



CAMPBELLTOWN
CITY COUNCIL

ORDINARY BUSINESS PAPER

8 FEBRUARY 2022

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



01 February 2022

You are hereby notified that the next Ordinary Council Meeting will be held online via MS Teams on Tuesday 8 February 2022 at 6:30 pm. The meeting will be livestreamed and a recording will be uploaded to Council's website the next day for on-demand viewing.

Lindy Deitz
General Manager

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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 2 November 2021

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held 2 November 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 2 November 2021 are presented to Council for confirmation.

Attachments

1. Minutes of the Ordinary Meeting of Council held 2 November 2021 (contained within this report)

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Ordinary Council Meeting held at 6:30 pm on Tuesday, 2 November 2021.

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Minutes of the Ordinary Meeting of the Campbelltown City Council held on 2 November 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 B Thompson

1. ACKNOWLEDGEMENT OF LAND

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

Council Prayer

The Council Prayer was presented by the General Manager.

2. APOLOGIES/LEAVE OF ABSENCE

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

That the apology from Councillor T Rowell be received and accepted.

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

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

3. CONFIRMATION OF MINUTES**3.1 Minutes of the Ordinary Meeting of Council held 12 October 2021**

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

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

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

4. DECLARATIONS OF INTEREST

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

Pecuniary Interests

Councillor Margaret Chivers – Item 8.2 – Menangle Park Development Control Plan – Outcome of Public Exhibition. Councillor Chivers declared a pecuniary interest in the item and will leave the Chamber.

Non Pecuniary – Significant Interests

Councillor George Greiss – Item 8.1 – Planning Proposal (Mount Gilead Urban Release Area) – Outcome of Public Exhibition. Councillor Greiss advised he is a member of the Sydney Western City Planning Panel and will leave the Chamber.

Councillor George Greiss – Item 8.3 – Reclassification of Land at Apex and Bradbury Parks, Bradbury – Outcome of Public Exhibition and Public Hearing. Councillor Greiss advised he is a member of the Sydney Western City Planning Panel and will leave the Chamber.

Councillor Darcy Lound – Item 8.1 – Planning Proposal (Mount Gilead Urban Release Area) – Outcome of Public Exhibition. Councillor Lound advised he is a member of the Sydney Western City Planning Panel and will leave the Chamber.

Councillor Darcy Lound – Item 8.3 – Reclassification of Land at Apex and Bradbury Parks, Bradbury – Outcome of Public Exhibition and Public Hearing. Councillor Lound advised he is a member of the Sydney Western City Planning Panel and will leave the Chamber.

Councillor Ben Gilholme – Item 8.1 – Planning Proposal (Mount Gilead Urban Release Area) – Outcome of Public Exhibition. Councillor Gilholme advised he is an alternate member of the Sydney Western City Planning Panel and will leave the Chamber.

Councillor Ben Gilholme – Item 8.3 – Reclassification of Land at Apex and Bradbury Parks, Bradbury – Outcome of Public Exhibition and Public Hearing. Councillor Gilholme advised he is an alternate member of the Sydney Western City Planning Panel and will leave the Chamber.

Non Pecuniary – Less than Significant Interests

Councillor George Greiss – Item 8.19 – Sounding University Interest within the South West Sydney Community and Justice Precinct. Councillor Greiss advised he is employed by the Western Sydney University and will leave the Chamber.

Other Disclosures

The Mayor, Councillor George Brticevic – Item 8.1 – Planning Proposal (Mount Gilead Urban Release Area) – Outcome of Public Exhibition. Councillor Brticevic declared that a submission has been received for Item 8.1 from the Brticevic family who own land in close proximity to Mount Gilead. Councillor Brticevic advised the Chamber he is not related to the Brticevic family, despite sharing a similar surname and Councillor Brticevic declared he has no contact with the Brticevic family who own the land in close proximity to Mount Gilead.

5. MAYORAL MINUTE

6. PETITIONS

7. CORRESPONDENCE

7.1 Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021

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

That the letter be received and the information be noted.

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

8. REPORTS FROM OFFICERS

Meeting note: Having declared an interest in Item 8.1 Councillor Greiss, Councillor Lound and Councillor Gilholme left the Chamber at 6:43 pm and did not take part in the discussion or vote on the matter.

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

Meeting note: Mr Jason Breton, Ms Patricia Durman, Mr Barry Durman and Mr Brendan O'Brien addressed the meeting. The written submissions from Ms Alanna Somers, Ms Cheryl Egan, Mr Saul Deane, Ms De Brierley Newton, Mr Jon Dee and Ms Melanie Robinson were distributed electronically to Councillors before the meeting and TABLED by the Mayor.

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

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.
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3. That a report be prepared for Council, that investigates rezoning of land identified by Condition 22A of DA2984/2020/DA-CW, to a land use zone suitable for a koala strategic linkage corridor, consistent with the recommendations of the NSW Chief Scientist and Engineer report – Advice on the protection of the Campbelltown Koala Population.
 4. That the submission authors be advised of Council's decision.

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

Voting against the Resolution were Councillor B Moroney.

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

Meeting note: At the conclusion of the discussion regarding Item 8.1 Councillor Greiss, Councillor Lound and Councillor Gilholme returned to the Chamber at 7:42 pm.

Meeting note: Having declared an interest in Item 8.2 Councillor Chivers left the Chamber at 7:43 pm and did not take part in the discussion or vote on the matter.

8.2 Menangle Park Development Control Plan - Outcome of Public Exhibition

Meeting note: Mr Barry Durman addressed the meeting.

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

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.

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, B Moroney, P Lake, W Morrison, B Thompson and G Greiss.

Voting against the Resolution were Nil.

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

Meeting note: At the conclusion of the discussion regarding Item 8.2 Councillor Chivers returned to the Chamber at 7:53 pm.

Meeting note: Having declared an interest in Item 8.3 Councillor Greiss, Councillor Lound and Councillor Gilholme left the Chamber at 7:53 pm and did not take part in the discussion or vote on the matter.

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

Meeting note: A submission from Mr Michael Ross was read at the meeting.

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

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.

An **Amendment** was **Moved** Councillor Moroney, **Seconded** Councillor Thompson:

1. That Council forward the Planning Proposal to reclassify land at Apex and Bradbury Parks, Bradbury at attachment 1, 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 subject to the following post exhibition amendments:
 - a) that the recommendations of the independent chair of the public hearing be adopted.
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.

A Division was recorded in regard to the Amendment for Item 8.3 with those voting for the Amendment being Councillors B Moroney, P Lake, W Morrison and B Thompson.

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

The Amendment was **LOST**.

A Division was recorded in regard to the Resolution for Item 8.3 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, R Manoto and M Chivers.

Voting against the Resolution were Councillors B Moroney, P Lake, W Morrison and B Thompson.

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

Meeting note: At the conclusion of the discussion regarding Item 8.3 Councillor Greiss, Councillor Lound and Councillor Gilholme returned to the Chamber at 8:34 pm.

8.4 NSW Common Planning Assumptions - Housing and Demographic Projections for the Campbelltown Local Government Area

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

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.

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

8.5 Development Application Status

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

That the information be noted.

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

8.6 Clause 4.6 Variations to Development Standards

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

That the information be noted.

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

8.7 Grey Headed Flying Fox Residential Assistance Program

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

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.
3. That a report be presented to Council detailing the success of the program and the approach undertaken at the end of the trial period or as soon as the funding has been exhausted.

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

8.8 Chess Boards in Local Parks

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

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.

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

8.9 Local Events for Car Enthusiasts

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

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.

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

8.10 Domestic and Family Violence Strategy

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

That Council endorse the development of a new Domestic and Family Violence strategy.

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

8.11 Reports and Letters Requested

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

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

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

8.12 Investments and Revenue Report - September 2021

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

That the information be noted.

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

8.13 Quarterly Business Review Statement as at 30 September 2021

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

That the adjustments recommended in the Quarterly Business Review be adopted.

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

8.14 Minutes of the Audit Risk and Improvement Committee Report

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

That the minutes of the Audit Risk and Improvement Committee held 28 September 2021 be noted.

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

8.15 Removal of Caveat on Land

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

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.

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

8.16 Investigation of a 3D Model for the Campbelltown City Centre

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

That Council note the information provided within this report regarding the current status of investigations into a 3D Model for the Campbelltown City Centre.

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

8.17 2020-21 Annual Report (incl. State of the Environment Report)

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

That Council note the Annual Report 2020-21, including the State of Environment Report 2017-21.

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

8.18 Land Dedication Policy

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

That Council adopt the Land Dedication Policy.

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

Meeting note: Having declared an interest in Item 8.19 Councillor Greiss left the Chamber at 9:18 pm and did not take part in the discussion or vote on the matter.

8.19 Sounding University Interest within the South West Sydney Community and Justice Precinct

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

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.

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

Meeting note: At the conclusion of the discussion regarding Item 8.19 Councillor Greiss returned to the Chamber at 9:22 pm.

9. QUESTIONS WITH NOTICE

Nil

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

Nil

12. URGENT GENERAL BUSINESS

Nil

13. PRESENTATIONS BY COUNCILLORS

1. Councillor Meg Oates shared with the Chamber that she was humbled to be invited to participate in the filming of a video on family and domestic violence. The video promotes Council's strategy, raises awareness and educates the community about the services available for anyone seeking support with family and domestic violence. Councillor Oates thanked the Councillors and staff for their commitment to stop family and domestic violence.
2. Councillor Masood Chowdhury on 15 October attended the Durga Puja Festival at the Greg Percival Community Centre, Ingleburn. The festival is an annual celebration by the Hindu community to celebrate valour, courage and triumph of good over evil. Councillor Chowdhury wished the community Happy Dussehra and Happy Vijaya Dashami.
3. Councillor Karen Hunt thanked the Mayor, Councillor Brticevic for his leadership and thanked the Deputy Mayor, Councillor Oates for her guidance. Councillor Hunt expressed her gratitude all her fellow Councillors for their friendship and assistance over the term. Councillor Hunt thanked all the Directors and staff for their patience and time. Councillor Hunt passed on her congratulations and best wishes to Councillor Lake, Councillor Thompson and Councillor Rowell who are all retiring from Council. Councillor Hunt gave her best wishes to all Councillors who are standing at the upcoming election. Lastly, Councillor Hunt thanked the residents for entrusting her to be a Councillor and represent the community.
4. Councillor Darcy Lound praised the leadership from the Mayor, Councillor Brticevic and the General Manager for their ability to lead and deliver for Campbelltown. Councillor Lound thanked the Directors, Executive Managers and Council staff for their support they provided him as a Councillor. Councillor Lound thanked the Labor team and his fellow Councillors, acknowledging that it has been a great collaboration of Councillors.

Councillor Lound congratulated Councillor Lake, Councillor Thompson and Councillor Rowell for their long service - serving and working for the residents in the LGA as Councillors. Councillor Lound wished them all the best for the future and thanked them for their friendship.

Councillor Lound passed on his appreciation to the media for their service to the area. Lastly, Councillor Lound thanked his family, friends and local residents for their support and wished everyone in the LGA a Merry Christmas and Happy New Year.

5. Councillor Rey Manoto passed on his gratitude to all Councillors and staff. Councillor Manoto echoed the comments made by Councillor Hunt and Councillor Lound regarding the appreciation of Councillor Lake, Councillor Thompson and Councillor Rowell for their service.
6. Councillor Manoto on 26 October inspected Fifth Avenue Reserve, Macquarie Fields with Beth Salt and Rob Dixon from Georges Riverkeeper and Tony Smith a local bushcare volunteer. Councillor Manoto advised that in 2019 4,500 seedling trees were planted, today when he visited he noticed the dramatic change as these trees are now over 2 m tall. The trees were funded by a grant from NSW Environmental Trust and the joint project aimed to protect Simmos Beach and the Georges River. Councillor Manoto was pleased to report that

the planting of the trees along the tributaries of the river, controlling weeds and removing rubbish have improved the water flow of the river and enhanced the bush regeneration.

7. Councillor Ben Gilholme echoed the comments made by both Councillor Hunt and Councillor Lound, noting that it has been an honour to serve the Campbelltown residents. Councillor Gilholme appreciated being a part of a cohesive council and the benefits for the community in what they, as a Council, were able to achieve in this term. Councillor Gilholme was thankful for the staff for their support. Councillor Gilholme commended his fellow Councillors for their motions sharing their initiative, knowledge and passion. Councillor Gilholme farewelled Councillor Lake, Councillor Thompson and Councillor Rowell and thanked each of them for their service to the LGA over the years.
8. Councillor Margaret Chivers shared her memory from her first Council meeting as a Councillor and reflecting on her journey to date and what a privilege it has been to be elected as a Councillor. Councillor Chivers expressed her appreciation to all Councillors noting that there has been disagreements but it has been a cohesive council where all Councillors have been able to come together. Councillor Chivers thanked the Mayor, Councillor Brticevic and the General Manager for working to keep the Council in unity ensuring that the different perspectives of each Councillor are respected and embraced. Councillor Chivers thanked the Directors for sharing their knowledge and providing assistance. Lastly Councillor Chivers appreciated the honour of being able to sit beside and serve on Council with Councillor Lake, Councillor Thompson and Councillor Rowell and thanked them for their service to the community.
9. Councillor Ben Moroney thanked all the staff for their assistance over the term. Councillor Moroney wished the retiring Councillors, Councillor Lake, Councillor Thompson, Councillor George and Councillor Rowell all the best for the future. Councillor Moroney wished the best of luck to all the recontesting Councillors. Finally Councillor Moroney thanked the community of Campbelltown sharing that it was both an honour and privilege to be elected as a Councillor and to have the trusted responsibility to make decisions on behalf of the residents in the Chamber.
10. Councillor Paul Lake expressed pride in serving as a Councillor since 2004, for almost 18 years. Councillor Lake noted it was a long process to be elected and took his determination until the third attempt to be successful. During his time as a Councillor, Councillor Lake served as Mayor twice and served as Deputy Mayor 3 times. Councillor Lake paid tribute to the former Councillor and Mayor, Russell Matheson MP and politician Chris Hayes MP who provided Councillor Lake with guidance, enabling Councillor Lake to share his passion and serve the people of Campbelltown. Councillor Lake shared his proudest achievements from Council and memories with the Chamber during his service: renaming of The Gordon Fetterplace Aquatic Centre, the 2010 Freedom of Entry parade of the Army, the 1st charity race night at Menangle Park, Council shut down over Christmas and New Year, fruition of the Community Recycling Centre, installation of the pedestrian crossing on Hyde Parade for the residents from the retirement village, funding for the bicycle track now utilised weekly by the Macarthur Triathlon Club, utilising infrastructure rating income to reduce the backlog in Council's infrastructure and open space assets, concept designs of the Sports Centre of Excellence, concept of a justice precinct and the numerous Citizenship ceremonies.

Councillor Lake thanked the staff for their advice and sharing their expertise with him over the years. Councillor Lake expressed pride that Campbelltown's first female General Manager was appointed and thanked the General Manager for her new leadership as she has

developed and promoted the City. Councillor Lake thanked the press for their service and gave special mention to Eric from the South West Voice who has continued to attend Council meetings in person over the years. Councillor Lake thanked all fellow Councillors for their friendship over the years, noting the respect that has always been shown to each other. Councillor Lake passed on his congratulations and best wishes to Councillor Thompson, Councillor Rowell and Councillor George on their journeys after Council.

Councillor Lake expressed his uttermost thanks to his family to his children, Mark, Tracey and Karen and his wife, Vicki for their ongoing support over the years. Councillor Lake thanked the residents for their continued support at each election to be able to be re-elected as a Councillor.

11. Councillor Warren Morrison on 29 October with Councillor Meg Oates attended the 104th Beersheba Day remembrance ceremony at Club Menangle. The remembrance ceremony honours the heritage of the light horseman who trained in Menangle and served Australia during World War I. Councillor Morrison passed on his gratitude to Club Menangle for being able to commemorate the last successful mounted infantry charge in history and remember those who lost their lives that day.
12. Councillor Warren Morrison thanked the General Manager, Directors and staff for their support. Councillor Morrison also acknowledged the work of previous directors over this term Michael Sewell, Wayne Rowlands, Jeff Lawrence, Lisa Miscamble and Jenny Franke for their assistance. Councillor Morrison thanked all Councillors noting that it has been an honour to collaborate with and learn from each of you. Councillor Morrison complimented the staff for their support on new ideas with particular thanks to tackling youth employment with support for Productivity Bootcamp, and noted the important strategic property decisions by the Council including the purchase of the heritage buildings on Queen Street and the commercial property strategy.

Councillor Morrison thanked all the Councillors and congratulated Councillor Lake, Councillor Thompson and Councillor Rowell for their service. Councillor Morrison thanked the community for the support they have given him as Councillor and the trust they place in him with their concerns and issues. Councillor Morrison wished the LGA a Merry Christmas and safe travels over the holiday period.

13. Councillor Bob Thompson praised the Mayor, Councillor Brticevic for doing such a marvellous job. Councillor Thompson passed on his thanks to the General Manager and all staff who have helped him with anything he needed to be able to continue to serve and assist the residents. Councillor Thompson thanked all the Councillors, expressing his gratitude in being able to meet and have the opportunity to work with each Councillor with positive friendships being formed. Councillor Thompson wished everyone a Merry Christmas and a long and happy life.
14. Councillor George Greiss passed on his thanks to Councillor Lake thanking him for his service to Campbelltown and also sharing his knowledge with him. Councillor Greiss acknowledged that being a Councillor is a long term decision and a role that takes a long time to learn due to the amount of knowledge required. Councillor Greiss thanked Councillor Lake for his friendship and noted his years of service and commitment is something that Councillor Lake and his political party should be very proud of.

Councillor Greiss thanked Councillor Thompson for giving over 20 years of service to the residents of Campbelltown. Councillor Greiss appreciated Councillor Thompson's company, support and encouragement in standing beside him.

Councillor Greiss thanked Councillor George, although his time as a Councillor was short, due to circumstances beyond his control it was a shame he had to leave the Chamber. Councillor Greiss wished Councillor George all the best.

Councillor Greiss thanked Councillor Rowell, who will be dearly missed. Councillor Greiss shared fond memories of Councillor Rowell's motions regarding the animal care facility and the changes that are now in place because of Councillor Rowell's support and advocacy to improve the service. Councillor Greiss reiterated his previous thanks to Councillor Rowell expressing his appreciation for all his help and care for the city and being a large part of the Liberal team for many years, noting that he will always be supporting him, but now from outside the Chamber.

Councillor Greiss thanked all the Councillors for a great term and hoped all are re-elected after a successful 5 years. Councillor Greiss noted there were disagreements but it was always a healthy debate as each Councillor was always trying to do their best for the residents of Campbelltown. Reflecting over the years in this term Campbelltown has undergone significant changes and bodies of work including reimagine Campbelltown, new strategies and LSPS that have been presented to Councillors in Chambers. Councillor Greiss thanked the staff for their hard work and dedication that has provided a benefit to the city. Councillor Greiss wished all the current directors the best and acknowledged the work of the directors who have left over the term.

Councillor Greiss thanked the Mayor, Councillor Brticevic and the General Manager for their leadership during what have been some difficult times to ensure they were complying with state government, kept all Councillors happy and kept the Council happy. Councillor Greiss thanked them for their efforts noting that the COVID-19 lockdown in Campbelltown was successful which is a testament to the leadership of Council.

Councillor Greiss thanked the residents of Campbelltown for their time and effort, this term has had challenges with drought, fire, floods and recently COVID-19. Councillor Greiss hopes everyone has a quiet and uneventful Christmas period and passed on his best wishes for all residents in the LGA.

15. Councillor Meg Oates shared what a privilege it has been to serve as the Deputy Mayor for past 2 years and serve in this group of Councillors in this 5 year term. Councillor Oates appreciated the leadership, passion and commitment from all the Councillors enabling Campbelltown to be the most productive and positive council that she has served on. Lastly, Councillor Oates reminded all Councillors that they are all special and gave thanks that all Councillors have do different things to help make our community a better place.

Councillor Oates thanked Councillor Lake, Councillor Thompson, Councillor Rowell and Councillor George for their service to the community, years of commitment and effort and dedication of their self and their family. Councillor Oates noted that the reality of being a Councillor is hard work and takes a great deal of effort. Councillor Oates thanked the Mayor, Councillor Brticevic and the General Manager for their support and dedication to Campbelltown.

16. The Mayor, Councillor Brticevic expressed his privilege at being able to serve as Mayor during this 5 ¼ year term. Councillor Brticevic passed on his congratulations to the General Manager who did a splendid job in leading the organisation through the pandemic, Executive changes, building relationships with bureaucrats and various departments, major projects such as rebranding Campbelltown, reimagine Campbelltown and the City Deals. Then also overlooking all the critical everyday matters such as childcare and customer service. Councillor Brticevic noted that organisations need a leader from the top, which then filters down to the directors and he thanked the General Manager for being that leader.

Councillor Brticevic thanked the staff, with all staff and department working hard together to achieve outstanding results. Councillor Brticevic thanked the Director City Delivery for his work with in local parks to improve the play equipment, many of the equipment at parks has gone from basic to be a playground with regional and district significance. The widening of roads with Badgally Road recently completed and Raby Road underway. Councillor Brticevic thanked the Director City Governance for his efforts to deliver a balanced budget especially during the pandemic noting the Bunnings deal, new Home Base investment and the commercial property investment strategy Council adopted. Councillor Brticevic thanked the Director City Growth for her dedication to renew the CBD and therefore encourage the economy and growth noting the Cancer treatment centre in Campbelltown. Councillor Brticevic thanked the Director City Development for his ongoing efforts in significant precincts that are underway or in the process such as RSL project and to remodel the CBD to create a market area. Councillor Brticevic thanked the Director City Lifestyles for his work in leading reclassification of Bradbury and ongoing efforts to reassure all sporting clubs that Council is investing in community sport in the area. Councillor Brticevic noted the major achievement of the Macarthur FC ensuring an A League team for the area.

Councillor Brticevic passed on his appreciation to all the Executive Managers who have shown leadership to support their directors allowing their directors to focus on the strategic directions. Councillor Brticevic thanked the communication team for consistently delivering communications to the community. Councillor Brticevic thanked the events team for their continued support over the term with events and recently online citizenship ceremonies that have enabled residents to become Australian citizens during the lockdown. Councillor Brticevic thanked the Manager of Governance and Risk for her continuous efforts in ensuring Council meetings were held during the lockdown and enabling these to be held online but still have community involvement and remain accessible to the public.

Councillor Brticevic thanked all the Councillors for their support and assistance in providing a cohesive council that was able to support each other and empower change and success. Councillor Brticevic thanked Councillor Moroney for bringing different ideas to the Chamber and providing continued support to each Councillor for their ideas. Councillor Brticevic thanked Councillor Lake for his support when Councillor Brticevic was elected by his fellow Councillors to become Mayor. Councillor Brticevic thanked Councillor Morrison who battled through in understanding and learning the role and has done an outstanding job. Councillor Brticevic thanked Councillor Greiss and acknowledged that often his Liberal colleagues were absent, but Councillor Brticevic took great pleasure in working with Councillor Greiss noting that while they are aligned to different political parties he has upmost respect for Councillor Greiss as a person. Councillor Brticevic acknowledged the efforts from Councillor George in being elected and noted the devastation he must be feeling to have to withdraw as a Councillor due to injury. Councillor Brticevic passed on his best wishes to Councillor Rowell and his wife, Yvonne wishing them all the best for the future. Councillor Brticevic noted the improvements at the animal care facility and how the facility has gone from

strength to strength thanks to Councillor Rowell. Councillor Brticevic thanked Councillor Thompson for 30 years for representation as a Councillor and noted how much he is valued amongst the community in Ingleburn. Councillor Brticevic wished Councillor Thompson and his family all the best for the future. Councillor Brticevic was thankful that Council was able to come together in Chambers for the last meeting of the term, to be in person for this meeting to thank the departing Councillors. Councillor Brticevic read a message to the Chamber from Mark Lake, Councillor Lake's son acknowledging his father's dedication and passion for Campbelltown.

The Mayor presented Community service awards to Councillor Thompson and Councillor Lake for their outstanding service to the community and residents of Campbelltown.

14. CONFIDENTIAL REPORTS FROM OFFICERS

Nil

There being no further business the meeting closed at 10:31 pm

Confirmed by Council on

..... General Manager Chairperson

3.2 Minutes of the Extraordinary Meeting of Council held 11 January 2022

Officer's Recommendation

That the Minutes of the Extraordinary Meeting of Council held 11 January 2022, copies of which have been circulated to each Councillor, be taken as read and confirmed.

Report

That the Minutes of the Extraordinary Meeting of Council held 11 January 2022 are presented to Council for confirmation.

Attachments

1. Minutes of the Extraordinary Meeting of Council held 11 January 2022 (contained within this report)

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Extraordinary Council Meeting held at 6:30 pm on Tuesday, 11 January 2022.

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Minutes of the Extraordinary Meeting of the Campbelltown City Council held on 11 January 2022

Present

Councillor G Brticevic
Councillor J Chew
Councillor M Chivers
Councillor M Chowdhury
Councillor J Cotter
Councillor M George
Councillor G Greiss
Councillor K Hunt
Councillor M Khalil
Councillor D Lound
Councillor R Manoto
Councillor W Morrison
Councillor R Munro
Councillor M Oates
Councillor M Stellino

1. ACKNOWLEDGEMENT OF LAND

An Acknowledgement of Land was presented by the General Manager.

Council Prayer

The Council Prayer was presented by the General Manager.

2. APOLOGIES/ LEAVE OF ABSENCE

Nil

3. DECLARATIONS OF INTEREST

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

Pecuniary Interests

Nil

Non Pecuniary – Significant Interests

Nil

Non Pecuniary – Less than Significant Interests

Nil

Other Disclosures

Nil

4. REPORTS FROM OFFICERS

4.1 Oath or Affirmation of Office

The Oath of Office or Affirmation of Office was taken by each Councillor.

Meeting Note: In accordance with the requirements of section 233A of the *Local Government Act 1993*, Councillors were also required to take their Oath or Affirmation of Office in person before the General Manager.

4.2 Election of Mayor

The General Manager conducted the election of the Mayor held at the Extraordinary meeting of Council on 11 January 2022.

Two written nominations were received for Mayor. One for Councillor George Brticevic and one for Councillor George Greiss.

The nomination for Councillor George Brticevic was seconded by Councillor Meg Oates, Councillor Rey Manoto and Councillor Margaret Chivers. Councillor George Brticevic consented to his nomination in writing.

The nomination for Councillor George Greiss was seconded by Councillor Matt Stellino, Councillor Joshua Cotter and Councillor Warren Morrison. Councillor George Greiss consented to his nomination in writing.

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

That the election of the Mayor be conducted by open voting (show of hands).

001/2022 The Motion on being Put was **CARRIED**.

The General Manager advised that each Councillor was able to vote for only one candidate for the Office of Mayor.

The vote was administered in order of the receipt of nomination.

The General Manager requested that Councillors voting for Councillor George Brticevic for the election of Mayor raise their hands.

The General Manager requested that Councillors voting for Councillor George Greiss for the election of Mayor raise their hands.

The General Manager recorded 7 votes for Councillor George Brticevic and 8 votes for Councillor George Greiss.

The General Manager declared a majority of Councillors voted for Councillor George Greiss and the General Manager declared Councillor George Greiss elected as Mayor for the term until September 2023.

4.3 Election of Deputy Mayor

The General Manager conducted the election of the Deputy Mayor held at the Extraordinary meeting of Council on 11 January 2022.

Two written nominations were received for Deputy Mayor. One for Councillor Meg Oates and one for Councillor Warren Morrison.

The nomination for Councillor Meg Oates was seconded by Councillor Rey Manoto, Councillor Margaret Chivers and Councillor George Brticevic. Councillor Meg Oates consented to her nomination in writing.

The nomination for Councillor Warren Morrison was seconded by Councillor Matt Stellino, Councillor Joshua Cotter and Councillor George Greiss. Councillor Warren Morrison consented to his nomination in writing.

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

That the election of the Deputy Mayor be conducted by open voting (show of hands).

002/2022 The Motion on being Put was **CARRIED**.

The General Manager advised that each Councillor was able to vote for only one candidate for the Office of Deputy Mayor.

The vote was administered in order of the receipt of nomination.

The General Manager requested that Councillors voting for Councillor Meg Oates for the election of Deputy Mayor raise their hands.

The General Manager requested that Councillors voting for Councillor Warren Morrison for the election of Deputy Mayor raise their hands.

The General Manager recorded 7 votes for Councillor Meg Oates and 8 votes for Councillor Warren Morrison.

The General Manager declared a majority of Councillors voted for Councillor Warren Morrison and the General Manager declared Councillor Warren Morrison elected as Deputy Mayor for the term until September 2023.

Meeting note: Having being declared The Mayor, Councillor Greiss assumed the Chair.

4.4 Casual Vacancies in the Office of Councillor

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

1. That pursuant to section 291A(1)(b) of the *Local Government Act 1993* (the Act) Campbelltown City Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act.
2. That the General Manager notify New South Wales Electoral Commissioner of Council's decision within 7 days of the decision.

003/2022 The Motion on being Put was **CARRIED**.

5. URGENT GENERAL BUSINESS

Nil

6. PRESENTATIONS BY COUNCILLORS

1. Councillor George Brticevic passed on his congratulations to the Mayor, Councillor Greiss in being elected Mayor. Councillor Brticevic passed on his thanks to the outgoing Deputy Mayor, Councillor Oates as the longest serving Campbelltown Councillor. Councillor Brticevic thanked his colleagues, the General Manager and Council staff and promised to continue to do his best for the residents of Campbelltown.
The Mayor, Councillor Greiss noted it was a privilege to serve as a Councillor under Councillor Brticevic in the previous term.
2. Councillor John Chew thanked all the residents who voted and elected him to Council. Councillor Chew thanked his family and friends for all their support.
3. Councillor Margaret Chivers acknowledged that being a Councillor is a privilege to represent the residents of Campbelltown. Councillor Chivers congratulated the outgoing Mayor, Councillor Brticevic and outgoing Deputy Mayor, Councillor Oates for guiding a wonderful Council for the past 5 years. Councillor Chivers congratulated the Mayor, Councillor Greiss and Deputy Mayor, Councillor Morrison on their appointments and is looking forward to getting to know the new Councillors.
4. Councillor Masood Chowdhury congratulated the new Mayor, Councillor Greiss and new Deputy Mayor, Councillor Morrison. Councillor Chowdhury thanked the local community for their support in his successful re-election. Councillor Chowdhury thanked the outgoing Mayor and Deputy Mayor for their efforts over the past 5 years.

5. Councillor Joshua Cotter passed on his congratulations to the Mayor, Councillor Greiss and Deputy Mayor, Councillor Morrison. Councillor Cotter thanked the voters of Campbelltown for their support ensuring that Community First Team had a Council representative. Councillor Cotter thanked his family and former Councillor, Paul Lake for their support.
6. Councillor Marian George thanked the Campbelltown community for their support for the Liberal team at the election. Councillor George thanked her family and friends for their support. Councillor George congratulated the incoming Mayor, Councillor Greiss and Deputy Mayor, Councillor Morrison.
7. Councillor Karen Hunt thanked the residents of Campbelltown for her re-election. Councillor Hunt thanked the outgoing Mayor, Councillor Brticevic and outgoing Deputy Mayor, Councillor Oates and passed on congratulations to the incoming Mayor, Councillor Greiss and Deputy Mayor, Councillor Morrison on their appointments tonight.
8. Councillor Masud Khalil gave thanks for the opportunity to serve as a Councillor. Councillor Khalil thanked all the voters for placing their trust in him and thanked the team who supported him. Councillor Khalil is looking forward to looking to working with all Councillors to make Campbelltown great.
9. Councillor Darcy Lound thanked the residents for his re-election and expressed his hopes to continue to serve the residents well. Councillor Lound congratulated The Mayor, Councillor Greiss and Deputy Mayor, Councillor Morrison and looks forward to working with them. Councillor Lound congratulated all the re-elected and newly appointed Councillors. Councillor Lound thanked Councillor Brticevic and Councillor Oates for their commitment to the residents of Campbelltown over the past 5 years.
10. Councillor Rey Manoto shared that it was an honour to serve the residents of Campbelltown as he looks forward to continuing to serve them for the next 3 years. Councillor Manoto congratulated the Mayor, Councillor Greiss and Deputy Mayor, Councillor Morrison on their appointments and acknowledged the outgoing Mayor, Councillor Brticevic and outgoing Deputy Mayor, Councillor Oates for their achievements over the past 5 years.
11. Councillor Warren Morrison expressed gratitude to his family and friends for their support. Councillor Morrison thanked all the residents who voted for him and have helped and supported him over the past 5 years. Councillor Morrison thanked the previous Mayor, Councillor Brticevic and the past Deputy Mayors Councillor Oates and Councillor Lound for everything they taught him. Councillor Morrison congratulated the new Council on their election and looks forward to working together to achieve the best outcome for the residents of Campbelltown.
12. Councillor Riley Munro congratulated the Mayor, Councillor Greiss and Deputy Mayor, Councillor Morrison. Councillor Munro thanked all the voters and his family for their support. Councillor Munro thanked the Macarthur Young Liberals and the NSW Young Liberals for their support and assistance with the election campaign.
13. Councillor Meg Oates congratulated the Mayor, Councillor Greiss and Deputy Mayor, Councillor Morrison on their appointments. Councillor Oates thanked the residents of Campbelltown for their support for Labor and supporting her for the past 35 years as a Councillor. Councillor Oates expressed her hopes to continue the great work from the last term with the new Council.

14. Councillor Matt Stellino congratulated the Mayor, Councillor Greiss and Deputy Mayor, Councillor Morrison. Councillor Stellino thanked all the residents of Campbelltown for allowing him to be the voice for animals and the environment in the LGA. Councillor Stellino acknowledged the 140 year history as a Council and promised to work to the best of his ability over the Council term.
15. The Mayor, Councillor George Greiss congratulated former Mayor, Councillor Brticevic for his work for the past 5 years as he steered the community through some tough times under his guidance and leadership. Councillor Greiss thanked Councillor Brticevic for his support and looks forward to working with him during the new Council term. Councillor Greiss congratulated former Deputy Mayor, Councillor Oates for her service and looks forward to continuing to work with her. Councillor Greiss promised to work with every Councillor to ensure the continuation of a cohesive council. Councillor Greiss thanked the residents for their votes, his family and friends for their support and lastly, Councillor Greiss thanked his fellow Councillors for their vote tonight.
16. The General Manager congratulated the Mayor, Councillor Greiss and Deputy Mayor, Councillor Morrison and all Councillors on being elected to serve this term as the Council continues to work together for the people of Campbelltown to improve and better their lives.

There being no further business the meeting closed at 7:13 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

5.1 Thoughts, Aspirations and Highlights

Recommendation

That the information be noted.

Campbelltown City Council in its current form was established in 1948 by joining the Municipal District of Campbelltown and the Municipal District of Ingleburn (with part of the Nepean Shire) into one. In January 1949, the newly formed Council held its first meeting at which it elected Phillip Solomon as the first Mayor of the "Amalgamated Municipality of Campbelltown". On 4 May 1968, the municipality was proclaimed the City of Campbelltown during the mayoralty of Clive William Tregear, Campbelltown's longest serving Mayor.

Across our Council's 73 years history, we have had 27 individual Mayors, of tenures ranging from a single year to 8 unbroken years. I am honoured and humbled to have been elected by my fellow Councillors, to serve as the 28th Mayor for the community of this great city of Campbelltown.

A Mayor is bound not just by the formal machinery of State as defined under the *Local Government Act 1993*, but also with the social norms developed through the wishes and aspirations of our residents for which the role signifies, and the path laid down by our predecessors in Council who have contributed to those practices and expectations which we observe today.

The role of a Mayor, and that of a Councillor, is akin to a brief chapter in a book written for the ages, an enduring narrative with more yet to be added and none of greater or lesser worth than the other. With this, allow me to begin our newest chapter by acknowledging the hard work and achievements of the former Mayor and Councillors.

The COVID-19 pandemic extended the last term of Council to more than 5 years, during which the Council twice elected Cr George Brticevic as Mayor. Under his leadership and with the support of his Deputy Mayors, Cr Lound and Cr Oates, the Council undertook a significant amount of strategic planning work for the future of the City.

This included 11 amendments made to our Development Control Plans and the adoption of 6 separate environmental policies and initiatives. Most notably, the adoption of Campbelltown's Koala Plan of Management in 2018 and Reimagining Campbelltown City Centre Masterplan in 2020, which were the hallmarks of the term's achievements. We have also continued our strong advocacy on behalf of the community on 19 separate State Government planning policies.

During its last term, the Council also appointed and reappointed its Local Planning Panel, established its Design Excellence Panel, re-endorsed our Western City Planning Panel Representatives, and approved 16 Planning Proposals.

As stated within the *Local Government Act 1993*, a critical role for the Mayor is "to ensure the timely development and adoption of the strategic plans, programs and policies of the council". I hope that all are in agreement that Cr Brticevic has indeed achieved this requirement, for the betterment of every resident in Campbelltown. There is no doubt that the people of Campbelltown will reap the benefits of his foresight and commitment for many years to come. There have been many great initiatives introduced over the past Council term, and I wish to thank Cr Brticevic for all his great work and strategic achievements as Mayor.

I understand and accept however, that while we all commit to making the best decisions for our community at the time, no strategic planning can ever be considered complete or perfect, and I am sure that with the help of all Councillors, we will continue our tradition to review, revise and adopt our various strategic plans as the needs of our community and great city evolve.

Importantly, Campbelltown City Council has a strong tradition of doing its best to care for its natural environment and facilities that encourage social cohesion and education, physical activity as well as cultural and leisure activities. The Australian Bureau of Statistics tells us that as of 2021, Campbelltown had an estimated resident population of about 175,000 people, with an average age at a relatively youthful 36 years, and a significant number being couples with dependent children.

With a relatively young population it is important that we focus on Campbelltown's open space areas which includes 1,189 hectares of protected national park (equivalent to roughly 2,400 football fields) and 379 identified open space areas equating to 1,400 hectares, including active sports grounds through to passive bushlands, parks and fully inclusive play spaces that all of our community can enjoy.

Our Council also operates 24 community halls with 17 available for community hire, 4 libraries which are visited more than 500,000 times annually, and 3 leisure centres with visitation of 350,000 per year. We maintain about 800 km of road, almost 2,000 km of footpaths, kerbs and gutter, and 422,000 m² of car parks, and an extensive flood mitigation and stormwater network.

In NSW, Council assets are rated on a 5-point scale ranging from very poor to very good. In 2019 to 2020, 82 per cent of all our assets were regarded as good or very good. Over time, Council has been reducing the asset renewal backlog to provide improved and better amenity for residents and the community. In 2014 Council had an asset backlog of over \$33 million, at the end of January 2022 the asset backlog has reduced to less \$10 million.

However, I believe more can be done for the community and improving our public space infrastructure needs to be a priority based on the current condition ratings.

Unfortunately, it is our public space infrastructure that had the highest proportion of assets deemed to be in a poor or very poor condition. Whilst there have been significant efforts through Council's Asset Renewal Program over the past few years, asset condition remains a high priority for residents. Maintenance and cleansing needs to be managed to ensure that the increased utilisation of our assets doesn't decrease their quality.

To ensure that Campbelltown is best placed to meet both the economic and social needs of its current and future residents, as well as responding to unforeseen and ongoing challenges like the COVID-19 pandemic and the impacts of increasingly unpredictable weather patterns, we need to ensure that the clear directions set before us from our strategic plans support us in responding to those needs. Of course one of the most important of these is a program that

ensures to continued revitalisation and beautification of our city; one that will give rise to an even cleaner and more beautiful city, one that uplifts our residents quality of life and standards of living, fosters civic pride, promotes cultural integration for social harmony and encourages investment and jobs growth.

It is expected that our population will continue to increase at a relatively fast pace over the next 25-30 years. During the period from 2016 to 2021 our population increased by approximately 15,000 people (10 per cent). Approximately 10,200 buildings were approved across Campbelltown having a total estimated value of \$4.44 billion with approximately 7,400 buildings being constructed. This is compared to the 10 year period between 2000 and 2010 where there was virtually zero growth across the Campbelltown area.

The past decade has also seen an unprecedented increase in the number of development proposals of a significant scale. More recently this includes multi-story mixed use development along the rail corridor and includes the following major residential projects planned or currently under construction:

- Figtree Hill (Gilead) by Lendlease - Stage 1 is projected to deliver some 1,700 dwellings with first homes anticipated for release in 2023.
- Menangle Park by Dahua Group - Anticipated to provide around 4,500 dwellings upon completion with first homes expected for 2022.
- Macarthur Heights by Landcom - Projected nearing completion with some 1,100 homes already completed.
- Willowdale Estate by Stockland - Spans across both the Camden and Campbelltown Local Government Areas and is planned to deliver about 3,700 homes.
- New Breeze (Bardia) by Dahua Group - Nearing completion with a final yield of some 1,280 residential dwellings.
- Kellicar Road Precinct Planning Proposal - A high-density mixed-use development located in the heart of Campbelltown City Centre, which is projected to deliver some 1,800 dwellings and an increased number of employment and commercial opportunities within the city's Health and Education Precinct.
- 22-32 Queen Street Planning Proposal - Proposes to demolish and redevelop the site as a high-density mixed-use development projected to deliver about 750 dwellings and a range of employment opportunities.
- Campbelltown RSL Planning Proposal - Proposal to construct new mixed-use, RSL building including a 158 room hotel and approximately 430 residential apartments.
- Glenfield Precinct Planning - Proposes the partial development of the Hurlstone Agriculture High School grounds at Glenfield, which could deliver another 3,000 dwellings with a range of densities to provide for the varying dwelling needs of our community near the Glenfield Railway Station.
- The Greater Macarthur Priority Growth Area - Includes plans for increased densities at the urban renewal precincts along the Macarthur to Glenfield Urban Renewal Corridor, and in the order of 40,000 home sites across the Glenfield to Macarthur Urban Renewal Corridor and the areas of Gilead, Menangle Park and Appin.

Considering the above, it is imperative that we continue to act positively and mindfully to the pressures that come with significant growth and ensure that those pressures are able to be responded to sustainably as well as ensuring that growth is balanced and does not take singular precedence over our natural environment. We will try and negotiate the optimal path for delivering the requisite future social and physical infrastructure that sustains and elevates the wellbeing of our current residents and future generations, while protecting and ensuring a sustainable future for our most valuable natural environmental resources.

I am committed to our city's aspirations for the protection of our natural environment and we must strive to balance this with the continued evolution of the built environment during this phase of the city's growth. It will undoubtedly not be easy, and we certainly cannot do it alone. My commitment is to work with all sides of government at both state and federal levels to ensure that Campbelltown receives its fair share and our community is not overlooked or forgotten.

However, we cannot sit back and wait for this to happen, and we must act now and we must continue to act. In this regard I have asked the General Manager to:

1. Undertake an urgent review of our public space infrastructure;
2. Develop an actionable plan that ensures our public spaces are always well maintained;
3. Plan a continuous city beautification program for cleaning and maintaining our assets for the enjoyment of all our residents.

I recognise that such a program may come at a significant cost and requires reapportionment of Council resources as well as seeking alternate funding sources. The General Manager will develop a way forward that outlines the key actions and milestones to achieve this, including an appropriate Councillor and community engagement plan. Once the General Manager has completed the review, the Council and the community will be presented with a plan including options and resourcing implications for examination, debate and consultation.

This is but the first step in a long and comprehensive plan that I wish to highlight to my fellow councillors and community, and I intend to use my Mayoral Minutes to keep you informed of our progress, breakthroughs and setbacks. Ours is a shared journey, and as I have said publicly, I am committed 100 per cent to transparent decision-making and to providing everyone with all of the available information so as to help people make their own informed decisions and evaluate the decisions of others.

Monthly Highlights

As my first order of business as Mayor, I had requested a meeting with each Minister and Shadow Minister in State Government, and with our local MPs, to explore opportunities jointly for Campbelltown; and some meetings have already taken place, and I look forward to giving you an update on the outcome of all these discussions in the near future.

I was also honoured to announce the recipients of the 2022 Campbelltown City Australia Day Awards at an online ceremony shared on Australia Day. Although it was disappointing that we were unable to hold this important ceremony in person, it was nevertheless a cause for celebration to acknowledge all our worthy nominees and winners. On behalf of all, I wish to thank Auntie Glenda Chalker for her Welcome to Country and Hamani Tanginoa who performed the Australian National Anthem in both English and Dharawal. I very much look forward to a time when we can return to hosting such wonderful and important ceremonies like these in person.

This year we had some very worthy nominees, and in recognition of her efforts and dedication to working with some of the most vulnerable in our community and advocating for an end to gender-based violence, local resident Lesley Robson was awarded 2022 Campbelltown Citizen of the Year. Our other award winners were for Sportsperson of the Year, Mitchell Austin, and for Community Group Initiative of the Year, Lomandra Community Pantry, and for Environmental Citizen of the Year, Alexis Bowen and finally, the winner of the Diversity and Inclusion Award, was Renee Allara. Again, I extend my congratulations to all of the nominees and winners and thank those who took the time to submit the nominations.

I would also like to take this opportunity to recognise Uncle Ivan Wellington, our 2021 Citizen of the Year for his tireless contributions to our community. Uncle Ivan dedicates much of his day to share his knowledge of Aboriginal culture and to mentor the youth in our community and on behalf of all of us, I thank him for his resolute commitment.

Attachments

Nil

6. PETITIONS

7. CORRESPONDENCE

7.1 Government Funding for the Protection, Maintenance and Enhancement of Heritage Buildings, Heritage Structures and Heritage Sites

Officer's Recommendation

That the letter be received and the information be noted.

A copy of the letter from the Special Minister of State, the Hon. Don Harwin MLC regarding the government funding available for Local Councils for the protection, maintenance and enhancement of heritage buildings, heritage structures and heritage sites.

Attachments

1. Letter of response from the Special Minister of State, the Hon. Don Harwin MLC (contained within this report) [↓](#)
2. Letter sent to the Special Minister of State, the Hon. Don Harwin MLC (contained within this report) [↓](#)

**The Hon. Don Harwin MLC**

Leader of the Government in the Legislative Council

Special Minister of State

Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts

Vice-President of the Executive Council

Ref: A5114063

IM21/28324

HMD21/246

Ms Lindy Deitz
General Manager
Campbelltown City Council
91 Queen Street
CAMPBELLTOWN NSW 2560

Dear Ms Deitz

Thank you for your correspondence about funding for the maintenance and improvements to heritage buildings and sites in the Campbelltown City local government area.

I acknowledge your request for increased financial support, and this will be taken into consideration when planning commences for the next Heritage Grants program funding round to be offered for 2023-25. However, I note that the NSW Heritage Grants largely focus on funding items of State heritage significance.

I understand Campbelltown Council has successfully completed its Campbelltown 2020 Yarning Circle with funding from the Aboriginal Cultural Heritage category of the 2019-21 NSW Heritage Grants funding round. I commend you on your commitment to celebrating and promoting Aboriginal cultural heritage.

The NSW Heritage Grants 2021-23 round saw over \$5.9 million awarded to 231 projects across three broad funding categories: Aboriginal Cultural Heritage, Caring for State Heritage and Community Heritage.

Thanks to these grants, heritage owners, custodians, councils and the community will be able to deliver a broad range of heritage outcomes, including conservation and repair works, education programs and heritage interpretations. A full list of the successful grants is available at www.heritage.nsw.gov.au/grants/grants-recipients/

In the 2021-2023 Heritage Grants program over \$2.4 million was awarded to Local Government projects. These included:

- 71 local councils who applied for and received funding for Local Government Small Heritage grants (\$5,500 per annum, total \$11,000).
- 75 local councils who applied for and received funding to support Local Government Heritage Advisors (\$6,000 per annum, total \$12,000).
- 10 local councils who applied for and received funding for heritage studies, interpretation and works projects relating to sites on the State Heritage Register (\$608,715).
- 4 local councils who applied for and received funding for community engagement projects (\$169,500).

The NSW Government is committed to the continuation of the NSW Heritage Grants program and values the outstanding heritage outcomes it achieves. As part of the review of the *Heritage Act 1977*, the Government is also considering ways to incentivise and support the activation, conservation and celebration of State Significant heritage.

Further information about the NSW Heritage Grants program and how to apply can be found at www.heritage.nsw.gov.au/grants/.

If you have any further questions about NSW Heritage Grants Program, please contact the NSW Heritage Grants Team on (02) 9873 8577 or at heritage.grants@environment.nsw.gov.au.

Thank you for taking the time to bring this matter to the Government's attention.

Yours sincerely

SIGNATURE HAS BEEN REMOVED

Don Harwin MLC

Leader of the Government in the Legislative Council

Special Minister of State

Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts

Vice-President of the Executive Council

DATE: 15.12.21

Office of the General Manager



3 September 2021

The Hon. Don Harwin MLC
Special Minister of State,
Minister for the Public Services and Employee Relations, Aboriginal Affairs, and the Arts
52 Martin Place
SYDNEY NSW 2001

Dear Mr Harwin,

Maintenance and enhancement of Heritage Buildings, Heritage Structures and Heritage Sites

I am writing to you in relation to a recent motion that was carried by the Campbelltown City Council, at its normal meeting of 3 August 2021.

In that meeting the Council resolved the following:

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.
2. That this item be submitted to LGNSW as a motion for the LGNSW annual conference.

As you may be away, Campbelltown is fortunate to have many significant publicly and privately owned items of State and Local heritage across its local government area. This includes sites and structures that hold significant Aboriginal and non-Aboriginal cultural and heritage value to the people of the land, the State and the wider Campbelltown area.

The value of the heritage of the land is of great significance to the Council and the people it represents, and as such, the Council continues to plan for and protect its valuable items of heritage, through policy and advocacy, but is very limited in its ability to assist with their continued and relatively expensive maintenance needs.

Heritage items are considered to be important contributors to the sense of place and storytelling, a community's civic pride, education and the well-being of the community, and as such it is considered appropriate that a higher level of assistance is provided to those who have the responsibility to protect and maintain our various and vast items of heritage.

Campbelltown City Council

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PO Box 57, Campbelltown NSW 2560 DX5114

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ABN: 31 459 914 087

Office of the General Manager



As such it is requested that NSW Government 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.

Please note that a separate letter regarding the above has been sent to Heritage NSW, however it was considered appropriate that Council's concerns and the importance of adequate funding being available to ensure the ongoing maintenance and enhancement of items of heritage, were brought to your attention.

If you would like further information on this matter, please don't hesitate to have your staff contact Mr Jim Baldwin – Director City Development on 4645 4575.

Yours sincerely,

SIGNATURE HAS BEEN REMOVED

Lindy Deitz
General Manager

8. REPORTS FROM OFFICERS

8.1 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
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	Completed	Withdrawn by applicant
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 subdivision and civil works	\$6,175,279	>\$5 million capital investment value Crown development	Completed	Approved with conditions by Panel at its December 2021 meeting
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	Waiting on information from applicant	
3312/2021/DA-I	35 - 47 Stennett Road, Ingleburn	Construction of three warehouse buildings with ancillary offices, amenities, loading areas and car parking	\$57,876,890	>\$30 million capital investment value	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
3263/2021/DA-C	263 Queen Street, Campbelltown	Restoration of the existing heritage-listed building, demolition of the commercial building at the rear of the site and construction of an eight storey commercial building with basement car parking	\$32,978,000	>\$30 million capital investment value	Public exhibition completed, under assessment	
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	Waiting on information from applicant	
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	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
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	Completed	Withdrawn by applicant – new application being prepared
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	Completed	Deferred commencement consent issued by Panel at its December 2021 meeting
1384/2020/DA-SW	Goldsmith Avenue, Campbelltown	Subdivision to create 56 residential lots and 2 residue lots , associated drainage and road works and construction of 56 dwellings	\$14,000,000	>\$5 million capital investment value Crown development	Completed	Withdrawn by applicant – new application being prepared
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	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
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	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	Assessment in progress	
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	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	Public exhibition completed, under assessment	

Development Application Register

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

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	Assessment in progress	
1091/2021/DA-RA	14 - 20 Palmer Street, Ingleburn	Construction of a five storey mixed use commercial and residential building	\$17,972,417	Development standard variation >10%	Waiting on information from applicant	
1786/2020/DA-C	10 Wickfield Street, Ambarvale	Mixed use commercial, child care centre and residential development	\$12,585,013	SEPP 65 - Residential Apartment	Revised information being exhibited	
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%	Completed	Approved with conditions at Panel's October meeting
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	Assessment in progress	

Development Application Register

DAs to be considered by the Local Planning Panel						
DA No.	Address	Description	Value	Authority Criteria	Status	Determination
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	Assessment in progress	
443/2021/DA-C	247 St Andrews Road, Varroville	Construction of alterations and additions to the existing school	\$11,300,000	Development standard variation >10%	Completed	Approved with conditions at Panel's November meeting
3720/2020/DA-O	Macquarie Fields Park, Fourth Avenue, Macquarie Fields	Construction of a mobile telecommunications tower	\$250,000	Council owned land	Waiting on information from applicant	
864/2021/DA-82A	88 Rudd Road, Leumeah	Review of determination for construction and operation of a boarding house	\$2,983,488	More than 10 unique objections	Completed	Deferred commencement approval with conditions issued at Panel's November meeting
1824/2021/DA-O	1 Golf Course Drive, Glen Alpine	Construction of an amenities block and storage shed	\$600,000	Council owned land	Completed	Approved with conditions at Panel's November meeting
3467/2021/DA-CW	Farrow Road, Campbelltown	Bulk earthworks and construction of retaining walls, drainage works and vehicular entry and exit points to Blaxland Road	\$643,500	Council owned land	Assessment in progress	
3/2022/DA-C	64 Harold Street, Macquarie Fields	Construction of alterations and additions to the existing restaurant	\$890,000	Council owned land	Assessment in progress	

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
987/2021/DA-M	39-53 Middleton Road, Leumeah	Construction of alterations and upgrade works to the existing residential flat building and removal of 13 trees	\$1,622,901	Delegated authority	Completed	Approved with conditions
1822/2021/DA-C	16 Old Leumeah Road, Leumeah	Construction of alterations and additions to existing tennis club building including tree removal	\$4,923,962	Delegated authority	Completed	Approved with conditions
4057/2018	Menangle Road, Menangle Park	Subdivision to create 331 residential lots and associated roads, drainage, servicing and infrastructure works (Stage 3 Menangle Park)	\$29,620,000	Delegated authority	Completed	Approved with conditions
413/2020	Appin Road, Gilead	Construction of entry feature including earthworks, retaining walls, art sculptures, landscaping and temporary identification signage	\$1,396,853	Delegated authority	Completed	Approved with conditions

8.2 Readoption of Draft Campbelltown (Sustainable City) Development Control Plan 2015 - Tree Permits

Reporting Officer

Executive Manager Urban Release and Engagement
City Development

Community Strategic Plan

Objective	Strategy
2 Outcome Two: A Respected and Protected Natural Environment	2.5 - Plan for and ensure that development in our city is sustainable and resilient

Officer's Recommendation

1. That Council adopt Campbelltown (Sustainable City) Development Control Plan 2015 - Tree Permits Housekeeping Amendment, 2022.
2. That Council give public notice of its decision in accordance with the Environmental Planning and Assessment Regulation 2000.

Purpose

The purpose of this report is to seek the re-endorsement of an amendment to the tree permit provisions in Campbelltown (Sustainable City) Development Control Plan.

Report

Council considered a report and resolved at its Ordinary Meeting of 14 September 2021:

1. That Amendment No. 14 to Part 11 (Vegetation and Wildlife Management) of the Campbelltown (Sustainable City) Development Control Plan 2015 be adopted.
2. That Council give public notice of its decision in accordance with the Environmental Planning and Assessment Regulation 2000.
3. That those who made a submission be advised of this decision.

Clause 21 of the Environmental Planning and Assessment Regulations 2000 (EP&A Regulation) requires that a development control plan be publically notified within 28 days of the decision to adopt it. Council staff were unable to complete the notification and making of this DCP within that timeframe due to operational difficulties associated with the COVID-19 lockdowns that were in place at the time.

