoning for the site or any other planning controls under Campbelltown Local Environmental Plan 2015.

The proposed use as a Billabong would be considered a permissible use in accordance with the RE1 – Public Recreation zone under the Campbelltown Local Environmental Plan 2015 thus not requiring an amendment to the LEP.

The proposal does not alter any current agreements with the users of the land.

The land is currently owned by Campbelltown City Council and is classified as 'Community Land' under the *Local Government Act 1993*. In order for the land to be functioning and used for business purposes it will be required to reclassify the land to 'Operational Land' which is undertaken by a Local Environmental Plan amendment under the *Environmental Planning and Assessment Act 1979*.

The objectives and intended outcomes of the planning proposal will be achieved by amending the Campbelltown Local Environmental Plan 2015 through the inclusion of the subject site as 'Operational Land' under Schedule 4 of the LEP.

Further information about the site can be obtained from the planning proposal.

3.2 Why is the land proposed to be reclassified?

The following information is derived from the planning proposal.

The Campbelltown Billabong Parklands is a landmark and iconic swimming lagoon at Apex Park and Bradbury Park, Bradbury. The project will create a series of interlinked and flexible open spaces in a riverine-like parkland setting. It will offset the urban heat island effect experienced in the Campbelltown CBD, integrate with adjacent areas to create a community and recreational hub and celebrate Campbelltown's Aboriginal community through sensitive interpretation within the project design.

Figure 4 Billabong Masterplan



Source: Planning proposal: Figure 5 – Billabong Masterplan

The purpose of the reclassification of land is to facilitate the ongoing use and management of the Campbelltown Billabong Parklands which is under construction, and any future co-located facilities, following funding under the Western Sydney City Deal to construct the Billabong. The project received funding of \$31,000,000 which included \$7,500,000 from the

4 THE PUBLIC HEARING

4.1 Advertising and notification

Campbelltown City Council advised the community about the public hearing in several ways as follows:

- ❑ Media release on 9 September 2021 (refer to Figure 5 below)
- ❑ Notice and supporting information provided on Council's community engagement site 'Over to You Campbelltown' commencing 9 September 2021 (refer to Figure 6 below)
- ❑ 10 letters were sent to the owners/occupiers of adjoining properties and to those that provided a submission to the exhibition of the planning proposal
- ❑ An email was sent on 24 September 2021 to individuals registered on Council's 'Over to You Campbelltown' page advising them of the public hearing. The aim was to advise individuals who have previously made a submission on other publicly exhibited projects about the public hearing.

Figure 5 Media release

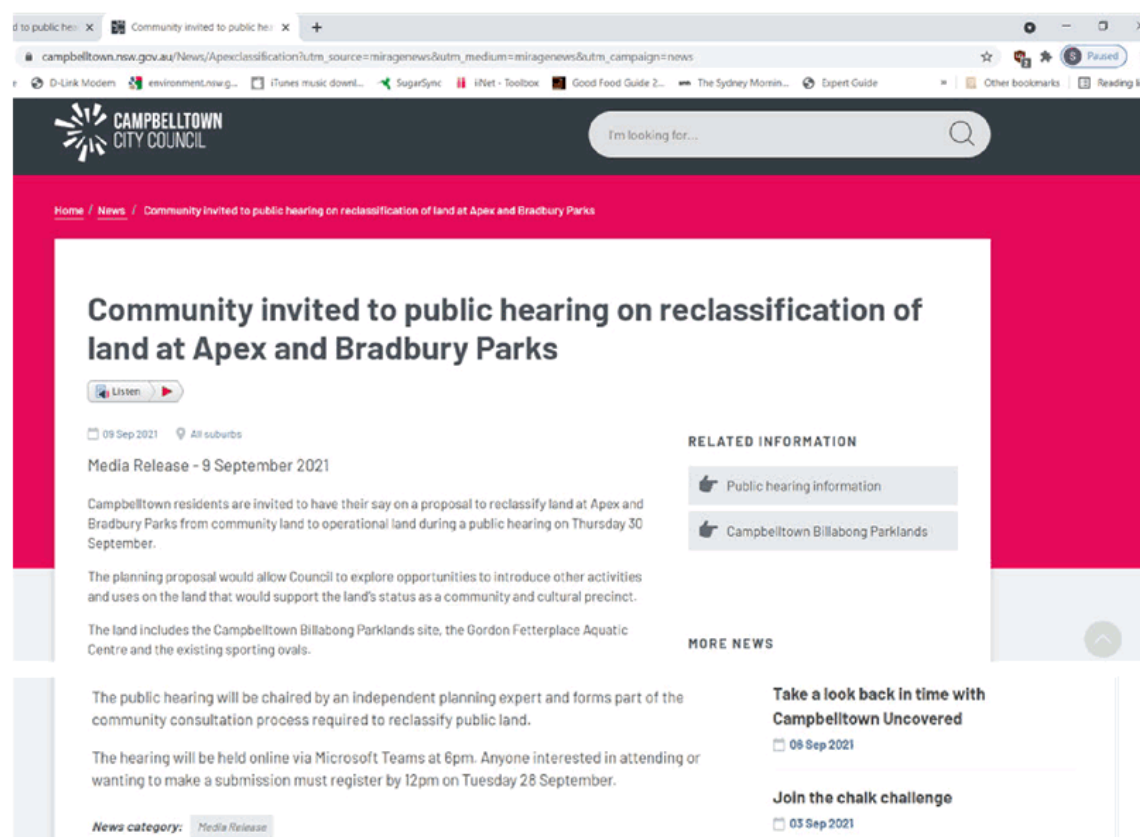


Figure 6 Notice about public hearing on 'Over to You Campbelltown'

Home » Public Hearing - Reclassification of Land - Apex and Bradbury Parks (1070/2021/E-PP)

Public Hearing - Reclassification of Land - Apex and Bradbury Parks (1070/2021/E-PP)

Public Hearing - Reclassification of Land - Apex and Bradbury Parks (1070/2021/E-PP)

A public hearing will be held via Microsoft Teams to provide community members with the opportunity to share their views about a proposal to reclassify land bounded by The Parkway and Moore-Oxley Bypass, Bradbury from Community land to Operational land. The land is known as Apex Park and Bradbury Park, in which exists the Gordon Fetterplace Aquatic Centre and the proposed Campbelltown Billabong.

The public hearing is scheduled to be held on Thursday, 30 September 2021 at 6pm, online via Microsoft Teams in accordance with the Public Health (COVID-19 Temporary Movement and Gathering Restrictions Order) 2021.

The public hearing will be chaired by an independent person from Parkland Planners in accordance with the Local Government Act 1993.

It should be noted that any statements made inside or outside the public hearing do not have the same privileges as in Parliament and are subject to laws of defamation."

Register your interest

Interested persons will need to register their attendance by completing the form below by 12pm on Tuesday, 28 September 2021 to:

- Virtually attend or listen to the hearing only, not address or speak.
- Make a submission at the hearing.

Documentation providing details of the proposed Reclassification of Land can be viewed under the documents tab:

- Attachment A - PN-16-001 - LEP Practice Note and responses
- Attachment B - Title Searches
- Attachment C - Council Report and Resolution of 9 February 2021
- Gateway Determination and Letter
- Gateway Determination Alteration
- Planning Proposal

If you would like to make a formal written submission to the Independent Chairperson, you can do this by forwarding your submission via email to sandy@parklandplanners.com.au or by post to Sandy Hoy, Parkland Planners, PO Box 41, FRESHWATER NSW 2096.

The last day for receipt of written submissions is Monday, 4 October 2021.

REGISTER HERE

Register your interest/submission

You need to be signed in to take this survey

Sign In **Register**

Documents

- Attachment A - PN-16-001 - LEP Practice Note and responses.pdf (399 KB) (pdf)
- Attachment B - Title Search.pdf (281 KB) (pdf)
- Attachment C - Council Meeting Agenda and Minutes - 9 February 2021 - Planning Proposal - Campbelltown Billabong (2).pdf (2.15 MB) (pdf)
- Gateway Determination - 12 April 2021.pdf (321 KB) (pdf)
- Alteration of Gateway Determination - 6 May 2021.pdf (312 KB) (pdf)
- Planning Proposal - Billabong - for Public Exhibition (1).pdf (512 KB) (pdf)

FAQs

What's on this site?

Why would we reclassify this land?

Is reclassification of land the same as rezoning of land? What is the difference?

What would happen to the facilities currently on the site if it's reclassified as operational land?

If it were reclassified, would we still be able to play sport on Bradbury Oval?

Why is there a public hearing about the proposal to reclassify this land?

Who is holding the public hearing?

Who can make a statement to the public hearing?

How do I register to be part of the public hearing?

Who's Listening

Ante Zekanovic
Senior Strategic Planner

Phone: 02 4645 4608
Email: overtoyou@campbelltown.nsw.gov.au

FAQs

❶ What's on this site?

❷ Why would we reclassify this land?

❸ Is reclassification of land the same as rezoning of land? What is the difference?

❹ What would happen to the facilities currently on the site if it's reclassified as operational land?

❺ If it were reclassified, would we still be able to play sport on Bradbury Oval?

❻ Why is there a public hearing about the proposal to reclassify this land?

❼ Who is holding the public hearing?

❽ Who can make a statement to the public hearing?

❾ How do I register to be part of the public hearing?

❶ What's on this site?

The site is a public reserve containing two ovals and Gordon Fetterplace Aquatic Centre as well as the Campbelltown Billabong Parklands which is currently under construction.

[top of the page](#)

❷ Why would we reclassify this land?

Changing the classification from 'community' to 'operational' land would provide more opportunities to unlock its potential for community benefit.

The Campbelltown Billabong Parklands will be a premier destination alongside our already renowned Campbelltown Arts Centre. Adjusting the classification of the land would provide options that with its community and cultural precinct status, as outlined in the Reimagining Campbelltown City Centre Master Plan.

[top of the page](#)

❸ Is reclassification of land the same as rezoning of land? What is the difference?

No, the reclassification of land is not the same as a rezoning.

Reclassification of land refers to the process of changing the classification of land from operational to community land or community to operational land. The reclassification of land occurs through an amendment to a Local Environmental Plan by a planning proposal process however the process also includes a public hearing held by an Independent Chairperson. The reclassification of land does not alter the types of land uses permissible on the land but does alter the types of land management options available to Council.

In comparison, rezoning refers to the process of changing the land use zone that applies to particular parcel(s) of land. A land use zone determines the allowed uses to be undertaken on the parcel of land. The rezoning of land is also undertaken via a planning proposal that amends the Local Environmental Plan, and this can lead to some confusion.

[top of the page](#)

❹ What would happen to the facilities currently on the site if it's reclassified as operational land?

Reclassifying the land would not prohibit any of the activities that currently happen on the site. Any proposal to change the use of the site would include community consultation and the formal consideration of the Council.

[top of the page](#)

❺ If it were reclassified, would we still be able to play sport on Bradbury Oval?

Yes. Reclassifying the land would not impact the current use of the site.

[top of the page](#)

❻ Why is there a public hearing about the proposal to reclassify this land?

A public hearing is a standard part of the process for a planning proposal to reclassify land.

[top of the page](#)

❼ Who is holding the public hearing?

The public hearing will be chaired by an independent person from Parkland Planners in accordance with the Local Government Act 1993.

[top of the page](#)

❽ Who can make a statement to the public hearing?

Anyone is able to make a statement to the public hearing.

[top of the page](#)

❾ How do I register to be part of the public hearing?

To register to either attend or address the public meeting please complete the form on this page.

[top of the page](#)

To further encourage interested people to attend the public hearing, Council sent emails to registered attendees of the public hearing on the day reminding them of the hearing and providing them with the meeting link.

Council also sent emails to registered attendees on the day following the hearing advising that written submissions will be accepted up to Monday 4 October 2021 and providing a postal and email address for submissions.

4.2 Timing of the public hearing

The public hearing was timed to occur after the public exhibition of and receipt of written submissions regarding the planning proposal for the proposed reclassification of the land closed on 29 June 2021.

Public notice of the public hearing was given at least 21 days after the completion of the statutory public exhibition period of the planning proposal.

The public hearing to receive submissions on the proposed reclassification of community land at Apex and Bradbury Parks was held on Thursday 30 September 2021 from 6:00pm online via the Microsoft Teams platform.

4.3 Chairperson

As required under Section 47G of the *Local Government Act 1993*, Council appointed an independent chairperson, Sandy Hoy, Director of Parkland Planners, to chair the public hearing. Ms. Hoy has not at any time been either a Councillor or an employee of Campbelltown City Council.

4.4 Attendance at the public hearing

The following Council officers were present at the hearing to represent Council, listen to verbal submissions, and answer questions:

David Smith	Executive Manager Urban Centres
Rad Blagojevic	Co-ordinator Urban Development
Ante Zekanovic	Senior Strategic Planner
Megan Harrison	Administration Assistant

19 community members registered with Council to attend the public hearing.

Seven community members attended the public hearing.

4.5 Agenda of the public hearing

Ms. Hoy opened the public hearing at 6:05pm, and explained the purpose and process of the public hearing. Council officers explained the purpose of the proposed reclassification, and answered questions. A presentation using information from the planning proposal was referred to for background information about the proposed reclassification.

Verbal submissions regarding the proposed reclassification were received at the public hearing. The content of those submissions is outlined in more detail in Section 5 of this report.

With there being no further submissions or questions, Ms. Hoy closed the hearing at 7.00pm.

4.6 Site inspection

Ms. Hoy inspected Apex and Bradbury Parks after the public hearing.

4.7 Written submissions

Written submissions after the public hearing could be lodged with the Independent Chairperson by Monday 4 October 2021 by:

- ☐ email at sandy@parklandplanners.com.au
- ☐ post to Sandy Hoy, Parkland Planners, PO Box 41, FRESHWATER NSW 2096.

5 SUBMISSIONS

5.1 Submissions to the planning proposal

Written submissions to the public exhibition of the planning proposal were reviewed before the public hearing.

Relevant points raised from 12 written submissions to the planning proposal which addressed the proposed reclassification of Apex and Bradbury Parks are:

- ☐ removal of green space for a growing community
- ☐ impact on the sporting fields being used by sporting clubs
- ☐ impact on opportunity for people to use the space to undertake physical activity and informal recreation
- ☐ the site will not be used for community purposes
- ☐ the site should remain community land so that it is not sold or redeveloped in the future
- ☐ query about the function and success of Campbelltown Billabong being dependent on reclassification to operational land
- ☐ the Campbelltown Billabong would increase traffic and car parking issues.

The written submissions to the planning proposal are addressed in a separate report to Council from Council staff.

5.2 Public hearing submissions

The question posed to the community regarding the purpose of the public hearing is:

Do you agree or not with the proposal to reclassify from Community land to Operational land:

- **Part Lot 532 DP 230227, The Parkway, Bradbury (incorporating Bradbury Park and Gordon Fetterplace Aquatic Centre)**
- **Lot 1 DP 137067, The Parkway, Bradbury (incorporating Bradbury Park)**
- **Lot 4 DP 259807, The Parkway, Bradbury (incorporating Bradbury Park)**
- **Lot 66 DP 1127402, The Parkway, Bradbury (incorporating Bradbury Park)**
- **Part Lot 67 DP 1127402, The Parkway, Bradbury**
- **Part Lot 68 DP 1127402, 318 Queen Street, Campbelltown**
- **Lot 35 DP 702933, The Parkway, Bradbury (incorporating Bradbury Park)**
- **Part Lot 1 DP 213026, The Parkway, Bradbury (incorporating Bradbury Park)**

Why or why not?

Seven people attended the public hearing. Four people addressed the public hearing, with their comments and questions set out below.

Table 2 Verbal submissions to the public hearing

Submission / question	Council response
<p>Concern about the impact of reclassification on use of the cricket ovals. The Camden District Cricket Umpires Association submission (below) was read.</p>	<p>The proposal is to reclassify the land, not to change its use. There is no plan to change cricket's use of the two fields.</p>
<p>Concern that potentially the reclassification would open up potential, but have concern that the community use would, if not immediately, be in jeopardy not immediately but down the line. Our cricketers have expressed that concern. I'm happy that has been tabled.</p> <p>There is no plan to change the existing use of these lands for community use, but that doesn't safeguard future use of these lands for community use.</p> <p>We have this process now for the change request. What happens in the future when a fancy inviting proposal comes in and Council wants to jump on that? How does the community get a say down the line in the change of use in the future if something more inviting than cricket comes along?</p> <p>Will the community still have the same access to the process of submissions and questioning proposed use?</p> <p>Concern about shifting from community land to operational land that can be sold and leased differently.</p> <p>I worry about what the future holds for this great community space. I understand that there are no guarantees either way.</p> <p>I question the move and will be trying to research further to understand from a bureaucratic level the gains and losses that could be expected.</p> <p>Will the Billabong Parklands be for free use by the community? Kiosks, public restrooms, parking spaces ... are future plans for that area impacting the choice to go from community to operational land? Will changing from community to operational land benefit the Billabong Parklands to be operational?</p>	<p>There is always an opportunity to have your say. Council does things in an open and transparent way. All Council meetings are public meetings. If Council wants to change a land use zone, permissible uses, development applications, there is always public consultation.</p> <p>The reclassification doesn't alter Council's ability to kick a user off the site, and this is not Council's intention at all.</p> <p>Reclassification enables more management options under the Local Government Act.</p> <p>If Council was unhappy with an existing user they could make that decision in consultation now. Council has the power as a land owner to change the users ability to change land use.</p> <p>If someone wanted to put an Aboriginal cultural centre on the same site it would be subject to a development application which would be subject to public consultation.</p> <p>The reclassification wouldn't change the ability of local clubs to use the fields, whether by annual hire or longer term lease.</p> <p>It is understood that the Billabong Parklands will be free for use by the community. There is no intention to charge for use of the facility. However users would likely pay for a coffee at a kiosk.</p> <p>There are benefits to the Billabong being operational because one of the restrictions on community land is the length of leases. If Council decides to outsource the management it would be more attractive if it could have a longer timeframe. It is about future-proofing if opportunities come up.</p>
<p>Submission from Camden District Cricket Association and letters of support from 90% of clubs (refer below). All the clubs in the association are in favour of the classification not being changed.</p> <p>Why didn't Council just change the classification of the lots that affect Apex Park, and not include Bradbury grounds and the Campbelltown swim club.</p>	<p>A challenge with the reclassification is the way the land titles are set up across this site. There are a couple of bigger lots. Bradbury 1 and 2 are on three different lots. To choose a legal lot boundary would be challenging.</p> <p>If there are two management entities, for example a road may run on along Council boundary with one side of the road being managed differently to the other side of the road. Its not a great look for one side of the road, and the other side of the road will be happy.</p>

Submission / question	Council response
<p>Have heard rumours that Bradbury 2 will be turned into a carpark, and Bradbury 1 will be turned into things other than a cricket ground. As an association for over 100 years we are most concerned about what Council have in store for Bradbury Oval.</p> <p>We have heard all the rumours about Bradbury Oval. No-one wants to give us anything in writing to tell us that won't be happening. Cricket is very concerned about Bradbury Oval.</p> <p>From a cricket point of view community land is parks, reserves and sportsgrounds which cannot be sold, exchanged or changed over by the Council. Operational land facilitates Council doing what they like with the land. Our concern is that may not happen now, but it may happen in one, two, three, four or five years.</p> <p>The Council meeting is set down for November. This seems quick to get this through. Elections are happening in December. Councils don't usually work so quickly. Is there a reason why this is going through Council so quickly?</p> <p>Has a parking strategy ever been completed when the Billabong Parkland was put forward? Parking would be the biggest problem there and relates to the Bradbury 2 carpark rumour.</p>	<p>Concern about reclassifying part of the land rather than the whole of the land that there may be two different standards of management on different parcels of land. Happy to unpack that, and to hear concerns.</p> <p>Not aware of rumours about the use of Bradbury 1 and 2. No intention of the Council to change their use.</p> <p>When Council does a Local Environmental Plan amendment e.g. a rezoning it goes through a planning proposal process which generally takes a long time. The Department of Planning, Industry and Environment has tightened the ropes on Councils about how long planning proposals and rezonings take. As reclassifications are a type of planning proposal, there are strict deadlines for certain steps including the Gateway Determination to achieve the set timeframe.</p> <p>Changing of the Council election date from September to December hasn't helped with managing the timeframes required for the Gateway Determination.</p> <p>When Council considers the reclassification on 2 November it is up to them what decision they make. Councillors can vote to proceed or not proceed. A deferral vote would be the equivalent of not proceeding because of the way the Gateway Determination works.</p> <p>There is an additional opportunity to address the Councillors at the Council meeting in November. The Council meetings are public. The November Council meeting may be online or in person depending on COVID.</p> <p>Council has to send the planning proposal to DPIE for the approval of the NSW Governor before 24 December. The last Council meeting we can go to is 2 November.</p> <p>The public hearing has to be held before 1 November, which has been met tonight.</p> <p>The challenge is to get it to Council before it goes into caretaker mode before the election.</p> <p>The question about the parking strategy for Billabong Parklands will be taken on notice.</p>
<p>Regardless of the classification of the land, the reality is that Council can't guarantee now that in 10 years' time this land would be protected and maintained as a parkland or operational land.</p> <p>In 10 years' time different Council and Councillors will be in place, and if a submission wants to change overall use, it goes back to the community to rally together to protect our parkland.</p>	<p>Council can't guarantee or foresee what future Councils may do with community land or operational land.</p> <p>The history of Campbelltown City Council shows a high level of protection of community and public land. The Campbelltown Arts Centre is operational land. Council wouldn't sell or get rid of the arts centre. Being operational land allows the Council to manage it in ways more suitable to that type of venue.</p> <p>Part of Campbelltown Sports Stadium is operational land. It has served the community well.</p> <p>The HJ Daly Library is operational land used for community purposes.</p>

Submission / question	Council response
	The record of the Council has historically been good at accumulating public land, space and assets, and maintaining them in very good condition e.g. the arts centre.

5.3 Written submissions before and after the public hearing

21 written submissions were received before or after the public hearing by the closing date of Monday 4 October 2021.

People who made a written submission are:

- ☐ Anoulack Chanthivong, MP for Campbelltown
- ☐ Tony Cartwright
- ☐ Jessica Haldane
- ☐ Jacqui Sarkis
- ☐ Melissa Rey
- ☐ Andrew Thornton
- ☐ one person who requested anonymity.

Organisations which made a written submission are:

- ☐ Cricket NSW
- ☐ Camden District Cricket Association
- ☐ Camden District Cricket Umpires Association
- ☐ Bradbury Cricket Club
- ☐ Camden Cricket Club
- ☐ Campbelltown Collegians Cricket Club
- ☐ Campbelltown Collegians Rugby League Football Club
- ☐ Cobbitty Narellan Cricket Club
- ☐ Ingleburn RSL Cricket Club
- ☐ Magpies Cricket Club
- ☐ Oran Park Cricket Club
- ☐ Tahmoor District Cricket Club
- ☐ The Oaks Burraborang Cricket Club
- ☐ Westerners Cricket Club.

The written submissions are set out below.

