



CAMPBELLTOWN
CITY COUNCIL

ORDINARY BUSINESS PAPER

14 FEBRUARY 2023

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



07 February 2023

You are hereby notified that the next Ordinary Council Meeting will be held at the Civic Centre, Campbelltown on Tuesday 14 February 2023 at 6:30 pm.

Lindy Deitz
General Manager

Agenda Summary

ITEM	TITLE	PAGE
1.	ACKNOWLEDGEMENT OF LAND	5
2.	APOLOGIES/LEAVE OF ABSENCE	5
3.	CONFIRMATION OF MINUTES	6
3.1	Minutes of the Ordinary Meeting of Council held 13 December 2022	6
4.	STATEMENT OF ETHICAL OBLIGATIONS AND DECLARATIONS OF INTEREST	29
	Pecuniary Interests	
	Non Pecuniary – Significant Interests	
	Non Pecuniary – Less than Significant Interests	
	Other Disclosures	
5.	MAYORAL MINUTE	30
5.1	Wins and Plans	30
6.	PETITIONS	34
7.	CORRESPONDENCE	35
7.1	Correspondence from Kevin Connolly MP – selective schools	35
7.2	Correspondence from Dr Mike Freeland MP – Appin Road	39
7.3	Correspondence from Prue Car MP – Selective Schools	43
8.	REPORTS FROM OFFICERS	45
8.1	Draft Site Specific Development Control Plan – Glenfield East	45
8.2	Biodiversity Certification Application – Mt Gilead Stage 2	96
8.3	Maryfields Development Site – 192 Narellan Road, Campbelltown	164
8.4	Proposed amendment of Campbelltown Community Participation Plan	170

8.5	Submission to Department of Planning and Environment - Proposed Housing SEPP Amendments	174
8.6	Planning Proposal - Reclassification of Land at Kanbyugal Reserve and 2 Rose Street, Campbelltown	236
8.7	Proposed Housekeeping Amendments to Campbelltown (Sustainable City) Development Control Plan 2015	276
8.8	Significant Development Applications	323
8.9	Minutes of Wildlife and Environment Advisory Committee Meeting held 30 August 2022	328
8.10	Minutes of the Campbelltown Multicultural Communities Advisory Committee meeting held 15 November 2022	335
8.11	Administration of the September 2024 Council election	337
8.12	Council meeting calendar update	341
8.13	Investments and Revenue Report - November and December 2022	344
8.14	Australian Local Government Association - National General Assembly 2023 - Call for Motions	356
8.15	Reports and Letters Requested	379
8.16	Minutes of the Campbelltown Arts Centre Strategic Committee meeting held 30 November 2022	396
9.	QUESTIONS WITH NOTICE	404
	Nil	
10.	RESCISSION MOTION	404
	Nil	
11.	NOTICE OF MOTION	405
11.1	Community and Justice Precinct	405
11.2	Appin Road	406
11.3	NSW Election	407
11.4	WestInvest	409
12.	URGENT GENERAL BUSINESS	410
13.	PRESENTATIONS BY COUNCILLORS	410
14.	CONFIDENTIAL REPORTS FROM OFFICERS	411
14.1	Commercial Opportunity	411
14.2	Lease of Council Premises	411

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 13 December 2022

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held 13 December 2022, 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 13 December 2022 are presented to Council for confirmation.

Attachments

1. Minutes of the Ordinary Meeting of Council held 13 December 2022 (contained within this report)

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Ordinary Council Meeting held at 6:30 pm on Tuesday, 13 December 2022.

ITEM	TITLE	PAGE
1.	ACKNOWLEDGEMENT OF LAND	3
2.	APOLOGIES/LEAVE OF ABSENCE	3
3.	CONFIRMATION OF MINUTES	3
3.1	Minutes of the Ordinary Meeting of Council held 8 November 2022	3
3.2	Minutes of the Extraordinary Meeting of Council held 15 November 2022	4
4.	DECLARATIONS OF INTEREST	4
	Pecuniary Interests	
	Non Pecuniary – Significant Interests	
	Non Pecuniary – Less than Significant Interests	
	Other Disclosures	
5.	MAYORAL MINUTE	4
5.1	Thank You and Looking Forward to 2023	4
6.	PETITIONS	4
7.	CORRESPONDENCE	4
	Nil	
8.	REPORTS FROM OFFICERS	5
8.1	Endorsement of Community Engagement Strategy	5
8.2	Development Application Status	5
8.3	Bin Locks – 12 Month Trial	5
8.4	Campbelltown Local Housing Strategy 2041 – Public Exhibition	6
8.5	Campbelltown Local Environmental Plan 2015 (CLEP 2015) update	6
8.6	Campbelltown Southern Catchments Flood Study	6
8.7	Minutes of the Multicultural Communities Advisory Committee held 20 September 2022	7
8.8	Campbelltown Billabong Parklands Quarterly Update Report	7
8.9	Reports and Letters Requested	7

8.10	Quarterly Business Review Statement as at 30 September 2022	7
8.11	Suburb Boundary Adjustment due to Airds Bradbury Renewal Project	8
8.12	Road Naming Proposal Maryfields Estate	8
8.13	General Valuation - base date 2022	8
8.14	Investments and Revenue Report - October 2022	9
8.15	Outcome of Public Exhibition - Revised Policy - Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors	9
8.16	Outcome of Public Exhibition - Policy Review - Code of Meeting Practice	9
8.17	Minutes of the Audit Risk and Improvement Committee Report	10
8.18	Campbelltown 2022 Report	10
9.	QUESTIONS WITH NOTICE	10
	Nil	
10.	RESCISSION MOTION	10
	Nil	
11.	NOTICE OF MOTION	10
	Nil	
12.	URGENT GENERAL BUSINESS	10
13.	PRESENTATIONS BY COUNCILLORS	11
14.	CONFIDENTIAL REPORTS FROM OFFICERS	19
	Confidentiality Recommendation	
	Recommendations of the Confidential Committee	
14.1	Lease of Council Investment Property	20
14.2	Organisational Structure Review	20
14.3	General Manager's Performance Review 2021-22	21

Minutes of the Ordinary Meeting of the Campbelltown City Council held on 13 December 2022

Present The Mayor, Councillor G Greiss
 Councillor G Brticevic
 Councillor J Chew
 Councillor M Chivers
 Councillor M Chowdhury
 Councillor J Cotter
 Councillor M George
 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 Chairperson Councillor Greiss.

Council Prayer

The Council Prayer was presented by the General Manager.

2. APOLOGIES/LEAVE OF ABSENCE

Nil

3. CONFIRMATION OF MINUTES**3.1 Minutes of the Ordinary Meeting of Council held 8 November 2022**

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

That the Minutes of the Ordinary Council Meeting held 8 November 2022, copies of which have been circulated to each Councillor, be taken as read and confirmed with minor typographical amendments referenced by Councillor Hunt.

272/2022 The Motion on being Put was **CARRIED**.

3.2 Minutes of the Extraordinary Meeting of Council held 15 November 2022

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

That the Minutes of the Extraordinary Council Meeting held 15 November 2022, copies of which have been circulated to each Councillor, be taken as read and confirmed.

273/2022 The Motion on being Put was **CARRIED**.

4. DECLARATIONS OF INTEREST

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

Pecuniary Interests

Nil

Non Pecuniary – Significant Interests

Nil

Non Pecuniary – Less than Significant Interests

Nil

Other Disclosures

Nil

5. MAYORAL MINUTE

5.1 Thank You and Looking Forward to 2023

It was **Moved** Councillor Greiss:

That the information be noted.

274/2022 The Motion on being Put was **CARRIED**.

6. PETITIONS

7. CORRESPONDENCE

Nil

8. REPORTS FROM OFFICERS

8.1 Endorsement of Community Engagement Strategy

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

That Council endorse the Community Engagement Strategy, incorporating the amendments outlined in this report.

275/2022 The Motion on being Put was **CARRIED**.

8.2 Development Application Status

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

That the information be noted.

276/2022 The Motion on being Put was **CARRIED**.

8.3 Bin Locks - 12 Month Trial

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

1. That Council undertake a free trial of up to 2 bin lid latches per household, capped at 1000 latches, to determine the feasibility of an ongoing bin lid latch program.
2. That the trial be made available in the suburbs of Ruse, Airds, St Helens Park, Kentlyn and Minto Heights.
3. A report on the findings be presented to Council after 3 months of the trial and before 12 months, whichever comes first.

277/2022 The Motion on being Put was **CARRIED**.

8.4 Campbelltown Local Housing Strategy 2041 – Public Exhibition

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

1. That the draft Campbelltown Local Housing Strategy 2041(attachment 3) be endorsed for the purpose of public exhibition and placed on public exhibition for a minimum period of 28 days.
2. That the outcome of the exhibition of the draft Campbelltown Local Housing Strategy 2041 be reported back to Council.

278/2022 The Motion on being Put was **CARRIED**.

8.5 Campbelltown Local Environmental Plan 2015 (CLEP 2015) update

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

That Council note the previous work, current status and the next steps to review the Campbelltown Local Environmental Plan 2015 (CLEP 2015).

279/2022 The Motion on being Put was **CARRIED**.

8.6 Campbelltown Southern Catchments Flood Study

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

1. That the Draft Campbelltown Southern Catchment Flood Study Report be endorsed and placed on public exhibition for a minimum period of 28 days in accordance with the Council's Community Participation Plan.
2. That the outcome of the public exhibition of the Draft Campbelltown Southern Catchment Flood Study Report be reported back to Council.

280/2022 The Motion on being Put was **CARRIED**.

8.7 Minutes of the Multicultural Communities Advisory Committee held 20 September 2022

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

That the minutes of the Multicultural Communities Advisory Committee held 20 September 2022 be adopted.

281/2022 The Motion on being Put was **CARRIED**.

8.8 Campbelltown Billabong Parklands Quarterly Update Report

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

That the Council notes the contents of this report and the progress that is being made in the delivery of the Campbelltown Billabong Parklands project for the community.

282/2022 The Motion on being Put was **CARRIED**.

8.9 Reports and Letters Requested

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

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

283/2022 The Motion on being Put was **CARRIED**.

8.10 Quarterly Business Review Statement as at 30 September 2022

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

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

284/2022 The Motion on being Put was **CARRIED**.

8.11 Suburb Boundary Adjustment due to Airds Bradbury Renewal Project

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

That Council approve the suburb boundary adjustment between Airds, Bradbury, Campbelltown, Ruse and St Helens Park in order to ensure consistency between the suburb boundary map and the addresses held in the databases of Council and State Government.

285/2022 The Motion on being Put was **CARRIED**.

8.12 Road Naming Proposal Maryfields Estate

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

1. That Council approve the proposed road names listed in attachment 1 to this report for use within the new Maryfields development.
2. That Council advertise its proposal to use these road names in local newspapers for a period of 28 days and notify the authorities prescribed by the Roads Regulation 2018.
3. That should no objections to the proposed road names be received, during the exhibition period, Council publish notice of these new road names in the NSW Government Gazette

286/2022 The Motion on being Put was **CARRIED**.

8.13 General Valuation - base date 2022

It was **Moved** Councillor Chew, **Seconded** Councillor Khalil:

That the information be noted.

287/2022 The Motion on being Put was **CARRIED**.

8.14 Investments and Revenue Report - October 2022

It was **Moved** Councillor George, **Seconded** Councillor Munro:

That the information be noted.

288/2022 The Motion on being Put was **CARRIED**.

8.15 Outcome of Public Exhibition - Revised Policy - Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors

It was **Moved** Councillor Khalil, **Seconded** Councillor Munro:

That the Policy - Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors shown as the attachment to this report be adopted.

289/2022 The Motion on being Put was **CARRIED**.

8.16 Outcome of Public Exhibition - Policy Review - Code of Meeting Practice

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

That:

1. The Code of Meeting Practice shown as an attachment to this report be adopted.
2. That the review date for the Code of Meeting Practice be set at 31 March 2025.

290/2022 The Motion on being Put was **CARRIED**.

8.17 Minutes of the Audit Risk and Improvement Committee Report

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

That the minutes of the Audit Risk and Improvement Committee held 22 November 2022 be noted.

291/2022 The Motion on being Put was **CARRIED**.

8.18 Campbelltown 2022 Report

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

That Council note the Campbelltown 2022 report.