In order to be consistent with the EP&A Regulation, a new resolution of Council is recommended. This would support the lawful notification and commencement of the housekeeping amendment to the Campbelltown (Sustainable City) Development Control Plan 2015.

Attachments

1. Draft DCP Amendment (contained within this report) [↓](#)

DRAFT

Campbelltown (Sustainable City) Development Control Plan - Amendment No 14, 2021

A. This plan applies to all land with which the following Local Environmental Plans apply:

1. Campbelltown Local Environmental Plan 1995—Classification of Public Land
2. Campbelltown Local Environmental Plan 2015
3. Campbelltown Local Environmental Plan—District 8 (Central Hills Lands)
4. Campbelltown (Urban Area) Local Environmental Plan 2002

B. This is an amending Development Control Plan under Section 3.43(4) of the Environmental Planning and Assessment Act, 1979, and Division 4 of Part 3 of the Environmental Planning and Assessment Regulation, 2000. This Amendment No 12, 2021 (this Amending Plan) amends Campbelltown (Sustainable City) Development Control Plan 2015 (the Plan) in the following manner:

1. Delete existing clause 11.3.7:

a) Council may issue a tree permit under this clause. A tree permit may authorise the clearing of up to 4 declared trees.

2. Replace with new clause 11.3.7 to read:

a) Council may issue a tree permit under this clause. A tree permit may authorise the clearing of up to 4 declared trees. A tree permit may not be considered or issued if another tree permit has approved the removal of one or more trees on the subject lot in the preceding 2 years. For the avoidance of doubt, this provision prevents the approval of more than one tree permit concurrently.

3. Add a new note to clause 11.3.7 to read:

Note: This provision is intended to limit the total number of trees that can be removed under the tree permit assessment process in any 2 year period.

C. An application for a tree permit made, but not finally determined, prior to the commencement of this Amending Plan is to be assessed under the Plan as amended by this Amending Plan.

8.3 Temporary Suspension of Alcohol Free Zone for 'On Q' Program

Reporting Officer

Director City Lifestyles
City Lifestyles

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

1. That Council approve temporary suspension of the Alcohol Free Zone in Lithgow Street between Queen Street and Moore Oxley Road, Campbelltown on the below dates and times only:
 - Friday 4 March 2022 from 4:00pm - 10:00pm
 - Friday 1 April 2022 from 4:00pm - 10:00pm
 - Friday 6 May 2022 from 4:00pm - 10:00pm
2. That Council approve temporary suspension of the Alcohol Free Zone in Short Street, Campbelltown on the below date and time only:
 - Saturday 23 April 2022 from 4:00pm - 11:00pm

Purpose

To gain necessary approvals for the temporary suspension of alcohol free zones to facilitate the delivery of the 'Festival of Place' as part of Council's ongoing 'On Q' Queen Street Revitalisation program.

History

Revitalise Queen Street is a key action for the City under the Reimagining Campbelltown Master Plan. Council has been undertaking a number of projects to revitalise our City and to bring people and business back into the City Centre.

The 'On Q' Project is partly funded by The NSW Government's 'Streets as Shared Spaces Program' and due to finish in March 2022. This project has tested and trialled a number of high profile temporary changes to Lithgow Street, Lithgow Street Mall and Queen Street.

To date, the project has trialled a number of high profile activations to attract people into the City, and to encourage workers to stay. This has included Christmas Markets, Valentine's Day Food trucks and the highly successful 'Beats and Eats' program. The project has also trialled new temporary infrastructure such as parklets, dance spaces, temporary grass, altered parking, new seating, decking, gardens and places for people in our City Centre. The project is currently in review phase and broad Community Engagement tactics will identify which features and programs the community would like to have continue.

In addition to Council funds to continue this successful program, additional funds have been acquired through the NSW Government new 'Festival of Place- Open Streets Program'. Council has received \$500,000 in grant funds to deliver activations, public art and support businesses. Of these funds, \$300,000 has been allocated to activations and events to be delivered between February and May 2022.

To ensure our City is a safe place a number of Alcohol Free Zones are in place. Alcohol Free Zones assist in the control of antisocial behaviour associated with excessive and inappropriate alcohol consumption. This includes sites that have been proposed for the 'Festival of Place' Program.

Report

In late December 2021, Council was notified that it's recent Expression of Interest (EOI) for funding under the NSW Governments 'Festival of Place – Open Streets' Program was successful.

The program includes 4 key Activation programs. Three in Campbelltown City Centre, and one in Ingleburn, which include:

- 'Sweet Street' Ingleburn
- 'Thank Q its Friday'
- Homemade & Home Grown Markets
- 'Wander On Q'.

'Wander on Q' and 'Thank Q its Friday' are evening programs and it is proposed that they will include small Pop Up bars. It is for those events that temporary suspension of the Alcohol Free Zones is requested.

These Pop Up bars are similar to those held at many event across Australia at festival and street events. It is common for small caravans to be used. The Pop Up bars will be in a small strictly controlled space with security controlling entry, exit and behaviour in the space. On Q staff are working closely with NSW Police and Council's regulatory staff to ensure best practice procedures are followed.

Alcohol Free Zones are created and managed by Council. Sections 644B and 645 of the *Local Government Act 1993* allow for the establishment and suspension of these Zones. Section 645 requires Council to publish notice of this suspension to ensure the community is informed of the change.

Consultation has been undertaken and support received by Local Police and Council's Compliance teams to offer a Pop Up licensed bar at the above activations. Council's Place Team is working alongside Compliance and local authorities to ensure all risk management planning is in line with relevant regulations.

The 'Festival of Place' and associated programs are an exciting way to attract people back into the City Centre and begin to rebuild not only our key retail and Civic precinct, but also to assist local businesses recover from economic burdens due to the ongoing COVID-19 epidemic.

Attachments

1. Sites for Temporary Suspension of Alcohol Free Zone (distributed under separate cover)

8.4 Election of Council Delegates to various Statutory Committees, Authorities and other organisations

Reporting Officer

Manager Governance and Risk
City Governance

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.8 - Provide strong governance for all Council activities

Officer's Recommendation

That Council appoint delegates to the following statutory committees, authorities and other organisations for a term of appointment concluding in September 2024.

Purpose

This report is to appoint Council delegates to the various following statutory committees, authorities and other organisations until the September 2024 election.

Report

Council delegates are elected to the following statutory committees, authorities and other organisations. This report provides the opportunity to review and appoint the Councillor delegates to Advisory Committees and various boards, authorities and other organisations for the balance of this Council term until September 2024.

The Term of Reference for each committee is attached except for the Arts Centre Strategic Committee and the Floodplain Risk Management Committee which are being addressed later in the business paper as Item 8.5 and Item 8.6.

Council Committees

Arts Centre Strategic Committee

That up to 3 delegates be nominated for the Arts Centre Strategic Committee. The Arts Centre Strategic Committee is required to meet at least 2 times a year and more frequently as required.

Audit, Risk and Improvement Committee

That one delegate be nominated for the Audit, Risk and Improvement Committee. The Audit, Risk and Improvement Committee is required to meet at least 4 times a year with an additional meeting to adopt the financial statements.

Traffic Committee

That one delegate be nominated for the Traffic Committee. The Traffic Committee meets as required.

Council Delegates to various Authorities and other organisations**Floodplain Risk Management Committee**

That one delegate be nominated for the Floodplain Risk Management Committee. The Floodplain Risk Management Committee meets as required.

Georges River Combined Councils Committee Inc. (trading as Georges Riverkeeper)

That up to 3 delegates be nominated for the Georges River Combined Councils Committee Inc. (trading as Georges Riverkeeper). The Georges River Combined Councils Committee Inc. (trading as Georges Riverkeeper) will meet at least 4 times a year.

Macarthur Zone Bush Fire Management Committee

That one delegate be nominated for the Macarthur Zone Bush Fire Management Committee. The Macarthur Zone Bush Fire Management Committee meets as required.

NSW Public Libraries Association New South Wales

That one delegate and one alternate be nominated for the NSW Public Libraries Association New South Wales.

South West Sydney Academy of Sport

That one delegate be nominated for the South West Sydney Academy of Sport. The South West Sydney Academy of Sport is required to meet as often as necessary.

Sydney Western City Planning Panel

That at least 2 nominees and at least one alternate nominee be nominated to the Sydney Western City Planning Panel until September 2024. At least one nominee needs to have expertise in at least one area of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

Attachments

1. Audit, Risk and Improvement Committee - Charter (contained within this report) [↓](#)
2. Traffic Committee - Guide to delegation and regulation (contained within this report) [↓](#)
3. Georges River Combined Councils Committee Inc. - Constitution (contained within this report) [↓](#)
4. Bush Fire Management Committee - Charter (contained within this report) [↓](#)
5. NSW Public Libraries Association - Constitution (contained within this report) [↓](#)
6. South West Sydney Academy of Sport - Constitution (contained within this report) [↓](#)
7. Sydney Western City Planning Panel - Sydney and Regional Planning Panels - Operational Procedures (contained within this report) [↓](#)



AUDIT, RISK AND IMPROVEMENT COMMITTEE CHARTER

February 2021

MANDATE**Terms of Reference**

To provide independent assurance and assistance to Campbelltown City Council on risk management, control, governance, and external accountability responsibilities.

Aims

The Committee is to undertake its responsibilities in accordance with the Department of Premier & Cabinet, Division of Local Government's Internal Audit Guidelines September 2010, and in respect of Council's requirements outlined for the following (Refer to Appendix 2 of Guidelines):

- Risk Management
- Control Framework
- External Accountability
- Legislative Compliance
- Internal Audit
- External Audit
- Business Improvement

Term

September 2018 – March 2022

The maximum number of terms an independent external member can sit on the committee is two consecutive terms.

Vacancy/Absence

In the case of resignation from the committee by an independent external member, the General Manager will select a new independent member following the process outlined in this Charter.

In the case of resignation by the Chair, one of the other current serving external independent members will be appointed as Chair by the remaining members.

In the absence of the appointed Chair another current serving independent external member shall serve as the Chair for the period of absence of the duly appointed Chair.

Code of Conduct

All members of the Audit, Risk and Improvement Committee are to abide by Campbelltown City Council's Code of Conduct.

Meetings

A minimum of three times per year or as otherwise determined by the Committee and an additional meeting should be scheduled as to allow the Committee to review the Audited Financial Statements prior to being submitted to Council for adoption.

Quorum

A quorum will consist of a majority of Independent Committee members.

Induction	New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.
Reporting	The Committee will provide an annual performance report to Council, on its operation and activities during the year, including evaluation of the Internal Audit function
MEMBERSHIP	
Members	<p>The Committee will comprise of four members, three independent members. This may or may not include members of the community, one elected member (not Mayor). All independent members will be voting members.</p> <p>The independent members will be appointed for four year term of Council, after which they will be eligible for re-appointment in accordance with merit based recruitment and selection process.</p>
Chairperson	The Chair to be elected for the term of this Committee by voting members and must be an independent member of the Committee.
Attendees (non-voting)	<p>General Manager or nominee Director, City Governance Internal Auditor Representatives of the external auditor</p>
Invitees (non-voting)	<p>Representatives of the external auditor Other officers may attend by invitation as requested by the Committee or General Manager.</p>
Support staff	<p>Support staff provision shall be provided by Council for secretariat support to the Committee.</p> <p>The Internal Auditor will ensure the agenda for each meeting and supporting papers are circulated, at least one week before the meeting, and ensure minutes of the meetings are prepared and maintained.</p> <p>Minutes shall be approved by the Chair and circulated to each member within three weeks of the meeting being held.</p>
Notes	<ul style="list-style-type: none"> ▪ The Committee will have regard to matters proposed by the Department of Premier & Cabinet, Division of Local Government in the Internal Audit Guidelines September 2010, and as may be amended from time to time. ▪ Remuneration to be determined by Council.

- At least once every two years the Audit, Risk and Improvement Committee will review this Charter to ensure it remains current and reflects roles and objectives.
- The Committee will endorse any changes to this charter

APPROVAL

Endorsed:	November 2018
Approved:	20 November 2018
Reviewed:	February 2021
Next Revision Date:	March 2022

OTHER REFERENCES

NSW Division of Local Government Internal Audit Guidelines, 2010



A guide to the delegation to councils for the regulation of traffic

Including the operation of Traffic Committees



A Guide to the Delegation to Councils for the Regulation of Traffic (including the operation of Traffic Committees)





Roads and Traffic Authority
www.nsw.rta.gov.au

VERSION: 1.3
ISSUED: March 2009

APPROVED BY:

SIGNED

Phil Margison
General Manager
Traffic Management

AUTHORISED FOR USE BY:

SIGNED

Michael Bushby
Director
Network Management

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To access the latest electronic copies of these and other guidelines go to:

www.rta.nsw.gov.au/trafficinformation/downloads/technicalmanuals_dli.html

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Delegation to Councils for the Regulation of Traffic

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Amendment record

Please note that the following updates have been made to this document.

Version Number	Page(s)	Description	Issued
1.1	8-11	Sections 5.3, 5.3.2, 5.3.4 & 5.3.5 amended to introduce optional public galleries	December 2007
1.2	Various	Hyperlink to Council Delegation Reference document updated	February 2009
1.3	Various	Sections 1.0, 2.0, 3.1, 5.1, 7.1, 7.2 & Flowcharts amended to reflect release of a new Delegation	March 2009



Delegation to Councils for the Regulation of Traffic

I. Introduction

The Roads and Traffic Authority is legislated as the organisation responsible for the control of traffic on all roads in New South Wales. Traffic is controlled by the installation of prescribed traffic control devices, such as regulatory signs, or traffic control facilities, such as medians.

New South Wales has many roads, which range from freeways to local streets. All these roads require the control of traffic. The RTA believes that the most effective means of dealing with the number and range of traffic related matters, particularly those which arise on regional and local roads, is to deal with them at the local level. The RTA has therefore delegated certain aspects of the control of traffic on regional and local roads to the Councils of Local Government areas.

The RTA continues to manage NSW's State road network. However, local government continues to also play an important role in the management of this road network by providing traffic input and advice when necessary.

These guidelines provide the policy and framework for Councils to exercise the traffic functions delegated to them by the RTA. They outline the delegated functions, the limitations that apply to Councils when exercising their delegated functions, the responsibilities of the various parties involved in the process, and the roles of the local and regional traffic committees.

Note: These guidelines do not cover B-double route approvals as they are the subject of a separate delegation.

These guidelines have been prepared by the RTA:

- (i) in accordance with current NSW legislation; and
- (ii) in consultation with RTA's Legal Branch, the NSW Police, LGSA, and representatives from a number of metropolitan Councils.

It is important to note that the legislative power to control traffic through the authorisation of traffic control devices, lies with the RTA and the delegation of this power does not remove the RTA's ability to exercise those delegated functions should circumstances warrant action.

2. Definitions and abbreviations

classified road – any of the following: a main road, a State highway, a freeway, a controlled access road, a secondary road, a tourist road, a tollway, a State work. See *Roads Act 1993, Part 5* for further details.

Council – the council of a local government area and includes an Administrator.

Delegation – 'Delegation to Councils – Regulation of Traffic' document.

LGSA – Local Government Association of NSW and the Shires Association of NSW.

LTC – Local Traffic Committee.



Delegation to Councils for the Regulation of Traffic

prescribed traffic control device - a sign, signal, marking, structure or other device to direct or warn traffic on a road or road related area (or part of a road or road related area) that is prescribed by the regulations for the purposes of this definition.

regulate traffic – for the purposes of the *Roads Act* means to restrict or prohibit the passage along a road of persons, vehicles or animals.

Roads Act – *Roads Act 1993*.

roads and road related areas – have the same meaning as in *ARR Rules 12 and 13*. Each reference to a road includes reference to a road-related area unless otherwise expressly stated.

Regional Road – a road shown to be a Regional road in the RTA's *Schedule of Classified Roads and State and Regional Roads*.

RR – NSW Road Rules 2008.

RTA – Roads and Traffic Authority, NSW.

RTC – Regional Traffic Committee.

State Road – a road declared to be a State Road under the *Roads Act 1993* and documented in the RTA's *Schedule of Classified Roads and State and Regional Roads*.

STMA – *Road Transport (Safety and Traffic Management) Act 1999*.

STMR – *Road Transport (Safety and Traffic Management) Regulation 1999*.

Sub-delegate – any Councillor, the General Manager or an employee of the Council who has been formally delegated by the Council.

TMP – Traffic Management Plan.

Traffic control facility – means:

- (a) traffic control lights and equipment used in connection with traffic control lights; or
- (b) any sign, marking, structure or device containing or relating to a requirement or direction, contravention of which is an offence arising under:
 - (i) the *Transport Administration Act, 1988* or the regulations; or
 - (ii) any other Act, regulation or by-law prescribed for the purposes of Section 45E of the *Transport Administration Act, 1988*; or
- (c) any sign, marking, structure or device that is intended to promote safe and orderly traffic movement on roads or road related areas or to warn, advise or inform the drivers of vehicles or pedestrians of any matter or thing in relation to vehicular or pedestrian traffic or road conditions or hazards; or
- (d) any bridge or subway or other facility for use by pedestrians over, across, under or alongside a road or road related area; or
- (e) any other thing prescribed as a traffic control facility by the Regulations under the *Transport Administration Act, 1988*.



Delegation to Councils for the Regulation of Traffic

3. Delegation of functions

Traffic control facilities and prescribed traffic control devices may be authorised for use on a road or road related area, whether a public road or on private land, only by the RTA or Councils. In addition, traffic may be regulated for various purposes by means of notices or barriers erected by a roads authority.

The *Transport Administration Act, 1988* confers the following powers to the RTA:

- to exercise the functions relating to safety and traffic management set out in Section 52A;
- to delegate its functions to other public agencies such as councils (Section 50);
- to give directions to public authorities in relation to RTA functions under Part 6 (Section 53A).

The *Road Transport (Safety & Traffic Management) Act, 1999* provides for a system of traffic laws relating to all vehicles (motorised and non-motorised) and pedestrians found in subordinate legislation made under the Act. Principally, these are:

- *Road Transport (Safety and Traffic Management) Regulation 1999*, and
- *Road Rules 2008*.

Part 8 (Sections 114 to 124) of the *Roads Act, 1993* deals with the regulation of traffic on public roads by erecting notices or barriers or taking any other action which may be necessary in order to manage traffic. The reference to regulating traffic in Part 8 should not be confused with the authorisation of prescribed traffic control devices under Division 1 of Part 4 (Sections 50 to 55) of the *Road Transport (Safety and Traffic Management) Act, 1999*. For the purposes of Part 8, regulating traffic includes such things as implementing road closures and other physical restrictions. Road closures effected by this part of the legislation remain as public roads after the road closure.

Note: Road closures effected under Part 4 of the *Roads Act, 1993* do not remain as a public road.

A Council can regulate traffic for the specific reasons set out in Division 1 of Part 8 (Section 115) of the *Roads Act, 1993* such as carrying out work on a road, etc. whereas the RTA can regulate traffic for any purpose.

If a Council wishes to regulate traffic for purposes other than those specified in Division 1 of Part 8 (Section 115) of the *Roads Act, 1993*, (e.g. for amenity reasons) it must seek the advice of its Local Traffic Committee. The procedures for regulating traffic covering road closures, traffic calming, etc. are detailed in Division 2 of Part 8 (Sections 116 to 119) of the *Roads Act, 1993*.

The delegation of these functions is carried out by the RTA, issuing Councils the RTA document, [*Delegation to Councils – Regulation of Traffic*](#).



Delegation to Councils for the Regulation of Traffic

The functions delegated to Council in the *Delegation* are:

1. authorisation of prescribed traffic control devices covered under Division 1 of Part 4 (Sections 50 to 55) of the *STMA*;
2. regulation of traffic under Division 2 of Part 8 (Sections 116 to 119) of the *Roads Act*;
3. authorisation of special event parking schemes under Division 2 of Part 5 (Clauses 122 and 123) of the *STMR* on public roads other than classified roads.

The Council may sub-delegate their powers to Councillors, the General Manager or an employee of the Council for Items 1 and 3 above.

The Council **may not** sub-delegate Item 2.

Note: There is a separate delegation for B-double route approvals.

3.1 Limitations

The exercise of functions delegated to Council is subject to a number of conditions or limitations as documented in Schedule 4 (Limitations) of the [Delegation](#).

Councils:

- are only permitted to authorise the implementation of certain traffic control facilities / prescribed traffic control devices on roads and road related areas within their area of operations. Council cannot exercise a function on a State Road as defined in the RTA document [Schedule of Classified Roads and State and Regional Roads](#).
- may only authorise prescribed traffic control devices as nominated in the RTA's online [Traffic Signs Database](#) indicated as "Delegated to Council for Authorisation – Yes".
- listed in Schedule 1 of the *Delegation*, must not exercise delegated functions listed in Schedule 4 of the *Delegation* including referral of issues for formal advice until a TMP has been assessed by the RTA. Refer to Section 3.1.1 TRAFFIC MANAGEMENT PLANS.
- must not exercise a function in respect of the following signs:

Permissive parking signs
No Parking signs
No Stopping signs

on any public road or road or road related area (or any part thereof), which falls within a 1 km radius of any train station listed in the RTA's document [Nominated Train Stations with Commuter Parking](#), and which has current unrestricted parking, without the approval of the RTA.

- are not empowered to authorise traffic control lights.
- are not empowered to interfere with traffic control lights, including the addition of any signs.



Delegation to Councils for the Regulation of Traffic

- may authorise portable traffic control lights for roadworks, see RTA's document, *Portable Traffic Signals Guide to Use*.
- cannot authorise an internally illuminated traffic control device.
- must obtain the advice of the NSW Police and the RTA prior to exercising their delegated powers.
- must establish an LTC. Refer to Section 5 LOCAL TRAFFIC COMMITTEE.
- may authorise "Roadwork Speed Limit" signs under the conditions outlined in the [Delegation](#).
- may sub-delegate traffic management powers (delegated functions), in respect of Division 1 of Part 4 (Traffic control devices) of the *STMA*, and Division 2 of Part 5 (Special Event parking schemes) of the *STMR*.
- **may not** sub-delegate traffic management powers (delegated functions), in respect of Division 2 of Part 8 (Sections 116 to 119) of the *Roads Act*.

3.1.1 Traffic Management Plans

A Council, listed in Schedule 1 (*Delegates*) of the RTA's [Delegation](#), must develop and submit to the RTA, a TMP if it intends to do any of the following:

- prohibit the passage of pedestrian, vehicle or motor vehicle traffic on a road or road related area by physical means or regulatory signs or both;
- install or display any road sign, marking or physical device that prohibits or compels a vehicle with respect to a turning movement;
- change a two-way street into a one-way street or reversing the direction of a one-way street; and
- reduce the number of traffic lanes on a road or road related area by physical means or regulatory signs or both.

A TMP is not required if a council certifies to the RTA in writing that a NO TRUCKS or NO BUSES traffic control sign is to be erected solely for the purposes of protecting a road from damage by the passage of motor vehicles.

Where a Council seeks to exercise its delegated powers in respect of a function that requires a TMP, the Council must submit the TMP to the RTA for review prior to the matter being referred to the LTC for formal advice.

The TMP must outline the scope of the traffic management changes proposed. It must also include an assessment of the impact of those changes and proposed measures to ameliorate any potential impact arising from the proposal.



Delegation to Councils for the Regulation of Traffic

See the RTA document, [*Procedures for use in the preparation of a Traffic Management Plan*](#).

Note: The RTA's acceptance of the TMP merely indicates that due process has been followed and does not indicate its position on the proposal when it is referred to the LTC for consideration.

4. Exercising delegated functions

Councils may only exercise their delegated functions in accordance with the [*Delegation*](#). Councils may sub-delegate certain powers to Councillors, the General Manager or an employee of the Council. Refer to Section 3 DELEGATION OF FUNCTIONS.

The *Delegation* requires Council to seek the advice of the NSW Police and the RTA prior to exercising their delegated functions. This is usually done via the LTC.

In cases where the LTC advice is unanimous, and Council intends to follow that advice, Council may authorise the implementation of the facility or device without further notifying the RTA or the NSW Police.

If the elected Council wishes to exercise a delegated function when the LTC advice is not unanimous, or the elected Council wishes to act contrary to unanimous LTC advice, then Council must notify in writing, both the NSW Police and the RTA representatives on the LTC.

Note: Council does not need to notify the NSW Police or the RTA if Council decides not to proceed with any proposal for any reason.

Council then must refrain from taking any action for 14 days so that the NSW Police or the RTA is given an opportunity to appeal to the Chairperson, Regional Traffic Committee should they wish.

In the case of an appeal, the decision of the Chairperson, Regional Traffic Committee is binding and final for matters under the STMA. For matters under the Roads Act, further appeals may be made to the Minister for Roads. Refer to Section 6 REGIONAL TRAFFIC COMMITTEE, for more details.

5. Local Traffic Committee

5.1 General

The LTC has no decision-making powers. The LTC is primarily a technical review committee, which is required to advise the Council on matters referred to it by Council. These matters must be related to prescribed traffic control devices and traffic control facilities for which Council has delegated authority.

The LTC should consider the technical merits of the proposal and ensure that the proposal meets current technical guidelines.



Delegation to Councils for the Regulation of Traffic

The Council must refer all traffic related matters to the LTC prior to exercising its delegated functions. Matters related to State Roads or functions that have not been delegated to the elected Council must be referred directly to the RTA or relevant organisation. Such matters must not be referred to the LTC. However, the RTA will generally seek the views of the Council on State Road traffic issues via the informal items process.

A Council is not bound by the advice of its LTC. Refer to Section 4 EXERCISING DELEGATED FUNCTIONS.

Where required, a TMP must be submitted to, and reviewed by, the RTA before that matter can be referred to the LTC. Refer to Section 3.1.1 TRAFFIC MANAGEMENT PLANS.

The LTC should not consider any proposal requiring a TMP prior to the review of the TMP by the RTA.

Similarly, the LTC should not consider any proposal to alter unrestricted parking to permissive or restricted parking on roads within a 1 km radius of any train station nominated in the RTA's document [Nominated Train Stations with Commuter Parking](#), without the prior approval of the RTA.

Note: The LTC should not be confused with a separate Council Traffic Committee, formed by Council under the Local Government Act. The establishment of which is a Council prerogative. Refer to Section 8 TRAFFIC ENGINEERING ADVICE.

5.2 Members

The LTC is to be made up of four formal members. The members are as follows:

- one representative of Council
- one representative of the NSW Police
- one representative of the RTA
- the local State Member of Parliament (MP) or their nominee.

The Council's representative may be any Councillor or Council officer. The Council representative may be a sub-delegate if Council has formally approved this.

Where a Council LGA is represented by more than one MP, or covered by more than one NSW Police LAC, MPs or NSW Police officers representing the relevant electorate or LAC are entitled to be members of the LTC. However they are only permitted to vote on matters, which effect their electorate or LAC. Refer to Section 5.3.6 VOTING.

The Council (in consultation with the formal members of the LTC) may also decide to have additional informal (non-voting) advisors to the LTC who can provide input into the process. These additional advisors can include a:

- Road Safety Officer



- Ministry of Transport representative
- Fire Brigade representative
- Ambulance Service representative
- Bus operator representative
- Transport Workers Union representative
- Chamber of Commerce representative

Generally, informal advisors are not required to attend every LTC meeting. Their attendance is only required when items appear on the Agenda which effect their area of expertise or responsibility.

The informal advisors of the committee are not entitled to a vote. Refer to Section 5.3.6 VOTING.

5.3 Meetings

The LTC is not a committee within the meaning of the *Local Government Act, 1993*. The operating arrangements for the LTC are contained in these guidelines.

At LTC meetings the following are at the discretion of Council:

- conduct at meeting
- frequency of meetings
- format of meetings. [Within the following guidelines.]
- provision for a public gallery.

5.3.1 Meeting Formats

The most common format for LTC meetings is a monthly face to face meeting held in the offices of the Council.

The meeting is to be convened by a Council representative. The convenor may be the Council's voting member or may be an additional non-voting member of the LTC.

While there is no need for a specific quorum to allow an LTC meeting to proceed, it must be remembered that any advice can only be returned to the elected Council by the LTC if the views of the RTA and the NSW Police have been obtained.

Acceptable alternative meeting formats include:

- Electronic meetings – where the advice of the members is sought via facsimile or email. This allows items to be considered as they arise and may reduce response time.
- A combination of electronic (for minor issues) and face-to-face meetings. This allows minor issues to be addressed between meetings. The response time for minor issues may be reduced using this format and this format can result in shorter face to face meetings. It may even be possible to increase the interval between meetings.



Delegation to Councils for the Regulation of Traffic

Note: Should Council wish to adopt these (or any other) alternate formats then they should seek the advice of the RTA prior to making a final decision."

It is strongly recommended that any format where the LTC and the normal Council meeting are held concurrently is to be avoided. The LTC is principally a technical review committee, and due consideration and debate is required when considering a proposal. This particular meeting format does not lend itself to this process.

Note: Any change to the meeting format must be agreed to by the formal members of the LTC. When proposing to discuss a format change, reasonable advanced notice must be provided.

5.3.2 Agendas, minutes and reports

All LTC meetings require the preparation of an agenda.

An LTC agenda must be prepared by Council and circulated to all formal members and informal advisors of the committee a minimum of one week prior to the meeting. This will allow members to fully consider the issues and determine their response on each item. This period will also allow a site visit if necessary.

For each agenda item, Council must prepare a report which must contain a brief summary of the issue, details of the proposed solution including a plan if the proposal involves signs, lines or structures, details of the policies / guidelines / standards used (if any) and the proposed recommendation to the elected Council. This report must be sent to the members of the LTC with the Agenda.

Note: For the information of the members of the LTC, the meeting papers should also include a summary of the final decisions made by the elected Council (or their sub-delegate) on items addressed at the previous meeting or on any items addressed since the last meeting.

The LTC agenda should only contain items, which require the elected Council to exercise its delegated functions. If no action is required, or advice only is being sought, or the issue does not require the exercise of delegated functions then the issue should not appear on the LTC agenda. Such issues should be dealt with as general traffic advice. Refer to Section 8 TRAFFIC ENGINEERING ADVICE.

Items, which do not appear on the agenda (i.e. items without notice), must only be considered if the elected Council has referred the issue and Council officers have been able to prepare a report on the proposal in the normal manner. Items raised without notice must be referred to the next meeting (or dealt with separately between meetings) if any member of the committee requests time to consider the issue.

All LTC meetings require the preparation of minutes.



Delegation to Councils for the Regulation of Traffic

Council must prepare the minutes of the meeting. Copies of the LTC minutes must be forwarded to all LTC members for their concurrence prior to the recommendations either being presented to the elected Council or acted on by the Council's sub-delegate.

Note: B-double routes are the subject of a separate delegation and should have a separate agenda and minutes.

Note: The RTA members of the LTC must keep a copy of all minutes for the future reference of the RTA.

Councils may also need to prepare a report to the elected Council. This report must indicate the type of support from the LTC (i.e. unanimous or not unanimous). Where the advice is not unanimous, dissenting votes should be noted. Refer to Section 5.3.6 VOTING.

Note: All proposals recommended by the LTC must still be formally approved by the elected Council (or their sub-delegate), subject to certain limitations. Refer to Section 3.1.

5.3.3 Site visits

It is recommended that each member of the LTC undertake a site visit prior to considering any proposal. This site visit may be undertaken individually by LTC members, or may be organised by Council as a joint visit of all members of the LTC.

Where this is not practical due to issues such as time or distance, then it is recommended that modern electronic alternative methods be used.

5.3.4 Public participation

The role of the LTC is to consider the technical aspects of any proposal and make a recommendation to the Council. The merits of the scheme, from a public perspective, is the responsibility of the Council and thus residents views should be taken into account by the Council rather than the LTC.

However, there is nothing preventing the LTC members from agreeing to allow residents, or other interested stakeholders, to address the committee, if it so chooses. In addition, the LTC members may agree to limit the number of public presenters on any particular item and/or place time limits on them. Any such constraints should be conveyed to the presenters at the time they are notified of the LTC's agreement for them to address the committee.

The LTC's advice to Council is not binding upon the Council therefore ideally this advice should not be released to the public until the Council has decided whether or not to exercise its delegated authority. However, where Council has decided to allow the public to be in attendance at the LTC meetings, the convenor must make it clear to the public gallery that the Council is still required to accept the recommendation of the LTC to finalise the issue. This should be done after each item to cater for members of the public who may only attend the meeting for a specific item.



Delegation to Councils for the Regulation of Traffic

5.3.5 Media participation

The role of the LTC is to consider the technical aspects of proposals and provide their advice to Council. Media involvement, or interest, in the process should be addressed through the normal Council meeting process.

However, should the media be interested in a proposal, they can attend the LTC meeting if the Council has decided to allow a public gallery. Again as with the general public, the convenor must make it clear that the Council is still required to accept the recommendation of the LTC to finalise the issue. This should be done after each item to cater for the media who may only attend for a single item. The media is not permitted to address the LTC.

5.3.6 Voting

While an organisation, which is a voting member, may choose to send more than one representative, that organisation is still limited to one vote only. For example:

- Where the LTC is chaired by a convenor who is a member of the elected Council and the LTC also has a Council staff member on the committee, the Council as an organisation is still only entitled to one vote [i.e. the Council representatives are not entitled to a vote each]
- Where the Council representative is also the convenor, the Council is still only entitled to one vote. There is no casting vote available to the convenor in the case of a tied vote.
- Where a Council LGA is represented by more than one State MP, only the MP representing the State electorate containing the proposal is permitted to vote. However, if the proposal is actually contained in more than one State electorate, then each State MP for those electorates may vote.
- Where a Council LGA has more than one NSW Police LAC, only the NSW Police officer representing the LAC containing the proposal is permitted to vote. However, if the proposal is actually contained in more than one LAC, then each NSW Police officer for those LACs may vote.

Council must consult with the Ministry of Transport where public passenger transport matters are affected.

LTC advice to Council on a proposal referred to it by Council must be one of the following:

- 1) unanimous support;
- 2) majority support;
- 3) split vote;
- 4) minority support; or
- 5) unanimous decline.



A Council's action on the above LTC advice will be:

- (a) If Council is in agreement with the LTC unanimous support then the proposal may be approved. In these cases there is no conflict between Council and the advice of the LTC, consequently there is no need for Council to inform the RTA or the NSW Police representatives of the decision.
- (b) If Council is in agreement with the LTC unanimous support, but no longer wants to proceed, the proposal may still be rejected.
- (c) If Council is in agreement with the LTC unanimous decline then the proposal may be rejected. Again there is no conflict between Council and the advice of the LTC. Consequently there is no need for Council to inform the RTA or the NSW Police representatives of the decision.
- (d) If Council decides to proceed with a proposal where the advice of the LTC is not unanimous support, then the Council must first advise the RTA and the NSW Police representatives in writing of their intention to approve the proposal. The RTA or the NSW Police may then lodge an appeal to the RTC. Refer to Section 5.4, APPEALS.
- (e) If Council decides to proceed with a proposal where the advice of the LTC is a unanimous decline, then the Council must first advise the RTA and NSW Police representatives in writing of their intention to approve the proposal. The RTA or the NSW Police may then lodge an appeal to the RTC. See Section 5.4, APPEALS.

Flowcharts have been provided to assist with the understanding of this process.

Refer to the relevant flowcharts in Appendix A for:

- the *Road Transport (Safety and Traffic Management) Act, 1999*; or
- the *Roads Act, 1993*.

Due to the fact that the RTA and the NSW Police have the power to appeal certain decisions of the Council, the LTC cannot provide its advice to Council until both the RTA and the NSW Police have provided their vote on the issue.

5.4 Appeals

5.4.1 Road Transport (Safety and Traffic Management) Act 1999

Where a determination of Council to proceed is contrary to a unanimous decline or is based on the non-unanimous advice of the LTC, then Council must notify both the NSW Police and the RTA representatives of its decision. Council must not exercise any of the functions, in relation to the subject proposal, for a period of 14 days from the date of notification in writing.

An appeal, may only be lodged by either the NSW Police or the RTA. The appeal is made to the Chairperson, RTC and must be lodged within the 14 day period. As a matter of courtesy, it is expected that the appellant informs Council in the initial stages of their intention to lodge an appeal.



Delegation to Councils for the Regulation of Traffic

To assist with the process the appeal should be lodged using RTC Form 1 Regional Traffic Committee – Appeal. A copy of this form can be found in Appendix A of this document.

The RTA provides secretarial services to the RTC and appeals must be forwarded to:

Secretariat
Office of the Chairperson
Regional Traffic Committees
Level 16 101 Miller Street
Locked Bag 928
NORTH SYDNEY NSW 2059

Facsimile: 8588 4164

Email: regional_traffic_committee@rta.nsw.gov.au

The Secretary will then notify all parties in writing that an appeal has been lodged.

The Chairperson, RTC notifies Council regarding the outcome of the appeal hearing. It is important that Council does not act until further advice has been received from the Chairperson, RTC about the issue under appeal.

The Chairperson's decision may:

- (i) uphold the appeal, i.e. not support the Council's decision, or
- (ii) reject the appeal. Rejection of the appeal could either support the Council's decision unconditionally or apply conditions.

Refer to Appendix A of this document for the Terms of Reference for the RTC and flowcharts indicating the process involved in the implementation or rejection of a proposal.

5.4.2 Roads Act 1993 – Division 2 of Part 8

The appeal process is similar to that specified above for *Road Transport (Safety and Traffic Management) Act, 1999* matters. However, in cases where Council is not satisfied with the determination by the Chairperson, RTC, Council may further appeal to the Minister for Roads.

The Minister's decision may be:

- (i) rejection of the Council appeal, or
- (ii) approval of the Council proposal either unconditionally or with conditions.

See the flowcharts in Appendix A which indicate the process involved in the implementation or rejection of a Council proposal.



6. Regional Traffic Committee

The RTC operates across the state. Meetings are generally held in the offices of the local Council.

The purpose of the RTC is to deal with appeals from the RTA or the NSW Police members of the LTC on matters delegated to Councils.

The members of the RTC are:

- Independent Chairperson (appointed by the RTA with concurrence from the LGSA)
- LGSA nominee (usually a Local Government Engineer from the region)
- RTA representative (usually the Regional Traffic Manager)

It should be noted the LGSA and RTA representatives merely provide advice as required by the Chairman.

In addition, nominees of the NSW Police, Council and the local State MP may attend as observers.

When a notice of appeal and relevant information is lodged with the RTC, the Chairperson will convene a meeting and the appeal matter is discussed. The Chairman shall determine who, if anyone, shall be permitted to address the appeal based on the documented evidence presented by each party prior to the Appeal. Generally the members of the RTC and each party to the appeal attend the meeting only.

The decision of the Chairperson, RTC in regard to such matters is final, except in matters relating to the *Roads Act, 1993*, wherein Council may further appeal to the Minister for Roads. Refer to Section 5.4.2.

Note: The RTC should not be confused with the Regional Development Committee, which deals with SEPP11 issues under the *Environmental Planning and Assessment Act 1979*.

7. Responsibilities

7.1 Council

The Council has responsibility for:

- exercising the delegated functions related to the *Roads Act 1993*
- documenting the sub-delegation of Council powers

Note: Councils cannot sub-delegate their Roads Act powers.

- seeking the advice of the NSW Police and the RTA prior to exercising delegated functions.
- obtaining the views of local residents affected by any proposal, if necessary. [This is to be done outside the LTC process]
- preparing any TMP required under Schedule 4 of the [Delegation](#) or when considered necessary by Council.



Delegation to Councils for the Regulation of Traffic

- seeking the approval of the RTA to any proposal to alter unrestricted parking to permissive or restricted parking on any road within a 1 km radius of any train station nominated in the RTA's document [Nominated Train Stations with Commuter Parking](#). [This is to be done outside the LTC process]
- convening meetings of the LTC.
- referring items to the LTC.
- providing secretarial services to the LTC.
- preparing the LTC meeting agenda.
- preparing a technical report on each issue.
- documenting the LTC advice (including providing a report to the elected Council)
- providing minutes of meetings to all LTC members
- providing a summary of the final decisions made by Council on items addressed at previous LTC meetings or any addressed since the last meeting.
- notifying the RTA and the NSW Police if the elected Council intends to exercise its delegated functions contrary to the advice of the LTC.

Note: Deciding not to proceed does not constitute exercising a function and therefore does not require notification.

7.2 RTA

The RTA has responsibility for:

- reviewing any TMP submitted to it.
- approving any proposal to alter unrestricted parking to permissive or restricted parking on any road within a 1 km radius of any train station nominated in the RTA's document [Nominated Train Stations with Commuter Parking](#).
- providing advice on Council proposals referred to the LTC.
- appointing the Chairperson of the RTC (with the concurrence of LGSA)
- providing secretarial services to the RTC.

7.3 NSW Police

The NSW Police have responsibility for:

- providing advice on Council proposals referred to the LTC.

7.4 Local State Member of Parliament

The local State Member of Parliament has responsibility for:

- providing advice on Council proposals referred to the LTC.
- nominating someone to represent them if necessary.



8. Traffic engineering advice

Councils often require advice on, or investigation of options for, difficult traffic problems. Council may also wish to consider traffic issues, which are outside the *Delegation* (e.g. installation of speed limits or traffic control signals). As these problems or issues do not require the exercise of delegated functions at that point in time (though they may or may not require it in the future) they should not be dealt with as formal items by the LTC.

Council may take advantage of the knowledge and experience of the LTC members to help them to resolve or clarify an issue. When wishing to utilise the expertise of the LTC members in this manner, Council could either include items on the agenda under a separate Informal Items section or produce a separate agenda.

Informal items should be dealt with following the completion of formal LTC items where Council intends to exercise a delegated function. Any outcomes from discussions on informal items cannot be included in the LTC report to the Council. However, Council can use any outcomes from these discussions in their deliberations on such issues.



Delegation to Councils for the Regulation of Traffic

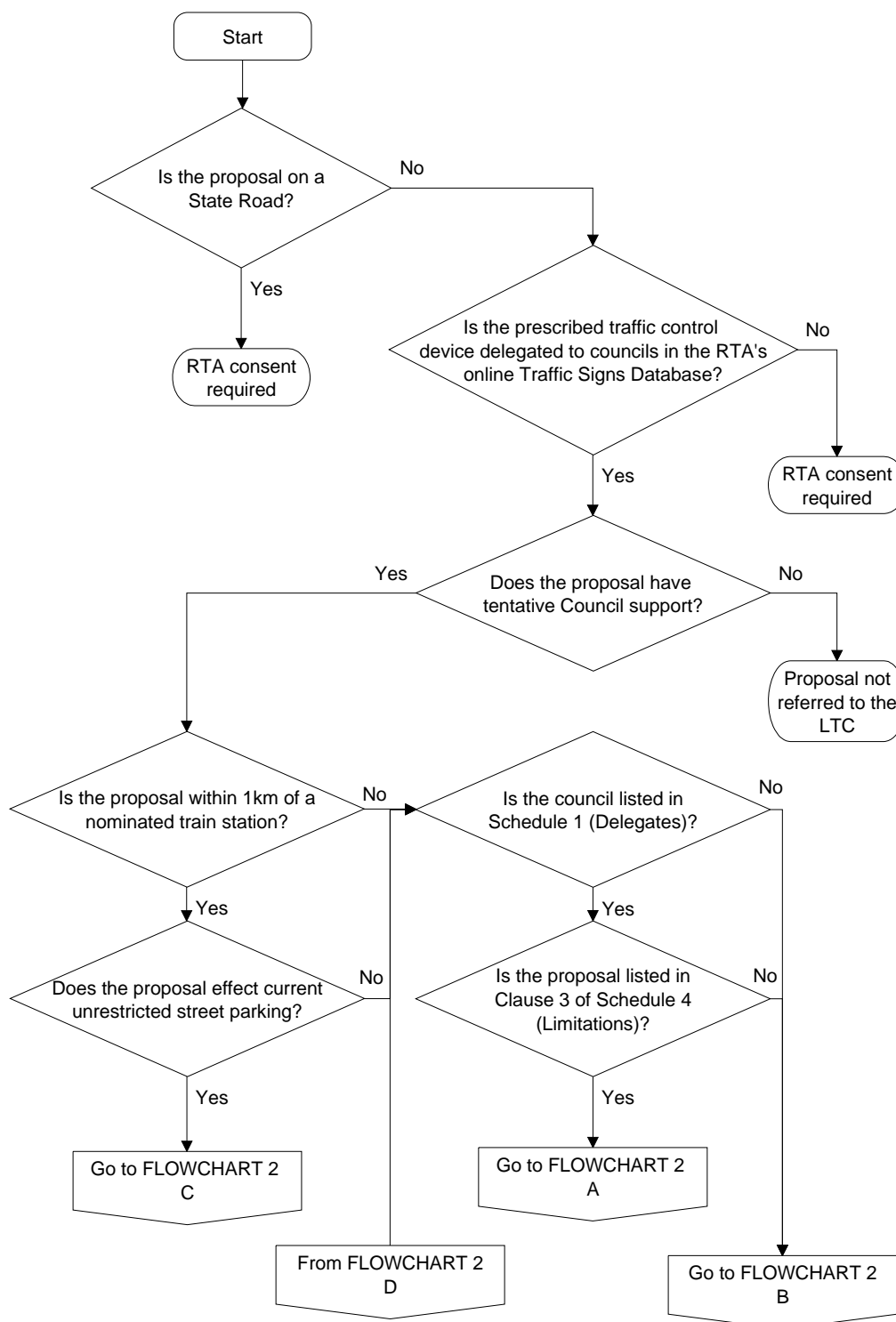
APPENDIX A



Process for Exercising Delegated Road Transport Powers

FLOWCHART I

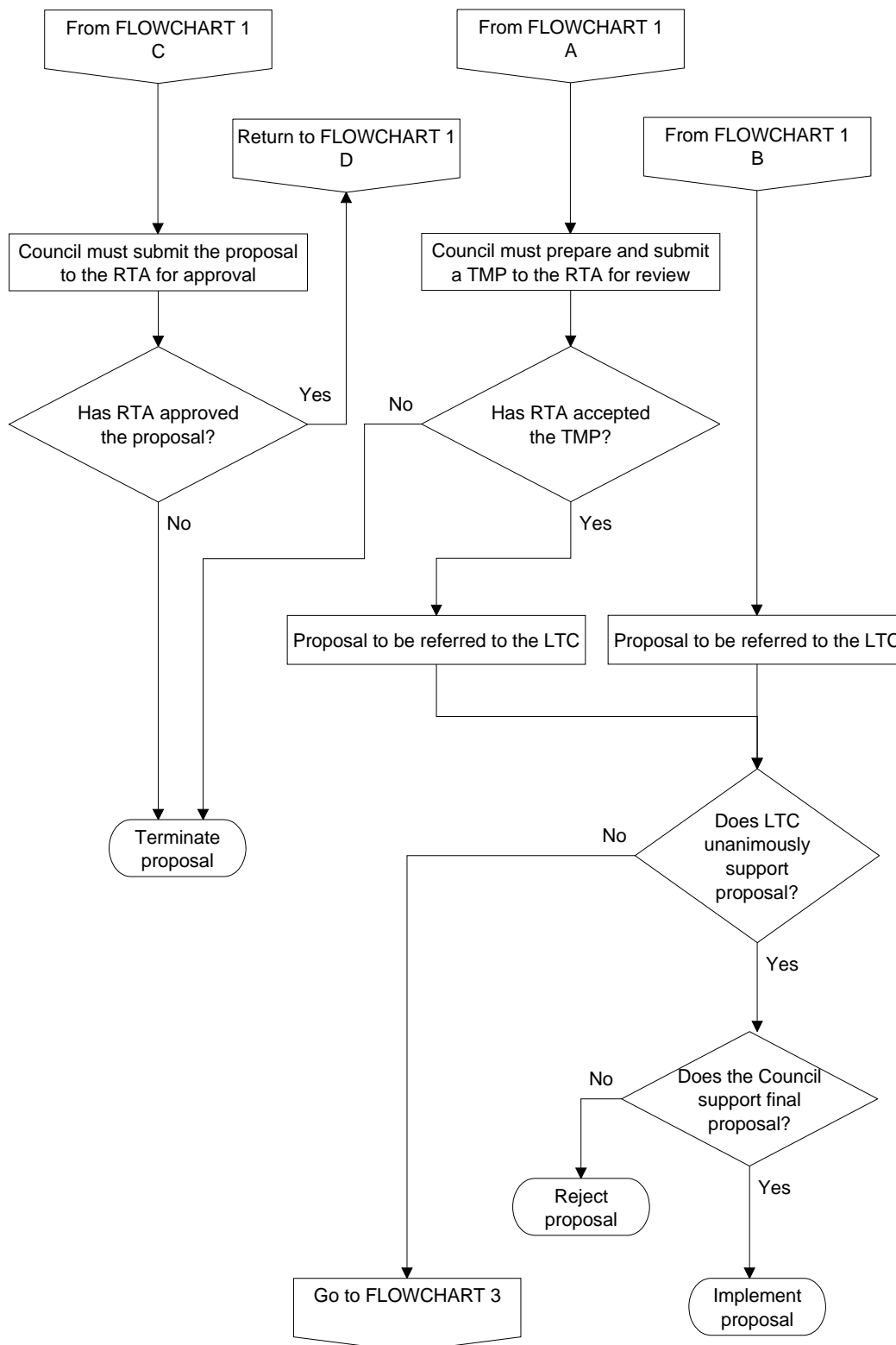
(Road Transport (Safety and Traffic Management) Act, 1999)





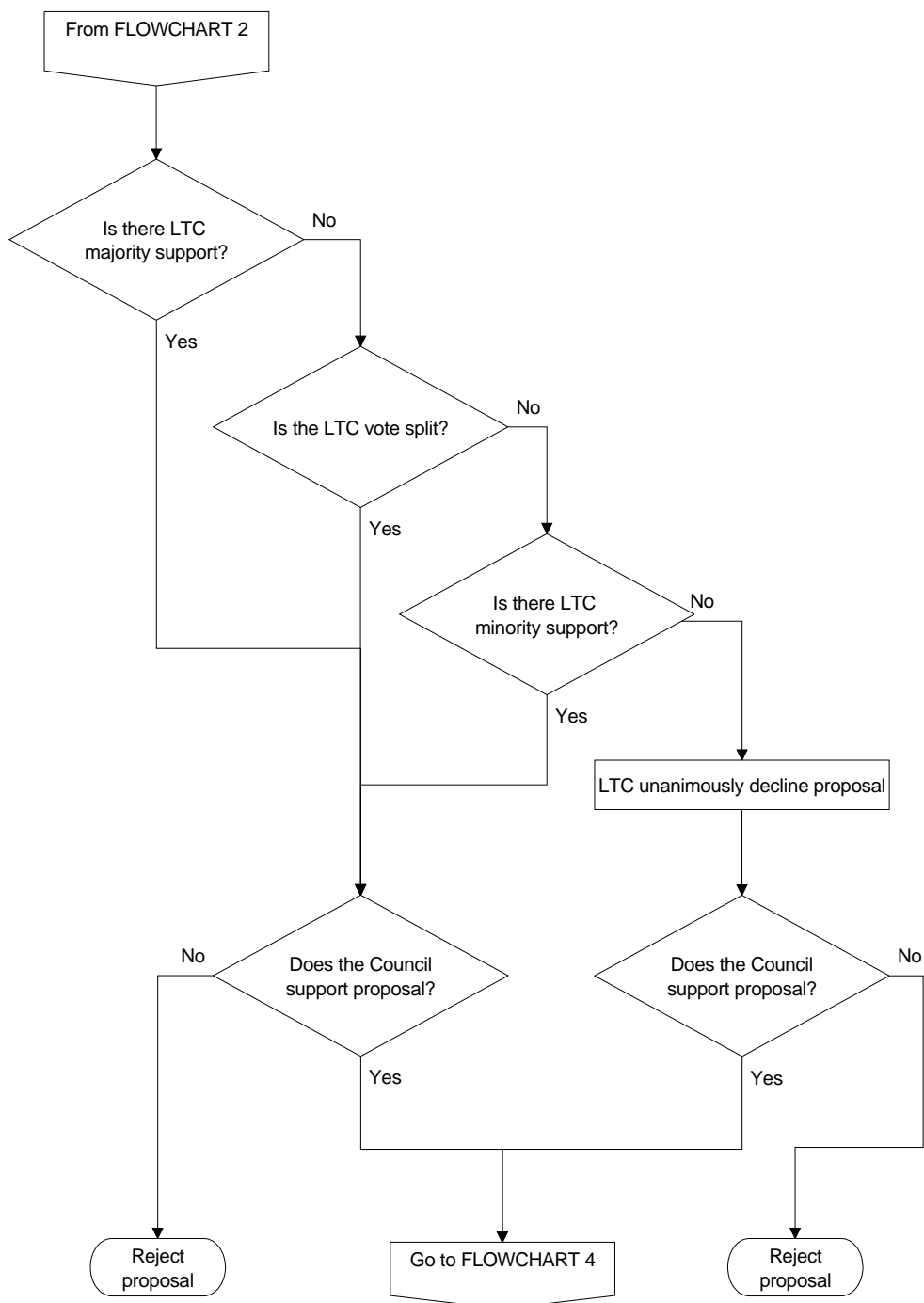
Delegation to Councils for the Regulation of Traffic

FLOWCHART 2
(Road Transport (Safety and Traffic Management) Act, 1999)





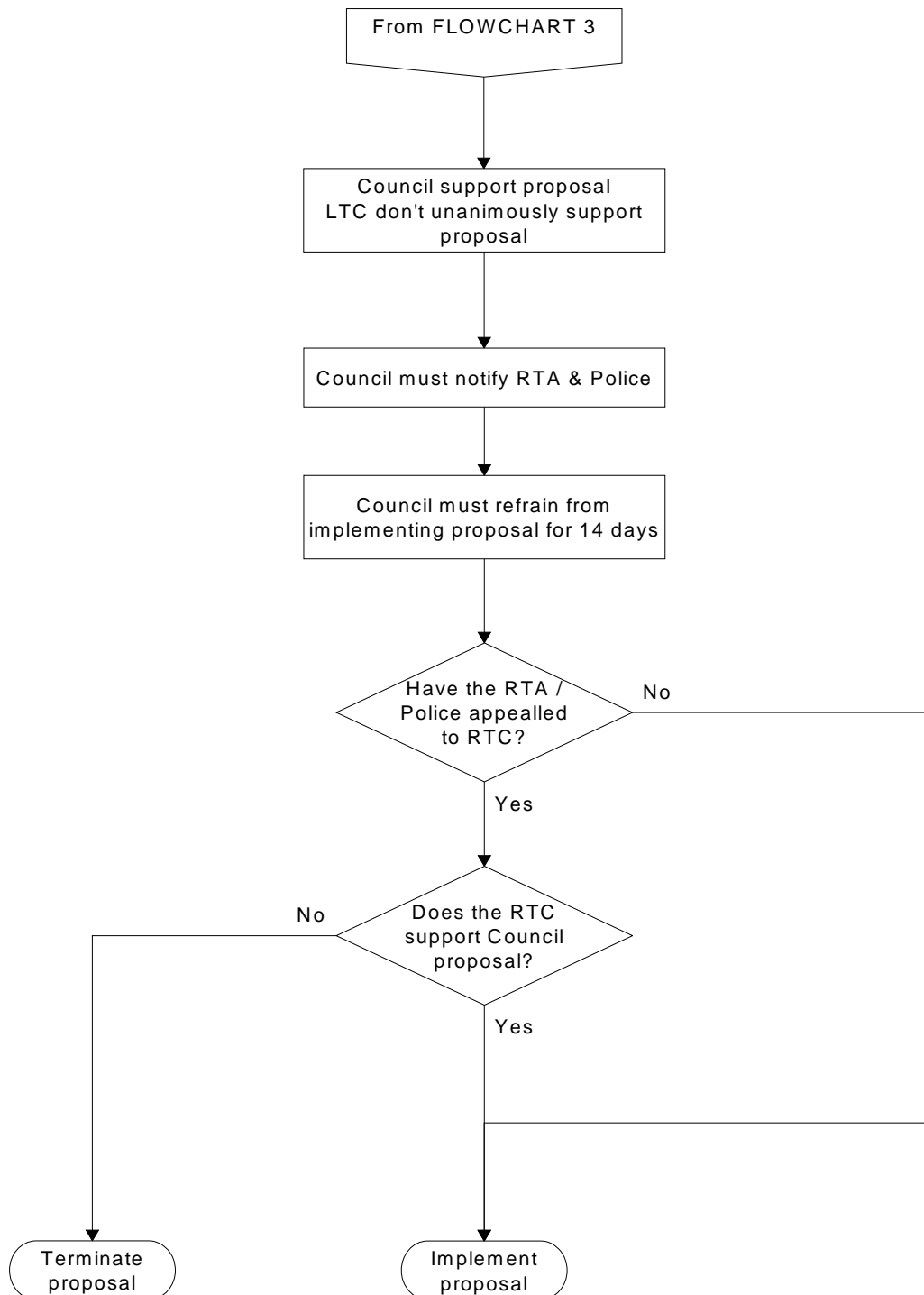
FLOWCHART 3
(Road Transport (Safety and Traffic Management) Act, 1999)