Table 3 Written submission in support of reclassification

Position	Submission / question
Support – Billabong Parklands will be a recreation asset for the community	<p>I am writing to express my support in the reclassification of Apex and Bradbury parks.</p> <p>I have been a community member of the Macarthur region for the last 39 years. During my time as a resident in our amazing community I have watched as the area around me has changed and progressed.</p> <p>I watched Macarthur square go from being a square with an outdoor path to Big W and a water park to no resemblance at all from the square it used to be. Do I disagree with the changes? Absolutely not. Progress needs to happen for any community to grow and prosper. I am extremely excited watching the development of the Campbelltown Billabong happen. It is going to be an</p>

Position	Submission / question
	<p>intrinsic addition to the Macarthur community allowing community members of all ages to enjoy this valuable and much needed facility in our area. However it can't just be a billabong. It needs to be a holistic build for it to be successful. With this in mind the billabong would need its own toilet facilities - more than 1 and spread out, parklands and maybe a bike track through those parklands for the local community and visitors to enjoy. In Campbelltown we have skate parks but not a designated bike track. This would be a valued addition to this project. For these suggestions to be considered however you need to look at the land needed. Reclassifying the land (Apex and Bradbury park) will allow for this suggestion and other community suggestions to perhaps be considered.</p> <p>I understand that Bradbury Park is used to host community sport clubs. However if you count in total how many local Rugby League clubs there are, 10 in total for our LGA, then reclassifying this land for the progress of our community, wellbeing of our children and families and providing a new recreational facility that targets all ages, then in my opinion this reclassification is desperately needed. Our community needs this facility. We need a recreation hub for all to enjoy and be proud of.</p> <p>Campbelltown residents have been screaming out for something like this to be built for years. Campbelltown needs this Billabong, The families of Campbelltown need this Billabong, the community members that live in our area who unfortunately don't have access to transport and are unable to venture out of our area for recreation facilities NEED this Billabong.</p> <p>We need to move forward so our amazing community is provided with high quality recreation and entertainment facilities. Sometimes unfortunately some things need to end for progress to occur, progress which is undoubtedly needed much more than a sport field.</p>

Table 4 Written submissions – neutral

Position	Submission / question
Query about commercial viability of Billabong Parklands	<p>In emailed advice from Council's Director City Governance, Phu Nguyen, on 5 July 2021, the comment was made that not proceeding with the reclassification of the land would limit Council's ability to reduce the net operating costs of the Campbelltown Billabong project.</p> <p>There appears to be an assumption by Council that any proposed commercial ventures on the site will automatically succeed and be financially viable. Whilst I do hope that is the case, Council can't assume commercial success, particularly given the current difficult retail and hospitality environment as a result of the pandemic.</p> <p>In addition, the proposed commercial ventures would also be competing with established existing operators including at Council-owned facilities, such as the Campbelltown Art Centre.</p> <p>I do have concerns that the assumption of commercial success may not eventuate and will only further compound the financial risk to ratepayers. I have requested to see Council's business case for its proposed commercial operations on the Billabong site. Once that has been provided, I will be in a better position to assess the proposal based on concerns raised with me.</p>
Concern about access by sporting groups to Bradbury Park	<p>I have been contacted by sporting groups regarding their current and future access to the sporting fields on the site. There are serious concerns that use of the site as playing fields is not guaranteed and that the reclassification of the land is the first step in removing community sport from Bradbury Park.</p> <p>I raise these concerns because Council has a fiduciary duty to ratepayers to ensure the responsible use of rates and management of community land.</p>

Table 5 Written submissions that do not support reclassification

Position	Submission / question
Do not support reclassification of Bradbury Park - impact on cricket, rugby league and other sports using Bradbury Ovals 1 and 2	<p>Cricket NSW and local cricket* (Cricket) thanks Campbelltown City Council (Council) for the opportunity to provide feedback into the reclassification of land known as Apex Park and Bradbury Park, in which exists the Gordon Fetterplace Aquatic Centre and the proposed Campbelltown Billabong.</p> <p>Cricket acknowledges that the intended purpose of the reclassification of land is to facilitate the ongoing use and management of the Billabong which is under construction, and any future co-located facilities, following funding under the Western Sydney City deal to construct the Billabong project. Cricket also recognises that the existing precinct provides important sport and community assets for the Campbelltown Local Government Area (LGA).</p> <p>In the 2020-21 cricket season, there were 1,254 registered cricket participants in the Campbelltown-Wollondilly cricket region which generated a total local economic contribution of over \$5.5 million per annum¹ - the sixteenth highest LGA across the state.</p> <p>Bradbury Cricket Club (Club) has been the historical user of Bradbury Park and its associated clubhouse and cricket net facilities for 50 years. Most recently, Bradbury Park has been home to the Club's Woolworths Cricket Blast Programs (Blast) and Junior Cricket formats that has attributed to the exponential growth in their registrations from 14 to 27 in Blast and an over 92% increase in Junior Cricket registrations since the 2019-20 season.</p> <p>The Cricket NSW Strategic Plan (2021-2025) and the Cricket NSW Infrastructure Strategy (2020-2030) have highlighted the need to protect and enhance cricket's long-term security of high-quality facilities for cricket at all levels of the game. As the demand for green open space increases and the availability of land decreases due to increasing population density in metropolitan areas, such as South West Sydney, access to and security of tenure to existing facilities is of vital importance to meet current and future demand of cricket in NSW.</p> <p>Whilst Cricket acknowledges that the planning proposal does not seek to amend the zoning or any other planning controls under the Campbelltown Local Environmental Plan 2015, Cricket is concerned that the reclassification of Bradbury Park specifically from Community Land to Operational Land may, as it implies, enable Council to sell, exchange or otherwise dispose of the park in the future.</p> <p>We appreciate that this may not be Council's current intent for Bradbury Park (as per LEP practice note – Responses to Attachment 1) however by reclassifying the land to Operational Land, we understand that this would result in Bradbury Park no longer being classified as a public reserve under the Local Government Act 1993. As such, we are uncertain as to what this could mean for Bradbury Park and the longstanding seasonal summer and winter tenants in the future.</p> <p>Cricket therefore kindly requests a guarantee from Council (in writing) that the proposed reclassification of land will not impact cricket's current or future use of Bradbury Park, and that the park will remain a publicly accessible and open green space sporting and community asset for the Campbelltown LGA.</p> <p>We thank Council for its ongoing commitment to cricket and for its engagement with Cricket to date on this planning proposal.</p> <p>We would welcome the opportunity to discuss this matter further with Council to ensure we can continue to maximise cricket's use of Bradbury Park well into the future.</p> <hr/> <p>Camden District Cricket Association (CDCA) would like to thank Campbelltown City Council for the opportunity to provide our feedback and concerns into the reclassification of Land at Apex and Bradbury Parks from Community Land to Operational Land.</p> <p>Our concerns and questions which remain, were asked at the Public Hearing of the 30 September 2021 and are outlined below:</p>

Position	Submission / question
1	Why can't Council reclassify the land with the Lot Numbers of Apex Park and not include Bradbury Park and Campbelltown Swim Centre in the reclassification?
2	With the Billabong Park project, was a parking strategy completed as this will affect parking in the precinct and add to the ongoing rumour doing the rounds that Bradbury 2 will be turned into a carpark.
3	Will Campbelltown Council provide a written undertaking that if the classification is changed from Community Land to Operational Land that it will not affect the use of Bradbury 1 and 2 for community sport?
	<p>The CDCA has been in existence since 1922-23. Bradbury Cricket Club have been a member of the CDCA since 1970-71.</p> <p>Bradbury Oval is regarded as the Premier Ground of the Camden District Cricket Association and has served to host Community Cricket at its highest level at local Senior and Junior Competitions as well as Senior and Junior Representative games thus providing a benefit to all the CDCA.</p> <hr/> <p>On behalf of Camden Cricket Club, I am writing to express our opposition to any proposed reclassification of land at Bradbury Park from Community Land to Operational Land.</p> <p>Bradbury 1 and 2 grounds are used by not only Bradbury Cricket Club teams, but teams from the entire Camden District Cricket Association, as well as CDCA representative teams. The prospect of potentially losing two grounds for use by the sport of cricket would deal a significant blow to cricketers of all ages, as well as impact the growth and development of the sport of cricket.</p> <p>Of particular concern is the prospect that the turf wicket at Bradbury may be subject to the reclassification. Turf wickets are in short supply throughout the district and loss of this facility would deal a severe blow to the game. Such a wicket cannot be easily replaced.</p> <p>We would request that Council does not proceed with the proposed reclassification of the Bradbury Park facility.</p> <hr/> <p>I write to you today in concern that you Campbelltown Council are looking to reclassifying Apex and Bradbury Parks.</p> <p>Campbelltown Collegians Cricket Club are against any changes to reclassify the land which may cost local sporting clubs losing these 2 grounds.</p> <p>If you have ever driven past Bradbury Park any day of the week, especially Saturdays throughout the year there is always a plethora of people playing sports either organised or not, walking their animals or generally exercising.</p> <p>We sincerely hope you take our view and the views of the multiple other sporting clubs into consideration and do not reclassify this land as it will majorly affect the hundreds if not thousands that use these fields weekly.</p> <hr/> <p>Ingleburn RSL Cricket Club opposes the proposal for any reclassification of the land which could result in the loss of Bradbury Ovals being lost to community sport. Such a proposal would be devastating to our colleagues at Bradbury Cricket Club and a tremendous loss to the long history of community sport in the Campbelltown region.</p> <hr/> <p>Our club and members object to the reclassification of the lands as proposed in their current form.</p> <p>We collaborated closely with Council officers during the planning phases and had always been led to believe the Billabong was to be located on the land known as Apex Park. There was never any discussion about a Billabong Precinct being created which the reclassification now introduces. We do not support the inclusion Bradbury Ovals into the reclassification.</p> <p>We fully support the creation of the Billabong as another resource for residents and visitors to the Campbelltown LGA and expressed this support during consultation. We understand the need for reclassification in order for the Billabong to open and</p>

Position	Submission / question
	<p>operate as planned. However, we can not see any reason why the ovals at Bradbury Park, nor for that matter the swimming pools, need to be reclassified.</p> <p>The reclassification Planning Proposal May 2021 states – “The purpose of the reclassification of land is to facilitate the ongoing use and management of the Billabong which is under construction, and any future co-located facilities.”. As historical users of Bradbury Park Ovals we are greatly concerned by this. Council has never informed us or the wider community that the Billabong was to become the overarching facility on the site.</p> <p>“The reclassification of the land would allow for greater flexibility to the greater site which would potentially unlock other land uses for community benefit. Investigation is also being undertaken for the potential embellishment of the remainder of the site that does not encompass the Billabong” (pp18 Planning Proposal May 2021). This section makes it clear that Council has plans for the enlarged reclassified land. By including the Ovals in the reclassification, it brings these plans a step closer and reduces the protections currently provided by the Community Land classification. This is of great concern as these extended plans have not been shared with the community and users of the ovals, basketball courts and swimming centre. Instead, the Billabong has been promoted and this reclassification application could be considered as development by stealth.</p> <p>We reassert our position that we are not opposed to the Billabong. We support the reclassification of land that is part of Apex Park. We strongly reject any claim that there is a need to reclassify Bradbury Park and the need for Council to create an expanded Billabong Precinct.</p>
	<p>I was very concerned to hear that Campbelltown City Council was considering the reclassification of the land at Apex and Bradbury Parks – the Camden District Cricket Umpires Association is very much opposed to this reclassification consideration.</p> <p>The Bradbury Ovals are the premier grounds of the Camden District Cricket Association – these grounds are second to none in our district and have served to host community cricket at its highest level in our district, both at a senior and junior playing level.</p> <p>The reclassification of the land at Apex and Bradbury Parks would be a devastating blow to the Bradbury Cricket Club, which is one of the largest sporting clubs in the region.</p> <p>Participation in community sport at both a junior and a senior level, including representative sporting fixtures, would suffer significantly should the reclassification proceed.</p> <p>The reclassification of land at Apex and Bradbury Parks would have a desolating effect on community sport in our district and the Camden District Cricket Umpires Association respectfully requests that Campbelltown City Council does not approve this reclassification of land that is so important to sport in our community.</p>
	<p>I am writing on behalf of the Cobbitty Narellan Cricket Club.</p> <p>As a club, we are strongly against Campbelltown Council reclassifying the land at Apex Park & Bradbury Parks, from Community land to Operational land.</p> <p>Bradbury Parks play a vital role in the running of the CDCA competition. The ground is held in high esteem within our club, and it would be a tragedy if this great ground was unable to be used for cricket for many years to come.</p> <p>Over the years, our club have greatly enjoyed the regular games that we have played on the turf wicket at Bradbury Oval, as well as the synthetic wicket on Bradbury Oval 2. The ground is very picturesque and holds a strong tradition within the district. In addition to this, many of our players, both past and present, have had the honour of representing the CDCA in various levels of representative cricket. Bradbury Oval has played a significant part in their cricketing journey over many years.</p>

Position	Submission / question
	<p>Westerners Cricket Club are writing this letter in support of Bradbury Cricket Club, the Camden District Cricket Association (CDCA) and Cricket NSW regarding the reclassifying of Apex and Bradbury Park from Community Land to Operational Land. As a member of the CDCA since 1983/84 season we have had the pleasure of being part of various competitions conducted and both our junior and senior teams have regularly enjoyed playing at a facility that is regarded as one of the best in the local LGA.</p> <p>Bradbury cricket club has been a member of CDCA for a number of seasons and has continued over these years to promote and provide both junior and Senior players an avenue for players to socially interact playing community cricket. I know for a fact that our Club has regularly enjoyed competition matches against Bradbury Cricket Club and particular playing at the excellent facilities at Bradbury Oval.</p> <p>Bradbury also provides a venue for representative cricket and the CDCA have regularly played both junior and senior representative matches at these venues.</p> <p>If Bradbury 1 and 2 were lost to cricket this would have a significant impact on the structure of the CDCA local competition which is currently regarded as one of the best across NSW providing access to Turf wickets for all 1st and 2nd grade matches as well as allowing the CDCA to play our elite Under 16 matches on turf.</p> <p>Bradbury Oval is an iconic venue located in the middle of the Campbelltown and has also regularly hosted junior and senior grand finals.</p> <p>We again reiterate our objections to the rezoning as we believe if these grounds are lost it will be severally detrimental to cricket, as well as other local sporting organizations.</p>
	<p>Campbelltown Collegians Rugby League Football Club along with Bradbury Cricket and Campbelltown Joggers are stakeholders of the Apex Park (Bradbury Oval) and have been for the past 30 years. Campbelltown Collegians are not opposed to the construction of The Billabong at Apex Park. Campbelltown Collegians would like to ensure that all the playing fields at Apex Park (Bradbury Oval) remain as such. The three fields are utilized by the public consistently and by organized sport. It would be beneficial for the public and organized sport to rezone The Billabong as operational land and to keep all the playing fields as community land.</p> <p>These fields are widely utilized for multiple purposes, parents bringing their kids down to the fields to have some recreational time, pet owners bring their dogs to field to run about. There are also sprint training groups that use these fields for young kids through to adults. It would be a shame to lose these fields for them to become a carpark for a water park.</p> <p>There has also been a considerable amount of money spent on these fields over that past 3 years due to The Water Wonderland being placed on fields 2 & 3 which after 30 days had destroyed the playing surface. The rectification works required to bring the fields back to a usable surface included returfing of fields 2 & 3 and an irrigation system for both fields was installed and there was also a new synthetic pitch and footing installed for the cricket field.</p>
	<p>In conjunction with Camden District Cricket Association, Magpies Cricket Club is totally Against any changes to the Reclassification of Land – Apex and Bradbury Parks (1070/2021/E-PP) and that in the future could mean Bradbury Ovals being lost to community sport.</p> <p>Community sport is very important to our area with both cricket and rugby league being played at these grounds. Bradbury Oval is important to our competition, as many teams over the cricket season including our representative teams play at these facilities.</p>
	<p>Oran Park Cricket Club do not support the proposal for redevelopment of Bradbury Oval. This does not only affect the Bradbury Cricket Club members but also those from opposing clubs who enjoy playing there + the junior & senior CDCA rep players who use the grounds when representing the district.</p>

Position	Submission / question
	<p>The Oaks Burragorang Cricket Club are writing this letter in support of Bradbury Cricket Club and the CDCA objections to the reclassifying Apex Park and Bradbury Park from Community Land to Operational Land.</p> <p>As a foundation cricket club member of the CDCA 1922-1923 we have had the pleasure of being part of community sport to meet the needs of not only our local LGA but across those LGAs where CDCA cricket has affiliated and supported many community clubs and their players.</p> <p>Bradbury cricket club is one of those. It has been a member of CDCA since 1970-1971 season and has continued over these years to promote and provide both junior and Senior players an avenue for players to socially interact playing community cricket.</p> <p>Bradbury Park also provides a venue for representative cricket. Specifically, Bradbury 1 & Bradbury 2. These fields are important for cricket to continue to flourish and provide to those community members that like to pop by to watch a game of cricket in a picturesque setting so close to bustling Campbelltown shops. Rather than travel to another area and spend money in another council area. Families attend cricket games and shops close by enhance these fields and help promote customers for local businesses.</p> <p>Many times there have been families using these fields for a family game of cricket when competition games are not in play. Why deny them of this opportunity</p> <p>We are currently going through a trying time with Covid19. Out door venues are so important for the community's mental health and so are local community sporting organisations.</p> <p>We again reiterate our objections to the rezoning as we believe it will be highly detrimental to cricket, to other sports clubs, the local community and those passing by on weekend drives.</p>
	<p>The Tahmoor District Cricket Club strongly opposes the reclassification by Campbelltown Council of any land that could mean the loss of Bradbury Oval to community sport.</p> <p>This iconic ground holds a special place in the hearts of cricketers from Liverpool to the Southern Highlands, the intergenerational history that this special place holds, should never be underestimated.</p> <p>Sport and particularly cricket is synonymous with this precinct, and it would be a travesty in our club's opinion if this area was ever lost to sport.</p>
	<p>As the population grows, these sporting fields are needed even more. Our children need the area in order to be encouraged to go out and use them. Quality of lifestyle is an important factor to communities. The fields are also extremely vital to the cricketing competition within the Macarthur region.</p>
	<p>I understand Council has a proposal to reclassify Bradbury oval to Operational land. We are totally against this proposal. There are many issues , the least of which is the useage of no.2 oval for junior sport. I wish to lodge my objection to this proposal.</p>
	<p>In opposition - "rezoning" could result in the sports club losing their field.</p>
Do not support - impact on place to exercise	<p>If you make the land operational, not available to the public then where are the local residents going to exercise. I've been down a few times during covid and the park area has been busy with people and families. In a world where we need to encourage people to exercise more, taking away this area is going to do the complete opposite.</p>
Do not support – community will be charged for access	<p>I don't understand why they want to make this change, it just seems like they want the classification change so they can make money and charge the community for access.</p>

6 ASSESSMENT AND RECOMMENDATIONS

6.1 Assessment of submissions

After reviewing and considering the written submissions to the planning proposal and the verbal submissions made at the public hearing set out in Section 5, the key points of the submissions are:

6.1.1 Support for proposed reclassification

One person explicitly supports the reclassification, stating that the Campbelltown Billabong Parklands will be a high quality recreational facility/hub that the Macarthur community needs. The Billabong plans may require sporting fields to be repurposed.

6.1.2 Queries about the Billabong Parklands proposal and reclassification

- ☐ Why is the reclassification necessary?
- ☐ Concern that the Billabong Parklands Precinct now includes Bradbury 1 and 2 Ovals.
- ☐ Support the reclassification of the Campbelltown Billabong Parklands (Apex Park) but don't support reclassification of Bradbury 1 and 2 Ovals, Gordon Fetterplace Aquatic Centre and the sports courts which are outside the Billabong area. Why can't the reclassification be limited to Apex Park and not apply to Bradbury 1 and 2 Ovals, Gordon Fetterplace Aquatic Centre and the sports courts?
- ☐ Concern about the financial viability of commercial ventures and the financial risk to Campbelltown ratepayers.
- ☐ Concern about competition of Billabong Parklands commercial ventures with the Campbelltown Arts Centre and other established operators.
- ☐ Concern about charging the community for access to the Billabong Parklands.
- ☐ Concern that current and future access to and use of sporting fields is not guaranteed.

6.1.3 Opposition to the proposed reclassification

General questions and concerns from people and organisations who explicitly oppose the proposed reclassification are:

- ☐ Concern about the implications of reclassification for physical access to and use of Bradbury 1 and 2 sporting fields by the community and sporting groups.
- ☐ Increasing local population and COVID-19 mean that sporting fields are needed by the local community for exercise. The ovals are well used for organised and casual sport, walking dogs, exercising and sprint training.
- ☐ Concern about future leasing and sale of the land.

16 submissions from cricket organisations at NSW, association and club levels, and one rugby league club, oppose Bradbury Ovals 1 and 2 being reclassified as operational land because:

- ☐ Bradbury Oval 1 is the premier ground in the Camden District Cricket Association

- ☐ the ovals are the home grounds of Bradbury Cricket Club which was formed over 50 years ago, and are also used by other junior and senior teams for representative cricket, competition and training
- ☐ current and future use of the cricket ovals is uncertain as Council can sell, exchange or otherwise dispose of operational land which may not be Council's intention
- ☐ concern that Bradbury Oval 2 will become a carpark for the Billabong Parklands
- ☐ the potential loss of two cricket grounds will impact on current cricket players and the growth and development of cricket
- ☐ the potential loss of the Bradbury Oval 1 turf wicket will result in a shortage of high quality turf wickets in the district
- ☐ Bradbury Park will no longer be a public reserve under the *Local Government Act 1993* with implications for winter and summer sport.

Cricket organisations have requested a written guarantee that cricket use of Bradbury Park continues, and that the park remains publicly accessible as a sporting and community asset.

6.2 Recommendations regarding the proposed reclassification

After considering the submissions received, my recommendations to Campbelltown City Council regarding the proposed reclassification of Apex and Bradbury Parks from community land to operational land are to:

1. Consider the community's viewpoints and issues raised in the verbal and written submissions outlined in detail in Section 5 and summarised in Section 6.1 when making the decision whether to proceed with the proposed reclassification.
2. Consider reclassifying only part of the proposed Billabong Precinct Area (Apex Park, any other proposed leased area) as operational land.
3. Consider retaining Bradbury Ovals 1 and 2, Gordon Fetterplace Aquatic Centre and the sports courts as community land.
4. Ensure continued access by sporting organisations to Bradbury Ovals 1 and 2.
5. Provide more information to the community to address their concerns about commercial ventures, financial viability, leasing and management of the Billabong Parklands.
6. Continue to engage the local community about plans for and progress of the Billabong Parklands.

6.3 Recommendations regarding reporting

Within four days of receiving this report, Council is required under Section 47G(3) of the *Local Government Act 1993* to make a copy of this report available for inspection by the public. It is recommended that Council:

- ☐ send a copy of the public hearing report to the people and organisations who attended the public hearing and/or made a submission on the planning proposal.
- ☐ keep a copy of the public hearing report for inspection at its Campbelltown administration centre and at HJ Daley Library.
- ☐ post an electronic copy of the public hearing report on Council's website.

Sandy Hoy
Director, Parkland Planners

15 October 2021

8.4 NSW Common Planning Assumptions - Housing and Demographic Projections for the Campbelltown Local Government Area

Reporting Officer

Executive Manager Urban Centres
City Development

Community Strategic Plan

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

Officer's Recommendation

1. That Council rescind the resolution made at the Council meeting on 28 February 2017, which mandated the use of .id the population experts as the corporate standard to be used in any reports, studies, strategies or other work that requires population related data
2. That Council note the current need to use the NSW Common Planning Assumptions for all strategic planning work undertaken by Council to comply with the requirements of the Greater Sydney Region Plan and Western City District Plan.
3. That Council continues to provide housing approval and related statistical information to the State Government for the continual refinement and updating of the NSW Common Planning Assumptions as they relate to the Campbelltown Local Government Area.

Purpose

To reconsider a 2017 resolution of the Council in regards to population projections and clarify the use of the NSW Common Planning Assumptions for all strategic planning work undertaken by Council to comply with the requirements of the Greater Sydney Region Plan and Western City District Plan.

Report

Introduction

At its ordinary meeting of 28 February 2017, Council considered a report on new population forecasts prepared for the Campbelltown LGA by the demographic consultancy firm .id the population experts (attachment 1) and resolved as follows:

It was Moved Councillor Greiss, Seconded Councillor Lound that Council note the population forecasts prepared by .id the population experts in January 2017 (and any updates made thereto over time) as the corporate standard to be used in any reports, studies, strategies or other work that requires population related data.

Sydney Region Planning Framework and Common Planning Assumptions

Council's resolution in 2017 preceded the transition in 2018 to the Greater Sydney Region Plan (GSRP) and Western City District Plan (WCDP), underpinned by the demographic and population datasets prepared by the State Government under the NSW Common Planning Assumptions. The GSRP and WCDP set out minimum 5 year LGA and 20 year district housing targets based upon the Common Planning Assumption projections.

Campbelltown City Council has worked as a key player in the Western Sydney Planning Partnership (WSPP), established under the Western Sydney City Deal in 2018 to achieve more efficient and higher quality outcomes for the region. The Common Planning Assumptions were delivered by the WSPP as a priority project associated to the delivery of infrastructure commitments under the Western Sydney City Deal.

The Common Planning Assumptions are required to be used by State Government agencies to determine infrastructure investment and service delivery for the Sydney Region, including the Western City District. This includes decision making by the State Government for infrastructure connections between the Campbelltown LGA and the planned Aerotropolis and Western Sydney Employment Area.

The Western Sydney Place Infrastructure Compact (WSPIC) applies to land stretching from Glenfield in the south-east, to Penrith in the north-west. The intent of the WSPIC is to identify and sequence the delivery of State Government infrastructure that will be required to service new jobs and dwellings within the area. The WSPIC uses a modified version of the Common Planning Assumptions to project dwelling, population and job figures for 20 and 40 years from 2016. All infrastructure planning and delivery in the Western Sydney Growth area is based upon these projections.

The Local Strategic Planning Statement, the Campbelltown Local Housing Strategy and the Employment Lands Study are the primary strategic land use planning policies for the Campbelltown LGA, and have all been prepared by Council in accordance with the requirements of the GSRP and WCDP. Council is currently working through housing targets set for the Campbelltown LGA by Department Planning, Industry and Environment (DPIE) as part of the approval conditions for the Local Housing Strategy, based upon the housing and population projection datasets of the Common Planning Assumptions.

The Common Planning Assumption datasets were last updated by the State Government in 2019, having regard to census data and other relevant statistics collected by the State Government, including housing approval information sourced from Campbelltown City Council. Accordingly, Council is actively engaging with the DPIE on a regular basis and continually providing housing approval data to the State Government for the purpose of refining these statistics and housing approval projections.

Council has maintained a separate analysis of population projections using an independent company as a means to validate and/or challenge the common planning assumptions to make sure they are satisfying our local needs. It is considered appropriate to continue to use such a

service for this purpose. This has added benefits to Council by providing data in a format that can assist Council in its advocacy needs. This information can also be tailored for other Council purposes including encouraging local investment and making detailed population information available to the public and community organisations on Council's website.

Conclusion

Due to the introduction of the Common Planning Assumptions in 2018 and amended in 2019, the Council's decision in 2017 to mandate the use of .id the population experts data as the corporate standard needs review given the significant changes made in 2018 to the Sydney Regional Framework. The need for this change is further supported by the uniform direction taken by all relevant State Government agencies to use the NSW Common Planning Assumptions to determine infrastructure delivery and investment planning in the Sydney Region.