292/2022 The Motion on being Put was **CARRIED**.

9. QUESTIONS WITH NOTICE

Nil

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION

Nil

12. URGENT GENERAL BUSINESS

13. PRESENTATIONS BY COUNCILLORS

1. Councillor Darcy Lound on 10 December 2022 attended the Festival of Languages organised by Subcontinent Friends of Campbelltown at Greg Percival Community Centre with Councillor Chew, Councillor Khalil, Councillor Hunt and Councillor Chowdhury. Councillor Lound acknowledged the 10 weekend linguistic schools in attendance, over 100 children that participated in the art competition, over 70 children performed different cultural performances and the students also displayed work done throughout the year on language books.
2. Councillor Darcy Lound on 3 December 2022 attended the Multicultural Food and Music Festival at Coronation Park, Minto. Councillor Lound congratulated the Mayor Councillor Greiss and Councillor Khalil for their hard work on such a fantastic event that was well attended by many Councillors which was great to see.
3. Councillor Darcy Lound on 26 November 2022 attended the 24 Hour Fight Against Cancer Walk Macarthur at Leumeah Sports Stadium. Councillor Lound congratulated Councillor Morrison and his team and committee on the fantastic event.
4. Councillor Darcy Lound wished everyone a Merry Christmas and thanked the Mayor, Deputy Mayor, former Deputy Mayor, Councillors, General Manager, Directors, Executive Managers and all Council staff for their hard work throughout the year and hopes everyone enjoys their break.
5. Councillor Lound also wished a Merry Christmas and thanked Eric Kontos from South West Voice for his dedication and commitment.
6. Councillor Lound lastly wished the community and their families a safe and Merry Christmas.
7. Councillor Karen Hunt on Wednesday 9 November 2022 attended the graduation of Year 12 Al-Faisal College students from Minto and Liverpool at the college's Liverpool campus with the Mayor Councillor Greiss, Councillor Lound, Councillor Chowdhury and Councillor Khalil as well as neighbouring councillors from Liverpool, along with the many proud parents. Everybody happily applauded all the students on reaching this milestone and know they have a strong foundation to begin the next phase of their life journey. Councillor Hunt wishes all the Year 12 students the very best for the future.
8. Councillor Karen Hunt on Monday 28 November 2022 attended Al-Faisal College, Campbelltown, end-of-year school presentation with the Mayor Councillor Greiss, Councillor Chowdhury and Councillor Khalil along with Mal Fruean, Chair of NSW Council for Pacific Communities; Mr Ashik Rahman Ash and Mr MD Shafiqul Alam from Campbelltown's Multicultural Community Connect Inc; representatives from Cricket Australia; and Mr Kamal Pasha from A-B Street Library. The many parents attending were extremely proud to hear of their children's achievements for 2022 and Principal Mrs Sonali Luthra was bursting with pride to announce that the Campbelltown College was in the top 10 NSW schools for the state's NAPLAN results. This is a great achievement for the school after what can only be described as two topsy-turvy years dealing with a global impact. Congratulations to the students, their families and teachers.

9. Councillor Karen Hunt on Saturday 10 December 2022 attended the launch of A-B Street Library's 11th library box, which has been installed in Ainslie Place at Ruse. Councillor Hunt was accompanied by local authors Glenn Cossar and Mina Skandari, who donated their books to kick off the Ruse Library box along with the many book donations that have been received for this purpose. The A-B Street Library concept was founded by Mr Kamal Pasha in December 2020 and turned out to be a huge help for local residents during the pandemic when our libraries were closed. A-B Street Library enabled our community to know they weren't forgotten and could continue to satisfy their thirst for knowledge or fiction. There are many people within our community who are unable to just get up and go to one of our four libraries for many reasons, so A-B Street Library provides them with a means to hopefully stay connected with their environment. Councillor Hunt commended everyone involved in providing A-B Street Library to Campbelltown.
10. Councillor Karen Hunt took this opportunity to wish everybody in the chamber a Merry Christmas and a safe and Happy New Year. Councillor Hunt thanked Mayor Councillor Greiss, the General Manager and Directors for all their hard work and dedication throughout the year.
11. Councillor Hunt acknowledged and wished a Merry Christmas to Eric Kontos and our regular attendees in the public gallery, former Councillor Ben Gilholme and Brooklyn. Councillor Hunt also thanked and wished the community a very Merry Christmas and a safe New Year.
12. Councillor Masood Chowdhury on 9 December 2022 attended the Afghan Communities' Refugee Forum at the Civic Centre organised by the AFAIC, Afghan Fajar Association Inc. The Forum comprises of community members, service providers, local Councillors, representatives from the public sector and the Department of Home Affairs, and new arrivals from Afghanistan who now call Australia home since August 2021, post the collapse of Kabul.
13. Councillor Masood Chowdhury attended The Grange Public School end of year presentation. Councillor Chowdhury was happy to be able to present the students with their merit awards and enjoyed the cultural performances during the presentations.
14. Councillor Masood Chowdhury thanked all Council staff, Council meeting attendees and the local community and wished them all Merry Christmas and Happy New Year. Councillor Chowdhury also wished the Mayor and Councillors on 16 December a Happy Victory Day a day celebrated from his Mother Land.
15. Councillor Rey Manoto on 17 November 2022 attended the Annual General Meeting and the General Meeting of the Georges Riverkeeper Incorporated (GRK) at the Greg Percival Community Centre. Councillor Manoto thanked Campbelltown City Council for hosting the meetings and to Mitch Clarke for organising the event and the sumptuous dinner. Councillor Manoto also thanked Mat Misdale for his wonderful presentation on Biodiversity.

16. Councillor Rey Manoto on 27 November conducted a Boat Tour of Georges River between Cambridge Street Bridge and Liverpool Weir, together with Councillor Matt Stellino, Councillor Michael Banasik of Wollondilly Shire Council and Mr Rob Dixon, the Bush Regeneration Expert of GRK. Together they collected a sizeable amount of rubbish floating on the river, used mattress, old milk crates, plastic bottles, plastic bags, foam materials, etc. It was a small contribution to the Zero Litter in the Georges River Program, improving the Health of the Georges River.
17. Councillor Rey Manoto on 25 November 2022 attended the commencement of the Driving out Violence Convoy at Koshigaya Park as part of the 16 Days of Activism against gender-based violence against women and girls with the Mayor Councillor Greiss and Councillor Morrison. Councillor Manoto reinforced that Campbelltown City Council says no to Domestic and Family Violence and that we strongly campaign for our women in Campbelltown to Stand Up, Speak Out and Act immediately.
18. Councillor Rey Manoto on 6 December 2022 commended the Council, General Manager Lindy Deitz, the Directors especially Kevin Lynch and Ian Andrews of City Delivery and specifically Mitch Clarke and Michael Ellison and the Open Space Team for the remarkable award received at the Local Government Excellence in the Environment Awards. Our work on Environment Platypus Pals Project was cited as winner in its Environment Category. Not only that, this award garnered the Overall Winner Award of the Communication, Education and Empowerment Award for 2022. Councillor Manoto congratulated everyone here in the chamber for all their work on this wonderful achievement.
19. Councillor Rey Manoto lastly wished everyone a happy Christmas.
20. Councillor Meg Oates updated the Council on the Fisher's Ghost Art Award where there was over 600 entries from all over Australia and a couple from overseas which was one of the most amazing and successful years we have had. Councillor Oates advised that the staff at the art Centre reported that it was the highest ever returns in terms of sales from the profits that they make from the entries.
21. Councillor Meg Oates also acknowledged the Artist Exchange Program which was an initiative brought up to the Council by Councillor Chivers. The Artist Exchange Program is for local artists can bring their products and art work out and sell them to the community and again a spectacular day.
22. Councillor Meg Oates was invited to attend the Sarah Redfern Year 11 Steam project where the Year 11 students were given the opportunity to show the hard work they have been working on over the last 6 months. They were tasked with looking at a disease or a medical condition to research it then look at potential ways to cure the disease or lessen the impact of that disease or impact they showed some great research ideas and will go far in the medical industry.
23. Councillor Meg Oates on 14 December 2022 will attend a presentation night with the Koshigaya Sister Cities students and the Association. There are 5 High Schools around Campbelltown, Ambarvale High, Ingleburn High, John Therry Catholic School, Macquarie Fields High and St Patricks College who are studying Japanese and every year they run an awards program to recognise the hard work they have been doing. The Consul will be attending to help with the Presentation.

24. Councillor Warren Morrison on 11 November 2022 represented the Mayor Councillor Greiss at the Remembrance Day Ceremony at the Ingleburn RSL Soldiers Memorial Park. Councillor Morrison expressed that it was so good to see so many students representing their families.
25. Councillor Warren Morrison on 16 November 2022 represented the Mayor Councillor Greiss at the Transformation Journey to Industry 4.0 Pilot Program. Councillor Morrison commended another excellent day for the industry and businesses in the Campbelltown Community.
26. Councillor Warren Morrison on 16 November 2022 attended the CSIRO Generation Stem Program at the Campbelltown Art Centre with Councillor Munro and Councillor Chew. The CSIRO Generation STEM program helps to upskill young people in science, technology, engineering and maths. Each group of students presented their solutions to challenges identified by local industry. Councillor Morrison expressed his thanks to all the teachers, industry, staff, He acknowledged the talented students and believed they achieved incredible results this year working together to deliver the STEM program.
27. Councillor Warren Morrison on 16 November 2022 represented the Council in giving the awards out at the Menangle Park Fire Brigade. Councillor Morrison congratulated and thanked all the volunteers for all the work they do in the community.
28. Councillor Warren Morrison on 25 November 2022 attended the commencement of the Driving out Violence Convoy at Koshigaya Park as part of the 16 Days of Activism against gender-based violence against women and girls with the Mayor Councillor Greiss and Councillor Manoto. Councillor Morrison acknowledged that it was another wonderful day. The highlight of the day was all the young dancers and singers and all performances were fantastic.
29. Councillor Warren Morrison thanked all who attended the 24 Hour Fight Against Cancer Walk Macarthur at Leumeah Sports Stadium on 26 November 2022. Councillor Morrison acknowledged the Local Member for Macquarie Fields Anoulack Chanthivong, the Local Member for Camden Peter Hargreaves, the Mayor Councillor Greiss, Councillor Chew, Councillor Cotter, Councillor Chowdhury, Councillor Manoto, Councillor Lound, Councillor Munro, Camden Councillor Usha Dommaraju and all the people in the community and the committee for their help in making it a great event.
30. Councillor Warren Morrison on 28 November 2022 represented the Mayor Councillor Greiss at St Peters Anglican Grammar Awards Ceremony. Councillor Morrison thought it was a great event.
31. Councillor Warren Morrison on 29 November 2022 represented the Mayor, Councillor Greiss at the Industrial Skills Information Day Expo at the Cube. The event was for the community to be able to show school students what trades are on offer in the area for their future.
32. Councillor Warren Morrison on 6 December 2022 attended the Gift of Time Ceremony at the Civic Hall with the Mayor Councillor Greiss and Councillor Khalil. The Gift of Time Awards acknowledge and thank Campbelltown City Volunteers for their tireless efforts

- and selfless work in the community. Councillor Morrison acknowledged the incredible amount of hours the amazing volunteers put in to help the community.
33. Councillor Warren Morrison lastly wished a very Merry Christmas to everyone here the Councillors, the staff, Eric Kontos and the community.
34. Councillor Masud Khalil wished a Merry Xmas to all the Campbelltown Local Government Area also to the Mayor, Councillors, General Manager, Directors, all the staff, Eric Kontos and Brian Laul. Councillor Khalil acknowledged and thanked the Mayor for his leadership and the opportunities to represent and attend various events in the community after 2 years of not being able to attend events.
35. Councillor Masud Khalil on 3 December 2022 attended the Multicultural Music and Food Festival at Coronation Park Minto. Councillor Khalil advised it was a well-attended event with around 7,000 in attendance from 10 different multicultural backgrounds. Councillor Khalil acknowledged members of the Campbelltown community, Brian Laul, Mal Fruen, Ivan Wellington, Shafqat Ali, Sibly Sohail and others for the tremendous work they do within our multicultural communities.
36. Councillor Masud Khalil on 10 December 2022 attended the Festival of Languages. As chair of the Campbelltown Multicultural Advisory Committee, he was very proud of the event that promoted different cultures and languages, and was great to see so many in attendance.
37. Councillor Masud Khalil on Monday 28 November 2022 attended Al-Faisal College, Campbelltown, end-of-year presentations. Councillor Khalil acknowledged what a wonderful achievement it is that the Campbelltown College was ranked number 8 for the state's NAPLAN results.
38. Councillor Masud Khalil lastly wished everybody a very Happy New Year. He is looking forward to working with everybody in what he anticipates will be a very prosperous and progressive year in Campbelltown.
39. Councillor Matt Stellino wished everyone a Merry Christmas and stay safe over the holidays and thanked everyone for a great first year.
40. Councillor Joshua Cotter on 20 November 2022 attended the Multicultural Festival at the Whitlam Centre organised by the Multicultural Society of Campbelltown Inc. Councillor Cotter thought it was a great event and a great celebration of Campbelltown's Multicultural Community.
41. Councillor Joshua Cotter on 20 November 2022 attended the Litter Clean-up day at Redfern Park Minto with the Rotary Campbelltown. Despite the It was a great event with quite a few people attending and helping out on the day.
42. Councillor Joshua Cotter commended Councillor Warren Morrison for his efforts and leadership on the successful 24 hour Fight Against Cancer Walk Macarthur. Councillor Cotter acknowledged that it was great to see so many Councillors on the day and found walking the track and having a chat to different community members very rewarding.
43. Councillor Joshua Cotter on 8 December 2022 attended the Community Christmas Party at Oz Funland. Councillor Cotter acknowledged what a great event and performance

they put on at Oz Funland and enjoyed being able to talk to the children about the Christmas story.