Delegation to Councils for the Regulation of Traffic

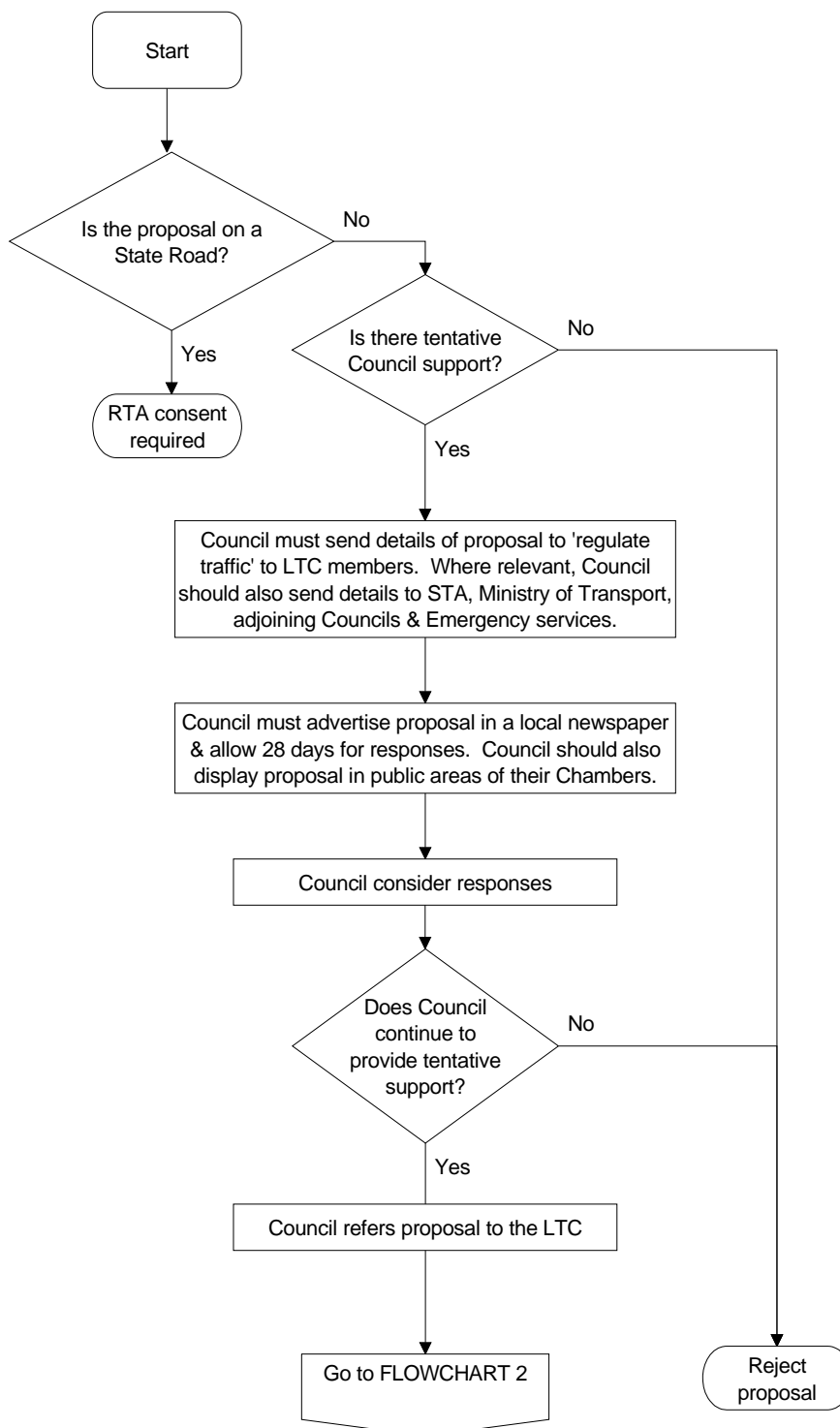
FLOWCHART 4
(Road Transport (Safety and Traffic Management) Act, 1999)





Process for Exercising Delegated Roads Act Powers

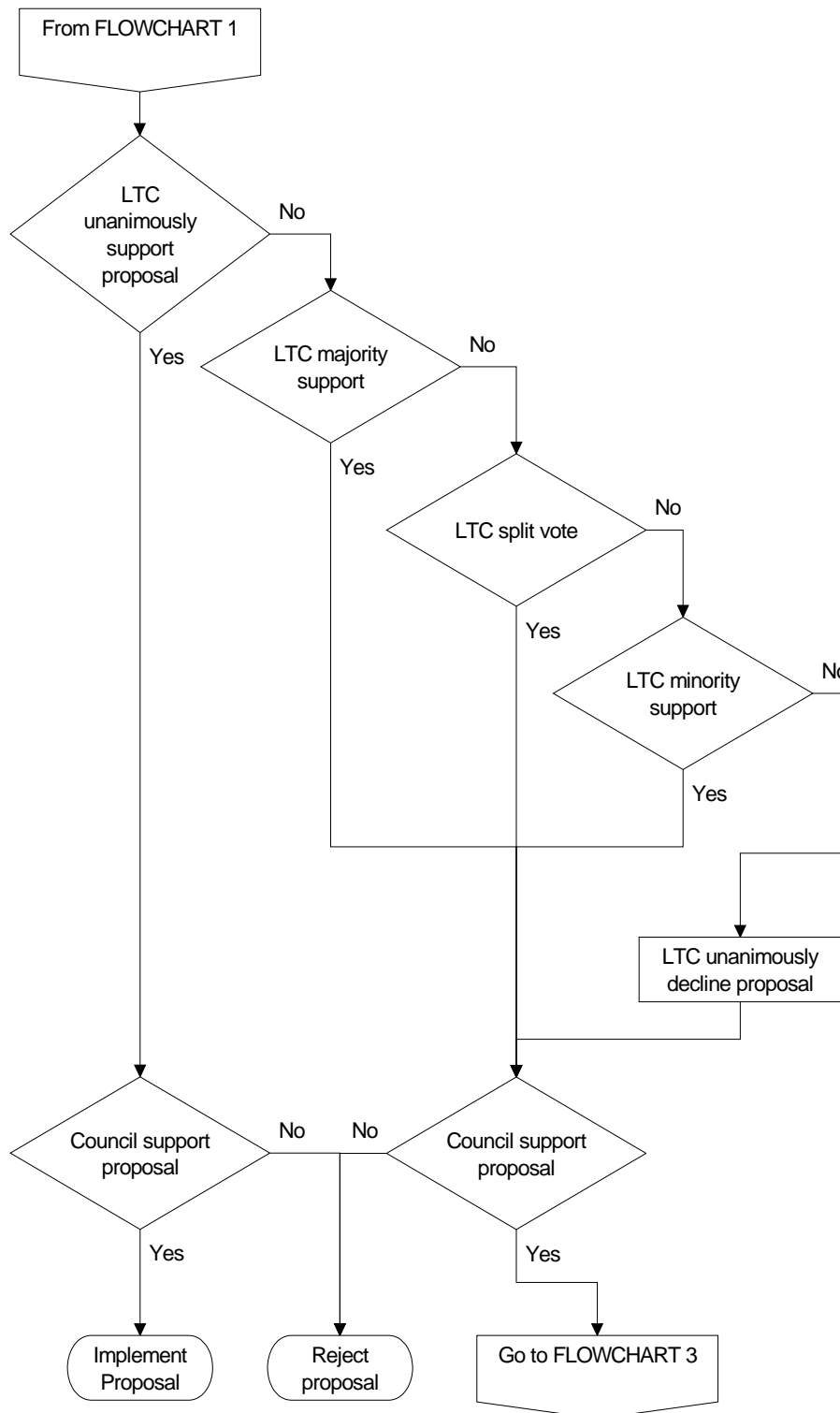
FLOWCHART I (Roads Act, 1993)





Delegation to Councils for the Regulation of Traffic

FLOWCHART 2 (Roads Act, 1993)

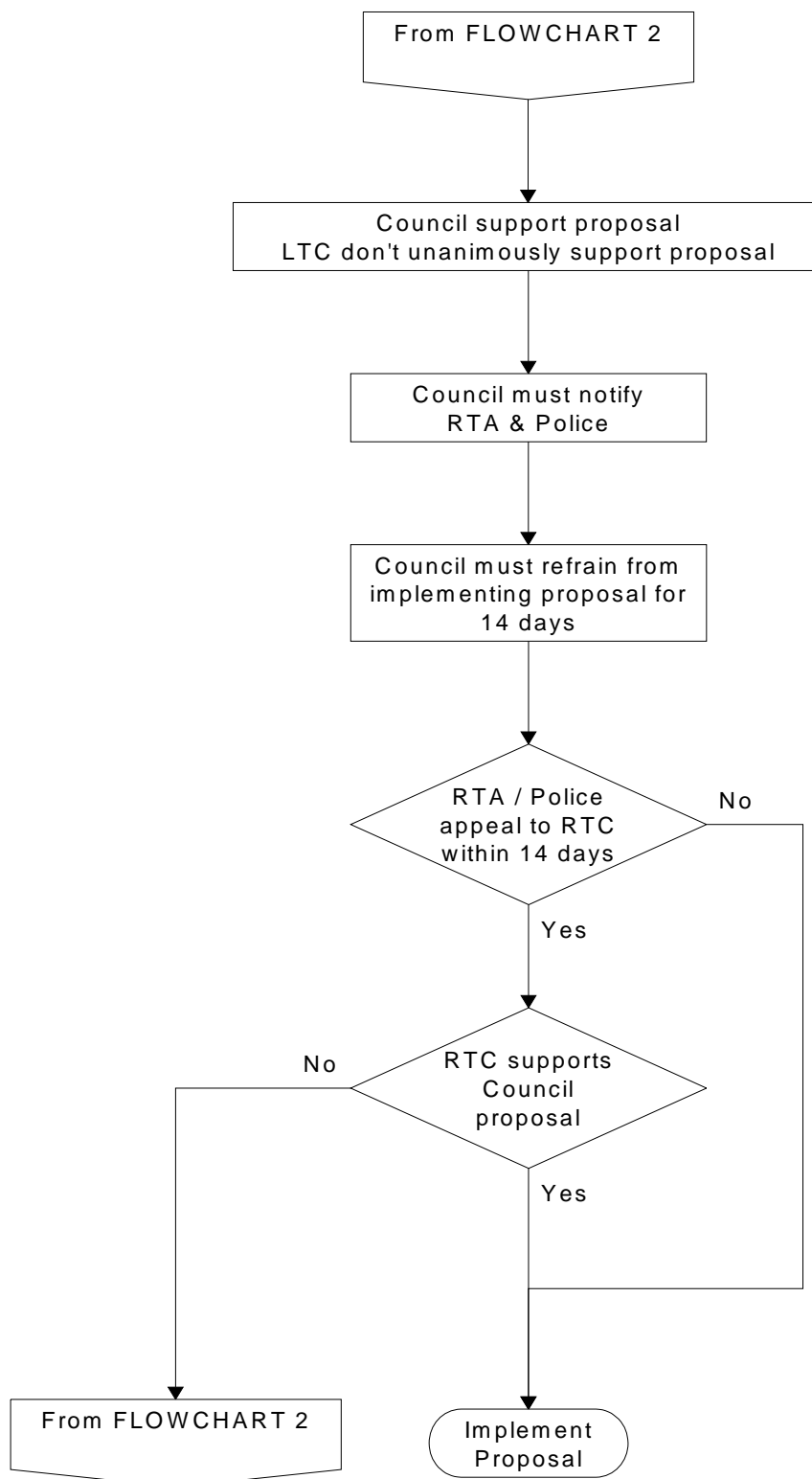




Delegation to Councils for the Regulation of Traffic

FLOWCHART 3

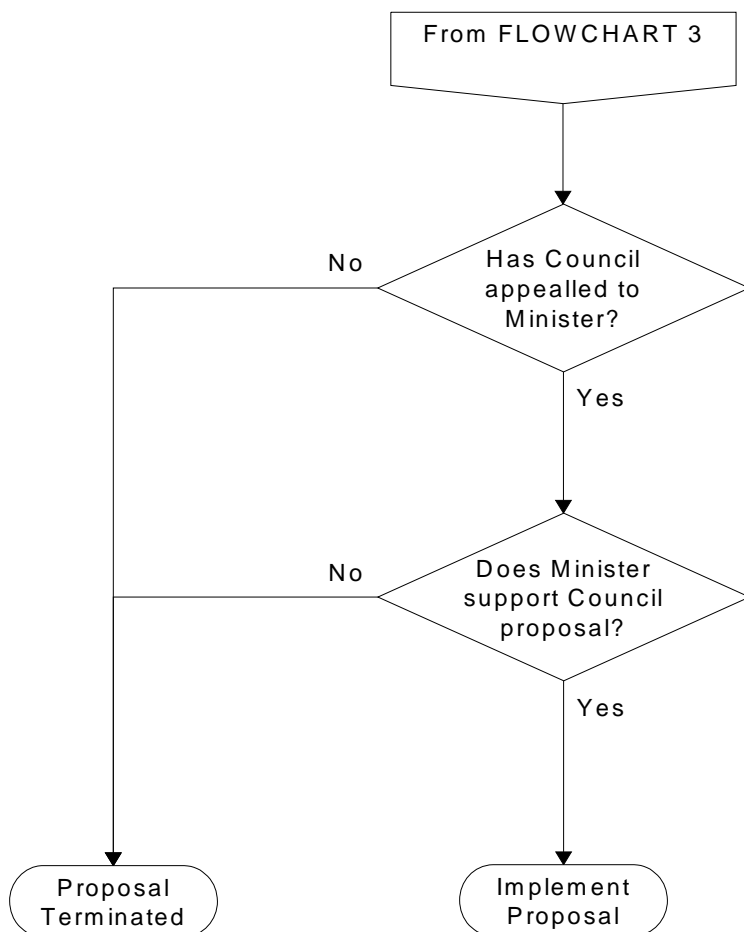
(Roads Act, 1993)





Delegation to Councils for the Regulation of Traffic

FLOWCHART 4
(Roads Act, 1993)





RTC TERMS OF REFERENCE

SCOPE	The Regional Traffic Committee deals with appeals from members of the Local Traffic Committees (RTA and NSW Police only) on matters delegated to Councils by the Roads and Traffic Authority.
ROLES	<ul style="list-style-type: none"> The Roads and Traffic Authority (hereinafter called "the Authority") pursuant to Section 50 of the Transport Administration Act 1988 and all other enabling powers hereby delegates to the chairperson of a Regional Traffic Committee appointed by the Authority. <ul style="list-style-type: none"> -- The exercise of all those functions of the Authority necessary to determine appeals by a member of the Local Traffic Committee in connection with the exercise of any of the functions delegated by the Authority to a council, or any of the functions sub-delegated by it, in respect of: <ol style="list-style-type: none"> Division 2 of Part 8 (Regulation of traffic by roads authorities) of the Roads Act 1993. Division 1 of Part 4 (Traffic control devices) of the Road Transport (Safety and Traffic Management) Act 1999. Division 2 of Part 5 (Special event parking schemes) of the Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999.
MEMBERSHIP	<ul style="list-style-type: none"> Independent Chairperson, Regional Traffic Committees Local Government and Shires Associations for each RTA Region Roads and Traffic Authority for each RTA Region
ENQUIRIES	<p>Should you have any further enquires please do not hesitate to contact the Secretary, Regional Traffic Committees by Facsimile on 8588 4164 or</p> <p>Email: regional_traffic_committee@rta.nsw.gov.au</p>



Delegation to Councils for the Regulation of Traffic

REGIONAL TRAFFIC COMMITTEE APPEAL FORM

SUBJECT OF APPEAL:		
APPELLANT (APPEAL) CONTACT:	Title: Name: Organisation: Phone: Fax: E-mail:	
DATE APPEAL SUBMITTED:	•	
REASON FOR APPEAL:	•	
RELEVANT HISTORY:	• • • •	
SUPPORTING DOCUMENTS:	• • <div style="text-align: right; margin-top: 10px;">(Please attach documents)</div>	
PARTIES TO APPEAL:	• • •	
DATE RECEIVED RTC use only		

Forward to:

Secretariat
 Office of the Chairperson
 Regional Traffic Committees
 Level 16 101 Miller Street
 Locked Bag 928
 NORTH SYDNEY NSW 2059

Facsimile: 8588 4164
 Email: regional_traffic_committee@rta.nsw.gov.au



Delegation to Councils for the Regulation of Traffic

[illegible]



For further enquiries:



www.rta.nsw.gov.au/trafficinformation/guidelines



technical_directions_publication@rta.nsw.gov.au



CONSTITUTION

**Georges River
Combined Councils Committee Inc.**

trading as

Georges Riverkeeper

Incorporated 20th November 1997

26 November 2020

Document Metadata

Date Created	November 2016 Adopted April 2017	Svetlana Kotevska, Georges River Combined Councils' Committee Program Manager
Most Recent Date Reviewed	November 2020	Georges Riverkeeper Executive Group and its Committee
Current Version	2.3	
Next Review		

Document Control

Version	Date	Author	Rationale
1	27 April 2017	Svetlana Kotevska, Georges River Combined Councils' Committee Program Manager	<ul style="list-style-type: none"> To abide by the <i>Associations Incorporations Act 2009</i>, noting that applicable legislation requires Incorporated Associations to have a 'Constitution' instead of 'Rules'. To enable any Participating Council under Administration (as a consequence of the amalgamations) to be able to vote.
2.1	10 September 2018	Beth Salt, Georges Riverkeeper With input from Leigh Adams of Own Hodge Lawyers, Clarence Street, Sydney	
2.2	15 November 2018	Beth Salt, Georges Riverkeeper Program Manager in consultation with the Executive Group. Adopted on 15 November 2018 at the General Meeting.	To be more inclusive of Georges Riverkeeper supporters and better reflect the actual running of the Committee and the Executive Group.
2.3	26 November 2020	Peter Ryan, Program Manager, Georges Riverkeeper in consultation with the Executive Group.	Georges Riverkeeper to fulfil commitments arising from new Hosting Arrangements.

Part 1 Preliminary

1 Definitions

(1) In this constitution:

Aboriginal Cultural Custodian means a representative from the Aboriginal community who attends General meetings (as a Stakeholder or Guest) and advises the Committee on Aboriginal issues pertinent to the Georges River and Georges Riverkeeper and its Programs.

Annual General Meeting means an annual meeting of the Members (as represented by their respective Participating Council Representatives, held for the purpose of amongst other things, attending to those matters set out in clause 30 hererof.

Committee means the people comprising all the Participating Council Representatives.

Executive Group means Chairperson, Vice-Chairperson and Treasurer.

General Meeting means a meeting that is open to all Members and Stakeholders and Guests. Members attend meetings only through their Participating Council Representative or Participating Council Representatives.

Georges Riverkeeper Staff means the Georges Riverkeeper staff who are employed by it to implement the Strategic Plan and Programs of Georges Riverkeeper.

Host Council means a Participating Council which has agreed to provide at its own cost such administrative services to Georges Riverkeeper as has been agreed to from time to time.

Host Council Manager means the person, if any, employed by the Host Council to work with Georges Riverkeeper to implement its Strategic Plans and Programs.

Guest means a person who is invited by an authorised person to attend a General Meeting. For the avoidance of doubt, a Guest is not a Member and has no voting rights.

Member means a member of the association known as Georges River Combined Councils' Committee Inc., being any Participating Council.

Office bearer or **officer** means a Participating Council Representative who is duly appointed to the position of Chairperson, or Vice-Chairperson or Treasurer.

Participating Council means such of the Councils pertinent to the Georges River catchment including Bayside, Campbelltown, Canterbury Bankstown, Fairfield, Georges River, Liverpool, Sutherland and Wollondilly Councils as continue to be Member from time to time, and such other Council or Councils as may be approved by the Members to be a Participating Council from time to time providing they are pertinent to the Georges River Catchment.

Participating Council Representative means a Councillor or administrator (as understood by the Corporations Act and other relevant legislation) of a Participating Council duly authorised

by that Council to represent that Council as a Participating Council Representative and who has been approved to act as such pursuant to the provisions in clause 10.1.

Participating Council Staff means the technical representatives for each Participating Council who help to implement Georges Riverkeeper Programs.

Program means a program which is outlined in one or more Strategic Plans.

Program Manager means the person employed by Georges Riverkeeper to implement the Georges Riverkeeper Programs directly and indirectly through Georges Riverkeeper staff and Participating Councils. The Program Manager is the Public Officer of Georges Riverkeeper.

Special general meeting means a general meeting of the Members other than an Annual General Meeting.

Stakeholder means a person who has the right to attend all General meetings as a representative of the organisation referred to in their application for Stakeholder status or who has attended General meetings on a regular basis (and not just in the capacity of a Guest) prior to July 2018. To avoid doubt, a Stakeholder is not a Member and has no voting rights.

Strategic Plan means a plan agreed upon by the Committee from time to time.

The Act means the [Associations Incorporation Act 2009](#).

The Regulation means the [Associations Incorporation Regulation 2016](#).

- (2) In this constitution:
 - a. a reference to a function includes a reference to a power, authority and duty, and
 - b. a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.
- (3) The provisions of the Interpretation Act 1987 apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

Part 2 Membership

2 Membership generally

- (1) A Council is eligible to be a Member of the association if the Council is within or pertinent to the Georges River catchment.
- (2) A Council is taken to be a Member if:
 - a. It has made application for registration according to clause 3 of this Constitution and that application has been successful; or
 - b. the Council was a Member prior to July 2018.

3 Application for membership

- (1) An application by a Council to become a Member:
 - a. must be made in writing (including by email) in the form and format comprising Appendix 1, and
 - b. must be lodged (including by electronic means) with the Program Manager.

- (2) As soon as practicable after receiving an application for Membership, the Program Manager must refer the application to the Executive Group, which must determine whether to endorse the application for tabling at the next General Meeting for approval.
- (3) If the Executive Group makes a determination to so table the application, then the Committee must determine whether to accept or reject the application at the General Meeting. As soon as practicable after the determination, the Committee must communicate the results of the determination to the Program Manager who must:
 - a. notify the applicant in writing (including by email) that the Committee has approved or rejected the application (whichever is applicable), and
 - b. if the Committee approves the application, request the applicant to pay (within the period of 28 days after receipt by the applicant of the notification) the sum payable under this constitution by a Member, which includes an annual Member fee and if applicable, an annual program fee.
- (4) The Program Manager must, on payment by the applicant of the amounts referred to in subclause (3) (b) within the period referred to in that sub-clause, enter or cause to be entered the Council as a Participating Council by entering its name in the register of Members and, on the name being so entered, the applicant becomes a Member.

4 Cessation of membership

A Participating Council ceases to be a Member if the Council:

- a. notifies the Program Manager that it no longer wishes to be a Member, or
- b. fails to pay the annual membership fee under clause 8 (2) within 3 months after the fee is due.

5 Membership entitlements not transferable

A right, privilege or obligation which a Participating Council has by reason of being a Member:

- a. is not capable of being transferred or transmitted to any other legal entity or person, and
- b. terminates on cessation of the Participating Council's Membership.

6 Resignation of membership

- (1) A Participating Council which has paid all amounts payable by the Participating Council in respect of the Participating Council's Membership may resign from Membership of the association by first giving to the Program Manager written notice of at least 1 month of the Participating Council's intention to resign and, on the expiration of the period of notice (providing it is at least of one month's duration), the Participating Council ceases to be a Member.
- (2) If a Participating Council ceases to be a Member under subclause (1), and in every other case where a Participating Council ceases to hold Membership, the Program Manager must make an appropriate entry in the register of Members recording the date on which the Participating Council ceased to be a Member.

7 Register of members

- (1) The Program Manager must establish and maintain a register of members of the association (whether in written or electronic form) specifying the name and postal address of each Participating Council which is a Member of the association together with the date on which the Participating Council became a Member.
- (2) The register of members must be kept in New South Wales:
 - a. at the main premises of the association, or
 - b. if the association has no premises, at the association's official address.
- (3) The register of members must be open for inspection, free of charge, by any Participating Council Representative of the association at any reasonable hour.
- (4) If the register of members is kept in electronic form:
 - a. it must be convertible into hard copy, and
 - b. the requirements in subclauses (2) and (3) apply as if a reference to the register of members is a reference to a current hard copy of the register of members.

8 Fees and subscriptions

- (1) Each Participating Council, of the association must, pay to the association an annual membership fee as determined and agreed upon by the Committee from time to time.
- (2) Each Participating Council of the association which benefits from any Program, must also pay an annual program fee as determined and agreed upon by the Committee from time to time.
- (3) Payment of annual membership fees and annual program fees will be required by 1 July in each calendar year.
- (4) Membership fees and program fees are non-refundable.

9 Members' liabilities

The liability of a Member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the Member in respect of Membership of the association as required by clause 8.

Part 3 Participating Council Representatives

10 Participating Council Representatives Generally

- (1) A person is eligible to represent a Participating Council if:
 - a. the person is a natural person,
 - b. the person is an elected Councillor of that Participating Council and has been nominated by that Participating Council to apply (*the applicant*) for appointment by the association to the position of Participating Council Representative and is so appointed by the Committee and is one of not more than three such appointees and where there is more than one such appointee, the appointees agree that together they only have one vote, or
 - c. the person is an Administrator of a Participating Council or a staff member of a Participating Council who has been given delegated authority by the Administrator.

11 Resolution of disputes

- (1) A dispute between a Participating Council Representative and another Participating Council Representative, or a dispute between a Participating Council Representative and other Participating Council Representatives is to be referred to a Community Justice Centre for mediation under the [Community Justice Centres Act 1983](#).
- (2) If a dispute is not resolved by such mediation within 3 months of the referral to a Community Justice Centre, then the dispute is to be referred to arbitration.
- (3) The [Commercial Arbitration Act 2010](#) applies to a dispute referred to arbitration.

12 Disciplining of Participating Council Representatives

- (1) A complaint may be made to the Committee by any Participating Council Representative in respect to any other Participating Council Representative alleging the latter:
 - a. has refused or neglected to comply with a provision or provisions of this constitution, or
 - b. has not abided by the Georges Riverkeeper Code of Conduct or Code of Meeting Practices, or
 - c. has wilfully acted in a manner prejudicial to the interests of the association, or
 - d. has not fully and promptly communicated to their respective Participating Council all developments and business of the association of which they are aware.
- (2) The Committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the Committee decides to deal with the complaint, then the Committee:
 - a. must cause notice of the complaint to be served on the alleged offending Participating Council Representative, and
 - b. must notify the General Manager of the Participating Council whose Participating Council Representative is the subject of the complaint, and
 - c. must give the Participating Council Representative at least 14 days from the time the notice is served within which to make submissions to the Committee in connection with the complaint, and
 - d. must take into consideration any submissions made by the alleged offending Participating Council Representative or General Manager of their corresponding Participating Council in connection with the complaint.
- (4) The Committee may, by resolution, expel the Participating Council Representative or suspend the membership of the Participating Council Representative from the Committee, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- (5) If the Committee expels or suspends a Participating Council Representative, the Program Manager must, within 7 days after the action is taken, cause written notice to be given to the Participating Council Representative of the action taken, of the reasons given by the committee for having taken that action and of the Participating Council Representative's right of appeal under clause 13.
- (6) In the case of expulsion or suspension, where the expulsion or suspension takes effect under sub-clause 7 hereof, the corresponding Participating Council must nominate another person to be its Participating Council Representative within 14 days after the expulsion or suspension takes effect.

- (7) The expulsion or suspension does not take effect:
- until the expiration of the period within which the Participating Council Representative is entitled to appeal against the resolution concerned, or
 - if within that period the Participating Council Representative exercises the right of appeal, unless and until the Committee confirms the resolution under clause 13, whichever is the later.

13 Right of appeal of disciplined Participating Council Representative

- (1) A Participating Council Representative may appeal to a General Meeting against a resolution of the Committee under clause 12, within 7 days after notice of the resolution is served on the Participating Council Representative, by lodging with the Program Manager a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the Participating Council Representative intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a Participating Council Representative under subclause (1), the Program Manager must notify the Committee, which is to then convene a General Meeting to be held within 28 days after the date on which the Program Manager received the notice. Notice of the General Meeting must be given to all Stakeholders as well as Participating Council Representatives.
- (4) At the General Meeting convened under subclause (3):
 - no business other than the question of the appeal is to be transacted, and
 - the Committee and the Participating Council Representative must be given the opportunity to state their respective cases orally or in writing, or both, and the Participating Council Representatives present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by a simple majority of votes cast by Participating Council Representatives of the association who attend the General Meeting.

Part 4 Stakeholders

14 Stakeholders generally

- (1) A person is eligible to apply to be a Stakeholder if:
 - the person is a natural person, and
 - the person has completed an application for Stakeholder status in a form substantially set out in Appendix 2 and either,
 - the person is a duly authorised representative of a pertinent State or Federal government department, or
 - the person is a duly appointed representative of a pertinent environmental group, or
 - the person is a duly authorised representative of the Aboriginal community.

15 Application

- (1) A person who wishes to become a Stakeholder must lodge their application for Stakeholder status, completed in accordance with the provisions of section 14.1(b) (including by electronic means) with the Program Manager.

- (2) As soon as practicable after receiving an application for Stakeholder status, the Program Manager must refer the application to the Executive Group.
- (3) The Executive Group must approve or to reject the application as soon as practicable after the Executive Group has approved or rejected the application as soon as practicable after its receipt from the Program Manager.
- (4) As soon as practicable after the Executive Group has approved or rejected the application, it must communicate the approval or rejection to the Program Manager who must notify the applicant in writing (including by email) whether the Executive Group has approved or rejected the application (as the case may be).

16 Cessation of Stakeholder status

A person ceases to be a Stakeholder if the person:

- a. dies, or
- b. resigns, or
- c. is expelled from the Georges Riverkeeper by reason of breach of the Georges Riverkeeper Code of Conduct or Code of Meeting Practices, or
- d. fails to attend three consecutive Committee meetings, or
- e. ceases to be employed by the organisation they represent, or
- f. ceases to be a member of the organisation they represent, or
- g. for any other just cause.

17 Stakeholder rights are not transferable

All rights of a Stakeholder are personal to that Stakeholder and cannot be transferred to any other person.

18 Resignation of a Stakeholder

- (1) An Stakeholder may resign their position as Stakeholder by giving to the Program Manager at least one month's written notice and the status of Stakeholder shall terminate on the expiration of the period of notice.
- (2) The Program Manager must make an appropriate entry in the register of Stakeholders to record the date on which the Stakeholder ceased to be a Stakeholder.

19 Register of Stakeholders

- (1) The Program Manager must establish and maintain a register of the Stakeholders (whether in written or electronic form) specifying the name and email address of each Stakeholder and the date on which the person became a Stakeholder and the date on which they ceased to be a Stakeholder.

20 Fees and subscriptions

No fees are required to be paid to Georges Riverkeeper by Stakeholders or a Guest.

Part 5 Georges Riverkeeper Staff

21 Georges Riverkeeper Staff

The staff of Georges Riverkeeper are employed by Georges Riverkeeper and Georges Riverkeeper has access to administrative assistance supplied by the Host Council. Georges Riverkeeper staff must abide by such of the Host Council's policies and procedures which Georges Riverkeeper does not have itself.

22 Georges Riverkeeper Program Manager

The Program Manager is the Public Officer of Georges Riverkeeper.

Part 6 The Committee

23 Powers of the Committee

Subject to the Act and the Regulation, this constitution and any resolution passed by the association in general meeting, the committee:

- a. is to control and manage the affairs of the association, and
- b. may exercise all the functions that may be exercised by the association, other than those functions that are required by this constitution to be exercised by a general meeting of Members of the association, and
- c. has power to perform all acts and do all things that appear to the Committee to be necessary or desirable for the proper management of the affairs of the association.

24 Composition and membership of the Committee

- (1) The Committee shall consist of all Participating Council Representatives.
 - a. Council

Note. Section 28 of the Act contains further requirements concerning eligibility for membership and composition of the committee.

- (2) The number of Participating Council Representatives on the Committee is to be between 8 and 24.
- (3) The office-bearers of the association are as follows:
 - a. the Chairperson,
 - b. the Vice-Chairperson, and
 - c. the Treasurer.
- (4) A Participating Council Representative may hold up to 2 offices (other than both the offices of Chairperson and Vice-Chairperson).
- (5) There is a maximum of 2 one-year consecutive terms for which a Participating Council Representative may hold the same office bearing position.
- (6) Georges Riverkeeper Staff, Participating Council Staff, Stakeholders and Guests cannot vote and are not Members of the Committee.
- (7) All Participating Council Representatives, Georges Riverkeeper Staff, Participating Council Staff, the Aboriginal Cultural Custodian, Stakeholders, and Guests of the Committee must follow the Georges Riverkeeper Code of Conduct while performing Georges Riverkeeper related activities.

Note. Schedule 1 to the Act provides that an association's constitution is to address the maximum number of consecutive terms of office of any office-bearers on the committee.

- (8) Each Participating Council Representative of the Committee is, subject to this constitution, to hold office until immediately before the election at the Annual General Meeting next following the date of the Participating Council Representative's election, and is eligible for re-election subject to this constitution.

25 Election of committee office bearers

- (1) Nominations of candidates for election as office-bearers of the association:
- a. must be made in writing, signed by 2 Participating Council Representatives of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
 - b. must be delivered to the Program Manager of the association at least 7 days before the date fixed for the holding of the Annual General Meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all office-bearer vacancies on the Committee, the candidates nominated are taken to be elected (subject to this constitution) and further nominations are to be received at the Annual General Meeting.
- (3) If insufficient further nominations are received, any vacant positions in respect to office bearers remaining on the Committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office-bearers of the Committee is to be conducted at the Annual General Meeting in any usual and proper manner that the Committee directs.
- (7) A person nominated as a candidate for election as an office-bearer of the association must be a Participating Council Representative of the association.
- (1)

26 Treasurer

It is the duty of the Treasurer of the association to ensure:

- a. that all money due to the association is collected and received and that all payments authorised by the association are made, and
- b. that correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association, and
- c. the financial situation of the association is properly monitored and that the Treasurer reports it to the Executive Group and to the Committee.

27 Casual vacancies

- (1) In the event of a casual vacancy occurring in the Committee office bearers, the Participating Council Representatives may appoint a Participating Council Representative of the association to fill the vacancy and the Participating Council Representative so appointed is to hold office,

subject to this constitution, until the Annual General Meeting next following the date of the appointment.

- (2) A casual vacancy of an office bearer occurs if the Participating Council Representative who is an officer bearer:
- a. dies, or
 - b. ceases to be a Participating Council Representative of the association, or
 - c. is or becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
 - d. resigns as an office bearer by notice in writing given to the Program Manager, or
 - e. is removed from such office under clause 28, or
 - f. becomes a mentally incapacitated person, or
 - g. is absent without the consent of the Committee from all meetings of the Committee held during a period of six months, or
 - h. is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
 - i. is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* of the Commonwealth, or
 - j. ceases to be a Councillor of their corresponding Participating Council by resolution of that Council or another Councillor is nominated to take the place of that Participating Council Representative.

28 Removal of officer bearers

- (1) The association in general meeting may, having given such notice as it deems reasonable in the circumstances to a Participating Council Representative that it wishes to consider and if thought fit remove that person as an officer bearer, by ordinary resolution remove that Participating Council Representative as an office bearer before the expiration of that person's term of office and may by resolution appoint another person to hold that office until the expiration of the term of office of the Participating Council Representative so removed.
- (2) If a Participating Council Representative to whom a proposed resolution referred to in subclause (1) relates makes representations in writing to the Program Manager or Chairperson (not exceeding a reasonable length) and requests that the representations be notified to the other Participating Council Representatives of the association prior to the general meeting, the Program Manager or the Chairperson may send a copy of the representations to each other Participating Council Representative of the association prior to the general meeting or, if the representations are not so sent, the Participating Council Representative is entitled to require that the representations be read out at the general meeting at which the resolution is considered.

Part 7 General meetings

29 Annual general meetings—holding of

- (1) The association must hold its first Annual General Meeting within 18 months after its registration under the Act.
- (2) The association must hold its Annual General Meetings:

- a. within 6 months after the close of the association's financial year, or
- b. within any later time that may be allowed or prescribed under section 37 (2) (b) of the Act.

30 Annual general meetings—calling of and business at – and general provisions pertaining to meetings

- (1) The Annual General Meeting of the association is, subject to the Act and to clause 41, to be convened on the date and at the place and time that the Committee thinks fit.
- (2) In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting is to include the following:
 - a. to confirm the minutes of the last preceding Annual General Meeting and of any special general meeting held since that meeting,
 - b. to receive from the Committee reports on the activities of the association during the last preceding financial year,
 - c. to elect office-bearers of the association and Participating Council Representatives, to receive and consider any financial statement or report required to be submitted to participating Council representatives under the Act.
- (3) An Annual General Meeting must be specified as that type of meeting in the notice convening it.
- (4) For the avoidance of doubt, all General Meetings of whatever nature, whether annual, general or special, are meetings of the Committee members which are in turn meetings of the Member's Participating Council Representatives.

31 Special general meetings—calling of

- (1) The Committee or Executive Group may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The Committee must, on the requisition of at least three of the total number of Participating Council Representatives, convene a special general meeting of the association.
- (3) A requisition of Participating Council Representatives for a special general meeting:
 - a. must be in writing, and
 - b. must state the purpose or purposes of the meeting, and
 - c. must be signed by the Participating Council Representatives making the requisition, and
 - d. must be lodged with the Program Manager, and
 - e. may consist of several documents in a similar form, each signed by one or more of the Participating Council Representatives making the requisition.
- (4) If the Committee fails to convene a special general meeting to be held within 1 month after the date on which a requisition of Participating Council Representatives for the meeting is lodged with the Program Manager, any one or more of the participating Council representatives who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a Participating Council Representative or Participating Council Representatives as referred to in subclause (4) must be convened as nearly as is practicable in the same manner as General Meetings are convened by the Committee and any

participating Council representative who consequently incurs expense is entitled to be reimbursed by the association for any expense so incurred.

- (6) For the purposes of subclause (3):
 - a. a requisition may be in electronic form, and
 - b. a signature may be transmitted, and a requisition may be lodged, by electronic means.

32 Notice

- (1) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the Program Manager must, at least five days before the date fixed for the holding of a General Meeting, give a notice to each Participating Council Representative and Stakeholder specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the Program Manager must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each Participating Council Representative and Stakeholder specifying, in addition to the matter required under subclause (1), the intention to propose the resolution as a special resolution.

Note. A special resolution must be passed in accordance with section 39 of the Act.

- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under clause 39 (2).
- (4) A Participating Council Representative desiring to bring any business before a general meeting may give notice in writing of that business to the Program Manager who must include that business in the next notice calling a general meeting given after receipt of the notice from the Participating Council Representative.

33 General Committee meetings and quorum

- (1) The Committee must meet at least 3 times in each period of 12 months at the place and time that the Committee may determine.
- (2) Additional meetings of the Committee may be convened by the Chairperson, Program Manager or by any participating Council representative of the Committee.
- (3) Oral or written notice of a meeting of the Committee must be given by the Program Manager, or someone delegated by the Program Manager to each Participating Council Representative at least 48 hours (or any other period that may be unanimously agreed on by the Participating Council Representative) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subclause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the Committee's Participating Council Representatives present at the meeting unanimously agree to treat as urgent business.
- (5) Any three Participating Council Representatives who together represent at least two separate Participating Councils constitute a quorum of the Committee for the transaction of the business of a meeting of the Committee.

- (6) No business is to be transacted by the Committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the Committee:
 - a. the Chairperson or, in the Chairperson's absence, the vice-Chairperson or Treasurer, respectively, is to preside, or
 - b. if the Chairperson and the vice-Chairperson or Treasurer, respectively, are absent or unwilling to act, one of the remaining participating Council representatives of the Committee chosen by the participating Council representatives present at the meeting is to preside.

34 Presiding member

- (1) The Chairperson or, in the Chairperson's absence, the vice-Chairperson, is to preside as chairperson at each general meeting of the association.
- (2) In the absence of the Chairperson and the vice-Chairperson the Treasurer is to preside as chairperson at the general meeting of the association.
- (3) If the Chairperson, the vice-Chairperson and the Treasurer are absent or unwilling to act, the participating Council representatives present must elect one of their number to preside as chairperson at the meeting.

35 Adjournment

- (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of the majority of participating Council representatives present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 14 days or more, the Program Manager must give written or oral notice of the adjourned meeting to each Participating Council Representative stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in subclauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

36 Making of decisions

- (1) A question arising at a general meeting of the association is to be determined by:
 - a. a show of hands or any appropriate corresponding method that the Committee may determine, or
 - b. if on the motion of the Chairperson or if 3 or more Participating Council Representatives present at the meeting decide that the question should be determined by a written ballot—a written ballot.
- (2) If the question is to be determined by a show of hands, a declaration by the Chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a

particular majority or lost, or an entry to that effect is made in the minute book of the association, shall be evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

- (3) Subclause (2) applies to a method determined by the Committee under subclause (1) (a) in the same way as it applies to a show of hands.
- (4) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the Chairperson.

37 Special resolutions

A special resolution may only be passed by the association in accordance with section 39 of the Act.

38 Voting

- (1) On any question arising at a general meeting of the association each Participating Council has one vote only regardless of the number of its Participating Council Representatives (which in any event cannot exceed three at one time).
- (2) In the case of an equality of votes on a question at a general meeting, the Chairperson is entitled to exercise a second or casting vote.
- (3) A participating Council representative is not entitled to vote at any general meeting of the association unless all money due and payable by the participating Council to the association has been paid.

39 Appointment of Proxies

- (1) Proxy voting can be undertaken at or in respect of a general meeting but no participating Council representative may hold more than 5 proxies in any 12 month period.
- (2) Each Participating Council Representative is entitled to appoint a Participating Council Representative of a different Participating Council as proxy by notice given to the Program Manager no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (3) The notice of appointing the proxy is to be in the form set out in Appendix 3 to this constitution.

Note. Schedule 1 to the Act provides that an association's constitution is to address whether members of the association are entitled to vote by proxy at general meetings.

40 Postal or electronic ballots

- (1) The association may hold a postal or electronic ballot (as the Committee may determine from time to time) to determine any issue or proposal (other than an appeal under clause 13).
- (2) A postal or electronic ballot is to be conducted in accordance with Schedule 3 to the Associations Incorporations Regulation 2016 (NSW).

41 Use of technology at general meetings

- (1) A general meeting may be held at 2 or more venues using any technology approved by the committee that gives each of the association's Participating Council Representatives a reasonable opportunity to participate.

- (2) A Participating Council Representative who participates in a general meeting using that technology is taken to be present at the meeting and, if the participating Council representative votes at the meeting, they are taken to have voted in person.

Part 8 The Executive Group

42 Delegation by Committee to the Executive Group

- (1) The Committee may delegate to the Executive Group such functions of the Committee that are specified in the instrument of delegation, other than:
 - a. this power of delegation, and
 - b. a function which is a duty imposed on the Committee by the Act or by any other law.
- (2) A function the exercise of which has been delegated to the Executive Group under this clause may, while the delegation remains unrevoked, be exercised from time to time by the Executive Group in accordance with the terms of the delegation.
- (3) A delegation under this clause may be made subject to any conditions or limitations as to the exercise of any function, or as to time or circumstances that may be specified in the instrument of delegation.
- (4) Despite any delegation under this clause, the Committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by the Executive Group acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the Committee.
- (6) The committee may, by instrument in writing at any time or from time to time, revoke wholly or in part, any delegation under this clause.
- (7) The Executive Group will meet monthly or otherwise as it thinks proper.

43 Composition of the Executive Group

- (1) The Executive Group shall be comprised of three (3) people:
 - a. three office bearers as follows, who must be Participating Council Representatives and who represent at least two different Participating Councils:
 - i. Chairperson;
 - ii. Vice-Chairperson; and
 - iii. Treasurer.
- (2) The administrative officer, being such Georges Riverkeeper Staff designated by the Participating Council Representatives to attend the Executive Group meetings to take its minutes, will attend the meetings to take its minutes.
- (3) Any Stakeholder or Guest may attend the Executive Group meetings and Stakeholders are to be given notice of all such meetings.

44 Responsibilities of the Executive Group

The Executive Group is charged with the following responsibilities. It must:

- a. Perform all such acts and exercise all such functions as are delegated to it from time to time but it cannot perform functions that are required by this Constitution to be exercised solely by the Committee;
- b. In the absence of any express delegation, it must (subject to clause 43) perform all such acts and do all such things as appear to the Executive Group to be necessary or desirable for the proper management of the affairs of the association between its General Meetings.
- c. Members of the Executive Group will be bound to follow the Georges Riverkeeper Code of Conduct and the Georges Riverkeeper Code of Meeting Practices.

45 Function of the Executive Group

- (1) Members of the Executive Group shall receive written minutes of Executive Group meetings prior to the next Executive Group Meeting.
- (2) An Executive Group outcomes report shall be issued prior to the Committee reporting on what has taken place at the Executive Group meetings, and they will be tabled and discussed, accepted, rejected or amended by the Committee in the Committee's sole and unfettered discretion.
- (3) Any decision of the Executive Group may be rescinded (except in relation to matters of expenditure) or otherwise carried out) by the Committee at one of its General meetings.
- (4) Written or email notice of each proposed Executive Group meeting shall be given by the Program Manager or by someone delegated by the Program Manager for such purpose, to each member of the Executive Group at least two (2) business days before the time appointed for the holding of the meeting.
- (5) Notice of a meeting shall specify the agenda and where possible the specific motions and proposals to be considered at the meeting. Where any member of the Executive Group is unable to attend the proposed meeting in person, the meeting may be held by such other means such as the Program Manager may specify in any notice of meeting such as by phone conference etc.
- (6) Guests may be invited to attend Executive Group meetings by decision of the Executive Group or by invitation of any Executive Group member.

46 Vacant Positions

If any position within the Executive Group required to be filled under clause 44 is not filled, or becomes vacant, then refer to clause 27 hereof.

47 Quorum

A quorum for an Executive Group meeting shall be no less than three (3) members of the Executive Group and decisions will be made on a consensus basis preferably but if necessary by majority vote amongst those present and voting. A minimum of two (2) Participating Council Representatives are required to vote in order to pass any resolution.

48 Authorisation of Expenditure

The Program Manager may authorise expenditure of any item of any value as long as it is within the approved operating budget for that current financial year as indicated in the Strategic Plan and expenditure is conducted within the Host Council policies and procedures.

Where an unexpected operational expense arises (eg. boat engine replacement) that is essential for the association and the Programs to continue operating effectively, the Executive Group may authorise that expense.

Part 9 Miscellaneous

49 Insurance

The association may effect and maintain insurance.

50 Funds—source

- (1) The funds of the association are to be derived from annual member fees and annual program fees, grants, donations and, subject to any resolution passed by the association in general meeting, any other sources that the Committee determines.
- (2) The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

51 Funds—management

- (1) Subject to any resolution passed by the association in general meeting, the funds of the association are to be used solely in pursuance of the objects of the association in the manner that the Committee determines.
- (2) The objects of the association are to develop and implement the Strategic direction of the organisation through Programs using the funds from Members for the protection and conservation of the Georges River and its catchment.
- (3) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 authorised signatories.

52 Association is non-profit

Subject to the Act and the Regulation, the association must apply its funds and assets solely in pursuance of the objects of the association and must not conduct its affairs so as to provide a pecuniary gain for any of its members.

Note. Section 5 of the Act defines *pecuniary gain* for the purpose of this clause.

53 Distribution of property on winding up of association

- (1) Subject to the Act and the Regulations, in a winding up of the association, any surplus property of the association is to be transferred to another organisation with similar objects and which is not carried on for the profit or gain of its individual members.
- (2) In this clause, a reference to the surplus property of an association is a reference to that property of the association remaining after satisfaction of the debts and liabilities of the association and the costs, charges and expenses of the winding up of the association.

Note. Section 65 of the Act provides for distribution of surplus property on the winding up of an Association.

54 Change of name, objects and constitution

An application for registration of a change in the association's name, objects or constitution in accordance with section 10 of the Act is to be made by the public officer or a Participating Council Representative.

55 Custody of books etc

Except as otherwise provided by this constitution, all records, books and other documents relating to the association must be kept in New South Wales:

- a. at the main premises of the association, in the custody of the public officer or a member of the association (as the committee determines), or
- b. if the association has no premises, at the association's official address, in the custody of the public officer.

56 Inspection of books etc

- (1) The following documents must be open to inspection, free of charge, by a member of the association at any reasonable hour:
 - a. records, books and other financial documents of the association,
 - b. this constitution,
 - c. minutes of all Committee meetings and other meetings (however described) of the association.
- (2) A Member of the association or its Participating Council Representative may obtain a copy of any of the documents referred to in subclause (1) on payment of a fee of not more than \$1 for each page copied.
- (3) Despite subclauses (1) and (2), the Committee may refuse to permit a Member of the association or its Participating Council Representative to inspect or obtain a copy of records of the association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the association.

57 Service of notices

- (1) For the purpose of this constitution, a notice may be served on or given to a person:
 - a. by delivering it to the person personally, or
 - b. by sending it by pre-paid post to the address of the person, or
 - c. by sending it by email to an address specified by the person for giving or serving the notice.
- (2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
 - a. in the case of a notice given or served personally, on the date on which it is received by the addressee, and
 - b. in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
 - c. in the case of a notice sent by email, on the date it was sent providing no notice of non-delivery is received by the sender.

58 Financial year

The financial year of the association is:

- a. the period of time commencing on the date of incorporation of the association and ending on the following 30 June, and
- b. each period of 12 months after the expiration of the previous financial year of the association, commencing on 1 July and ending on the following 30 June.

Note. Clause 19 of the Regulation contains a substitute clause 47 for certain associations incorporated under the [Associations Incorporation Act 1984](#).

APPENDIX 1

APPLICATION FOR MEMBERSHIP OF ASSOCIATION BY A COUNCIL (CLAUSE 3)

**Georges River Combined Councils Committee Incorporated trading as Georges Riverkeeper
(Incorporated under the Associations Incorporation Act, 2009)**

I,

.....

.....

(full name of General Manager)

representing,

.....

.....

(Council name)

of.....

(Council address)

hereby apply on behalf of the Council for the Council to become a member of the abovementioned incorporated association. In the event of admission as a member, I agree on behalf of the said Council, that the Council will be bound by the rules of the association for the time being in force.

.....
Signature of General Manager or
equivalent

Date:

I..... a Participating Council
Representative,

(full name)

nominate the above Council for the position of Participating Council of the association.

.....
Signature of Participating Council Representative

Date:

APPENDIX 2

APPLICATION FOR STAKEHOLDER STATUS

**Georges River Combined Councils' Committee Incorporated trading as Georges Riverkeeper
(Incorporated under the Associations Incorporation Act, 2009)**

I,

.....

.....

(full name of proposed Stakeholder)

representing,

.....

.....

(name of organisation)

of.....
(organisation address)

hereby apply on behalf of the above organisation to become a Stakeholder as defined in the constitution of Georges Riverkeeper. In the event of my application being successful, I agree to be bound by the constitution of Georges Riverkeeper and its Code of Conduct and Code of Meeting Practices which apply from time to time.

.....
Signature of Applicant

Date:

I..... a Participating Council
Representative,
(full name of Participating Council Representative)

nominate the applicant, who is personally known to me, for Stakeholder status.

.....
Participating Council Representative

Date:

APPENDIX 3

FORM OF APPOINTMENT OF PROXY (CLAUSE 40)

I,
(full name of participating Council representative)

being a member of
(participating Council name)

hereby appoint

.....
(full name of proxy, must be a Participating Council Representative of a Participating Council)
as my proxy to vote for me on my behalf at the General Meeting of the association / Annual General Meeting
/ Special General Meeting of the association, as the case may be, to be:

held on the..... day of, 20..... and at any adjournment of that meeting.

Signature of member appointing proxy..... Date:.....

Signature of proxy..... Date:.....

NOTE: A proxy vote may not be given to a person who is not a Participating Council Representative of a Participating Council.



GEORGES RIVER COMBINED COUNCILS' COMMITTEE INC.

WHO ARE WE?

Georges Riverkeeper's role is to work with our eight member councils to look after the Georges River and its catchment by implementing the Programs outlined in our Georges Riverkeeper Strategic Plan. Formed in 1979 by community and councils with a collective responsibility for the health of the Georges River to work together to improve its environmental condition and ongoing management.

Georges Riverkeeper staff comprises of professionals with diverse career backgrounds. The Team includes a Program Manager, two Program Coordinators: Environmental Officer and Aquatic Ecologist, Administration and Project Support Officer and Communications Officer.

**Georges Riverkeeper's Aspirational Goal is:
Best environmental practice for a liveable urban river**

GEORGES RIVERKEEPER COMMITTEE

A General Meeting is held four or five times per year and is attended by Georges Riverkeeper staff, Host Manager, member councils' nominated representative Councillors, council staff and community representatives. These meetings are held on a Thursday evening from 6-9pm and are hosted by one of our member councils.



The Committee Group at the February 2021 General Meeting Site Visit hosted by Campbelltown City Council

2022 COMMITTEE MEETINGS

- 24 February 2022 AGM @ Georges River Council
- 28 April 2022 @ Canterbury Bankstown City Council
- 16 June 2022 @ Sutherland Shire Council
- 18 August 2022 @ Bayside Council
- 17 November 2022 AGM @ Campbelltown City Council



Pelican flying over Georges River



GEORGES RIVER COMBINED COUNCILS' COMMITTEE INC.

GEORGES RIVERKEEPER EXECUTIVE GROUP

Georges Riverkeeper's day-to-day operations are managed by the Georges Riverkeeper Executive Group. The roles of Chairperson, Vice-Chairperson and Treasurer are filled by Councillors and are elected annually at our Annual General Meeting. The Executive Group meets monthly on a Thursday evening via Teams.

The Executive Groups consists of:

- Georges Riverkeeper Chairperson
- Georges Riverkeeper Vice-Chairperson
- Georges Riverkeeper Treasurer:
- Georges Riverkeeper Program Manager
- Georges Riverkeeper Host Management



Paddle Against Plastic Event 2021

EXCITING THINGS COMING UP AT GEORGES RIVERKEEPER

- Implementing our *Zero Litter to the River* project as part of the Environmental Restoration Fund grant
- Reviewing our current Strategic Plan and drafting our upcoming Strategic Plan for 2022-2026
- Water quality monitoring and sampling as part of our River Health Program
- Ongoing works in litter prevention, such as AUSMAP and micro-plastics auditing as part of our Catchment Action Program
- Continued collaboration with Universities such as UNSW and Macquarie University as part of our Research Program
- Continued contribution and participation in the development of the Georges River Catchment Coastal Management Program
- And much more!