The new strategic planning framework for the Sydney Region, including Council's commitments under the Western Sydney City Deal, means that the use of different housing and population projections has very limited relevance in strategic planning decisions being made under Greater Sydney Region Plan and Western City District Plan.

The use of housing and population datasets that are different to the NSW Common Planning Assumptions is complicating local strategic planning work under the Campbelltown Local Housing Strategy and Employment Lands Study, and it is becoming increasingly challenging for Council to effectively engage and influence State Government agencies and advocate for the timely delivery of infrastructure and planning investment in the Western City Region.

Accordingly it is recommended that the 2017 resolution relating to population projections be rescinded to acknowledge the NSW Common Planning Assumptions and enable their use for Council strategic planning work under the Western City District Plan and the Sydney Region Plan.

Attachments

1. Council Report from 28 February 2017 (contained within this report) [↓](#)

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8.10 New Population Forecast For The Campbelltown Local Government Area

8.10 New Population Forecast for the Campbelltown Local Government Area

Division

City Growth and Economy

Reporting Officer

Director City Growth and Economy

Attachments

Campbelltown City Council – Campbelltown City Population and Household Forecasts 2011 to 2036 (distributed under separate cover due to size of document).

Purpose

To advise Council of the new population forecast that has been prepared for the Campbelltown Local Government Area (LGA) and to seek Council's endorsement of this forecast as the official base data to inform future planning for the organisation and the City.

History

The consultants .id the population experts (also known as .id informed decisions) are a team of demographers, statisticians, population forecasters, Census data experts and housing analysts who specialise in converting data into useable information.

Council has worked closely with .id for over ten years to develop and provide demographic and statistical information about the LGA, including a community profile, community atlas, economic profile and population and housing forecasts. This information is updated regularly and provided on Council's website for use by both internal and external customers. .id provides a number of data sets:

1. the population forecast (forecast .id), which is the subject of this report, outlines the factors driving local population change and forecasts how the population, age structure and household types will change between now and 2036.
 2. the community profile (profile .id) uses Census data to identify the characteristics of a local community and how it is changing.
 3. the community atlas (atlas .id) is a companion to the community profile and provides Census data via themed thematic maps which show how target populations are distributed across a local government area.
-

4. the economic profile (economy .id) which is a detailed economic profile of the local government area that provides details about local employment and business.

Report

The population forecast for Campbelltown (which had last been updated in March 2015) required a detailed review to take account of the significant predicted population growth that is expected to occur in the Campbelltown LGA. The vast majority of the anticipated growth is expected to occur as a consequence of strategic policy directions and other decisions made by the NSW Government:

- the Draft Glenfield to Macarthur Corridor Strategy (Draft GMCS) released for public comment in July 2015
- the Greater Macarthur Land Release Investigation Area (Draft GMLRI) released for public comment in September 2015
- the sale of approximately 140 hectares of land at the Hurlstone Agricultural High School site at Glenfield (announced in November 2015)
- the Greater Macarthur Priority Growth Area (announced in July 2016), which incorporates the areas subject to the three actions listed above
- various Urban Renewal Projects across the City
- current Planning Proposals that will result in the creation of additional dwellings
- urban infill policies that allow the redevelopment of established areas at higher densities (subject to being permissible under a Local Environmental Plan)
- NSW policies that allow secondary dwellings in new and established areas.

The forecast estimates the current population in 2017 to be 162,902 persons and the population in 2036 to be 273,541 persons – a projected change (increase) of 67.92 per cent.

A summary forecast of the population, households and dwellings for the Campbelltown LGA to 2036 is provided in the following table.

Forecast population, households and dwellings

Campbelltown City	Forecast year					
Summary	2011	2016	2021	2026	2031	2036
Population	151,213	160,041	179,749	210,922	242,572	273,541
Change in population (5yrs)	—	8,828	19,708	31,173	31,650	30,969
Average annual change	—	1.14%	2.35%	3.25%	2.84%	2.43%
Households	50,691	54,435	61,676	72,217	83,149	93,629
Average household size	2.96	2.91	2.89	2.90	2.90	2.90
Population in non private dwellings	1,354	1,524	1,550	1,586	1,610	1,622
Dwellings	51,918	55,341	62,913	73,862	85,073	95,749
Dwelling occupancy rate	97.64	98.36	98.03	97.77	97.74	97.79

Population and household forecasts, 2011 to 2036, prepared by id, the population experts, January 2017.

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8.10 New Population Forecast For The Campbelltown Local Government Area

Tables showing more detailed analysis of overall projected growth across the LGA and projected growth in different parts of the LGA are provided in attachment 1.

The new projections provide Council with a rigorous evidence base for decision-making and strategic planning for both the organisation and the LGA. It is considered that the new data will enable Council to:

- build confidence in decision making
- provide a trusted evidence base for strategic planning
- better allocate resources when and where they are most needed
- better manage assets to meet changing demands
- minimise spending on research projects (as one set of data will be available for all consultants)
- deliver consistent figures in reports and information
- enhance funding requests with reliable evidence
- successfully advocate for the community
- support businesses and investment by providing free access to the information.

It is considered appropriate for the new forecast data for population, households and dwellings (as amended by .id the population experts from time to time) to be adopted as a standard across the organisation for use in any reports, studies, strategies or any other work that requires population related data. Council's endorsement of this data as a corporate standard is sought.

Officer's Recommendation

That Council note the population forecasts prepared by .id the population experts in January 2017 (and any updates made thereto over time) as the corporate standard to be used in any reports, studies, strategies or other work that requires population related data.

Extract from Minutes Of The Ordinary Meeting Of Council Held 28 February 2017**8.10 New Population Forecast for the Campbelltown Local Government Area**

It was **Moved** Councillor Greiss, **Seconded** Councillor Lound that Council note the population forecasts prepared by .id the population experts in January 2017 (and any updates made thereto over time) as the corporate standard to be used in any reports, studies, strategies or other work that requires population related data.

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

8.5 Development Application Status

Reporting Officer

Director City Development
City Development

Community Strategic Plan

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

Officer's Recommendation

That the information be noted.

Purpose

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

Report

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

Councillors be provided with monthly information detailing the status of each report considered by the Local Planning Panel (LPP), South Western City Planning Panel and approved by the General Manager under delegation of a value of more than \$1 million, 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 Sydney Western City Planning Panel						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
389/2017/DA-RA	'Raith' 74 Fern Avenue, Campbelltown	Construction of a residential development containing 134 residences and alterations to and use of the existing heritage building.	\$26,000,000	>20 million (registered prior to \$30mil threshold)	Completed	Approved with conditions
434/2020/DA-C	158 Queen Street Campbelltown	Amalgamation of two allotments, demolition of structures and construction of an 11 storey building comprising of a 2 storey RSL club with 152 hotel rooms above	\$50,056,894	>\$30 million capital investment value	Deferred at Panel's February 2021 meeting to allow for finalisation of Planning Proposal	
4609/2018/DA-SW	Appin Road, Gilead	Staged subdivision to create 424 residential lots, 20 residue lots and associated civil works	\$33,446,465	>\$30 million capital investment value	Under assessment	
4079/2017/DA-CD	Western Sydney University, 183 Narellan Road, Campbelltown	Concept application for the staged development of residential, mixed use and open space land uses including Stage 1 for super lot subdivision and civil works	\$6,175,279	>\$5 million capital investment value Crown development	Awaiting further information from applicant	
906/2020/DA-SW	Gidley Crescent, Claymore	Stage 4 Claymore Renewal - Subdivision to create 179 residential lots two residual lots including associated works	\$13,940,148	>\$5 million capital investment value Crown development	Awaiting further information from applicant	

Development Application Register

DAs to be considered by the Sydney Western City Planning Panel						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
504/2021/DA-SW	Clarendon Place, Winbourne Place, Rawdon Place, Dalkeith Place, Greengate Road, Airds	Stage 8 Airds/Bradbury Renewal - Subdivision to create 82 lots comprising of 80 residential lots and 2 lots for parks and associated works	\$6,354,141	>\$5 million capital investment value Crown development	Panel briefed May 2021. Further information required	
535/2021/DA-SW	Woolwash Road, Greengate Road, Teeswater Place, Wallinga Place, Katella Place and Mamre Crescent, Airds	Stage 7 Airds/Bradbury Renewal - Subdivision of 71 existing lots to create 214 lots comprising of 207 residential lots, 2 lots for future development, 1 lot containing an existing senior housing	\$13,914,412	>\$5 million capital investment value Crown development	Panel briefed May 2021. Further information required	
3532/2020/DA-SW	Goldsmith Avenue, Campbelltown	Concept master plan for a high density residential and mixed use development (known as Macarthur Gardens North), and construction of Stage 1 of the master plan, encompassing roads, parks, civil works, landscaping and subdivision of the site into super lots	\$ 281,673,000	>\$5 million capital investment value Crown development	Assessment in progress	
2036/2021/DA-C	Camden Road, Campbelltown	Removal of 2 trees and construction of a four storey health service facility	\$21,988,885	>\$5 million capital investment value on Council land	Assessment in progress	

Development Application Register

DAs to be considered by the Sydney Western City Planning Panel						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
1384/2020/DA-SW	Goldsmith Avenue, Campbelltown	Subdivision to create 56 residential lots and 2 residue lots and associated drainage and road works and construction of 56 dwellings	\$14,000,000	>\$5 million capital investment value Crown development	Assessment in progress	
11/2021/DA-SW	Various lots, Fullwood Reserve, Gould Road, Preston and Abrahams Ways and Beryl Close, Claymore	Stage 11 Claymore Renewal - Subdivision creating 91 Torrens titled residential allotments, 1 residue lot and associated site, civil and landscape works	\$8,621,292	>\$5 million capital investment value Crown development	Panel briefed April 2021. Further information required from applicant	
4604/2020/DA-SW	Various Lots, Norman Crescent, Dobell Road and Arkley Avenue, Claymore	Stage 5 Claymore Renewal - Subdivision of land to create 86 residential lots 1 residue lot 1 lot for future park and associated road and drainage works	\$14,290,245	>\$5 million capital investment value Crown development	Panel briefed April 2021. Assessment in progress	
774/2021/DA-SW	Various lots, Riverside Drive, Airds	Consolidation of four existing lots to create four new lots and new road, landscape and open space infrastructure embellishment works - Airds/Bradbury Renewal	\$11,456,074	>\$5 million capital investment value Crown development	Panel briefed June 2021. Waiting on information from applicant	

Development Application Register

DAs to be considered by the Sydney Western City Planning Panel						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
1308/2021/DA-SL	Julius Road, Rosemeadow	Construction of a part two storey and three storey senior housing development comprising of 45 independent living units and car parking	\$18,460,200	>\$5 million capital investment value Crown development	Panel briefed August 2021. Waiting on information from applicant	
2635/2021/DA-SL	20 - 24 Karingal Place and 47 - 55 Creigan Road, Bradbury	Consolidation of four existing lots to create four new lots and new road, landscape and open space infrastructure embellishment works - Airds/Bradbury Renewal	\$11,929,500	>\$5 million capital investment value Crown development	Preparing for public exhibition	

DAs to be considered by the Department of Planning						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
Nil	Nil	Nil	Nil	Nil	Nil	Nil

Development Application Register

DAs to be considered by the Local Planning Panel						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
2675/2008/DA-S	Lot 7304 Kellerman Drive, St Helens Park	Subdivision into 355 residential lots and associated civil and road works	\$9,000,000	More than 10 unique objections	Under assessment	
2687/2018/DA-SW	14 – 20 Palmer Street, Ingleburn	Construction of a five storey mixed use commercial and residential building	\$17,972,417	Development standard variation >10%	Under assessment	
1786/2020/DA-C	10 Wickfield Street, Ambarvale	Mixed use commercial, child care centre and residential development	\$12,585,013	SEPP 65 – Residential Apartment	Waiting on information	
3598/2017/DA-SL/A	1 Reddall Street, Campbelltown	Modification of existing consent for 14 unit seniors housing development	N/A	Development standard variation >10%	Reported at Panel's October meeting	Unavailable at time of this report's preparation
2687/2018/DA-SW	Appin Road, Gilead	Subdivision of land and associated civil works into 139 residential lots and 3 residue lots	\$7,972,417	More than 10 unique objections, planning agreement	Under assessment	
681/2018/DA-SW	Menangle and Cummins Roads, Menangle Park	Subdivision of land and associated civil works into 90 residential lots and 3 residue lots	\$6,930,000	Planning agreement	Under assessment	
3720/2020/DA-O	Macquarie Fields Park, Fourth Avenue, Macquarie Fields	Construction of a mobile telecommunications tower	\$250,000	Council owned land	Under assessment	
1824/2021/DA-O	1 Golf Course Drive, Glen Alpine	Construction of an amenities block and storage shed	\$600,000	Council owned land	Waiting on information	

Development Application Register

DAs with a value of \$1 million or more approved under Delegated Authority since last Council meeting,						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
Nil	Nil	Nil	Nil	Nil	Nil	Nil

8.6 Clause 4.6 Variations to Development Standards

Reporting Officer

Director City Development
City Development

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.8 - Provide strong governance for all Council activities

Officer's Recommendation

That the information be noted.

Purpose

To advise Council of approvals where Clause 4.6 Variations to Development Standards has been used.

History

Clause 4.6 of Campbelltown Local Environmental Plan 2015 permits the Council to consider applications that do not comply with specified development standards contained within its Local Environmental Plan (LEP) or other environmental planning instruments, such as State Environmental Planning Policies. This is a common rule that applies to all Councils across NSW.

Generally, a development standard is a requirement of an environmental planning instrument that has a numerical value. Common requirements include building height, lot size and floor space ratio. Development control plan numerical values are not development standards.

Clause 4.6 is common to all standard-instrument LEPs across all NSW Councils. The objectives of the Clause are:

- a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Planning Circular PS20-002, issued by the Department of Planning, Industry and Environment, specifies how Councils throughout NSW can use and interpret the Clause.

Clause 4.6 has a high threshold to meet in order to establish a clear reason (or reasons) as to why a development standard might be varied in the circumstances. As such, the variations are not particularly common.

Report

All Councils are required to report its (or its Local or Regional Panel's) use of Clause 4.6 to the Department of Planning, Industry and Environment.

As per this requirement, attachment 1 to this report details the applications, standards varied and extent of variation approved during the first three quarters of 2021.

This is provided for the Council's and public's information.

Attachments

1. First Quarter 2021 - Clause 4.6 Report (contained within this report) [↓](#)
2. Second Quarter 2021 - Clause 4.6 Report (contained within this report) [↓](#)
3. Third Quarter 2021 - Clause 4.6 Report (contained within this report) [↓](#)

Campbelltown City Council - 1st quarter Clause 4.6 Variations Report, 2021

Council DA reference number	Lot number	DP number	Apartment/ Unit number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied
3233/2020/DA-82A	A	413142		37	Cumberland	INGLEBURN	2565	4: Residential - New multi unit	Campbelltown Local Environmental Plan 2015	R4 - High Density Residential	Cl 4.3

Campbelltown City Council - 2nd quarter Clause 4.6 Variations Report, 2021

Council DA reference number	Lot number	DP number	Apartment/ Unit number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation
3859/2019/DA-M	27-29, Sec A	1704		116	Ingleburn Road	Ingleburn	2565	4; Residential - New multi unit	Campbelltown LEP 2015	R2	Qualifying lot area	Consistent with previous consents, subsequent LEP amendment removes / amends Clause, compatible with surrounding existing and desired development

Campbelltown City Council - 3rd quarter Clause 4.6 Variations Report, 2021

Council DA reference number	Lot number	DP number	Apartment/ Unit number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation
4443/2020/DA-C	10	9197		11	King Street	Campbelltown	2560	8: Commercial / retail / office	Campbelltown LEP 2015	B4	CI 4.3 Maximum Building height	Nil adverse planning outcomes arising from variation, public benefit achieved by varying the development standard in question, as the additional building height would facilitate the positive planning outcome of the supply of additional tourist/visitor accommodation to the Campbelltown CBD	8%
389/2017/DA-RA	101	1168971		74	Fern Avenue	Bradbury	2560	4: Residential - New multi unit	Campbelltown LEP 2015	R2	CI 4.3 Maximum Building height	Nil adverse planning outcomes arising from variation, public benefit achieved by varying the development standard, as the additional building height would facilitate a more compact built form to allow more of heritage item's curtilage to remain undeveloped and its setting to be preserved authentically	Up to 21%
389/2017/DA-RA	101	1168971		74	Fern Avenue	Bradbury	2560	4: Residential - New multi unit	Campbelltown LEP 2015	R2	CI 4.3A Maximum Number of Storeys	Nil adverse planning outcomes arising from variation, public benefit achieved by varying the development standard, as the third storey of four of the attached dwellings would enable additional residential floor space to improve the amenity of these dwellings, whereas strict compliance would needlessly thwart these outcomes	33%
389/2017/DA-RA	101	1168971		74	Fern Avenue	Bradbury	2560	4: Residential - New multi unit	Campbelltown LEP 2015	R2	CI 4.1C - Minimum Allotment Size for Subdivision of Attached Dwellings	Meets zone objectives, is not considered a significant variation given the scale of the development, smaller lot sizes for the proposed attached dwellings would allow for a unique built form response tailored to what is a uniquely constrained site	Up to 51%

8.7 Grey Headed Flying Fox Residential Assistance Program

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

1. That Council adopt the Residential Assistance Program as part of the Bingara Reserve (Macquarie Fields) Camp Management Plan as a trial for 12 months.
2. That Council allocate \$25,000 funding to match available NSW Government grant funding for the first year of the trial Residential Assistance Program from existing budgets within City Delivery Directorate.

Purpose

To provide Council with an overview of Grey Headed Flying Fox Camp Management Plan implementation and to seek adoption of the Residential Assistance Program as part of the Bingara Reserve (Macquarie Fields) Camp Management Plan.

History

At the Council meeting held on 3 August 2021, it was resolved:

1. That Council approve the Draft Grey Headed Flying Fox Camp Management Plans for Campbelltown and Macquarie Fields.
2. That existing Grey Headed Flying Fox colonies at Campbelltown and Macquarie Fields will be managed in situ into the future.
3. That a further report be provided to Council outlining details of the proposed Residential Assistance Program following its investigation.

Report

This report provides an overview of Grey Headed Flying Fox (GHFF) Camp Management Plan implementation plans as well as details of the Residential Assistance Program including the Draft Residential Assistance Program Procedure.

Proposed Residential Assistance Program Macquarie Fields

Following initial survey of residents, various stages of community consultation (both formal and informal) and the public exhibition of the Camp Management Programs (CMP), it is evident that residents that reside immediately adjacent to the Macquarie Fields GHFF colony are heavily impacted by the GHFF colony. The impacts sighted by local residents' associated with the GHFF colony throughout the process include:

- Noise generated by GHFF with particular attention to fly out (after dusk) and fly in (prior to dawn) each day and during the breeding season
- Smell generated from the colony, particularly on hot days, after rainfall or during the breeding season (when males exert their scent to attract females)
- Excretion from GHFF on property including vehicles, houses and other areas including vegetable gardens, pools, trampolines and water tanks etc
- Being able to directly see the flying-foxes from properties
- The potential of disease spread from GHFF to humans and pets
- The overall condition of the creek line including weeds that impact on aesthetics

Mitigation of many issues sighted by residents can be addressed through education and implementation of actions within the CMP such as creek line restoration or the inclusion of buffers. Others impacts such as noise, droppings and smell of GHFF are more difficult to manage as mitigation is best achieved based on individual preference and on private property by the property owner/tenant.

To assist with these concerns and only on the availability of grant funding and at the consideration of Council, it is proposed that a trial Residential Assistance Program be implemented in the 2012-22 financial year to assist residents in managing impacts associated with living adjacent to the GHFF camp. Programs such as this have been highly effective for many NSW Councils to reduce conflicts and impacts associated with residents and GHFF (Department Planning Industry and Environment 2019). Councils in NSW who have delivered subsidy programs include Eurobodalla, Sutherland, Ku-ring-gai, Cessnock and Tamworth.

The Residential Assistance Program Procedure as provided as Appendix 1 would guide Council's program and would aim to address the following Program Objectives:

- To provide local communities with assistance to reduce impacts of flying-foxes
- To improve the health and wellbeing of local residents living adjacent to flying-foxes
- To encourage positive community attitudes and adaptation to living adjacent to flying-foxes
- To provide overall governance that aligns with Council's Grants, Sponsorship and Donations Policy.

Funding under the program would be made available to all dwellings directly adjacent to the camp on Myee and Bingara Roads via letterbox drop and email. Residents would then be required to submit an application addressing the criteria, including providing quotations/ pricing for products/ services with a report and photographs of the product/ service as proof of delivery following.

Following approval, funding would be provided in 2 halves with the first 50 per cent provided following approval of application and the remaining funds provided following receipt of final report. A \$1,000 cap per dwelling would be applied for the trial and if funding remains after initial funding, additional applications can be sought for a second round or the program can be expanded to additional properties.

A range of products and services would be suggested to assist in decision making however, residents are able to apply for anything that will assist them in managing the impacts of living adjacent to the camp.

The program would be reviewed after the first 12 months to determine its overall effectiveness in minimising GHFF/resident conflict and implemented thereon after at the discretion of Council and on availability of grant funding.

The proposed program in addition to the procedure and policy has an Application Process including Eligibility Criteria, Terms of Agreement, Evaluation and Approval Process and Survey to ensure transparency and fairness and to monitor effectiveness.

Attachments

1. Draft Grey Headed Flying Fox Residential Assistance Program (contained within this report) [↓](#)

 CAMPBELLTOWN CITY COUNCIL	<p style="text-align: center;">PROCEDURE City Delivery - Open Space</p>
Draft Grey Headed Flying Fox Residential Assistance Program	

UNCONTROLLED WHEN PRINTED

Related Documentation

- Grants, Sponsorship & Donations Policy
- Grants, Sponsorship and Donations Program Guidelines
- NSW *Flying-fox Camp Management Policy 2015*
- NSW *Flying Fox Camp Management Code of Practice 2018*
- Bingara Reserve (Macquarie Fields) Grey-headed Flying Fox Camp Management Plan 2021
- NSW Department of Planning, Industry and Environment Flying Fox Grants Program 2020
- Flying-fox Residential Assistance Program Frequently Asked Questions

Relevant Legislation

- *Biodiversity Conservation Act 2016*
- *Environment Protection and Biodiversity Conservation Act 1999*
- *Environmental Planning and Assessment Act 1979*
- *Local Government Act 1993*
- *Privacy and Personal Information Protection Act 1998*

Definitions

Term	Definition
CMP	Bingara Reserve (Macquarie Fields) Grey-headed Flying Fox Camp Management Plan
Council	Campbelltown City Council
The Program	Flying-Fox Residential Assistance Program
GHFF	Grey-headed Flying Fox
Colony	The location where flying-foxes congregate together
FAQs	Frequently asked questions
BC Act	<i>NSW Biodiversity Conservation Act 2016</i>
EPBC Act	<i>Commonwealth Environmental Protection and Biodiversity Conservation Act 1999</i>

Objectives

- To provide local communities with assistance to reduce impacts of flying-foxes.
- To improve the health and wellbeing of local residents living adjacent to flying-foxes.
- To encourage positive community attitudes and adaptation to living adjacent to flying-foxes.
- To provide overall governance that aligns with Council's Grants, Sponsorship & Donations Policy.

Responsibility

- Executive Manager Open Space
- Manager Corporate Governance and Risk
- Coordinator Natural Areas
- Director City Delivery

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Training and Competence

Council is committed to staff receiving training relevant to the tasks/activities undertaken in this procedure. Training requirements will be reviewed at least annually as part of the performance appraisal program, and recorded in Kiosk. All training will be evaluated to ensure continuous improvement.

Competence of employees, including any contractors, labour hire employees or volunteers, will be assessed prior to their being expected to carry out the tasks associated with this procedure.

Records Management

All records related to this procedure are to be stored in Council's records management system, IRIS, in accordance with Council's Records Management Policy.

Review and Evaluation

To maintain relevance and currency, this procedure will be reviewed on a two-yearly basis or as required due to changes in relevant legislation or similar, or changes to systems and processes.

The procedure will also be evaluated in consultation with employees at appropriately identified intervals to evaluate its effectiveness.

Regular review and evaluation is an opportunity to determine whether the procedure is fit for purpose and reflective of operational practice, and provide an opportunity to implement corrective measures or amend the procedure if required.

Context

Grey-headed Flying Fox (GHFF) are a threatened species listed as vulnerable under both the NSW *Biodiversity Conservation Act 2016 (BC Act)* and the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

There are two GHFF colonies present within the Campbelltown LGA, both of which are located on land owned by Council. One colony is located at Bingara Reserve, Macquarie Fields in close proximity to residential properties and this generates concern from local residents. The main issues highlighted by local residents is regarding smell, noise, aesthetics and defecation associated with living adjacent to the flying-foxes.

In 2016, Council began preparation of its draft Bingara Reserve (Macquarie Fields) Grey-headed Flying Fox Camp Management Plan (CMP). The CMP was drafted in accordance with the NSW *Flying Fox Camp Management Code of Practice 2018* and *NSW Flying Fox Camp Management Plan Template 2019* with the final Plan adopted by Council in August 2021.

The CMP proposes a range of actions to benefit flying-foxes and the community and to reduce potential conflict. A key action of the CMP is to 'Investigate a residential assistance program to assist with property modification, services or other incentives at the discretion of Council and on availability of grant funding'.