44. Councillor Joshua Cotter on 3 December 2022 attended the Rocking around Campbelltown Event. Councillor Cotter expressed what a fun event it was and how it provided a great opportunity to dress up and have fun. Councillor Cotter commended the staff and acknowledged that it is easy to have separate locations ready for the events and the outdoor staff especially making sure the locations were ready for the event. Councillor Cotter is looking forward to expanding this event even further next year.
45. Councillor Joshua Cotter echoed the sentiments of the other Councillors wishing everyone a Merry Christmas and Happy New Year. Councillor Cotter also acknowledged that there are a lot of families experiencing tough times over the Christmas period and to keep those families in mind over the festive season.
46. Councillor George Brticevic on 3 December 2022 attended the Rocking around Campbelltown Event. Councillor Brticevic acknowledged that 2 of the locations are new locations the all-inclusive Park at Milton Park and Eagle Farm Reserve at Eagle Vale.
47. Councillor George Brticevic commended the staff and the Mayor Councillor Greiss on securing the South Korean Women's Team to base themselves in Campbelltown for the FIFA Women's World Cup.
48. Councillor George Brticevic wished everybody in the Chamber, Councillors, General Manager, Directors all the staff and the people a Merry Christmas and Happy New Year.
49. Councillor George Brticevic wished the Mayor Councillor Greiss and Councillor George and advanced Merry Christmas and acknowledged those Eastern Christian denomination who celebrate Christmas on 7 January.
50. Councillor Margaret Chivers commented that recently a school from Bowral made the long journey by train and walking to the Campbelltown Bike Education Centre. Councillor Chivers expressed how proud she is that people from outside of the local community are making the effort to come and see all the great things Campbelltown has to offer, such as the Bicycle Education Centre.
51. Councillor Margaret Chivers on 18 November 2022 attended the Passfield Park Year 12 Graduation at West Leagues Club. Passfield Park School holds a very special place in Councillor Chivers' heart and it was an honour for her and her husband to be invited to attend the event. There were 8 children graduating on the night and it was such a happy night had by all.
52. Councillor Margaret Chivers on 6 December 2022 attended the end of year presentation at Sarah Redfern Public School. Councillor Chivers expressed how much of a tremendous job the teachers and students are doing finding the new normal in schools after the pandemic.
53. Councillor Margaret Chivers on 8 December represented the Mayor at the Passfield Park Presentation Day. Councillor Chivers had the pleasure of presenting Joshua Rosendale with his honour board achievement and trophy. Councillor Chivers could feel the pride in

the room from everyone and acknowledged the work being done at the school by the Principal, Wendy Lowe and all the teachers their hard work.

54. Councillor Marian George took the opportunity to thank everyone for the experience of this year and has learnt a lot from being a new Councillor. She is looking forward to 2023 with everybody.
55. Councillor Marian George wished all the Councillors, Council staff and everyone in the Campbelltown LGA a very Merry Christmas and Happy New Year.
56. Councillor John Chew on 12 December 2022 represented the Mayor Councillor Greiss at the Campbelltown Hospital Auxiliary Christmas Luncheon which was held in celebration of the amazing work undertaken by a community of volunteers who have raised money throughout the year for valuable medical equipment. Councillor Chew also acknowledged the Cobbitty Community Choir for their fantastic renditions of Christmas classics and keeping everybody entertained through the event.
57. Councillor John Chew also took this opportunity to thank, as a first time Councillor, the more experienced Councillors and Council staff for their patience, support and sharing in knowledge. He acknowledged how it made a difference for his experience and he is looking forward to working with all the Councillors in the New Year.
58. Councillor Riley Munro echoed the sentiments of Councillor Chew thanking everybody, Council staff and community members for their significant part in this Council term for the year that was.
59. Councillor Riley Munro on 16 November 2022 represented the Mayor Councillor Greiss at the CSIRO Generation STEM End of Year Showcase at the Campbelltown Arts Centre with Councillor Chew, Councillor Morrison and Director City Growth Rebecca Grasso. Multiple schools participate in this scheme showcasing their solutions to challenges identified by local industry. Campbelltown City Council reaffirmed its support and participation in Generation STEM for another year.
60. Councillor Riley Munro on 26 November 2022 joined Councillor Morrison and other Councillors at the 24 hour Fight Against Cancer Walk Macarthur. Councillor Munro enjoyed the event so much he returned in the middle of the night to complete a few more laps with Councillor Morrison. Councillor Munro congratulated Councillor Morrison on the wonderful event.
61. Councillor Riley Munro on 26 November attended the 3rd and final tree planting at Milton Park alongside Campbelltown City Bush Care, Greening Australia and several community members volunteering their time. 4,000 specimens have been planted at Milton Park this year. Councillor Munro congratulated Michael Ellison on his efforts for organising these fantastic community events.
62. Councillor Riley Munro on 27 November 2022 completed his 100th blood donation at Australian Red Cross Life Blood. Councillor Munro reminded and encouraged everyone to donate blood where they can especially around Christmas.
63. Councillor Riley Munro wished everyone in the Chamber and those watching at home a very Merry Christmas.

64. The Mayor, Councillor George Greiss advised that the Office of Local Government is undertaking a Councillor Conduct and Accountability Review. The Office of Local Government has released a Councillors Misconduct Framework which has 49 recommendations with the opportunity for Council's to provide submissions. Unfortunately the submission closing date is 3 February 2023 and the first Council meeting for next year is 14 February 2023. Staff will prepare a submission and will report to Council at the February meeting.
65. The Mayor, Councillor George Greiss took the opportunity to express that it has been a very long year with significant changes since from the last 2 years coming out of COVID and a lot of community engagement. Unfortunately, we were also hit with the floods which saw the Council fix over 6,000 potholes this year when we normally fix 2,000 annually. Council received some funding from the state government and will continue to advocate to the state government for more funding in the New Year.
66. The Mayor, Councillor Greiss thanked all the staff for all their hard work this year and wished everyone a Merry Christmas and Happy New Year. He thanked Councillors thank you for all their support and hard work this year from attending to business in the chamber and representation in the community. He wished Councillors a Merry Christmas and a Happy New Year. Councillor Greiss thanked the Directors and support staff especially Kate Stares and the General Manager for all their support this year.
67. The Mayor, Councillor Greiss thanked Eric Kontos for attending the Council Meetings throughout the year.
68. The Mayor, Councillor Greiss thanked the people of Campbelltown and wished them a Merry Christmas and a Happy New Year. He thanked everyone who donated to the Mayoral Toy Appeal and acknowledged their generosity and for helping to make the festive season a little less difficult for those who may be facing a difficult time over Christmas.

14. CONFIDENTIAL REPORTS FROM OFFICERS

Confidentiality Recommendation

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

That this Ordinary Meeting of Council be adjourned and reconvened as a meeting of the Confidential Committee for discussion of items 14.1, 14.2 and 14.3 which are considered to be confidential in accordance with Section 10A(2) of the *Local Government Act 1993*, as indicated below:

Item 14.1 Lease of Council Investment Property

Item 14.1 is confidential in accordance with Section 10A(2)(d)(i) of the *Local Government Act 1993* as the report refers to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Item 14.2 Organisational Structure Review

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

Item 14.3 General Manager's Performance Review 2021-22

Item 14.3 is confidential in accordance with Section 10A(2)(a) of the *Local Government Act 1993* as the report refers to personnel matters concerning particular individuals (other than Councillors).

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

The Ordinary Meeting of Council was adjourned at 8:30 pm and reconvened as a meeting of the Confidential Committee at 8:31 pm.

Recommendations of the Confidential Committee

14.1 Lease of Council Investment Property

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

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

293/2022 The Motion on being Put was **CARRIED**.

14.2 Organisational Structure Review

It was **Moved** Councillor Khalil, **Seconded** Councillor George:

That Council:

1. Notes, it is required to review, and may re-determine, the organisation structure within 12 months after any ordinary election of the council.
2. Endorse the proposed organisational structure as outlined in the report.
3. Notes that the proposed structure strengthens Council's ability to deliver on the Council Plan, responds to changes in Council's external environment and feedback from key stakeholders.
4. Notes the implementation and consultation plan as outlined in the report.

294/2022 The Motion on being Put was **CARRIED**.

14.3 General Manager's Performance Review 2021-22

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

That the General Manager's performance is considered as highly satisfactory by the Council

295/2022 The Motion on being Put was **CARRIED**.

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

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

At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 8:52 pm

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

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

There being no further business the meeting closed at 8:54 pm.

Confirmed by Council

..... General Manager Chairperson

4. STATEMENT OF ETHICAL OBLIGATIONS AND DECLARATIONS OF INTEREST

Statement of Ethical Obligations

Statement of Ethical Obligations In accordance with section 233A of the Local Government Act 1993, the Mayor and Councillors are bound by the Oath or Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the City of Campbelltown and the Campbelltown City Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their ability and judgement.

Declarations of Interest

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

Other Disclosures

5. MAYORAL MINUTE

5.1 Wins and Plans

Recommendation

That the information be noted.

I want to start by welcoming everyone back for what I know will be a very exciting and successful 2023.

Strong Start to 2023

It was a busy break but much quieter than in previous years. We have been lucky with the weather and had some very successful events, including the New Year's Eve and Australia Day celebrations. Both events were held in Koshigaya Park and attracted record crowds of approximately 18,000 for New Year's Eve and 5,000 for Australia Day. With successful and entertaining fireworks from the Bradbury, a packed line up of entertainment and activities and record crowds it was a great opportunity for our community to come together.

I also had the privilege of presenting Australian Citizenship to 85 of our residents on Australia Day, and announced the recipients of this year's Australia Day Awards. The following residents were recognised for their passion and ongoing contributions to Campbelltown:

- Brial Laul, Citizen of the Year
- Kyla Hodges, Young Citizen of the Year
- Horizon Youth St Andrews, Community Group Initiative of the Year
- Reece Riley, Disability and Inclusion Award
- Deb Evans-Clark, Environmental Citizen of the Year
- Lachlan Arbuckle, Sportsperson of the Year

This week we received the exciting news that we have been successful with our application for state funding for city-shaping community projects to the value of \$145 million. This announcement represents the most significant single investment by any government in the Campbelltown LGA for a very long time, if not, for all time. This investment is on top of the \$26.6million Council Allocation Round late last year, that we equitably distributed across the Local Government Area with 11 projects across 21 locations.

I acknowledge the enormous efforts of the Council Officers who worked tirelessly to prepare the applications for these projects. I also recognise our partners and community who have contributed to our success. I will address the detail of this significant investment in its own Mayoral Minute, but it would be remiss of me not to acknowledge and thank the NSW Government for such a significant investment in our area.