Georges Riverkeeper team with Local Land Services, DPIE & NPWS



BUSH FIRE MANAGEMENT COMMITTEE CHARTER

1. Bush Fire Management Committees Purpose and Mission Statement

Purpose

The purpose of the Bush Fire Management Committee (BFMC) is to provide cooperative interaction between organisations, agencies and the community that leads to effective coordinated bush fire management throughout the BFMCs area and land adjoining.

Mission

Ensure that bush fire management is adequately assessed and designed for holistic protection of the community, based on a tenure blind, cooperative and coordinated approach that utilises community and interagency involvement.

2. Legislated Authority

BFMCs are committees established under the provisions of the *Rural Fire Act 1997* and the *Rural Fires Regulation 2013*. A BFMC is constituted by the Bush Fire Coordinating Committee (BFCC), under the provisions of Section 50 of the *Rural Fires Act 1997*.

3. Legislated Functions of BFMCs

The key functions are specified in Section 51 and 52 of the *Rural Fires Act 1997* and Clause 15 of the *Rural Fires Regulation 2013*.

BFMCs legislated functions are:

3.1 Preparation of plans

- 3.1.1 Prepare, monitor and maintain a Bush Fire Risk Management Plan for the BFMCs area of responsibility in accordance with the policy and directions issued by the BFCC.
- 3.1.2 Prepare, monitor and maintain an Operations Coordination Plan (Plan of Operations) for the BFMCs area of responsibility in accordance with the policy and directions issued by the BFCC.
- 3.1.3 Prepare, monitor and maintain a Fire Access and Fire Trail Plan (FAFT Plan) for the BFMCs area of responsibility in accordance with the policy and directions issued by the BFCC.
- 3.2 Report to the BFCC on the implementation of each Bush Fire Risk Management Plans and Fire Access and Fire Trail Plans on an annual basis.
- 3.3 Assist the BFCC in the performance of its functions under Sections 48, 60 (2) and 63(4) of the Act.

- 3.4 Assist the BFCC by drawing to its attention, or to the attention of the Commissioner or public authorities in their area, any matter they consider relevant to the protection of life, property and the environment from bush fires.

4. Responsibilities of BFMCs

Further to the functions as prescribed by the legislation the BFCC has identified the following responsibilities for BFMCs.

- 4.1 Promote and develop coordination and cooperation between member organisations and agencies.
- 4.2 Identify and utilise opportunities for relevant multi-agency training activities.
- 4.3 Assist in the coordination of bush fire mitigation works programs in the BFMCs area of responsibility including the assessment and prioritisation of funding applications that support these activities.
- 4.4 Prepare an Annual Works Program for the BFMCs area of responsibility as per BFCC Policy for Bush Fire Risk Management.
- 4.5 Develop an Annual Ignition Prevention Plan and identify strategies designed to address the occurrence of bush fires within their area.
- 4.6 Prepare and maintain an Operations Coordination Manual as detailed in BFCC Policy for Management of Bush Fire Operations.
- 4.7 Complete a Pre-season Checklist as detailed in the BFCC Policy for Management of Bush Fire Operations.
- 4.8 Prepare and submit a FAFT Plan Treatment Register as outlined in the BFCC Policy for Fire Access and Fire Trails
- 4.9 Identify and facilitate the utilisation of opportunities for multi-organisation / agency bush fire related community education activities.
- 4.10 Undertake consultation / communication between organisations / agencies and the community on bush fire management issues.
- 4.11 Monitor and report on hazard reduction along with other bush fire risk mitigation works and BFMC activities to the BFCC in accordance with the BFCC's directions.

5. A BFMC is not a Fire Fighting Authority

A BFMC has no power to conduct or take part in fire fighting or fire prevention operations authorised by the Act, the Regulation or any other Act or statutory instrument.

6. Principles

- 6.1 All activities of the BFMC must be undertaken in accordance with the policies and directions issued by the BFCC.
- 6.2 Statutory roles and responsibilities of government agencies and rights of landholders are to be recognised and respected.
- 6.3 BFMC's are to provide a forum for discussion and familiarisation between organisations, agencies, groups and individuals, facilitating comprehensive, cooperative and coordinated bush fire management in its area.
- 6.4 All activities are to be undertaken having regard to the principles of ecologically sustainable development described in Section 6 of the *Protection of the Environment Administration Act 1991*.
- 6.5 All activities and decisions must adhere to the principles of good governance in the public sector. The BFMC is to ensure that it acts in the public interest at all times. The conduct of a BFMC should display a strong commitment to integrity, ethical values, transparency and the rule of law.
- 6.6 The BFMC is to work closely with its community; and balance matters relative to the protection of life, property, socio-economic values and the environment with regard to the potential impact from bush fires.
- 6.7 Decisions of the BFMC are to be by consensus.
- 6.8 Decisions must be based on a tenure blind approach.

7. Membership

Eligibility for membership is set by Clause 14 and 18 of the *Rural Fires Regulation 2013*. Although membership is not compulsory, the BFCC encourages all eligible agencies / organisations to participate at the BFMC level. Involvement of other key stakeholders (e.g. a significant land owner within the area) as a BFMC Member can also occur with prior approval from the BFCC.

8. The BFMC Handbook

To provide guidance to BFMCs, the BFCC has prepared a supporting document known as the BFMC Handbook, which contains more detail on the BFCC's requirements and offers supporting information to assist BFMCs. The BFMC Handbook is broken down into three parts.

- ▶ Part A of the BFMC Handbook provides detailed information and guidance on BFMC roles, responsibilities and membership
- ▶ Part B of the BFMC Handbook provides detailed information and guidance on BFMC governance and business processes
- ▶ Part C of the BFMC Handbook provides a number of supporting appendixes, including checklists and templates to assist with the undertaking of BFMC business.

9. Related BFCC Policies

BFCC Policy 1/2000 Dispute Avoidance - Dispute Resolution

BFCC Policy 1 - Bush Fire Management Committees

BFCC Policy 2/2006 Management of Bush Fire Operations (Amended)

BFCC Policy 1/2008 Bush Fire Risk Management

BFCC Policy 1/2011 Allocation Principles for Funding of Bush Fire Mitigation Works

BFCC Policy 1/2012 Community Safety and Coordinated Evacuations

BFCC Policy 2/2012 Notified Step for the protection of Neighbourhood Safer Places

BFCC Policy 1/2017 Fire Trails

Note. The above list of policies is current as of February 2019. The BFMC Handbook and all the latest BFCC Policies can be accessed at www.rfs.nsw.gov.au. New and updated policies will be added to the list of policies on the NSW Rural Fire Service website. The *Rural Fires Act 1997* and *Rural Fires Regulation 2013* can be accessed at www.legislation.nsw.gov.au

NSW Public Libraries Association



One voice for the NSW public library network

Constitution

(Under the Associations Incorporation Act 2009)



nswpla.org.au

NSW Public Libraries Association Constitution

Under the Associations Incorporation Act 2009

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Part 1 – Preliminary

1. Objectives of the association

- 1) The purpose of the Association shall be to enable those councils that are members to meet on a regular basis for common purposes and to undertake united action.
- 2) These purposes and actions may include but are not limited to:
 - (a) Unified and strong representation to all levels of government, members of Parliament and other bodies on matters of common interest and concerns for public libraries in New South Wales.
 - (b) Specifically represent the public library interests of members to relevant Ministers, the Local Government New South Wales, The Australian Library and Information Association, and other professional and administrative bodies.
 - (c) Work with the State Library of NSW for the betterment of the NSW public library network.
 - (d) Promote understanding of the value that public libraries contribute to communities across the state.
 - (e) Take an active role in the development and review of services and standards for public libraries.
 - (f) Assist Councils to recognise the value of library service to their communities, and support libraries to develop and maintain a profile within their respective Council organisations.
 - (g) Undertake and encourage research and development on matters of interest to public libraries in New South Wales.
 - (h) Apply for grants and raise finance for specific purposes where appropriate.

2. Definitions

- 1) In this constitution:
 - ‘Council’ means a Council established under the provisions of the Local Government Act, 1993.
 - Member means Council
 - Member representative is any one of three people nominated to represent the member Council
 - Ordinary member representative means a member representative of the association who is not an office bearer of the Association.
 - Secretary/Treasurer means:
 - (a) the person holding office under this constitution as Secretary/Treasurer of the Association, or
 - (b) if no such person holds that office - the public officer of the Association.
 - Special, ordinary or extraordinary general meeting means a general meeting of the association other than an annual general meeting.
 - ‘The Act’ means the Associations Incorporation Act 2009.
 - ‘The Regulation’ means the Associations Incorporation Regulation 2010.
- 2) In this constitution:
 - (a) a reference to a function includes a reference to a power, authority and duty, and
 - (b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.
- 3) The provisions of the Interpretation Act 1987 apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

Part 2 – Membership

3. Membership generally

- 1) Membership shall be open to each Council (member) directly providing or contributing funds towards the operation of a standalone or regional public library service.
- 2) Representatives from a financial member Council may be elected Councillors of the Council; and/or administrative officers who are senior professional officers of the Council; and/or the Library Director/Manager or Library Officer-in-Charge of the Council's library service.
- 3) Member Councils will be requested to appoint a NSWPLA Councillor delegate after each local government election and notify NSWPLA of the delegate's name.
- 4) Only one representative is entitled to vote, and only the voting representative will be counted in the quorum.
- 5) Each current financial member (Council) shall be entitled to one vote on any motion, with the meeting Chairperson having a casting vote in the event of a tied vote. If one or more Councillor representatives of a member are present at a meeting, then one of the Councillors present shall exercise the voting rights of the member. In the absence of any Councillor representative, the member's voting rights shall be exercised by another representative of the member.
- 6) Observer status is extended to other elected or professional officers of a member Council or Library Service (not being a nominated representative of the member) at the discretion of the meeting Chairperson.

4. Cessation of membership

- 1) A Council ceases to be a member of the association if:
 - (a) the Council resigns membership; or
 - (b) is expelled from the association; or
 - (c) ceases to be a Council; or
 - (d) revokes its adoption of the Library Act, 1939 (NSW) as amended; or
 - (e) fails to pay the annual membership fee under clause 8 within 3 months after the fee is due.

5. Membership entitlements not transferable

- 1) A right, privilege or obligation that a Council has by reason of being a member of the association:
 - (a) is not capable of being transferred or transmitted to another Council, and
 - (b) terminates on cessation of the Council's membership.

6. Resignation of membership

- 1) A member of the association who has paid all amounts payable by the member to the association in respect of the member's membership may resign from membership of the association by first giving to the Secretary/Treasurer or Executive Officer written notice of at least one month (or such other period as the Executive may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.

- 2) If a member of the association ceases to be a member under subclause (1) and in every other case where a member ceases to hold membership, the Secretary/Treasurer or Executive Officer must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

7. Register of members

- 1) The public officer of the association must establish and maintain a register of members of the association specifying the name and address of each Council who is a member of the association.
- 2) The register of members must be kept in New South Wales at the association's official address.
- 3) The register of members must be open for inspection, free of charge, by any member of the association during normal business hours.
- 4) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
 - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association or other material relating to the association, or
 - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.

8. Fees and subscriptions

- 1) A member Council of the association must pay to the association the annual membership fee.
- 2) The annual membership fee will increase by the preceding year's rate pegging figure for NSW councils.
- 3) The voting rights of a member shall be suspended for any period during which membership fees are overdue and remain unpaid.
- 4) Association auspiced conferences, Zone meetings, forums and consortia purchasing arrangements are only available to councils and/or libraries that are financial members of the Association, unless a non-member rate is available.

9. Members' liabilities

The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association including the provisions of Clause 6.

10. Associate membership

- 1) The Executive of the association may at its discretion invite any individual or organisation to be associate members of the association.
- 2) Associate members:
 - (a) shall pay an associate membership fee determined by the association annually at its annual general meeting;
 - (b) shall be entitled to receive agendas and minutes;
 - (c) shall be entitled to attend and participate in debate at meetings of members, but

- shall have no voting rights;
- (d) shall not be entitled to hold office in the association;
- (e) ceases to be an associate member of the association if:
- (f) the associate member fails to pay the annual associate membership fee as required by subclause 2 (a) hereof; or
- (g) the invitation of associate membership is withdrawn by the Executive; or
- (h) the associate member resigns from associate membership of the association.

11. Resolution of disputes

- 1) A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, are to be referred to a community justice centre for mediation under the Community Justice Centres Act 1983.
- 2) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- 3) The Commercial Arbitration Act 1984 applies to any such dispute referred to arbitration.

12. Disciplining of members

- 1) A complaint may be made by any member of the association (through its member representative) that some other member of the association:
 - (a) has refused or neglected to comply with a provision or provisions of this constitution, or
 - (b) has willfully acted in a manner prejudicial to the interests of the association.
- 2) On receiving such a complaint, the Executive:
 - (a) must cause notice of the complaint to be served on the member Council concerned, and
 - (b) must give the member Council at least 14 days from the time the notice is served within which to make submissions to the Executive in connection with the complaint, and
 - (c) must take into consideration any submissions made by the member Council in connection with the complaint.
- 3) The Executive may, by resolution, expel the member Council from the association or suspend the member Council from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- 4) If the Executive expels or suspends a member Council, the Secretary/Treasurer or Executive Officer must, within 7 days after the action is taken, cause written notice to be given to the member Council of the action taken, of the reasons given by the Executive for having taken that action and of the member Council's right of appeal under clause 13.
- 5) The expulsion or suspension does not take effect:
 - (a) until the expiration of the period within which the member Council is entitled to appeal against the resolution concerned, or
 - (b) if within that period the member Council exercises the right of appeal, unless and until the association confirms the resolution under clause 13 (4), whichever is the later.
- 6) The Executive shall be entitled at any time at its absolute discretion to withdraw an invitation to a person or organisation for associate membership.

13. Right of appeal of disciplined member

- 1) A member Council may appeal to the association through the member's representative against a resolution of the Executive under clause 12, within 7 days after notice of the resolution is served on the member Council, by lodging with the Secretary/Treasurer or Executive Officer a notice to that effect.
- 2) The notice may, but need not, be accompanied by a statement of the grounds on which the member Council intends to rely for the purposes of the appeal.
- 3) On receipt of a notice from a member Council under subclause (1), the general meeting of the association to be held within 28 days after the date on which the Secretary/Treasurer or Executive Officer received the notice.
- 4) At a general meeting of the association convened under subclause (3):
 - (a) no business other than the question of the appeal is to be transacted, and
 - (b) the Executive and the member Council through its member representative must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (c) the members representatives present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- 5) The appeal is to be determined by a simple majority of votes cast by members representatives of the association.

Part 3 - The Executive

14. Powers of the Executive

- 1) Subject to the Act, the Regulation and this constitution and to any resolution passed by the association in general meeting, the Executive:
 - (a) is to control and manage the affairs of the association, and
 - (b) may exercise all such functions as may be exercised by the association, other than those functions that are required by this constitution to be exercised by a general meeting of members of the association, and
 - (c) has power to perform all such acts and do all such things as appear to the Executive to be necessary or desirable for the proper management of the affairs of the association.

15. Composition and membership of Executive

- 1) The Executive shall be elected by members of the Association (through their member representative) by postal ballot or such other ballot as may be determined by the Association at an Annual General Meeting.
- 2) The Executive shall consist of the following:
 - President,
 - 2 Vice-Presidents
 - 2 Library Manager Members
 - Secretary/Treasurerfrom among the member representatives.
And shall be elected by the membership in accordance with Clause 15(1) above.
The Executive shall constitute the Association's Public Libraries Consultative Committee representation.
- 3) Each member of the Executive is, subject to this constitution, elected to hold office for 2 years until the conclusion of the annual general meeting following the 2-year date of the member's election, but is eligible for re-election.

- 4) Eligibility of member representatives for the offices of President and Vice Presidents shall be restricted to those member representatives who are elected councillors of the member they represent.
- 5) On the expiration of the term of President, Vice-Presidents, Library Manager Members, Secretary/Treasurer that person may be nominated for re-election provided that no person can hold an office for a cumulative term exceeding 6 years.

16. Election of Executive

- 1) Nominations of candidates for election as office-bearers of the association or as ordinary Executive members:
 - (a) must be made in writing, signed by 2-member representatives of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
 - (b) must be delivered to the Secretary/Treasurer or Executive Officer of the association at least 7 days before the date fixed for the holding of the election ballot.
- 2) If insufficient nominations are received to fill all vacancies on the Executive, the candidates nominated are taken to be elected and further nominations are to be received at the next annual general meeting.
- 3) If insufficient further nominations are received, any vacant positions remaining on the Executive are taken to be casual vacancies.
- 4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- 5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- 6) The ballot for the election of office-bearers and ordinary Executive members is to be conducted in such usual and proper manner as the Executive may direct.
- 7) For a person to be nominated as a candidate for election as an office-bearer or as an ordinary committee member of the association, their associated Council must be a member of the association.
- 8) The Secretary/Treasurer of the Association shall also assume the position of public officer of the association.
- 9) The President and Vice-Presidents shall be councillors. The Secretary/Treasurer and Library Manager Members shall be Library Managers.
- 10) If an office bearer becomes ineligible to retain office with his or her nominated Council, then his or her office shall be treated as a casual vacancy and shall be filled in accordance with Clause 18 hereto.
- 11) If the President becomes ineligible to retain office then the position of President shall be filled for the time being by a Vice-President, elected by the Executive pending the conduct of a ballot, as prescribed in this Constitution, for the completion of the existing term of office.
- 12) The Executive shall have custody of all Association documents. These documents can be inspected by members upon request to the Executive. Archived documents are held in the Mitchell Library of the State Library of NSW and may be viewed by request in accordance with the memorandum of agreement between the Association and the Library.

17. Secretary/Treasurer

The position of Secretary/Treasurer shall be filled by one person.

- 1) The Secretary/Treasurer of the association must, as soon as practicable after being appointed, lodge notice with the association of his or her address.
- 2) It is the duty of the Secretary/Treasurer to keep minutes of:
 - (a) all appointments of office-bearers and members of the Executive, and
 - (b) the names of members of the Executive present at a Executive meeting or a general meeting, and
 - (c) all proceedings at Executive meetings and general meetings.
- 3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.
- 4) It is the duty of the Secretary/Treasurer of the association to ensure:
 - (a) that all money due to the association is collected and received and that all payments authorised by the association are made, and
 - (b) that correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association.

18. Casual vacancies

- 1) In the event of a casual vacancy occurring in the membership of the Executive, the Executive may appoint a member representative of the association to fill the vacancy and the member representative so appointed is to hold office, subject to this constitution, until the next scheduled Executive election following the date of the appointment.
- 2) A casual vacancy in the Executive occurs if the Executive member:
 - (a) is no longer associated with a financial member (Council) of the Association, or
 - (b) resigns office by notice in writing given to the Secretary/Treasurer, or
 - (c) is removed from office under clause 19, or
 - (d) is absent without the consent of the Executive from all meetings of the Executive held during a period of 6 months.

19. Removal of Executive members

- 1) The Association in general meeting may by resolution remove any member representative of the Executive from the Executive office held by the member representative before the expiration of the representative member's term of office and may by resolution appoint another member representative to hold office until the expiration of the term of office of the member representative so removed.
- 2) If a member of the Executive to whom a proposed resolution referred to in subclause (1) relates makes representations in writing to the Secretary/Treasurer or President (such representations not exceeding a reasonable length) and requests that the representations be notified to the members of the association, the Secretary/Treasurer or the President may send a copy of the representations to each member of the association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution for removal from office is considered.

20. Executive meetings and quorum

- 1) Meetings of the Executive shall be held at the discretion of the President, giving 14 days clear written notice, stating the purpose of such meeting, except business which

the Executive members present at the meeting unanimously agree to treat as urgent business, with the Executive meeting no less than three times per annum. Such meetings may be held at such time and place as agreed by the Executive and may include the use of teleconferencing and video conferencing.

- 2) Any 4 members of the Executive constitute a quorum for the transaction of the business of a meeting of the Executive.
- 3) No business is to be transacted by the Executive unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- 4) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- 5) At a meeting of the Executive: The President or, in the President's absence, one of the Vice-Presidents is to preside. The Vice Presidents shall decide which one will preside.
- 6) The Executive may invite representatives of other organisations to attend the Executive meetings on an as needs basis without voting rights.
- 7) An Executive advisory committee comprising of the Chairperson and Secretary (or their nominees) from each Zone will act when required as a representative forum for the discussion of major issues and matters and for consultation with the broader Association membership
- 8) The Association shall operate in geographical zones. These zones shall divide the State into areas for fostering voluntary library co-operation and exchange. Zones may arrange meetings as considered appropriate with a minimum of two meetings per year.
- 9) The Executive shall be empowered to vary the boundaries of existing zones or create new zones to take account of the membership needs of the Association.
- 10) The Executive may appoint a person or body corporate to undertake the duties of an Association Executive Office. The duties of the Executive Office to be agreed to by written contract.

21. Delegation by Executive to sub-committee or working party

- 1) The Executive may, by instrument in writing, delegate to one or more subcommittees or working parties (consisting of such member representatives of the association as the Executive thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than:
 - (a) this power of delegation, and
 - (b) a function which is a duty imposed on the Executive by the Act or by any other law.
- 2) A function, the exercise of which has been delegated to a sub-committee or working party under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- 3) A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- 4) Despite any delegation under this clause, the Executive may continue to exercise any

function delegated.

- 5) Any act or thing done or suffered by a sub-committee or working party acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the Executive.
- 6) The Executive may, by instrument in writing, revoke wholly or in part any delegation under this clause.
- 7) A sub-committee or working party may meet and adjourn as it thinks proper.

22. Voting and decisions

- 1) Questions arising at a meeting of the Executive or of any sub-committee or working party appointed by the Executive are to be determined by a majority of the votes of Executive members or sub-committee members present at the meeting.
- 2) Each member representative present at a meeting of the Executive or of any sub-committee or working party appointed by the Executive (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- 3) Subject to clause 18 (2), the Executive may act despite any vacancy on the Executive.
- 4) Any act or thing done or suffered, or purporting to have been done or suffered, by the Executive or by a sub-committee or working party appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member representative of the Executive or sub-committee or working party.

Part 4 - General meetings

23. Annual general meetings - holding of

- 1) The association must hold its first annual general meeting within 18 months after its registration under the Act.
- 2) The association must hold its annual general meetings:
 - (a) within 6 months of 1 July each year, or
 - (b) within such later time as may be allowed by the Director-General or prescribed by the Regulation.

24. Annual general meetings - calling of and business at

- 1) The annual general meeting of the association is, subject to the Act and to Clause 23, to be convened on such date and at such place and time as the Executive thinks fit.
- 2) In addition to any other business that may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
 - (b) to receive from the Executive reports on the activities of the association during the last preceding financial year,
 - (c) to elect office-bearers of the association and ordinary Executive members in alternate years,
 - (d) to receive and consider any financial statement or report required to be submitted to members under the Act.

- 3) An annual general meeting must be specified as such in the notice convening it.
- 4) Guests, visitors, observers and media reporters may only be excluded from an Annual General meeting or an extraordinary meeting at the will of the meeting. Guests, visitors and observers cannot vote but may be permitted to contribute to discussion at the discretion of the Chairperson.
- 5) Rules of debate and conduct of meetings, and other matters not covered by this constitution, shall be those followed by NSW Local Government Councils in open council, subject to any specific provision made elsewhere in this constitution.
- 6) Notices of motion shall be in the hands of the Secretary/Treasurer or Executive Officer at least 45 days clear before the announced meeting day so that they may be circulated to all members at least 30 clear days prior to that meeting.
- 7) Motions in writing may be submitted by members from the floor of the meeting at the discretion of the Chairperson or the will of the meeting.

25. Special general meetings - calling of

- 1) The Executive may, whenever it thinks fit convene a special general meeting of the association.
- 2) The Executive must, on the requisition in writing of at least 5 per cent of the total number of member councils, convene a special general meeting of the association.
- 3) A requisition of member councils for a special general meeting:
 - (a) must state the purpose or purposes of the meeting, and
 - (b) must be signed by the member's representative making the requisition, and
 - (c) must be lodged with the Secretary/Treasurer or Executive Officer and
 - (d) may consist of several documents in a similar form, each signed by one or more of the member's representatives making the requisition.
- 4) If the Executive fails to convene a special general meeting to be held within 1 month after that date on which a requisition of member councils for the meeting is lodged with the Secretary/Treasurer or Executive Officer any one or more of the member councils who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- 5) A special general meeting convened by a member council or member councils as referred to in subclause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the Executive and any member council who consequently incurs expense is entitled to be reimbursed by the association for any expense incurred.

26. Notice

- 1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the Secretary/Treasurer or Executive Officer must, at least 30 days before the date fixed for the holding of the general meeting, give a notice to each member council specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- 2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the Secretary/Treasurer or Executive Officer must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member council specifying, in addition to the matter required under subclause (1), the intention to propose the resolution as a special resolution.

- 3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under clause 24 (2).
- 4) A member council representative desiring to bring any business before a general meeting may give notice in writing of that business to the Secretary/Treasurer or Executive Officer who must include that business in the next notice calling a general meeting given after receipt of the notice from the member representative.

27. Quorum for general meetings

- 1) No item of business is to be transacted at a general meeting unless a quorum of member council representatives entitled under this constitution to vote is present during the time the meeting is considering that item.
- 2) Twenty-member representatives present (being member representatives entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting and an extraordinary general meeting.
- 3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
 - (a) if convened on the requisition of member councils, is to be dissolved, and
 - (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to member councils given before the day to which the meeting is adjourned) at the same place.
- 4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the member representatives present (being at least 3) are to constitute a quorum.

28. Presiding member

- 1) The President or, in the President's absence, one of the Vice-Presidents, is to preside as chairperson at each general meeting of the association.
- 2) If the President and the Vice-Presidents are absent or unwilling to act, the member representatives present must elect one of their numbers to preside as chairperson at the meeting.

29. Adjournment

- 1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of member representatives present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 2) If a general meeting is adjourned for 14 days or more, the Secretary/Treasurer or Executive Officer must give written or oral notice of the adjourned meeting to each member Council of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 3) Except as provided in subclauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

30. Making of decisions

- 1) A question arising at a general meeting of the association is to be determined by either:
 - (a) a show of hands, or
 - (b) if on the motion of the chairperson or if 3 or more-member representatives present at the meeting decide that the question should be determined by a written ballot, a written ballot must be taken in such manner as the chairperson directs.
- 2) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, an entry to that effect in the minute book of the association is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- 3) If the question is to be determined by a written ballot, the ballot is to be taken:
 - (a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment; or
 - (b) in any case, in such manner and at such time before the close of the meeting as the chairperson directs, and the resolution of the ballot on the matter is taken to be the resolution of the meeting on that matter.

31. Special resolutions

- 1) A resolution is passed by an association as a special resolution:
 - (a) at a meeting of the association of which notice has been given to its members no later than 21 days before the date on which the meeting is held, or
 - (b) in a postal ballot conducted by the association, or
 - (c) in such other manner as the Director-General may direct, if it is supported by at least three-quarters of the votes cast by member representatives of the association who, under the association's constitution, are entitled to vote on the proposed resolution.
- 2) A notice referred to in subclause (1) (a) must include the terms of the resolution and a statement to the effect that the resolution is intended to be passed as a special resolution.
- 3) A postal ballot referred to in subclause (1) (b) may only be conducted in relation to resolutions of a kind that the association's constitution permits, as referred to in subclause (34) (1) of this constitution, to be voted on by means of a postal ballot and, if conducted, must be conducted in accordance with the regulations.
- 4) A direction under subclause (1) (c) may not be given unless the Director-General is satisfied that, in the circumstances, it is impracticable to require votes to be cast in the manner provided by subclause (1) (a) or (b).

32. Voting

- 1) On any question arising at a general meeting of the association a member has one vote only which shall be exercised in the manner specified in subclause Part 2 subclause (3)(3) of this constitution.
- 2) All votes must be given personally
- 3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- 4) A member Council is not entitled to vote at any general meeting of the association unless all money due and payable by the member Council to the association has

been paid, other than the amount of the annual subscription payable in respect of the then current year.

33. No appointment of proxies

- 1) A financial member may not appoint a proxy to vote at the Annual General Meeting or any other meeting of the Association.

34. Postal ballots

- 1) The association may hold a postal ballot to determine any issue or proposal (other than an appeal under clause 13).
- 2) A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.

Part 5 – Miscellaneous

35. Insurance

- 1) The association must effect and maintain such insurances to protect members and the association as required from time-to-time.
- 2) In addition to the insurance required under subclause (1), the association may effect and maintain other insurance.

36. Funds – source

- 1) The funds of the association are to be derived from annual subscriptions of members, associate members donations and, subject to any resolution passed by the association in general meeting, such other sources as the Executive determines.
- 2) All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association's bank or other authorised deposit-taking institution account.
- 3) The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

37. Funds – management

- 1) The funds of the Association will be lodged in a bank or credit union at a branch convenient for the Executive.
- 2) An audited statement of income and expenditure will be presented at the Annual General Meeting.
- 3) Subject to any resolution passed by the association in a general meeting, the funds of the association are to be used in pursuance of the objects of the association in such manner as the Executive determines.
- 4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed or authorised by any 2 members of the Executive or employees of the association, being members or employees authorised to do so by the Executive.
- 5) The Executive shall be empowered to make banking arrangements on behalf of the Association. The executive may by formal resolution delegate powers to operate Association bank accounts to specified officers of the Association with the proviso

that there is an agreed minimum that may be authorised by one officer, while electronic transactions over the agreed minimum must be authorised by two officers, one of whom shall be the President or Secretary/Treasurer or their delegate. The agreed minimum to be determined by the Executive and can be changed if required by agreement of a majority of the Executive. All cheques written on the Association accounts shall bear two signatures, being those of the President, or someone delegated by the President in writing, and the Secretary/Treasurer.

38. Change of name, objects and constitution

An application to the Director-General for registration of a change in the association's name, objects or constitution in accordance with section 10 of the Act is to be made by the public officer or an Executive member.

39. Dissolution of the Association

The Association shall be dissolved if a resolution to this effect is carried by a two-thirds majority at an Annual General Meeting or at a Special General Meeting called pursuant to a special resolution to that effect. In the event of dissolution, all assets (after satisfying all debts and liabilities), and all records of the Association shall be dealt with in such manner as the Annual General Meeting resolving on the dissolution shall determine. In the event of the dissolution of the Association, the liability of individual members shall be limited to \$50.00 per member.

40. By-Laws

By-laws may be created to enable effective day-to-day management of the Association, either by resolution of a general meeting or in urgent circumstances by executive resolution. If created by executive resolution, these by-laws will be subject to approval at the next general meeting of the Association.

41. Custody of books etc

Except as otherwise provided by this constitution, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the association.

42. Inspection of books etc

- 1) The following documents must be open to inspection, free of charge, by a member of the association during normal business hours:
 - (a) records, books and other financial documents of the association,
 - (b) this constitution,
 - (c) minutes of all Executive meetings and general meetings of the association.

43. Service of notices

- 1) For the purpose of this constitution, a notice may be served on or given to a member and/or member representative:
 - (a) by delivering it to the member representative personally, or
 - (b) by sending it by pre-paid post to the address of the member, or
 - (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the member for giving or serving the notice.
- 2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
 - (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and

- (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
- (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

44. Financial year

- 1) The financial year of the association is:
 - (a) the period of time commencing on the date of incorporation of the association and ending on the following 30 June, and
 - (b) each period of 12 months after the expiration of the previous financial year of the association, commencing on 1 July and ending on the following 30 June.

45. Recognition of Members

- 1) The Association may recognise the outstanding contributions of individuals to the Association through the presentation at the Association Conference of appropriate awards for service.
- 2) Life membership may be awarded to members who have rendered 15 years' continuous service to the organisation and/or who have provided an exceptional level of contribution to the organisation.

There will be two categories of life membership:

- active life membership will be awarded to a person who is still serving on a council or employed. Active life members will retain the ability to vote if so delegated by their council.
- life membership will be awarded to those who have retired.

Constitution of the

South West Sydney Academy of Sport Inc.

I hereby certify that this is the Constitution of the South West Sydney Academy of Sport as of the 17 September 2020.

Chairperson: Mr. Peter Campbell

Of: 9 Elgar Place Narellan Vale
NSW Australia, 2567

Postal Address:
South West Sydney Academy of Sport (SWSAS)
PO Box 307 Macarthur Square, NSW 2560

Signed:

Date: 16 September 2021

SIGNATURE HAS BEEN REMOVED

Public Officer: Mr. Gerry Knights

Of: 233 Eagleview Road, Minto Heights
NSW Australia, 2566

Postal Address:
South West Sydney Academy of Sport (SWSAS)
PO Box 307 Macarthur Square, NSW 2560

Signed:

Date: 16 September 2021

SIGNATURE HAS BEEN REMOVED

Introduction

This Constitution has been prepared by South West Sydney Academy of Sport (SWSAS) Executive Committee on behalf of the Directors of the Board of SWSAS.

The Constitution has been modelled on the model constitution template provided by the NSW Department of Communities, Sport and Recreation and considers issues which the South West Sydney Academy of Sport is required to consider in its development; for example, the impact of drugs and child protection legislations.

The Constitution also considers the Australian Sports Commission (ASC) Governance Principles: A Good Practice Guide', the operational aspects of the Regional Academies of Sport Incorporated (NSW) and the changes to *Associations Incorporation Act (NSW) (2009)*.

Prepared by:

Mr Gerry Knights
CEO
SWSAS

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- Constitution Reviewed 25 October 2018, with the following model rule change.
Removal of Clause 15.4 b. Elected Directors. - With 15.4 c. now becoming 15.4. b.
- Constitution Reviewed 19 September 2019, with no model rule changes.
- Constitution Reviewed 17 2020, with the following model rule change.
Clause 18.4 Quorum, inclusion paragraph 2.

ASSOCIATIONS INCORPORATION ACT 2009 (NSW)

CONSTITUTION

Of

SOUTH WEST SYDNEY ACADEMY OF SPORT

1. NAME OF ASSOCIATION

The name of the Association is South West Sydney Academy of Sport,
New South Wales Incorporated ("Association").

2. DEFINITIONS AND INTERPRETATION

2.1 Definitions

In this Constitution unless the contrary intention appears:

"Act" means the *Associations Incorporation Act 2009 (NSW)*.

"Affiliate Member" means an individual who is a sporting organisation, umpire, referee, coach, or other official who is associated with the Association but who is not an Individual Member.

"Association" means South West Sydney Academy of Sport, New South Wales Incorporated.

RASi means the Regional Academies of Sport (NSW) Incorporated, an umbrella body representing the eleven (11) Regional Academies of Sport (RAS) operating across New South Wales

"Australian Sports Commission" means the federal government body responsible for national leadership of sport

"Board" means the body consisting of the Directors.

"Constitution" means this Constitution of the Association.

"Delegate" means the person(s) appointed from time to time to act for and on behalf of the Association.

"Director" means a member of the Board and includes any person acting in that capacity from time to time appointed in accordance with this Constitution but does not include the Chief Executive Officer.

"Chief Executive Officer" means the Chief Executive Officer of the Association for the time being appointed under this Constitution. Where the Association does not have a Chief Executive Officer, the Association secretary or Public Officer will, subject to confirmation by the Board, assume the functions of the Chief Executive Officer under this Constitution.

"Financial year" means the year ending on the next 30 June following incorporation and thereafter a period of 12 months commencing on 1 July and ending on 30 June each year.

"General Meeting" means the annual or any special general meeting of the Association.

"Individual Member" means a registered, financial member, such as a paying scholarship holding athlete, a paying program athlete, an athlete whose program is paid by an outside organisation, or volunteer staff member undertaking a paid course, or any other person undertaking a paid course, who is otherwise recognised by the Association as an Individual Member, for that period.

"Intellectual Property" means all rights subsisting in copyright, business names, names, trade marks (or signs), logos, designs, equipment including computer software, images (including photographs, videos, or films) or service marks relating to the Association or any activity of or conducted, promoted, or administered by the Association in New South Wales.

"Life Member" means an individual appointed as a Life Member of the Association under **clause 5.2**.

"Member" means a member for the time being of the Association under **clause 5**.

"NSW Sport and Recreation" means the NSW State Government Department of Communities, Sport and Recreation, being the principal provider of funding and support to the Association.

"NSWIS" means the New South Wales Institute of Sport.

"Objects" means the objects of the Association in **clause 2**.

"Public Officer" means the person appointed to be the public officer of the Association in accordance with the Act.

"RAS" means the 11 Regional Academies of Sport operating across NSW.

"Region" means the geographic area for which the Association is responsible.

"Register" means a register of Members kept and maintained in accordance with **clause 7**.

"Regulations" mean any Regulations made by the Board under **clause 38**.

"Seal" means the common seal of the Association (if any).

"Special Resolution" means a special resolution defined in the Act.

"Sport" means a sport program of the South West Sydney Academy of Sport which is a Member or is otherwise affiliated with the Association.

2.2 Interpretation

In this Constitution:

- (a) a reference to a function includes a reference to a power, authority, and duty;
- (b) a reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or authority of the performance of the duty;
- (c) words imputing the singular include the plural and vice versa;
- (d) words imputing any gender include the other genders;
- (e) references to persons include corporations and bodies politic;
- (f) references to a person include the legal personal representatives, successors and permitted assigns of that person;
- (g) a reference to a statute, ordinance, code, or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments, or replacements of any of them (whether of the same or any legislative authority having jurisdiction); and
- (h) a reference to "writing" shall unless the contrary intention appears, be construed as including references to printing, lithography, photography, and other modes of representing or reproducing words in a visible form, including messages sent by electronic mail.

2.3 Severance

If any provision of this Constitution or any phrase contained in it is invalid or unenforceable, the phrase or provision is to be read down if possible, so as to be valid and enforceable, and otherwise shall be severed to the extent of the invalidity or unenforceability, without affecting the remaining provisions of this Constitution.

2.4 The Act

Except where the contrary intention appears, in this Constitution, an expression that deals with a matter under the Act has the same meaning as that provision of the Act. Model constitution under the Act is expressly displaced by this Constitution.

3. OBJECTS OF THE ASSOCIATION

The Association is established solely for the Objects. The Objects of the Association are to:

- a) provide opportunity and encouragement for talented South West Sydney Academy of Sport region sports persons, to achieve excellence in sport.
- b) Provide sports science testing, evaluation, and research where and when deemed appropriate, to assist in the pursuit of excellence in sport or in activities related to sport.
- c) act as a catalyst in the development of innovative programs for the improvement of sport in the South West Sydney Academy of Sport region.
- d) promote, organise, and administer sporting competitions, events, meetings, and games of all relevant kinds for the purpose of developing the personal skill and excellence of athletes in the South West Sydney Academy of Sport region.
- e) conduct, commission, or join in research, or activities designed to assist in the pursuit of excellence in sport or in activities related to sport.
- f) establish, administer, and seek donations to promote excellence among young individuals or particular sports by any means whatever.
- g) act as trustee of any bond or to administer any foundation established to promote excellence or achievement in sport or in activities related to sport.
- h) use and protect the intellectual property of the Association, in accordance with the decisions by the Board.
- i) ensure the maintenance, enhancement, standards, quality and reputation of the Association and its Members in all dealings with the ASi and its Members, for the benefit of the Association, its Members and the ASi and its Members.
- j) promote mutual trust and confidence between the Association and the ASi and its Members in pursuit of these Objects;
- k) at all times act on behalf of, and in the interest of, the South West Sydney Academy of Sport and its Members, in New South Wales;
- l) promote the economic and community service success, strength, and stability of the South West Sydney Academy of Sport, in New South Wales;
- m) apply the property and capacity of the Association towards the fulfilment and achievement of these Objects;
- n) strive for Government, commercial and public recognition of the Association as the controlling body for the South West Sydney Academy of Sport, in New South Wales;
- o) abide by, promulgate, enforce, and secure uniformity in the application of the rules of the South West Sydney Academy of Sport, as may be determined from time to time by ASi and as may be necessary for the management and control of South West Sydney Academy of Sport and related activities in New South Wales;
- p) further develop the South West Sydney Academy of Sport into an organised institution and with these Objects in view, to foster, regulate, organise, and manage examinations, competitions, displays and other activities and to issue badges, medallions and certificates and award trophies to successful Members;
- q) review and/or determine any matters relating to the South West Sydney Academy of Sport which may arise, or be referred to it, by any Member;
- r) recognise any penalty imposed on any Member, (as required).

- s) act as arbiter (as required) on all matters pertaining to the conduct of the South West Sydney Academy of Sport in New South Wales, including disciplinary matters;
- t) pursue such commercial arrangements, including sponsorship and marketing opportunities, as are appropriate to further the interests of the South West Sydney Academy of Sport in New South Wales;
- u) adopt and implement such policies including (as relevant and applicable) member protection, anti-doping, health and safety, infectious diseases and such other matters as may arise as issues to be addressed by the South West Sydney Academy of Sport.
- v) represent the interests of the South West Sydney Academy of Sport and its Members generally, in any appropriate forum in New South Wales;
- w) have regard to the public interest in its operations;
- x) do all that is reasonably necessary to enable these Objects to be achieved and enable Members to receive the benefits which these Objects are intended to achieve;
- y) promote the health and safety of Members and all other participants in the South West Sydney Academy of Sport in New South Wales; and
- z) undertake and or do all such things, or activities which are necessary, incidental, or conducive to the advancement of these Objects.

4. POWERS OF THE ASSOCIATION

Solely for furthering the Objects, the Association has, in addition to the rights, powers and privileges conferred on it under section 25 of the Act, the legal capacity and powers of a company as set out under section 124 of the *Corporations Act 2001 (Cth)*.

5. MEMBERS

5.1 Categories of Members

The Members of the Association shall consist of:

- (a) Board Directors who shall have the right to be present at General Meetings and shall have the right, to debate, and vote, at General Meetings.
- (b) Life Members, who subject to this Constitution, shall have the right to receive notice of General Meetings and to be present and to debate at General Meetings, but shall have no voting rights.
- (c) Individual Members, Affiliate Members who shall have the right to be present at General Meetings but shall have no rights, to debate, or to vote at General Meetings; and
- (d) Such new or other categories of Members as may be established by the Board. Any new category of Member established by the Board can not be granted voting rights without the approval of the Association in General Meeting.

5.2 Life Members

- (a) The Board may recommend to the Annual General Meeting that any natural person, who has rendered distinguished service to the South West Sydney Academy of Sport, where such service is deemed to have assisted the advancement of South West Sydney Academy of Sport in New South Wales, be appointed as a Life Member.
- (b) A resolution of the Annual General Meeting to confer life membership (subject to **clause 5.2 (c)**) on the recommendation of the Board must be a Special Resolution.
- (c) A person must accept or reject the Association's resolution to confer life membership in writing. Upon written acceptance, the person's details shall be entered upon the Register, and from the time of entry on the Register the person shall be a Life Member.

6. AFFILIATION

6.1 To South West Sydney Academy of Sport

- (a) **"Affiliate Member"** means an individual sporting organisation, umpire, referee, coach, or other official who is associated with the Association but who is not an Individual Member.

6.2 Application for Affiliation

An application for affiliation must be:

- (a) in writing on the form prescribed from time to time by the Board (if any), from the applicant or its nominated representative and lodged with the Association;
- (b) if an organisation, an application must be accompanied by a copy of the applicant's constitution (which must be acceptable to the Association and must substantially conform to this Constitution) and the applicant's register of members; and
- (c) accompanied by the appropriate fee (if any).

6.3 Discretion to Accept or Reject Application

- (a) The Association may accept or reject an application whether the applicant has complied with the requirements in **clauses 6.1 and 6.2** or not. The Association shall not be required or compelled to provide any reason for such acceptance or rejection.
- (b) Where the Association accepts an application, the applicant shall, become a Member. Membership shall be deemed to commence upon acceptance of the application by the Association. The Chief Executive Officer shall amend the Register accordingly as soon as practicable.
- (c) Where the Association rejects an application, the Association shall refund any fees forwarded with the application and the application shall be deemed rejected by the Association.

6.4 Re-Affiliation

- (a) Affiliate members must re-affiliate annually with the Association in accordance with the procedures set down by the Association in Regulations from time to time.

6.5 Deemed Membership

- (a) All members which or who are, prior to the approval of this Constitution under the Act, members of the Association, shall be deemed Members from the time of approval of this Constitution under the Act.
- (b) Affiliate members shall provide the Association with such details as are reasonably required by the Association under this Constitution within one (1) month of the approval of this Constitution under the Act.
- (c) Any members of the Association prior to approval of this Constitution under the Act, who are not deemed Members under **clause 6.5(a)** shall be entitled to carry on such functions analogous to their previous functions as are provided for under this Constitution.

7. REGISTER OF MEMBERS**7.1 Association to keep Register**

The Association shall keep and maintain a Register in which shall be entered (as a minimum):

- (a) the full name, address, category of membership and date of entry to membership of each athlete (including parent, or guardian details), coach, support staff member, volunteer, education provider, or organisation; and
- (b) the full name, residential address, and date of entry to membership of each Director, Committee Member and Life Member; and
- (c) where applicable, the date of termination of membership of any Director, Committee Member and Life Member; athlete, athlete parent or guardian, coach, support staff member, volunteer, education provider, or organisation.

All members shall provide notice of any change and required details to the Association within one month of such change.

7.2 Inspection of Register

Having regard to the Act, confidentiality considerations and privacy laws, an extract of the Register, excluding the address or other direct contact details of any Life Member or Director, shall be available for inspection (but not copying) by Members, upon reasonable request.

7.3 Use of Register

Subject to the Act, confidentiality considerations and privacy laws, the Register may be used to further the Objects, in such manner as the Board considers appropriate.

8. EFFECT OF MEMBERSHIP

Members acknowledge and agree that:

- (a) this Constitution constitutes a contract between each of them and the Association and that they are bound by this Constitution and the Regulations;
- (b) they shall comply with and observe this Constitution and the Regulations and any determination, resolution or policy which may be made or passed by the Board or other entity with delegated authority;
- (c) by submitting to this Constitution and Regulations they are subject to the jurisdiction of the Association;
- (d) the Constitution and Regulations are necessary and reasonable for promoting the Objects and particularly the advancement and protection of the South West Sydney Academy of Sport in New South Wales; and
- (e) they are entitled to all benefits, advantages, privileges, and services of Association membership.

9. DISCONTINUANCE OF MEMBERSHIP**9.1 Notice of Resignation**

- (a) Members having paid all arrears of fees payable to the Association may resign or withdraw from membership of the Association by giving one month's notice in writing to the Association of such resignation, or withdrawal. Remuneration of fees, or part thereof will be in accordance with Association policies
- (b) If a State Sporting Organisation, or other sporting body which is a Member or, otherwise affiliated with the Association ceases to be associated with the Association under this Constitution, the Association membership of all Individual Members affiliated, or registered with or through that organisation shall not automatically cease at that time but shall be dealt with in accordance with relevant Regulations and Insurances; and the Policies of the Association.
- (c) Upon the Association receiving notice of resignation of membership given under **clauses 9.1(a) and (b)**, an entry in the Register shall be made recording the date on which the Member who or which gave notice ceased to be a Member.

9.2 Discontinuance for breach

- (a) Membership of the Association may be discontinued by the Board upon breach of any clause of this Constitution or the Regulations, including but not limited to the failure to pay any monies owed to the Association, failure to comply with the Regulations or any resolutions or determinations made or passed by the Board or any duly authorised committee.
- (b) Membership shall not be discontinued by the Board under **clause 9.2(a)** without the Board first giving the accused Member the opportunity to explain the breach and/or remedy the breach.
- (c) Where in the view of the Board, a Member fails to adequately explain a breach, that Member's membership shall be discontinued under **clause 9.2 (a)**. This shall be done by the Association giving written notice of the discontinuance to the Member. The Register shall be amended to reflect any discontinuance of membership under this **clause 9.3** as soon as practicable.

9.3 Discontinuance for failure to re-affiliate

Membership of the Association may be discontinued by the Board if a Member has not re-affiliated with the Association within one month of re-affiliation falling due. The Register shall be amended to reflect any discontinuance of membership under this **clause 9.3** as soon as practicable.

9.4 Member to Re-Apply

An Affiliate Member whose membership has been discontinued under **clauses 9.2 or 9.3**:

- (a) must seek renewal or re-apply for membership in accordance with this Constitution; and
- (b) may be re-admitted at the discretion of the Board.

9.5 Forfeiture of Rights

A Member who or which ceases to be a Member, for whatever reason, shall forfeit all rights in and claims upon the Association and its property and shall not use any property of the Association including Intellectual Property. Any Association documents, records or other property in the possession, custody or control of that Member shall be returned to the Association immediately.

9.6 Membership may be Reinstated.

Membership which has been discontinued under this **clause 9** may be reinstated at the discretion of the Board, with such conditions as it deems appropriate.

9.7 Refund of Membership Fees

Membership fees or subscriptions paid by the discontinued Member may be refunded on a pro-rata basis to the Member upon discontinuance.

10. DISCIPLINE

- (a) Where the Board is advised, or considers that a Member has allegedly:

- (i) breached, failed, refused, or neglected to comply with a provision of this Constitution, the Regulations, or regulations or any resolution or determination of the Board or any duly authorised committee; or
- (ii) acted in a manner unbecoming of a Member, or prejudicial to the purposes and interests of the Association; or
- (iii) brought the Association any other Member or into disrepute;

the Board may commence, or cause to be commenced, disciplinary proceedings against that Member, and that Member, will be subject to, and submits unreservedly to the jurisdiction, procedures, penalties, and the appeal mechanisms of the Association set out in the Regulations.

- (b) The Board may appoint a Judiciary Committee to deal with any disciplinary matter referred to it. Such a Judiciary Committee shall operate in accordance with the procedures expressed in the Regulations but subject always to the Act.

11. SUBSCRIPTIONS AND FEES

The annual membership subscription (if any) and any fees or other levies payable by Members to the Association, the time and manner of payment, shall be as determined by the Board.

12. EXISTING DIRECTORS

- (a) The members of the administrative, or governing body (by whatever name called) of the Association in office immediately prior to approval of this Constitution under the Act shall continue in those positions until the next Annual General Meeting following such adoption of this Constitution. After this General Meeting, the positions of Directors shall be filled, vacated, and otherwise dealt with in accordance with this Constitution.
- (b) The person known and appointed to the position of Chief Executive Officer (or similar title) immediately prior to approval of this Constitution under the Act shall continue in that position following such approval, subject to any contractual arrangements.

13. POWERS OF THE BOARD

Subject to the Act and this Constitution, the business of the Association shall be managed, and the powers of the Association shall be exercised, by the Board. In particular, the Board as the governing body of the South West Sydney Academy of Sport in New South Wales shall be responsible for acting on State and local issues in accordance with the Objects and shall operate for the benefit of the Members and the community throughout New South Wales and shall govern South West Sydney Academy of Sport in New South Wales, in accordance with this Constitution and in particular the Objects.

14. COMPOSITION OF THE BOARD**14.1 Composition of the Board**

All Board members shall be appointed at the discretion of the Board, including Local Government and Western Sydney University, or any other representative organisation.

The Board shall comprise:

- (a) One representative appointed to the Board by the Council of Liverpool, or other person with the responsibility normally held by that position.
- (b) One representative appointed to the Board by the Council of Campbelltown, or other person with the responsibility normally held by that position.
- (c) One representative appointed to the Board by the Council of Camden, or other person with the responsibility normally held by that position.
- (d) One representative appointed to the Board by the Council of Wollondilly, or other person with the responsibility normally held by that position.
- (e) One representative appointed to the Board, by the Western Sydney University Board of Trustees, or its nominated representative.
- (f) Up to five (5) Community Representative Directors who must be Individual Members and not Academy Region Council, or Western Sydney University affiliates, who may be appointed by the Directors elected under **clause 15**; and

- (g) Up to two (2) special project appointed Co-opted Directors who must be Individual Members and not Academy Region Council, or Western Sydney University affiliates, who maybe elected under **clause 14.3**. These appointments will be solely for the duration of the special project.

14.2 Election and Appointment of Directors

- (a) The representative appointed Directors shall be elected under **clause 15**.
- (b) The appointed Co-opted Directors may be appointed under **clause 16**.

14.3 Portfolios

The Board shall allocate portfolios and/or titles to Directors including the positions of Director Finance and Governance, Convenor of Sports Committee, Marketing Director, and other portfolios as determined by the Board from time to time. It shall be incumbent on the Board to provide each Director with an induction pack containing role and responsibilities in accordance with the requirements of the Act and in line with their responsibility of duties as Directors and the Australian Sports Commission General Guidelines on Corporate Governance.

15. ELECTED REPRESENTATIVE DIRECTORS

15.1 Nominations

- (a) The Board may seek nominations for elected representative appointed Director Positions. Nominations shall be called for Thirty (30) days prior to the Annual General Meeting. When calling for nominations' details of the necessary qualifications and job descriptions for the positions shall also be provided. Qualifications and job descriptions shall be as determined by the Board from time to time.
- (b) Nominees for elected and appointed representative Director Positions must declare any position they hold as an officer, or as a full-time employee.

15.2 Form of Nomination

Nominations shall be:

- (a) in writing;
- (b) on the prescribed form (if any) provided for that purpose;
- (c) signed by an authorised representative of Council, the Western Sydney University, other organisation, or in case of Community, or Co-opted appointed Director, the Chief Executive Officer of the Association;
- (d) certified by the nominee (who must be an Individual Member) expressing a willingness to accept the position for which they are nominated; and
- (e) delivered to the Association not less than fourteen (14) days before the date fixed for the Annual General Meeting.

15.3 Elections

- (a) If the number of nominations received for the Board is equal to the number of vacancies to be filled or if there are insufficient nominations received to fill all vacancies on the Board, then those nominated shall be declared elected only if approved by the majority of Members entitled to vote.
- (b) If there are insufficient nominations received to fill all vacancies on the Board, or if a person is not approved by the majority of Members under **clause 15.3(a)**, the positions will be deemed casual vacancies under **clause 17.1**.
- (c) If the number of nominations exceeds the number of vacancies to be filled, voting papers shall be prepared containing the names of the candidates in alphabetical order, for each vacancy on the Board.
- (d) Voting shall be conducted in such manner and by such method as may be determined by the Board from time to time.

15.4 Term of Appointment for Elected Representative Directors

- (a) Directors elected under this **clause 15** shall be elected for a term of two (2) years. Subject to provisions in this Constitution relating to earlier retirement or removal of Directors, elected Directors shall remain in office from the conclusion of the Annual General Meeting at which the election occurred until the conclusion of the second Annual General Meeting following.
- (b) Where possible and to support Board continuity, non-concurrent Director Terms shall be considered to allow sufficient retention of Directors, in any given year.

16. APPOINTED CO – OPTED DIRECTORS

16.1 Appointment of Co-opted Directors

The elected Directors may appoint up to two (2) appointed Co-opted Directors.

16.2 Qualifications for Appointed Co-opted Directors

Appointed Co-opted Directors may have specific skills in finance, commerce, marketing, law, or business generally, or such other skills which complement the Board composition and are appointed to assist the Association in special areas of need determined by the Board from time to time. Appointed Co-opted Directors cannot be a further representative of the four (4) Association Councils, or a Western Sydney University officer, or employee.

16.3 Term of Appointment for Appointed Co-opted Directors

Appointed Co-opted Directors may be appointed by the elected Directors under this Constitution for a term of up to two (2) years, which shall commence from the first Board meeting after the Annual General Meeting until after the conclusion of the second Annual General Meeting following. Co-opted Directors may or may not be provided Board voting rights and are eligible for second and subsequent terms under Clause 15.4.

Where possible and to support Board continuity, non-concurrent Co-opted Director terms shall be considered to allow sufficient retention of Directors, in any given year;

17. VACANCIES ON THE BOARD

17.1 Casual Vacancies

Any casual vacancy occurring in the position of Director may be filled by the remaining Directors from among appropriately qualified persons. Any casual vacancy may only be filled for the remainder of the Director's term under this Constitution.