The provision of Residential Assistance Programs to mitigate impacts to residents from flying-foxes has been widely used within NSW with success as reported in the NSW Government's Subsidies for products and services to assist communities living with flying-foxes (<https://www.environment.nsw.gov.au/research-and-publications/publications-search/subsidies-for-products-and-services-to-assist-communities-living-with-flying-foxes>).

The management of flying-fox camps and their associated impacts is a shared responsibility and involves local and state governments and residents and this procedure provides a mechanism to guide delivery of the Flying-fox Residential Assistance Program to ensure conflict can be minimised.

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Procedure for Flying-fox Residential Assistance Program

The Flying-fox Residential Assistance Program (the Program) will be implemented on a trial basis during 2021/22 financial year and will be co-funded by the NSW Government under the Flying Fox Grants Program. The Program will consist broadly of residents making an application to Council for subsidised or full funding to support a range of products and/or services to reduce the impacts of living adjacent to a flying-fox camp. The Program will be applied at the discretion of Council and the availability of both internal and external funding.

The Program seeks to address the following Program Objectives:

- To provide local communities with assistance to reduce impacts of flying-foxes.
- To improve the health and wellbeing of local residents living adjacent to flying-foxes.
- To encourage positive community attitudes and adaptation to living adjacent to flying-foxes.
- To provide overall governance that aligns with Council's Grants, Sponsorship & Donations Policy.

Eligibility Criteria

To be eligible for the Program you must:

- Own or rent a dwelling immediately adjacent to the colony shown in Appendix 1 – Eligible Properties.
- Agree to Council's Flying-fox Residential Assistance Program Terms and Conditions.
- Provide proof of residency such as a Drivers Licence or rates notice if owner or rental agreement or letter from real estate if a tenant. If a tenant, written permission of the Property Owner for any semi-permanent or permanent installations will be required.
- Agree to complete an evaluation survey to evaluate the outcomes of the Flying-fox Residential Assistance Program.
- Agree to Council undertaking an inspection at any time to verify the product/service has been completed or installed in accordance with the Application.
- Be applying product or service that aims to ensure that residents can better coexist with flying-foxes (for examples of services/products see Appendix 2 – Examples of Eligible Services/Products).

Applications

To apply for the Program, eligible residents will be required to make an application on Council's website via the link provided in Council's letter or email or by hard copy using the Flying-fox Residential Assistance Program Application Form (can be provided by Council). Applications will be open for a minimum of 28 days to allow for residents to obtain quotations to include in applications for funding purposes. All applications submitted following the closing date will not be eligible unless funding remains after initial evaluation.

All applications will be reviewed within a 14 day period by Council staff against the Eligibility Criteria and overall benefits towards the Program Objectives. Assessment of Applications will be on a case-by-case basis and funding will be allocated to products or services that are deemed most appropriate by Council in addressing the Program Objectives or by the order that applications are received if applications are similar in nature until funding is exhausted.

As part of the application process residents will be required to:

- Complete the Application Form including addressing Program Objectives and subsidy/payment details
- Provide proof of residency such as a Drivers Licence or rates notice if owner or rental agreement or letter from real estate if a tenant. If a tenant, written permission of the Property Owner for any semi-permanent or permanent installations will be required.
- Seek Council approval prior to application for any semi-permanent/permanent structures, large tree removal (above 3m) or any other item that may require Council approval.
- Submit a quotation or link that shows for the product/service they are requesting to be subsidised and the amount requested and the amount being contributed by the resident (if above \$1,000)

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- Agree to the Terms and Conditions of the Program
- Agree to 50% payment upon approval of application and final 50% paid when service/subsidy is completed and report including photo has been completed.

Residents will receive a confirmation email upon completing their application and throughout the evaluation and delivery process.

Assessment of Applications

Upon receiving the applications, Council officers (minimum of two) will assess the Application/s against the Eligibility Criteria, Program Objectives and Terms and Conditions.

A summary of approved applications will then be collated into a spreadsheet, which will be approved by the Director City Delivery for submission to Accounts Payable as per Council process.

Residents will then be required to submit proof of payment and a photo showing that their service/product has been completed/purchased which will allow for release of second payment.

Payment of Subsidy

Residents will receive first 50% of total payment for approved applications and 50% remaining following submission of proof of payment and a photo showing that their service/product has been completed/purchased.

Funding

Funding for the Program is at the discretion of Council and on availability of grant funding. Funding will be a fixed pre-determined amount for each household based on available funding. Funding provided can be utilised for multiple products or services during each application in accordance with the Flying-fox Residential Assistance Program Terms and Conditions. When funding becomes available to enact the Program, residents will be advised via an expression of interest via direct mail and email with the Terms and Conditions and the timeframe and closing date to submit an application. Funding will only be available when Council provides an Expression of Interest and no applications will be considered outside of this process.

In 2021/22, as an example the Program will offer a subsidy of up to \$1,000 (including GST) per household on a one off basis for properties and services/products included in the Eligibility Criteria with an overall cap of \$50,000 (including GST) funding available for this funding round.

If the funding amount is not fully expended during the application process, a second round of funding or extension of the Eligible Dwellings beyond those immediately adjacent to the GHFF colony (as shown in Appendix 1) may be considered.

Communication

Council will advertise the subsidy program through letters to eligible residents and a hidden link to Council's website, which will provide further information about the Program including Frequently Asked Questions (FAQs) and the details to submit an Application.

Following completion of the Program, a survey will be circulated by Council via email to residents to gain information relating to effectiveness of the Program.

All Program information, application and survey can also be requested and provided and submitted as a hard copy if required to ensure assistance is available to all residents.

Governance

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Council will deliver the Program in accordance with the *Local Government Act 1993* and will adhere to Council's Grants, Sponsorship & Donations Policy and Grants, Sponsorship and Donations Program Guidelines. Council will manage all personal details within applications in accordance with the *Privacy and Personal Information Protection Act 1998*.

All products and services will be recorded in Council's document management system, to prevent more than one application from one dwelling and to guide future applications and evaluation of effectiveness.

Funding will only be available when applications are sought and Council reserves the right to withdraw funding at any time.

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Appendix 1 – Eligible Dwellings Flying-fox Residential Assistance Program



Appendix 1 – Eligible Dwellings Flying-fox Residential Assistance Program

100 m
Scale =
21-June-2021

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Appendix 2 – Terms and Conditions Flying-fox Residential Assistance Program

 CAMPBELLTOWN CITY COUNCIL	CITY DELIVERY - OPEN SPACE Cnr Queen Street and Broughton Street (PO Box 57) Campbelltown 2560 Phone (02) 4645 4601 – Fax (02) 4645 4420 - DX5114		
Flying-fox Residential Assistance Program Terms of Agreement			
<p style="text-align: center;">Privacy Statement</p> <p>The information requested by Council on this form may constitute personal information under the Privacy and Personal Information Protection Act 1998. Council is allowed to collect the information from you to consider the matter. Supplying this information is voluntary. However if you cannot or do not wish to provide the information, we may not be able to consider the matter. If you need further details, please contact the Privacy Officer, Campbelltown City Council, cnr Queen & Broughton Streets, Campbelltown.</p>			
Customer's Name:			
Customer's Mailing Address:			
Property Address:			
Telephone Number(s):	(H)		
	Mobile		
Email Address:			
Customer's Signature:		Date:	
Issuing Officer's Signature:		Date:	

Conditions of participation in the Flying-fox Residential Assistance Program
<p>Legislation</p> <p>The program is to be conducted in accordance with the:</p> <ul style="list-style-type: none"> - <i>Biodiversity Conservation Act 2016</i> - <i>Environment Protection and Biodiversity Conservation Act 1999</i> - <i>Environmental Planning and Assessment Act 1979</i> - <i>Local Government Act 1993</i> - <i>Privacy and Personal Information Protection Act 1998</i>
<p>Conditions</p> <p>To participate in the Program and receive subsidized funding for products and/or services the applicant must:</p> <ul style="list-style-type: none"> - Adhere to the Eligibility Criteria and complete an Application Form - Agree with the Terms and Condition of the Program - Own or rent a dwelling immediately adjacent to the colony shown in Appendix 1 – Eligible Properties Flying-fox Residential Assistance Program - Provide proof of residency such as a Drivers Licence or rates notice if owner or rental agreement or letter from real estate if a tenant. If a tenant, written permission of the Property Owner for any semi-permanent or permanent installations will be required. - If semi-permanent/permanent structures, large tree removal (above 3m) or any other item that may require Council approval is being funded, this procedure does not provide approval and this will need to be sought prior to funding being allocated. - Ensure that the product and/or service is in no way detrimental to flying-fox health - Be applying product or service that aims to ensure that residents can better coexist with flying-foxes (for examples of services/products see Appendix 2 – Examples of Eligible Services/Products) - Agree to 50% payment upon approval of application and final 50% paid when service/subsidy and report is completed. - Agree to complete an evaluation survey based on the Flying-fox Residential Assistance Program and - Agree to Council undertaking an inspection at any time to verify the product/service has been completed or installed in accordance with the Application
<p>Costs and Funding</p> <p>The applicant is responsible for all costs above and beyond Council's subsidised funding including any variations that may arise during the process of product/service.</p> <p>If the applicant does not adhere to the Terms of Agreement, Councils reserves the right to recoup funds through any means possible.</p>
<p>Damages</p> <p>Council is in no way liable for any damages or injuries caused through participation or installation of any structure under this program. Participation in the program is voluntary and can be withdrawn from at any time.</p>

Appendix 3 - Examples of eligible products/services

The following products/services are provided as an example of what residents are eligible to apply for. Council understands that everyone's issues and priorities are different and as such is only providing examples, residents can choose which products/services will help ensure they can better coexist with flying-foxes.

Examples of eligible products/services:

- Carport or vehicle covers to prevent droppings soiling vehicles, boats or caravans
- Clothesline cover to prevent droppings soiling washing on clotheslines
- Clothes dryer to replace the need to hang washing on clotheslines
- Pool or spa cover to prevent droppings soiling pool or spa water
- Shade cloth, marquee or pergola to prevent droppings soiling outdoor living areas
- Rainwater first-flush diverter to prevent droppings contaminating potable watering tanks
- Air conditioners to provide air flow and cooling to compensate for closed doors and windows, preventing odour from entering dwellings
- Fragrance dispenser or deodoriser to mask odours within dwellings and outdoor areas
- Double-glazing of windows to reduce noise entering dwellings
- Door seals to reduce noise and smell entering dwellings
- Screen planting to remove view of flying-fox camp from dwellings
- Removal of exotic trees or fruits - Eliminate flying-fox food source near dwellings
- Bat friendly tree netting to protect cultivated fruit from flying-fox damage
- Lighting to discourage flying-fox foraging near dwellings
- High-pressure water cleaner to clean droppings off hard surfaces
- Any other items that a resident sees suitable to ensure they can better coexist with flying-foxes.

All other items will be considered on merit and evaluated by Council at the time of application.

DATA AND DOCUMENT CONTROL

Section
Record No:

Revised Date: 08/10/2021
Review Date: 30/###/20##

Version: #
Page 9

8.8 Chess Boards in Local Parks

Reporting Officer

Executive Manager Open Space
City Delivery

Community Strategic Plan

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

Officer's Recommendation

1. That chess boards be installed in the locations as listed in the report to assess community uptake.
2. That following a review of community uptake, chess boards be considered as an element for inclusion in future park upgrades where suitable.

Purpose

To provide Council with an update on the provision of chess boards in appropriate public areas for the community.

History

A notice of motion was raised on 3 August 2021 to investigate the feasibility of setting up tables with affixed chess boards in our local parks and appropriate public areas for our community to enjoy.

Report

Chess has been a popular game in Australia since the 1960s. Once considered an older person's game chess has had a resurgence for younger people as a result of the introduction of a National Competition in Schools.

Chess is mainly played indoors or online but could be easily played outdoors. Council has in the past considered placing chessboards in parks but without clear information indicating the need for this type of facility at a particular location, Council has selected to place other types of elements rather than the boards.

Moving forward and in order to determine the best location for the chess boards Council staff during a public consultation meeting regarding park upgrade will ensure this type of feature is mentioned as an option.

It is proposed to install chessboards in a couple of locations and then monitor the usage of the boards. This will allow Council to determine the popularity with users and the ongoing maintenance of the chess boards. Council research has not uncovered an option to have the pieces at the tables and therefore players will need to bring their own chess pieces. These boards could of course be used to play other games not just chess.

Council's staff have researched suppliers that can provide chess boards that can be either fixed to exiting tables or complete tables with chess boards built into them for Council. Quotations have indicated the cost to provide just the board is approximately \$400 whilst the whole chess board table is approximately \$2,500. It is proposed to provide a chess board in Park Central, Ingleburn CBD and Campbelltown CBD as part of On Q.

Attachments

Nil

8.9 Local Events for Car Enthusiasts

Reporting Officer

Acting Executive Manager Community Life
City Lifestyles

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.4 - Provide and support exciting and curious events and festivals for the local community and visitors

Officer's Recommendation

That Council:

1. Seek Expressions of Interest from external companies to operate a Show and Shine event at the Plough Inn Road commuter car park in Leumeah.
2. That if an external company is engaged and the event proceeds, Council assists in facilitating community engagement and promotion of the event through existing Council advertising mediums.

Purpose

To provide the outcome of the feasibility study and recommendations for the use of the Plough Inn Road commuter car park in Leumeah for the purpose of a vehicle Show and Shine event.

History

Council at its meeting held 3 August 2021 resolved that, Council investigate the feasibility of using the Plough Inn Road commuter car park at Leumeah for the purposes of organised vehicle Show and Shine events, and to help facilitate community engagement with like-minded enthusiasts.

Report

Investigations into the Plough Inn commuter car park found that the subject land is zoned SP2 Infrastructure car park. Relevant Council and police approvals for the use of this site for the purposes of a vehicle Show and Shine event would need to be obtained by the operator, however, this style of activity would be permissible.

The site is presently being used as a COVID-19 testing clinic however, once this ceases, the event could be considered to be held at this site.

It is recommended that, if an event were to take place at the Plough Inn Road commuter car park that seasonal factors should be considered. It is suggested that communication with local stakeholders be undertaken to avoid any conflicts with the use of the car park. Campbelltown Sports Stadium, whose patrons utilise this car park during major sporting events, must be included.

The feasibility study evaluated 2 styles of operation for this event including:

- A vehicle Show & Shine event operated by Council or,
- A vehicle Show & Shine event operated by an external organisation

1) Show & Shine event operated by Council

An evaluation of the requirements to host a Show and Shine event found that, if Council were to host this event in line with Council policies and procedures, and to meet the high standards of events that are delivered by Council, it would require an approximate budget of \$40,000. This includes making arrangements for traffic management and equipment, staff overtime, amenities, security, cleaners, first aid, advertising and promotion, as well as other event considerations. There is potential to offset costs by approaching local companies within the automotive industry for sponsorship and charging an entrant fee for vehicles to participate. However, it is important to note that although sponsorship of the event is an opportunity to offset costs, and is generally well received, recently many local businesses have suffered significant financial loss due to COVID-19 and may not be in a position to sponsor an event for some time.

2) Show & Shine event operated by an external organisation

Council has previously operated successful events in partnership with external event organisations who have applied to host their event in Campbelltown via an Expression of Interest. This process would include an Expression of Interest advertisement that would be open for a set period of time to allow interested parties to apply to host a Show and Shine event in Campbelltown. Council's events team will work with the successful applicant to assist them in gaining the relevant approvals to host their event at the Plough Inn Road commuter car park. In addition, Council would support the event through in-kind venue hire and community engagement and marketing support. Also, it would be recommended that the successful event organisation uses local businesses to supply and support the event to contribute to local economic and business recovery post COVID-19.

In conclusion, after evaluating the operational requirements, including the cost, it is recommended that Council undertake an Expression of Interest to external operators to host the event at the Plough Inn Road commuter car park in early 2022, after the current COVID-19 restrictions are modified and the car park is not in use as a COVID-19 testing clinic. Council will provide support for the event through in-kind venue hire and community engagement and marketing support.

Attachments

Nil

8.10 Domestic and Family Violence Strategy

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

That Council endorse the development of a new Domestic and Family Violence strategy.

Purpose

To provide council with an update on the direction and future strategy in response to Domestic and Family Violence.

History

On 20 October 2018, Council confirmed its commitment to raising awareness and delivering prevention strategies toward ending Domestic and Family Violence (DFV) by signing a Statement of Commitment regarding Violence against Women.

On 22 November 2018, Campbelltown City Council became a White Ribbon Accredited organisation. Council selected White Ribbon as its partner to develop its first DFV Strategy to enable the organisation to build up its own capacity to respond to the important issue within an existing and recognised framework.

White Ribbon accreditation is valid for a period of 3 years. During this time Council undertook a number of key programs and initiatives including: internal staff policy development, increased representation at the Campbelltown Domestic Violence Committee, actively working with local stakeholders, fostering local strategic relationships and promoting and providing training on domestic violence issues and awareness. As a result, Council has built excellent capacity within the organisation to take a lead in the community to deliver further programs on this vital topic. Council's current formal accreditation with White Ribbon expired in August 2021.

Report

This report contains a revised strategic approach to a future DFV strategy that will allow Council to continue to further develop a tailored and coordinated method to raising greater understanding, knowledge and action around violence prevention. A tailored approach that is specific to Campbelltown will greatly benefit the community, Council and its employees.

Over the past 3 years, Council's internal Domestic and Family Violence Working Committee have delivered upon a large number of outcomes from the White Ribbon Domestic Violence action plan. The action plan 2018-2021, has 35 actions against 3 key standards and criteria as per the White Ribbon framework. A review of the plan indicates that 85 per cent of all action items have been achieved or actioned over the 3 year period, with 11 per cent partially being met and 3 per cent of actions closed due to the external factors.

A review of the actions that were partially met highlighted areas where more can be done. This included:

- the need for a further committed project budget to deliver specialised initiatives to support prevention and response to DFV in the community
- a regular and customised staff training program,
- an annualised communication plan that focuses on prevention, education and local messaging
- a review of programs that address broader issues relating to DFV

The cost for re-accreditation with White Ribbon Australia is dependent on the size of the organisation and Council has received a quote of \$24,600. Additional costs are incurred with separate training expenses and an additional staff resource required to undertake the re-accreditation process.

Staff recently undertook a review of its initial program and greater internal knowledge and capacity, and concluded that to provide the greatest benefit to the community and Council, a tailored Campbelltown specific strategy should be developed in place of White Ribbon re-accreditation. This recommendation is made on the basis that:

- The significant investment associated with White Ribbon re- accreditation can be directed into direct project and program delivery
- Staff training can be tailored to focus on emerging issues and topics with broader staff reach
- The new strategy can be overseen by the internal Domestic and Family Violence Working Committee supported by existing staffing resources
- An annualised project plan can be designed and delivered that directly benefits the staff, community and addresses other associated vulnerable issues such as homelessness and food insecurity
- Alignment of initiatives with the Western Sydney Health Alliance, South Western Sydney Domestic Violence Alliance and the local Campbelltown Domestic Violence Committee will benefit both staff and the community
- The value of a Domestic and Family Violence Strategy demonstrates Councils commitment to the objectives of the national framework for improving outcomes for those impacted by Domestic and Family Violence
- A local strategy that promotes community involvement, stronger stakeholder relationships and fosters community partnerships will ultimately have positive impacts in our local community.

Existing staff resources and the Domestic and Family Violence Working Committee can continue to be resourced within existing staffing levels and build on the body of work developed to date. Staff training and communication can be coordinated by Council's People and Performance, Community Life and Communication teams to ensure Council is delivering the most relevant and current material, tailored to the changing needs of employees and the community.

The development of the tailored strategy is proposed to commence in November 2021 with the final strategy expected to be delivered in July 2022.

A Domestic and Family Violence forum will also be included in the program. This follows a successful notice of motion in April 2021 requesting Council take this proactive approach. This forum will be utilised as a platform for consultation and engagement with the community and local businesses, to inform the development of a new strategy. Initial scoping with targeted Campbelltown Domestic Violence Committee members indicates there is strong support for this direction.

A further strategy includes the investigation of collaboration with the Western Sydney Health Alliance. Initial scoping of interest with the health alliance members has been positive. It is envisaged this will have minimal budgetary impact and provide direct benefits to staff and communities across South Western Sydney. This would also compliment the strategic work being undertaken by the South Western Sydney Domestic Violence Alliance chaired by the NSW Department of Communities and Justice.

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 comments and updates to the reports and letters requested be noted.

Report

Attached for the information of Councillors is a status list of reports and letters requested from Council as at 26 October 2021.

Attachments

1. Reports requested listing (contained within this report) [↓](#)
2. Letters requested listing (contained within this report) [↓](#)

Reports requested effective 26 October 2021

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Delivery			
13.10.20 PL	NM 11.1 - Charging for parking within the Campbelltown Local Government Area That a full feasibility report be presented to Council outlining the financial and non-financial implications of introducing paid parking into the Campbelltown Local Government Area.	A briefing was presented to Council in June 2021. The Integrated Movement and Place Strategy is currently in Development with Transport for NSW and expected to be completed in October. A report is anticipated to be presented in February 2022.	February 2022
3.8.21 MO	ORD 8.7 - Grey Headed Flying Fox Camp Management Plans 3. That a further report be provided to Council outlining details of the proposed Residential Assistance Program following its investigation.	A report to be presented to Council at the November 2021 meeting as Item 8.7 on the agenda.	November 2021
3.8.21 RM	NM 11.2 - Chess Boards in Local Parks That Council prepare a report investigating the feasibility of setting up tables with affixed chess boards in our local parks and appropriate public areas for our community to enjoy.	A report to be presented to Council at the November 2021 meeting as Item 8.8 on the agenda.	November 2021
City Development			
09.04.19 BT	ORD 8.6 - Submission Report - Amendment to Campbelltown Sustainable City Development Control Plan (Caledonia Precinct) 5. That a further report be submitted to Council in regard to the acquisition of No. 306 Bensley Road, Ingleburn for open space purposes.	To be completed as part of the next housekeeping amendment to the Contribution Plan.	April 2022
10.09.19 KH	ORD 8.1 - Mount Gilead Planning Proposal - Relocation of Proposed Community Hub Building and Additional Permitted Use 5. That following an exhibition, a report on submissions be presented to Council.	Gateway extension issued by DPIE on 16/6/2021. Exhibition to commence August 2021.	February 2022

Reports requested effective 26 October 2021

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Development			
10.03.20 WM	ORD 8.2 - Menangle Park - Draft Planning Proposal 4. That following the public exhibition a report on any submissions received be presented to Council.	Gateway extension granted in May 2021 with requirement to finalise by April 2022. Exhibition to commence in next quarter upon satisfaction by applicant of Gateway conditions.	March 2022
10.03.20 MO	ORD 8.6 - Mt Gilead - Draft Planning Proposal 3. That should the Minister determine under section 3.3.4(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act) that the proposal may proceed without significant amendment, Council publicly exhibit the draft Planning Proposal in accordance with the Gateway Determination. 4. That following the public exhibition a report on any submissions received be presented to Council.	Gateway extension granted in May 2021 with requirement to finalise by April 2022. Public exhibition closed 2 August 2021. A report to be presented to Council at the November 2021 meeting as Item 8.1 on the agenda.	November 2021
8.12.20 KH	ORD 8.2 - Amendments to the Mount Gilead Stage 2 Biodiversity Certification Application 3. That a further report be provided to Council detailing the outcomes of the public exhibition process and associated amendments to the Biodiversity Certification Application.	Public exhibition closed on 14/2/2021 with issues and responses being investigated.	March 2022
8.6.21 MO	ORD 8.6 - Planning Proposal - "Glenlee Estate" Menangle Park 3. That following the public exhibition: (a) where submissions are received by Council during the public exhibition period, a submissions report be presented to Council	Documents currently being prepared for DPIE for Gateway Determination.	April 2022
13.7.21 MO	ORD 8.2 - Mount Gilead - Amendments to Development Control Plan 3. That where submissions on the amendments are received during the public exhibition period, a further report on the outcome of the public exhibition be provided to the Council.	Public exhibition completed on 30 August 2021. Submissions received and report being drafted.	February 2022

Reports requested effective 26 October 2021

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Development			
13.7.21 WM	<p>ORD 8.3 - Menangle Park - Amendments to Development Control Plan</p> <p>3. That where submissions on the amendments are received during the public exhibition period, a further report on the outcome of the public exhibition be provided to the Council.</p> <p>4. That a further report be presented to Council that includes street names, derived from Table 1.3 of the current Campbelltown (Sustainable City) Development Control Plan, Part 8 Menangle Park, for places of Non-Indigenous Heritage Significance for inclusion on the list of road names approved for Menangle Park.</p>	3. Public exhibition completed on 30 August 2021. A report to be presented to Council at the November 2021 meeting as Item 8.2 on the agenda.	November 2021
13.7.21 WM	<p>ORD 8.4 - Kellicar Road Precinct - Outcome of Public Exhibition Planning Proposal and Site Specific Development Control Plan</p> <p>4. That options for affordable housing on the Kellicar Road precinct in this planning proposal be presented as a further report to Council, or as part of a wider investigation into affordable housing across Campbelltown.</p>	An implementation plan is being prepared for the Campbelltown Local Housing Strategy. The timing of the receipt of the Department of Planning, Industry and Environment requirements for the implementation plan mean that a report should be available for the Council in the first part of 2022.	March 2022
3.8.21 RM	<p>ORD 8.5 - Ingleburn CBD - Planning Proposal and Development Control Plan</p> <p>4. That a further report be presented to Council outlining options for developer contributions planning for the Ingleburn CBD.</p>	Specialist studies are in progress for the Ingleburn Planning Proposal and these will guide the content of potential amendments to the Contribution Plan. Outcome will be reported to Council.	May 2022