These investments will bring to life a number of city-shaping projects, such as the Campbelltown Arts Centre expansion and other important projects that will enhance our

community infrastructure and benefit the long term social and economic development of our city.

This investment comes in addition to another \$8,605,203 that has been announced this week under the Regional and Local Roads Repair Program for us to continue our repairs to our road network impacted by recent weather events. This was in response to our joint advocacy program with other councils experiencing similar impact.

Highlights of Achievements in 2022

Last month I promised to update everyone on some of our work during 2022.

In the development space, Ingleburn CBD Planning Proposal received favourable a Gateway Determination and is now on public exhibition, and we launched the Campbelltown CBD LEP review. We approved 290 development applications out of the 361 we determined and provided 1,421 occupation certificates for new dwellings in our city. Also, I am pleased to advise of the approval of the \$500m Macarthur Gardens North development to be undertaken by Landcom adjacent to Macarthur Station as well as the approval and commencement of the \$50m Genesis Care Cancer Therapy Centre on Hurley Street.

We have funded 37 businesses in Campbelltown and Ingleburn to revitalise their shopfronts and our teams cleaned 2496 graffiti incidents.

Our facilities have received record visitation, with more than 1.011million people, including the Campbelltown Arts Centre, which welcomed 57,519 visitors, and our libraries, which welcomed 244,000 people in 2022. We provided care for 1,200 individual children through our childcare services and had 4,200 swim school enrolments, delivering 44,269 swim school classes and hosting 83 schools' swimming carnivals.

We also had more than 120,000 people attend the Campbelltown Athletics Centre, covering 103 school carnivals, and 1,500 members obtained fitness memberships at our gyms.

We welcomed a total of 1552 new Australian in 2022, of which 307 were from an Indian background, 159 from a Nepalese background, 158 from a Filipino background, 151 from a Bangladeshi background and 101 from a Pakistani background, with an average age of 34 years.

We have replaced approximately 2680 lineal metres of footpaths at over 600 individual locations across the Local Government Area and have replaced 2580 lineal metres of kerb and gutter at over 480 locations. We repaired 6,561 individual potholes and 6152m² of heavy patching road repairs. We also completed 7km of road renewal, including Airds Road, Eagle Vale Drive, Leumeah Road, The Kraal Drive, Parliament Road and Aero Road.

We purchased a range of new equipment to make our operations more efficient and effective including a mini street sweeper, high pressure hot water washing truck, wing mower and 5.5 tonnes excavator and beaver tail truck. We have also replaced aged equipment including trucks for tree crews, drainage, concreting and mowing, various mowing attachments and mowing trailers. In total, we have invested approximately \$1.8m in plant and equipment to continue our city maintenance.

Our teams mowed approximately 63.6 million m² of turf, the equivalent of 6360 football fields and pruned, weeded, and hedged approximately 2.6 million m² of garden areas, the equivalent of 260 football fields.

We collected 3,067,947 general waste bins, 1,388,500 recycling bins and 876,448 organic garden bins. We also emptied 23,244 bins from our public domain and undertook 66,689 kerbside clean-ups. Overall, we collected approximately 81,500 tonnes of residential waste and diverted approximately 29,100 tonnes of waste from landfill with the help of the recently opened and extremely popular Community Recycling Facility in Hephher Road, Campbelltown.

Council opened the Ingleburn Mountain Bike Trail, a 770-metre loop featuring jumps, drops, rock gardens, berms, and balance beams for beginner and intermediate bike riders. It is the first of its calibre for Campbelltown and is already becoming a popular destination. Upgrades were completed, Memorial Park upgrades and lighting upgrades at Bradbury Oval, Seddon and Kennett Parks.

In advocacy, we wrote over 180 letters to Ministers and Shadow Ministers making representations on critical issues for Campbelltown and, as I highlighted previously, engaged in 41 meetings with Ministers, Shadow Ministers and Members of Parliament across both NSW and the Commonwealth. We secured a total of \$51,562,091 in grants from the NSW Government, including the council-allocated round of WestInvest, during 2022.

Ongoing advocacy

While Campbelltown is grateful for the funding we received for our important community infrastructure from the WestInvest program and other grants, we will continue our advocacy program for our Community and Justice Precinct.

We cannot ignore that in 2020-21 Sydney's West (including Campbelltown, Penrith and Parramatta) had the lowest trial finalisation rate for all NSW Courts, with only 39% of all trials reaching a verdict within 12 months. The Campbelltown court facilities need to triple in size to meet our current demand, and we are one of the fastest-growing regions in Australia.

Council has undertaken significant work and investment to develop the master plan for the promised development, committing \$ 2.4 million to inform our investment in the Precinct and undertake comprehensive consultation with the community on the plan. Campbelltown City Council worked cooperatively with the Governments to finalise a strategic business case for the precinct by May 2021.

We must recognise the importance of the Community and Justice Precinct in job creation in the area. With the precinct comes more judges, barristers, solicitors, supporting workers, and public sector jobs, and all other industries and activities supporting the day to day functioning of a justice precinct. This means a significant increase in the high-value jobs that make up a legal ecosystem and, of course, all of the secondary jobs such an ecosystem will attract, like coffee shops, retail and restaurants etc.

I again want to extend our call on all contenders for the NSW Government to commit to funding the court redevelopment that would underpin the Community and Justice Precinct.

Community Engagement

I have previously spoken of my commitment to authentic community engagement and using evidence to support the decisions of Council and I have asked the General Manager to embed this through both process and practice. Building on the recent Campbelltown 2022 report, planning has commenced on an engagement program to hear from the community on their ideas to realise the bold ambitions of our future city.

On 14 March 2023, we will facilitate the first activity – a forum of community leaders and progressive thinkers in Campbelltown’s community who are invested in its future, to share thoughts, knowledge and big ideas, and to help inform Council’s future plans. A series of broader community forums will follow over the coming months.

Attachments

Nil

6. PETITIONS

7. CORRESPONDENCE

7.1 Correspondence from Kevin Connolly MP - selective schools

Officer's Recommendation

That the letter be received and the information be noted.

A copy of the letter from the Hon. Kevin Connolly MP in response to Council's resolution on 13 October 2022 advocating for selective schools in the Campbelltown Local Government Area.

Attachments

- 7.1.1 Response from the Hon. Kevin Connolly MP (contained within this report) [↓](#)
- 7.1.2 Letter to Minister for Education and Early Learning Hon. Sarah Mitchell MLC (contained within this report) [↓](#)



Kevin Conolly MP
Parliamentary Secretary for Education

Ref: RML22/4463

Cr George Greiss
Mayor of Campbelltown
Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

george.greiss@campbelltown.nsw.gov.au

Dear Mayor

I write in response to your correspondence of 7 November 2022, to the Hon Sarah Mitchell MLC, Minister for Education and Early Learning, regarding selective high school education in Campbelltown. The Minister has asked me to respond on her behalf.

The NSW Government is committed to delivering infrastructure that meets the needs of students across the State. The Department of Education is aware of the population growth in the South West Growth Area, and consults with other government agencies and the private sector, to plan for future educational needs.

Funding to deliver a selective high school in South West Sydney was included in the 2021-2022 NSW Budget. The NSW Government is in planning stages for this selective high school, with the location of Leppington Town Centre being confirmed in December 2022. A timeline for delivery of the new school will be confirmed as planning progresses.

I'm also pleased to note that the NSW Government announced on 6 December 2022 the development of a landmark new education campus in Westmead, including a new 1,000 student primary school with a pre-school, and a 2,000 student selective high school.

The NSW Government is investing \$8.6 billion over the next four years, continuing its program to deliver 160 new and upgraded schools to support communities across NSW. The 2022-23 NSW Budget added 23 projects to the historic school building program. These projects will serve local communities, with a concentration to meet areas with high growth such as South West Sydney.

Public schools in NSW have a responsibility to implement the High Potential and Gifted Education Policy, which promotes engagement and challenge for every student, regardless of background, in every school across intellectual, creative, social-emotional and physical domains. The policy supports every student to achieve their educational potential, through talent development opportunities and differentiated teaching and learning practices to ensure their specific learning and wellbeing needs are met.

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 5950 ■ W: nsw.gov.au

There are currently three schools nearby to the Campbelltown area which accept students into the selective high school stream – Elizabeth Macarthur High School which is partially selective, Macquarie Fields High School which is partially selective and Hurlstone Agricultural High School which is fully selective.

Staff members from Sarah Redfern High School and Macquarie Fields High School have participated in the High Potential and Gifted Education Leaders Course to support their schools in the implementation of the High Potential and Gifted Education Policy and to ensure the learning needs of high potential and gifted students are addressed comprehensively.


Thank you for your correspondence.

Yours sincerely

Signature has been removed

Kevin Conolly MP 

Parliamentary Secretary for Education

 7 December 2022

Office of the Mayor



7 November 2022

The Hon. Sarah Mitchell MLC
Minister for Education and Early Learning
Parliament of NSW
Via email: office@mitchell.minister.nsw.gov.au

Dear Minister,

Selective High School Education in Campbelltown

Campbelltown Local Government Area has a fast growing population, with a consistently higher representation of high school aged residents than the NSW and national average (ABS Census 2021).

Considering the needs of Campbelltown's growing community, we encourage NSW Education to consider introducing a selective High School or selective streams to the Local Government Area.

Campbelltown City Council urges your consideration of the following:

- a) The creation of additional selective schools in the Campbelltown Local Government Area to serve the region's growing population including a selective sports high school.
- b) The upgrade of Macquarie Fields High School to provide for and accommodate more gifted and talented students.
- c) The upgrade of Sarah Redfern High School to provide for and accommodate more gifted and talented students.

We appreciate your deliberation of these requests and look forward to a response at your earliest convenience.

Yours sincerely,

Signature has been removed

Cr George Greiss
Mayor of Campbelltown

DOC-22-223698

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7.2 Correspondence from Dr Mike Freeland MP - Appin Road

Officer's Recommendation

That the letter be received and the information be noted.

A copy of the letter from Dr Mike Freeland MP in relation to Appin Road and a copy of Campbelltown City Council's reply.

Attachments

- 7.2.1 Letter from Dr Mike Freeland - Appin Road (contained within this report) [↓](#)
- 7.2.2 Response letter Mayor to Dr Mike Freeland MP re Appin Road (contained within this report) [↓](#)



Dr Mike Freeland MP

Federal Member for Macarthur

4th November 2022

Cr George Greiss
Mayor
Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Dear Mayor Greiss,

I write to you regarding Appin Road and the Mt Gilead development. I first started campaigning for upgrades and wildlife protections for Appin Road in 2015 prior to my election for the Federal seat of Macarthur in 2016.

Despite continued campaigns for changes, there has been no significant improvements to the road and no wildlife protections installed. I have met with Lendlease on numerous occasions, and I have been to many meetings, koala forums and community campaigns, however nothing has been done.

Lendlease informs me they are committed to improvements but are being stalled by NSW Government inaction. I have obtained a commitment from the Federal Infrastructure Minister to support Appin Rd redevelopment with wildlife protections but again cannot act until the NSW Government commits to the project. This must be a bipartisan issue. Lives are being lost (the last in July 2022) and our koala colony is at risk.

We recently saw the power of local government when Sutherland Shire Council fought off a proposed housing subdivision in Woronora Heights due to it being in a wildlife corridor. Strong advocacy by the Council and local groups forced the NSW Government to withdraw the proposed development, which would have destroyed koala habitats.

I strongly welcome this withdrawal however I am concerned that not enough is being done to apply the same pressure on the NSW Government to act for Appin Road and protect our koala colony. It is only with strong advocacy can we truly call ourselves 'Koalatown'.

Hence, that is why I am writing to urge you to publicly push the NSW Government to urgently act.

I would ask that the NSW Government commits to:

- 1) Appin Road should be a dual carriageway from St Helens Park to Appin,
- 2) Wildlife protection underpasses (at least three) between St Helens Park & Appin,
- 3) Wildlife protection fencing from St Helens Park to Appin, and a
- 4) Commitment to a Twin Rivers National Park connecting Dharawal National Park to protect koala habitats.