17.2 Grounds for Termination of Director

In addition to the circumstances in which the office of a Director becomes vacant by virtue of the Act, the office of a Director becomes vacant if the Director:

- (a) Dies;
- (b) Becomes bankrupt or makes any arrangement or composition with his or her creditors generally;
- (c) Becomes of unsound mind or a person whose person or estate is liable to be dealt with in anyway under the law relating to mental health;
- (d) Resigns his or her office in writing to the Association;
- (e) Is absent without the consent of the Board from meetings of the Board held during a period of six (6) months;
- (f) Holds any office of paid employment with the Association;
- (g) Is directly or indirectly interested in any contract or proposed contract with the Association and fails to declare the nature of his or her interest;
- (h) In the opinion of the Board (but subject always to this Constitution):
 - (i) Has acted in a manner unbecoming, or prejudicial to the Objects and interests of the Association; or
 - (i) Has brought the Association into disrepute;
- (i) Is removed by Special Resolution; or
- (j) Would otherwise be prohibited from being a director of a corporation under the *Corporations Act 2001 (Cth)*, or
- (k) Is withdrawn as the Council, or a Western Sydney University representative.

17.3 Board May Act

In the event of a casual vacancy or vacancies in the office of a Director or Directors, the remaining Directors may act but, if the number of remaining Directors is not sufficient to constitute a quorum at a meeting of the Board, they may act only for the purpose of increasing the number of Directors to a number sufficient to constitute such a quorum.

18. MEETINGS OF THE BOARD

18.1 Board to Meet

The Board shall meet as often as is deemed necessary in every calendar year for the dispatch of business (and shall be at least as often as is required under the Act) and subject to this Constitution may adjourn and otherwise regulate its meetings as it thinks fit. A Director may at any time convene a meeting of the Board within a reasonable time.

18.2 Decisions of Board

Subject to this Constitution, questions arising at any meeting of the Board shall be decided by a majority of votes and a determination of a majority of Directors shall for all purposes be deemed a determination of the Board. All Directors shall have one (1) vote on any question. Where voting is equal, the chairperson may exercise a casting vote. If the chairperson does not exercise a casting vote, the motion will be lost.

18.3 Resolutions not in Meeting

- (a) A resolution in writing, signed or assented to by telegram, cablegram, radiogram, facsimile, telex, or other form of visible or other electronic communication by all the Directors for the time being present in Australia shall be as valid and effectual as if it had been passed at a meeting of Directors duly convened and held. Any such resolution may consist of several documents in like form each signed by one (1) or more of the Directors.
- (b) Without limiting the power of the Board to regulate its meetings as it thinks fit, a meeting of the Board may be held where one (1) or more of the Directors is not physically present at the meeting, provided that:
 - (i) all persons participating in the meeting are able to communicate with each other effectively simultaneously and instantaneously whether by means of telephone, or other form of communication;
 - (ii) notice of the meeting is given to all the Directors entitled to notice in accordance with the usual procedures agreed upon, or laid down from time to time by the Board or this Constitution and such notice specifies that Directors are not required to be present in person;
 - (iii) if a failure in communications prevents **clause 18.3(b)(i)** from being satisfied by that number of Directors which constitutes a quorum, and none of such Directors are present at the place where the meeting is deemed by virtue of the further provisions of this Rule to be held then the meeting shall be suspended until **clause 18.3(b)(i)** is satisfied again. If such condition is not satisfied within fifteen (15) minutes from the interruption the meeting shall be deemed to have terminated or adjourned; and
 - (iv) any meeting held where one (1) or more of the Directors is not physically present shall be deemed to be held at the place specified in the notice of meeting provided a Director is there present and if no Director is there present the meeting shall be deemed to be held at the place where the chairperson of the meeting is located.

18.4 Quorum

At meetings of the Board the number of Directors whose presence is required to constitute a quorum is half (50%), or if an odd number of Directors (50% + 1), the number of current Board Members.

Members can participate in a Meeting of the South West Sydney Academy of Sport using digital platform technology.

18.5 Notice of Board Meetings

Unless all Directors agree to hold a meeting at shorter notice (which agreement shall be sufficiently evidenced by their apology or presence) not less than fourteen (14) days written notice of the meeting of the Board shall be given to each Director. The agenda shall be forwarded to each Director not less than four (4) days prior to such meeting.

18.6 Chairperson, Deputy Chairperson and Executive Committee Representative/s

The Board shall appoint a chairperson, deputy chairperson and executive committee representative/s from amongst its number. The chairperson, deputy chairperson and executive committee representative/s shall form the executive committee. The chairperson shall be the nominal head of the Association and will act as chair of any Board meeting or General Meetings at which he is present. If the chairperson is not present or is unwilling or unable to preside at a board meeting the deputy chairperson or in the absence of the deputy chairperson, the remaining Directors shall appoint another Director to preside as chair for that meeting only.

18.7 Directors' Interests and Code of Conduct

A Director is disqualified by holding any place of profit, or position of employment in the Association, or in any company or incorporated association in which the Association is a shareholder or otherwise interested, or from contracting with the Association either as vendor, purchaser or otherwise except with express resolution of approval of the Board. Any such contract or any contract, or arrangement entered into by or on behalf of the Association in which any Director is in any way interested will be void unless approved by the Board. Directors will be required to sign and abide by a Code of Conduct.

18.8 Conflict of Interest

A Director shall declare his interest in any:

- (a) contractual matter;
- (b) selection matter;
- (c) disciplinary matter; or
- (d) financial matter;

in which a conflict of interest arises or may arise, and shall, unless otherwise determined by the Board, absent him or herself from discussions of such matter and shall not be entitled to vote in respect of such matter. If the Director votes the vote shall not be counted. In the event of any uncertainty as to whether it is necessary for a Director to absent him or herself from discussions and refrain from voting, the issue should be immediately determined by vote of the Board, or if this is not possible, the matter shall be adjourned, or deferred.

18.9 Disclosure of Interests

- (a) The nature of the interest of such Director must be declared by the Director at the meeting of the Board at which the relevant matter is first taken into consideration if the interest then exists or in any other case at the first meeting of the Board after the acquisition of the interest. If a Director becomes interested in a matter after it is made or entered into the declaration of the interest must be made at the first meeting of the Board held after the Director becomes so interested.
- (b) All disclosed interests must also be disclosed to each Annual General Meeting in accordance with the Act.

18.10 General Disclosure

A general notice that a Director is a member of any specified firm, company or sports organisation and is to be regarded as interested in all transactions with that firm, or company is sufficient declaration under **clause 18.9** as regards such Director and the said transactions. After such general notice it is not necessary for such Director to give a special notice relating to any particular transaction with that firm, company, or sports organisation.

18.11 Recording Disclosures

Any declaration made, any disclosure or any general notice given by a Director in accordance with **clauses 18.8, 18.9** and/or **18.10** must be recorded in the minutes of the relevant meeting.

19. CHIEF EXECUTIVE OFFICER

19.1 Appointment of Chief Executive Officer

A Chief Executive Officer may be appointed by the Board for such term and on such conditions as the Board thinks fit.

19.2 Chief Executive Officer to act as Secretary and Public Officer

The Chief Executive Officer shall act as and carry out the duties of Secretary and Public Officer of the Association and shall administer and manage the Association in accordance with the Act and this Constitution. The Chief Executive Officer shall be ex-officio and not have a vote on the Board.

19.3 Specific Duties

The Chief Executive Officer shall:

- (a) as far as practicable attend all Board, Committee, and all General Meetings;
- (b) prepare the agenda for all Board, Committee and General Meetings;
- (c) record and prepare minutes of the proceedings of all Board, Committee and General meetings, and shall use his or her best endeavours to distribute those minutes to all Board, Committee members, and others (as required), promptly from the date of the meeting; and
- (d) regularly report on the activities of, and issues relating to, the Association.

19.4 Board Power to Manage

Subject to the Act, this Constitution, the Regulations and any policy directive of the Board, the Chief Executive Officer has power to perform all such things as appear necessary, or desirable for the proper management and administration of the Association. No resolution passed by the Association in General Meeting shall invalidate any prior act of the Chief Executive Officer, or the Board which would have been valid if that resolution had not been passed.

19.5 Chief Executive Officer may employ

The Chief Executive Officer may from time to time, in consultation with the Executive Committee of the Board, employ such volunteer, casual or part-time personnel as are deemed necessary, or appropriate and such appointments shall be for such period and on such conditions as the Chief Executive Officer determines.

20. DELEGATIONS

20.1 Board may Delegate Functions

The Board may by instrument in writing create or establish, or appoint special committees, individual officers, and consultants to carry out such duties and functions, and with such powers, as the Board determines from time to time. In exercising its power under this clause, the Board must consider broad stakeholder involvement

20.2 Delegation by Instrument

The Board may in the establishing instrument delegate such functions as are specified in the instrument, other than:

- (a) this power of delegation; and
- (b) a function imposed on the Board, or the Chief Executive Officer by the Act or any other law, or this Constitution, or by resolution of the Association in General Meeting.

20.3 Delegated Function Exercised in Accordance with Terms

A function, the exercise of which has been delegated under this clause, may whilst the delegation remains unrevoked, be exercised from time to time in accordance with the terms of the delegation.

20.4 Procedure of Delegated Entity

The procedures for any entity exercising delegated power shall, subject to this Constitution and with any necessary or incidental amendment, be the same as that applicable to meetings of the Board under **clause 18** above. The entity exercising delegated powers shall make decisions in accordance with the Objects and shall promptly provide the Board with details of all material decisions and shall provide any other reports, minutes and information as the Board may require from time to time.

20.5 Delegation may be Conditional

A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function or at the time or circumstances, as may be specified in the delegation.

20.6 Revocation of Delegation

The Board may by instrument in writing, at any time revoke wholly or in part any delegation made under this clause and may amend or repeal any decision made by such body, or person under this clause.

21. SEAL

- (a) The Association may have a Seal upon which its corporate name shall appear in legible characters.
- (b) The Seal shall not be used without the express authorisation of the Board, and every use of the Seal shall be recorded in the minute books of the Association. The affixing of the Seal must be witnessed by two (2) Directors, one being the Chief Executive Officer (as required), unless the Board determines otherwise.

22. ANNUAL GENERAL MEETING

- (a) An Annual General Meeting of the Association shall be held in accordance with the Act and this Constitution and on a date and at a venue to be determined by the Board.
- (b) All General Meetings other than the Annual General Meeting shall be Special General Meetings and shall be held in accordance with this Constitution.

23. SPECIAL GENERAL MEETINGS

23.1 Convening of Special General Meetings

The Board may, whenever it thinks fit, convene a Special General Meeting of the Association; and where but for this clause more than fifteen (15) months would elapse between Annual General Meetings, shall convene a Special General Meeting before the expiration of that period.

23.2 Requisition of Special General Meetings

- (a) The Chief Executive Officer shall on the requisition in writing of not less than two (2) voting Members (Directors) convene a Special General Meeting.
- (b) The requisition for a Special General Meeting shall state the object(s) of the meeting, shall be signed by the Members making the requisition and be sent to the Association and may consist of several documents in a like form, each signed by one or more of the Members making the requisitions.
- (c) If the Chief Executive Officer does not cause a Special General Meeting to be held within one (1) month after the date on which the requisition is sent to the Association, the Members making the requisition may request that the Board convene a Special General Meeting to be held not later than one (1) month after that date.

- (d) A Special General Meeting convened by the Directors of the Board from a request by Association Members under this Constitution, shall be convened in the same manner, or as near as possible as that, in which meetings are normally caused by the Chief Executive Officer.
- 23.3 (e)** A Special General Meeting shall be held subsequent to the Annual General Meeting specifically to elect the Chairperson, Deputy Chairperson and Executive Committee members.

24. NOTICE OF GENERAL MEETING

- (a) Notice of every General Meeting shall be given to each Director and Life Member, or other Member entitled to receive notice at the postal, or email address appearing in the Register kept by the Association. The Auditor (as required) and the Chief Executive Officer shall also be entitled to notice of every General Meeting, which shall be sent to their last notified postal, or email address. No other person shall be entitled to receive notices of General Meetings.
- (b) A notice of a General Meeting shall specify the place and day and hour of meeting and shall state the business to be transacted at the meeting.
- (c) At least twenty-one (21) days' notices of a General Meeting shall be given to those Members entitled to receive notice, together with:
- (i) the agenda for the meeting;
 - (ii) any notice of motion received from Members entitled to vote; and
 - (iii) proxy voting shall not be permitted.
- (d) Notice of every General Meeting shall be given in the manner authorised in **clause 41**.

25. BUSINESS

- (a) The business to be transacted at the Annual General Meeting includes the consideration of accounts and the reports of the Board and auditors, the election of Directors under this Constitution and the appointment of the auditor.
- (b) All business that is transacted at a General Meeting and all business that is transacted at an Annual General Meeting, with the exception of those matters set down in **clause 25(a)** shall be special business.
- (c) No business other than that stated on the notice for a General Meeting shall be transacted at that meeting.

26. NOTICES OF MOTION

Members entitled to vote may submit notices of motion for inclusion as special business at a General Meeting. All notices of motion must be submitted in writing to the Chief Executive Officer not less than thirty-five (35) days (excluding receiving date and meeting date) prior to the General Meeting.

27. PROCEEDINGS AT GENERAL MEETINGS

27.1 Quorum

No business shall be transacted at any General Meeting unless a quorum is present at the time when the meeting proceeds to business. A quorum for General Meetings shall be half (50%), or if an odd number of Directors (50% + 1), the number of current Directors.

27.2 Chairperson to preside

The chairperson of the Board shall, subject to this Constitution, preside as chair at every General Meeting except:

- (a) in relation to any election for which the chairperson is a nominee; or
- (b) where a conflict of interest exists.

If the chairperson is not present or is unwilling or unable to preside the Delegates present shall appoint another Director to preside as chairperson for that meeting only.

27.3 Adjournment of Meeting

- (a) If within half an hour from the time appointed for the meeting, a quorum is not present the meeting shall be adjourned until the same day in the next week at the same time and place, or to such other day and at such other time and place as the chairperson may determine. If at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the meeting will lapse.
- (b) The chairperson may, with the consent of any meeting at which a quorum is present, and shall, if so, directed by the meeting, adjourn the meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (c) When a meeting is adjourned for thirty (30) days or more, notice of the adjourned meeting shall be given as in the case of an original meeting.
- (d) Except as provided in **clause 27.3(c)** it shall not be necessary to give any notice of an adjournment or the business to be transacted at any adjourned meeting.

27.4 Voting Procedure

At any meeting, a resolution put to the vote of the meeting shall be decided on a show of hands unless a poll is (before or, on the declaration of the result of the show of hands) demanded by:

- (a) the chairperson; or
- (b) a simple majority of Delegates on behalf of their Members.

27.5 Recording of Determinations

Unless a poll is demanded under **clause 27.4**, a declaration by the chairperson that a resolution has on a show of hands been carried or carried unanimously, or by a particular majority, or lost and an entry to that effect in the book containing the minutes of the proceedings of the Association shall be conclusive evidence of the fact without proof of the number of the votes recorded in favour of, or against the resolution.

27.6 Where Poll Demanded

If a poll is duly demanded under **clause 27.4** it shall be taken in such manner and either at once, or after an interval or adjournment or otherwise as the chairperson directs and the result of the poll shall be the resolution of the meeting at which the poll was demanded.

28. VOTING AT GENERAL MEETINGS

28.1 Members Entitled to Vote

Each Director shall be entitled to one (1) vote at General Meetings which, subject to this clause shall be exercised by the Director. No other Member shall be entitled to vote but shall subject to this Constitution have, and be entitled to exercise, those rights set out in **clause 5.1**. The Chief Executive Officer shall have no right to vote at General Meetings.

28.2 Chairperson May Exercise Casting Vote

Where voting at General Meetings is equal the chairperson may exercise a casting vote. If the chairperson does not exercise a casting vote the motion will be lost.

28.3 Postal Voting

No motion shall be determined by a postal ballot unless determined by the Board. If the Board so determines, the postal ballot shall be conducted under the procedures set by the Board from time to time.

29. PROXY VOTING

Proxy voting shall not be permitted.

30. STRATEGIC FORUM OF ASSOCIATION

30.1 Strategic Forums

The Association may hold strategic forums for its Affiliate Members, bi-annually. The object of the strategic forum is to:

- (a) inform affiliate Members of significant activities in regard to the Association's strategic direction;
- (b) assist the Board to design, or review the Association's strategic plan and direction;
- (c) discuss Association issues;
- (d) provide feedback to the Board on the results of its governance decisions in practice at Member level.

30.2 Attendees at Strategic Forums

All Directors, the Chief Executive Officer and others as determined by the Board may be invited to attend strategic forums of the Association:

31. GRIEVANCE PROCEDURE

- (a) The grievance procedure set out in this rule applies to disputes under these rules between a director, committee member; paid staff member, scholarship athlete, program athlete, athlete family member, coach, volunteer staff member, casual volunteer, or organisation and:
 - (i) another Member; or
 - (ii) the Association.
- (b) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all parties.
- (c) If the parties are unable to resolve the dispute at the meeting and an appropriate further course of action has not been agreed upon, or this further course of action fails to resolve the dispute, within seven (7) days; or if a party fails to attend that meeting, then the parties must, within ten (10) days, refer the dispute to for resolution to an independent tribunal established by the Board in accordance with the procedures determined by the Board from time to time.
- (d) The Board may prescribe additional grievance procedures in Regulations consistent with this **Rule 31**.

32. RECORDS AND ACCOUNTS

32.1 Records

The Association shall establish and maintain proper records and minutes concerning all transactions, business, meetings and dealings of the Association and the Board and shall produce these as appropriate at each Board, Committee, or General Meeting.

32.2 Records Kept in Accordance with Act

Proper accounting and other records shall be kept in accordance with the Act. The books of account shall be kept in the care and control of the Chief Executive Officer.

32.3 Association to Retain Records

The Association shall retain such records for seven (7) years after the completion of the transactions or operations to which they relate.

32.4 Board to Submit Accounts

The Board shall table at the Annual General Meeting the statements of accounts of the Association in accordance with this Constitution and the Act.

32.5 Accounts Conclusive

The statements of accounts when approved or adopted by an Annual General Meeting shall be conclusive except as regards any error discovered in them within three months (3) following such approval, or adoption.

32.6 Accounts to be Sent to Members

The Chief Executive Officer shall cause to be sent to all persons entitled to receive notice of Annual General Meetings in accordance with this Constitution, a copy of the statements of account, the Board's report, the auditor's report, and every other document required under the Act (if any).

32.7 Negotiable Instruments

All cheques, promissory notes, bankers, drafts, bills of exchange and other negotiable instruments, and all receipts for money paid to the Association, shall be signed, drawn, accepted, endorsed, or otherwise executed, as the case may be, by any two (2) duly authorised Directors, one being the Chief Executive Officer (if required), or in such other manner as the Board determines.

33. AUDITOR

- (a) A properly qualified auditor or auditors shall be appointed by the Association in General Meeting. The auditor's duties shall be regulated in accordance with the Act, or if no relevant provisions exist under the Act, in accordance with the *Corporations Act* and generally accepted principles, and/or any applicable code of conduct. The auditor may be removed by the Association in General Meeting.
- (b) The accounts of the Association shall be examined, and the correctness of the profit and loss accounts and balance sheets ascertained by an auditor or auditors at the conclusion of each Financial Year.

34. INCOME

34.1 Income and property of the Association shall be derived from such sources as the Board determines from time to time.

34.2 The income and property of the Association shall be applied solely towards the promotion of the Objects.

34.3 Except as prescribed in this Constitution or the Act:

- (a) no portion of the income or property of the Association shall be paid or transferred, directly or indirectly by way of dividend, bonus or otherwise to any Member; and
- (b) no remuneration or other benefit in money or money's worth shall be paid or given by the Association to any Member who holds any office of the Association.

34.4 Nothing in **clauses 34.2 or 34.3** shall prevent payment in good faith of, or to any Member holding any office of the Association for:

- (a) any services actually rendered to the Association whether as an employee, Director or otherwise;
- (b) goods supplied to the Association in the ordinary and usual course of operation;
- (c) interest on money borrowed from any Member;
- (d) rent for premises demised or let by any Member to the Association;
- (e) any out-of-pocket expenses incurred by the Member on behalf of the Association;

provided that any such payment shall not exceed the amount ordinarily payable between ordinary commercial parties dealing at arm's length in a similar transaction.

35. WINDING UP

- (a) Subject to this Constitution the Association may be wound up in accordance with the Act.
- (b) The liability of the Members of the Association is limited.
- (c) Every Member undertakes to contribute to the assets of the Association if it is wound up while a Member, or within one year after ceasing to be a Member, for payment of the debts and liabilities of the Association contracted before the time at which it ceases to be a Member and the costs, charges, and expenses of winding up the Association, such an amount not exceeding one dollar (\$1.00).

36. DISTRIBUTION OF PROPERTY ON WINDING UP

If upon winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any assets or property, the same shall not be paid to or distributed amongst the Members but shall be given or transferred to another organisation or organisations having objects similar to the Objects and which prohibits the distribution of its or their income and property among its or their Members to an extent at least as great as is imposed on the Association by this Constitution. Such organisation(s) to be determined by the Members in General Meeting at or before the time of dissolution, and in default thereof by such judge of the Supreme Court of New South Wales or other Court as may have or acquire jurisdiction in the matter.

37. ALTERATION OF CONSTITUTION

This Constitution shall not be altered except by Special Resolution.

38. REGULATIONS

38.1 Board to Formulate Regulations

The Board may formulate issue, adopt, interpret, and amend such Regulations for the proper advancement, management and administration of the Association, and the advancement of the purposes of the South West Sydney Academy of Sport in New South Wales as it thinks necessary, or

desirable. Such Regulations must be consistent with the Constitution and any other regulations made by the NSW Department of Communities, Sport and Recreation, NSWIS and ASi and any policy directives of the Board.

38.2 Regulations Binding

All Regulations are binding on the Association and all Members.

38.3 Regulations Deemed Applicable

All clauses, rules, by-laws, and regulations of the Association in force at the date of the approval of this Constitution insofar as such clauses, rules, by-laws, and regulations are not inconsistent with, or have been replaced by this Constitution, shall be deemed to be Regulations, and shall continue to apply.

38.4 Bulletins Binding on Members

Amendments, alterations, interpretations, or other changes to Regulations shall be advised to Members by means of Bulletins approved by the Board and prepared and issued by the Chief Executive Officer. The matters in the Bulletins are binding on all Members.

39. STATUS AND COMPLIANCE OF ASSOCIATION

39.1 Recognition of Association and compliance

The Association shall consider the benefits of Regional Academies of Sport Inc (RASi) membership, as the controlling authority for NSW Regional Academies of Sport joint activities, in New South Wales.

40. ASSOCIATION'S CONSTITUTION

40.1 Constitution of the Association

This Constitution shall clearly reflect the objects of RASi and be subject always to the Act.

40.2 Operation of RASi constitution

- (a) The Association will take all reasonable steps to ensure this Constitution conforms to the RASi constitution subject always to the Act.
- (b) The Association shall provide to RASi a copy of this Constitution and all future amendments to this document. The RASi has no power to veto any provision in its Constitution which, in RASi opinion, is contrary to its objects.

41. NOTICE

- (a) Notices may be given by the Association to any person entitled under this Constitution to receive any notice, by sending the notice by pre-paid post, or facsimile transmission, or where available, by electronic mail, to the Member's registered address, or facsimile number, or electronic mail service.
- (b) Where a notice is sent by post, service of the notice shall be deemed to be realised by properly addressing, prepaying, and posting the notice. Service of the notice is deemed to have been affected three (3) days after posting.
- (c) Where a notice is sent by facsimile transmission, service of the notice shall be deemed to be realised upon receipt of a '*confirmation report*' confirming the facsimile was sent to/or received at the facsimile number to which it was sent.
- (d) Where a notice is sent by electronic mail service of the notice shall be deemed to be realised upon '*read receipt*' confirmation or, the next business day after it was sent.

42. PATRONS AND VICE PATRONS

The Association at its Annual General Meeting may appoint annually on the recommendation of the Board a chief Patron and such number of Patrons as it considers necessary, subject to approval of that person, or persons.¹

43. INDEMNITY

- (a) Every Director and employee of the Association shall be indemnified out of the property and assets of the Association against any liability incurred by them in their capacity as Director or employee in defending any proceedings, whether civil or criminal, in which judgement is given in their favour or in which they are acquitted or in connection with any application in relation to any such proceedings in which relief is granted by the Court.
- (b) The Association shall indemnify its Directors and employees against all damages and losses (including legal costs) for which any such Director or employee may be or become liable to any third party in consequence of any act, or omission except wilful misconduct:
 - (ii) in the case of a Director, performed or made whilst acting on behalf of and with the authority, expressed or implied, of the Association; and
 - (iii) in the case of an employee, performed or made in the course of, and within the scope of their employment by the Association.



Sydney & Regional Planning Panels Operational Procedures

January 2020

These procedures are provided for general guidance and information only and are made available on the understanding that the NSW Department of Planning and Environment (Department) is not providing legal advice.

The Department has compiled the procedures in good faith, exercising all due care and attention.

The procedures do not affect or replace relevant statutory requirements.

Where an inconsistency arises between the provisions of the procedures and relevant statutory provisions, the statutory requirements prevail.

While every reasonable effort has been made to ensure that this document is correct at the time of printing, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

The procedures are not intended to give rise to any rights, claims, benefits, privileges, liabilities or obligations with respect to matters the subject of the procedures.

It should be noted that the procedures may be affected by changes to legislation at any time and/or be subject to revision without notice.

It is recommended that independent advice be sought in respect of the operation of the procedures and the statutory requirements applying to Sydney and Regional Planning Panels under the *Environmental Planning and Assessment Act 1979*.

Sydney and Regional Planning Panels Operational Procedures
© State of New South Wales through the NSW Department of Planning, Industry and Environment
January 2020
NSW Department of Planning, Industry and Environment
Four Parramatta Square, 12 Darcy Street, Parramatta, NSW 2150.
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Definitions

Aboriginal Land SEPP means the *State Environmental Planning Policy (Aboriginal Land) 2019*

Capital Investment Value (CIV) means all costs necessary to establish and operate a development, as defined in clause 3 of the *Environmental Planning & Assessment Regulation 2000*

Commission means the Greater Sydney Commission

Council means the council for the local government area in which the land the subject of a development application, rezoning review or application for a site compatibility certificate is located

Days means calendar days unless otherwise stated

Department means the Department of Planning and Industry

Development Application (DA) means an application for consent under Part 4 of the *Environmental Planning & Assessment Act 1979* to carry out development but does not include an application for a complying development certificate

District means any part of the Greater Sydney Region, or other region of the State, declared to be a district by the Minister

Education SEPP means the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*

EP&A Act means the *Environmental Planning & Assessment Act 1979*

EP&A Regulation means the *Environmental Planning & Assessment Regulation 2000*

Greater Sydney Region means the region comprising the local government areas within the boundary shown on the map in Schedule 1 of the *Greater Sydney Commission Act 2015*

GSC Act means the *Greater Sydney Commission Act 2015*

LALC means Local Aboriginal Land Council

LEP means local environmental plan

LGA means local government area

LGNSW means Local Government NSW

LG Act means *Local Government Act 1993*

Minister means the Minister for Planning and Public Spaces

Panel or *Planning Panel* means a Sydney district or regional planning panel. The Panels were previously known as Joint Regional Planning Panels (JRPPs).

Planning Panel meeting means a public briefing meeting or a public determination meeting.

Planning proposal means a document prepared to explain the intended effect of, and justification for, making a proposed environmental planning instrument

Regionally significant development means development that meets criteria set out under Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011*

Planning proposal authority (PPA) means the public authorities identified under section 3.32 of the EP&A Act

SCC means a Site Compatibility Certificate issued under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

Seniors SEPP means the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

Secretariat means the Planning Panels Secretariat which provides technical and administrative support to the Planning Panels

Secretary means the Secretary of the Department of Planning and Industry

State and Regional Development SEPP or SRD SEPP means the *State Environmental Planning Policy (State and Regional Development) 2011*

Sydney Planning Panel means a Sydney district planning panel

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1. Introduction

The Planning Panels were introduced in NSW on 1 July 2009 to strengthen decision making for regionally significant development and certain other planning functions under the EP&A Act.

These procedures relate to the operation of both the Sydney and Regional Planning Panels.

The Planning Panels are independent bodies representing the Crown and are not subject to the direction of the Minister, except on matters relating to Planning Panel procedures or where the Minister issues a formal direction under the EP&A Act.

These procedures are the Planning Panels charter and have been developed to explain the objectives, powers and authorities of the Planning Panels. They also detail the means of operating the Planning Panels and clarify the roles of various parties in the work of the Planning Panels.

The procedures should be read in conjunction with the Planning Panels Code of Conduct which explains the standard of conduct expected of Planning Panel members.

These procedures will be kept under review and may be amended periodically.

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2. Defining the regions and districts

Planning Panels are constituted for each region of the State (other than the Greater Sydney Region), and each district of the Greater Sydney Region (see sections 2.12 and 3.2 and Part 3 of Schedule 2 of the EP&A Act).

The nine Planning Panels are the:

- Northern Regional Planning Panel,
- Hunter and Central Coast Regional Planning Panel,
- Western Regional Planning Panel,
- Southern Regional Planning Panel,
- Sydney North Planning Panel,
- Sydney Eastern City Planning Panel,
- Sydney Central City Planning Panel,
- Sydney Western City Planning Panel and,
- Sydney South Planning Panel.

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3. Functions of Planning Panels

3.1 Functions

The principal functions of Planning Panels are to determine regionally significant DAs and undertake rezoning reviews. Additional functions of Planning Panels include:

- preparing planning proposals if they are directed to be a planning proposal authority,
- determining Crown DAs,
- determining modification applications for regionally significant development,
- determining DA reviews,
- determining SCCs, and
- advising the Minister upon request.

3.2 Legislation

Legislation governing Planning Panels includes:

- the EP&A Act for the constitution and functions of Planning Panels and obligations in respect to councils, with the following key provisions:
 - Division 2.4 and Schedule 2 provides for the constitution of Planning Panels, member appointments, functions and general procedures,
 - Division 3.4 allows for a Planning Panel to act as the planning proposal authority and undertake planning proposal reviews,
 - Section 4.5 specifies that a Planning Panel is the consent authority for regionally significant development, and
 - Section 4.7 sets out the consent functions of a Planning Panel which are to be exercised by the relevant council.
- the EP&A Regulation contains provisions for where a Planning Panel is exercising consent authority functions,
- the State and Regional Development SEPP sets out in Part 4 and Schedule 7 development declared to be regionally significant,
- the Aboriginal Land SEPP sets out in Part 3 development declared to be regionally significant, and
- the Seniors SEPP and the Education SEPP both set out processes for consideration and determination of relevant applications for Site Compatibility Certificates.

3.3 Classes of regionally significant development

The State and Regional Development SEPP identifies the types of development classified as regionally significant (see Schedule 7 of the SEPP). The Aboriginal Land SEPP also identifies development declared to be regionally significant development (see Part 3 of the SEPP). The relevant Planning Panel will be the consent authority for regionally significant development.

Note State significant development or development within the City of Sydney cannot be declared as regionally significant development (see section 4.7 of the EP&A Act).

On lodgement of a DA, the council will decide if a DA is regionally significant development.

The capital investment value (CIV) is relevant for some regionally significant development and should be calculated at the time of lodgement. Councils should request a quantity surveyor's certificate or similar expert assessment

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to confirm the CIV from the applicant. The CIV is to be calculated in accordance the Planning Circular PS 10-008 (or as updated).

The Planning Panels determine applications to modify consent for regionally significant development under section 4.55(2) of the EP&A Act. Section 4.55(1) and section 4.55(1A) modification applications to development consents granted by the Planning Panel are to be determined by the relevant council. A court granted consent may be modified by a Planning Panel under section 4.56 if it is the consent authority.

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4. Membership of Planning Panels

(Part 4, Schedule 2 of the EP&A Act)

4.1 Members

Each Planning Panel consists of five members, with three of the members, including the chair, appointed by the Minister (State members) and two members nominated by the relevant council (council members).

Property developers and real estate agents are not eligible to be members of a Planning Panel.

The agenda of a Planning Panel meeting may include consideration of multiple matters, each located in different council areas. The council members who join the State members to form a Planning Panel will change, depending on the LGA in which the matter under consideration is located.

Panel members can be appointed to more than one Panel, either as a Panel member and/or as an alternate member.

When there is a vacancy on a Planning Panel, the Minister in the case of a State member, and the relevant council in the case of a council member, will appoint another member to that vacancy.

Terms of appointment for Planning Panel members, both State and council, must not exceed three years. Members are eligible for re-appointment. A State member of a Sydney Planning Panel must not be a member for more than nine years in total.

The secretariat is responsible for maintaining a register of all Planning Panel members.

4.2 Chair and deputy chair

Chairs of the Planning Panels are appointed by the Minister from among the State members. The Minister must obtain the concurrence of Local Government NSW (LGNSW) to the appointment unless LGNSW:

- does not notify its concurrence or refusal within 21 days of being requested, or
- has previously refused to give concurrence for two different persons nominated by the Minister for that appointment.

At any time, the members may determine to elect a deputy chair from among the State members for any term. The role of a deputy chair is to act as the chair in the chair's absence.

The chair (or, in the absence of the chair, a person elected by the members) presides at Panel meetings. The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

4.3 Expertise requirements for members appointed by the Minister

All Panel members appointed by the Minister, including alternates, must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration.

4.4 Council members

Two council members are appointed by each council. At least one council member must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

4.5 Selection of council members

Each council determines how their members are selected. In selecting members, councils should have regard to any conflict of duties that would be created for a person nominated to the Planning Panel if they are in any way responsible or involved in the assessment of matters to be determined by the Panel or involved in voting or deliberating on matters that come before the Panel.

Councils are not restricted to nominating people from the council's local area. They can appoint, terminate, and reappoint members at any time, and can determine the duration of each appointment. Generally, so as to ensure the greatest degree of continuity for the Panels, councils should consider appointing members for the maximum term of three years provided for under the EP&A Act. However, councils should reconsider if the nominations to the Panels are appropriate within 12 months following a council election.

Following a change to its nominees, council is to forward the new member's contact details to the secretariat as soon as possible and this must be a minimum of 14 days before any meeting at which they will act as a Panel member.

If a council fails to nominate one or more council members, a Panel may still exercise its functions in relation to the area of the council concerned.

4.6 Payment of council members

Councils determine the fees they pay their Panel members. The Minister has provided guidance to all councils on appropriate rates of remuneration for travel and subsistence allowances for their members.

Each council is responsible for making any payments to its Panel members when they attend Planning Panel meetings.

4.7 Alternate members

The Minister may at any time appoint a person to be the alternate of another member appointed by the Minister and may revoke any such appointment.

A council may also at any time appoint a person to be the alternate of a member nominated by the council and may revoke any such appointment.

Any changes are to be notified in writing to the secretariat as soon as possible and at least 14 days before undertaking any Panel business.

The alternate will act in the place of the member with all the powers of the member. Although a member may be appointed as an alternate for two or more members, they will only have one vote on any Panel decision.

4.8 Rotation of members

All chairs and members are required to periodically rotate with alternate members. The chair is to determine the frequency of rotation.

Following a matter being deferred, where possible the same members should reconvene to finalise the determination.

5. Code of Conduct considerations

5.1 Planning Panels Code of Conduct

All Planning Panel members must comply with the Planning Panels Code of Conduct when exercising their functions as a Panel member and make impartial merit-based decisions in accordance with their statutory obligations. The latest version of the Planning Panels Code of Conduct is available online at www.planningpanels.nsw.gov.au. On appointment each Planning Panel member must acknowledge in writing that they will abide by the Planning Panels Code of Conduct.

5.2 Declaration of interests

On being informed of a matter to come before the Planning Panel members should consider if they have an actual, potential or reasonably perceived conflict and, if so, declare the conflict and take any appropriate action, such as allowing an alternate member to take their place.

Planning Panel members are required to complete and sign a declaration of interest form in relation to each matter which is considered by the Planning Panel, either before, or at the commencement of, the Planning Panel meeting. Any verbal declarations are to be recorded in writing.

To avoid any perceptions of bias, and to meet requirements of the Code of Conduct, councillors who have previously deliberated or voted on a matter that is to come before the Planning Panel (such as a submission from the council on a DA for regionally significant development, a related voluntary planning agreement or a planning proposal) must stand aside from their place on the Planning Panel and allow council's nominated alternative member to take their place. Alternatively, the member may choose to not participate in the deliberations or voting on the matter at the council (or council committee) meeting. They should also not remain in the council chamber during the council's deliberations.

5.3 Representations to Planning Panel members

If a Planning Panel member is approached by any person about a matter to come before the Planning Panel, i.e. a DA, or planning proposal or Site Compatibility Certificate, the Planning Panel member must not discuss the matter.

Any person that approaches a Planning Panel member should be encouraged to make a written submission to the council planning staff for DAs during the exhibition period, or if the matter relates to a planning proposal for which the Planning Panel is the Planning Proposal Authority, to the secretariat. Issues raised in submissions will be addressed in the assessment report to be provided to the Planning Panel and there will be an opportunity for the applicant and any person who made a submission to address the Planning Panel at its meeting.

5.4 Interactions with third parties about matters before the Planning Panel

Planning Panel members are not to discuss any matter that is to be considered by the Planning Panel with councillors, the applicant, their consultants, parties who have made a submission, or any other person with an interest in the matter outside of a public briefing meeting, public determination meeting, site visit or briefing.

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5.5 Public meetings organised by the council or community about the proposed development

To avoid any perception of bias, Planning Panel members should avoid attending public meetings about a proposed development organised by members of the community or council, unless the meeting has been organised at the request of the Planning Panel.

In order for all Planning Panel members to hear the concerns of the public as part of the consideration of the application, Planning Panel members should decline any invitation to attend a public meeting and advise the meeting organisers to make a submission to council and register to address the Planning Panel at its meeting.

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6. Administration

Administration and support for the Planning Panels is provided by the Planning Panels Secretariat. Support includes:

- scheduling of meetings, briefings and site visits,
- preparing and issuing agendas and business papers,
- notification of meetings,
- arranging for travel and accommodation for State appointed Panel members,
- preparing records of decision (with assistance from council),
- arranging for the audio recording of public Panel meetings,
- record keeping for the Planning Panels, and
- being the first point of contact for councils to notify a Planning Panel of any decision made by the Panel which is the subject of a merit appeal in the Land and Environment Court.

The secretariat is the first point of contact for all Planning Panel matters and publishes a wide range of information on its website:

www.planningportal.nsw.gov.au/planningpanels

The contact details for the secretariat are:

phone: (02) 8217 2060

email: enquiry@planningpanels.nsw.gov.au

7. Government information, privacy and complaints

7.1 Right to information and privacy management

The Department assists Planning Panels in managing applications made under the *Government Information (Public Access) Act 2009* and the *Privacy and Personal Information Protection Act 1998*.

Applications of this nature can be made to patiunit@planning.nsw.gov.au or visit the Department's website at:

<http://www.planning.nsw.gov.au/About-Us/Right-to-Information/How-Can-I-Access-Information>

7.2 Complaints

The Department assists Planning Panels in managing complaints. Complaints are investigated and managed in accordance with the Department's Management of Complaints Policy.

Dissatisfaction with determinations of the Planning Panels will not be regarded as a complaint.

If you wish to make a complaint telephone, write or email the Department at:

phone: 1300 305 695.

postal address: GPO Box 39, Sydney NSW 2001.

email: information@planning.nsw.gov.au.

Complaints made in this way will be recorded in the Department's Complaints Register and will be allocated to the appropriate level for investigation and response.

If you are not satisfied with a response, you can ask for the issue to be considered by a more senior officer.

Code of conduct complaints will be dealt with under the Planning Panels Code of Conduct.

At any time, a person can complain to external bodies such as the Independent Commission Against Corruption (ICAC), the Ombudsman, or the Audit Office of NSW. Allegations of corrupt conduct, misconduct, or serious waste of resources are encouraged to be made directly to these organisations.

Complaints about council, councillors, council staff or local planning panels (IHAPs) should be directed to the relevant council.

8. Monitoring, review and reporting

The secretariat monitors the progress of DAs referred to the Planning Panels. It is expected that council will complete its assessment report within 60 days after the close of the public exhibition period. The relevant Planning Panel will aim to determine the DA within 14 days of receipt of the assessment report.

The performance of the Planning Panels is monitored and reported in the Department's Annual Report.

8.1 Availability of information

The secretariat makes a range of information publicly available on its website, including:

- Planning Panel notices with dates, locations and times (at least 7 days before the Planning Panel meeting),
- the relevant council's assessment report and recommendation (at least 7 days before the Planning Panel meeting),
- records of briefings and Planning Panel meetings, Determinations and Statements of Reasons, decisions on rezoning reviews and Site Compatibility Certificates, resolutions of the Planning Panels and any advice provided by the Planning Panels to the Minister, Secretary or GSC, as relevant,
- audio recordings of Planning Panel meetings, and
- a schedule of meeting dates reserved for Planning Panel business.

Councils remain responsible for receiving, notifying and exhibiting DAs and supporting documents in accordance with statutory provisions and council's own notification and exhibition requirements set out in its community participation plan.

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9. Liability and indemnification

Panel members are excluded from personal liability as long as the act or omission was done in good faith for the purpose of carrying out their duties under the EP&A Act (see s 2.28 of the EP&A Act).

The NSW Government extends insurance indemnity cover to Panel members. For indemnification provisions to apply Panel members must act honestly and in accordance with the Planning Panels Code of Conduct in the performance of their responsibilities.

For further information please contact the NSW Self Insurance Corporation (icare) at: <https://www.icare.nsw.gov.au>

10. Roles of councils and other panels

10.1 Role of councillors and council staff

The elected council and council staff have different roles in the assessment of DAs. Under the *Local Government Act 1993*, the independence of council staff is protected in the preparation of advice and recommendations. Staff members are not subject to direction by the council or by a councillor as to the content of any advice or recommendation made by the staff member. Equally, a council or councillor is not bound by the advice or recommendation made by a member of staff.

10.2 Assessment role

Council staff undertake the assessment of a DA. The assessment of a DA includes accepting the DA, consultation, concurrence and obtaining general terms of approval from an agency if required, carrying out community participation requirements and assessment of the matters set out in 4.15 of the EP&A Act. The assessment is documented in a report with recommendations. The report is then considered by the person or body that is the consent authority.

Council is responsible for carrying out community participation requirements on behalf of the Planning Panels (see section 4.7(2)(d) and Division 2.6 of the EP&A Act).

The Department undertakes the assessment of planning proposals and applications for site compatibility certificates referred to the Planning Panels.

10.3 Determination role

Historically, one of the roles of an elected council has been to determine or make decisions on DAs in their capacity as a consent authority. There are occasions, however, where the determination role is performed by other people or bodies, either because the council has delegated that function, or because it has been conferred upon another person or body. For example, where mandatory local planning panels, previously known as Independent Hearing and Assessment Panels (IHAPs), have been introduced elected councils no longer determine DAs (see section 2.17 of the EP&A Act).

The Planning Panel for the area in which the development is to be carried out is the consent authority for regionally significant development (see section 4.5 of the EP&A Act).

10.4 Post-determination role

Council staff are responsible for post-determination functions including:

- notifying Planning Panel determinations on DAs (see sections 4.7(2)(e), 4.18 and 4.59 of the EP&A Act),
- registering Planning Panel development consents on the NSW Planning Portal (see sections 4.7(2)(e) and 4.20 of the EP&A Act), and
- monitoring and enforcing compliance with conditions of the development consent.

The notice of determination should be issued once council receives a copy of the endorsed and final determination from the Planning Panel. The notice of determination must include all conditions imposed by the Planning Panel, including any additional or amended conditions.

The council has no power to amend conditions or include additional conditions following the Planning Panel's determination.

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Council will advise any person who made a submission on the DA of the determination.

The council continues to be responsible for the monitoring of, and enforcing compliance with, any conditions of the development consent.

Where an application has been approved subject to a 'deferred commencement' condition council is responsible for determining whether the requirements of the condition have been met (see section 4.16(3) of the EP&A Act). Council advises the chair of the Planning Panel in writing when the matter specified in the condition has been satisfied (see clause 123E (2) of the EP&A Regulation).

10.5 Support provided to Planning Panels by councils

Planning Panels are entitled on request to the general manager of a council, to use the staff and facilities of the relevant council, have access to council records, and any other assistance or action for the purpose of carrying out their functions (see section 2.27 of the EP&A Act).

It is expected that use of council facilities such as meeting rooms would be arranged prior to Planning Panel meetings.

Support, such as recording the written decisions of the Planning Panel, audio recording of Planning Panel meetings, copying of documents and the provision of professional advice, may also be required.

Generally, the relevant council bears the administrative and council staffing costs associated with the Planning Panel meetings. Administrative costs may include those associated with the meeting venue and set up, the attendance of council staff, as well as administrative support.

The chair and members of a Planning Panel will need to be mindful of the regular duties and responsibilities of council staff when requests for assistance are made. Requests by members of Planning Panels for support and assistance from councils should be made through the chair to the general manager (or other person nominated by the general manager) of the council concerned.

10.6 Role of design review panels

Design review panels are established by councils either formally under *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* with the approval of the Minister, or informally to bring special design expertise to the assessment of certain types of DAs.

Design review panels that are properly integrated in the assessment process are an effective tool which helps to improve the quality of design outcomes. The quality of design has a bearing on many, but not all, of the matters considered in the assessment of a DA.

The role of design review panels in the assessment of applications is not changed by the fact that the application is to be determined by a Planning Panel. However, it is generally more effective in terms of design quality outcomes and timeliness if the design review panel is convened at the pre-DA stage or early in the assessment phase.

10.7 Role of local planning panels

The purpose of local planning panels (formerly known as IHAPs) is to provide independent, expert determination of DAs, as well as providing an opportunity for people with an interest in the DA to raise and discuss issues in a public forum before a decision is made on the application. Local planning panels determine all DAs that meet criteria set by the Minister.

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Although similar in operation, the roles of local planning panels and the Planning Panels do not overlap. Each DA must satisfy distinct referral criteria before it is known whether the Planning Panel or local planning panel will determine that DA.

11. Development application and assessment

11.1 Pre-development application meetings

Pre-DA meetings between applicants and assessment officers are commonly used to inform lodgement requirements and likely assessment pathways before applications are submitted to the consent authority.

Applicants are encouraged to meet with council before lodging a DA, and to respond to the advice of council when preparing the DA.

To avoid any apprehension of bias, it is not appropriate for determining bodies, such as Planning Panels or their members to participate in pre-DA meetings.

11.2 Making of development applications

DAs for regionally significant development are made to the relevant local council.

In the case of development located in two or more LGAs, a separate DA must be lodged with the councils of each LGA. Additionally:

- each DA should only address that part of the development located on land in the relevant LGA,
- neighbouring councils may wish to consider setting up joint assessment procedures, if appropriate, and
- the Planning Panel will determine each DA separately (although the determinations may be made concurrently).

11.3 Notification to the secretariat

Within 7 days of receiving a DA for regionally significant development, the council registers the DA with the secretariat.

The registration is made via the Planning Panels website or the NSW Planning Portal. The registration includes all information required on the website registration page. The DA documents are electronically transmitted to the secretariat at the same time.

The secretariat advises relevant Planning Panel members of the DA once the registration is accepted. The DA documents, including the application form are generally sent to Planning Panel members electronically.

These documents allow Planning Panel members to become familiar with the development and to identify if they have any potential conflicts of interest prior to their review of the assessment report and before attending the Panel meeting to consider the application in public.

11.4 Public exhibition of development applications by council

Public exhibition of the DA is undertaken by council staff in accordance with the requirements of the EP&A Act, EP&A Regulation and Council's Community Participation Plan or any relevant development control plan or policy of council.

Notification of exhibition, including letters and advertisements, should contain appropriate statements to advise:

- that the {name of relevant} Planning Panel is the consent authority for the application,
- that submissions made in respect of the application should be made to {name of relevant} Council, but will be provided to the Planning Panel and may be viewed by other persons with an interest in the application,

- names and addresses of submitters will be provided to the Planning Panel for notification purposes, and
- other information required by the EP&A Act or EP&A Regulation.

11.5 Requests for additional information

It is the applicant's responsibility to provide adequate information and technical reports on potential impacts of the proposed development.

Holding a pre-DA meeting with council staff will often clarify council requirements for the lodgement of an application. However, the applicant may be requested by council staff to provide further information or reports to properly address all relevant aspects of the development, or to enable an assessment report to be completed.

During the assessment process the Planning Panel may identify issues at a briefing that must be addressed or clarified in council's assessment report, and for which council may request further information.

Amended plans or additional information for a DA must be lodged with council.

11.6 Status reports

Councils must advise the secretariat if it is evident that there are difficulties in assessing the DA or the assessment report will not be completed within the timeframe indicated in the referral notification.

The secretariat tracks the progress of DAs registered with it and requests status updates from council for DAs lodged for 70 days or more.

Where a response or concurrence from public agencies delays the assessment of a DA, a council can ask the secretariat for assistance to ensure the agency responds to council in a timely manner.

Where there is an ongoing and unreasonable delay in the processing of a DA, council may be requested by the Planning Panel to complete its assessment without further delay.

11.7 Assessment of the development application

The council that received the DA is responsible, through its staff, for the assessment of the application.

It is council's responsibility to prepare an assessment report addressing all statutory requirements and properly considering all issues. Usually councils will rely on their own professional staff, however where they do not have the technical expertise required in-house, they may engage external expertise. All costs associated with the preparation of the assessment report are to be covered from application fees, which are retained by council.

The assessment report must clearly identify how the proposal meets the relevant requirements for regionally significant development, and that the Planning Panel is responsible for determining the application.

The assessment report must include a recommendation on the proposed development:

- if the recommendation is for approval of the application, the report must include recommended conditions of consent, and
- if the recommendation is for refusal, the report must include reasons for refusal based on the assessment in the report.

The chair, following consultation with the Planning Panel, may also request without prejudice draft conditions of consent, where council's report

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recommends refusal. The Panel may do this before or at the determination meeting.

The assessment report should clearly identify if there are any outstanding issues and steps to be taken to address such issues.

In considering an application, a Planning Panel may request additional information to assist in its determination of the application.

11.8 Varying development standards

Where a DA includes a variation to a development standard, an application under clause 4.6 of the relevant LEP is required (or, where the development is not in a standard instrument LEP, an objection under *State Environmental Planning Policy No 1—Development Standards* (SEPP 1)). Council's assessment report includes an assessment of the application against the relevant statutory provisions.

The function of obtaining concurrence from the Secretary under clause 4.6 is a matter for the council. However, where concurrence is assumed, the council does not need to obtain concurrence. The Planning Panel will determine whether a clause 4.6 application is well founded on the basis of the applicant's justification.

11.9 Local infrastructure contributions

The assessment report should address contributions required in accordance with the council's relevant contributions plan (see section 7.11 and 7.12 of the EP&A Act). The Planning Panel is able to impose additional or different contributions than those set out in the contributions plan. For Crown developments, councils should address contributions in accordance with the relevant planning circular (Circular No. D6, issued September 1995 or as updated).

11.10 Special infrastructure contributions and certification requirements

If the development falls within a special contributions area the council should address the relevant requirements in its assessment report and recommend appropriate conditions in accordance with the Ministerial direction (see section 7.24 of the EP&A Act).

The council must address any "Satisfactory Arrangements" clause in the applicable LEP in its assessment report. These clauses usually state that development consent must not be granted by a consent authority until arrangements to the satisfaction of the Secretary have been made to contribute to regional or State infrastructure. A Planning Panel cannot provide consent to the DA until the Secretary (or delegate) of the Department has certified in writing that satisfactory arrangements have been made.

11.11 Development subject to delays in determination

An applicant with a DA that has a CIV between \$10 million and \$30 million can refer the DA to the relevant Planning Panel for determination if it remains undetermined for 120 days after being lodged with council (see Schedule 7 of the State and Regional Development SEPP). The referral process is outlined below:

- when making a referral, applicants must use the Regional Development Request form available on the Planning Panels website,
- the applicant is to complete the relevant part of the form and submit it to **both** the relevant council and the secretariat,

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- once the council receives the referral form it cannot determine the DA until a decision has been made regarding whether the Planning Panel will have the function of determining the DA, however council can continue to assess the DA,
- the council sends the completed referral form and copies of all DA documents, to the secretariat within 7 days. Council should also send its explanation for the delay in completing its assessment,
- the chair will consider the information in the referral form and advise the secretariat if the referral is accepted (i.e. the applicant is not responsible for a delay in the application), generally within 14 days of the applicant making the referral. The chair will consider a number of matters in making this decision, including:
 - permissibility and zoning, including whether the determination is dependent on a rezoning,
 - whether the determination is dependent on a voluntary planning agreement or the approval of a masterplan or DCP,
 - whether the landowner's consent has been provided,
 - whether the required referrals and concurrences have been obtained,
 - whether there have been requests for further information, and what the responses were to those requests, and
 - if council has considered the DA and the outcome of that consideration,
- once the chair decides, the secretariat will notify the council and the applicant as to whether the development is regionally significant development,
- if the referral is not accepted the chair must advise the reason(s) for not accepting the referral,
- if the referral is accepted, council completes the assessment of the application and prepares an assessment report for submission to the secretariat, and
- a briefing with council may be held prior to determination.

11.12 Council representation to the Planning Panel

An elected council may make a submission on a DA within their LGA that is to be determined by a Planning Panel up to seven days before the Planning Panel meeting.

After the assessment report is sent to the secretariat, it may be given to the elected council to assist in its decision as to whether it will be making a submission to the Planning Panel. The elected council's submission should not be prepared by persons involved in the assessment of the application but could be prepared by another council officer, or a consultant.

A council submission should not be specifically referenced in the assessment report or recommendations prepared by the council staff. If council makes a submission, a staff representative or individual Councillors may register to address the Planning Panel at the meeting to express the views of council.

Councillors who are also Planning Panel members have an independent role because they have been nominated by their council as its nominee to the Planning Panel.

11.13 Submission of assessment report to the secretariat

The completed assessment report and recommendation is to be immediately sent via electronic means to the secretariat.

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The assessment report is not to be endorsed or presented to the elected council before being sent to the secretariat.

The following items are to be sent in a digital format to the secretariat:

- assessment report and any attachments and recommendations (including conditions),
- the Council Assessment Report cover sheet (available on the Planning Panels website),
- final architectural drawings and plans and other reports that the assessing officer considers that the Panel may require in order to make an informed decision,
- copies of each submission received in respect of the DA
- a completed List of Submitters (available on the Planning Panels website) containing the names, postal addresses and email addresses (if provided) of every person or body who made a submission to allow the secretariat to notify submitters of the details of the Panel meeting, and
- in the case of petitions, only the name and address of the head petitioner should be provided, if that person can be identified.

Note: Council's assessment report must include a summary and assessment of all submissions so that the Planning Panel can consider the submissions as part of the assessment of the DA. Based on the details provided by council, the secretariat will notify persons who made submissions of the time, date and venue of the Planning Panel meeting at which the relevant application will be considered. Councils should also give the secretariat copies of any late submissions and, where necessary, provide further assessment if the issues are not already covered in council's assessment report.

11.14 Written submissions to the Planning Panel

All written submissions must be sent directly to council to be considered as part of the assessment of the DA.

Submissions sent to the Planning Panel will be given to council for assessment. Planning Panels will not normally accept information "in confidence" that is not also given to council. However, if confidentiality is requested, the reason must be clearly stated as to why it is confidential and relevant to the assessment matter before the Panel and the chair will consider the request.

11.15 Rezoning, development control plans and planning agreements

Where a DA is lodged concurrently with a planning proposal seeking the rezoning of land under the LEP Council's assessment report must address the DA against the proposed zoning. Council is responsible for progressing the planning proposal. The Planning Panel cannot determine a DA to approve such development until the land is rezoned to permit that development.

Where the provisions of an environmental planning instrument require a development control plan (DCP), (previously known as a master plan) to be adopted by the council before granting development consent, it is the responsibility of council to prepare and adopt the DCP prior to sending the assessment report to the Planning Panel. In such circumstances, the Planning Panel will not determine the application until the DCP is adopted by the council.