Reports requested effective 26 October 2021

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Development			
12.10.21 MO	ORD 8.4 - Planning Proposal - Reclassification of Land - Campbelltown Sports Stadium, Leumeah 3. That following the completion of the public exhibition, a separate public hearing be held with the outcome of both the public exhibition and the public hearing reported back to Council.	Planning Proposal is waiting Gateway Determination. Further Council report not expected until July 2022.	July 2022
12.10.21 KH	ORD 8.5 - Electric Vehicle Charging Stations - Draft Amendment to Campbelltown (Sustainable City) Development Control Plan 2015 2. That where submissions are received through the exhibition period, a further report be provided to Council tabling the issues raised in those submissions.	Report to be provided subject to outcome of public exhibition process.	February 2022
12.10.21 MO	ORD 8.6 - Planning Proposal - Signage as Exempt Development under Campbelltown Local Environmental Plan 2015 3. That following the public exhibition either: a) where submissions are received a further report be presented to Council on those submissions, or b) where no submissions are received during the public exhibition period, the Planning Proposal be finalised.	Planning Proposal is waiting Gateway Determination. Further Council report not expected until June 2022.	June 2022
12.10.21 KH	ORD 8.7 - Koala Sympathetic Development - Draft Amendment to the Campbelltown (Sustainable City) Development Control Plan 2015 That where submissions are received through the exhibition period, a further report be provided to Council tabling the issues raised in those submissions.	Report to be provided subject to outcome of public exhibition process.	March 2022

Reports requested effective 26 October 2021

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Growth			
10.03.20 BM	<p>ORD 8.12 - Latest Findings on Climate Change</p> <p>1. That a further report be provided outlining the emission reduction pathways required for Council and the community to transition towards net zero emissions.</p>	<p>This project has been divided into 2 main stages. Council continues to embed improvements as part of its existing commitments including increasing the provision of solar systems and renewable electricity, investigating low emission fleet opportunities and working in partnership with developers to deliver low emission communities.</p> <p>Stage 1: Council has developed an online dashboard that captures and presents sustainability performance information. Council is continuing to work in partnership with a number of its suppliers to refine the information, as well as confirm the processes relating to the sharing of information.</p> <p>Stage 2: This component includes staged investigations that seek to define the actions required to achieve net zero within each of the sustainability performance areas defined in stage 1. It is anticipated that a report consolidating all of the investigations, and defining a path forward to achieve net zero will be provided by June 2022.</p>	June 2022
09.06.20 PL	<p>ORD 8.1 - Development Application Status</p> <p>That Council prepare a feasibility report with regard to the development of a physical and virtual model of the LGA from Macarthur Square to Leumeah to provide a visual perspective of proposed developments in the LGA to be displayed in the foyer of the Council building and placed on Council's website.</p>	A report to be presented to Council at the November 2021 meeting as Item 8.16 on the agenda.	November 2021

Reports requested effective 26 October 2021

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Growth			
3.8.21 RM	<p>ORD 8.5 - Ingleburn CBD - Planning Proposal and Development Control Plan</p> <p>3. That a further report be presented to Council outlining options for a design excellence process for the development of the future car park site for a mixed use building and a public park. This report is to consider the appropriateness of this site for a possible iconic building.</p>	A Project Definition Plan (PDP) is in preparation. This will include an outline of costs required to undertake a feasibility study to determine the sites viability from a triple bottom line perspective (ie financial, social and environmental). Following approval of the PDP, the project feasibility will take approximately 3 months to complete. This will be presented to Council to provide clear evidence of the projects viability and funding required to deliver it.	March 2022
14.9.21 MO	<p>NM 11.2 - Creative Arts Fund</p> <p>1. That a report be presented investigating the establishment/trial of a local creative arts fund with the purpose of providing opportunities to improve the wellbeing, resilience and social cohesion of our community through creative expression and social connection.</p> <p>2. That the report also include the current and past, small and localised art funding initiatives undertaken by Campbelltown City Council including the cost associated with these initiatives.</p>	A report is currently being drafted that investigates the opportunity of a local creative arts fund to improve our community's well-being, resilience, and social cohesion through creative expression and social connection. The report will include the current and past, small and localised art funding initiatives undertaken by Campbelltown City Council	February 2022
City Lifestyles			
13.7.21 MO	<p>NM 11.1 - Glenalvon House</p> <p>That a report be presented to Council investigating the potential to provide for a small restaurant/café with industry standard cooking facilities and associated rest rooms in the grounds of Glenalvon House.</p>	The Executive Team are in discussion to determine the best approach to providing this report, using a cross-functional approach.	February 2022
3.8.21 GB	<p>NM 11.1 - Local Events for Car Enthusiasts</p> <p>That Council investigate the feasibility of using the Plough Inn Road commuter car park at Leumeah, for the purposes of organised vehicle Show and Shine events, and to help facilitate community engagement with like-minded enthusiasts.</p>	A report to be presented to Council at the November 2021 meeting as Item 8.9 on the agenda.	November 2021

Reports requested effective 26 October 2021

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Lifestyles			
14.9.21 WM	<p>NM 11.1 - Support for the Homeless in Campbelltown</p> <p>1. That a report be presented detailing the initiatives, services and strategies that Council has implemented, and is continuing to implement, during [and before] the COVID-19 crisis, to assist local community organisations and NGOs, working to support homeless people in our LGA.</p> <p>2. That Council investigate future opportunities to reduce/eliminate homelessness in the Campbelltown LGA and include these initiatives in the report.</p>	Staff currently undertaking data collection and gathering information for the report.	March 2022
12.10.21 MO	<p>NM 11.2 - Local Community Fresh Produce Market</p> <p>That a report be presented on the opportunity for Council to facilitate the development of a Local Community Fresh Produce Market to support our local small businesses, community groups, small farmers and bakers, post COVID-19.</p>		April 2022

Letters requested effective 26 October 2021

*Date of Decision *Mover	Action Item	Comments / updates
City Development		
3.8.21 MO	<p>NM 11.3 - Heritage Funding for Local Councils</p> <p>1. That Council request the NSW Government to significantly increase the amount of funding available to Local Councils to assist in the protection, ongoing maintenance and enhancement of Heritage Buildings, Heritage Structures and Heritage Sites in their Local Government Areas.</p>	Letter sent 27/08/2021 to Heritage NSW and a letter sent 3/09/2021 to the Special Minister of State, the Hon. Don Harwin MLC.
20.9.21 GB	<p>MM 5.1 - Infrastructure Contributions - Sydney Metropolitan Councils</p> <p>4. That Council write to Mr Greg Warren MP and Mr Anoulack Chanthivong MP seeking their support.</p>	<p>Letters sent 28/9/2021 to Mr Greg Warren MP and Mr Anoulack Chanthivong MP.</p> <p>A letter was received from the Hon. Mark Latham MLC and presented to Council at the November 2021 meeting as Item 7.1 on the agenda.</p>

8.12 Investments and Revenue Report - September 2021

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 September 2021.

Report

This monthly report provides details of Council's investment and revenue portfolio.

Investments

Council's investment portfolio as at 30 September 2021 stood at approximately \$179 million. 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.

As at 30 September, Council's return exceeded the benchmark by some 87 basis points on an annualised basis which is a positive on an absolute basis. This return excludes funds held in at call account but includes the 30 day notice saver account and the NSW TCorp Cash Fund.

The yield on the AusBond Bank Bill Index has been very low, with the monthly annualised return being 0.038 per cent, and while Council's investment performance has fallen in recent times, it has however maintained an excellent return over the benchmark index.

The portfolio is diversified with maturities ranging up to a 5 year period in accordance with Council's Investment Policy.

Council's investment advisor, Amicus Advisory have confirmed that Council's investment portfolio is being well managed and is compliant with current policy settings, with clear buffers between exposures to individual entities and credit limits.

Council's total liquidity to meet short to medium term cash flow needs remains strong with \$35 million held in an at call account and \$1.5 million in the TCorp Cash Fund. Although it isn't the normal approach to hold large sums of surplus cash in call accounts, the \$35 million is held with Council's banker, National Australia Bank, where it is currently attracting a competitive interest rate of 0.50 per cent, much higher than a standard term deposit; and comparable to longer dated securities that would otherwise be held to maturity.

The official cash rate is 0.10 per cent, where it has remained since the November 2020 Reserve Bank of Australia Board meeting. The Board remains optimistic that in Australia, economic recovery is underway however, it is still expected to be uneven, drawn out and dependant on policy support. The ASX200 closed at 7,332.20 at the completion of September. This represents an annualised monthly performance result of negative 32.28 per cent ex dividend; the monthly change was negative 2.69 per cent.

It is important to note that councils are restricted to conservative investments only in line with the Minister's Investment Order of 17 February 2011 and other relevant legislation including the *Local Government Act 1993* and the *Trustee Act 1925*. Investments in equities are prohibited under the legislation and therefore a benchmark such as the Bank Bill Index is used in line with Council's Investment Policy and the recommendations of the Office of Local Government Guidelines.

Rates

Rates and Charges levied for the period ending 30 September 2021 totalled \$129,852,223 representing 99.97 per cent of the current budget estimate.

The rates and charges receipts collected to the end of September totalled \$44,020,600. In percentage terms 34.4 per cent of all rates and charges due to be paid have been collected, compared to 28 per cent collected in the same period last year.

To mitigate the risk of debts becoming unmanageable Council staff have been actively assisting ratepayers with their quarterly instalments and advise on options available such as regular weekly payments. Special consideration is given to support all ratepayers that have been affected by the COVID-19 pandemic with particular attention to the business community. Where the charging of penalty interest causes hardship the charges are waived in accordance with Councils Hardship Policy and an application being made. An on-line application form is available on Council's website to assist ratepayers to apply and complete their request.

Positive feedback continues to be received from Pensioners that can now make an application for a Pension Rebate Concession over the phone and via the internet. During the month, 49 applications were made over the phone and 11 online. Given the level of success, implementation for both phone and internet will continue as a permanent service to the community alongside the paper based over the counter process or by mail.

Ratepayers who purchased property since the annual rates and charges notices had been issued, are provided a 'Notice to new owner' letter. During the month, 109 of these notices were sent to ratepayers advising them of the amount unpaid on their account and the amount levied in annual rates and charges.

Sundry Debtors

Debts outstanding to Council as at 30 September 2021 are \$2,385,299 reflecting an increase of \$587,690 since August 2021. During the month 259 invoices were raised totalling \$1,432,702. 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.

Debts exceeding 90 days of age totalled \$583,209 as at 30 September 2021. The majority of this debt relates to Various Sundry items totalling \$157,156. A substantial portion of this relates to Suez Recycling and Resource Recovery Pty Ltd for \$58,652 which is for the recovery of an overpayment of compactor charges due to a different interpretation of a clause within the contract. The clarification has been resolved and payment of this invoice was received in early October 2021 finalising this matter.

Another significant amount relating to sundry items for \$55,000 relates to fees associated with creation of the sewer easement over Council Land in Menangle Park. The company involved is awaiting finalisation of the rising main design and commercial agreement with Sydney Water which they advise is delaying payment. Council staff have been advised that as soon as this has been approved payment will be made.

Also incorporated within the sundry items group is the combined amount of \$20,195. This relates to various property related debts for clean-up orders issued and the recovery of costs associated with restoring the property to a suitable healthy status. In some cases, property owners are already in financial distress or are uncontactable. Council staff continue to reach out to the owners seeking a positive resolution however, most debts are finalised with the sale of the property. Another significant amount of \$6,964 relates to bin services supplied for 'Eat, Shop, Love Markets' events. The organiser is not responding to our requests and the debt has been referred to our agents for recovery. This however has been put on hold due to the current COVID-19 pandemic and the impact on business.

Sportsground and Field Hire debts totalling \$134,871. The most significant portion of \$67,971 is for "catering sales commission" for events at Campbelltown Sports Stadium. Council staff have reached out to the company involved and were advised that the company is experiencing financial hardship due to COVID-19 restrictions and has requested a structured payment plan of \$14,157 per month. The first payment was received in early October reducing the debt to \$53,814. Also incorporated within field hire category is the debt for \$49,450 relating to a previous contractor also for "catering sales commission" for events at the Sports Stadium. The company involved has defaulted on previous arrangements and as a result Council's debt recovery process has commenced with the issue of our Letter of Demand. This has had no response and the account has now been referred to Council's recovery agents.

Debts categorised within Corporate Administration for \$74,989 the most significant amount within this category of \$55,000 relates to a contribution for the future embellishment of Council land with the Menangle Park development area.

Government and Other Grants debt of \$61,496 is for the final instalment of the Pensioner Rebate Subsidy Claim relating to the 2020-21 financial year. Council has been advised that the payment of the account is expected early in November 2021.

Debts categorised in Road and Footpath Restoration totalled \$24,950 this relates to work carried out at the Campbelltown Hospital Carpark. Contact has been made with the company involved who had advised that an internal issue within their organisation has delayed the payment which was expected to be resolved by the end of September. Contact has been made again with management who have assured the debt will be finalised by the end of the month.

Public hall hire fees of \$48,394 are a result of debts raised in advance and in accordance with council policy do not need to be finalised until 2 weeks prior to function. This process also gives hirers an option to book in advance and then to make smaller regular payments leading up to their event.

Debt recovery action is normally 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 7 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.

Due to the current COVID-19 pandemic, no new formal recovery action is being taken. Staff will be making contact with overdue debtors seeking suitable payment options and to check in on their current status.

Council officers continue to provide assistance to debtors experiencing difficulties in paying their accounts. Debtors are encouraged to clear their outstanding debts through regular payments where possible to avoid any further recovery action.

Attachments

1. Summary of Council's Investment Portfolio September 2021 (contained within this report) [↓](#)
2. Rates and Charges Summary and Statistics September 2021 (contained within this report) [↓](#)
3. Debtors Summary and Ageing Report September 2021 (contained within this report) [↓](#)

Summary of Council's Investment Portfolio

Portfolio as at 30 September 2021



Product Type	Face Value	% of Total
At Call Deposits	35,215,204	19.7%
Notice Account	29,306	0.0%
Term Deposits - Fixed Rate	47,287,423	26.4%
Term Deposits - Floating Rate	59,000,000	33.0%
Fixed Rate Bond	19,300,000	10.8%
FRN	16,550,000	9.2%
Managed Funds - TCorp	1,569,347	0.9%
Grand Total	178,951,280	100.0%

Total Term Deposits (Fixed and Floating Rate) by Institution's Long-Term Credit Rating

Credit Rating	Holdings	% of Total
AA+	6,900,000	6.5%
AA-	77,371,013	72.8%
A+	1,000,000	0.9%
BBB+	8,000,000	7.5%
BBB	11,016,410	10.4%
Baa2	2,000,000	1.9%
Total Term Deposits	106,287,423	100.0%

Fixed and Floating Rate Notes

ISIN	Issuer	Issuer Rating	Maturity Date	Coupon	Face Value
none	NT Treasury Corp	Aa3	15-Dec-22	0.90% Annually	\$5,000,000
none	NT Treasury Corp	Aa3	15-Dec-23	0.80% Annually	\$5,000,000
none	NT Treasury Corp	Aa3	15-Dec-24	1.00% Annually	\$5,000,000
none	NT Treasury Corp	Aa3	15-Jun-25	0.90% Annually	\$2,500,000
AU3CB0282358	ING Covered Bond	AAA	19-Aug-26	1.10% Annually	\$1,800,000
AU3FN0051165	Teachers Mutual Bank	BBB	28-Oct-22	3m BBSW + 0.90%	\$2,400,000
AU3FN0053146	RACQ Bank (prev QT Bank)	BBB+	24-Feb-23	3m BBSW + 0.93%	\$1,850,000
AU3FN0048724	NAB	AA-	19-Jun-24	3m BBSW + 0.92%	\$1,300,000
AU3FN0051561	Citibank	A+	14-Nov-24	3m BBSW + 0.88%	\$1,000,000
AU3FN0052908	Macquarie Bank	A+	12-Feb-25	3m BBSW + 0.84%	\$5,000,000

Summary of Council's Investment Portfolio – September 2021 cont'd

Long-Term Credit Rating	Exposure of Entire Portfolio			
	Actual	Minimum	Maximum	Compliant
AA+, AA, AA- and above (or MTB*)	81.9%	40%	100%	Yes
A+, A, A- and above	85.9%	60%^	100%	Yes
BBB+, BBB, BBB- and above	100.0%	100%	100%	Yes
TCorp MTGF and LTGF	0%	0%	20%	Yes
TCorp Hour Glass Cash Fund	0.9%	0%	20%	Yes

Portfolio Return

Council's investment portfolio (excluding At Call Deposits but includes TCorp Cash Fund & Notice Saver Account) provided a weighted average return (running yield) of:

30 September 2021	Monthly Return	Annual Return
Campbelltown City Council – Investment Portfolio	0.073%	0.911%
Benchmark – Bloomberg Ausbond Bank Bill Index	0.001%	0.038%
Performance Relative to Benchmark	0.072%	0.873%

Rates Summary

Statement of all Outstanding Rates and Extra Charges



Rate - Charge	Net Arrears 1/7/2021	Net Levy for Year	Pension Rebates	Extra Charges	Total Receivable	Cash Collected	Net Amount Due	Postponed Rates & Interest	Gross Amount Due
Residential	3,592,824.67	71,166,232.96	1,363,166.75	46,018.55	73,441,909.43	24,239,313.62	49,202,595.81	320,550.90	49,523,146.71
Business	601,012.56	20,569,671.49		10,770.90	21,181,454.95	8,150,857.65	13,030,597.30		13,030,597.30
Farmland	15,521.60	558,472.93	495.05	476.83	573,976.31	145,791.66	428,184.65	256,735.52	684,920.17
Mining	0.00	29,200.08		0.00	29,200.08	29,200.08	0.00		0.00
SR - Loan	628.02	1.26		39.80	669.08	0.00	669.08	22.55	691.63
SR - Infrastructure	400,650.65	6,973,336.03		3,739.19	7,377,725.87	2,461,367.74	4,916,358.13	57,259.79	4,973,617.92
Total	\$4,610,637.50	\$99,296,914.75	\$1,363,661.80	\$61,045.27	\$102,604,935.72	\$35,026,530.75	\$67,578,404.97	\$634,568.76	\$68,212,973.73
Garbage	1,091,384.56	25,446,260.23	842,512.33	13,711.11	25,708,843.57	8,467,370.76	17,241,472.81		17,241,472.81
Stormwater	77,891.31	1,460,181.68		370.26	1,538,443.25	526,698.80	1,011,744.45		1,011,744.45
Grand Total	\$5,779,913.37	\$126,203,356.66	\$2,206,174.13	\$75,126.64	\$129,852,222.54	\$44,020,600.31	\$85,831,622.23	\$634,568.76	\$86,466,190.99

Total from Rates Financial Transaction Summary	85,868,199.41
Overpayments	-597,991.58
Difference	0.00

Analysis of Recovery Action

Rate accounts greater than 6 months less than 12 months in arrears	379,789.00
Rate accounts greater than 12 months less than 18 months in arrears	99,123.00
Rate accounts greater than 18 months in arrears	78,764.00
TOTAL rates and charges under instruction with Council's agents	\$557,676.00



Rates Statistics

No. of documents issued	July	August	September	October	November	December	January	February	March	April	May	June	Sep-21
Rate Notices	57,620	238	66										
Electronic - DoH	4,866												
Instalment Notices													
Electronic - DoH													
Missed Instalment Notices			10,084										
- Pensioners > \$15.00			1,074										
Notice to new owner	133	92	109										119
7-day Letters - Council issued													
- Pensioners > \$500.00													
7-day Letters - Agent Issued													
Statement of Claim													
Judgments													
Writes													
Electronic - eRates & BPAYView	11,666	11,798	12,084										9,881
Pensioner applications	257	99	60										603
Arrangements	207	193	113										134

DEBTORS SUMMARY 1 September 2021 to 30 September 2021



DEBTOR TYPE/DESCRIPTION	ARREARS AT 31/08/2021	RAISED THIS PERIOD	RECEIVED THIS PERIOD	BALANCE AT 30/09/2021	% DEBT RATIO
Corporate Administration	209,541	159,974	52,081	317,434	13.31%
Abandoned Items	1,539	0	0	1,539	0.06%
Education and Care Services	18,710	0	0	18,710	0.78%
Community Bus	89	0	0	89	0.00%
Sportsground and Field Hire	163,234	3,960	20,190	147,005	6.16%
Government and other Grants	782,213	802,954	471,092	1,114,075	46.71%
Public Hall Hire	83,385	0	9,342	74,043	3.10%
Health Services	350	0	0	350	0.01%
Land and Building Rentals	151,208	214,271	167,296	198,183	8.31%
Healthy Lifestyles	21,648	1,000	4,471	18,177	0.76%
Library Fines and Costs	0	0	0	0	0.00%
Licence Fees	84,581	9,399	14,536	79,444	3.33%
Pool Hire	758	3,436	708	3,486	0.15%
Private Works	2,612	0	0	2,612	0.11%
Road and Footpath Restoration	29,862	17,654	5,625	41,891	1.76%
Shop and Office Rentals	43,656	48,757	39,834	52,579	2.20%
Various Sundry Items	241,779	155,200	51,634	345,344	14.48%
Waste Collection Services	1,122	16,097	8,204	9,015	0.38%
	1,797,609	1,432,702	845,012	2,385,299	100%

AGEING OF SUNDRY DEBTOR ACCOUNTS - 30 September 2021



	Current Charges	Total 30 Days	Total 60 Days	Total 90+ Days	Balance Due	Previous Month 90+ days
Corporate Administration	232,244	4,890	5,310	74,989	317,434	40,271
Abandoned Items	0	0	0	1,539	1,539	1,539
Education and Care Services	18,710	0	0	0	18,710	0
Community Bus	89	0	0	0	89	0
Sportsground and Field Hire	2,256	0	9,877	134,871	147,005	110,837
Government and other Grants	333,954	6,325	712,300	61,496	1,114,075	0
Public Hall Hire	647	103	24,899	48,394	74,043	42,086
Health Services	0	0	0	350	350	350
Land and Building Rentals	171,751	26,432	0	0	198,183	3,606
Healthy Lifestyles	1,523	3,582	2,259	10,815	18,178	11,432
Licence Fees	7,378	3,608	3,329	65,129	79,444	63,267
Pool Hire	3,105	0	0	381	3,486	455
Private Works	1,189	0	0	1,423	2,612	1,423
Road and Footpath Restoration	16,940	0	0	24,951	41,891	28,398
Shop and Office Rentals	43,595	5,358	1,910	1,715	52,579	317
Various Sundry Items	147,330	38,892	1,967	157,156	345,345	101,180
Waste Collection Services	7,563	1,452	0	0	9,015	1,452
	949,596	90,642	761,852	583,209	2,385,299	408,594

8.13 Quarterly Business Review Statement as at 30 September 2021

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 adjustments recommended in the Quarterly Business Review be adopted.

Purpose

To advise Council that the quarterly financial review has been conducted on the original income and expenditure estimates presented in the 2020-21 budget. The adjustments relating to the review of the original budget allocations are presented for Council's consideration.

Introduction

The current planning and reporting framework for NSW Local Government has a greater focus on financial sustainability. In an effort to achieve consistency in reporting between councils, the Office of Local Government introduced a set of minimum requirements and predefined templates to assist councils in meeting their legislative obligations. Collectively, these documents are known as the quarterly budget review statement (QBRs). The latest QBRs under the reporting framework is attached.

Report

In accordance with Clause 203 of the Local Government (General) Regulations 2005, the Responsible Accounting Officer is required to prepare a quarterly budget review of income and expenditure estimates and submit a report to Council. The QBRs must also include an opinion of the Responsible Accounting Officer concerning the financial position of Council. This report provides an overview of the results of the financial review for the quarter ended 30 September 2021.

This review has considered the impact of the COVID-19 pandemic on Council's operations until the end of this financial year. There are numerous adjustments to both income and expenditure items across many section budgets. While there will be loss of revenue in some operations and increased costs in others, the measures that Council has implemented forecasts a balanced budget at year end.

In June 2021, Council adopted a balanced budget for 2021-22. There is no proposed change to the budget result in this review.

The recommended movements relating to income and expenditure are summarised in the attachment and details of significant items greater than \$20,000 are listed in the body of this report for Council's consideration.

The following items are detailed with corresponding adjustments recommended following the completion of the quarterly financial review:

Adjustments to salaries across the following functions:

General Manager - \$25,000 decrease in expenditure
Strategic Partnerships - \$17,000 decrease in expenditure
Civic Events - \$30,000 increase in expenditure
Communications and Marketing - \$20,000 increase in expenditure
City Standards and Compliance - \$152,100 decrease in expenditure
Animal Care Facility - \$170,000 increase in expenditure
Planning and Development - \$194,400 decrease in expenditure
Community Businesses - \$541,800 decrease in expenditure
Community Life - \$64,000 decrease in expenditure
Creative Life - \$10,000 decrease in expenditure
Community Learning and Library Services - \$129,400 decrease in expenditure
Infrastructure - \$364,500 decrease in expenditure
Operations - \$45,100 decrease in expenditure
Open Space - \$58,500 decrease in expenditure
Property Services - \$15,000 decrease in expenditure
Corporate Services and Governance - \$68,000 decrease in expenditure
Financial Services - \$91,000 decrease in expenditure
People and Performance - \$90,000 increase in expenditure
Corporate Support Systems - \$140,000 decrease in expenditure
City Growth - \$38,800 decrease in expenditure

The major adjustments are listed above, the total salary adjustment is approximately a \$1.8 million reduction. As part of the budget preparation process, the organisational salary structure is fully funded. In response to the current pandemic, these salary savings have resulted from decreased casual usage, limiting overtime where possible and general staff turnover. These savings have been utilised to fund other programs and loss of revenue due to the COVID-19 pandemic impact.