Yours sincerely,

Signature has been removed

Dr Mike Freeland MP
Federal Member for Macarthur

Office: 37 Queen St Campbelltown NSW 2560 **Mail:** PO BOX 88 Campbelltown NSW 2560
Phone: (02) 4620 0293 **Fax:** (02) 4620 4414 **Email:** Mike.Freeland.MP@aph.gov.au



Office of the Mayor



18 November 2022

Dr Mike Freeland MP
Federal Member for Macarthur

Via email: Mike.Freeland.MP@aph.gov.au

Dear Dr Freeland,

Re: Appin Road

Thank you for your letter dated 4 November 2022 and your ongoing advocacy to improve the wildlife connections along Appin Road.

Council has a long history of strongly advocating to the NSW Government in regards to Appin Road on two critical issues:

1. enhancing the safety of Appin Road for road users; and
2. protecting our koala population and other wildlife from urban threats including through the construction of wildlife crossings and exclusion fencing.

We have made many representations to NSW Government on these issues over many years. During my term as Mayor, Council's representations include:

- Meeting with the Hon. Anthony Roberts, Minister for Planning on 10 February 2022
- Meeting with the Hon. Natalie Ward MLC, Minister for Metropolitan Roads on 10 February 2022
- Meeting with the Hon. David Elliot, Minister for Transport and Western Sydney on 23 March 2023
- Letter to Mr Michael Cassel, Secretary, Department of Planning and Environment on 15 February 2022
- Meeting with Mr Michael Cassel, Secretary, Department of Planning and Environment on 21 March 2022
- Meeting with the Secretary, Department of Planning and Environment and Secretary, Transport for NSW on 20 April 2022
- Meeting with Ms Jenny Atchison MP, Shadow Minister for Regional Transport and Roads on 23 March 2023
- Meeting with Ms Jo Haylen, Shadow Minister for Roads on 16 August 2022
- Letter to the Hon. Anthony Roberts, Minister for Planning on 11 October 2022
- Letter to the Hon. Sam Faraway, Minister for Regional Transport and Roads on 11 October 2022
- Letter to the Hon. Natalie Ward, Minister for Metropolitan Roads on 11 October 2022
- Letter to the Hon. David Elliot, Minister for Transport and Western Sydney on 11 October 2022

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Office of the Mayor



In addition to our many and continued representations, we would also appreciate your assistance in ensuring the federal government delivers on its previously promised funding to upgrade Appin Road, and that the upgrade is all encompassing and provides for the safety of road users and koalas.

Recently, I have joined my fellow Mayors in Macarthur to collectively write to a number of NSW Government Ministers to advocate for issues critical to the Macarthur Region. The upgrade of Appin Road is a significant issue for the Council and has been for many years, and this is one of the issues that I will raise at the meetings with these Ministers.

Since receiving your letter, I have also written to our NSW local Members of Parliament asking them to advocate to the government on the issues of safety and wildlife crossings on Appin Road and requested that this is maintained as a key priority in the upcoming NSW government election.

I will continue to make representations to both the federal and state governments on these critical issues, and appreciate your ongoing support.

Yours sincerely,

Signature has been removed

Cr George Greiss
Mayor of Campbelltown
DOC-22-239940

7.3 Correspondence from Prue Car MP - Selective Schools

Officer's Recommendation

That the letter be received and the information be noted.

A copy of the letter to Ms Prue Car MP, Shadow Minister for Education from Campbelltown City Council in response to Council's resolution on 13 October 2022. We note an email was received in response to the correspondence advising "it will be taken under consideration as the NSW Opposition considers its policies for the March 2023 NSW election".

Attachments

- 7.3.1 Letter to Minister for Education and Early Learning Hon. Sarah Mitchell MLC re Selective Schools in Campbelltown (contained within this report) [↓](#)

Office of the Mayor



7 November 2022

The Hon. Sarah Mitchell MLC
Minister for Education and Early Learning
Parliament of NSW
Via email: office@mitchell.minister.nsw.gov.au

Dear Minister,

Selective High School Education in Campbelltown

Campbelltown Local Government Area has a fast growing population, with a consistently higher representation of high school aged residents than the NSW and national average (ABS Census 2021).

Considering the needs of Campbelltown's growing community, we encourage NSW Education to consider introducing a selective High School or selective streams to the Local Government Area.

Campbelltown City Council urges your consideration of the following:

- a) The creation of additional selective schools in the Campbelltown Local Government Area to serve the region's growing population including a selective sports high school.
- b) The upgrade of Macquarie Fields High School to provide for and accommodate more gifted and talented students.
- c) The upgrade of Sarah Redfern High School to provide for and accommodate more gifted and talented students.

We appreciate your deliberation of these requests and look forward to a response at your earliest convenience.

Yours sincerely,

Signature has been removed

Cr George Greiss
Mayor of Campbelltown

DOC-22-223698

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8. REPORTS FROM OFFICERS

8.1 Draft Site Specific Development Control Plan - Glenfield East

Reporting Officer

Executive Manager Urban Centres
City Planning and Environment

Community Strategic Plan

Objective	Strategy
2 Places For People	2.1.1 Provide public places and facilities that are accessible, safe, shaded and attractive

Delivery Program

Principal Activity
2.1.1.3 Deliver effective land use planning to ensure community needs are met

Officer's Recommendation

1. That Council endorse the public exhibition of a draft amendment to the Campbelltown (Sustainable City) Development Control Plan 2015 (CSCDCP) which seeks to add Part 15 for Glenfield East, as shown in attachment 1 to this report.

Purpose

The purpose of this report is to seek Council's endorsement to proceed with the public exhibition of a draft amendment to the Campbelltown (Sustainable City) Development Control Plan 2015 (CSCDCP) which proposes the introduction of Part 15 entitled "Glenfield East". Part 15 will provide site specific development controls which guide future development in the Glenfield East precinct.

Executive Summary

- Council has commissioned the preparation of a draft site-specific development control plan (draft DCP) for the Glenfield East precinct. The draft DCP would be included in Volume 2 of the Campbelltown (Sustainable City) Development Control Plan (CSCDCP) as "Part 15 - Glenfield East".
- The subject precinct is mapped as an 'Urban Release Area' under Campbelltown Local Environmental Plan 2015 (CLEP 2015). Clause 6.3 of CLEP 2015 (Urban Release Areas)

prevents consent being granted for most development types unless a Development Control Plan (DCP) is in force that provides for the matters listed in this clause.

- The DCP is required to provide appropriate development controls which are consistent with the Glenfield Place Strategy (GPS) and associated Structure Plan.
- The draft DCP will provide development controls to guide the future development and facilitate the urban renewal of the Glenfield East Precinct.
- It is recommended that Council endorse the public exhibition of the draft DCP (Draft DCP) shown at attachment 1 to this report for Glenfield East which would be included in Volume 2 of the CSCDCP as "Part 15 - Glenfield East".

History

On 16 July 2021 the Department of Planning, Industry and Environment (DPIE), as it was then known, finalised the GPS and an extensive rezoning at Glenfield which included the Glenfield East Precinct as well as the Hurlstone Agricultural High School located on the western side of the railway line.

The Glenfield rezoning involved an amendment to the provisions in the CLEP 2015, including changes to land use zones, maximum building heights and floor space ratio controls. The amendment also included the addition of Part 8 to the CLEP 2015 which provided specific controls for Glenfield including requirements for affordable housing, maximum car parking rates and site coverage controls for land in the E4 Environmental Living zone.

These amendments were required to facilitate the NSW Government's vision highlighted in the DPIE's 'Glenfield to Macarthur Corridor Strategy' and 'Western City District Plan'. The purpose of the amendment to the CLEP 2015 was to enable a transformation of this precinct, including a significant increase in the density of development.

The main focus of the GPS was the future redevelopment of the precinct located on the western side of the railway line into a high density residential area with employment, business and commercial uses located on the ground floor areas of any mixed-use buildings. In addition significant increases to the precinct's existing open space areas and recreational facilities were proposed, accompanied by upgrades of the Hurlstone Agricultural High School. The GPS includes 5 'character areas' which describe how certain precincts all located on the western side of the railway will be developed, but this detail was not included for Glenfield East.

This restriction is confirmed on Page 20 of the GPS, which states that: -

"...further character areas may be developed for east Glenfield as detailed planning progresses as part of the Development Control Plan stage of the process"

Glenfield East is identified as an Urban Release Area subject to Clause 6.3 of the CLEP 2015. The provisions of Clause 6.3 prevent development consent from being granted for development, other than for some minor development, until a DCP has been prepared which guides future development. As a result, a DCP is required to be adopted for the Glenfield East area so that future development in this precinct can be assessed and if it satisfies the requirements of the CLEP 2015 and other legislation, is generally consistent with the DCP and passes the merit test, can be approved.

This report outlines the objectives and key features of the Draft DCP, in addition to addressing other planning matters which are considered relevant to this project.



Report

1. Structure of Draft Site-Specific DCP for Glenfield East

The Draft DCP contains the following parts: -

- **Strategic Context and Vision:** This Part provides a background to the strategic planning framework which outlines the contextual relationship between other relevant plans and policies described in the Draft DCP. As Glenfield East will significantly transform, it is important that the Draft DCP accurately articulates the overarching vision and desired future character anticipated in this precinct.
- **General Controls:** This Part comprises general controls that will apply to the entire precinct in terms of building heights, densities, parking, traffic movement, pedestrian/cycling network, landscape character and any applicable flood-affected land requirements.
- **Area-specific controls:** These controls specify each of the applicable following zone's 'character areas', which have been identified in the Draft DCP: -
 - A. Station East (B4 Mixed-use zone);
 - B. High Density Residential (R4 zone);
 - C. Medium Density Residential (R3 zone)

2. Consistency of the Draft Glenfield East DCP with the CLEP 2015

The Draft DCP demonstrates consistency with the relevant key considerations in CLEP 2015, as follows:

Part 6 – Urban Release Areas

As Glenfield East has been designated as an Urban Release Area, Clause 6.3 of the CLEP prevents development consent being granted for most development types until a DCP has been prepared, and subsequently adopted, which provides related to the matters listed in Clause 6.3.

The Table below outlines how the relevant requirements specified in Clause 6.3 have been addressed and included in the Draft DCP. It is worth noting that a majority of these provisions are usually intended for new greenfield Urban Release Areas as opposed to an in-fill situation like Glenfield East.

Compliance Table – Clause 6.2 (Public utility infrastructure) of the CLEP 2015	
CLEP 2015 Clause 6.3 Requirement	How addressed in this DCP
(a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,	The Glenfield East Precinct will be developed in one stage, but over time. The staging plan is shown in section 15.3.1 of the Draft DCP.
(b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,	The existing road hierarchy will remain in terms of jurisdiction and function. Some new laneway and pedestrian pathway connections are proposed by controls within this DCP. This is shown in section 15.3.3 of the draft DCP.
(c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,	The draft DCP contains controls encouraging the retention of existing vegetation and to ensure the landscaping of development sites and adjacent public domain in accordance with the Glenfield Public Domain Plan. This is contained in section 15.3.5.
(d) a network of active and passive recreation areas,	Existing active and passive recreation areas are identified on the staging plan in section 15.3.1 and the zoning plan in section 15.3.2.
(e) stormwater and water quality management controls	An existing stormwater system is in place within the Precinct. Upgrades to the stormwater system will be required to accommodate for the increased flows. Future development within this infill area will be required to comply with the Campbelltown City Council Engineering Design Guide for Development. This requirement is within the existing controls contained in the CSCDCP.
(f) amelioration of natural and environmental hazards, including bush	The Precinct is largely free from known natural and environmental hazards.

fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,	<p>However, the south-western portion of the Precinct is flood-affected as identified in the Bow Bowing Bunbury Curran Creek Strategic Floodplain Risk Management Study and Plan. Development applications on flood-affected land are subject to Clause 5.21 of CLEP 2015 and addressing flood information as detailed in controls in Section 15.3.6 of the DCP.</p> <p>Future development applications in the precinct will be required to address the provisions of State Environmental Planning Policy No. 55 – Remediation of Land having regard to potential site contamination.</p>
(g) detailed urban design controls for significant development sites,	Urban design controls are provided in section 15.4 to provide a high quality outcome.
(h) measures to encourage higher density living around transport, open space and service nodes	The zoning of the land provides the main incentive for high density living within close proximity to existing open space areas and the Glenfield Railway Station and bus transport linkages. The DCP reflects those initiatives in provisions that reflect the CLEP 2015 such as section 15.3.2.
(i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,	The B4 Mixed-use zone within the Precinct provides for a range of land uses. Clause 7.9 of CLEP 2015 requires the ground floor level of buildings in this zone to provide active uses only (business and retail uses). The provisions of section 15.4 of the draft DCP relating to Area A satisfy this requirement.
(j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.	<p>These are detailed in sections 15.3.3 (Transport movement hierarchy), 15.3.4 (parking) and 15.4.4 (Services, safety and amenity for Area A).</p> <p>Council's s7.11 Contributions Plan 2018 anticipates further growth under the Glenfield to Macarthur Corridor and is currently collecting funds for 2 community facilities in Glenfield, namely a new Branch Library and Multi-Purpose Community Centre.</p>

Clause 7.9 – Mixed Use Development in Zone B3 and B4: The Glenfield East Precinct contains land zoned B4 Mixed Use. The controls proposed in the Draft DCP reinforce the requirement in Clause 7.9 of the CLEP 2015 that the ground floor areas of any buildings in the B4 zone must have an active commercial street frontage, which also prevents any residential uses from being implemented at/on this level.