If a planning agreement is proposed, it should be negotiated by council staff. Council's assessment report for the Planning Panel would normally make reference to any planning agreement and its relationship to the DA.

The Planning Panel may only impose a condition of consent requiring a planning agreement be entered into if the condition reflects the terms of any

offer made by the applicant to enter into a planning agreement (see section 7.4 of the EP&A Act).

11.16 Referral of Crown development applications with a CIV less than \$5 million

Crown DAs with a CIV greater than \$5 million are regionally significant development. Crown DAs with a CIV under \$5 million can be referred to the relevant Planning Panel (see section 4.33 of the EP&A Act) by either:

- the applicant where council (or IHAP, if relevant) has not determined in the prescribed period, or
- the council at any time including before the end of the prescribed period.

Before the end of the prescribed period, only a council (not the applicant) can refer an application to the Planning Panel.

For Crown DAs with a CIV of less than \$5 million where a council or IHAP seeks to refuse consent or impose a condition to which the applicant has not provided their agreement, the application is also to be referred by council to the relevant Planning Panel (see section 4.33(2) of the EP&A Act). Planning Circular PS 09-017 outlines the Crown DA provisions and policy.

The referral to the Planning Panel must be in writing. Additional procedures for the referral, including the requirement to notify the other party in writing of the referral are set out at sections 4.33(6) and section 4.33(7) of the EP&A Act.

Once the application is referred to a Planning Panel, the council registers DA on the Planning Panels website and gives its assessment report to the Planning Panel to consider.

12. Determination of development applications

12.1 Determining regionally significant development applications

Planning Panels determine regionally significant development as the consent authority.

Planning Panels generally hold public determination meetings to consider DAs. Refer to **Schedule 1** for more information on the detailed procedures for Planning Panel meetings.

The purpose of the public determination meeting is for the Planning Panel to hear views of the community and other interested parties, such as the applicant and the council, on the DA before the Planning Panel makes a decision.

After reviewing written submissions on a DA, considering the recommendation in council's assessment report and hearing from those wishing to address the Planning Panel, the Planning Panel may determine the application or defer its decision for reasons that will be stated in the meeting record.

In certain circumstances the determination of a DA can be done by a circulation of papers e.g. where the assessment report recommends approval and there are no submissions objecting to the proposed development or if the decision on the DA was deferred.

12.2 Obligation to consult council – if adverse financial impacts

A Planning Panel must not make a decision that will have, or that might reasonably be expected to have, a significantly adverse financial impact on a council without first consulting the council (see section 2.26 of the EP&A Act).

The consultation must be in writing, with the council being given a specified time to respond in writing. Where a briefing with the general manager (or nominee) is to be held to discuss the matter, all relevant Panel members should be present, and a meeting record and outcomes should be sent to the secretariat.

12.3 Determining Crown development applications

A consent authority for Crown development cannot refuse consent to a Crown DA except with the approval of the Minister, nor can it impose a condition on a development consent for Crown development except with the approval of the applicant or the Minister.

This requirement applies to Crown development that is to be considered by a Planning Panel, where the application is for regionally significant development, or where the DA is referred to the Panel under Division 4.6 of the EP&A Act.

Where the Planning Panel wishes to either refuse an application or impose conditions not agreed by the applicant, or where a Planning Panel fails to determine the DA within the prescribed period, the applicant or the Planning Panel may refer the DA to the Minister. The Minister may then direct the Planning Panel to approve or refuse the Crown DA within a specified time.

12.4 Determining DAs for coastal protection works

Certain coastal protection works are classified as regionally significant development. Where a Planning Panel is to determine a DA for coastal protection works the chair and the council nominated members will remain on the panel, however the State members will be replaced by members appointed by the Minister who have expertise in coastal engineering or coastal geomorphology (see clause 8A, Schedule 7 of the SRD SEPP).

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12.5 Delegation to council to determine applications

If the Minister agrees, Planning Panels may delegate the determination of applications to councils, a local planning panel of a council or the general manager or other staff of council (see section 2.16(2) of the EP&A Act). Delegation may be for development in a specified area, for a class of application, or be made on a case-by-case basis.

In situations where the determination is delegated, councils must:

- register the application on the Planning Panels website,
- inform and update the secretariat on the processing of the application as requested, and
- provide a copy to the secretariat of all determination documents, including the assessment report and Notice of Determination.

The chair of the relevant Planning Panel may request the council to not exercise the delegated function in certain circumstances.

Any determination made by council under delegation is a decision of the Planning Panel.

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13. Reviews and appeals

13.1 Decision reviews

Planning Panels also review decisions made on DAs by the Planning Panels (see Division 8.2 of the EP&A Act). The Council notifies the Planning Panel when a request to review a decision has been lodged. The Planning Panel reviewing the decision will be comprised of different members to those members that made the original decision and will be called the Decision Review Panel of the {relevant} Planning Panel.

Note that decision reviews cannot be requested where the following applies:

- the time to lodge a legal appeal has passed,
- a merit appeal has been determined regarding the DA, or
- it is an application for complying development, a Crown DA or a designated development DA.

The Decision Review Panel may ask to be briefed on the decision review request, either by the applicant, Council staff undertaking the assessment, or other experts engaged to assess the application.

The circumstances where this may be needed include where the applicant for the DA has amended the development the subject of the original DA since the original determination.

If needed, the Decision Review Panel may also hold a site visit or public briefing meeting.

Council must prepare an additional assessment report to the Decision Review Panel if the DA or application to modify a development consent has been amended after its initial determination, or if submissions have been made following any further notification.

The Decision Review Panel of the Planning Panel may hold a public determination meeting. A Decision Review Panel will only need to hold a public determination meeting if the application was notified and submissions objecting to the application were received. It is at the Chair's discretion whether a public determination meeting is necessary at any other time.

Council must give written notice to the applicant of the result of the review within 7 days of the completion of the review.

13.2 Appeals against a Planning Panel determination

Merit appeals

An applicant who is dissatisfied with a determination or deemed refusal of an application may lodge a merit appeal to the Land and Environment Court within six months against the decision as provided for in the EP&A Act.

Note: An application is deemed to have been refused if it is not determined within 40 days, or 60 days if the application is for designated or integrated development, requires concurrence of a concurrence authority or is accompanied by a biodiversity development assessment report and that proposes a discount in the biodiversity credits required under the report to be retired.

If the development is designated development, then an objector to the development who is dissatisfied with a determination may also lodge a merit appeal in the Land and Environment Court within 28 days as provided for in the EP&A Act.

The council for the area will be the respondent for any merit appeal against a determination made by a Planning Panel on a development application. The council is subject to the control and direction of the Planning Panel in connection with the conduct of the appeal.

The council is to give notice of the appeal to the Planning Panel. It must do this by notifying the secretariat. Notification to the Planning Panel must be

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made no more than seven days after the council receives notice of the appeal and must advise whether the council will be actively defending the appeal.

Note: Each Planning Panel chair has delegated authority to act as the Planning Panel's representative to provide instructions and seek legal advice in relation to appeals. Planning Panel delegations are published on the Planning Panels website.

The Planning Panel will determine its level of involvement in an appeal, and what directions (if any) it wishes to issue to the council, on a case-by-case basis. While a Planning Panel has the power to direct and control the council, it may choose not to exercise the power. If a Planning Panel wishes to take a more active role in a council's conduct of the appeal, the Planning Panel can exercise its powers to control and direct council. In some circumstances the Planning Panel may seek to join proceedings and act as the respondent in the place of the council.

Council is to:

- 1) provide the Planning Panel with a copy of the application commencing the appeal within 7 days of the council being served with it,
- 2) provide the council's proposed statement of facts and contentions to the Planning Panel at least 7 days before the later of:
 - a) the day of the first directions hearing for the appeal or
 - b) the day the statement is filed,
- 3) identify in the council's statement of facts and contentions the steps taken by the council to notify the Planning Panel of the appeal, and any response received by the council, and
- 4) provide the Planning Panel with:
 - a) a copy of any directions or orders made by the Court in relation to the appeal within 7 days of the directions or orders being given,
 - b) a copy of any proposed in principle agreement between the parties to the appeal following a conciliation conference under section 34 of the *Land and Environment Court Act 1979* within 3 days of the proposed in principle agreement being reached and before any written agreement is executed,
 - c) the dates on which the appeal will be heard within 3 days of the council receiving notice of them, and
 - d) a copy of any judgment of the Court in relation to the appeal.

The council should include in its Statement of Facts and Contentions the actions taken by council to notify the Planning Panel of the appeal and any response from the Planning Panel.

Deemed Refusals

A Planning Panel may determine a DA even though it is subject to a deemed refusal appeal. When a deemed refusal appeal has been filed with the Court, the usual practice is for council's assessment officer to complete their assessment report.

Applications may be deemed to have been refused before a Planning Panel has been briefed on the application. Where a Planning Panel has not been

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briefed on an application that is subject to an appeal, the Planning Panel may request a briefing from the council.

Judicial review and civil enforcement proceedings

Any person may commence judicial review or civil enforcement proceedings in the Land and Environment Court against a Planning Panel determination. Unlike merit appeals, in these types of proceedings the Planning Panel will be named as a respondent.

A submitting appearance may be filed by the Planning Panel if the grounds of challenge are not related to the powers or procedures of the Planning Panel in determining the application.

Appeals against determinations where council is the applicant

The Planning Panel will be the respondent in merit appeal and judicial review proceedings in the Land & Environment Court where council is the applicant.

14. Planning proposals

Planning Panels also undertake plan-making functions including:

- undertaking administrative reviews,
- acting as the planning proposal authority (PPA) in certain circumstances, and
- providing advice to the Minister or the Secretary on any planning or development matters or environmental planning instrument referred to them.

Note: The Independent Planning Commission undertakes these functions in the City of Sydney LGA.

14.1 Reviews

A Planning Panel may be asked to review certain plan-making decisions.

Reviews include:

- **Rezoning reviews** — which may be requested by a proponent before a planning proposal has been submitted to the Department for a Gateway Determination, and
- **Independent proposal reviews** — which may be requested by a Local Aboriginal Land Council before a planning proposal for land subject to a development delivery plan or interim development delivery plan, that is shown in the Aboriginal Land SEPP, has been submitted to the Department for a Gateway Determination.

These review processes allow councils and proponents to have decisions about the strategic merits of proposed amendments to LEPs reconsidered.

The Department's *A Guide to Preparing Local Environmental Plans* sets out lodgement requirements, including information the council or proponent must provide for reviews to be undertaken.

14.2 Rezoning reviews

If a proponent (e.g. developer, landowner) has requested that a council prepare a planning proposal for a proposed instrument, the proponent may ask for a rezoning review if:

- the council has notified the proponent that the request to prepare a planning proposal is not supported, or
- the council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information, or has failed to submit a planning proposal for a Gateway determination within a reasonable time after the council has indicated its support.

On receipt of an application the Department notifies the Planning Panel and the relevant council within 3 business days.

The Planning Panel reviews the planning proposal initially considered by council, rather than any amended or updated version. Council will be requested to confirm that the planning proposal is that which was initially considered by council, and to provide any additional comments or information to the Department within 21 days.

The Planning Panel may be briefed by the Department, council and proponent to clarify any issues before completing the review. The Planning Panel may request a site visit to assist in its considerations.

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A briefing or site visit will be attended by the Planning Panel, Department staff and, in certain circumstances, the applicant and council staff. Any briefing or site visit will follow the procedures set out in Schedule 1.

Determination

The review and determination should be in accordance with the Planning Circular PS 18-012 (or as updated).

The Planning Panel's determination is to be based on the strategic and site-specific merits of the proposal.

Planning proposals that do not reasonably meet the strategic and site-specific merit tests will not proceed to a Gateway determination.

The Planning Panel's determination is to provide a clear decision on whether the planning proposal should proceed or not to a Gateway determination.

Decisions on rezoning reviews will generally be made by a resolution following a circulation of papers in accordance with the procedures set out in Schedule 1.

Communication of the Planning Panel's determination is made to the proponent and the council within 90 days of the Department receiving the initial rezoning review request.

Planning Proposal Authority

If the Planning Panel determines that a proposal should proceed to a Gateway determination, councils will be provided the opportunity of accepting the planning proposal authority role. If the council does not accept the role within 42 days an alternate planning proposal authority will be appointed.

Each Planning Panel has delegated authority to direct itself to be the planning proposal authority where a proposal has been subject to a rezoning review and the council has not accepted this role.

14.3 Independent proposal reviews

Independent proposal reviews give Local Aboriginal Land Councils an opportunity for an independent body to give advice on planning proposals for land subject to a development delivery plan, or interim development delivery plan, that is shown in the Aboriginal Land SEPP.

The process for an independent proposal review is similar to that outlined for rezoning reviews.

When a Planning Panel is undertaking an independent proposal review in determining the strategic merit of a proposal it will also need to consider the consistency of the planning proposal with the relevant development delivery plan for the land (or interim development delivery plan) shown in the Aboriginal Land SEPP and when determining the site-specific merit of the proposal it will also need to have regard to the social and economic benefit to the Aboriginal community facilitated by the proposal.

The review and determination should be in accordance with the Planning Circular PS 19-003 (or as updated).

Each Planning Panel has delegated authority to direct itself to be the planning proposal authority where a proposal has been subject to an independent proposal review and the council has not accepted this role.

14.4 Planning Proposal Authority (PPA)

A Planning Panel may be directed to be the PPA for planning proposal by the Minister. Generally, a Planning Panel has delegation from the Minister to act as PPA if it has recommended that a planning proposal proceed to Gateway and the council has declined to remain as the PPA.

As PPA, the Planning Panel performs all the functions that a council normally would in preparing LEPs. This includes:

- submitting a planning proposal to Gateway,
- undertaking any necessary agency consultation prior to public exhibition of the proposal,
- endorsing the public exhibition of a planning proposal that has received a Gateway determination and met all of the Gateway conditions,
- exhibiting the planning proposal in accordance with the terms of the Gateway determination,
- considering a recommendation report, addressing submissions received during public exhibition,
- holding a public briefing meeting (at the Panel chair's discretion) following public exhibition, to listen to any person wishing to speak, and
- submitting a request to the Department, as delegate of the Minister, that the LEP be legally drafted and made.

The Minister (or delegate) remains responsible for determining and making the LEP.

14.5 Support provided to the Planning Panel in its role as PPA

When a Planning Panel is acting as PPA the secretariat arranges any necessary agency and community consultation (public exhibition) and the Department provides technical support and briefings to the Planning Panel.

14.6 Availability of Planning Panel decisions and advice

The Planning Panel needs to make a number of decisions throughout the plan-making process when undertaking reviews or acting as PPA. Decisions of the Planning Panels will be made publicly available on the Planning Panels website within 3 business days of any decision.

14.7 Community consultation

There is no requirement for a Planning Panel meeting to be held prior to determining a rezoning review. The Gateway determination details requirements, if any, for community consultation on planning proposals. The Planning Panel may hold Planning Panel meetings at any time, at the discretion of the chair.

Submissions received as part of the public exhibition of a planning proposal for which a Planning Panel is the PPA are made publicly available on the Planning Panels website.

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15. Site compatibility certificates

Planning Panels determine applications for SCCs made under the Seniors SEPP and the Education SEPP.

Written applications are to be lodged with the Department. The Department prepares an assessment of the application and a recommendation for the relevant Planning Panel. The Planning Panel considers the application and the Department's assessment report and those matters set out within clause 25 of the Seniors SEPP, or clause 15 of the Education SEPP as relevant. The Panel may determine an application by issuing a SCC or refusing to do so.

The Planning Panel may request a briefing and/or a site visit to assist in its considerations.

A briefing or site visit will be attended by the Planning Panel and Department staff and follow the procedures set out in Schedule 1.

Decisions on SCCs will generally be made by a resolution following a circulation of papers in accordance with the procedures set out in Schedule 1.

Should a DA be supported by an SCC issued by the Planning Panel come before the Planning Panel for determination, the Planning Panel will be comprised of different members to the members that issued the SCC.

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Schedule 1: Procedures for briefings, meetings and decisions.

1 Briefings and site visits

The chair may agree to a site visit or a briefing prior to a Planning Panel making a decision or providing advice on a matter.

A site visit or briefing is solely to identify and clarify issues with the proposal. Planning Panel members will not offer opinions on the merits of the proposal or ask those involved with the assessment of the proposal for their opinion or recommendations at site visits or briefings.

However, the Panel may identify issues that it expects to be addressed or clarified in any assessment report.

A site visit or briefing will be attended by the Planning Panel and relevant council or Department assessment staff or other persons engaged in the assessment of the DA or matter to be determined by the Planning Panel. In some circumstances other parties, including the applicant or people who made submissions on an application or matter may also be invited to attend a site visit or briefing. The invitation of parties is at the discretion of the chair.

Briefings on DAs may include a presentation by council assessment staff on key elements of the proposal and the planning controls that affect it (such as zoning), and an overview of issues of concern arising through the Council's assessment or raised in submissions. The timing of the submission of the assessment report and tentative date for a determination may also be discussed.

The assessment officer briefing the Planning Panel should have available a set of large-scale plans at the briefing.

Only Planning Panel members who will sit on the Planning Panel to determine the matter should attend the briefing.

Briefings and site visits on planning proposals and site compatibility certificates follow the same format, with Departmental staff briefing the Planning Panel.

It is not mandatory that the Planning Panel be briefed prior to considering a matter. Where there is a briefing, it should take place within four weeks of the close of any public exhibition period, and before council makes any major request for further information from the applicant (although council can request further information before the exhibition). The assessment of a DA should not be delayed for a briefing to occur.

Planning Panel members may identify further issues where they need clarification or more information. A Planning Panel may request briefings with council or Department staff to clarify any element of the proposal and the assessment report prior to the Planning Panel making its decision.

Briefings are not determination meetings and Planning Panel members should not make any comment that would indicate pre-determination of the matter.

The chair should take into consideration the availability of all members of the Planning Panel and any other necessary persons when deciding to conduct a site visit.

Entry to any private land may only take place with the express permission of the owner of the land, and it is the responsibility of council staff, in relation to a DA, or Department staff in relation to a planning proposal, to seek owner's consent when required.

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A written record of the briefing or site visit is made including time, date, attendees, any declarations and key issues discussed and is published on the Planning Panels website within 7 days. Site visits or briefings are not recorded by audio/ video record, an audio record or a transcription record.

It may be appropriate to invite the applicant or proponent to attend the briefing when:

- the Planning Panel could benefit from additional technical explanation on a complex matter,
- the development or other options are still being considered (e.g. if a major re-design has been requested by the council), or if
- material to be presented may be commercially sensitive or confidential.

The Planning Panel will publish clearly documented reasons why a briefing by an applicant was necessary so that there is no apprehension of bias.

Site inspections and briefings are not public meetings of the Planning Panel.

2 Meetings

Public briefing meetings

If the matter before the Planning Panel attracts significant community interest, the Planning Panel may consider calling a public briefing meeting.

Public briefing meetings are held to hear submissions in a public forum and to meet with key stakeholders to discuss unresolved issues. Community groups and individuals may register to speak to the Planning Panel at the public briefing meeting. Public briefing meetings are held at the discretion of the Planning Panel.

Planning Panel members should not make any comment that would indicate pre-determination of the application at a public meeting.

Determination meetings

Prior to determining a DA or other matter, a Planning Panel may call a public determination meeting. The purpose of a public determination meeting is to hear those who wish to express their view on the proposal before the Planning Panel makes its determination in public.

Notice of a public determination meeting is given at least 7 days before the meeting. Notice of the meeting (including the time, date and venue for the meeting) are:

- notified on the Planning Panels website, and
- given to every person who made a submission to the council (in the case of petitions, only the head petitioner).

The meeting agenda, any business papers, assessment reports and attachments (including any representations made by council) are distributed to members of the Planning Panel and uploaded on the Planning Panels website in advance of the meeting.

People wishing to address the Planning Panel must register prior to the meeting.

The chair determines the order of presentations to the Planning Panel and the amount of time given to each speaker. At the meeting, it is acceptable to provide the Planning Panel with written material which summarises the matters to be presented to the panel by the speaker. However, written material must be kept to a minimum.

3 Meeting procedures for Public Briefings and Determinations

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Planning Panel meetings are to be conducted in public.

Meeting dates and agendas

A regular schedule of proposed meeting dates is determined at the beginning of each year by the secretariat in consultation with the chair. The meeting dates are listed on the Planning Panels website and are reserved for public briefing meetings, Planning Panel briefings and site visits, or Planning Panel meetings. Planning Panel public determination meetings are generally arranged within 14 days of receiving council's assessment report.

Additional meetings of a Planning Panel may be organised at the discretion of the chair. These additional dates are posted on the website as soon as they become available.

The chair may consult with the general managers (or their nominee) of the relevant councils when approving the agenda for each meeting.

The council notifies the secretariat of any revised date for completion of the assessment report as soon as it is aware of any delay and advises of the reasons for the delay.

The meeting time and venue

The meeting time and venue is determined by the chair in consultation with relevant councils, and taking into account:

- the location of the proposed developments to be considered at the Planning Panel meeting,
- the number of persons who have expressed an interest in the different matters to be considered at the Planning Panel meeting,
- the availability of a suitable venue and the accessibility of the proposed venue for those persons, and
- local considerations and logistics.

The meeting time and venue should:

- maximise accessibility to people who have expressed an interest in the matters to be considered at the meeting, and
- facilitate the open exchange of information between the Planning Panel members and other parties.

Items from a number of different LGAs might be considered at one meeting provided the venue is reasonably accessible to most interested parties.

In regional areas, the chair may need to convene meetings in a number of locations to ensure they are accessible to the greatest number of people with an interest in the application being considered.

Notice of meeting

Notice of a Planning Panel meeting is to be given by the secretariat at least 7 days before the meeting. Notice is given to Planning Panel members, the general managers (or their nominee) of the councils in that region or district, every person who made a submission to the council (in the case of petitions, only the head petitioner) in respect of an item to be considered at the meeting and the applicants for those items. A notice is placed on the Planning Panel website and may be placed in the local newspaper.

The notice is to include details of:

- the time and date of the meeting,
- the venue for the meeting,
- the matter under consideration (DA/s or planning proposal),

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- the availability of agenda and business papers, which will include the assessment report and recommendations, and
- other matters to be considered at the meeting.

Distribution of meeting agenda and business papers

The meeting agenda, business papers/assessment reports and attachments, including any representations made by councils, are to be distributed to members of the Planning Panel and uploaded on the Planning Panels website by the secretariat no less than 7 days prior to the meeting.

A hard copy of the agenda and business papers are posted via express post to those Planning Panel members who have a decision-making role on the matter.

Opening and closing meetings

The chair will open the meeting by introducing the Panel and its members, state the purpose of the meeting, read out any apologies and call for declarations of interest following the declarations of interest procedures.

The chair will note any site visits or briefings the panel has had the benefit of and describe the order of proceedings and time limits for speakers.

The chair may also request council staff to briefly summarise the key issues that have arisen in the assessment report.

The panel will then listen to those wishing to address the panel. After the presentations the panel will make its determination and the chair will read out the decision of the panel before closing the meeting.

Declarations of interest procedures

The declarations of interest procedures set out below follow the requirements of the Planning Panels Code of Conduct (Code):

1. The chair calls on Planning Panel members to complete and sign written declarations of interest forms prior to the meeting for each panel matter (under clause 4.1 of the Code). Any verbal declarations must be recorded in writing.

Note: Under the Code, a panel member should declare the following interests:

- a. an actual, potential or reasonably perceived conflict of interest (see clause 3.1 of the Code),
 - b. a pecuniary interest listed under clauses 3.10 – 3.12 of the Code,
 - c. a non-pecuniary interest (see clause 3.14 of the Code),
 - d. a conflict of duties listed under clauses 3.18 – 3.25 of the Code,
 - e. a pecuniary interest or non-pecuniary interest arising from a political contribution or donation (see clause 3.26 of the Code),
 - f. a position and pecuniary interest in corporations, partnerships or other businesses that may be relevant to the activities of the Planning Panel in accordance with the Department of Premier and Cabinet's Guidelines 'Conduct Guidelines for Members of NSW Government Boards and Committees' (see clause 4.3 of the Code),
 - g. a personal dealing with council (see clause 5.1 of the Code), and
 - h. a gift or benefit listed under clauses 5.2 – 5.6 of the Code.
2. The chair reviews the written and signed declarations and the management measures put in place for any declared interests.
 3. If the chair is satisfied that reasonable and appropriate management measures are consistent with those set out in the Code, then a note to this effect is to be made on the meeting record.

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4. Should the chair have concerns, the chair is to raise these concerns with the member and suggest additional reasonable and appropriate management measures including, if warranted, that the member not take part in the determination for the matter (see clause 3.8 of the Code).
5. The chair is to provide the member an opportunity to respond.
6. The chair is to consider any response prior to making a final decision on the reasonable and appropriate management measures and note the response, the decision, and the chair's reasons for the decision in the meeting record.

Presentations at a Planning Panel meeting

The chair determines the order of presentations to the Panel. Panel members may ask questions of those making presentations. The amount of time given to each speaker is at the discretion of the chair.

At the Planning Panel meeting, it is at the chair's discretion whether to accept written material which summarises the matters to be presented to the Planning Panel by the speaker. Any allowed written material must be kept to a minimum.

By registering to speak at a meeting, speakers agree to being audio recorded and to the publication of that recording on the Planning Panels website.

a) Presentation by the assessment officer

The chair may request that the assessing officer responsible for preparing the assessment report (or a representative) presents a summary of the DA or planning proposal, as the case may be, and outline any relevant assessment issues at the start of the presentations. The assessment officer should have available at the Planning Panel meeting a set of large-scale plans (including any amended plans).

Generally, it is council's professional planning and assessment staff that prepare DA assessment reports for the Panel's consideration.

Where a Planning Panel is acting in the role of the PPA for a planning proposal matter the Department provides technical assistance, which may include the provision of an assessment report for the Planning Panel.

The assessment officer (or representative) should inform the chair of any late submissions received, and of any issues raised which may not have been addressed in the assessment report.

The assessment officer (or representative) should be present throughout the Planning Panel meeting, so that the chair can seek clarification where necessary of assessment issues that may arise during the course of the meeting. Other technical experts from the council/Department may also be present (such as traffic engineers) and the chair may ask for clarification of specific issues. Any questions to council/Department staff can only be made by Planning Panel members and are to be directed through the chair.

b) Presentation by the applicant or proponent

The applicant, in the case of a DA, or the proponent, in the case of a planning proposal, will be given the opportunity to outline the proposal and respond to the assessment report. The applicant/proponent may also be required to respond to submissions made at the meeting. The time allocated to the applicant/proponent, including their consultant(s), is at the discretion of the chair, but is generally 15 minutes. Additional time may be allocated

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where professional consultants have been engaged by the applicant/proponent to present at the meeting.

c) Presentation by people or groups who made submissions

Planning Panel meetings enable people or groups to make a presentation to the Panel meeting. People who wish to address the Planning Panel must register with the secretariat prior to the meeting by contacting the secretariat by telephone or email within the timeframe specified in the notification letter (generally two days before the Panel meeting).

For those people who are of the view that they would not be appropriately or adequately represented by any groups, they may register to speak to the Planning Panel as individuals.

The chair will advise on the time allocated for verbal submissions which will vary from meeting to meeting depending on a number of considerations such as the number of registered speakers.

As a guide:

- individual submitters will have 3 minutes to speak,
- a speaker for a community organisation/group will have 10 minutes to present. Additional time may be allocated where professional consultants have been engaged by community groups to present at the meeting.

In addition, where a large group of people have common issues to raise at the meeting, the chair may ask that a spokesperson be appointed to speak on behalf of the group. In such cases, the spokesperson will generally be allocated more time than individual speakers.

The chair seeks to ensure that all groups or individuals who request to address the Planning Panel are heard. Any requests for extending time limits should be made to the Planning Panel at the meeting and may be granted at the discretion of the chair.

Speakers should focus their oral presentations on the assessment report and its recommendation rather than re-stating information outlined in their earlier written submissions. The Planning Panel has been provided with all submissions and associated documents before the Planning Panel meeting.

d) Presentation by people or groups that have not made a submission

The chair has the discretion to allow any member of the public to address the Planning Panel, even if they have not made a submission or registered to speak by the relevant deadline. Considerations may include the number of persons that made submissions and have requested to address the meeting and the available time.

e) Presentation by an expert engaged by the Planning Panel

For the purpose of making a decision on a matter, such as a DA or a planning proposal, a Planning Panel may obtain independent assessment reports, advice and assistance that the Planning Panel may require, particularly in relation to complex technical matters. This would be in addition to any assessment report or other information provided by the relevant council/Department in assessing the application.

Selection of such experts is to be determined by the chair in consultation with the other Panel members.

Depending on the circumstances, the expert may submit a report with recommendations directly to the Planning Panel. In addition, the expert may

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be invited to present the outcomes of their report at the Planning Panel meeting.

The independent assessment report should be made available on the Planning Panels website prior to the meeting, except where this information includes legal advice provided to the Planning Panel and is subject to legal professional privilege.

Adjourning during a Planning Panel meeting

A Planning Panel may adjourn a meeting where:

- a briefing is required to hear confidential or sensitive information, and/or
- the panel wishes to confer amongst itself before reconvening the meeting for voting and determination.

Before the adjournment the panel chair publicly states the reasons for the adjournment which are recorded in the audio and written record of the meeting.

If the meeting is adjourned so that the panel may confer amongst themselves prior to making a decision, the chair briefly summarises the matters discussed in the adjournment after reconvening the meeting. The panel may discuss the matter further in the meeting and/or make its determination.

Planning Panel discussions during adjournments are not recorded.

Deferring a decision at a Planning Panel meeting

A Planning Panel may defer its determination of the matter for a subsequent meeting or it may be determined electronically by a circulation of papers. A decision may be deferred for any reason including to obtain additional information or advice.

The chair informs the meeting of the reasons for the deferral of a decision (i.e. why the decision cannot be made at the meeting) and advises of the procedures and timeframes to be followed for the determination of the matter.

A written record of the Planning Panel meeting, including the reasons for deferral, is placed on the Planning Panels website, and a copy is provided to the council.

It is the council's responsibility to follow up on any requests for additional information or amendments from the applicant, to determine whether re-exhibition is required, and to provide a supplementary assessment report to the Planning Panel.

The Planning Panel may hold further briefings following a determination meeting if it requires further information to make its determination or where there is commercially sensitive or confidential material that needs to be considered before the matter can be determined.

4 Decisions and determinations

The Planning Panel will strive to make its decisions unanimously. Where a decision cannot be made by unanimously, the decision will be made by majority vote. The chair will have a second or casting vote if required because of an equality of votes.

Quorum for a Planning Panel decisions

A quorum is a majority of the Planning Panel's members, including the chair, i.e. a total of three members. The decision of the Planning Panel will be deferred if a quorum is not present.

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Where conflicts of interest are known before a decision is to be made, alternate members will be used to make a quorum.

The Planning Panel's consideration

In addition to the assessment report, the Planning Panel is to take into account all written submissions, as well as the views expressed by those addressing the Planning Panel at its public meeting/s.

The Planning Panel's reasons

The Planning Panel must provide reasons for its decisions, which are to be recorded in the 'Determination and Statement of Reasons' template provided by the secretariat.

The Planning Panel may rely on the conclusions and recommendations within the assessment report, however, the Planning Panel must identify where it has its own reasons for making the decision and where it adopts the reasons from any assessment report of Council or the Department. As part of setting out its reasons the Planning Panel is to:

- provide a summary of the main issues raised in submissions,
- demonstrate how the Panel considered the community's concerns, and
- demonstrate how the Panel dealt with the issues raised, should they have been found to have merit i.e. requested further studies, applied appropriate conditions or, agreed with council recommendation that the applicant had satisfactorily addressed the concerns.

Determinations on DAs

The determination must clearly state whether a DA is unconditionally approved, approved with conditions, or refused.

Any new conditions of consent or changes to the recommended conditions of consent must be recorded.

If the Planning Panel resolves to approve an application that is recommended for refusal, the Planning Panel may seek a further report from the council's planning officer providing recommended conditions of consent. The Planning Panel may request without prejudice conditions of consent before a Planning Panel meeting if council's report recommends refusal.

The determination and statement of reasons must include the following:

- the decision of the Planning Panel,
- the date of the decision,
- the reasons for the decision (having regard to any statutory requirements applying to the decision), and
- how community views were considered in making the decision.

DA determinations must be publicly notified in accordance with clause 20 Schedule 1 of the EP&A Act.

The decision of the Planning Panel is not subject to a 'Rescission Motion' as in local government.

Decisions of Decision Review Panels are called a 'Review of Decision' Determination and Statement of Reasons.

Determinations on matters other than DAs

Decisions made by the Planning Panels on SCCs, Rezoning Reviews and where the Planning Panel is the Planning Proposal Authority will include the following:

- the decision of the Planning Panel,
- the date of the decision, and

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- the reasons for the decision (having regard to any statutory requirements applying to the decision).

Resolutions of the Planning Panels

The Planning Panels may from time to time make resolutions to do or not to do certain things, e.g. to authorise the chair to provide instruction in relation to legal appeals on behalf of the Planning Panel.

Resolutions of the Planning Panel will be published on the Planning Panels website.

Dissenting views

If the decision (and reasons for the decision) is not unanimous, all members of the Planning Panel (i.e. including the minority) still need to give reasons.

Timing of Determination and Statement of Reasons

It is preferable that the Planning Panel record both its decision and its reasons at the time of the determination.

Signatures

All members of the Planning Panel must sign the Determination and Statement of Reasons. Where one or two members are in dissent, they must still sign, as the reasons will set out their dissenting views.

5 Transactions of business outside meetings

A Planning Panel can transact its business by the circulation of papers or at a meeting at which members participate by telephone or other electronic means (known as an electronic determination) (see Schedule 2, Clause 25(4) and Clause 26 of the EP&A Act).

The chair may decide that it is unnecessary to hold a determination meeting to consider a DA or other matter. The Planning Panel can complete its business through an electronic determination. These circumstances may arise when:

- the assessment report recommends approval and there are no submissions by way of objection,
- the Planning Panel has held a public meeting and deferred its decision to request specific additional information from an applicant or council (such as amended drawings) and if council, after having accepted the amended drawings, has decided that re-exhibition of is not required,
- the Planning Panel is voting on a procedural matter, or
- the Planning Panel is voting on a decision following a briefing in relation to a Rezoning Review, Planning Proposal or site compatibility certificate.

When an electronic determination for a DA is proposed, the council report and recommendation is made available on the Planning Panels website seven days prior to the DA being determined.

The secretariat distributes business papers (including the assessment report and attachments) to Planning Panel members for consideration and advise that the determination is made via electronic means.

Following consideration of the business papers, the Planning Panel advises the secretariat of its decision on the DA and a record of decision is completed and endorsed by all members.

The chair and each Planning Panel member has the same voting rights as they have at public determination meetings.

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Resolutions approved by circulation of papers are recorded in writing and made publicly available on the Planning Panels website within 7 days. The circulation of papers is generally done electronically and are not recorded by audio/ video record, an audio record or a transcription record.

6 Records of proceedings

The chair is responsible for ensuring that full and accurate records are kept of the proceedings of Planning Panel meetings, briefings and other business.

An audio recording will be made for all public briefing meetings and determination meetings and will be published on the Planning Panels website. By registering to speak at a meeting, speakers agree to being recorded and to the publication of that recording. Where a speaker has not registered to speak but wants to make a submission at the meeting it is at the chair's discretion and the speaker is asked to agree to being recorded and that recording being published.

Document templates for written records of proceedings are provided by the secretariat.

Secretariat or council staff will assist in the preparation of draft written records. A copy of the unconfirmed written record is provided to all Planning Panel members who participated in the proceedings. Planning Panel members may submit any proposed corrections to the unconfirmed record to the secretariat for confirmation by the chair.

Alternatively, a Planning Panel may choose to complete and endorse the final record immediately after completing the meeting or briefing. In this case, draft records are not circulated.

When the written records have been confirmed and endorsed by the chair the written record is placed on the Planning Panels website.

The confirmed written record is available within 7 days of the Planning Panel meeting or briefing.

Any written record for a Planning Panel meeting details:

- the opening and closing times of the meeting,
- the details of the matter considered by the Planning Panel,
- the names of all members of the Planning Panel, including the chair,
- any disclosure of interest made by a member, the reason for that disclosure of interest and whether the member making the disclosure participated in the discussion or determination of the matter,
- any adjournments and reasons for the adjournment,
- the names of each person heard by the Planning Panel in respect of a matter,
- any decision of the Planning Panel,
- reasons for the decision,
- the names of each member who voted for or against the decision, and reasons for dissent, where the decision is not unanimous, and
- the signatures of all the members making the decision.

A written record of briefings or site visits are made including time, date, attendees, any declarations and key issues discussed and are published on the Planning Panels website within 7 days. Site visits or briefings are not recorded by audio/ video record, an audio record or a transcription record.

The secretariat, with assistance from the relevant council, is responsible for recording decisions for Planning Panel meetings.

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Planning Panel members are required to provide any notes made during a meeting, briefing or site inspection to the secretariat for registration as a record. This includes hand written or electronic notations.

8.5 Campbelltown Arts Centre Strategic Committee - Revised Terms of Reference

Reporting Officer

Executive Manager Creative Life
City Governance

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.6 - Foster a creative community that celebrates arts and culture

Officer's Recommendation

That the Campbelltown Arts Centre Strategic Committee revised Terms of Reference be adopted.

Purpose

To seek Council's endorsement of the revised Terms of Reference for the Campbelltown Arts Centre Strategic Committee.

History

Following the election of a new Council, it is timely to review the role and scope of the Strategic Committee to ensure it is aligned to supporting Council's strategic and operational plans. A review of the Campbelltown Arts Centre Strategic Committee has been undertaken and as a result, a revised Terms of Reference for the Committee are presented to Council for its consideration.

Report

A review has been undertaken on the role and scope of the Campbelltown Arts Centre Arts Centre Strategic Committee. This review considered how best to harness the expertise of the Committee to inform strategic direction and support engagement across the Local Government area and the region more broadly.

The proposed revised Terms of Reference have been developed to:

- include expanded scope that creates an opportunity for the Campbelltown Arts Centre Strategic Committee to advise on how the Arts Centre and Council can more effectively connect arts and culture with the local community
- provide clarity on the role of the Committee and the members, and outcomes that can be delivered through recommendations to Council


- provide flexibility with meeting frequency that will enable the Campbelltown Arts Centre Strategic Committee to be responsive to the needs of the Arts Centre and Council in the provision of arts and culture.

The revised Terms of Reference affords an opportunity to:

- represent the views, interests and/or identified issues that affect communities within the Campbelltown area within the scope of Campbelltown City Council's authority
- provide advice, input and feedback to Council on issues that fall within the parameters of its authority and relate to arts and culture
- advocate for and promote the Campbelltown Arts Centre within the region
- support the implementation of priority actions contained within Council's endorsed plans and strategies that relate to arts and culture
- provide advice on and support partnerships with organisations in the delivery of strategic priorities for the Campbelltown Arts Centre
- assist with the Campbelltown Arts Centre's engagement with business and communities
- contribute to the achievement of strategic objectives as set out in the Campbelltown Arts Centre Business Plan
- provide advice to support the development of Council strategies that focus on arts and culture.

Attachments

1. Terms of Reference for the Campbelltown Arts Centre Strategic Committee - Current (contained within this report) [↓](#)
2. Terms of Reference for the Campbelltown Arts Centre Strategic Committee - Proposed (contained within this report) [↓](#)

 campbelltown city council	City <u>LifestylesGrowth</u>
Campbelltown Arts Centre Strategic Committee Terms of Reference	

Name:

~~The~~ Campbelltown Arts Centre Strategic Committee.

Interpretation:

For the purposes of these guidelines;

"Member" means member of the Committee.

"Council" means the Council of the City of Campbelltown.

"Committee" means the Campbelltown Arts Centre Strategic Committee.

The role of the Committee is to:

1. Represent the views, interests and/or identified issues that affect communities within the Campbelltown area within the scope Campbelltown City Council's authority
2. Provide advice, input and feedback to Council on issues that fall within the parameters of its authority and relate to Arts and Culture.
3. Advocate for and promote the Campbelltown Arts Centre within the Region.
4. Support the implementation of priority actions contained with Councils endorsed Plans and Strategies that relate to Arts and Culture
4.
- ~~2-5.~~ 21. Focus Consult Provide advice -on and support partner shipsing with organisations in the delivery of strategic priorities for the Campbelltown Arts Centre.
- ~~3-6.~~ Assist with the Campbelltown Arts Centre's engagement with business and communities.
7. Contribute to the achievement of strategic objectives as set out in the Campbelltown Arts Centre Business Plan.
8. Consult Provide advice to support on the development of Council strategies that focus on Arts and Culture.

Guidelines of Operation**1. Role within Council**

- 1.1 The Campbelltown Arts Centre Strategic Committee is an advisory committee to Campbelltown City Council.

DATA AND DOCUMENT CONTROL

1.2 The recommendations of the Ccommittee shall be referred to Council for consideration. endorsement.

1.3 Council may refer information to the Ccommittee for comment or to be actioned.

2. Venue

2.1 Meetings will be held at Campbelltown Arts Centre, online—or as recommended by the Chairperson.

3. Chairperson

3.1 The Chairperson of the Ccommittee shall be one of the Councillors appointed to the Ccommittee by Council and so nominated to be the Chairperson by the Council and will be appointed for the term of Council.

3.2 The Deputy Chairperson shall be the other Councillor appointed to the Ccommittee by the Council and will be appointed for the term of Council.

3.3 The Campbelltown City Council Mayor by virtue of that office is a member of each committee of Council. If the Mayor is in attendance at the meeting he/she may choose to assume the Chair for the duration of the meeting.

3.4 If the Chairperson, Deputy Chairperson and the Mayor are unable to attend the meeting an Acting Chairperson should be elected from within the Ccommittee membership.

4. Membership

4.1 The Council shall appoint the members of the Ccommittee.

4.2 ~~Non Council m~~Members of the Ccommittee are appointed for the term of the Council, ~~which is a four year term.~~

4.3 Membership of the Committee is unpaid and voluntary

4.3 The Ccommittee membership shall include a maximum of fifteen people.

4.4 The Mmembers of the Ccommittee shall include:

- 4.4.1 Three Councillors as nominated by Council on an annual basis.
- 4.4.2 The General Manager or Nominee.
- 4.4.3 Four representatives from the Business Sector or Community.
- 4.4.4 One-Two representatives s from the Arts Community.
- 4.4.5 Two representatives from the Friends of the Campbelltown Arts Centre.
- 4.4.6 Two-One representatives s from the Education Sector.
- 4.4.7 Mayor or Mayors Nominee from Camden Council.
- 4.4.8 Mayor or Mayors Nominee from Wollondilly Council.

4.5 The selection of the Business Sector or Community Representatives, Arts Community and Education Sector (fourseven) will be achieved through an Expression of Interest process and will be presented to Council for endorsement.

4.6 Role of the Members

The duties of members are to:

4.6.1 Abide by Council's Code of Conduct and other related policies and protocols.

- 4.6.2 Attend and participate in meetings of the Advisory Committee (including planning sessions and relevant training)
- 4.6.3 Work co-operatively with other members in achieving the aims of the Committee
- 4.6.4 Contribute ideas and suggestions relating to items on the agenda
- 4.6.5 Provide advice and Recommendations to Council on items relating to the agenda
- 4.6.6 Action and follow up tasks established by the Committee and resolved by Council
- 4.6.7 Report back to existing networks within the communities they represent on Council's role, responsibilities and its decisions relating to the Committee
- 4.6.8 Use existing networks to remain informed regarding the views and interests of the particular community they represent.
- 4.6.9 All Members have voting rights on Recommendations to Council if a consensus is not established.

4.7 Ex-officio Members

- 4.7.1 Appropriate Council Officers shall be ex-officio members of the Committee to provide professional guidance, current information and policy implication. The Council Officers do not form part of the quorum.
- 4.7.2 Depending on the nature of issues raised, relevant Council staff and/or other stakeholders will be invited or co-opted to attend the meetings
- 4.7.3 Guest speakers may attend meetings if invited to do so for particular reasons by the Committee and as approved by the Council Officer convening the Committee.
- ~~4.4.9 Appropriate Council Officers shall be ex-officio members of the committee to provide professional guidance, current information and policy implication. The Council Officers do not form part of the quorum and do not have voting rights.~~
- ~~4.4.10 Non-committee members can attend meetings and raise issues but do not have voting rights.~~
- ~~4.7.4.11 Administrative support at the meetings will be provided by City Lifestyles Personal Assistant.~~
- ~~4.4.12 The selection of the Business Sector or Community Representatives (four) will be achieved through a Community Expression of Interest process and will be presented to Council for endorsement.~~
- 4.7.4 All of the above are non-voting positions.

5. Quorum

- 5.1 A quorum is half plus one of the membership of the Campbelltown Arts Centre Strategic Committee.
- 5.2 Should within half an hour of the time set down for a meeting of the eCommittee to commence a quorum not be present then the meeting shall be adjourned to a time within one month of the date of such meeting.

6. Meeting Frequency and Attendance

- 6.1 Meetings of the Committee shall be convened adhoc as the need arises with a minimum of two meetings each year. The Chairperson will give 46 weeks' notice of the meeting date.
- 6.2 Committee members other than Councillors cease to be a member of the Ccommittee if the member:
 - 6.2.16.4 Has been absent from three consecutive meetings of the Ccommittee without having given reasons acceptable to the committee for the members absence, or

6.2.2 Has been absent from at least half of the meetings of the [Ce](#)committee held during the immediately preceding year ended 30 June without having given to the [Ce](#)committee acceptable reasons for the member's absence.

7. Committee Agenda

- 7.1 Written agenda items shall be forwarded to the City ~~Lifestyles-Growth~~ Personal Assistant by any member of the Committee or staff member no later than fourteen days prior to the next meeting. Agenda items may be mailed, emailed or faxed in. Late items will be subject to acceptance by the ~~C~~committee.
- 7.2 The meeting agenda shall be forwarded to committee members no ~~later~~less than seven days prior to the next meeting date.

8. Committee Minutes

- 8.1 The minutes of all proceedings at the ~~C~~committee meeting shall be documented.
- 8.2 A copy of the minutes shall be forwarded to all members of the committee within ~~one~~two weeks of the meeting. Committee members have one week to advise Council Officers of any errors or omissions from the minutes. The Minutes will then be presented to Council for consideration and endorsement.

9. Confidentiality and Conflict of Interest

- 9.1 Members are to declare a direct Conflict of Interest with issues on the ~~business-papers~~agenda at the commencement of the meetings or as soon as the relevant issue is raised in General Business.
- 9.2 All Conflicts of Interest ~~are~~is to be declared and reported in the minutes, and if necessary, the parties involved will be asked to leave the room while the matter is discussed.
- 9.3 ~~Committee membership will be terminated if confidentiality is breached. Where Committee meetings include confidential information relating to members or the business being discussed, members are required to respect principles of confidentiality.~~
- 9.4 All Members must abide by Council's Code of Conduct at all times.
- 9.5 No member of an Advisory Committee other than the Mayor or their specific delegate is able to make media or public comment on behalf of the Council or the Committee at any time.

10. Changes to Terms of Reference

- 10.1 The ~~I~~Terms of ~~R~~Reference may be altered, rescinded or added to by Campbelltown City Council.

11. Issues not covered by the Terms of Reference

- 11.1 Should the committee face an issue that is not within the Terms of Reference the committee should refer to Campbelltown City Council's Code of Meeting Practice~~z~~.

12. Dissolution of Committee

The Council may by resolution dissolve the committee at any time without cause.

END OF GUIDELINES

 CAMPBELLTOWN CITY COUNCIL	CITY GROWTH
Campbelltown Arts Centre Strategic Committee Terms of Reference	

Name:

Campbelltown Arts Centre Strategic Committee.

Interpretation:

For the purposes of these guidelines;

"Member" means member of the Committee.

"Council" means the Council of the City of Campbelltown.

"Committee" means the Campbelltown Arts Centre Strategic Committee.

The role of the Committee is to:

1. Represent the views, interests and/or identified issues that affect communities within the Campbelltown area within the scope Campbelltown City Council's authority.
2. Provide advice, input and feedback to Council on issues that fall within the parameters of its authority and relate to Arts and Culture.
3. Advocate for and promote the Campbelltown Arts Centre within the Region.
4. Support the implementation of priority actions contained with Councils endorsed Plans and Strategies that relate to Arts and Culture.
5. Provide advice on and support partnerships with organisations in the delivery of strategic priorities for the Campbelltown Arts Centre.
6. Assist with the Campbelltown Arts Centre's engagement with business and communities.
7. Contribute to the achievement of strategic objectives as set out in the Campbelltown Arts Centre Business Plan.
8. Provide advice to support the development of Council strategies that focus on Arts and Culture.

Guidelines of Operation**1. Role within Council**

- 1.1 The Campbelltown Arts Centre Strategic Committee is an advisory committee to Campbelltown City Council.
- 1.2 The recommendations of the Committee shall be referred to Council for consideration.

DATA AND DOCUMENT CONTROL

- 1.3 Council may refer information to the Committee for comment or to be actioned.

2. Venue

- 2.1 Meetings will be held at Campbelltown Arts Centre, online or as recommended by the Chairperson.

3. Chairperson

- 3.1 The Chairperson of the Committee shall be one of the Councillors appointed to the Committee by Council and so nominated to be the Chairperson by the Council and will be appointed for the term of Council.
- 3.2 The Deputy Chairperson shall be the other Councillor appointed to the Committee by the Council and will be appointed for the term of Council.
- 3.3 The Campbelltown City Council Mayor by virtue of that office is a member of each committee of Council. If the Mayor is in attendance at the meeting he/she may choose to assume the Chair for the duration of the meeting.
- 3.4 If the Chairperson, Deputy Chairperson and the Mayor are unable to attend the meeting an Acting Chairperson should be elected from within the Committee membership.

4. Membership

- 4.1 The Council shall appoint the members of the Committee.
- 4.2 Members of the Committee are appointed for the term of the Council.
- 4.3 Membership of the Committee is unpaid and voluntary.
- 4.3 The Committee membership shall include a maximum of 15 people.
- 4.4 The Members of the Committee shall include:
- 4.4.1 Three Councillors as nominated by Council on an annual basis.
 - 4.4.2 The General Manager or Nominee.
 - 4.4.3 Four representatives from the Business Sector or Community.
 - 4.4.4 Two representatives from the Arts Community.
 - 4.4.5 Two representatives from the Friends of the Campbelltown Arts Centre.
 - 4.4.6 One representative from the Education Sector.
 - 4.4.7 Mayor or Mayors Nominee from Camden Council.
 - 4.4.8 Mayor or Mayors Nominee from Wollondilly Council.
- 4.5 The selection of the Business Sector or Community Representatives, Arts Community and Education Sector (7) will be achieved through an Expression of Interest process and will be presented to Council for endorsement.
- 4.6 Role of the Members
The duties of members are to:
- 4.6.1 Abide by Council's Code of Conduct and other related policies and protocols.
 - 4.6.2 Attend and participate in meetings of the Advisory Committee (including planning sessions and relevant training).
 - 4.6.3 Work co-operatively with other members in achieving the aims of the Committee.
 - 4.6.4 Contribute ideas and suggestions relating to items on the agenda.
 - 4.6.5 Provide advice and Recommendations to Council on items relating to the agenda.
 - 4.6.6 Action and follow up tasks established by the Committee and resolved by Council.

DATA AND DOCUMENT CONTROL

- 4.6.7 Report back to existing networks within the communities they represent on Council's role, responsibilities and its decisions relating to the Committee.
- 4.6.8 Use existing networks to remain informed regarding the views and interests of the particular community they represent.
- 4.6.9 All Members have voting rights on Recommendations to Council if a consensus is not established.

4.7 Ex-officio Members

- 4.7.1 Appropriate Council Officers shall be ex-officio members of the Committee to provide professional guidance, current information and policy implication. The Council Officers do not form part of the quorum.
- 4.7.2 Depending on the nature of issues raised, relevant Council staff and/or other stakeholders will be invited or co-opted to attend the meetings.
- 4.7.3 Guest speakers may attend meetings if invited to do so for particular reasons by the Committee and as approved by the Council Officer convening the Committee.
- 4.7.4 All of the above are non-voting positions.

5. Quorum

- 5.1 A quorum is half plus one of the membership of the Campbelltown Arts Centre Strategic Committee.
- 5.2 Should within half an hour of the time set down for a meeting of the Committee to commence a quorum not be present then the meeting shall be adjourned to a time within one month of the date of such meeting.

6. Meeting Frequency and Attendance

- 6.1 Meetings of the Committee shall be convened adhoc as the need arises with a minimum of 2 meetings each year. The Chairperson will give 4 weeks' notice of the meeting date.
- 6.2 Committee members other than Councillors cease to be a member of the Committee if the member:
 - 6.2.1 Has been absent from 3 consecutive meetings of the Committee without having given reasons acceptable to the committee for the members absence, or
 - 6.2.2 Has been absent from at least half of the meetings of the Committee held during the immediately preceding year ended 30 June without having given to the Committee acceptable reasons for the member's absence.

7. Committee Agenda

- 7.1 Written agenda items shall be forwarded to the City Growth Personal Assistant by any member of the Committee or staff member no later than 14 days prior to the next meeting. Agenda items may be mailed, emailed or faxed in. Late items will be subject to acceptance by the Committee.
- 7.2 The meeting agenda shall be forwarded to committee members no less than 7 days prior to the next meeting date.

8. Committee Minutes

- 8.1 The minutes of all proceedings at the Committee meeting shall be documented.
- 8.2 A copy of the minutes shall be forwarded to all members of the committee within 2 weeks of the meeting. Committee members have one week to advise Council Officers of any errors or omissions

DATA AND DOCUMENT CONTROL

from the minutes. The Minutes will then be presented to Council for consideration and endorsement.

9. Confidentiality and Conflict of Interest

- 9.1 Members are to declare a direct Conflict of Interest with issues on the agenda at the commencement of the meetings or as soon as the relevant issue is raised in General Business.
- 9.2 All Conflicts of Interest are to be declared and reported in the minutes, and if necessary, the parties involved will be asked to leave the room while the matter is discussed.
- 9.3 Where Committee meetings include confidential information relating to members or the business being discussed, members are required to respect principles of confidentiality.
- 9.4 All Members must abide by Council's Code of Conduct at all times.
- 9.5 No member of an Advisory Committee other than the Mayor or their specific delegate is able to make media or public comment on behalf of the Council or the Committee at any time.

10. Changes to Terms of Reference

- 10.1 The Terms of Reference may be altered, rescinded or added to by Campbelltown City Council.

11. Issues not covered by the Terms of Reference

- 11.1 Should the committee face an issue that is not within the Terms of Reference the committee should refer to Campbelltown City Council's Code of Meeting Practice.

12. Dissolution of Committee

The Council may by resolution dissolve the committee at any time without cause.

END OF GUIDELINES

8.6 Floodplain Risk Management Committee - Terms of Reference

Reporting Officer

Director City Delivery
City Governance

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.8 - Provide strong governance for all Council activities

Officer's Recommendation

That Council adopt the Floodplain Risk Management Committee Terms of Reference.

Purpose

For the Council to consider the revised Floodplain Risk Management Committee Terms of Reference.

Report

The Floodplain Risk Management Committee meets on an ad hoc basis as necessary and has not met in several years. The Floodplain Risk Management Committee Terms of Reference have been amended to reflect changes in State Government structure and to amend the format to current corporate standards. Minor changes have been made to the Terms of Reference.

Attachments

1. Floodplain Risk Management Committee Terms of Reference - Current (contained within this report) [↓](#)
2. Floodplain Risk Management Committee - Terms of Reference - Proposed (contained within this report) [↓](#)



CAMPBELLTOWN CITY COUNCIL FLOODPLAIN RISK MANAGEMENT COMMITTEE

TERMS OF REFERENCE

1. TITLE

The name of the Committee shall be the Campbelltown City Floodplain Risk Management Committee

2. PURPOSE

To provide advice to Campbelltown City Council in the development and evaluation of floodplain risk management studies and plans in the city.