Adjustments to hired personnel and consultants across the following functions:

Animal Care Facility - \$30,000 increase in expenditure
Planning for the Environment - \$19,000 increase in expenditure
Corporate Support Systems - \$40,000 increase in expenditure

The above consulting and hired personnel costs have resulted from the use of agencies and temporary contracted staff to provide specialised advice. All costs have been off-set by salary savings. During the pandemic, the use of hired personnel and consultants has been limited.

Strategic Partnerships-Projects - \$1,200,000 increase in expenditure

Council will be required to contribute funding to the ongoing studies and development of the Community and Justice Precinct project. The project is reaching a critical stage and these works are required to make informed decisions. The funds have been sourced from savings made in other Council operations.

Executive Support- \$190,000 increase in expenditure

Council has identified the need to redevelop Council's website. These funds are required for the development, consulting and ongoing system support and have been sourced from savings made in other Council operations.

Compliance Legal Expenses- \$210,500 increase in expenditure

There has been increased legal activity in a number of areas including Companion Animals, Environmental Compliance, defence of Planning and Development appeals, and Contributions Planning. This activity is mainly due to objections to various rulings and has required additional funds to be allocated to the legal budget.

Street Parking Fines - \$670,000 decrease in income

Enforcement activities have decreased significantly since the commencement of the pandemic due to reduced enforcement and lower community movement resulting in lower non-compliance rates and lower income levels. As the public restrictions relating to COVID-19 reduce, parking regulation activities is anticipated to return to normal. This adjustment is required for income foregone to date.

Licencing & Inspection Program - \$70,000 decrease in income

Income from the regulated premises and swimming pool inspection program has decreased since the commencement of the pandemic due to reduced activity. This has resulted in lower income levels. It is anticipated that this will improve as normal operations resume however, this adjustment is required for income foregone to date.

Planning and Development - \$431,400 decrease in income

Income from development activity is not achieving the budget projections so far this year. This is mainly due to impacts on the construction sector from the public health orders arising from the pandemic, resulting in an anticipated reduction in the income being received from the Development Application and Planning process.

Facility Hire/Program Income - \$1,023,300 decrease in income

Income losses have been identified across the usage of Council facilities and a number of programs including: entry fees, facility hire, membership, program income and the sale of equipment and food. This is mainly due to COVID-19 restrictions that have been in place. These services include the following:

Leisure Services - \$561,500 decrease in income
Campbelltown Sports Ground and Athletics Facility - \$222,000 decrease in income
Campbelltown Arts Centre Artistic Programs - \$110,000 decrease in income
Library Services - \$34,100 decrease in income
Community Halls and Centres - \$65,700 decrease in income
Sporting Grounds Facility Hire - \$30,000 decrease in income

This loss of income is offset by reduced expenditure in these services during closures and reductions in programs. This includes reduced staffing costs of \$713,900 across the services, utility and operational savings of \$179,100 in the Leisure and Stadia budgets, savings in artistic programs of \$120,000 and various other minor savings. Overall, the net budget result from these changes is a saving of approximately \$10,000.

Community Partnerships - \$32,700 increase in expenditure

In response to the growing community concern in regards to domestic violence Council proposes to develop a Domestic and Family Violence Strategy. This funding enables the progression of the strategy.

Building and Playground Renewal Program - \$1,350,000 decrease in expenditure

In response to the loss of income and delays in programmed construction due to effects of the COVID-19 closures and lockdowns, reductions to the Building and Playground renewal programs of \$1,000,000 and \$350,000 respectively are presented. The works deferred are the Bensley Road Soccer Amenities and Sauvignon, Prentice and Clematis playgrounds.

Emergency Services Levy - \$446,900 decrease in expenditure

The NSW government has continued its policy of subsidising Council's contribution towards the running costs of the State Emergency Services. When the budget was prepared it was anticipated that the subsidy wouldn't continue. These savings have been utilised to part offset the loss of income and additional programs identified in this report.

Development Reserve Movements - various adjustments

There has been several new projects and deferred projects within the Development Reserve budget. Movements to or from the reserve offset all adjustments. Adjustments include the following items:

- Bow Bowling-Minto Precinct - \$713,500 expenditure increase - completion of feasibility modelling
- 5-7 Fields Road Development - \$2,685,000 expenditure decrease-current proposal not proceeding
- Lark Hill Pre-School - \$413,000 income increase-sale of property
- Blaxland Road Development - \$31,813,200 expenditure increase-delay in settlement due to COVID-19 restrictions from June 2021 to July 2021 therefore crossing financial years
- Hurley Street Estate Works - \$250,000 expenditure increase - phase 1 completion of works

Land Sales - \$2,050,000 increase in income

There have been several land sales made or proposed during the year which were not anticipated when the original budget was set. These include 51 Queen Street, St Andrews Cottage and Lot 10 Bolger Street. The income from the sales will be retained in Council's reserves to fund future works as required.

Investment Property - \$8,300,000 increase in expenditure

As per the recently endorsed property investment policy, Council purchased a property on Blaxland Road. The purchase price was greater than originally proposed in the budget. As such, additional funds have been allocated from the Development Reserve.

Financial Assistance Grant - \$677,800 increase in income

In previous years, the financial assistance grant allocation has been trending flat or downwards. As such, Council was conservative in its estimation for this year's grant allocation. Advice has been received that Council will receive an amount of \$677,800 above budget this year. The additional funds have been utilised to offset increased expenditure or loss of income in other areas due to COVID-19.

City Strategy - \$100,000 increase in expenditure

A proposal has been presented that outlines the need for a 3D Model to promote transparency, collaboration and information sharing across Council and to support evidence-based decision making, particularly with respect to understanding the impacts of new development. This budget allocation will enable development of the initial model including an annual maintenance regime.

Summary

As reported to Council in previous years, the financial objective has been to budget a surplus to improve Council's liquidity ratio. The liquidity ratio has improved to a satisfactory level and as such, a balanced budget is projected for the 2021-22 financial year.

While the COVID-19 pandemic has significantly impacted the operations of Council, as per the Responsible Accounting Officer's statement, the 2021-22 results continue to support Council's sound financial position in the short to medium term. During 2021-22, Council will further refine its financial strategy in line with the development of the 10 year Long Term Financial Plan (which will include a scenario of easing restrictions due to the pandemic), required by the Integrated Planning and Reporting Framework and determine the most appropriate and financially responsible action for future periods.

Attachments

1. Quarterly Business Review Statement as at 30 September 2021 (contained within this report) [📄](#)

Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/07/21 to 30/09/21

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

30 September 2021

It is my opinion that the Quarterly Budget Review Statement for Campbelltown City Council for the quarter ended 30/09/21 indicates that Council's projected financial position at 30/6/22 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: signature has been removed

date: 26/10/2021

Corinne Mears
Responsible Accounting Officer

Campbelltown City Council

Quarterly Budget Review Statement
 for the period 01/07/21 to 30/09/21

Income & Expenses Budget Review Statement

Budget review for the quarter ended 30 September 2021

Income & Expenses - Council Consolidated

(\$000's)	Original Budget 2021/22	Approved Changes					Revised Budget 2021/22	Variations		Notes	Projected Year End Result	Actual YTD figures
		Carry	Other than	Sep	Dec	Mar		for this Sep Qtr				
		Forwards	by QBRs	QBRs	QBRs	QBRs						
Income												
Rates and Annual Charges	123,876	-	-	-	-	-	123,876	51	1		123,927	123,438
User Charges and Fees	10,851	-	-	-	-	-	10,851	(1,358)	2		9,493	1,260
Interest and Investment Revenues	2,281	-	-	-	-	-	2,281	-			2,281	147
Other Revenues	6,265	-	-	-	-	-	6,265	(862)	3		5,403	1,018
Grants & Contributions - Operating	26,484	154	(832)	-	-	-	25,806	809	4		26,615	6,128
Grants & Contributions - Capital	27,410	9,949	90	-	-	-	37,449	-			37,449	10,669
Total Income from Continuing Operations	197,168	10,103	(742)	-	-	-	206,528	(1,360)			205,169	142,660
Expenses												
Employee Costs	77,707	-	1,506	-	-	-	79,213	(1,812)	5		77,401	19,295
Borrowing Costs	303	-	-	-	-	-	303	-			303	(5)
Materials & Contracts	34,538	2,424	281	-	-	-	37,244	(329)	6		36,915	7,888
Depreciation	27,649	-	-	-	-	-	27,649	-			27,649	-
Legal Costs	1,079	-	11	-	-	-	1,089	(19)	7		1,071	106
Consultants	3,430	1,126	2,564	-	-	-	7,119	3,305	8		10,425	1,287
Other Expenses	33,454	261	32	-	-	-	33,747	(296)	9		33,451	8,825
Total Expenses from Continuing Operations	178,159	3,811	4,394	-	-	-	186,364	850			187,214	37,395
Net Operating Result from Continuing Operations	19,008	6,292	(5,136)	-	-	-	20,164	(2,210)			17,954	105,265
Discontinued Operations - Surplus/(Deficit)							-				-	
Net Operating Result from All Operations	19,008	6,292	(5,136)	-	-	-	20,164	(2,210)			17,954	105,265
Net Operating Result before Capital Items	(8,402)	(3,657)	(5,226)	-	-	-	(17,285)	(2,210)			(19,495)	94,596

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 30/09/21 and should be read in conjunction with the total QBRs report

Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/07/21 to 30/09/21

Income & Expenses Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details
1	Reduction in rate payments due on Council properties due to deferral of property acquisition.
2	COVID-19 related loss of income due to changed operations or reduced activity, including child care fees, hall hire, leisure centre programs, slowdown in building activity and inspection programs.
3	COVID-19 related loss of income due to changed operations or reduced activity, including parking fine income, commission and ticket sales from events. These losses have been part offset by a rebate from the NSW government for the ESL.
4	Various adjustments for grant/contribution movements, including additional funding for child care, financial assistance grant, and reduced planning income.
5	Variations in employee costs due to new staff and staff vacancies. Reduction in casual salary and overtime costs due to operational changes. Temporary slow down on the replacement of staff.
6	Savings across various programs and events due to restrictions and closures.
7	Minor adjustments to legal advice budget.
8	Additional consultancy services utilised for planning and property related works, legal work, as well as software related projects.
9	Various increases and decreases across a number of areas, including contribution to other authorities, additional equipment, hired personnel and unspent funds taken as savings, such as; utility charges and various programs and events either cancelled or deferred.

Campbelltown City Council

Quarterly Budget Review Statement
 for the period 01/07/21 to 30/09/21
Capital Budget Review Statement

Budget review for the quarter ended 30 September 2021

Capital Budget - Council Consolidated

(\$000's)	Original Budget 2021/22	Approved Changes					Revised Budget 2021/22	Variations for this Sep Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRs	Sep QBRs	Dec QBRs	Mar QBRs					
Capital Expenditure											
New Assets											
- Plant & Equipment		-					-			-	
- Land & Buildings	6,909	-	139	-	-		7,048	(5,770)	1	1,279	1,428
- Other			-				-			-	
Renewal Assets (Replacement)											
- Plant & Equipment	3,309	-	47	-	-		3,356	(32)	2	3,324	636
- Office Equipment/Furniture & Fittings	84	385	90	-	-		559	-		559	100
- Land & Buildings	102,368	9,012	2,806	-	-		114,186	39,930	3	154,116	85,513
- Roads, Bridges, Footpaths	13,697	13,525	474	-	-		27,696	81	4	27,777	1,591
- Stormwater/Drainage	1,573	1,615	0	-	-		3,188	-		3,188	-
- Other Assets	349	-	-	-	-		349	-		349	30
Loan Repayments (Principal)	2,431	-	-	-	-		2,431	-		2,431	296
Total Capital Expenditure	130,719	24,537	3,556	-	-	-	158,812	34,210		193,022	89,594
Capital Funding											
Rates & Other Untied Funding	30,703	4,853	2,182	-	-		37,738	25,611	5	63,349	76,987
Capital Grants & Contributions	27,410	9,949	90	-	-		37,449	-		37,449	10,669
Reserves:											
- External Restrictions/Reserves	(7,677)	1,597	450	-	-		(5,630)	-		(5,630)	-
- Internal Restrictions/Reserves	78,148	8,138	835	-	-		87,121	6,049	6	93,170	-
New Loans							-	-		-	-
Receipts from Sale of Assets											
- Plant & Equipment	1,030	-	-	-	-		1,030	-		1,030	393
- Land & Buildings	1,100	-	-	-	-		1,100	2,550	7	3,650	1,545
- Other Assets	4	-	-	-	-		4	-		4	-
Total Capital Funding	130,719	24,537	3,556	-	-	-	158,812	34,210		193,022	89,594
Net Capital Funding - Surplus/(Deficit)	-	-	-	-	-	-	-	-		-	-

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 30/09/21 and should be read in conjunction with the total QBRs report

Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/07/21 to 30/09/21**Capital Budget Review Statement**
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details
1	Two development reserve funded projects not proceeding in the current year and additional funding required to finalise the Bunnings project.
2	Leisure capital acquisition deferred and new irrigation works required at the Sports Stadium.
3	Deferral of a project in the building renewal program due to ongoing discussions with a community group, and funding for the finalisation of the Bunnings and Blaxland Road projects.
4	Additional funding from the roads component of the FAG allocated to road renewal works.
5	Reconciliation of untied funds as a result of capital movements utilised to fund capital works.
6	Funding from the development reserve to fund capital projects and transfers to reserve from the proceeds of various land sales.
7	Budgeted receipts from the proceeds from various land sales.

Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/07/21 to 30/09/21

Cash & Investments Budget Review Statement

Budget review for the quarter ended 30 September 2021

Cash & Investments - Council Consolidated

(\$000's)	Original Budget 2021/22	Movement in Reserves			Current Balance 2021/22	Projected Movement Mar Qtr	Notes	Projected Year End Balance	Actual YTD figures
		Income/ Expenses	Transfers to/from	Works in Kind					
Externally Restricted ⁽¹⁾									
Stormwater Management	609	-	-	-	609	(200)		409	609
Specific Purpose Grants	19,466	-	-	-	19,466	(7,500)		11,966	19,466
Specific Purpose Contributions	4,784	-	-	-	4,784	-		4,784	4,784
Developer Contributions - S7.11	25,437	1,038	-	-	26,475	-		26,475	26,475
Developer Contributions - Other	1,527	-	-	-	1,527	-		1,527	1,527
Domestic Waste Management	15,340	-	-	-	15,340	-		15,340	15,340
Self Insurance Workers Compensation Claims	5,350	-	-	-	5,350	-		5,350	5,350
Total Externally Restricted	72,513	1,038	-	-	73,551	(7,700)		65,851	73,551
(1) Funds that must be spent for a specific purpose									
Internally Restricted ⁽²⁾									
Property Development	79,826	-	(84,500)	-	(4,674)	3,500		(1,174)	79,826
Committed Works	8,450	-	50	-	8,500	(500)		8,000	8,500
Self Insurance Workers Compensation Claims	1,278	-	-	-	1,278	-		1,278	1,278
Replacement of Plant and Vehicles	9,239	-	25	-	9,264	(1,500)		7,764	9,264
Committed Works funded by Loans	2,641	-	-	-	2,641	(500)		2,141	2,641
Employee Leave Entitlements	8,450	-	-	-	8,450	-		8,450	8,450
Environmental Sustainability	1,783	-	28	-	1,810	-		1,810	1,810
Asset Replacement	5,205	-	1,249	-	6,453	-		6,453	6,453
Infrastructure Replacement Fund	41,047	-	-	-	41,047	(10,000)		31,047	41,047
Olympic Ambassador	125	-	5	-	130	-		130	130
Event Attraction	1,427	-	550	-	1,977	-		1,977	1,977
Insurance Claims - Excess	7,283	-	692	-	7,975	-		7,975	7,975
Local Government Elections	1,030	-	200	-	1,230	(800)		430	1,230
Other	107	-	-	-	107	-		107	107
Total Internally Restricted	167,890	-	(81,702)	-	86,188	(9,800)		76,388	170,688
Unrestricted (i.e. available after the above Restricti	5,560				19,885	-		19,885	(64,615)
Total Cash & Investments	245,962				179,624	(17,500)		162,124	179,624

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 30/09/21 and should be read in conjunction with the total QBRs report

Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/07/21 to 30/09/21

Cash & Investments Budget Review Statement**Comment on Cash & Investments Position**

Not Applicable

Investments

Investments have been invested in accordance with Council's Investment Policy.

Cash

The Cash at Bank figure included in the Cash & Investment Statement totals \$179,624,318.

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.
The date of completion of this bank reconciliation is 30/09/21.

Reconciliation Status

The YTD Cash & Investment figure reconciles to the actual balances held as follows:

\$ 000's

Cash at Bank (as per bank statements)		1,114,140
Investments on Hand		178,951,280
less: Unpresented Cheques	(Timing Difference)	(2,120)
add: Undeposited Funds	(Timing Difference)	13,589
less: Identified Deposits (not yet accounted in Ledger)	(Require Actioning)	(452,759)
add: Identified Outflows (not yet accounted in Ledger)	(Require Actioning)	188
less: Unidentified Deposits (not yet actioned)	(Require Investigation)	-
add: Unidentified Outflows (not yet actioned)	(Require Investigation)	-
Reconciled Cash at Bank & Investments		179,624,318
Balance as per Review Statement:		179,624,318
Difference:		-

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details

Campbelltown City Council

Quarterly Budget Review Statement

for the period 01/07/21 to 30/09/21

Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)

Budget review for the quarter ended 30 September 2021

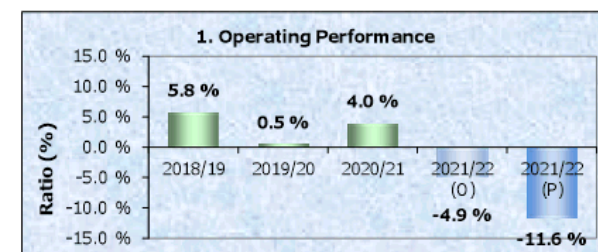
(\$000's)	Current Projection		Original Budget 21/22	Actuals Prior Periods	
	Amounts	Indicator		20/21	19/20
	21/22	21/22			

NSW Local Government Industry Key Performance Indicators (OLG):

1. Operating Performance

Operating Revenue (excl. Capital) - Operating Expenses	-19,495	-11.6 %	-4.9 %	4.0 %	0.5 %
Operating Revenue (excl. Capital Grants & Contributions)	167,720				

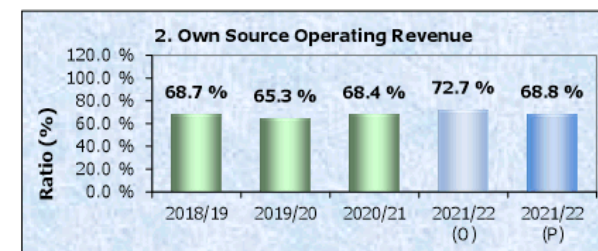
This ratio measures Council's achievement of containing operating expenditure within operating revenue.



2. Own Source Operating Revenue

Operating Revenue (excl. ALL Grants & Contributions)	141,104	68.8 %	72.7 %	68.4 %	65.3 %
Total Operating Revenue (incl. Capital Grants & Cont)	205,169				

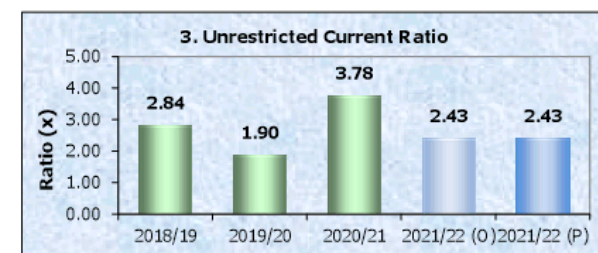
This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.



3. Unrestricted Current Ratio

Current Assets less all External Restrictions	106,349	2.43	2.43	3.78	1.90
Current Liabilities less Specific Purpose Liabilities	43,800				

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.



Campbelltown City Council

Quarterly Budget Review Statement

for the period 01/07/21 to 30/09/21

Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)

Budget review for the quarter ended 30 September 2021

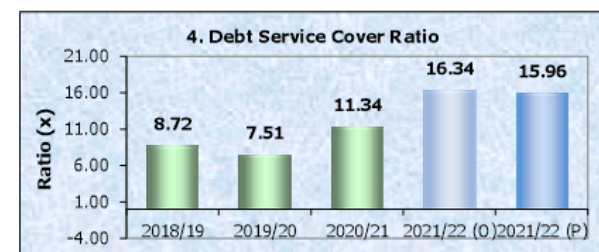
(\$000's)	Current Projection		Original Budget 21/22	Actuals Prior Periods	
	Amounts	Indicator		20/21	19/20
	21/22	21/22			

NSW Local Government Industry Key Performance Indicators (OLG):

4. Debt Service Cover Ratio

Operating Result before Interest & Dep. exp (EBITDA)	43,625	15.96	16.34	11.34	7.51
Principal Repayments + Borrowing Interest Costs	2,734				

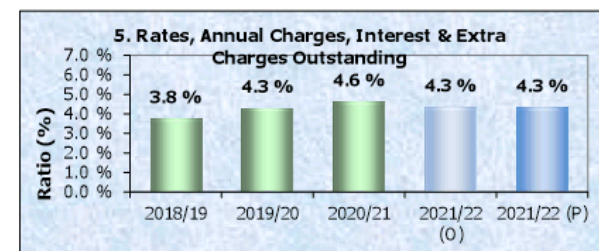
This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.



5. Rates, Annual Charges, Interest & Extra Charges Outstanding

Rates, Annual & Extra Charges Outstanding	5,250	4.3 %	4.3 %	4.6 %	4.3 %
Rates, Annual & Extra Charges Collectible	121,374				

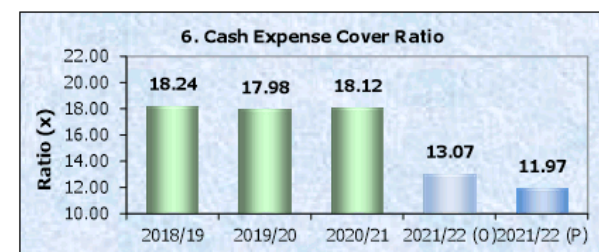
To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.



6. Cash Expense Cover Ratio

Current Year's Cash & Cash Equivalents (incl.Term Deposits)	179,624	11.97	13.07	18.12	17.98
Operating & financing activities Cash Flow payments	180,000				

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.