Clause 7.13 - Design Excellence: The Draft DCP controls encourage an appropriate degree of design excellence. The Draft DCP has been considered by Campbelltown Design Excellence Panel (CDEP) on 7 November 2022. The Draft DCP that is attached to this report has been revised and updated in response to comments received from the Panel.

Part 8 - Glenfield Precinct: Although these provisions stipulate the maximum on-site car parking rates for part of the Glenfield East Precinct (Areas Zoned R4 and B4), to minimise traffic generation in the locality, they do not provide for a minimum requirement for car parking rate. The draft DCP will fill this gap, by providing a minimum requirement for car parking rates, in accordance with the minimum car parking rates requirement under Volume 1 of the SCDCP. In the instance where the minimum car parking rate under the SCDCP is more than the maximum rate under the CLEP 2015, the minimum car parking rate will be taken to be equal to the maximum car parking rate required under the CLEP 2015. This will ensure that any future development within the Glenfield East Precinct will be provided with onsite car parking spaces.

Inconsistency between the 'Height of Buildings' (HOB) Map in the R3 Medium Density Zone:

Even though the HOB map that was gazetted in 2021 permitted significantly increased building heights in the Glenfield East precinct, there are inconsistencies between some of the mapped building heights within this area's R3 Medium Density zone and other provisions within CLEP. For instance, the HOB Map permits 11 m and 18 m building heights, in addition to respective floor space ratios (FSRs) of 1.3:1 and 1.6:1 within these R3 zoned areas.

The CLEP 2015, however, prohibits the development of 'residential flat buildings' in this zone while Clause 4.3A restricts other types of residential development proposed in this precinct to a maximum of no more than 2 storeys in height.

As the building heights and densities envisaged by the DPIE (during its rezoning of this precinct) cannot be realised by way of residential flat buildings, it is recommended that consideration be given to an amendment to the CLEP 2015 which permits 'residential flat buildings' to be developed in the R3 zones within the Glenfield East Precinct. This can be considered as part of the implementation of the Campbelltown Local Housing Strategy.

3. Relationship to Campbelltown (Sustainable City) (CSCDCP)

The CSCDCP is comprised of 2 parts with Volume 1 containing the general controls and associated requirements for 19 different types of land uses, while Volume 2 provides the site specific development controls for several precincts in the Campbelltown LGA. The Draft DCP for Glenfield East is a site specific DCP which will be adopted into Volume 2 as "Part 15 - Glenfield East".

The Draft DCP controls will only apply to proposed development within the Glenfield East Precinct and do not repeat any of the existing controls nominated in either Volume 1 or 2 of the CSCDCP, unless required to satisfy the requirements of Clause 6.3 of CLEP 2015. Where appropriate or relevant controls have not been specified within this site specific DCP, any future development proposed within the Glenfield East precinct will be required to also demonstrate alternative consistency with the existing provisions outlined in Volume 1, as listed in the following Parts below: -

- Part 2: Requirements Applying to All Types of Development
- Part 3: Low and Medium Density Residential Development

- Part 5: Residential Flat Buildings and Mixed-use Development
- Part 6: Commercial Development

4. Draft Site-Specific Controls

In addition to ensuring that the 'active street frontage' and 'maximum car parking rates' are consistent with those outlined in the CLEP 2015, the Draft DCP also contains the following controls that will apply to the new "Station-East" Mixed-use precinct: -

- **Setbacks:** Zero building setbacks will be required to form a continuous street wall up to 2 storeys high while any building levels above this height must be set back a minimum of 2 metres from the front boundary. This requirement is intended to provide a human scale along the streetscape while increased setbacks will apply to any proposed development adjacent to the precinct's R4 High Density Residential zone.
- **Awnings:** Will be provided over the footpath for the full width of the site.
- **Entrances to buildings:** Are required to be orientated toward the front of the site and incorporate suitably designed architectural features so they are clearly legible from the public domain.
- **Green rooves:** Will be encouraged for any larger buildings proposed in Glenfield East to ensure the provision of additional communal open space areas are eventually provided in this precinct.
- **New Service Laneways:** Will be provided with a minimum width of 9 metres and direct all vehicular access to the rear of buildings in order to avoid any driveway entries located at the primary street frontage. It is anticipated that these new thoroughfares will promote a high level of pedestrian amenity in addition to activating the precinct's commercial street frontages.
- **New pedestrian pathways:** Will be constructed to a minimum width of 3 metres wide and provide convenient access to certain locations throughout the wider Glenfield East precinct while also improving pedestrian and cycle connections in this area.

5. Other Planning Issues and Considerations

The preparation of the Draft DCP involved an extensive review of numerous background documents, constraint mapping and analysis of the existing Glenfield East precinct. These documents are listed at the end of the Draft DCP and include further background information associated with the GPS that was adopted in 2021.

a) Works in the Public Domain

The Draft Glenfield East DCP contains controls applicable to the development of privately-owned land but the intended outcomes for any works on public areas external to the site (including upgrades to streets, footpath paving and landscaping) will be outlined in a forthcoming 'Public Domain Plan' prepared by Council's Open Space team.

b) Infrastructure Upgrades

On page 37 of the GPS (p37) it states that: -

"Technical studies and inputs from State agencies and Council informed the infrastructure planning for the precinct...The planning investigations for Glenfield have identified various infrastructure items that are required to support growth. These items are described in the infrastructure schedule and indicatively shown in Appendix A (i.e., of the Strategy)."

Further, 'Appendix A' of this Strategy does not nominate any specific infrastructure required within Glenfield East and it is unclear from the suite of documents available what upgrades will be required in order to accommodate the significant increase in population within this precinct, or if meeting compliance with Clauses 6.1 (Arrangements for designated State public infrastructure) and 6.2 (Public utility infrastructure) of the CLEP 2015 will ultimately satisfy this need.

Clause 6.2 (Public utility infrastructure) of the CLEP requires Council to be satisfied that essential infrastructure is available, or can be provided, prior to granting development approval, however, it needs to be clarified whether a more strategic and coordinated approach is required before significant development is undertaken to construct any further key infrastructure in the Glenfield East precinct. Therefore it is proposed that consultation with the relevant government agencies and utility providers occur during the formal public exhibition of the Draft DCP to reduce the risk to individual developments at the development application stage.

c) Campbelltown Local Contributions Plan 2018

On page 38 of the GPS it states that: -

"Funding infrastructure in Glenfield: Contributions will be collected by the NSW Government and by Campbelltown City Council. Collection can be achieved in several ways, such as local through Council's local infrastructure contributions plan and Voluntary Planning Agreements (VPA's).

Local infrastructure contributions are usually levied by Council as a condition of development consent under Council's contribution plan and go towards the cost of providing local public infrastructure and facilities required to support the development."

The Campbelltown Local Contributions Plan 2018 still anticipates Glenfield to grow in accordance with the timelines specified in the Glenfield to Macarthur Corridor Study, however, it pre-dates the 2021 rezoning of the East Glenfield precinct and the previous studies used to inform it.

Council staff will undertake a review of the current Section 7.11 contributions scheme having regard to the final Glenfield Place Strategy and draft Glenfield East DCP including the prospect of Council entering into a VPA with the developer as a suitable mechanism to deliver the new laneways.

d) Employment Zones Reform

At the time of writing this report the Mixed Use Zone is currently known as B4 Mixed Use under the CLEP 2015. The DPIE are progressing through an employment zones reform process that will see the B4 Mixed Use zone change to an MU1 mixed use zone. To reduce the risk of

confusion it is proposed to publicly exhibit the draft DCP with reference to the B4 mixed use zone. The anticipated date for the change to the MU1 Mixed Use Zone is April, 2023. Therefore it is intended to change all references from B4 to MU1 after the exhibition period but prior to Council adoption of the Draft DCP.

6. Design Excellence Panel

In accordance with Clause 15 of Environmental Planning and Assessment Regulation 2021, Council must not approve a DCP containing provisions which apply to residential apartment development unless it has taken into consideration any comments made by the Design Excellence Panel (DEP), concerning those provisions, in addition to Parts 1 and 2 of the Apartment Design Guide.

In response to this requirement, the Draft DCP was considered by Council's DEP on 7 November 2022 with a majority of their recommendations being included in the draft DCP at attachment 1. The comments of the DEP, for example in regards to the urban plaza, are also of assistance with the finalisation of the public domain plan.

Attachment 2 to this report contains a 'Table' which includes all the comments made by the DEP and how they have subsequently been addressed.

7. Public Participation

The draft site specific DCP for Glenfield East is being reported to Council to seek endorsement for public exhibition. This public exhibition will include consultation with government agencies and public utility providers. The public exhibition will be for a period of at least 28 days in accordance with the requirements of Council's Community Participation Plan.

Conclusion

A draft amendment to the Campbelltown (Sustainable City) Development Control Plan 2015 has been prepared for the Glenfield East precinct. This amendment is in the form of a draft site specific DCP which is proposed to be adopted into Volume 2 of the Campbelltown (Sustainable City) Development Control Plan 2015 and entitled "Part 15 - Glenfield East". Part 15 will provide site specific development controls which guide future development within the Glenfield East precinct in accordance with the overarching GPS and associated Structure Plan.

The Draft DCP has been prepared to align with Campbelltown Local Environmental Plan 2015. Glenfield East is mapped as an 'Urban Release Area' in the Campbelltown Local Environmental Plan 2015 so preparation of a DCP is required before development which reflects a majority of the relevant provisions specified in Clause 6.3 (Urban Release Areas), particularly for any 'infill' work proposed in this precinct.

It is now recommended that Council endorse the public exhibition of the draft site-specific DCP for Glenfield East (Rev. E) which will be adopted into Volume 2 of the Campbelltown (Sustainable City) Development Control Plan 2015 and identified as "Part 15 - Glenfield East".

Attachments

8.1.1 Draft Glenfield East DCP (contained within this report) [!\[\]\(7d1d6890825e83a6a4a51febe2dcc7f3_img.jpg\)](#)

- 8.1.2 Consultants (Stantec Pty Ltd) response to the Design Excellence Panel (DEP) minutes (7.11.2022) - Draft Glenfield (contained within this report) [↓](#)

Campbelltown (Sustainable City) Development Control Plan 2015



VOLUME 2

Site Specific DCPs

Part 15: Glenfeld East

Creating Campbelltown's Future 2025



DRAFT Campbelltown (Sustainable City)
Development Control Plan 2015

VOLUME 2

Site Specific DCPs

Part 15: Glenfield East

Document Control



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Document History

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Rev A	10/08/2022	Draft Issue for client review	Charlotte Startari, Nadine Page	Elaine Treglown
Rev B	07/09/2022	Draft Issue for client review	Nadine Page	Nadine Page
Rev C	26/10/2022	Draft Issue for client review	Nadine Page	Elaine Treglown
Rev D	28/10/2022	Final Draft – pre-exhibition	Nadine Page	Elaine Treglown
Rev E	12/01/2023	Final Draft 2 – pre-exhibition	Nadine Page	Elaine Treglown
REV F	03/02/2023	Final Draft - Council Meeting	Rana Haddad	Campbelltown City Council

Table of Contents	2
15.1.1 Glenfield Precinct	2
<i>15.1.2 Land to which this part applies</i>	<i>2</i>
<i>15.1.3 Background and purpose of this part</i>	<i>3</i>
<i>15.1.4 Background: A New Vision, Place Strategy and Structure Plan for Glenfield</i>	<i>3</i>
<i>15.1.5 Relationship to Campbelltown (Sustainable City) DCP</i>	<i>5</i>
15.2.1 Existing Character: Glenfield East	8
<i>15.2.2 Glenfield East: Vision Desired Future Character and Development Principles</i>	<i>10</i>
15.3.1 Staging Plan	13
<i>15.3.2 Provisions of Height and Density - CLEP 2015</i>	<i>13</i>
<i>15.3.3 Movement Network</i>	<i>15</i>
<i>15.3.4 Car Parking - Glenfield East</i>	<i>18</i>
<i>15.3.5 Landscape Strategy and Character</i>	<i>20</i>
<i>15.3.6 Flood-Affected Land</i>	<i>21</i>
15.4 Area A - Station East (B4 Mixed Use Zone)	22
15.5 Area B - High Density Residential Character Area (R4 Zone)	31
15.6 Area C - Medium Density Residential Character Area (R3 Zone)	34
15.7 References List	36

15.1

Application

15.1.1 Glenfield Precinct

This Part applies to the Glenfield East Precinct. The Glenfield East Precinct mainly consists of low -density residential communities and includes a local shopping centre, two schools and several active recreation areas.