The Floodplain Risk Management Committee does not have any formal powers, but rather performs an important advisory role to Council.

The Floodplain Risk Management Committee will consider the impact of the following issues on any actions contemplated, with the objective of producing an equitable result for the Campbelltown local government area:

- Public safety
- Social and cultural impacts
- Financial impacts (capital and ongoing cost, damage costs, financial losses, etc.)
- Environmental impacts, and
- Development controls

Council will make the final decisions on the recommendations made by the Floodplain Risk Management Committee.

3. OBJECTIVES

The objectives of the committee are to:

- Act as a focus and forum for the discussion of public safety, technical, social, economic, environmental and cultural issues relating to the floodplain risk management process
- The Committee will establish a method for assessing proposed mitigation options to provide a level playing field for the evaluation of Floodplain Risk Management options across the LGA (e.g. a method so that a planning solution can be evaluated against a structural solution)
- Recommend to Council a program of works and measures to address the findings of the Floodplain Risk Management Study.

4. MEMBERSHIP

4.1 The membership of the committee will be:

- **Chairperson** – Elected member of Council (~~or their nominated representative~~)
- Director City Delivery
- Strategic Infrastructure and Transport Coordinator
- Stormwater Engineer



- Council staff from relevant areas (as required)
- Community representatives (maximum of 4)
- Chambers of Commerce (Ingleburn and Campbelltown)(2)
- NSW State Emergency Service (1 local, 1 regional, total of 2)
- ~~NSW Office of Environment and Heritage (1)~~
- Transport for NSW (2) One each representing road infrastructure and rail infrastructure
- NSW Department of Planning, Industry and Environment (2) (one being from Flood Unit)

4.2 Council staff, or their representative, will provide local specialist advice and coordinate:

- input from Council, the local community and other committee members
- the production and presentation of agendas, meeting minutes and reports
- the management of consultants (including the preparation of study briefs)
- financial management of the project
- reporting to Council.

4.3 Community members will be appointed through a transparent expression of interest process.

4.4 Agency representatives should represent the legislation and policies that guide their agency's roles in floodplain risk management. Agencies will ensure a representative is available to attend all meetings and advise the Chairperson if there is a change to the nominated representative.

4.5 Committee membership composition may change based on the need for expertise and balance.

4.6 The term of membership will be periodically reviewed.

4.7 Observers may be permitted but numbers will be restricted (due to venue size) and pre-registration will be required.

4.8 Observers can be asked to leave the meeting as requested by the Chairperson.

4.9 Committee Members are able to be removed from the Committee by a decision of Council.

4.10 Committee members will advise the Chairperson in writing if they resign from the Committee.

5. MEETINGS

5.1 The Committee will meet as required.

5.2 Meetings will be held at a Council venue although field inspections may be required for Committee members to better understand flood issues and possible floodplain management options.

5.3 Council staff, or their representative, will be responsible for taking and compiling meeting minutes.

5.4 A minimum of 3 weeks' notice will be given prior to a Committee Meeting. The Agenda will be distributed 1 week prior to the meeting.

6. GOVERNANCE

6.1 No quorum is required.

6.2 Committee decisions will be made by consensus.

6.3 External persons may be invited to attend the meetings at the request of the Committee to provide advice and assistance where necessary.



- 6.4 Meetings will be held on an 'as needed' basis and would generally be held to meet the requirements and timelines of the projects that the Committee would be considering.
- 6.5 Members of the Committee are not to copy or reproduce any information provided to the Committee unless written permission is obtained from Council.
- 6.6 All information provided to the Committee remains the property of Campbelltown City Council.
- 6.7 Members of the Committee are not to make public comment or release material to the media, or any third party, without written permission of Council.
- 6.8 The Chairperson, or their representative, will be the public spokesperson for the Committee.
- 6.9 Information obtained from the Committee cannot be used by any agency or committee member for any reason other than Committee business.

7. JURISDICTION

- 7.1 The Committee is an advisory committee of Campbelltown City Council.
- 7.2 The Committee and its members will conduct business as per Campbelltown City Council's Code of Conduct procedures and guidelines for committees and meetings.

8. CONFLICT OF INTEREST

Committee members are required to bring to the attention of the Chairperson any conflict of interest or potential conflict they may have with any item on the committee's agenda at the start of each meeting.

9. ADVISORY GROUPS

This Committee may establish and adjourn advisory groups as it deems appropriate. The Terms of Reference of each Advisory Group shall be approved by this Committee, and shall be constructed to ensure consistency and coordination between the functions of all standing groups.

This Committee shall receive reports as required from such advisory groups and have responsibility to monitor and evaluate activities in respect of each advisory group's functional responsibilities.

10. RESOURCES AND BUDGET

Council will provide an annual allocation to cover the cost and operation of the Committee.

Community Committee members provide their time on a voluntary basis.



CAMPBELLTOWN CITY COUNCIL FLOODPLAIN RISK MANAGEMENT COMMITTEE

TERMS OF REFERENCE

1. TITLE

The name of the Committee shall be the Campbelltown City Floodplain Risk Management Committee

2. PURPOSE

To provide advice to Campbelltown City Council in the development and evaluation of floodplain risk management studies and plans in the city.

The Floodplain Risk Management Committee does not have any formal powers, but rather performs an important advisory role to Council.

The Floodplain Risk Management Committee will consider the impact of the following issues on any actions contemplated, with the objective of producing an equitable result for the Campbelltown local government area:

- Public safety
- Social and cultural impacts
- Financial impacts (capital and ongoing cost, damage costs, financial losses, etc.)
- Environmental impacts, and
- Development controls

Council will make the final decisions on the recommendations made by the Floodplain Risk Management Committee.

3. OBJECTIVES

The objectives of the committee are to:

- Act as a focus and forum for the discussion of public safety, technical, social, economic, environmental and cultural issues relating to the floodplain risk management process
- The Committee will establish a method for assessing proposed mitigation options to provide a level playing field for the evaluation of Floodplain Risk Management options across the LGA (e.g. a method so that a planning solution can be evaluated against a structural solution)
- Recommend to Council a program of works and measures to address the findings of the Floodplain Risk Management Study.

4. MEMBERSHIP

4.1 The membership of the committee will be:

- **Chairperson** - Elected member of Council
- Director City Delivery
- Strategic Infrastructure and Transport Coordinator
- Stormwater Engineer
- Council staff from relevant areas (as required)



- Community representatives (maximum of 4)
- Chambers of Commerce (Ingleburn and Campbelltown)(2)
- NSW State Emergency Service (1 local, 1 regional, total of 2)
- Transport for NSW (2) One each representing road infrastructure and rail infrastructure
- NSW Department of Planning, Industry and Environment (2)(one being from Flood Unit)

4.2 Council staff, or their representative, will provide local specialist advice and coordinate:

- input from Council, the local community and other committee members
- the production and presentation of agendas, meeting minutes and reports
- the management of consultants (including the preparation of study briefs)
- financial management of the project
- reporting to Council.

4.3 Community members will be appointed through a transparent expression of interest process.

4.4 Agency representatives should represent the legislation and policies that guide their agency's roles in floodplain risk management. Agencies will ensure a representative is available to attend all meetings and advise the Chairperson if there is a change to the nominated representative.

4.5 Committee membership composition may change based on the need for expertise and balance.

4.6 The term of membership will be periodically reviewed.

4.7 Observers may be permitted but numbers will be restricted (due to venue size) and pre-registration will be required.

4.8 Observers can be asked to leave the meeting as requested by the Chairperson.

4.9 Committee Members are able to be removed from the Committee by a decision of Council.

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5. MEETINGS

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6.8 The Chairperson, or their representative, will be the public spokesperson for the Committee.

6.9 Information obtained from the Committee cannot be used by any agency or committee member for any reason other than Committee business.

7. JURISDICTION

7.1 The Committee is an advisory committee of Campbelltown City Council.

7.2 The Committee and its members will conduct business as per Campbelltown City Council's Code of Conduct procedures and guidelines for committees and meetings.

8. CONFLICT OF INTEREST

Committee members are required to bring to the attention of the Chairperson any conflict of interest or potential conflict they may have with any item on the committee's agenda at the start of each meeting.

9. ADVISORY GROUPS

This Committee may establish and adjourn advisory groups as it deems appropriate. The Terms of Reference of each Advisory Group shall be approved by this Committee, and shall be constructed to ensure consistency and coordination between the functions of all standing groups.

This Committee shall receive reports as required from such advisory groups and have responsibility to monitor and evaluate activities in respect of each advisory group's functional responsibilities.

10. RESOURCES AND BUDGET

Council will provide an annual allocation to cover the cost and operation of the Committee.

Community Committee members provide their time on a voluntary basis.

8.7 Local Government NSW 'Special Conference'

Reporting Officer

Manager Governance and Risk
City Governance

Community Strategic Plan

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

Officer's Recommendation

1. That Council nominate 9 voting delegates for the determination of Local Government NSW 'Special Conference'.
2. That other interested Councillors also be authorised to attend the Local Government NSW 'Special Conference' together with the General Manager and/or delegate.
3. That the registration fees and travel expenses for the Local Government NSW 'Special Conference' be met in accordance with Council's Policy.

Purpose

For the 9 voting delegates be determined for the upcoming Local Government NSW 'Special Conference' and to advise the newly elected Council that the motion regarding Heritage Funding for Local Councils has been submitted.

Report

The previously rescheduled Local Government NSW (LGNSW) annual conference date was set to occur prior to the election during caretaker period. LGNSW made the decision to split the conference into 2 parts, the Annual Conference and a 'Special Conference' for Motions. The Annual Conference was held virtually on 29 November 2021 and adopted the annual report and financial statements and the LGNSW Board members were elected. This ensured LGNSW complied with legislation under the *Fair Work (Registered Organisations) Act* by holding an annual conference in 2021.

LGNSW 'Special Conference': 28 February – 2 March 2022

This conference will be held in person at the Hyatt Regency Sydney, 161 Sussex Street, Sydney. Nominations for 9 voting delegates for this conference are open and must be submitted by 5pm Thursday 17 February 2022.

The Council budget contains provision for all voting delegates Councillors to attend the conference should they wish to do so. It has also been Council's practice that any other interested Councillor be authorised to attend the Conference.

Conference motion

A motion has been submitted to LGNSW that was resolved by the previous Council at its meeting held 3 August 2021:

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.
2. That this item be submitted to LGNSW as a motion for the LGNSW annual conference.

Attachments

Nil

8.8 Australian Local Government Association - National General Assembly

Reporting Officer

Manager Governance and Risk
City Governance

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.8 - Provide strong governance for all Council activities

Officer's Recommendation

1. That Council endorse the attendance of the Mayor and the General Manager and/or their delegate/s to the 2022 National General Assembly of Local Government in Canberra from 19-22 June 2022.
2. That interested Councillors contact the Director City Governance in regard to attending the 2022 National General Assembly of Local Government in Canberra from 19-22 June 2022.

Purpose

To advise Councillors of the 2022 National General Assembly of Local Government in Canberra from 19-22 June 2022.

History

Council Representatives have attended the Australian Local Government Association National General Assembly infrequently in previous years depending on the availability Councillors.

Report

The 2022 National General Assembly of Local Government (NGA) is to be held as a hybrid event with participants attending in person in Canberra or joining online on 19-22 June 2022. It provides an opportunity for council to influence the national policy agenda with the theme for the 2022 conference being Partners in Progress.

This event provides an opportunity for Council to engage directly with the Federal Government, to develop national policy and to influence the future direction of local government and our communities.

A brief discussion paper prepared by the Australian Local Government Association is attached which provides an introduction to the theme of the NGA – ‘Partners in Progress’ with a focus on how partnerships, particularly between the Australian Government and local governments, can tackle the immediate challenges facing communities and help us confidently prepare for the future.

A discussion paper, Call for Motions, prepared by the Australian Local Government Association (ALGA) is attached to assist with the identification of motions that address the ‘Partners in Progress’ theme of the NGA. Motions can address one or all of the issues identified in the discussion paper.

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. Be relevant to the work of local government nationally.
2. Be consistent with the themes of the NGA.
3. Complement or build on the policy objectives of your state and territory local government association.
4. Be from a council which is a financial member of their state or territory local government association.
5. Propose a clear action and outcome
6. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Councillor Lodgement of Motions

Councillors wishing to lodge a motion should do so by way of submitting a notice of motion to the Council meeting to be held on 8 March 2022. Notices of motion for this meeting need to be lodged by 9am Tuesday 1 March 2022 via motions@campbelltown.nsw.gov.au.

Motions should generally be in a form that seeks the NGA’s support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. For example: that this National General Assembly call on the Federal Government to restore funding for local government financial assistance grants to a level equal to at least one percent of Commonwealth taxation revenue.

Attachments

1. Letter from ALGA (contained within this report) [↓](#)
2. NGA Discussion Paper – Call For Motions (distributed under separate cover)
3. ALGA's 2022 Federal Election Priorities (distributed under separate cover)



17 December 2021

Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560
council@campbelltown.nsw.gov.au

To the Mayor, Councillors and CEO (please distribute accordingly)

As the national voice of local government, the Australian Local Government Association (ALGA) advocates on behalf of Australia's 537 councils for funding and policy outcomes that support local governments to deliver better results for their communities.

Each year we hold a National General Assembly (NGA) in Canberra where councils from around our nation discuss current and emerging challenges and opportunities and advocate to the Federal Government on critical issues facing our sector.

The motions passed at our NGA inform ALGA's strategic direction and national advocacy objectives. We listen to what you tell us, and take your message to Ministers, MPs and decision-makers in Canberra and around the country through Ministerial meetings, forums, budget submissions, and advocacy campaigns.

Next year's NGA will be held in Canberra from 19-22 June and will be an opportunity for us to clearly set and articulate our agenda to a new or returning Federal Government.

The theme for this event will be *Partners in Progress*, focusing on how partnerships, particularly between the Australian Government and local governments, can tackle the immediate challenges facing communities and help us confidently prepare for the future.

We are now calling for motions for next year's NGA, and I would encourage you to consider whether there is a strategic issue of national importance that your council can bring to this event.

We have prepared the attached discussion paper which covers some of the critical national policy areas that our sector needs to consider now and into the future and will help you prepare your motion.

To assist us, please ensure that your motions meet the following criteria:

1. Be relevant to the work of local government nationally;
2. Be consistent with the themes of the NGA;
3. Complement or build on the policy objectives of your state and territory local government association;
4. Be from a council which is a financial member of their state or territory local government association;

5. Propose a clear action and outcome; and
6. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

All motions should have a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and the endorsement of your council. Motions can be lodged online at alga.asn.au until 11:59pm on Friday 25 March 2022.

I've also attached a copy of ALGA's 2022 Federal Election Priorities.

The 17 national priorities outlined in this document have been informed by motions passed at last year's NGA, and unanimously endorsed by ALGA's Board in conjunction with our member state and territory local government associations.

They cover our key priority portfolios of economic recovery, transport, and community infrastructure, building resilience, circular economy and intergovernmental relations, and outline what local government could achieve, if formally recognised and adequately funded.

They have been assessed by independent economists, and if implemented by the next Federal Government they would create at least 42,975 new jobs and add \$6.39 billion per annum to Australia's GDP.

In the lead up to next year's election, ALGA and your state and territory local government associations will be calling on all parties and candidates to support these national priorities, empowering local government to play a meaningful role in Australia's recovery.

Your council can support this national campaign by endorsing ALGA's priority asks, identifying local projects and programs that could be delivered with better funding partnerships, writing to local members and candidates, and highlighting the value strong funding partnerships can deliver for your local community.

Will you join ALGA at the 2022 National General Assembly in Canberra from 19-22 June, and will you work with us to advocate for these key national priorities and help ensure no community is left behind in Australia's COVID-19 recovery?

Any administrative inquiries can be directed to ALGA by calling 02 6122 9400.

SIGNATURE HAS BEEN REMOVED

Cr Linda Scott
ALGA President

8.9 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 1 February 2022.

Attachments

1. Reports requested listing (contained within this report) [↓](#)
2. Letters requested listing (contained within this report) [↓](#)

Reports requested effective 1 February 2022

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Delivery			
13.10.20 Lake	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 will be presented in July 2022.	July 2022
2.11.21 Hunt	8.7 Grey Headed Flying Fox Residential Assistance Program 3. That a report be presented to Council detailing the success of the program and the approach undertaken at the end of the trial period or as soon as the funding has been exhausted.	It is envisaged that the GHFF Residential Assistance Program will be rolled out at the end February 2022. A report presented to Council upon completion of the trial which is expected to last 6 months (from application to acquittal).	August 2022
City Development			
09.04.19 Thompson	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 Hunt	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.	March 2022

Reports requested effective 1 February 2022

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Development			
10.03.20 Morrison	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.	April 2022
8.12.20 Hunt	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.	June 2022
8.6.21 Oates	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	Gateway Determination issued by DPIE on 28 July 2021. Seeking concurrence from NSW Heritage Office in accordance with Condition 1. Exhibition to commence upon satisfaction of Gateway requirements.	April 2022
13.7.21 Oates	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.	March 2022

Reports requested effective 1 February 2022

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Development			
13.7.21 Morrison	<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>	<p>3. A report was prepared and presented to Council at the November 2021 meeting as Item 8.2 on the agenda.</p> <p>4. Report to be presented subject to ongoing timeframe of development of Menangle Park.</p>	June 2022
13.7.21 Morrison	<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 Manoto	<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 1 February 2022

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Development			
12.10.21 Oates	<p>ORD 8.4 - Planning Proposal - Reclassification of Land - Campbelltown Sports Stadium, Leumeah</p> <p>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.</p>	Planning Proposal is waiting Gateway Determination. Further Council report not expected until July 2022.	July 2022
12.10.21 Hunt	<p>ORD 8.5 - Electric Vehicle Charging Stations - Draft Amendment to Campbelltown (Sustainable City) Development Control Plan 2015</p> <p>2. That where submissions are received through the exhibition period, a further report be provided to Council tabling the issues raised in those submissions.</p>	Report to be provided subject to outcome of public exhibition process.	March 2022
12.10.21 Oates	<p>ORD 8.6 - Planning Proposal - Signage as Exempt Development under Campbelltown Local Environmental Plan 2015</p> <p>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.</p>	Planning Proposal is waiting Gateway Determination. Further Council report not expected until June 2022.	June 2022

Reports requested effective 1 February 2022

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Development			
12.10.21 Hunt	<p>ORD 8.7 - Koala Sympathetic Development - Draft Amendment to the Campbelltown (Sustainable City) Development Control Plan 2015</p> <p>That where submissions are received through the exhibition period, a further report be provided to Council tabling the issues raised in those submissions.</p>	Report to be provided subject to outcome of public exhibition process.	March 2022
2.11.21 Brticevic	<p>ORD 8.1 Planning Proposal (Mount Gilead Urban Release Area) - Outcome of Public Exhibition</p> <p>3. That a report be prepared for Council, that investigates rezoning of land identified by Condition 22A of DA2984/2020/DA-CW, to a land use zone suitable for a koala strategic linkage corridor, consistent with the recommendations of the NSW Chief Scientist and Engineer report – Advice on the protection of the Campbelltown Koala Population.</p>	Report to be integrated with Stage 2 rezoning of Mount Gilead which relates to most of Menangle Creek.	July 2022

Reports requested effective 1 February 2022

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Growth			
10.03.20 Morrison	<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

Reports requested effective 1 February 2022

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Growth			
3.8.21 Manoto	<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>	<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). The required funding will be considered as part of Council's annual budget planning process for 2022-23.</p> <p>The project feasibility will take approximately 3 months to complete once funding has been made available.</p>	March 2023
14.9.21 Oates	<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>	<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</p>	March 2022

Reports requested effective 1 February 2022

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Lifestyles			
13.7.21 Oates	<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.	April 2022
14.9.21 Morrison	<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.	May 2022
12.10.21 Oates	<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>	An outdoor fresh produce market 'Home Grown and Home Made' will be piloted as part of On Q activations in March - April 2022. Pilot will test community interest in a fresh produce market and inform a feasibility analysis of best site, size and frequency. Stallholder / vendor EOI is currently active.	April 2022

Letters requested effective 1 February 2022

Item 8.9 - Attachments

*Date of Decision *Mover	Action Item	Comments / updates
City Development		
3.8.21 Oates	<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>	<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.</p> <p>A response received on 15/12/2012 from the Special Minister of State, the Hon. Don Harwin MLC and included in the February 2022 agenda as Item 7.1.</p>

8.10 Minutes of the Audit Risk and Improvement Committee meeting held 16 November 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 16 November 2021 be noted.

Purpose

To seek Council's endorsement of the minutes of the Audit Risk and Improvement Committee meeting held 16 November 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.

6.2 Cash Handling Review

That the Committee receive and note the cash handling review.

Action:

The committee raised the importance of verifying that the processes in place regarding cash handing are being followed.

6.3 Interim Annual Audit Plan 2021-22

To present and seek approval of the Interim Annual Audit Plan 2021-22.

Action:

The committee requested that minor grammatical changes be made regarding the common business risks to be non-ranked and mentioned in the title.

6.4 Audit, Risk and Improvement Committee Annual Report 2020-21

That the Committee receive and endorse the Annual Report 2020-21.

Action:

That the Audit, Risk and Improvement Committee Annual Report 2020-21 be presented to Council.

6.5 Update on the Office of Local Government Guideline on the Use and Management of Credit Cards

That the Local Government Guideline on the Use and Management of Credit Cards be noted.

6.6 Business Excellence Report

That the Committee note the update provided in this report.

Action:

To provide the committee with summary reports of performance against the Integrated Planning and Reporting framework.

6.7 Cyber Security

That the Committee receive and note the update regarding Cyber security in compliance with the NSW Cyber Security Policy.

6.8 2022 ARIC Meeting Calendar

That the 2022 ARIC meeting calendar be noted and the proposed meeting dates be adopted.

6.9 Outstanding ARIC Actions

That the comments and updates regarding the outstanding and completed ARIC actions be noted.

Attachments

1. Minutes of the Audit Risk and Improvement Committee held 16 November 2021 (contained within this report)

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Audit Risk and Improvement Committee Meeting held at 4:00 pm on Tuesday, 16 November 2021.

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Minutes of the Audit Risk and Improvement Committee Meeting held on 16 November 2021

Present	Mr Jim Mitchell - Independent Member (Acting Chairperson) Ms Rhonda Wheatley - Independent Member Councillor Warren Morrison - Council Representative
In attendance	Ms Lindy Deitz - General Manager Mr Sam Helweh - Internal Auditor Mr Phu Nguyen - Director City Governance Ms Rebecca Grasso - Director City Growth Mr Max Dobbie - Acting Executive Manager Corporate Services & Governance Ms Somaiya Ahmed - Director, Financial Audit Services - Audit Office of NSW Mr Ali Amjad - Audit Leader - Audit Office of NSW Ms Cathy Gavin - Senior Financial Accountant Mr Chris Magee - Manager Insights and Corporate Strategy Mr Ari Aich - IT Infrastructure & SD Coordinator Ms Erin Austin - Executive Support

1. ACKNOWLEDGEMENT OF LAND

An Acknowledgement of Land was presented by the Acting Chairperson Mr Jim Mitchell.

2. APOLOGIES

Committee's Recommendation: (Mitchell/Wheatley)

That the apology from Mr Bruce Hanrahan be received and accepted.

3. CONFIRMATION OF MINUTES**3.1 Minutes of the Ordinary Meeting of the Audit Risk and Improvement Committee held 28 September 2021**

Committee's Recommendation: (Mitchell/Morrison)

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 gave the Committee an update:

- The Committee was advised that Council had entered the caretaker period before the Council election and during the caretaker period no major decisions can be made by Council. The final Council meeting for the term was held on 2 November and was an opportunity to celebrate the achievements of the current Council over the longer than normal term. The retiring Councillors being Councillor Lake, Councillor Thompson, Councillor Rowell and Councillor George were acknowledged and thanked for their efforts.
- The Local Government elections are underway with pre-poll voting to open on 22 November and election day on 4 December. The Executive has developed a comprehensive induction program to be rolled out to all Councillors in the weeks after the declaration of the polls.
- Council has returned to operations with the COVID-19 safety measures presently becoming the normal. The Committee was advised that there have been 2 instances of COVID-19 positive cases visiting venues and in line with the COVID-19 Safe Plans the venues were shutdown. The General Manager complemented in staff for their efforts as despite the venue shut down online services for these venues resumed with 48 hours. Risk assessments continue to be monitored and each venue has its own COVID-19 Safe Plan.
- The Committee was advised from a financial point the General Manager was pleased to share that despite significant revenue losses from COVID-19 the organisation has come together to find enough savings to be able to offset the losses. The General Manager thanked the staff for their efforts in balancing the budget.
- The General Manager shared the news that \$1.2 million has been committed in a joint project by the Morrison Government, the Perrottet Government and Council under the Western Sydney City Deal towards planning for the Community and Justice Precinct in Campbelltown.
- Lastly, the General Manager thanked Councillor Warren Morrison for his contributions as being the elected Council representative for ARIC over the past 5 years of this Council term.

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/Mitchell)

That the Committee receive and note the internal audit update.

6.2 Cash Handling Review

Purpose

To report on the Cash handling review which forms part of the 2020- 21 Audit Plan.

Officer's Recommendation

That the Committee receive and note the cash handling review.

Committee's Recommendation: (Wheatley/Morrison)

That the Committee receive and note the cash handling review.

Action:

The committee raised the importance of verifying that the processes in place regarding cash handing are being followed.

6.3 Interim Annual Audit Plan 2021-22

Purpose

To discuss the plan with the Audit, Risk and Improvement Committee and make any final changes before adopting the plan.

Officer's Recommendation

To present and seek approval of the Interim Annual Audit Plan 2021-22.

Committee's Recommendation: (Mitchell/Wheatley)

To present and seek approval of the Interim Annual Audit Plan 2021-22.

Action:

The committee requested that minor grammatical changes be made regarding the common business risks to be non-ranked and mentioned in the title.

6.4 Audit, Risk and Improvement Committee Annual Report 2020-21

Purpose

To report to Council the activities of the Audit, Risk and Improvement Committee for the year ending 30 June 2021.

Officer's Recommendation

That the Committee receive and endorse the Annual Report 2020-21.

Committee's Recommendation: (Morrison/Wheatley)

That the Committee receive and endorse the Annual Report 2020-21.

Action:

That the Audit, Risk and Improvement Committee Annual Report 2020-21 be presented to Council.

6.5 Update on the Office of Local Government Guideline on the Use and Management of Credit Cards

Purpose

To update the Audit, Risk and Improvement Committee on the Guideline on the Use and Management of Credit Cards (the Guideline) developed by the Office of Local Government and its relevance on the operations and policies at Campbelltown City Council.

Officer's Recommendation

That the Local Government Guideline on the Use and Management of Credit Cards be noted.

Committee's Recommendation: (Mitchell/Wheatley)

That the Local Government Guideline on the Use and Management of Credit Cards be noted.

6.6 Business Excellence Report

Purpose

To provide the Committee with an update on the progress of Council's continuous improvement initiatives over the last quarter.

Officer's Recommendation

That the Committee note the update provided in this report.

Committee's Recommendation: (Mitchell/Morrison)

That the Committee note the update provided in this report.

Action:

To provide the committee with summary reports of performance against the Integrated Planning and Reporting framework.

6.7 Cyber Security

Purpose

To provide an update to the Committee on Cyber security and the changes put in place to manage and record high value Information and Communications Technology (ICT) risks to the organisation.

Officer's Recommendation

That the Committee receive and note the update regarding Cyber security.

Committee's Recommendation: (Wheatley/Morrison)

That the Committee receive and note the update regarding Cyber security in compliance with the NSW Cyber Security Policy.

6.8 2022 ARIC Meeting Calendar

Purpose

To submit for the Committee's consideration a meeting calendar for 2022.

Officer's Recommendation

That the 2022 ARIC meeting calendar be noted and the proposed meeting dates be adopted.

Committee's Recommendation: (Mitchell/Wheatley)

That the 2022 ARIC meeting calendar be noted and the proposed meeting dates be adopted.

6.9 Outstanding ARIC Actions

Purpose

To ensure the Committee is aware of all outstanding actions and all completed actions.

Officer's Recommendation

That the comments and updates regarding the outstanding and completed ARIC actions be noted.

Committee's Recommendation: (Morrison/Mitchell)

That the comments and updates regarding the outstanding and completed ARIC actions be noted.

7. GENERAL BUSINESS

- Councillor Warren Morrison passed on his thanks to all the ARIC members for their support. Councillor Morrison thanked the General Manager and staff members for their assistance in answering his questions regarding ARIC reporting. Councillor Morrison noted his appreciation in being the elected Council representative to ARIC for this Council term.

The next meeting of the Audit Risk and Improvement Committee will be held Tuesday 15 February 2022 at 4:00 pm at the Civic Centre, Campbelltown.

Jim Mitchell

Acting Chairperson

Meeting Concluded: 5:15 pm

8.11 Investments and Revenue Report - November to December 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 months of November and December 2021.

Report

This monthly report provides details of Council's investment and revenue portfolio.

Investments

Council's investment portfolio as at 31 December 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.

For the months of November and December, Council's return exceeded the benchmark by some 86 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.

The yield on the AusBond Bank Bill Index has been very low, with the monthly annualised return being 0.025 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 \$20 million held in an at call account. Although it isn't the normal approach to hold large sums of surplus cash in call accounts, the \$20 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 7,444.60 at the completion of December. This represents an annualised monthly performance result of positive 31.19 per cent ex dividend; the monthly change was positive 2.60 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 31 December 2021 totalled \$129,695,813 representing 99.86 per cent of the current budget estimate.

The rates and charges receipts collected to the end of December totalled \$71,714,128. In percentage terms 56 per cent of all rates and charges due to be paid have been collected, compared to 54 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 provide advice 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 at a convenient time.

Debt management action during the month involved the issue of 1,364 personalised 'time to get back on track' letters to ratepayers with 2 or more instalments outstanding and a combined balance exceeding \$1,000. These letters sought payment in full or suitable arrangements to clear their debt in a reasonable time affordable to the ratepayer. In addition, 9,938 ratepayers with debts less than \$1,000 were issued a missed instalment notice encouraging payment or to contact staff for assistance with time to pay.

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, 34 applications were made over the phone and 19 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, 41 of these notices were sent to ratepayers advising them of the amount unpaid on their account and the amount levied in annual rates and charges.

Sundry Debtors

Debts outstanding to Council as at 31 December 2021 are \$3,949,781 reflecting an increase of \$508,992 since November 2021. During the month 325 invoices were raised totalling \$1,534,932. 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 \$472,224 as at 31 December 2021. The majority of this debt relates to Corporate Governance items totalling \$215,863. The most significant amount of \$110,000 relates to fees associated with creation of the sewer easement over Council land at Menangle Park and to a contribution for the future embellishment at Menangle Park. The company involved is awaiting finalisation of the rising main design and commercial agreement with Sydney water, which has delayed payment. Council staff have been advised that once the deed has been signed, payment will be made.

Another significant amount relating to this category for \$38,500 is for the annual ticketing rights for Campbelltown Sports Stadium, Council staff have contacted the company involved and they have advised that payment will be made by the end of the month. Also incorporated within the Corporate Governance category is the combined amount of \$24,287. 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 in the hope of a positive resolution however, most debts are finalised with the sale of the property.

Community Life debts total \$70,557. The most significant portion of \$49,450 relates to a previous contractor for "catering sales commission" of various events at the Campbelltown 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 a Letter of Demand. Unfortunately no response was received and the matter has now been referred to Council's agents. Recovery action had been put on hold due to the COVID-19 pandemic situation. Council staff had instructed our agents to resume recovery in early November 2021.

Also incorporated within the category of Community Life is the amount of \$12,802 also for "catering sales commission" for events at the Sports Stadium. Council staff have reached out to the company involved and were advised that they were experiencing financial hardship due to COVID-19 restrictions. The company has requested a structured payment plan of \$14,157 per month. This is the final instalment of their payment plan due at the end of January 2022.

Grants debt totalling \$33,954 with the most significant portion relates to the NSW Environmental Trust grant for \$27,629 being the final payment of the 'Campbelltown Community Recycling Centre'. Council has been advised payment is expected to be made by the end of the month.

Debts categorised within City Delivery totalled \$14,743. The most significant amount of \$9,950 relates to work carried out at the Campbelltown Hospital Carpark. This debt has now been paid in full.

Public hall hire fees of \$56,345 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.

Council officers are mindful of the ongoing impact of COVID-19 on our community and 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 November 2021 (contained within this report) [↓](#)
2. Summary of Council's Investment Portfolio December 2021 (contained within this report) [↓](#)
3. Rates and Charges Summary and Statistics December 2021 (contained within this report) [↓](#)
4. Debtors Summary and Ageing Report December 2021 (contained within this report) [↓](#)

Summary of Council's Investment Portfolio

Portfolio as at 30 November 2021



Product Type	Face Value	% of Total
At Call Deposits	20,233,887	11.34%
Notice Account	10,037,019	5.63%
Term Deposits - Fixed Rate	53,271,013	29.86%
Term Deposits - Floating Rate	59,000,000	33.07%
Fixed Rate Bond	19,300,000	10.82%
FRN	16,550,000	9.28%
Managed Funds - TCorp	-	0.00%
Grand Total	178,391,919	100.00%

Total Term Deposits (Fixed and Floating Rate) by Institution's Long-Term Credit Rating

Credit Rating	Holdings	% of Total
AA+	6,900,000	6.1%
AA-	84,371,013	75.1%
BBB+	8,000,000	7.1%
BBB	11,000,000	9.8%
Baa2	2,000,000	1.8%
Total Term Deposits	112,271,013	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
AU3FN0063103	CBA - Green Bond	AA-	23-Dec-26	3m BBSW + 0.41%	\$5,000,000

Long-Term Credit Rating	Exposure of Entire Portfolio			
	Actual	Minimum	Maximum	Compliant
AA+, AA, AA- and above (or MTB*)	76.8%	40%	100%	Yes
A+, A, A- and above	80.2%	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%	0%	20%	Yes

Summary of Council's Investment Portfolio – November 2021 cont'd

Portfolio Return

Council's investment portfolio (excluding At Call Deposits but includes Notice Saver Account) provided a weighted average return (running yield) of:

30 November 2021	Monthly Return	Annual Return
Campbelltown City Council – Investment Portfolio	0.074%	0.881%
Benchmark – Bloomberg Ausbond Bank Bill Index	0.006%	0.024%
Performance Relative to Benchmark	0.069%	0.856%

Summary of Council's Investment Portfolio

Portfolio as at 31 December 2021



Product Type	Face Value	% of Total
At Call Deposits	20,242,475	11.28%
Notice Account	10,041,708	5.60%
Term Deposits - Fixed Rate	54,271,013	30.25%
Term Deposits - Floating Rate	59,000,000	32.89%
Fixed Rate Bond	19,300,000	10.76%
FRN	16,550,000	9.22%
Grand Total	179,405,196	100.00%

Total Term Deposits (Fixed and Floating Rate) by Institution's Long-Term Credit Rating

Credit Rating	Holdings	% of Total
AA+	6,900,000	6.1%
AA-	89,371,013	78.9%
BBB+	8,000,000	7.1%
BBB	7,000,000	6.2%
Baa2	2,000,000	1.8%
Total Term Deposits	113,271,013	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
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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
AU3FN0063103	CBA - Green Bond	AA-	23-Dec-26	3m BBSW + 0.41%	\$5,000,000

Long-Term Credit Rating	Exposure of Entire Portfolio			
	Actual	Minimum	Maximum	Compliant
AA+, AA, AA- and above (or MTB*)	79.2%	40%	100%	Yes
A+, A, A- and above	82.6%	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%	0%	20%	Yes

Summary of Council's Investment Portfolio – December 2022 cont'd

Portfolio Return

Council's investment portfolio (excluding At Call Deposits but includes Notice Saver Account) provided a weighted average return (running yield) of:

31 December 2021	Monthly Return	Annual Return
Campbelltown City Council – Investment Portfolio	0.077%	0.883%
Benchmark – Bloomberg Ausbond Bank Bill Index	0.004%	0.025%
Performance Relative to Benchmark	0.073%	0.858%

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	70,927,505.35	1,379,743.77	82,718.24	73,223,304.49	39,733,531.36	33,489,773.13	290,402.70	33,780,175.83
Business	601,012.56	20,623,569.98		21,263.79	21,245,846.33	12,798,414.90	8,447,431.43		8,447,431.43
Farmland	15,521.60	517,292.78	495.05	802.90	533,122.23	305,167.56	227,954.67	259,932.71	487,887.38
Mining	0.00	29,200.08		0.00	29,200.08	29,200.08	0.00		0.00
SR - Loan	628.02	1.26		68.29	697.57	0.00	697.57	20.29	717.86
SR - Infrastructure	400,650.65	6,953,305.89		6,556.97	7,360,513.51	4,009,682.85	3,350,830.66	54,928.93	3,405,759.59
Total	\$4,610,637.50	\$99,050,875.34	\$1,380,238.82	\$111,410.19	\$102,392,684.21	\$56,875,996.75	\$45,516,687.46	\$605,284.63	\$46,121,972.09
Garbage	1,091,384.56	25,499,807.38	853,115.54	23,497.66	25,761,574.06	13,987,634.50	11,773,939.56		11,773,939.56
Stormwater	77,891.31	1,463,059.12		604.46	1,541,554.89	850,496.82	691,058.07		691,058.07
Grand Total	\$5,779,913.37	\$126,013,741.84	\$2,233,354.36	\$135,512.31	\$129,695,813.16	\$71,714,128.07	\$57,981,685.09	\$605,284.63	\$58,586,969.72

Total from Rates Financial Transaction Summary	57,653,488.20
Overpayments	-933,481.52
Difference	0.00

Analysis of Recovery Action

Rate accounts greater than 6 months less than 12 months in arrears	0.00
Rate accounts greater than 12 months less than 18 months in arrears	0.00
Rate accounts greater than 18 months in arrears	435,676.00
TOTAL rates and charges under instruction with Council's agents	\$435,676.00



Rates Statistics

No. of documents issued	July	August	September	October	November	December	January	February	March	April	May	June	Dec-21
Rate Notices	57,620	238	66	18	79								
Electronic - DoH	4,866												
Instalment Notices													
Electronic - DoH													
Missed Instalment Notices			10,084	43,662		8,951							10,871
- Pensioners > \$15.00			1,074	4,691		987							801
Notice to new owner	133	92	109	113	19	41							44
7-day Letters - Council issued						1,237							
- Pensioners > \$500.00						127							
7-day Letters - Agent Issued													
Statement of Claim													
Judgments													
Writs													
Electronic - eRates & BPAYView	11,666	11,798	12,084	12,294	12,673	12,858							10,171
Pensioner applications	257	99	60	61	52	53							460
Arrangements	207	193	113	101	99	172							73

DEBTORS SUMMARY 1 December 2021 to 31 December 2021



DEBTOR TYPE/DESCRIPTION	ARREARS AT 30/11/2021	RAISED THIS PERIOD	RECEIVED THIS PERIOD	BALANCE AT 31/12/2021	% DEBT RATIO
Corporate Governance	963,270	237,489	258,329	942,440	23.86%
City Delivery	21,391	6,367	5,000	22,758	0.58%
City Standards	161,638	33,479	44,910	150,208	3.80%
Community Businesses	44,993	18,103	14,833	48,263	1.22%
Community Life	90,651	10,953	22,131	79,474	2.01%
Grants	2,036,196	945,872	588,371	2,393,697	60.60%
Hall Hire	64,545	2,911	8,719	58,737	1.49%
Property Services	247,092	279,747	272,635	254,205	6.44%
	3,629,776	1,534,932	1,214,927	3,949,781	100%

AGEING OF SUNDRY DEBTOR ACCOUNTS - 31 December 2021



	Current Charges	Total 30 Days	Total 60 Days	Total 90+ Days	Balance Due	Previous Month 90+ days
Corporate Governance	189,642	411,945	124,990	215,863	942,440	210,638
City Delivery	7,556	0	459	14,743	22,758	21,374
City Standards	28,451	51,302	3,590	66,864	150,208	65,927
Community Businesses	28,747	7,280	1,230	11,006	48,263	13,052
Community Life	7,600	0	1,318	70,557	79,474	102,625
Grants	635,872	420,000	1,303,871	33,954	2,393,697	6,325
Hall Hire	2,254	138	0	56,345	58,737	63,070
Property Services	172,131	60,737	18,444	2,893	254,205	1,060
	1,072,254	951,402	1,453,901	472,224	3,949,781	484,070

8.12 Revised Investment Policy

Reporting Officer

Executive Manager Corporate Services and Governance
City Governance

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.7 - Public funds and assets are managed strategically, transparently and efficiently

Officer's Recommendation

1. That the revised Investment Policy as attached to this report be adopted.
2. That the Investment Policy review date be set at 31 December 2022.

Purpose

To update the Investment Policy to ensure it remains consistent with the conservative approach of Council's restricted and unrestricted reserve monies.

Report

The above mentioned policy has been developed in accordance with Council's Information Management Authorised Statement and the adopted procedure for Policy Development and Review.

Council's external financial advisor, Amicus Advisory were consulted and have advised that, in their view, the policy remains consistent with the conservative approach required for the stewardship of Council's restricted and unrestricted reserve monies and that only one minor amendment be considered.


Amicus have indicated however that because Council absorbs most of the current 5 per cent counterparty limit for the BBB+/- ratings group through other investments such as term deposits, limits Council's ability to allow for increased exposure through other short term deposits such as the AMP Notice Saver Account, which is effectively an at call account, that currently attracts a high interest rate. The risk of default with the notice saver account is minimal as it is very short dated and Council can withdraw funds at any time without a loss of principal or interest by giving 31 days' notice.

As such Council it is recommended to increase the counterparty limit for this ratings group from 5 per cent to 10 per cent, whilst maintaining the maximum duration of 3 years and cumulative portfolio limit of 40 per cent.

It is recommended that the policy be adopted and a new review date be set at 31 December 2022.

Attachments

1. Revised Investment Policy with changes (contained within this report) [↓](#)
2. Revised Investment Policy (contained within this report) [↓](#)

 CAMPBELLTOWN CITY COUNCIL		POLICY
Policy Title	Investment Policy	
Related Documentation	Accounting Practices Statement	
Relevant Legislation/ Corporate Plan	<i>Local Government Act 1993</i> <i>Local Government General Regulation 2005</i> Ministerial Investment Order Local Government Code of Accounting Practice and Financial Reporting Australian Accounting Standards Office of Local Government Circulars	
Responsible Officer	Executive Manager Corporate Services and Governance	

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

Objectives

To comply with the legislative requirements and regulations relevant to the management of Council's investments.

To maximise returns to Council consistent with all requirements of the policy.

To preserve the capital of the investment portfolio. Investments are to be placed in a manner that seeks to ensure the security and safeguarding of the investment portfolio. This includes managing all risks within identified thresholds and parameters.

To ensure the investment portfolio has sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.

To establish a framework for monitoring the investments. The investment portfolio is expected to achieve a predetermined market average rate of return that considers Council's risk tolerance. Any additional return target set by Council will also consider appropriate risk limitations and prudent investment principles.

To confirm delegations and other relevant governance matters in relation to Council's investments.

Policy Statement

Interest on these investments represents a significant contribution to the total income of Council and it is essential Council has clear policy guidelines as to how funds can be invested. While the *Local Government Act 1993* – Order (relating to investments by Councils) is quite explicit as to the types of institutions with which Council can invest, there are nevertheless variations in the financial ratings of these institutions and the types of investments that can be purchased, which are not

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Campbelltown City Council

explained. This policy aims to clearly state the institutions and parameters within which Council can invest the maximum proportion of funds that may be placed with individual organisations and the types of investments acquired. Council aims to operate within stricter risk controls than those specified under the legislation because of its conservative nature.

Scope

This policy applies to Investment monies built up through:

- General unrestricted reserves created through rate income and other revenue sources exceeding (re)current expenditure, sale of properties and other assets
- Restricted reserves that accrue through contributions under Section 7.11 of the *EPA Act* and grants and contributions etc
- Internally restricted reserves
- Loan proceeds drawn down awaiting expenditure
- Revenues received from the sale of property
- Timing differences within the year between rate receipts and expenditures.

Definitions

MTB Major Trading Bank
ADI Approved Deposit Taking Institution
TCorp New South Wales Treasury Corporation

Legislative Context

Council's power to invest is derived from Section 625 of the *Local Government Act 1993*, as amended by the *Statute Law (Miscellaneous Provisions) Act 2000* – which limits investments to only those that the Minister approves.

The Local Government Act 1993

Section 625 (2) of the Act provides that:

“Money may be invested only in a form of investment notified by order of the Minister published in the Gazette”.

The current Ministerial order – 12 January 2011.

Principles

Authority for Investment

Investment of Council funds is limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government in accordance with the following guidelines:

Authorised Investments

- i) Public funds or securities issued by or guaranteed by the Commonwealth, State of the Commonwealth or a Territory
- ii) Debentures or securities issued by a Council (within the meaning of the *Local Government Act 1993* (NSW))
- iii) Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit taking institutions (as defined by the *Banking Act 1959 (Cwlth)*), but excluding subordinated debt obligations

Campbelltown City Council

- iv) Bills of exchange which have maturity dates of not more than 200 days; and if purchased for value confers on the holder in due course the right of recourse against a bank which has been designated as an authorised deposit taking institution by the Australian Prudential Regulation Authority (APRA)
- v) Deposits with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Long Term Credit Ratings

The rating scale from Standard and Poor's (S&P) ratings agency, a globally recognised rating agency, is:

AAA } an extremely strong capacity to repay debt

AA+ }
to } a very strong capacity to repay debt
AA- }

A+ }
to } a strong capacity to repay debt
A- }

BBB+ }
to } an adequate capacity to repay debt
BBB- }

Council will use S&P ratings in the first instance for assessing the credit rating of any debt instrument under this policy. However, if the debt instrument is not rated by S&P, but is rated by either of the other globally recognised credit ratings agencies, being Fitch and Moody's, their equivalent S&P rating will be used. If the instrument is rated by both Fitch and Moody's but not S&P and the Fitch and Moody's rating differ, then the S&P equivalent of the lower of the two ratings will be used.

Quotations on Investments

If practical, not less than three quotations shall be obtained from authorised institutions whenever an investment is proposed. The best quote on the day will be successful after allowing for administrative and banking costs, as well as having regard to the limits set in the schedule. The purpose of this requirement is to ensure prices obtained by Council are competitive within the market. However, if this objective can be achieved by other means then this requirement of the policy will be satisfied.

General Policy Guidelines

Diversification

Diversification is used to spread risk through utilisation of maximum percentage investment limits to the following:

- Individual Institutions (varies per credit rating)
- Credit Rating Bands (eg, AAA v BBB) - these are Standard & Poor's Long Term ratings (or Moody's and Fitch equivalents).

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These limits are as per the following schedule:

Credit Rating of Institution Standard & Poors <u>Long Term Rating</u>	Minimum % of Total Investments (cumulative)	Maximum % with one Institution	Maximum Term
AA+, AA, AA- and above (or MTB)	40%	45%	7 yrs
A+, A, A- and above	60%^	20%	5 yrs
BBB+, BBB, BBB- and above	100%	105%	3 yrs
T Corp MTGF and LTGF		20%	N/A

Investments in the TCorpIM Core Funds facilities will be regarded as AA- rated in line with the majority of underlying investments in the funds in the case of the Cash or Short Term Income Funds.

Investments in the TCorp Medium Term Growth Fund (MTGF) or Long Term Growth Fund (LTGF) will form part of the limits for TCorp MTGF and LTGF above.

^ An additional restriction will also apply of 70 percent of the total portfolio must be rated A- or above when the TCorp MTGF and LTGF are excluded from the calculation of total portfolio investment size.

Authorised Investments

- Major trading banks (MTB's) refer to ANZ Banking Group Ltd, Commonwealth Bank of Australia, National Australia Bank and Westpac Banking Corporation, and the wholly owned and guaranteed subsidiaries of these banks provided the investment is authorised under the current Order; and the subsidiary carries the same credit rating as the parent from Standard and Poor's, Moody's and Fitch;
- Any debt security issued by an Authorised Deposit Taking Institution (ADI) whose rating is BBB- or higher at the time of purchase and which is authorised under the current Investment Order.
- Any Fund approved by TCorp and falling under the current Investment Order.

Liquidity

Access to cash for operational purposes on a day to day basis will be managed through the timing of maturities, cash at call and the overdraft facility. A balance will be struck between keeping excessive amounts of cash in short term investments at low interest rates and the associated costs of doing so as compared with the risks and costs of having to utilise the overdraft facility.

Maturities

Funds may be invested for a period up to seven years in accordance with the credit rating restrictions outlined in the diversification section above.

The maturity allocation of core funds, and whether fixed or floating rates, will be determined by the interest rate outlook and be apportioned based on Council's cash flow forecast in conjunction with Council's Independent Investment Advisor and as per the restrictions outlined in this policy.

Campbelltown City Council

Grandfathering

Any investment purchased when compliant with the investment policy may be held to maturity or sold as Council believes best, dependent on the individual circumstances, so long as the chosen risk management strategy is in accordance with the principles of the Investment Guidelines above; the prevailing legislation and the prudent person guidelines.

Specifically, grandfathering will apply to any investment that:

- Was made ineligible by a previous change to the external legislation if that change allows for grandfathering,
- Is made ineligible as a result of a change to this investment policy,
- Is in breach of the investment policy due to a change of circumstance (because the investment has been downgraded or has had its credit rating withdrawn post purchase),
- Is in breach due to a change of portfolio size or composition (eg. because the overall portfolio size has decreased causing the percentage of total portfolio limit which applies to individual remaining investments to increase therefore causing a breach).

Environmental, Social and Governance (ESG) Investing

Where financial institutions are offering equivalent investment returns with the same credit rating and assessed financial risk and the investment fits within the provisions of this Investment Policy, consideration will be given to placing funds with institutions identified as having the higher ESG standards, which may include but not limited to, investing with institutions not financing fossil fuel companies.

Trading Policy

It is not Council's intention to trade instruments within the portfolio to seek capital gains, rather Council will be a hold to maturity investor, excepting for circumstances where monies are held in tradable securities for the purposes of providing a contingent liquidity buffer as an alternative to using the overdraft facility or where monies have been invested as part of a long term liability defeasance strategy and a rebalancing is necessary due to changes in the assessed value of either the liabilities or the investments used to hedge those liabilities

Long Term Liability Defeasance

Council may seek to invest monies in the appropriate TCorp funds in line with the restrictions outlined in the diversification section of this policy for the purpose of defeasing long term liabilities held by Council. Council may have long term liabilities which may be better matched (the risks hedged) by longer term investments which contain a capital growth as well as an income component. Council will only purchase assets with a growth component as part of a long term liability defeasance strategy and will not purchase assets with a growth component for the prospect of short term speculative gains.

Investment Strategy

Council will formulate an ongoing investment strategy with the assistance of its Independent Investment Advisor. This will be a "living document" and whilst a formal annual review will be performed, the strategy will be subject to ongoing review with regards to market conditions and any changes to Council's risk tolerance or cash flow requirements. The Investment Strategy will always operate within the limits of this Investment Policy and will under normal conditions operate with adequate buffers within the Investment Policy limits to avoid any potential breaches as part of Council's conservative management of risks.

Campbelltown City Council

Independent Investment Advice

Council's Independent Investment Advisor must be licensed by the Australian Securities and Investment Commission. The Advisor must be independent person who has no actual or potential conflict of interest in relation to investment products being recommended.

New investment instruments that are promoted by an appropriately rated financial institution must be the subject of a review by Council's Independent Investment Advisor. Funds may not be placed in any new financial product before this review has been completed.

Review of Investment Portfolio Performance

Council is presented with a monthly report on the performance of each fund/product that makes up Council's Investment portfolio. In conjunction with Council's Independent Investment Advisor, the Investment Policy will be reviewed at least annually or as required in the event of legislative or other changes.

Council's Independent Investment Advisor will provide a monthly compliance check based on Council's portfolio at the end of each month.

Benchmarks

Cash	Reserve Bank Cash Reference Rate
Direct Investments	AUSBOND Bank Bill Index
TCorp Funds	As per the specific fund as specified by TCorp
Overall Portfolio	AUSBOND Bank Bill Index


Responsibility

Executive Manager Corporate Services and Governance, Senior Financial Accountant and other authorised signatories.

Effectiveness of this Policy

This policy will be reviewed annually in accordance with Regulations and Departmental Guidelines to ensure its continuing suitability and effectiveness. Records of reviews shall be maintained.

END OF POLICY STATEMENT

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Campbelltown City Council

- iv) Bills of exchange which have maturity dates of not more than 200 days; and if purchased for value confers on the holder in due course the right of recourse against a bank which has been designated as an authorised deposit taking institution by the Australian Prudential Regulation Authority (APRA)
- v) Deposits with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Long Term Credit Ratings

The rating scale from Standard and Poor's (S&P) ratings agency, a globally recognised rating agency, is:

AAA } an extremely strong capacity to repay debt

AA+ }
to } a very strong capacity to repay debt
AA- }

A+ }
to } a strong capacity to repay debt
A- }

BBB+ }
to } an adequate capacity to repay debt
BBB- }

Council will use S&P ratings in the first instance for assessing the credit rating of any debt instrument under this policy. However, if the debt instrument is not rated by S&P, but is rated by either of the other globally recognised credit ratings agencies, being Fitch and Moody's, their equivalent S&P rating will be used. If the instrument is rated by both Fitch and Moody's but not S&P and the Fitch and Moody's rating differ, then the S&P equivalent of the lower of the two ratings will be used.

Quotations on Investments

If practical, not less than three quotations shall be obtained from authorised institutions whenever an investment is proposed. The best quote on the day will be successful after allowing for administrative and banking costs, as well as having regard to the limits set in the schedule. The purpose of this requirement is to ensure prices obtained by Council are competitive within the market. However, if this objective can be achieved by other means then this requirement of the policy will be satisfied.

General Policy Guidelines

Diversification

Diversification is used to spread risk through utilisation of maximum percentage investment limits to the following:

- Individual Institutions (varies per credit rating)
- Credit Rating Bands (eg, AAA v BBB) - these are Standard & Poor's Long Term ratings (or Moody's and Fitch equivalents).

Campbelltown City Council

These limits are as per the following schedule:

Credit Rating of Institution Standard & Poors <u>Long Term Rating</u>	Minimum % of Total Investments (cumulative)	Maximum % with one Institution	Maximum Term
AA+, AA, AA- and above (or MTB)	40%	45%	7 yrs
A+, A, A- and above	60%^	20%	5 yrs
BBB+, BBB, BBB- and above	100%	10%	3 yrs
T Corp MTGF and LTGF		20%	N/A

Investments in the TCorpIM Core Funds facilities will be regarded as AA- rated in line with the majority of underlying investments in the funds in the case of the Cash or Short Term Income Funds.

Investments in the TCorp Medium Term Growth Fund (MTGF) or Long Term Growth Fund (LTGF) will form part of the limits for TCorp MTGF and LTGF above.

^ An additional restriction will also apply of 70 percent of the total portfolio must be rated A- or above when the TCorp MTGF and LTGF are excluded from the calculation of total portfolio investment size.

Authorised Investments

- a) Major trading banks (MTB's) refer to ANZ Banking Group Ltd, Commonwealth Bank of Australia, National Australia Bank and Westpac Banking Corporation, and the wholly owned and guaranteed subsidiaries of these banks provided the investment is authorised under the current Order; and the subsidiary carries the same credit rating as the parent from Standard and Poor's, Moody's and Fitch;
- b) Any debt security issued by an Authorised Deposit Taking Institution (ADI) whose rating is BBB- or higher at the time of purchase and which is authorised under the current Investment Order.
- c) Any Fund approved by TCorp and falling under the current Investment Order.