Campbelltown City Council

Quarterly Budget Review Statement
 for the period 01/07/21 to 30/09/21
Contracts Budget Review Statement

Budget review for the quarter ended 30 September 2021

Part A - Contracts Listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Procurement Process Undertaken	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
EXPENDITURE \$50,000 - \$150,000						
Amicus Advisory Pty Ltd	Q21/17 Investment Advisory Services	Three quotes	01/07/21	12 months with 2 x 12 month options for extension	Y	
Heartz Electrical Pty Ltd	Q21/13 Photovoltaic Systems on ELC's	Public Quote	01/07/21	Until completion (30 August 2021)	Y	
GYC Pty Ltd as an authorised dealer of ToroAustralia	D21/03 Supply of Mowers	LGP	01/09/21	Until completion	Y	
EXPENDITURE \$150,000 - \$300,000						
Ontoit Au Pty Ltd	Q21/23 Client Side Project Management	NSW Procurement	21/09/21	7 months	Y	
Perfection Landscapes Pty Ltd	T21/16 Playspace Improvement Works	Public tender	30/08/21	Until Completion	Y	
Liftronic Pty Ltd	Q21/12 Lift Upgrade at Ingleburn Library	Public Quote	01/07/21	Until Completion		
Melocco & Moore Architects Pty Ltd	D21/06 Architectural Services for Raby Sports Complex Indoor Cricket Centre	LGP	13/07/21	Until Completion	Y	
Grace Records Management (Australia) Pty Ltd	Document Storage and Management	Quotation	01/07/21	Three years with 2 option of extension of 12 months	Y	
LandHQ Pty Ltd T/as Agriquip Machinery Co (authorised Dealer of John Deere)	D21/02 Supply and Delivery of Mowers	LGP	13/08/21	Until Completion of delivery	Y	
Schindler Lifts Australia Pty Ltd	T21/15 Lift Maintenance	Public Tender	04/08/21	Three years with two options of extension of 12 months each.	Y	1
SJB Architecture NSW Pty Ltd	Q21/20 Lead Masterplan Designer for Minto and Bow Bowling Urban Renewal	NSW Procurement	13/08/21	Until Completion	Y	
EXPENDITURE > \$300,000						
RMB Lawyers Bartier Perry Pty Ltd Holding Redlich Pikes & Verekers Lawyers Moray & Agnew Newcastle Marsdens Law Group McCullough Robertson Lawyers Maddocks HWL Ebsworth Lawyers Workdynamic Australia Sparke Helmore Shaw Reynolds Lawyers Pty Ltd	T21/01 Legal services	Public tender	01/07/21	5 years	Y	2

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 30/09/21 and should be read in conjunction with the total QBRS report

Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/07/21 to 30/09/21

Contracts Budget Review Statement

Budget review for the quarter ended 30 September 2021

Part A - Contracts Listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Procurement Process Undertaken	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
Crystal Pools Pty Ltd	Q21/25 Design and Construct Aquatics at the Billabong	Select Quotation following public tender	22/07/21	until completion	Y	
Terra Civil Pty Ltd	Q21/19 Design and Construct of Structural Concrete Retaining Wall	Select Quotation following public tender	26/07/21	Until Completion	Y	
HIX Group Pty Limited T/A HIX Electrical & Data Services Home Green Pty Ltd T/AS Shine On JRW Trading Pty Ltd T/AS Jaydub Electrical Services KEALEC Pty Ltd T/AS Sportz Lighting RADI Pty Ltd T/AS Radi Electrical REES Electrical Pty Limited	T21/11 Sports Field Lighting	Public Tender	23/07/21	Three years with one option of extension of 12 months	Y	2
A. J Grant Building Pty Ltd BMK Bricklaying Pty Ltd Andrik Construction Group Pty Ltd Makki Constructions Pty Ltd Theelow Pty Ltd Kent Joinery Pty Ltd Northern Fencing Specialists Pty Ltd Playsafe Fencing Pty Ltd Amrod Pty Ltd	T21/03 General Trades	Public tender	15/08/21	Two years with three options of extension of 12 months each	Y	2
Warren and Mahoney Architects Australia Pty Ltd	Q21/31 Building Design Services for Apex Park	NSW Procurement	24/08/21	Until Completion	Y	
JK Williams Construction Pty Ltd	T21/18 Raby Road Intersection Upgrade	Public tender	14/07/21	Until completion	Y	
Sydney Trucks and Machinery Centre Pty Ltd	Q21/35 Supply and Deliver 11 x Fuso Canter 815 Cab Chassis Trucks	LGP	24/09/21	Until Completion	Y	
Casse Glass & Aluminium Services Pty Ltd	T21/10 Glazing Services	Public tender	18/09/21	2 years with three options of extension of 12 months each.	Y	3

Notes:

** Contract Values are commercial in confidence

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/07/21 to 30/09/21**Contracts Budget Review Statement**
Comments & Explanations relating to Contractors Listing**Notes Details**

1	Price is per service as and when required, therefore contract value is an estimate only.
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2	Price is per service as and when required, distributed amongst the panel, therefore contract value is an estimate only
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3	Price is per service as and when required, therefore contract value is an estimate only
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Campbelltown City Council

Quarterly Budget Review Statement
for the period 01/07/21 to 30/09/21

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	1,308,132	Y
Legal Fees	106,349	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Expenditure included in the above YTD figure but not budgeted includes:

Details

8.14 Minutes of the Audit Risk and Improvement Committee meeting held 28 September 2021

Reporting Officer

Executive Manager Corporate Services and Governance
City Governance

Officer's Recommendation

That the minutes of the Audit Risk and Improvement Committee held 28 September 2021 be noted.

Purpose

To seek Council's endorsement of the minutes of the Audit Risk and Improvement Committee meeting held 28 September 2021.

Report

Detailed below are the recommendations of the Audit Risk and Improvement Committee. Council officers have reviewed the recommendations and they are now presented for Council's consideration.

Reports listed for consideration

6.1 Internal Audit Progress Report

That the Committee receive and note the internal audit update.

Action:

That items, questions or issues raised and identified relevant to the discussion by a Committee member be included in the minutes.

6.2 Financial Statements 2020-21

That the information be noted.

Action:

The committee noted the auditor's report, noting the comments regarding the importance of cyber security. The Committee requested that management's response to the auditor's comments about cyber security be reported to the next ARIC meeting.

6.3 Report on New Draft Risk Management and Internal Audit Framework for Local Councils

That the Committee discuss and provide its views and comments on the proposed draft guidelines, and commence planning for the legislative changes for the newly elected council.

Action:

To ensure the submission reflects the views of the ARIC, members were requested to submit any feedback to the Internal Auditor or Director City Governance, which will then be included in the submission to the Office of Local Government.

Attachments

1. Minutes of the Audit Risk and Improvement Committee held 28 September 2021 (contained within this report)

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Audit Risk and Improvement Committee Meeting held at 3:00 pm on Tuesday, 28 September 2021.

ITEM	TITLE	PAGE
1.	ACKNOWLEDGEMENT OF LAND	2
2.	APOLOGIES	2
3.	CONFIRMATION OF MINUTES	2
3.1	Minutes of the Ordinary Meeting of the Audit Risk and Improvement Committee held 10 August 2021	2
4.	DECLARATIONS OF INTEREST	2
5.	GENERAL MANAGER UPDATE	3
6.	REPORTS	3
6.1	Internal Audit Progress Report	3
6.2	Financial Statements 2020-21	4
6.3	Report on New Draft Risk Management and Internal Audit Framework for Local Councils	5
7.	GENERAL BUSINESS	5

Minutes of the Audit Risk and Improvement Committee Meeting held on 28 September 2021

Present Mr Bruce Hanrahan - Independent Member (Chairperson)
Mr Jim Mitchell - Independent Member
Ms Rhonda Wheatley - Independent Member
Councillor Warren Morrison - Elected Council Representative

In attendance Ms Lindy Deitz - General Manager
Mr Sam Helweh - Internal Auditor
Mr Phu Nguyen - Director City Governance
Ms Corinne Mears - Executive Manager Corporate Services and Governance
Mr Ali Amjad - Audit Leader - Audit Office of NSW
Ms Cathy Gavin - Senior Financial Accountant
Ms Samantha Fletcher - Financial Reporting Accountant
Ms Monique Dunlop - Manager Governance and Risk
Ms Erin Austin - Executive Support

1. ACKNOWLEDGEMENT OF LAND

An Acknowledgement of Land was presented by the Chairperson Mr Bruce Hanrahan.

2. APOLOGIES

Nil

3. CONFIRMATION OF MINUTES**3.1 Minutes of the Ordinary Meeting of the Audit Risk and Improvement Committee held 10 August 2021**

Committee's Recommendation: (Hanrahan/Mitchell)

That the information be noted.

4. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

5. GENERAL MANAGER – VERBAL UPDATE

The General Manager updated the Committee with a focus on COVID-19 and planning for transition of services:

- Outdoor pools in the LGA reopened yesterday. The committee was advised that 100 people were in attendance and everything ran smoothly. The reopening of the pools in the LGA is the first start towards economic recovery.
- The Crisis Management Team have continued to meet, the focus is now in an operational capacity to ensure COVID-19 safety plans are in place and these are following the Government requirements and the public health order.
- The Committee was advised how quickly the community adapted to online services for the lockdown this year. Going forward Council will continue to monitor the community response and if some of the online services should remain after lockdown ends.
- Management have focused on monitoring savings along with strategic planning for the next 12 months.
- Lastly, the General Manager expressed her gratitude to all the residents in coming forward to get vaccinated, with Campbelltown LGA having very high vaccination rates.

6. REPORTS

6.1 Internal Audit Progress Report

Purpose

To provide the Committee an update on the progress of the internal audit activity.

Officer's Recommendation

That the Committee receive and note the internal audit update.

Committee's Recommendation: (Wheatley/Morrison)

That the Committee receive and note the internal audit update.

Action:

That items, questions or issues raised and identified relevant to the discussion by a Committee member be included in the minutes.

6.2 Financial Statements 2020-21

Purpose

To present the audited financial statements for the period 1 July 2020 to 30 June 2021.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Mitchell/Hanrahan)

That the information be noted.

Action:

The committee noted the auditor's report, noting the comments regarding the importance of cyber security. The Committee requested that management's response to the auditor's comments about cyber security be reported to the next ARIC meeting.

6.3 Report on New Draft Risk Management and Internal Audit Framework for Local Councils

Purpose

This report provides a discussion point on the required statutory changes of the *Local Government Act 1993* by the New South Wales Government on risk management and internal audit framework for local councils.

Officer's Recommendation

That the Committee discuss and provide its views and comments on the proposed draft guidelines, and commence planning for the legislative changes for the newly elected council.

Committee's Recommendation: (Mitchell/Wheatley)

That the Committee discuss and provide its views and comments on the proposed draft guidelines, and commence planning for the legislative changes for the newly elected council.

Action:

To ensure the submission reflects the views of the ARIC, members were requested to submit any feedback to the Internal Auditor or Director City Governance, which will then be included in the submission to the Office of Local Government.

7. GENERAL BUSINESS

- The internal auditor advised that an Interim Audit Plan, capturing one year, will be presented and proposed for the ARIC members at the November 2021 ARIC meeting.

The next meeting of the Audit Risk and Improvement Committee will be held Tuesday 16 November 2021 at 4:00 pm at the Civic Centre, Campbelltown.

Bruce Hanrahan

Chairperson

Meeting Concluded: 4:12 pm

8.15 Removal of Caveat on Land

Reporting Officer

Property Coordinator
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 Council endorse the removal of a caveat over Lot 2 DP 622362 and Lot 35 DP 230946 off Medhurst Road, Menangle Park based on the terms outline in the report.
2. That Council endorse that all documentation associated with this transaction is executed by way of delegated authority under Section 377 of the *Local Government Act 1993*, if required.

Purpose

To seek Council approval for the removal of a caveat over privately owned land being Lot 2 DP 622362 and Lot 35 DP 230946 off Medhurst Road, Menangle Park.

History

Council in 1974 granted development consent approval to Mr M Bloom for the mining of sandstone on part of Lot 2 DP 622362 and Lot 35 DP 230946. Both land parcels are owned by R E Bloom & Sons Pty Ltd (R E Bloom). Records indicate that the consent was amended in 1984 but Solicitors acting for RE Bloom have been unable to identify the extent of the amendment.

A condition of the original consent was that R E Bloom enter into an agreement with Council (the Option agreement) to grant Council an option to purchase the subject land (being Lot 2 DP 622362 and Lot 35 230946) which was exercisable either at the conclusion of the proposed excavation or on 18 January 2004. A supplemental agreement was later entered into by the parties which amended the terms further stating the option to purchase was being amended and that it may be exercised either at the conclusion of the excavation or 18 January 2004 or a period of time agreed between the 2 parties.

Advice provided by R E Bloom's solicitor indicates that Council registered a caveat over both the subject parcels of land formalising the option agreement. R E Bloom's Solicitor further purports that the option agreement did not provide clear definition as to when Council's option to purchase the land lapsed.

The quarry for which the excavation of sandstone occurred on the subject land is currently closed.

Report

Council has been approached by Solicitors acting for R E Bloom requesting Council considers the removal of the caveat which was placed over the land parcels.

R E Bloom understands that the original intention of Council placing the caveat over the subject land was to secure the land to facilitate planning to construct a waste management facility at the quarry site. It would appear that the construction of a waste facility at this location may not have occurred due to the changing use of the surrounding land in time after the original consent was granted.

In relation to the consent and subsequent amendments, confusion reigns as to when the option to purchase the land can be exercised by Council and how the determination of the price was to occur if the option was exercised. These facts have formed the basis for the Solicitor's request to seek Council approval for the removal of the caveat.

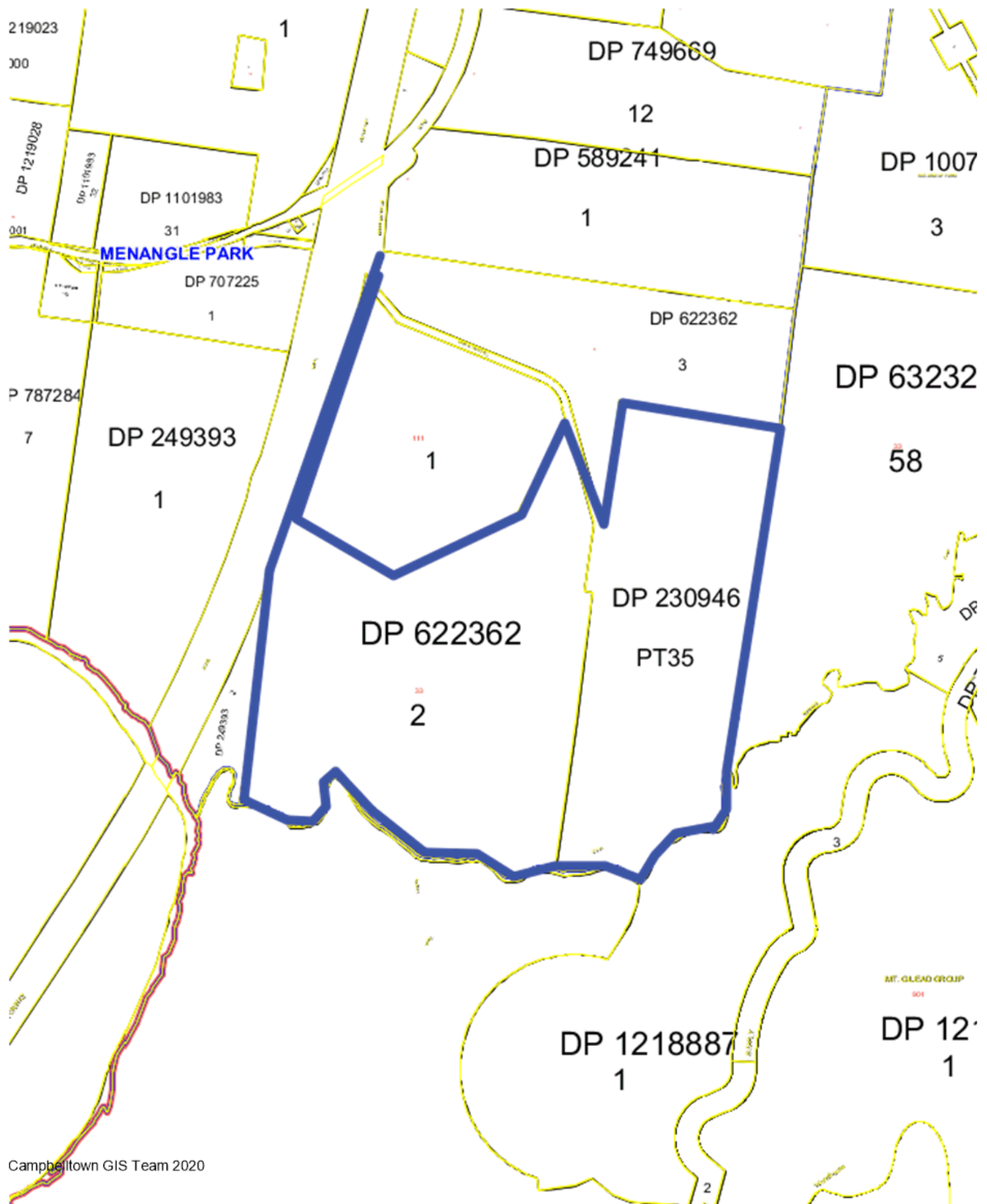
Internal discussions have taken place within Council to determine the value of the current caveat and evaluate if Council has any future strategic interest in acquiring the land holding. Council does not have any strategic interest in the site nor does it have access to sufficient funding outside of its other priorities to purchase the land.

Council has negotiated conditional approval with the owners of the land on the basis they are to pay all and any costs associated with the removal of the caveat including but not limited to legal fees, documentation and lodgement of the relevant paperwork.

In this regard it is recommended that Council advise R E Bloom's solicitor that it agrees to the removal of the caveat originally placed over Lot 2 DP 622362 and Lot 35 DP 230946.

Attachments

1. Locality Plan Caveat Menangle Park (contained within this report) [↓](#)



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15-October-2021

8.16 Investigation of a 3D Model for the Campbelltown City Centre

Reporting Officer

Executive Manager Economic and Investment Growth
City Growth

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.6 - Plan and invest in the revitalisation of Campbelltown-Macarthur CBD, Ingleburn and other town centres

Officer's Recommendation

That Council note the information provided within this report regarding the current status of investigations into a 3D Model for the Campbelltown City Centre.

Purpose

To update Council on the current status of the investigation of a 3D Model for the Campbelltown City Centre.

History

At its meeting on 9 June 2020, Council made the following resolution:

That Council prepare a feasibility report with regard to the development of a physical and virtual model of the LGA from Macarthur Square to Leumeah to provide a visual perspective of proposed developments in the LGA to be displayed in the foyer of the Council building and placed on Council's website.

This resolution has been investigated, with a view to having a 3D Model of the City Centre included as part of a broader digital and data transformation program for Council.

Report

A 3D 'City Model' is a useful tool for:

- sharing, visualising and communicating proposed changes to the urban form of the City Centre
- attracting high quality investment in the City Centre
- assessing planning and development proposals and
- testing potential new planning controls.

Due to the fact that cities change and transform over time, and sometimes rapidly, a digital 3D City Model is preferred over a physical model, as it will be faster, quicker and less resource-intensive to update over time. However, a digital City Model will still require dedicated and ongoing resources to ensure that it is a useful tool on an ongoing basis.

There is an immediate need for the 3D Model to promote transparency, collaboration and information sharing within Council and to act as a 'single source of truth'. Additionally, there is a need to support evidence-based decision making, particularly with respect to understanding the impacts of proposed new developments, and changes to planning controls.

Therefore, the next steps that will be undertaken to establish a 3D Model are to:

- note funds have been prioritised through the Q1 Budget Review process to enable the initial establishment of the 3D Model
- seek allocation of appropriate funds through the 2022-23 – 2026-27 Delivery Program for maintenance costs over the first 4 years
- develop a detailed project brief to obtain an external provider
- seek quotes from external providers with the appropriate capabilities and data resources to establish and maintain the 3D Model in the short term, with the option of bringing the 3D Model in internally, once further internal capabilities in data management, GIS and 3D modelling have been established and
- pursue relevant grant funding opportunities, potentially including the Smart Places Acceleration Program, to assist with ongoing resourcing and maintenance.

The estimated cost of establishing and maintaining the 3D Model over the first 5 years is shown below:

Estimated Project Costs	Year 1	Year 2	Year 3	Year 4	Year 5
Establishment Costs	\$100,000				
Ongoing Maintenance Costs		\$60,000	\$60,000	\$60,000	\$60,000

To future-proof the 3D Model, the following are requirements of the initial 3D Model:

- council ownership of all data represented through the 3D visualisation
- council ownership of all base data sets used to create the 3D visualisation or use of freely available information from trusted sources
- ability to update the 3D Model over time and
- ability to make changes to and export the 3D Model across various software programs.

Separate, but related matters that require further investigation include:

- a Spatial Data Framework that outlines the principles and process for managing data, including spatial data and management of contracts with external providers and
- an analysis of the capabilities of Council's existing spatial data software and licenses (including GIS software and modelling software).

Conclusion

Council's resolution of 9 June 2020, to investigate the feasibility of a 3D Model for the City Centre, has been explored and it is considered appropriate to include development of a digital 3D Model as part of a broader digital and data transformation program for Council.

Funding will be required to enable the initial establishment of the 3D Model, as well as maintenance costs over the first five years. Internal funding options and potential grant funding opportunities are currently being explored. Subject to funding, a brief will be prepared and quotations from appropriate providers will be sought.

Further updates will be provided to Council as this matter progresses.

Attachments

Nil

8.17 2020-21 Annual Report (incl. State of the Environment Report)

Reporting Officer

Manager Insights and Corporate Strategy
City Growth

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 Council note the Annual Report 2020-21, including the State of Environment Report 2017-21.

Purpose

To present Council's Annual Report for the period of 2020-21, including the State of Environment Report 2017-21.

History

In line with the Integrated Planning and Reporting guidelines, Council is required to produce a report detailing the achievements and accomplishments over the course of the previous financial year aligning with the ongoing delivery of Council's Integrated Planning and Reporting documents.

In the final year of the Council term, 2 additional reports reporting on the progress of Council's commitments across its full term are required to be included as attachments to the Annual Report:

1. End of Term Report
2. State of the Environment Report

Report

The Community Strategic Plan, Campbelltown 2027 is our highest level document setting the vision of 'Campbelltown City – designed for ambition, innovation and opportunity' with 4 key outcomes that Council and other stakeholders will work to achieve. These outcomes are:

1. A vibrant, liveable city
2. A respected and protected natural environment
3. A thriving, attractive city
4. A successful city

Annual Report 2020-21

The Annual Report is a key piece of Council's reporting and accountability to our community and stakeholders. The report presents progress towards the outcomes of the Community Strategic Plan, projects and actions in the Delivery Program 2017-21 and Operational Plan 2020-21, as well as key financial and statutory data.

The Annual Report provides a thorough overview of key projects completed, budget alignment and the current position of Council in relation to its service delivery to the community.

End of Term Report 2017-21

The End of Term Report 2017-21 was presented to Council at the meeting of 3 August 2021.

It will be published as an attachment to the Annual Report 2017-21 and on Council's website by 30 November 2021.

State of Environment Report 2017-21

The State of the Environment Report reports on the achievement of the environmental outcomes identified in the Community Strategic Plan over the term of Council 2017-21. It also includes information on environmental issues important to Campbelltown.

Attachments

1. Annual Report 2020-21(distributed under separate cover)
2. State of Environment Report 2017-21(distributed under separate cover)

8.18 Land Dedication Policy

Reporting Officer

Manager Strategic Property
City Growth

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 adopt the Land Dedication Policy.

Purpose

To seek Council adoption of a Land Dedication Policy (Policy).

Report

The purpose of the Policy is to set the standard for the type, quality, nature, condition and process for the dedication of land to Council. Land may be dedicated for community purposes such as parks, playgrounds and pathways, for infrastructure purposes such as to function as drainage reserves, roads or detention basins or for environmental conservation and cultural heritage purposes.

As part of the planning process in NSW, land may be dedicated to Council by developers as part of a development application, planning proposal, and/or planning agreement under the *Environmental Planning & Assessment Act, 1979* (the Act).

The objectives of the Policy are to:

- provide clear criteria which Council must consider prior to accepting the dedication of land to Council for community, infrastructure or environmental conservation and cultural heritage purposes
- ensure that land is only dedicated to Council if the land is suitable for its intended purpose and meets the community's needs and expectations
- ensure that Council is not burdened with high maintenance land or land with poor usability
- ensure that Council is not burdened with the costs of stabilising, remediating or otherwise rectifying land that carries risks to human health or the environment
- ensure that adequate funding is available for the long term maintenance of land dedicated to Council for community, infrastructure or environmental conservation and cultural heritage purposes.

The Policy applies to all land proposed to be dedicated to Council as part of:

- Requests for an instrument change (such as planning proposals (rezoning) or a change in development controls) pursuant to Part 3 of the Act, including any proposed Biodiversity Certification Application (where applicable), and/or
- As part of a development application made pursuant to Part 4 of the Act, and/or
- Offers of planning agreements made pursuant to Part 7 of the Act.

The Policy should be read in conjunction with all relevant land use plans, strategies and policies.

The Policy also applies to land bequeathed to Council outside of the Act.

The Policy does not apply to the strategic acquisition of land by Council.


These general requirements apply to all land proposed to be dedicated to Council.

Additional requirements which apply to the dedication of Infrastructure and Community Land and Environmental Land are also set out at Section 3 and 4 of the Policy.

Proponents will be advised in writing of Council's decision in relation to requests for the dedication of land, including any terms and a number of conditions which are identified in the Policy upon which the dedication of land is subject to.

Attachments

1. Land Dedication Policy (contained within this report) [↓](#)
2. Land Dedication Flowchart (contained within this report) [↓](#)

 CAMPBELLTOWN CITY COUNCIL		POLICY
Policy Title	Land Dedication Policy	
Related Documentation	<ul style="list-style-type: none"> • Campbelltown Local Environmental Plan 2015 • Campbelltown (Sustainable City) Development Control Plan 2015 • Campbelltown Open Space Strategic Plan 2018 	
Relevant Legislation	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2000 • Local Government Act 1993 • Local Government (General) Regulation 2005 • Land Acquisition (Just Terms Compensation) Act 1991 • <i>Contaminated Land</i> Management Act 1997 • The Roads Act 1993 • The Roads Act 2008 • Biodiversity Conservation Act 2016 • Biodiversity Conservation Regulation 2017 • Environmental Protection and Biodiversity Conservation Act 1999 	
Responsible Officer	Manager Strategic Property	

1. Objective

The objectives of this policy are to:

- provide clear criteria which Council must consider prior to accepting the dedication of land to Council for community, infrastructure or environmental conservation and cultural heritage purposes.
- ensure that land is only dedicated to Council if the land is suitable for its intended purpose and meets the community's needs and expectations.
- ensure that Council is not burdened with high maintenance land or land with poor usability.
- ensure that Council is not burdened with the costs of stabilising, remediating or otherwise rectifying land that carries risks to human health or the environment.
- ensure that adequate funding is available for the long term maintenance of land dedicated to Council for community, infrastructure or environmental conservation and cultural heritage purposes.

2. Policy Statement

The purpose of this policy is to set the standard for the type, quality, nature, condition and process for the dedication of land to Council. Land may be dedicated for community purposes such as parks, playgrounds and pathways, for infrastructure purposes such as to function as drainage reserves, roads or detention basins or for environmental conservation and cultural heritage purposes.