The entire Glenfield Precinct comprises the existing land areas located on both sides of the railway line. Hurlstone Agricultural High, Glenfield Park, Ajuga and Campbell House Schools are the primary land uses in the west of the Precinct while the intersection of the Hume Highway and Campbelltown Road delineates the Precinct's western boundary with Glenfield Road being the northern boundary.

15.1.2 Land to which this part applies

The land where this Part of Volume 2 Site Specific Development Control Plans of the Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP) applies is shown in Figure 15.1.2.1 below. This site is a triangular-shaped Precinct located within Eastern Glenfield ("Glenfield East Precinct"). This precinct is bounded by the railway line to the west, Canterbury Road to the east, and Fawcett Street to the south.

The Glenfield East Precinct is mapped as an 'Urban Release Area' within the Campbelltown Local Environment Plan 2015 (CLEP 2015) and has been identified for future urban redevelopment and intensification. This is largely due to the precinct's proximity and accessibility to the Glenfield Railway station and amenities.



Figure 15.1.2.1 - Land to which this site specific DCP Applies - Glenfield East Precinct

15.1.3 Background and purpose of this part

This Part has been prepared in accordance with Part 6 ‘Urban release areas’; Clause 6.3 (Development Control Plan) and Clause 8.3 (Car parking in ‘Area A’ of the CLEP 2015. The purpose of this Part is to provide a set of development controls and requirements which:

- Ensures that future development in the Glenfield East Precinct aligns with the ‘Glenfield Place Strategy’ and ‘Glenfield Structure Plan’ as prepared by the Department of Planning, Industry and Environment.
- Facilitates the redevelopment of this Precinct in line with the maximum building height and floor space controls, nominated in Clauses 4.3 (Height of Buildings) and 4.4 (Floor space ratio) of the CLEP 2015.
- Facilitates future development that include provisions of appropriate infrastructure including improvements to pedestrian connectivity throughout the Precinct; and
- Delivers best practice design through a Design Excellence provision which will apply to a majority of development applications proposed in this precinct.

15.1.4 Background: A New Vision, Place Strategy and Structure Plan for Glenfield

On 16 July 2021 the Department of Planning, Industry and Environment (DPIE) finalised a wider rezoning of Glenfield, which included the Glenfield East Precinct in addition to extensive land holdings located on the western side of the railway line and Hurlstone Agricultural High School.

The rezoning involved amendments to a number of key provisions in the CLEP 2015, including land use zones, maximum building heights and floor space ratio controls, which also facilitated bringing the vision highlighted in the ‘Glenfield to Macarthur Corridor Strategy’ and ‘Western City District Plan’ to fruition.

As part of the planning documentation for the Glenfield East Precinct, the ‘Glenfield Place Strategy’ (GPS) was also finalised in July 2021 and included a Structure Plan which is shown in Figure 15.1.4.1 of this Part. The GPS aims to achieve better urban design outcomes and deliver sufficient infrastructure to support the intensification of future development proposed within this Precinct. It is envisaged that the redevelopment of Glenfield as per the GPS will facilitate the provision of approximately 7,000 additional homes, 2,900 new jobs, increased open space/recreational facilities and an extensive upgrade to Hurlstone Agricultural High School.

15.1

Application

15.1

Application

The GPS outlines the following broad **Vision** for Glenfield:

In 2040, the suburb of Glenfield will be South West Sydney’s premier local sporting and education destination. Glenfield will be a connected, inclusive community, where people come together to enjoy parks and playing fields, green cover and abundant open space. Its educational heritage will be protected and enhanced, with existing schools retained, Hurlstone Agricultural High School upgraded, and a potential future primary school built. Revitalised retail and commercial areas will make Glenfield a self-contained new centre that offers jobs closer to home. A variety of housing will meet the community’s changing needs, whether people are downsizing or starting a family. (Adapted from Glenfield Place Strategy (p13).

The red boundary shows the Glenfield East Precinct to which this part applies



Figure 15.1.4.1 - Glenfield Structure Plan (Source: DPIE & Group GSA, 2020)

The main focus of the GPS is the future redevelopment of land located on the western side of the railway line which includes the five designated character areas nominated in this Strategy. The GPS also states that *“further character areas may be developed for east Glenfield as detailed planning progresses as part of the Development Control Plan stage of the process” (p20).*

This site specific DCP is only applicable to the Glenfield East Precinct, and also:

- accords with the new CLEP 2015 provisions and overarching Structure Plan;
- outlines a future ‘Vision’ for this precinct; and
- identifies new Character Areas within the precinct.

15.1 Application

15.1.5 Relationship to Campbelltown (Sustainable City) DCP

The design requirements contained within this part are to be read in conjunction with the relevant provisions contained in Volume 1 of the SCDCP. When development controls/requirements are not specified in this Part, development should be consistent with all other relevant controls/provisions provided in Volume 1 of the SCDCP.

The Parts of Volume 1 of the SCDCP listed below are relevant to Glenfield East as this precinct also includes areas zoned for Business (B4) and Residential (R3 and R4) purposes:

Part 2: Requirements Applying to All Types of Development
 Part 3: Low and Medium Density Residential Development
 Part 5: Residential Flat Buildings and Mixed-use Development
 Part 6: Commercial Development

Where this Part does not include specific development controls for a certain type of development (example child care centres), the development controls nominated in Volume 1 shall be used to assess the development applications received by Council for that type of land use.

Where there is an inconsistency between this Part and Volume 1 of the SCDCP, the provisions under this Part shall prevail to the extent of the inconsistency.

Development Applications (and accompanying Statement of Environmental Effects) shall address the relevant controls within both Volume 1 of the SCDCP and this Part.

The arrangement of controls in this section does not represent any particular order of priority or importance. Some of the maps and diagrams in this Part are indicative only.

Glenfield East has been identified as an “Urban Release Area”, in the CLEP 2015 and clause 6.3 of the CLEP 2015 requires a DCP to be prepared for the land that includes certain provisions and controls. This DCP satisfies the requirements of Clause 6.3 as detailed in Table 15.1.

15.1

Application

Table 15.1 - Clause 6.3 CLEP 2015 Considerations (DCP's in Urban Release Areas) - Glenfield Structure Plan

CLEP 2015 Clause 6.3 Requirement	How addressed in this DCP
<i>(a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,</i>	<p>A Staging Plan has been included under Section 15.3.1 of this DCP.</p> <p>The Glenfield East Precinct is an existing serviced urban area. There are provisions in CLEP 2015 (Clause 6.2 Public utility infrastructure) that require Council to be satisfied that essential infrastructure is available or can be provided - prior to granting approval.</p>
<i>(b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,</i>	<p>The existing road hierarchy will remain in terms of jurisdiction and function. Some new laneway and pedestrian pathway connections are proposed by controls within this DCP.</p>
<i>(c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,</i>	<p>This DCP contains controls encouraging the retention of existing vegetation and landscaping within all the development sites located in this Precinct. Once adopted, the Glenfield Public Domain Plan will detail the landscaping requirements proposed in the public domain.</p>
<i>(d) a network of active and passive recreation areas,</i>	<p>The existing active and passive recreation areas are considered to be sufficient for the existing and future residents of this Precinct and are shown in Figure 15.3.1.1</p>
<i>(e) stormwater and water quality management controls</i>	<p>An adequate stormwater system exists within this Precinct and any future development in Glenfield East will be required to demonstrate compliance with the Campbelltown City Council Engineering Design Guide for Development.</p>

15.1

Application

<i>(f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,</i>	<p>A large majority of the Precinct is free from known natural and environmental hazards.</p> <p>The south-western portion of the Precinct, however, is flood-affected as identified in the <i>Bow Bowing Bunbury Curran Creek Strategic Floodplain Risk Management Study and Plan</i>. Development applications on flood-affected land are subject to Clause 5.21 of the CLEP 2015, as well as addressing flood information/controls nominated in this Part.</p>
<i>(g) detailed urban design controls for significant development sites,</i>	No significant development sites were identified in this precinct, however, appropriate urban design controls have been included for all the B4 Mixed-use zoned land.
<i>(h) measures to encourage higher density living around transport, open space and service nodes</i>	The zoning of the land provides for high density living located within close proximity to existing open space areas, the Glenfield Railway Station and bus transport linkages. This Part reflects the zoning arrangement.
<i>(i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,</i>	The B4 Mixed-use zone within the Precinct provides for a range of land uses while Clause 7.9 of CLEP 2015 requires the ground floor level of any buildings proposed in this zone to be solely utilised for business and retail uses only. The provisions of Section 15.4 of this Part are consistent with this requirement.
<i>(j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.</i>	These controls are detailed in Sections 15.3.3 (Transport Movement Hierarchy); 15.3.4 (Parking) and 15.4.4 (Services, Safety and Amenity for Area A).

15.2

Strategic Context and Vision

15.2.1 Existing Character: Glenfield East

The Glenfield East Precinct is a predominantly low-density residential community which mainly comprises one to two storey detached dwellings of varying age and quality. Some larger blocks contain existing multi-dwelling housing developments that were constructed in the 1970s and 1980s which have also been strata-subdivided. The ownership pattern of land is fragmented while the residential street pattern is typified by angled perimeter/collector roads with east-west connections, and includes several interior cul-de-sacs. This pattern results in many properties having splayed boundaries and irregular block shapes.

A small neighbourhood centre located opposite Glenfield Railway Station comprises several convenience shops and a commercial premises which currently services the local community. These premises are typically one and two storey aging structures which all share a collective frontage to Railway Parade; and the corners of Hosking Crescent and Trafalgar Street. Magee Lane allows rear access to some of these premises with a nearby existing Council owned car park which also provides suitable vehicular access to/from Railway Parade.

Glenfield Public School is located to the north of the shopping centre and is accessed from both Railway Parade and Waterloo Place.

The Glenfield East Precinct has two large open space areas and includes Seddon Park which comprises several active recreation fields located on the south-western edge of the Precinct, in close proximity to the railway station. Nearby Glenfield Park is also proposed to provide additional passive open recreational space which incorporates stands of mature trees and a children's playground.

The precinct contains some scattered vegetation consisting of isolated/remnant mature trees which are interspersed throughout the neighbourhood. Street tree planting also appears limited with overhead electricity poles and wires currently constraining growth to the existing vegetation while there are very few opportunities for further planting within the road reserve.



Figure 15.2.1.1 - Looking west along Hosking Crescent, showing existing commercial properties and Council car park fronting Railway Parade (at far left). Taken from Glenfield Railway Station overpass.

15.2

Strategic Context and Vision



Figure 15.2.1.2 - Existing commercial premises fronting Railway Parade.



Figure 15.2.1.3 - Glenfield East Precinct: Examples of typical existing low density residential street character and existing housing.



Figure 15.2.1.4 - Children's Playground, Glenfield Park.

Important Note:

Council is in the process of preparing a Glenfield East Public Domain Strategy for the Glenfield East Precinct (GE PDS). The GE PDS will provide detailed information in relation to tree plantings, street furniture, pavements and the like.