Liquidity

Access to cash for operational purposes on a day to day basis will be managed through the timing of maturities, cash at call and the overdraft facility. A balance will be struck between keeping excessive amounts of cash in short term investments at low interest rates and the associated costs of doing so as compared with the risks and costs of having to utilise the overdraft facility.

Maturities

Funds may be invested for a period up to seven years in accordance with the credit rating restrictions outlined in the diversification section above.

The maturity allocation of core funds, and whether fixed or floating rates, will be determined by the interest rate outlook and be apportioned based on Council's cash flow forecast in conjunction with Council's Independent Investment Advisor and as per the restrictions outlined in this policy.

Campbelltown City Council

Grandfathering

Any investment purchased when compliant with the investment policy may be held to maturity or sold as Council believes best, dependent on the individual circumstances, so long as the chosen risk management strategy is in accordance with the principles of the Investment Guidelines above; the prevailing legislation and the prudent person guidelines.

Specifically, grandfathering will apply to any investment that:

- Was made ineligible by a previous change to the external legislation if that change allows for grandfathering,
- Is made ineligible as a result of a change to this investment policy,
- Is in breach of the investment policy due to a change of circumstance (because the investment has been downgraded or has had its credit rating withdrawn post purchase),
- Is in breach due to a change of portfolio size or composition (eg. because the overall portfolio size has decreased causing the percentage of total portfolio limit which applies to individual remaining investments to increase therefore causing a breach).

Environmental, Social and Governance (ESG) Investing

Where financial institutions are offering equivalent investment returns with the same credit rating and assessed financial risk and the investment fits within the provisions of this Investment Policy, consideration will be given to placing funds with institutions identified as having the higher ESG standards, which may include but not limited to, investing with institutions not financing fossil fuel companies.

Trading Policy

It is not Council's intention to trade instruments within the portfolio to seek capital gains, rather Council will be a hold to maturity investor, excepting for circumstances where monies are held in tradable securities for the purposes of providing a contingent liquidity buffer as an alternative to using the overdraft facility or where monies have been invested as part of a long term liability defeasance strategy and a rebalancing is necessary due to changes in the assessed value of either the liabilities or the investments used to hedge those liabilities

Long Term Liability Defeasance

Council may seek to invest monies in the appropriate TCorp funds in line with the restrictions outlined in the diversification section of this policy for the purpose of defeasing long term liabilities held by Council. Council may have long term liabilities which may be better matched (the risks hedged) by longer term investments which contain a capital growth as well as an income component. Council will only purchase assets with a growth component as part of a long term liability defeasance strategy and will not purchase assets with a growth component for the prospect of short term speculative gains.

Investment Strategy

Council will formulate an ongoing investment strategy with the assistance of its Independent Investment Advisor. This will be a "living document" and whilst a formal annual review will be performed, the strategy will be subject to ongoing review with regards to market conditions and any changes to Council's risk tolerance or cash flow requirements. The Investment Strategy will always operate within the limits of this Investment Policy and will under normal conditions operate with adequate buffers within the Investment Policy limits to avoid any potential breaches as part of Council's conservative management of risks.

Campbelltown City Council

Independent Investment Advice

Council's Independent Investment Advisor must be licensed by the Australian Securities and Investment Commission. The Advisor must be independent person who has no actual or potential conflict of interest in relation to investment products being recommended.

New investment instruments that are promoted by an appropriately rated financial institution must be the subject of a review by Council's Independent Investment Advisor. Funds may not be placed in any new financial product before this review has been completed.

Review of Investment Portfolio Performance

Council is presented with a monthly report on the performance of each fund/product that makes up Council's Investment portfolio. In conjunction with Council's Independent Investment Advisor, the Investment Policy will be reviewed at least annually or as required in the event of legislative or other changes.

Council's Independent Investment Advisor will provide a monthly compliance check based on Council's portfolio at the end of each month.

Benchmarks

Cash	Reserve Bank Cash Reference Rate
Direct Investments	AUSBOND Bank Bill Index
TCorp Funds	As per the specific fund as specified by TCorp
Overall Portfolio	AUSBOND Bank Bill Index

Responsibility

Executive Manager Corporate Services and Governance, Senior Financial Accountant and other authorised signatories.

Effectiveness of this Policy

This policy will be reviewed annually in accordance with Regulations and Departmental Guidelines to ensure its continuing suitability and effectiveness. Records of reviews shall be maintained.

END OF POLICY STATEMENT

8.13 T21/23 Education and Care Services Food Supplies

Reporting Officer

Executive Manager Corporate Services and Governance
City Governance

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.7 - Public funds and assets are managed strategically, transparently and efficiently

Officer's Recommendation

That Council:

1. In accordance with section 178 of the Local Government (General) Regulation 2005 declines to accept the tender received for supply and delivery of food supplies to Council's Education and Care Centres as the submission lacked detailed information to confirm their standard of service.
2. Enter into negotiations with the incumbent and the organisation that responded to Council's Request for Tender to determine their capacity to meet our requirements. The Evaluation Panel do not see any benefit in inviting fresh tenders for the same service as the market has been tested through this process.
3. Notify the Tenderer of the results of the tender process.

Purpose

To advise Council of the tender received for the supply and delivery of food supplies to Council's Education and Care Centres and recommend that Council declines to accept the tender received.

History

Council had in place a contract for the supply and delivery of a range of products including general groceries, dairy products, meat and poultry (including halal), fish, fresh fruit and vegetables and bakery items to the Education and Care Centres. This contract expired 30 November 2021. The contractor is continuing to provide the services on a month to month basis until a new contract is in place.

Report

Legislation

This tender process was conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy and Procedures.

Contract Expenditure

Funds for these works are allocated in Council's budget.

Contract Term

The term for this contract will be for a period of 2 years with 3 options for extension of 12 months each.

Advertising of Tenders

Tenders were advertised on Tenderlink and Council's website on Thursday 16 September 2021. The Ingleburn and Campbelltown Chambers of Commerce and Industry were notified, as well as YARPA Hub.

Tender Document

Organisations were requested to submit the following information with their tender response:

- company experience, references and sub-contracting
- capabilities including:
 - scope of products including list of certified Halal products available
 - ordering procedures
 - product substitution process including notification process
 - delivery procedures
 - stock return procedures
 - details of food safety accreditation
 - process to advise of new products/promotions as they become available
- transport methodology and chain of responsibility details
- price
- local consideration
- insurances
- work health and safety management system
- environmental practices
- social sustainability practices
- conflicts of interest declaration
- code of conduct and statement of business ethics declarations
- collusive submission declaration
- workplace relations information and undertaking
- proposed contract departures
- addenda acknowledgement form.

Tenders Received

Tenders closed on Thursday 7 October 2021 at 2:30 pm. One on-time response was received from City Fine Food Services Pty Ltd.

Evaluation Process

The Evaluation Panel consisting of officers from Education and Care Services evaluated against the following weighted assessment criteria:

- company experience, references and contracting key personnel
- capabilities
- transport methodology and chain of responsibility
- local consideration
- price
- work health and safety
- environmental commitment.

The Evaluation Panel used Council's standard 0-10 scoring system for all non-pricing criteria with 10 being the highest score.

The Work Health and Safety and Environmental Practices criteria were assessed on the basis of none, partially complies or fully complies.

The scoring of tendered prices was based upon a basket of goods and associated delivery fees of commonly ordered items.

Recommendation of the Evaluation Panel

1. Council decline to accept the tender received for the supply and delivery of Food Supplies to Councils Education and Care Centres as they did not detail a satisfactory response.
2. That Council enter into negotiations with the incumbent and the organisation that responded to Council's Request for Tender to determine their capacity to meet our requirements. The Evaluation Panel do not see any benefit in inviting fresh tenders for the same service as the market has been tested through this process. This is in accordance with section 178 of the Local Government (General) Regulation 2005 which provides, in part:
 - (1) After considering the tenders submitted for a proposed contract, the council must either:
 - (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or
 - (b) decline to accept any of the tenders.

- (3) A council that decides not to accept any of the tenders for a proposed contract must, by resolution do one of the following:
 - (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.
 - (4) If a council resolves to enter into negotiations as referred to in subclause (3)(e), the resolution must state the following:
 - (a) the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3)(b)-(d)
 - (b) the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3)(e).
3. That the Tenderer be notified of the results of the tender process

Delegation

As the recommendation is to decline to accept the tender, the Council must resolve to do so. The General Manager does not hold delegation under the *Local Government Act 1993*.

Assurance of the Process Undertaken

In accordance with Council's Procurement Procedures, a Tender Review Panel consisting of members of Council's Executive reviewed the Tender to assure the process was undertaken in a manner that was fair, transparent and resulted in the best value outcome to Council.

Attachments

Nil

8.14 Minor Boundary Variation – Appin Road, Gilead

Reporting Officer

Executive Manager Corporate Services and Governance
City Governance

Community Strategic Plan

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

Officer's Recommendation

1. That Council agree to the proposed boundary variation of Lot 21 in DP 1005909 to be wholly within the Campbelltown City Council local government area.
2. That Council make application to the Minister for Local Government and Governor for NSW to amend the local government boundary.
3. To make appropriate arrangements in relation to the rates and charges over Lot 21 in DP 1005909 affected by the Proclamation. The General Manager of Campbelltown City Council and the General Manager of Wollondilly Shire Council are to reach a negotiated agreement on the nature of those arrangements.

Purpose

To address a request from a new landowner who recently purchased land that sits in both the Campbelltown and Wollondilly local government areas.

The adjustment of the Council boundary is considered minor and requires a resolution of the affected Councils and a formal application to the Minister for Local Government.

History

On 17 September 2021, Campbelltown City Council received a written request from the new owners of 430 Appin Road, Gilead to transfer the portion of their land that is Wollondilly Shire into the Campbelltown local government area.

Officers responded to the application with advice that the earliest opportunity to address their request would be February 2022 due to the absence of elected Councillors as a consequence of the Local Government Elections. Wollondilly Shire Council were also informed of the application.

Report

Council has received a written request from the owner of 430 Appin Road, Gilead that partially straddles the southern border with Wollondilly Shire Council. They have requested that the very small part of their land be incorporated in the Campbelltown City local government area, primarily citing the costs incurred through rate levies.

Councils are required to levy land rates on all land based on the assessment made by the NSW Valuer-General. Some exemptions apply but they are not relevant in these circumstances and as a result the only foreseeable solution is for the local government boundary to be moved to follow the property boundary.

The subject land is described as 430 Appin Road, Gilead, Lot 21 DP 1005909 and is 4.488 hectares in area, it is currently vacant land. The local government boundary dissects an area of 580 m² from the rear south eastern corner resulting in the land being subject to land rates in 2 council areas.

The *Local Government Act 1993* (the Act) provides the steps that must be taken before a local government area can be altered. The Act provides that for a boundary change to be considered, it must be made by one or more of the affected councils or by an appropriate minimum number of electors. This alteration is considered minor and only affects 2 individuals, accordingly a boundary change of this type can be submitted by one of the affected councils.

An application to the Minister and Governor must contain the following items:

1. A map that clearly identifies:
 - a. the land affected by the boundary changes
 - b. the current boundary
 - c. the proposed boundary
2. A resolution from both councils supporting the boundary change
3. A statement regarding land rates.

It is necessary to include a statement regarding land rates and charges in the new boundary Proclamation. Primarily a statement regarding land rates would be made where a significant area of land and multiple parcels of land are transferred between local government areas. In this case, only a single parcel is being transferred with minimal risk. The General Manager of each council will be responsible for ensuring the recovery of any rates and charges levied to the boundary adjustment date, which will be the date made by the Proclamation.

Once a proposal has been submitted, the Office of Local Government (OLG) will review the proposal in the first instance to ensure that it contains all of the required information. If all of the required information is provided, the Minister for Local Government will determine whether the proposal is to be referred for examination by the Coordinator General, Planning Delivery and Local Government (or his delegate) or by the NSW Local Government Boundaries Commission.

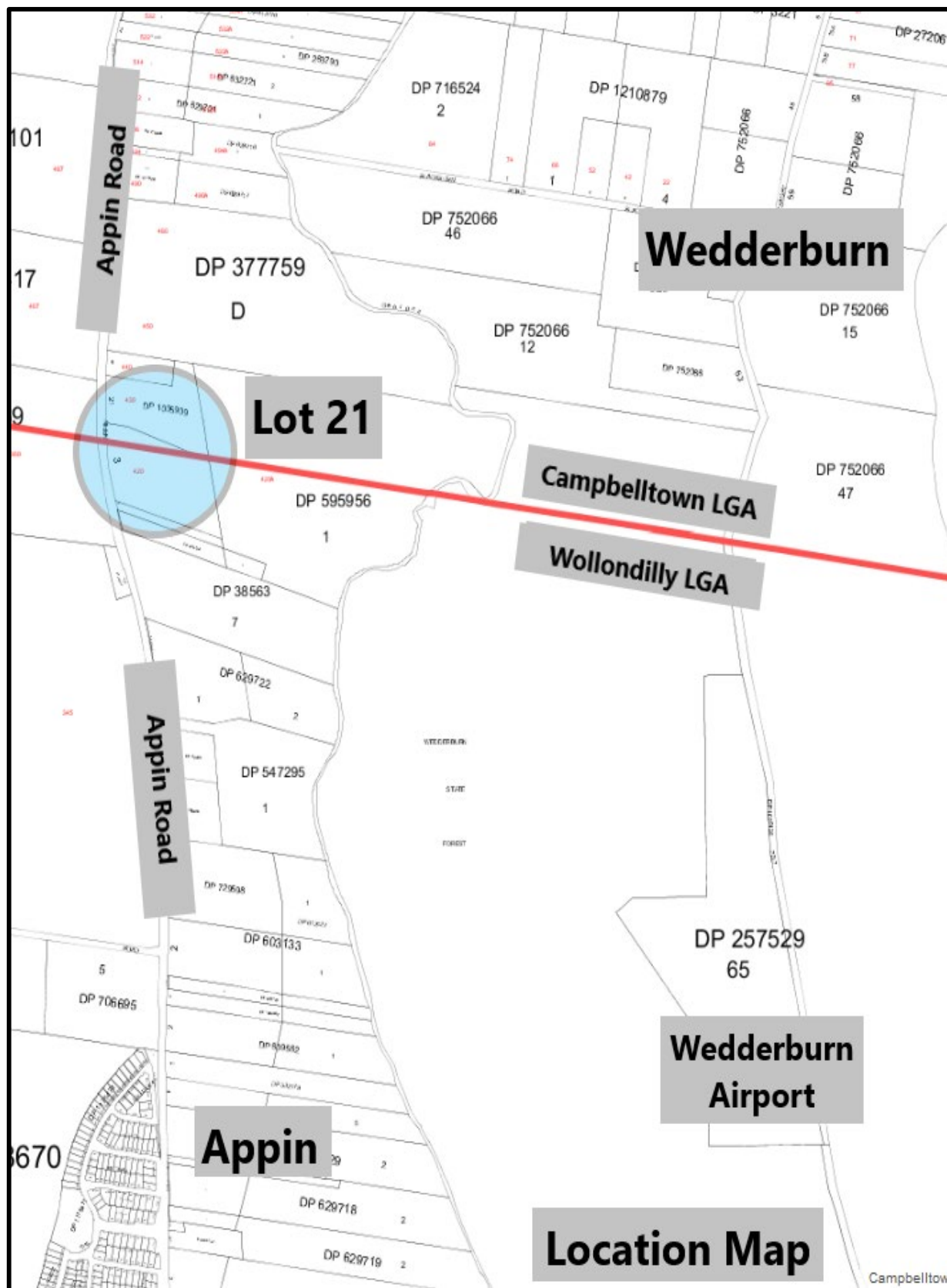
Generally, a non-contentious boundary change proposal of a minor nature that has been agreed to by the affected councils would be referred to the Group Deputy Secretary, Planning Delivery and Local Government for examination.

Subject to this the OLG will then draft the required documentation and make its recommendation to the Minister for Local Government, who will then determine whether to recommend that the Governor approve a proclamation to effect the boundary change. Once the Governor's approval is received, OLG will arrange for the Proclamation to be published in the NSW Government Gazette formalising the boundary change.

It is expected that this process should be completed before the 30 June 2022 resulting in the land owners being issued a single rate notice for their land in the Campbelltown Local Government Area.

Attachments

1. Location map - Appin Road (contained within this report) [↓](#)
2. Proposed boundary variation map - Lot 21 (distributed under separate cover)



8.15 2022 Council Meeting Calendar

Reporting Officer

Manager Governance and Risk
City Governance

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.8 - Provide strong governance for all Council activities

Officer's Recommendation

That the 2022 Council meeting calendar be noted and adopted.

Purpose

To submit for Council's consideration a meeting calendar for the remaining 2022 meeting dates.

Report

The first Ordinary Council meeting date for 2022 was adopted by the previous Council, with the intention that the new Council would adopt the subsequent meeting dates for the 2022 calendar year.

The meeting calendar for the remainder of 2022 proposes that meetings continue to be held on Tuesday evenings with Council meetings being held on the 2nd Tuesday of each month as provided in the Code of Meeting Practice and briefings on the 1st and 3rd Tuesdays within that month. The schedule is as follows:

1st Tuesday of the month	Briefing
2nd Tuesday of the month	Council meeting
3rd Tuesday of the month	Briefing

Under section 365 of the *Local Government Act 1993*, Council is required to meet at least 10 times each year, each time in a different month.

Attachments

1. 2022 Council Meeting Calendar (contained within this report) [↓](#)



2022 Council Meeting Calendar

S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S			
January							30	31					1		February															
	2	3	4	5	6	7	8								6	7	8	9	10	11	12									
9	10	11	12	13	14	15									13	14	15	16	17	18	19									
16	17	18	19	20	21	22									20	21	22	23	24	25	26									
23	24	25	26	27	28	29									27	28														
March															April															
		1	2	3	4	5																			1	2				
6	7	8	9	10	11	12									3	4	5	6	7	8	9									
13	14	15	16	17	18	19									10	11	12	13	14	15	16									
20	21	22	23	24	25	26									17	18	19	20	21	22	23									
27	28	29	30	31											24	25	26	27	28	29	30									
May							29	30	31						June															
	1	2	3	4	5	6	7								5	6	7	8	9	10	11									
8	9	10	11	12	13	14									12	13	14	15	16	17	18									
15	16	17	18	19	20	21									19	20	21	22	23	24	25									
22	23	24	25	26	27	28									26	27	28	29	30											
July							31					1	2		August															
3	4	5	6	7	8	9									7	8	9	10	11	12	13									
10	11	12	13	14	15	16									14	15	16	17	18	19	20									
17	18	19	20	21	22	23									21	22	23	24	25	26	27									
24	25	26	27	28	29	30									28	29	30	31												
September															October															
				1	2	3									30	31					1									
4	5	6	7	8	9	10									2	3	4	5	6	7	8									
11	12	13	14	15	16	17									9	10	11	12	13	14	15									
18	19	20	21	22	23	24									16	17	18	19	20	21	22									
25	26	27	28	29	30										23	24	25	26	27	28	29									
November															December															
		1	2	3	4	5																								
6	7	8	9	10	11	12									4	5	6	7	8	9	10									
13	14	15	16	17	18	19									11	12	13	14	15	16	17									
20	21	22	23	24	25	26									18	19	20	21	22	23	24									
27	28	29	30												25	26	27	28	29	30	31									

	Council Meetings		Extraordinary Council Meeting / AGM		Briefing Nights
	LG Conference		Public Holidays		Councillor Strategic Planning Day

8.16 Audit, Risk and Improvement Committee Annual Report 2021

Reporting Officer

Internal Auditor
City Governance

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.8 - Provide strong governance for all Council activities

Officer's Recommendation

That Council receive and note the Audit, Risk and Improvement Committee Annual Report 2021.

Purpose

The Audit, Risk and Improvement Committee is to provide an Annual Report to Council under its Charter.

History

The Audit, Risk and Improvement Committee (ARIC) forms part of the Council's governance framework and operates objectively and independently. The ARIC meets 5 times per year and consist of 3 independent members and a councillor.

Report

A copy of the ARIC Annual Report is included as an attachment and reflects a summary of the Committee's key activities and performance for 2021.

Attachments

1. Audit, Risk and Improvement Committee Annual Report 2021 (contained within this report) [↓](#)



Audit Risk and Improvement Committee

Annual Report 2020-21

"Campbelltown City – designed for ambition, innovation, and opportunity"



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Introduction

The Campbelltown City Council Audit, Risk and Improvement Committee was established under the Local Government Act 1993 as an advisory committee of Council. It operates in accordance with the Internal Audit Guidelines (2010) issued by the NSW Department of Premier and Cabinet.

The Committee's mandate as outlined in its approved Charter is to provide independent assurance and assistance to the Campbelltown City Council on risk management, control, governance, and external accountability responsibilities. The Committee reports to Council on a periodic basis throughout the year. An annual report from the Committee is also prepared outlining the Committee's activities.

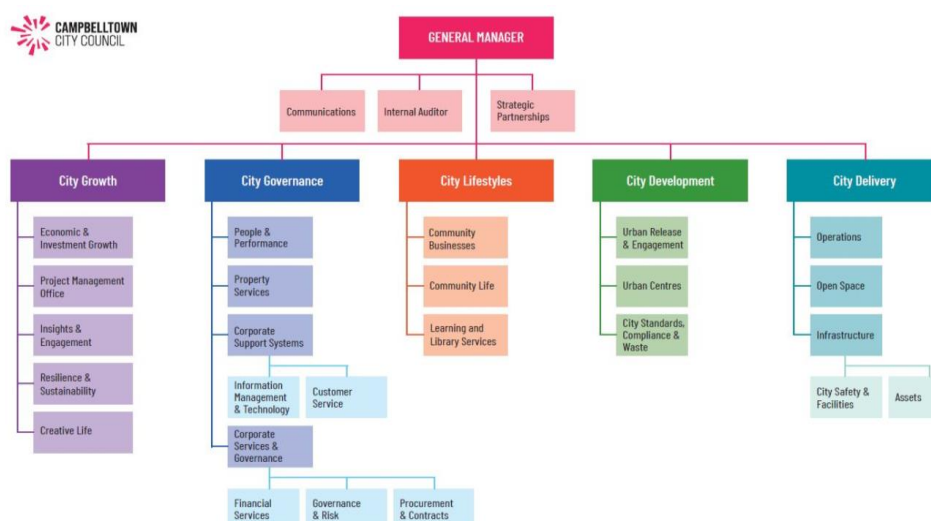
In the 2020-2021, the Committee met on five occasions to discuss Internal Audit reports and the Internal Audit program, including the regular reports on councils risk management, business improvement, and external audit. With one extraordinary meeting held for the NSW Audit Office to discuss the results of the audit report and council's financial statements.

In May 2021 Campbelltown City Council's Audit Risk and Improvement Committee welcomed a new independent member Ms Rhonda Wheatley. Ms Wheatley's extensive government and commercial experience will continue to add value and diversity to the established committee for years to come.

In late June 2021, NSW government imposed lockdowns due to the COVID-19 pandemic on local government areas across the state, including Campbelltown City Council. The lockdowns were significant and lasted approximately three and a half months. The majority of council's essential and operational services were closed, and staff were asked to work from home, including internal audit.

1. Organisation structure

Internal audit is resourced by one full time employee and reports directly to the General Manager.





2. Council goals

Campbelltown City is the southern gateway to metropolitan Sydney and home to a community of more than 170,943 people across 35 suburbs. Our city boasts a unique natural environment and heritage creating a sense of place our diverse community is proud to identify with and call home.

Campbelltown is also at the hub of one of the most significant current and future growth areas in south west Sydney offering limitless opportunities for innovation and ambition to welcome a growing community.

Our community has a strong vision for the future of Campbelltown and together has determined four key goals for our city which are documented in the Community Strategic Plan, Campbelltown 2027.

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

3. Committee member profiles

The Committee members have had their appointments extended for another year due to the current COVID-19 pandemic causing delays to the local government council elections, which are scheduled to be held in December 2021. The extension until 30 September 2022 will allow the committee members transitional time with the newly elected council amidst upcoming statutory changes to the ARIC. The committee members for the 2020-2021 period comprised the following Independent members:

Mr Bruce Hanrahan – Chairman

Mr HANRAHAN is a principal solicitor in firm of Dignan & Hanrahan, Solicitors. Married with three children, Bruce has resided in Camden since 1984 and practised in the Macarthur region since 1982.

Bruce has been a member of the committee since 2010, and plays an active role in the business community in the Macarthur region being;

- Chairman Macarthur Business Enterprise Centre
- Chairman St Gregory's College Foundation
- Chairman Kids of Macarthur Health Foundation
- Deputy Chairman Carrington Centennial Care Ltd
- Past President Macarthur Law Society
- Life Member Macarthur Law Society
- Past Chairman Commonwealth Government Campbelltown-Camden Sustainable Regions Committee
- Independent Member Camden Council Business Assurance and Risk Committee

**Mr Jim Mitchell**

Mr MITCHELL currently holds appointments as an independent member of the Audit and Risk Committee for a range of NSW government agencies.

- He also holds the position of Chair of the Audit, Risk and Improvement Committee of Broken Hill City Council and until recently held the position of Chair of the Audit Committee of Wollongong City Council.
- His former roles include Deputy Auditor-General of NSW, and
- Assistant Director General of the then Department of Local Government and
- Probity advisor to the Director General at NSW Department of Transport.

Ms Rhonda Wheatley

Rhonda joined the Audit Risk & Improvement Committee in 2021 and is also an independent Audit Committee member of a NSW Public Sector large entity. Her finance and management experience spans manufacturing, public sector of State & Territory governments as well as being on the board of a not-for-profit entity servicing people living with disabilities. Rhonda's professional career includes Director Corporate Services, CFO and CEO positions with:

- Intergrale Kitchens
- Ethnic Affairs Commission of NSW
- Sydney Catchment Authority
- Norfolk Island Administration
- Mitchell Library & Library Council of NSW
- Sydney Opera House Trust
- NSW Public Service Commission
- Department of Education

Rhonda has a Bachelor of Business from Western Sydney University, a Graduate Certificate in Public Sector Management and holds Fellow CPA status with CPA Australia where she has been elected by her peers to represent members on CPA's NSW Divisional Council, Chair of the Public Sector Committee and is currently a member of the CPA's Third Age Group.

Councillor Warren Morrison

A local resident and family man with three children for over 30 years Councillor Morrison is the owner of the business Sleeping Giant - Campbelltown.

- Attended Patrician Brothers College - Fairfield.
- ANZ bank employee 1981 to 1990
- Business owner 1995 to 2019
- Corporate business sponsor to West Tigers 1997 to 2018
- Business sponsor too many local sports and charities.
- Committee and chairperson for 24 HR Fight against cancer MacArthur charity
- Honorary member Chamber of Commerce Campbelltown.
- Councillor on NSW chamber of commerce regional advisory service 2013/2019
- Committee member MacroC 2016 2018
- Committee member rural fire service
- Committee member audit risk and improvement committee
- Chairperson flood committee



4. Overview

The Campbelltown City Council first Audit and Risk Committee was formed in 2010. The committee includes the three independent members, and an elected Councillor. The primary role of the Audit, Risk and Improvement Committee is to provide independent assurance and assistance to the Campbelltown City Council on risk management, control, governance and external accountability responsibilities. Its scope of work includes:

- Internal Audit;
- Risk management;
- Control;
- External accountability;
- Legislative compliance;
- External audit; and
- Business improvement.

This report outlines the key activities of the Audit, Risk and Improvement Committee in 2020-2021.

5. Summary of committee's work

The Committee approves the audit plans, and monitors progress against it on a quarterly basis. It also reviews reports and endorses agreed management action plans for each review as it is presented. Each review provides the Committee with insight into the control environment of the auditable area.

The Committee also has oversight over the status and implementation of agreed management action plans through the established follow up process. It provides feedback and advice on areas of review and/or areas of relevance to Council. The committee continues to review and provide independent advice to the general manager.

6. Internal audit

The role of Internal Audit is to provide an independent, objective assurance and consulting activity so to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

In 2020-2021, the Internal Audit function delivered the final year of council's adopted Strategic Internal Audit Plan (Plan) for the three year period to 2019-2021. The final year 2020-2021 was completed and a newly proposed interim annual audit plan was approved by the Committee and now will be submitted for council for adoption. The 2021-2022 Audit Plan includes reviews that



have carefully considered the impact of the COVID-19 pandemic, with Council being forced into a New South Wales government lockdown restrictions from June 2021 to October 2021.

The imposed lockdowns have created remote working situations for staff. These restrictions on movement have put limitations on how reviews are to be conducted and completed by internal audit. Therefore a careful and considered methodology for the delivery of the planned reviews will be mostly performed via desktop audits and remote interview practices, data analysis to ensure internal controls and process are adequately and effectively controlled.

The Plan highlighted the key role of Internal Audit across the organisation and recognises the importance of building strong relationships with management and staff. This is a risk-based plan and is reviewed annually. The Plan seeks to address areas of risk across all five Directorates. The plan is delivered by a suitably qualified and experienced full time staff member in line with methodologies designed in accordance with the International Standards for the Professional Practice of Internal Auditing (Standards), issued by the Institute of Internal Auditors.

Outcomes of each review including agreed management action plans to address control issues are reported to the Committee on a quarterly basis. Internal Audit has continued the reporting and monitoring process for all follow up agreed management action plans and provide updates to the Committee on a regular basis.

A final summary of the reviews and their status from the Plan 2020-2021 are listed below:

Reviews	Directorate	Status
IT security and access – follow up	City Governance	Complete
Leisure centre management	City Lifestyles	Complete
Voluntary planning agreements	City Development	Complete
Cash handling management	All	Complete
Business continuity	City Governance	Deferred
Fraud controls compliance reviews – supplier quotes	Organisation wide	Complete
RMS Drives compliance	City Delivery	Complete

In addition to these, Internal Audit is responsive to sector wide issues including matters reported through the NSW Audit Office and the Independent Commission against Crime and Corruption (ICAC). Reporting and analysis on these items has been presented to the Committee throughout the year and related to:

- Councils fraud control framework;
- Financial management



7. Committees report card

Guidelines	Compliance	Practise
Charters	✓	Fully documented Charters, endorsed by the Audit, Risk and Improvement Committee and approved by Council. Subject to periodic review.
Composition	✓	Three independent members and one councillor with extensive experience and background across both the local government industry and Audit and Risk discipline.
Meetings	✓	Meetings scheduled in advance on an annual basis.
Scope	✓	Internal Audit, risk management, control, legislative compliance, external accountability, business improvement and external audit.
Probity	✓	Opportunities for declarations of any pecuniary or non-pecuniary conflicts of interest required to be made at commencement of all Audit, Risk and Improvement Committee proceedings.
Internal audit personnel	✓	Qualified and experienced staff with functional reporting to Audit, Risk and Improvement Committee Chair.
Internal audit	✓	Risk based plans approved annually by the Audit, Risk and Improvement Committee. Work within the Internal Audit industries International Framework for Professional Practise (IFPP).
Performance	✓	An annual self-assessment survey was conducted for the 2020-21 performance of the committee and the results have been reported.
Reporting	✓	Minutes of each Audit, Risk and Improvement Committee meeting provided to Council after each meeting. In addition, the Committee prepares a comprehensive report to council, annually.



8. Committees attendance

The Committee meets quarterly and held five ordinary meetings during 2020-21. Below are the calendar year dates of meetings held:

- 18 August 2020
- 14 September 2020
- 24 November 2020
- 23 February 2021
- 18 May 2021.

The Committee is required to meet a minimum, as per the Charter, of five times per annum, which includes an additional meeting scheduled to review the Audited Financial Statements, see table below:

Member Name	Meetings Eligible to Attend	Meetings Attended	Apology Received
Bruce Hanrahan	5	5	0
Rhonda Wheatley – commenced May 21	1	1	0
Jim Mitchell	5	5	0
Cr Warren Morrison	5	5	0

9. Risk management

In the 2020-2021 year, ARIC oversaw the continued implementation of Council's Enterprise Risk Management Strategy. A key part of the Enterprise Risk Management implementation strategy included a review of the strategic risk risks facing the organisation over the next five to 10 years including cyber security, project management, integrated planning and reporting, the increasing frequency and effects of natural disasters, planning for the community, and legislative compliance.

The Risk Management function commenced a review of Council's Enterprise Risk Management Strategy within the period. This consisted of reviewing the risk criteria and defining individual risk disciplines and their synergies including Enterprise Risk Management, Work Health and Safety, Business Continuity, Resilience Management, and Emergency Management.

Another key achievement is the continual development of Council integrated software for risk management and corporate planning. Further investment in the functionality of the software has led to an increase in its use and effectiveness in assisting stakeholders manage their risks in a streamlined manner.

Council continues to invest in its cloud based software for Incident Reporting, Injury and Safety Management. In collaboration with SafeWork NSW, the Work Health & Safety function developed



a software module to assist in the assessment and management of Hazardous Manual Tasks. The module assists staff by following the principals set out in Code of Practice – Hazardous Manual Tasks (HMT). The implementation of new controls identified during the HMT assessments have resulted in a reduction in injuries across the workforce.

The Incident Reporting, Injury and Safety Management software has been a key tool for Council in managing risks around the COVID-19 pandemic. Council has utilised the software to track COVID-19 testing amongst staff. The data collect by the module has also assisted in responding to an event of a suspected positive case within the workforce.

The Risk Management function continues to drive and provide advice to the Crisis Management Team in response to the COVID-19 pandemic. This has included but is not limited to advice on:

- Interpreting changes to and the implications of the Public Health Orders;
- Development of COVIDsafe plans for facilities;
- Reviewing Business Continuity arrangements for critical services; AND
- Physical controls to protect staff and the public.

10. External audit

The delivery of the external audit program for the 2020-2021 financial year was conducted by the Audit Office of NSW (AONSW). The AONSW conducted all three phases of the audit (planning, interim and final) remotely, commencing in April and concluding in September, with audit time totalling around 700 hours.

The AONSW have issued Council with a Closing Engagement Report and Unmodified Audit Opinions.

This year's audit engagement focussed on key risks associated with the Covid-19 pandemic, revaluation of infrastructure, property, plant and equipment, revenue and leases classification as well as information technology controls.

Council recorded a prior period error adjustment for road, footpath and other structure, open space asset classes. All disclosures have been provided within the notes to the Financial Statements and noted in the AONSW's Closing Engagement Report.

Through the audit engagement the AONSW have issued management letters to Council, none of which have identified any matters of high risk.

The AONSW again highlighted the issue of Council not recording Rural Fire Service (RFS) assets, particularly red fleet vehicles, in the financial statements. Council has assessed it does not have care and control of these assets and will continue to account only for Council owned land and buildings used by the RFS.

Overall, Council has had a positive audit cycle and continues to strengthen our professional partnership with the AONSW.



The statutory framework allows for a final date of 31 October to lodge financial statements with the Office of Local Government (OLG). Council lodged its audited financial statements with the OLG on 22 September 2021.

11. Business improvement

The Business Excellence (BE) team is leading and supporting the organisational wide journey of continuous improvement. We aim to build a strong foundation for continuous improvement to deliver the service aspirations of our community aligned to Council's strategic corporate plans.

Throughout 2020-2021 the BE team continued the delivery of the internal operational process efficiency programs. The delivery of this program also supported the ongoing development of an organisational wide approach towards continuous improvement through a number of cross functional collaborative improvement initiatives.

The progress summary is shown below against the respective 2020-2021 Delivery Program/Operational Plan Commitments, and the actions to each of the commitments are tabled below;

2020-2021 Commitment: *Deliver the Integrated Planning & Reporting Activities including all associated documentation.*

- **Action:** Trial of Quarterly Business Reviews to monitor progress against the Delivery Program/Operational Plan. Feedback through the trial is informing processes for the next IP&R planning cycle.
- **Action:** Deliver IP&R reporting documents, including the End-of-Term Report and Six-month Progress Reports. The structure and processes of these documents were streamlined, and both reports presented for noting at Council Meetings.
- **Action:** Improve planning and reporting processes. This included setting corporate parameters, improving efficiency of planning and reporting processes, and alignment with Project Management Officer Processes.
- **Action:** Develop Council's 2017-2022 Delivery Program/Operational Plan. The Plan reflected the improvements noted above, was publicly exhibited, and endorsed by Council in June 2021.
- **Action:** Undertake review of Community Strategic Plan. Development of Project Plan and Community Engagement strategy. The review process has commenced and is on track for completion by June 2022.

2020-2021 Commitment: *Deliver the continued rollout of a Continuous Improvement framework including Service Assessment Program, process improvements and staff education and training*

- **Action:** Development of a suite of continuous improvement tools and resources.



- **Action:** An internal operational process efficiency 'Reach Out' program was implemented, leading to 50 processes being mapped and 135 people trained.
- **Action:** Service Assessments were undertaken on 4 services (as identified by Directors) using the Australian Business Excellence Framework and assessment tool with leaders to inform service improvement initiatives for the future.
- **Action:** In 2021, Business Excellence delivered training to Leaders on the Australian Business Excellence Framework and Continuous Improvement tools such as Plan-Do-Check-Act to support planning and implementation of service improvement initiatives.

12. Performance review

As part of the ongoing performance measurement of the ARIC, and its commitment to ensure the delivery of quality services to Council, an annual survey of performance has again been issued for completion by the Audit, Risk and Improvement Committee members for consolidation and comparison to previous year's results.

For 2020-2021, the review was completed by a self-assessment of performance against the Committee's objectives as outlined in the Committee's Charter. Performance across a number of areas was considered and independently rated by Committee members. Areas of performance assessed by the Committee included:

- Monitoring and reporting on systems and activities of Council;
- Provision of information;
- Corporate Governance and Internal Control;
- Compliance;
- Attendance and conduct of Committee meetings; and
- Working with management and Internal Audit.

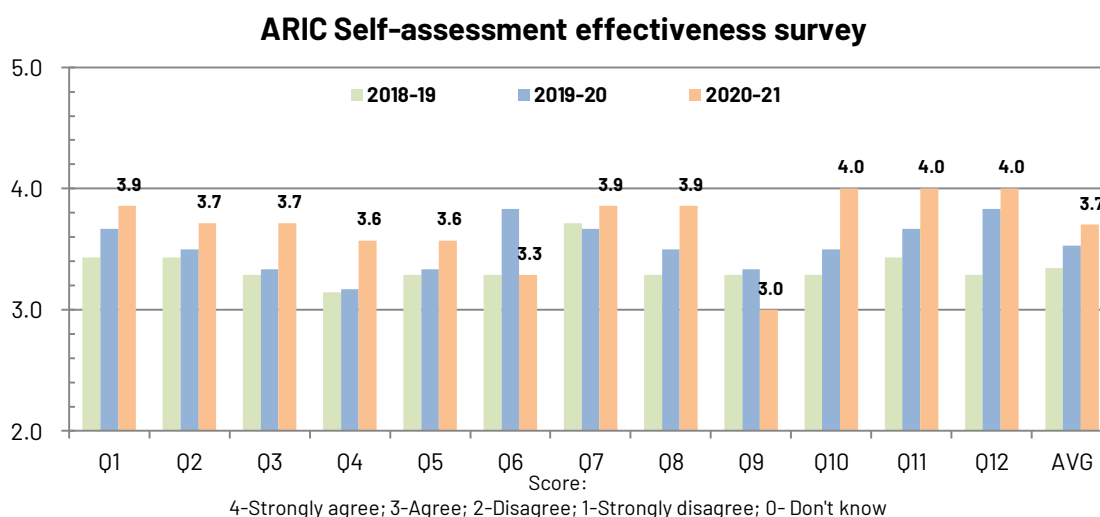
The results to the questions (see below) of the 2020-2021 Self-assessment effectiveness survey are represented in the chart below:

Questions

1. Did the Campbelltown City Council Audit, Risk and Improvement Charter facilitate and support the effective operation of the committee?
2. Has during the past 12 months the Audit, Risk and Improvement Committee adequately addressed all of its responsibilities as detailed in the charter?
3. Has the Audit, Risk and Improvement Committee been able to analyse and critically evaluate information presented to it by management?
4. Did the Audit, Risk and Improvement Committee have sufficient understanding and appreciation of Campbelltown City Council's risk management framework, legislative and policy compliance framework?
5. Did the Audit, Risk and Improvement Committee have the appropriate number of meetings to properly discharge its duties?



6. Where the minutes appropriately maintained and of good quality?
7. Did the current practice of managers attending with their directors for the presentation of their internal audits add value?
8. Did the Audit, Risk and Improvement Committee appropriately review and approve the internal audit plan including any significant changes?
9. Did the Audit, Risk and Improvement Committee consider the performance of the internal audit function?
10. Has the Audit, Risk and Improvement Committee addressed its responsibilities when reviewing and considering internal audit reports and identified issues?
11. Did the Audit, Risk and Improvement Committee review external audit reports and management letters and considered the management responses to findings and recommendations?
12. Has the Audit, Risk and Improvement Committee added value to the organisation?



The overall rating for the 2020-2021 was 3.7 (92.6%), this was an improvement on last financial year's score of 3.5 (88.2%). This result will be continually tracked against future year surveys.

13. Upcoming in 2022

An interim annual audit plan has been adopted for the current pandemic circumstances, which includes the deferred council election. A three year strategic audit plan will be prepared in April/May 2022 in line with the development of councils Community Strategic Plan (CSP) for the newly elected council. The three year strategic audit plan can be directly linked with councils CSP and risk outcomes for the implementation of the objectives set by the community. This will provide the ARIC a better understanding of the performance of council under the anticipated changes in legislation for the committee. The endorsed plan by the Committee for 2021-2022 will include;

- Credit card management
- Casual labour
- Fees and Charges



- Business continuity management - TBC
- Fraud control framework reviews
- RMS Drives compliance

The Committee will also continue to receive updates on risk management and business improvement initiatives. Matters relating to external audit, including the audit of the financial statements will be reported on throughout the year whilst emerging sector issues will be reported as they arise.

Conclusion

The Committee's overall assessment is that, despite the difficulties experienced as a result of the COVID-19 pandemic, Campbelltown City Council has continued to enhance its management of strategic and operational risk, financial and other internal controls and compliance.

It is the view of the Committee that the governance culture of Campbelltown City Council is supporting the development of robust risk, control and compliance framework which continues to strengthen and adapt to changes in the operation of the Council

Bruce Hanrahan

Chair - Audit, Risk and Improvement Committee
Campbelltown City Council

8.17 Classification of Council Land

Reporting Officer

Manager Strategic Property
City Growth

Community Strategic Plan

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

Officer's Recommendation

1. That a parcel of land known as Lot 598 Arthur Allen Drive, being Lot 598 in Deposited Plan 124035, be classified as operational land, in accordance with Section 31 (2) of the *Local Government Act 1993*.
2. That authorisation be given to the General Manager (and any formal delegate) to authorise and sign all legal documentation to formalise the classification of Lot 598, including any future easements for access or right of carriageway as outlined in the body of this report.

Purpose

To seek Council's endorsement to classify Lot 598 in Deposited Plan 124035 as Operational Land and provide delegation to the General Manager to authorise and sign all legal documentation to formalise the classification of Lot 598 into a carpark, including any future easements for access or right of carriageway.

Report

Lot 598 Arthur Allen Drive forms part of the New Breeze development at Bardia.

Negotiations between Council and Dahua Group Pty Ltd resulted in the dedication of Lot 598 to Council to form part of Ingleburn Park for the purpose of a car park.

Council requires this parcel of land to be classified as Operational Land, due to the land being utilised as a carpark.

As part of surrounding land ownership and interfaces, Council will need to negotiate with the Department of Education to ensure access to the local school can be maintained via an easement or right of carriageway through Lot 598.

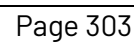
Council's legal team has undertaken the lodgement of the transfer with NSW Land Registry Services to have this parcel of land officially Transferred into Councils ownership.

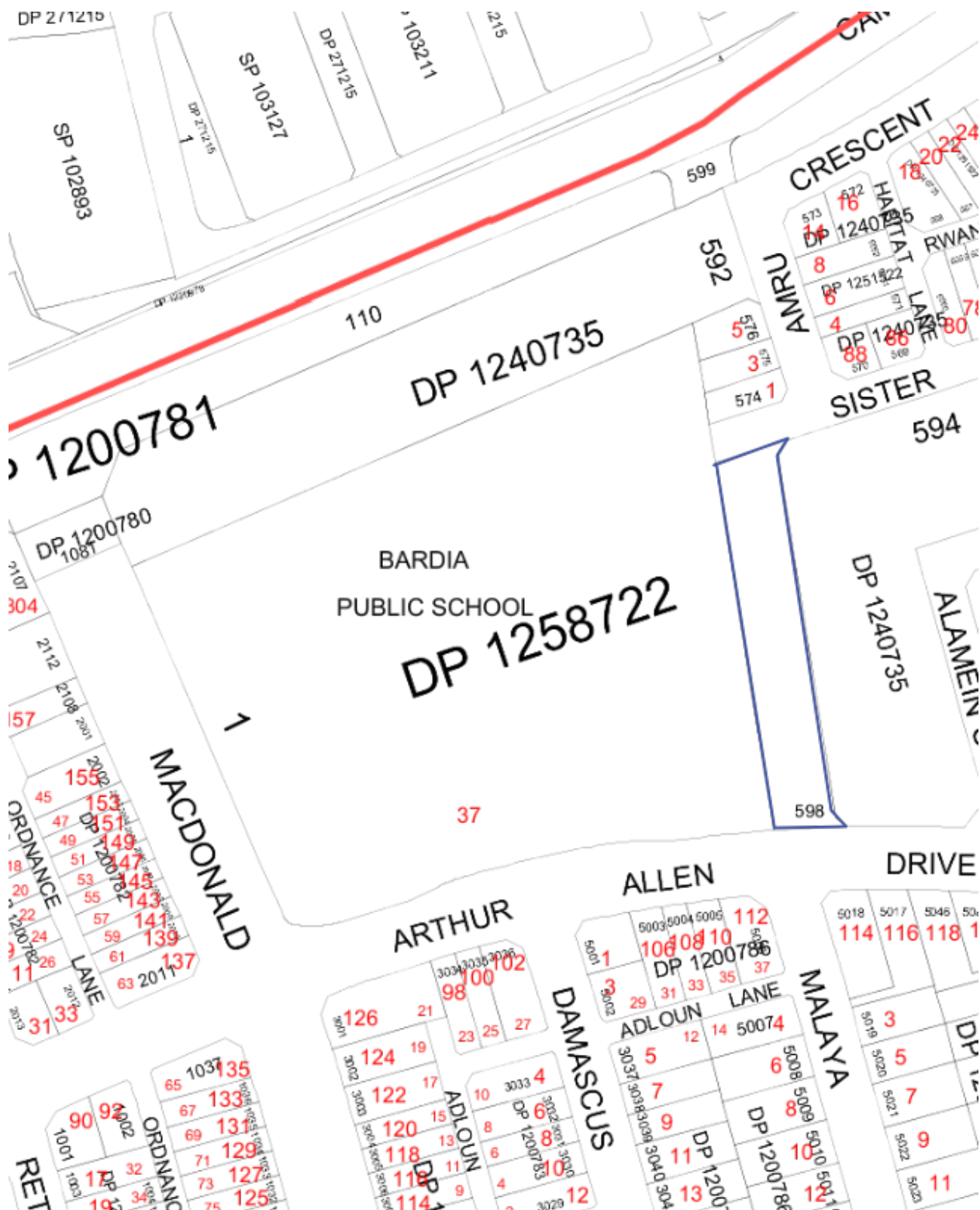
Finalisation of the Transfer between the land owners and Council is to take place mid-January 2022.

Under the *Local Government Act 1993*, Section 31(2), Council has 3 months to classify the land as operational land from the date of acquisition.

Attachments

1. Location map - Bardia (contained within this report) [↓](#)
2. Locality Plan - Arthur Allen Drive (contained within this report) [↓](#)





Campbelltown GIS Team 2020



**Lot 598 Arthur Allen Drive, BARDIA NSW
2565**



50 m

Copyright 2020

11-January-2022

This mapping information has been generated by various sources and is supplied for information only. Campbelltown City Council (Council) does not warrant or guarantee the reliability, accuracy, suitability and completeness of the information provided. Council does not accept liability for loss, damage, costs and other consequences resulting from the use of or reliance on the information. Council owns copyright to the mapping information unless indicated otherwise. Except for acts permitted by copyright law, you are not entitled to copy, reproduce, print, publish, communicate or adapt the information unless permission has been obtained by Council. Should you wish to validate the mapping information, contact Council.

8.18 Campbelltown City Council - New Acquisitions

Reporting Officer

Executive Manager Creative Life
City Growth

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.6 - Foster a creative community that celebrates arts and culture

Officer's Recommendation

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

- donation by Alenka Tindale – one painting by Ben Quilty titled 'Evo No 9', 2011
- donation by Michael Cook – 5 artworks from the series 'Livin' the dream', 2020

Purpose

To seek Council's endorsement for the acquisition of donated works to the Campbelltown City Council collection.

Report

Campbelltown City Council's Collection Policy provides a framework for the management of Council's permanent collection by Campbelltown Arts Centre. Listed below are the proposed donated works to be acquired for Council's collection in line with the policy objectives.

Ben Quilty
Evo No 9, 2011
Oil on Linen
170 x 150cm

Biography

Born 1973, Ben Quilty lives and works in NSW Southern Highlands region. He was awarded an Honorary Doctorate of Creative Arts University of Western Sydney in 2015. In 2019 the Art Gallery of South Australia presented the first major survey exhibition of Quilty's work which toured to the Art Gallery of NSW and Queensland Art Gallery | Gallery of Modern Art (QAGOMA). Quilty has been a finalist in the prestigious Wynne and Archibald prizes and won the Doug Moran National Portrait Prize in 2009 and the Archibald Prize in 2011 with his portrait of artist, Margaret Olley. Also in 2011, Quilty travelled to Afghanistan as an official war artist with The Australian War Memorial. He was invited by World Vision Australia to travel to Greece, Serbia and Lebanon

with author, Richard Flanagan, to witness firsthand the international refugee crisis in 2016. His work is represented in numerous major public, corporate and private collections including the National Gallery of Australia, Art Gallery of New South Wales, Art Gallery of South Australia, National Gallery of Victoria and QAGOMA.

Artist Statement

'A lot of my work has been about young men looking for initiation' – Ben Quilty

As part of a series painted in 2011 titled 'The Evo Project', this portrait shows Quilty's exploration into portraiture – for which he is well known. Quilty's portraits show a raw generosity depicting what it is to be human, and our inescapable selves. Many of his portraits and self-portraits delve into masculinity and the rites of passage for young males; the underlying social norms that create subversive initiation processes for young men in Australian culture. As the subject, the sitter of these portraits is not just depicted but pulled apart and reorganised through paint on canvas, using portraiture as a form of psychoanalysis.



Ben Quilty 'Evo No 9', 2011 Oil on Linen 170 x 150cm

Donation 2

Livin' the dream (BBQ) 2020
Edition 6/8
120 x 180 cm

Livin' the dream (Birthday) 2020
Edition 6/8
120 x 180 cm

Livin' the dream (For sale) 2020
Edition 6/8
120 × 180 cm

Livin' the dream (Sold) 2020
Edition 6/8
120 × 180 cm

Livin' the dream (Welcome home) 2020
Edition 6/8
120 × 180 cm

Biography

Born in 1968, Michael Cook is an Australian art photographer. He worked in commercial photography in Australia and overseas for 25 years before being driven to create art photography in 2009. His work explore issues of identity and his own mixed ancestry. His work has been included in major exhibitions including the 7th Asia Pacific Triennial of Contemporary Art, 19th Biennale of Sydney, 2015 Venice Biennale and Indigenous Australia: Enduring Civilisation.

This body of work titled 'Livin' the Dream' 2020 was selected for Paris Photo New York, an international art fair for photography in the United States.

Cook's photographs are represented in all major Australian collections, and in significant international collections including the British Museum, London, The Museum of World Cultures, Netherlands, Museum of Contemporary Aboriginal Art, Utrecht, the Los Angeles County Museum of Art, Los Angeles, and the Kluge-Ruhe Aboriginal Art Collection, USA.

Artist Statement

In 'Livin' the dream' Cook explore the displacement of Aboriginal people as they were removed from their own lands in Queensland, placed in missions with people with whom they had no connection—except for the trauma common to removal from their own country.

Images in 'Livin' the dream', represents an imagining of the impact of dislocation and the inequality with which Australia continues to live. An Aboriginal nuclear family headed by 'Joey Jones' is transplanted into a remote outback community. While they bring with them aspirational "white" accoutrements—the luxury EH Holden car (1963), a swimming pool, a boat, and smart clothes—their facial expressions and physical stillness betray bewilderment; their ability to identify themselves is threatened and distanced by their removal from the familiar.

Ordinary events for a family are the subject of 'Livin' the dream (Birthday)' and 'Livin' the dream (BBQ)'. Yet they are images of a family that is uncomfortable, without the relaxation that goes with a casual celebration. In 'Livin' the dream (Vacation)', they line up behind the car (to go on holiday), but their arrangement is more akin to soldiers in formation than an excited family; they are rigid and unhappy. The last image, 'Livin' the dream (For sale)', suggests an ending of an aspirational dream, with Joey Jones alone in front of a tiny house, his station wagon open, a lawn mower lined up behind it. He leans on the front fence, noting a concept of 'ownership' that is foreign to traditional Aboriginal society.



Michael Cook 'Livin' the dream (BBQ)' 2020 Edition 6/8 120 × 180 cm



Michael Cook 'Livin' the dream (Birthday)' 2020 Edition 6/8 120 × 180 cm



Michael Cook 'Livin' the dream (For sale)' 2020 Edition 6/8 120 × 180 cm



Michael Cook 'Livin' the dream (Sold)' 2020 Edition 6/8 120 × 180 cm



Michael Cook 'Livin' the dream (Welcome home)' 2020' Edition 6/8 120 × 180 cm

Attachments

Nil

9. QUESTIONS WITH NOTICE

Nil

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION**11.1 Saluting Their Service**

Notice of Motion

Councillor Karen Hunt has given Notice in writing of her intention to move the following Motion at the next meeting of Council on 08 February 2022.

That Council:

1. Notes that 2 December this year marks 50 years since Australia withdrew troops from the Vietnam War.
 2. Acknowledges Campbelltown's proud history and contribution to the Vietnam War along with the more than 61,000 Australians who served, the 521 who made the ultimate sacrifice and the more than 3,000 wounded.
 3. Notes the Federal Government's Saluting Their Service (STS) commemorative grants program is open with the aim of helping to preserve our wartime heritage and highlight the service and sacrifice of Australia's defence personnel.
 4. Notes the grant is for the purpose of establishing local community-based projects and activities to receive up to \$10,000, while major commemorative projects can apply for grants of up to \$150,000.
 5. Works in cooperation with local RSL Sub-Branched to apply for both grants to obtain funding for appropriate projects to commemorate our Vietnam Veterans and the 50th anniversary since Australia's withdrawal from the Vietnam War.
-

11.2 Koala Virtual Fencing

Notice of Motion

Councillor Karen Hunt has given Notice in writing of her intention to move the following Motion at the next meeting of Council on 08 February 2022.

That Council:

1. Investigate with priority the status and effectiveness of virtual fencing as a means of protecting animals along road ways.
 2. Provide a report to the Council on the findings of the investigation including recommendations as to whether virtual fencing would be a viable interim protection measure along Appin Road until permanent fauna crossing points have been installed.
-

11.3 Koala Plan of Management

Notice of Motion

Councillor Matt Stellino has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 08 February 2022.

1. That a report and briefing be presented to Council that includes:
 - a. A presentation on Campbelltown's Koala Plan of Management.
 - b. An explanation of clause 22A from the Campbelltown Planning Panel meeting, dated 16 December 2020 and how it affects the Earthworks Development Application at Figtree Hill.
 - c. A presentation from the Chief Scientist and Engineer on their findings relating to Campbelltown koala colony.
 2. That Council organise a site inspection of koala habitat for any Councillors interested.
-

12. URGENT GENERAL BUSINESS

13. PRESENTATIONS BY COUNCILLORS

14. CONFIDENTIAL REPORTS FROM OFFICERS

Nil