As part of the planning process in NSW, land may be dedicated to Council by developers as part of a development application, planning proposal, and/or planning agreement under the *Environmental Planning & Assessment Act, 1979 (the Act)*.

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Scope**3.1 Application of Policy**

This policy applies to all land proposed to be dedicated to Council as part of:

- Requests for an instrument change (such as planning proposals (rezoning) or a change in development controls) pursuant to Part 3 of the Act, including any proposed Biodiversity Certification Application (where applicable), and/or
- As part of a development application made pursuant to Part 4 of the Act, and/or
- Offers of planning agreements made pursuant to Part 7 of the Act.

This Policy should be read in conjunction with all relevant land use plans, strategies and policies.

This policy also applies to land bequeathed to Council outside of the Act.

This policy does not apply to the strategic acquisition of land by Council.

3.2 General Requirements

These general requirements apply to all land proposed to be dedicated to Council.

Additional requirements which apply to the dedication of Infrastructure and Community Land and Environmental Land are also set out at Section 3 and 4 of this Policy below.

3.2.1 Proposals for the dedication of land

Proposals for the dedication of land must clearly identify:

- the land intended to be dedicated to Council;
***Note:** this is to comprise a survey plan which clearly identifies land to be dedicated to Council at no cost and land to be dedicated to Council in accordance with a relevant development contributions plan where relevant.*
- the nature of the land to be dedicated (i.e. condition, access, slope, topography, land use zoning, current use etc.);
- the intended purpose of the land to be dedicated, including whether it is proposed to be dedicated for use as Infrastructure Land, Community Land or Environmental Land;
***Note:** in some circumstances it may be possible for land to fit into more than one category of land (i.e. Community Land and Environmental Land), in which case the land must be assessed under each category prior to the land being dedicated to Council.*
- any specific requirements for identification, protection and management of potential Aboriginal objects on the land;
***Note:** this may include the requirement for the preparation of a cultural heritage management plan or archaeological assessment.*
- any specific requirements for identification, protection and management of European heritage items on the land;
***Note:** this may include the requirement for the preparation of a heritage management plan or archaeological assessment.*
- any improvements to the land which are proposed to be undertaken prior to dedication, including the standards or specifications to be applied for the improvements;
- the likely management and reporting requirements for vegetation/environmental offsetting or Biodiversity Stewardship site, and;
- the likely maintenance requirements (including the maintenance costs) for the dedicated land and any improvements on the land into the future.

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***Note:** the proponent should prepare a maintenance plan which addresses the maintenance requirements and costs for any initial site works, vegetation rehabilitation and weed removal for the dedicated land, as well as a proposal as to who will be responsible for these ongoing maintenance costs and obligations.*

Proponents will be advised in writing of Council's decision in relation to requests for the dedication of land, including any terms and conditions upon which the dedication of land is subject.

3.2.2 Acceptance of land

Acceptance of land proposed to be dedicated to Council in accordance with this policy is at the discretion of Council. This is to include the extinguishing of any easements that benefit private owners within the land to be dedicated to the satisfaction of Council.

3.2.3 Payment of Council's costs

The Developer or proponent proposing to dedicate land to the Council must pay the Council's costs associated with the dedication of the land. This may include the extinguishing of easements required to be removed prior to the dedication of the land.

If land is proposed to be dedicated as part of a Voluntary Planning Agreement (VPA), the payment of Council's costs associated with the negotiation, preparation, advertising and entering into of any planning agreement to facilitate the dedication of land to Council shall be borne by the proponent, or as determined in accordance with an agreed VPA.

3.2.4 Improvements on the land

Land proposed to be dedicated is to be suitably improved (where applicable) by the proponent in consultation with Council and in a manner that will ensure acceptable ongoing maintenance costs.

Improvements are to be provided in accordance with Council's adopted standards or, in cases where no standards exist, at the standard determined by Council, or in accordance with the requirements of any approved Voluntary Planning Agreement, Vegetation or Bushland Management Plan for the land or where applicable the Biodiversity Stewardship Agreement and Management Plan that applies to the land.

Improvements are to be completed by the proponent prior to the dedication of land to Council or developer funded arrangements for the provision of improvements to the land to the satisfaction of Council and agreed upon.

3.2.5 Maintenance costs

Council will only accept the dedication of land, or land with capital works, if it is satisfied that it meets an appropriate design and construction standard as identified within a relevant Contributions Plan or Capital Works Schedule.

If the land, or land with capital works, is not identified within a Contributions Plan or Capital Works Schedule, then Council needs to be satisfied that adequate arrangements are offered and implemented to ensure the ongoing maintenance of the land and any improvements.

Unless otherwise agreed by Council, the proponent is to cover the establishment costs for all soft landscaping and plantings works for a minimum as identified within Development Application, Voluntary Planning Agreement, Vegetation or Bushland Management Plan for the land or where applicable the Biodiversity Stewardship Agreement and Management Plan that applies to the land.

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3.2.6 Staging of land dedication

Land may be dedicated to Council in a staged fashion where it accords with an approved staging plan or as agreed to by a formal written agreement with Council and the proponent.

3.2.7 Process for Signoff and Inspections

Prior to the dedication of any land to Council, all relevant internal departments will be required to inspect and signoff of works, assets and design/construction standards, to ensure all developer and land owner obligations have been completed to Council's requirements.

3.2.8 Timing of land dedication

The timing of the land dedication must occur immediately after the Practical Completion Certificate is issued, or unless an agreement is reached with Council for a delayed handover. The public will be able to access and use the public facility on the land.

Council may require a monetary security (Bond) during the defects liability period. Any security would only be released once the relevant department(s) representative is satisfied that works are completed to the agreed standard.

The Developer will still have access to the land to undertake any required repair works during the defects liability period, ongoing maintenance, and/or Vegetation/Bushland Management Plan works.

3.2.9 Application of Section 7.11 Contributions

Section 7.11 Contribution credits will not be granted for any land dedicated to Council or to any improvements proposed upon the land, except where the land or portion of the land dedicated has been dedicated in accordance with a relevant development contributions plan, including open space, cycleways, road or stormwater management, or Council is satisfied that the land fulfils the social and/or environmental needs of the development.

3.2.10 Land Dedication to be at no cost to Council

Unless otherwise specified in the relevant contributions plan, land dedicated to Council under this policy is to be at no cost to Council.

3.2.11 Variation to General Terms and Conditions

Council may modify or add to the above general terms and conditions having regard to the circumstances of each case.

3.2.12 Registration of Dealings/Instruments

In general, all land to be dedicated to Council should be free from any easements, rights of way, restrictions, covenants, and/or caveats.

If the Developer or proponent intends to place any easements, rights of way, restrictions, covenants, and/or caveats over any land that is to be dedicated to Council, then comprehensive details of these matters must be provided in the Development Application. If Council agrees to the registration of any dealing or instrument over land that is to be dedicated, then the Developer will need to pay for the registrations fees to NSW Land Registry Services, any Council administration fees as well as compensation to Council for the dealing/instrument that intends to be registered.

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3.2.13 Certification

All compliance (Occupation) Certificates will be issued by Council and no land to be dedicated back to Council is to be certified by a private certifier.

3.2.14 Contaminated Land

Council will not accept land that is contaminated. However, unless otherwise agreed, Council may accept contaminated land, but only if it has been remediated to the standard that would allow the most sensitive permissible use to be undertaken on the land without further remediation. The most sensitive permissible use under this clause includes any use that is proposed to become permissible in a draft planning proposal that has been supported by Council.

In addition to achieving the health outcomes above, any contamination that is likely to harm the natural environment must be remediated to eliminate this risk before the land is dedicated to Council.

An independent assessment of the existing condition of the land, and if required, any proposed removal and/or mitigation works will need to be provided. It is important that early discussions are undertaken between the developer/land owner and Council, to determine the specific requirements of the assessment process. Council recommends the following process to appoint a reputable and suitable consultant to undertake the assessment:

- Council will seek 3 quotations from reputable consultants to undertake geotech and environmental testing;
- The applicant will choose the preferred consultant based on received quotations;
- The applicant will meet the full cost of the recommended consultant, including any reasonable variations agreed between the parties
- Council will pay the Tax Invoices received from the recommended consultant and raise a Sundry Debtor for the applicant to repay the incurred costs

If a joint assessment of the contaminated land is not undertaken, then Council may seek to undertake an independent assessment, or peer review, of the supporting documentation provided to Council. The cost of this independent assessment will be borne by the Developer or Applicant proposing the land dedication.

3.2.15 Transfers of Land via PEXA or physical Lodgement with NSWLRS

If any land that is being dedicated requires transfer via the PEXA (Property exchange Australia) process or a physical lodgement with NSWLRS, the developer incurs ALL costs associated with these processes, including but not limited to Councils solicitors fees/charges, PEXA fees/charges, fees arising out of any delay in Transfer process.

The developer must ensure all rates and levies are paid prior to transfer, with copies of clear certificates or payment receipts provided as evidence.

3.2.16 Plans of Management

The proponent must consult with Council to determine if a Plan of Management is required to be prepared in accordance with the requirements of the *Local Government Act 1993* and any Plan of Management Template developed by Council and must also be prepared at the proponent's expense.

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Campbelltown City Council

4. Infrastructure and Community Land

Council may accept the dedication of land as Infrastructure Land and Community Land if Council is satisfied that the following requirements are met:

4.1 Suitability of the Land

The land is suitable for the intended purpose of the land. This includes:

- The configuration, dimension and location of the land is suitable for its intended purpose;
 - There being no constraints on the land (such as, but not limited to, any restrictions on title and any contamination and remediation obligations) that would preclude the intended purpose of the land.
 - The intended purpose and nature of the land accords with relevant Council strategies;
 - The land has an acceptable level of risk from natural and other hazards;
 - The land has adequate connectivity with other similar land uses and targeted residential catchments;
 - The land meets the needs of a specific development, the locality or the Local Government area as a whole;
 - Any trees located in high risk areas such as areas of high public use on the land, and excluding trees within environmental and bushland conservation areas, have been assessed for hazard; and either:
 - found satisfactory; or
 - made safe; or
 - removed; or
 - suitably isolated from public access;
- Note:** Assessments for trees in high risk areas should be undertaken at the earliest stage of development where possible to ensure avoidance and design measures and appropriate environmental assessment can be completed.
- Adequate access is provided for vehicles and pedestrians where relevant.

4.2 Improvements on the Land

The land has known and identified improvements. These include:

- Any existing or proposed improvements and physical land dimensions accord with Council's development specifications;
Note: Council may require supporting evidence that existing infrastructure, buildings and/or structures on the land meet Council's specific design and construction standards. Council may seek an independent review of the evidence provided at the cost of the Developer or Applicant.
- In the case of new work, satisfactory arrangements are made with Council for a defect liability period;
- Construction and any required improvements to land are designed and installed to ensure ongoing maintenance is reasonable;
Note: if any works or improvements are made to the land which do not comply with Council's development specifications or otherwise require a higher degree of ongoing maintenance, Council may require the proponent to provide additional funding to ensure satisfactory ongoing maintenance funding for the works or improvements.
- Maintenance Manuals are to be provided with all land transfers, if required, and include estimated costs per annum to maintain the site;
- Council will benefit from any remaining warranty periods that are in place and apply to the construction of buildings/improvements;
- The land and any improvements accord with the Building Code of Australia any relevant development consent; and
- The improvements of the land maximise its potential for a wide range of uses (excluding roads).

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Campbelltown City Council

5. Environmental Land

Council may accept the dedication of land as Environmental Land if Council is satisfied that the requirements below are met.

5.1 Suitability of the Land

In determining whether to accept the dedication of biodiversity offsets and other environmental lands consideration will be given to:

- The biodiversity and cultural values of the land
- Whether the lands will enhance Council's existing reserve system and habitat connectivity
- Whether the land is of sufficient size, acceptable minimum width and a suitable shape and edge alignment (including whether it includes appropriate habitat buffers), taking into account the purpose for which it is being dedicated (i.e. as a biodiversity offset or retained area of bushland) as well as its position in the landscape
- Long-term maintenance and management requirements associated with the site
- Proposed future adjoining land uses and associated impacts on the environmental lands
- Other relevant requirements of this policy.

Council will consider each request for land dedication on a case by case basis. The onus will be on the proponent to demonstrate that any proposal to dedicate land to Council complies with this Policy, particularly in regard to demonstrating that sufficient funds have been provided for ongoing management and that the ongoing liability for Council will be minimal.

5.2 Adequate Funding for Ongoing Maintenance

If the proposed land, or land with capital works, to be dedicated to Council is not identified within an adopted Contributions Plan or Capital Works Schedule, then a long-term funding source is secured for the maintenance on the land, and the capital works if applicable. This may include a financial contribution paid to Council at the time the land is dedicated to Council that, through the generation of sufficient interest to the funds collected by Council, will fund the management of the land in perpetuity.

6. Definitions

Term	Definition
Aboriginal Object	means any deposit, object or other material evidence relating to the Aboriginal habitation of the land, being habitation before or concurrent with the occupation of that land by persons of non-Aboriginal extraction.
Capital Works Schedule:	means the list of capital works identified within an executed Planning Agreement with Council.
Community Land:	means land to be dedicated to Council for the purpose of community uses, including community halls, parks, active and passive recreational facilities and other like purposes.
Cultural Heritage Management Plan	means a plan prepared with any guidelines endorsed by the NSW Office of Environment and Heritage that outlines the Aboriginal cultural values of the land in detail, describes their significance and associated history and appropriate actions.
Dedication of land:	means the transfer in ownership of land to Council free of cost.

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Development Contribution Plans:	means plans that apply levies to development to fund community infrastructure, such as roads, stormwater management facilities, open space and recreational facilities.
Environmental Land:	means land to be dedicated to Council for the purpose of environmental conservation, biodiversity or cultural heritage purposes.
European Heritage	means Heritage that relates to non-indigenous occupation.
Infrastructure Land:	means land to be dedicated to Council for the purpose of infrastructure including roads, pedestrian pathways, drainage and stormwater management and treatment, parking, emergency management, administration facilities, community services facilities, depots and other like purposes.
Plan of Management:	means a Plan prepared under the provisions of the Local Government Act 1993, for all public land that is classified 'community land', to guide how the land will be managed, including the directions for planning, resource management and maintenance of the land.
Practical Completion	means the date nominated in the contract/agreement for the works to be substantially completed and available for use.
Vegetation/Bushland Management Plan:	means a plan prepared in accordance with the Guide to Preparing Vegetation Management Plans.
Voluntary Planning Agreement	(or VPA): is a voluntary agreement or other arrangement between a planning authority (or two or more planning authorities) and a person (developer) who has sought a change to an environmental planning instrument or who has made, or proposes to make, a development application, entered into pursuant to section 93F of the Act.

7. Legislative Context

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Local Government Act 1993
- Local Government (General) Regulation 2005
- Land Acquisition (Just Terms Compensation) Act 1991
- *Contaminated Land* Management Act 1997
- The Roads Act 1993
- The Roads Act 2008
- Biodiversity Conservation Act 2016
- Biodiversity Conservation Regulation 2017
- Environmental Protection and Biodiversity Conservation Act 1999
- Campbelltown Local Environmental Plan 2015
- Campbelltown (Sustainable City) Development Control Plan 2015
- Campbelltown Open Space Strategic Plan 2018
- Relevant Development Contribution Plans
- Any other legislation, policies and documents that are relevant to determine the appropriateness of a potential land dedication to Council.

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Campbelltown City Council

8. Responsibility

Position	Area of Responsibility	Responsibility
Mayor	Council	To lead Councillors in their understanding of, and compliance with this policy.
General Manager	Executive	To lead staff (either directly or through delegated authority) in their understanding of, and compliance with this policy.
Directors	All Directorates	To communicate, implement and comply with this policy.
All Council Officials	Council	To abide by and comply with this policy when considering a request for the dedication of private land to Council through the Part 3 and Part 4 planning processes.

9. Principles

The key principles to be taken into account during the assessment and determination of all land dedication applications are outlined below:

- Identify all the relevant departments to be notified of the Land Dedication Application.
- Ensure each relevant department is satisfied that the land dedication:
 - will meet their specific design and construction standards,
 - is fit for purpose,
 - has considered ongoing maintenance and management of the land and asset, and
 - will be integrated into their operational reporting and budgeting requirements.

A copy of the procedure, or flowchart, is included in Appendix A to this Policy.

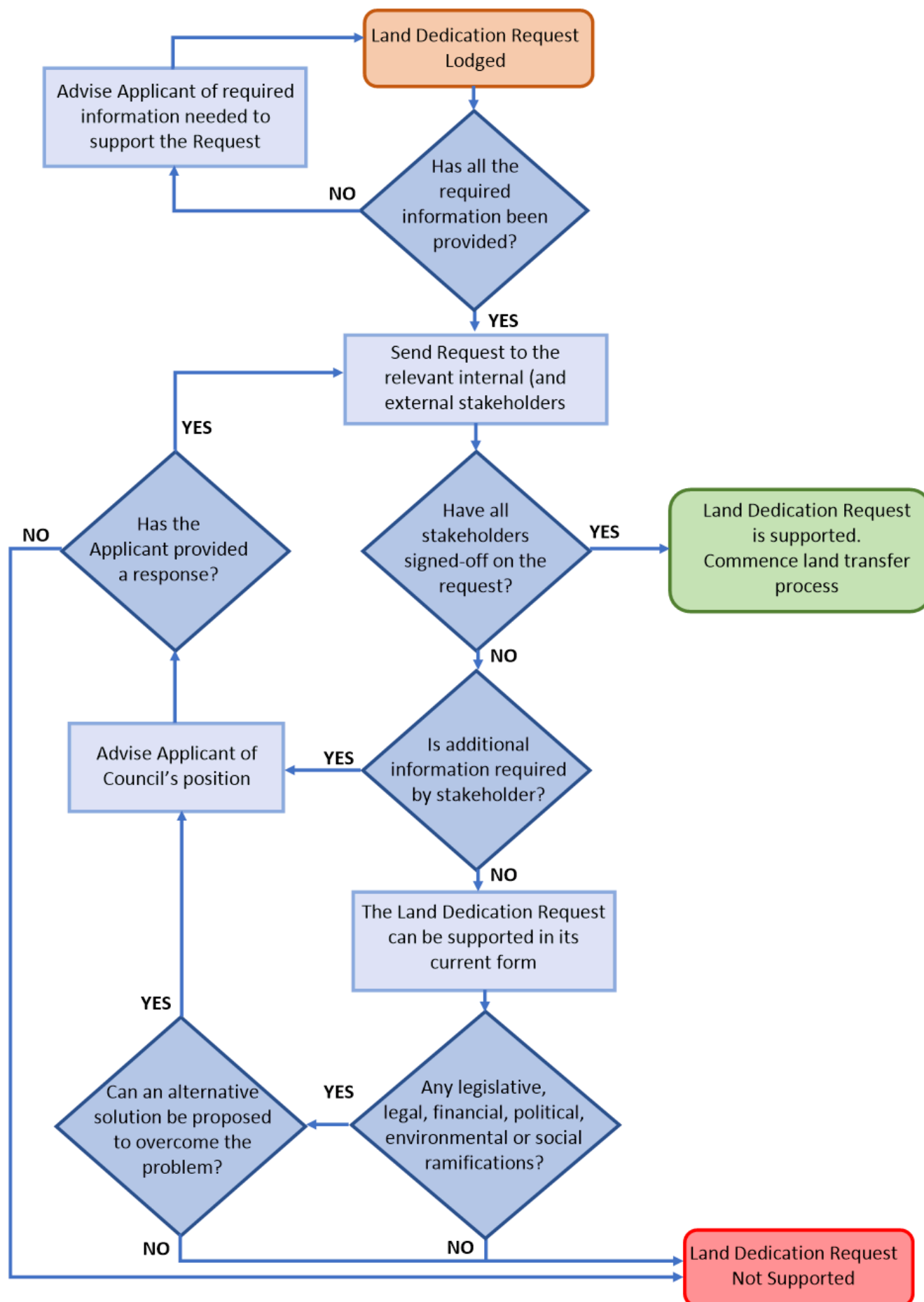
10. Effectiveness of this Policy

1. The effectiveness of the Policy will be measured against the satisfaction of the relevant departments in Council upon transfer of land into Council ownership.
2. This Policy will be reviewed every three years, or earlier if required.

END OF POLICY STATEMENT

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Land Dedication Flowchart



Land Dedication Procedure

The Land Dedication procedure is as follows:

Step	Action	Outcome	Comment
1	Land Dedication Request received by Strategic Property	Review information supplied with the Request against the Land Dedication Policy requirements	Determine whether the Request has adequate information and supporting documentation A Land Dedication Request form to be developed
2	Has all the required information been provided?	If Yes	Determine the required list of stakeholders to be notified of the Request. Then advance to Step 3.
		If No	Then advise Applicant in writing that additional supporting information or further justification is required. Then return to Step 1. The advice to the Applicant should clearly explained the required information and documentation
3	Send Request to relevant internal and external stakeholders	Relevant Stakeholder notified	A clear timeframe for a response should be stipulated in the notification A Stakeholder Checklist should be developed
4	Have all stakeholders signed-off on the Request?	If Yes	Land Dedication Request supported – Commence land transfer process Ensure all agreements are documented and saved in Council Record Management system
		If No	Advance to Step 5 Determine the reason for the non-signoff
5	Is additional information required by the Stakeholder?	If Yes	Advise the Applicant of Council's position and the additional information required. The advice to the Applicant should clearly explained the required information and documentation
		If No	Advance to Step 6 This indicates that there is a matter that cannot be resolved with additional information
6	The Land Dedication Request cannot be supported in its current form	The next steps are critical in determining the remaining process	If this Step is reached, then urgent action is required to determine the next steps. This may require internal discussions to resolve outstanding issues, or escalating the matter to senior management
7	Are there any legislative, legal, financial, political, environmental or social ramifications with not proceeding with the land dedication?	If Yes	Advance to Step 8. Determine whether an alternative solution could be proposed by the Applicant to overcome the problem/issue
		If No	Land Dedication Request is not supported End of process
8	Can an alternative solution be proposed by the Applicant to overcome the problem/issue?	If Yes	Advise the Applicant of Council's position and the additional information required. If the Applicant provides a suitable response, then Return to Step 3 The advice to the Applicant should clearly explained the required information and documentation
		If No	Land Dedication Request is not supported End of process

8.19 Sounding University Interest within the South West Sydney Community and Justice Precinct

Reporting Officer

Strategic Partnerships Manager
City Growth

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.6 – Plan and invest in the revitalisation of Campbelltown-Macarthur CBD, Ingleburn and other town centres

Officer's Recommendation

That the Council sounds the interest from the higher education sector to secure a university partner to develop a contemporary urban campus within the Community and Justice Precinct.

Purpose

To advise Council on the approach to secure a university partner to develop and occupy space within the Community and Justice Precinct.

Report

History

Council at the meeting on 14 April 2020, resolved to endorse the Reimagining Campbelltown City Centre Master Plan. The Master Plan published Campbelltown's vision to become the "capital of opportunity and culture for the Macarthur region."

The Master Plan proposed a delivery framework to realise this vision, consisting of 10 City Making Moves, each supported by actions to realise this vision. The first City Making Move is Growing the Engine Room to deliver a revitalised economic hub in the centre of our City Centre. Growing the Engine Room is underpinned by the following actions:

- 1.1: Revitalise Queen Street
- 1.2: Create a new city library
- 1.3: Create CBD vertical education campuses
- 1.4: Create the South West Community & Justice Precinct
- 1.5: Next Gen Industrial Precinct plan

These actions will cumulatively work to revitalise our City Centre through an urban renewal program, centred on the area around Queen Street and catalysed by the development of the Community and Justice Precinct.

We are continuing to plan the Community and Justice Precinct with the Commonwealth and NSW Governments.

A key activator for the Community and Justice Precinct will be a university presence, bringing student vitality, diversity of activities and contribute to creating a 24/7 city centre.

Report

Early engagement with the global higher education sector is proposed to invoke initial investment interest from universities who may wish to develop a contemporary urban campus within the Community and Justice Precinct.

Campbelltown's value proposition to the higher education sector includes:

- a partnership with a bold, progressive Council with a robust plan for the City Centre
- an opportunity to contribute to the collaboratively developed precinct master plan with Council, NSW and Commonwealth governments
- the offer of a unique gateway site within the southern Metropolitan Cluster Centre of the Western Parkland City
- strong industry connections and agglomeration within the precinct and beyond
- connection to a developing health and education cluster supported by significant government investment
- a gateway precinct, adjacent to Campbelltown train station with direct rail connections to Canberra, Sydney CBD and planned to the new Western Sydney Aerotropolis, and well serviced by regional road and bus network
- prime high-street location on Queen Street, adjacent to Mawson Park's green open space
- access to a large and growing student base
- a growing education and research ecosystem focussed on key growth sectors of: health and community wellbeing, law and justice, plant and animal sciences.

The specific parcel of land, while in the vicinity of the Community and Justice Precinct, will not be defined. Once the successful proponent(s) is secured, they will be involved in concept planning and refinement of the development. The commercial terms of the agreement will be considered in parallel.

The request for interest will promote our city and signal to the world that Campbelltown is committed to the realisation of its vision, that we are 'open for business.'

Attachments

Nil

9. QUESTIONS WITH NOTICE

Nil

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

Nil

12. URGENT GENERAL BUSINESS

13. PRESENTATIONS BY COUNCILLORS

14. CONFIDENTIAL REPORTS FROM OFFICERS

Nil