The GE PDS will be placed on public exhibition prior to it being formally adopted by Council.

Any reference to the a public domain strategy in this Part, is a reference to this the GE PDS . Any requirements related to the GE PDS will have effect, only upon the adoption of the GE PDS by Council.

15.2

Strategic Context
and Vision

15.2.2 Glenfield East: Vision Desired Future Character and
Development Principles

Vision

The acquired Vision for Glenfield East is that it transforms into a specialised higher density precinct which has the potential to accommodate much higher ‘mixed-use’ built forms, in close proximity to the Glenfield Railway station.

The population of the Glenfield East Precinct is anticipated to grow and be accommodated in a variety of housing types such as multi-storey apartments, medium density housing and lower density detached dwellings with increased affordable housing options.

This precinct is also proposed to contain a high quality public domain and vibrant commercial district with retail premises, schools and open spaces all located within close walking distance to the railway station. Pedestrian and bicycle linkages to the new Glenfield west employment precincts and amenities will provide excellent alternative access to rail transport, including facilitating vital connections to other major centres and the Airport.

Desired Future Character Areas

Figure 15.2.2.1 illustrates the three Desired Future Character Areas within Glenfield East Precinct. Character Statements and Controls for each are provided later in this Part In summary the character areas reflect the land use zoning for the land and comprise:

- Area A - Station East - will experience the most transformation with mixed-use buildings up to 12 storeys with active street frontages adjacent to the Railway Station.
- Area B - High Density Residential - will contain high quality residential apartment buildings up to 8 storeys with a high level of amenity and accessibility to services and transport.
- Area C - Medium Density Residential will provide a range of housing choice and types at a lower scale with convenient connections to amenities within the suburb.

15.2
Strategic Context
and Vision

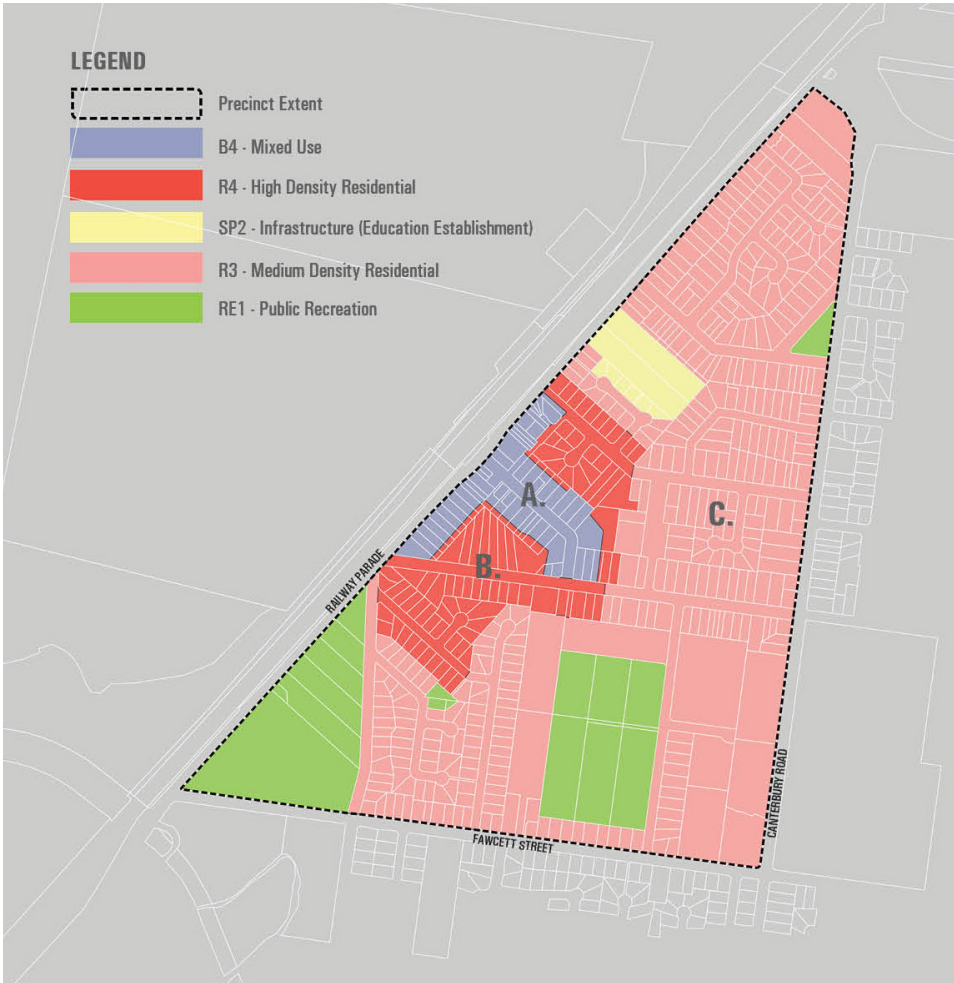


Figure 15.2.2.1 - Desired Future Character Areas

15.2

Strategic Context and Vision

Principles	Guiding Principle
A well designed place	Streets will be designed to incorporate a human scale with buildings being setback to encourage alfresco dining in key locations and to minimise any potential overshadowing and privacy impacts. Building heights will be reduced along the interfaces with schools with pedestrians being prioritised by discouraging all private vehicles from entering the main street and redirected to the laneways adjoining these school sites.
A green place	Streets will be lined with trees with quality open space areas that are located within 400m walking distance of all residents.
Deliver affordable and diverse housing	New homes will include a mix of dwelling types and sizes which provide a greater choice for future residents located within walking distance to public transport and community facilities. Density will be highest near the station and gradually transition down as the distance increases away from this area.
Two vibrant and connected centres	To the west of Glenfield Station, a mixed-use, vibrant commercial core and residential precinct will create new homes, jobs, schools and open space, with a proposed high street that facilitates better access to public space and transport. There will be pedestrian and cycling connections with view corridors being implemented between the two centres which are intended to further increase the sense of connectivity around the Glenfield East Precinct.
Create opportunities for new jobs	Mixed-use development around the station will support health and community services in addition to activating the main commercial street. A lively employment hub around Glenfield station will be easy to access and provide greater potential to create passing trade for local businesses.
An accessible place	Glenfield East is an important meeting place which is accessible by two-train lines that provides direct links to other major centres and airports. It is also anticipated that higher density development within this precinct will deliver more people in closer proximity to amenities by locating these structures within walking distance to services and other important infrastructure such as open-space and high-frequency public transport.

Table 15.2 - Guiding Urban Design Principles (Adapted from Glenfield Place Strategy, DPIE p14)

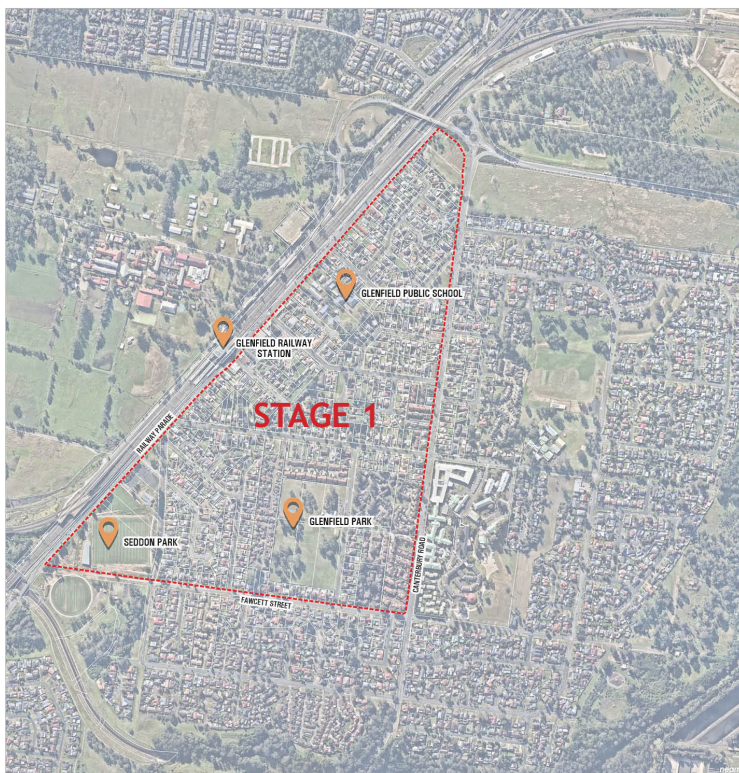
15.3.1 Staging Plan

15.3

General Controls

Controls

1. The development of this precinct will occur in one stage.



15.3.2 Provisions of Height and Density - CLEP 2015

Objective:

- Provide an urban form that reflects the future context and character envisaged for Glenfield East by providing a transition in space and typologies which focuses on higher built densities with mixed-use in close proximity to the railway station, before scaling down toward the lower scale residential Precincts located further away from the railway station.

Controls

1. Any development proposed in the Glenfield East Precinct shall reflect compliance with Clauses 4.3 (Building Height) and 4.4 (Floor space ratio) of the Campbelltown Local Environmental Plan (CLEP) 2015 for each zone, as indicated in the following Table (15.3) and Figure 15.3.1.1.
2. Where development is located within or adjacent to a site containing a change in zone and/or building height/FSR, an increased building setback and/or stepping down between the two height controls is required. Refer to relevant Precinct(s) for numerical controls.

15.3

General Controls

CLEP 2015 Land Use Zones	Maximum Building Height	Maximum Floor Space Ratio
Clause 2.3 - CLEP 2015	Clause 4.3 - CLEP 2015	Clause 4.4 - CLEP 2015
B4 Mixed-use	43m, 33m and 9m	4:1 and 2.56:1
R4 High Density Residential	33m and 9m	2.56:1
R3 Medium Density Residential*	18m and 11m	1.3:1 and 1.6:1

Table 15.3 - Zoning and Key Development Controls in Glenfield East

***Important Note:**

The R3 Medium Density Zone in the CLEP 2015 prohibits residential flat buildings (RFBs).



Figure 15.3.1.1 - Zoning, Building Height and Floor Space Ratio - CLEP 2015

15.3.3 Movement Network

15.3
General
Controls

Objectives:

- To reinforce the railway and existing road network, in addition to improving the existing infrastructure and enhancing connectivity for future residents of Glenfield East
- To provide for an efficient, connected and attractive street/footpath network which improves vehicular, pedestrian and cycling access through this Precinct.
- To reduce reliance on private vehicles and encourage people to use alternative transport modes such as walking, cycling and public transport.

Controls

1. New development shall provide proposed service laneways and pedestrian pathway connections as indicated in the Glenfield Structure Plan in Figure 15.3.2.1 and in Figure 15.4.3.1 of this Part

2. Existing Magee Lane and new service laneways shall be maintained for the provision of vehicular access to new buildings in the Station East Precinct and adjacent High Density Residential Precinct. Each laneway is to be a minimum of 9 metres wide.

3. Laneways shall be inviting and will provide convenient and safe pedestrian linkages as well as vehicular access to mixed use and multi-storey residential development.

4. Any floor level higher than two storeys of a mixed use building that is proposed adjacent to a residential area shall be set back as per the configuration in Figure 15.3.2.2 - typical section between the B4 Mixed-Use and R4 Medium Density Zones.

5. New pedestrian pathways shall have a minimum of 3 metres width and shall be landscaped and finished in material
- specified in Council’s Glenfield East Public Domain Plan.

6. The technical design of all streets and pathways shall be in compliance with the Campbelltown City Council’s ‘Engineering Design Guide for Development’ and the Public Domain Plan.

15.3

General Controls

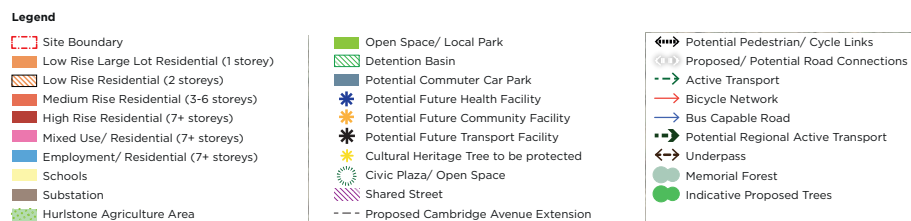
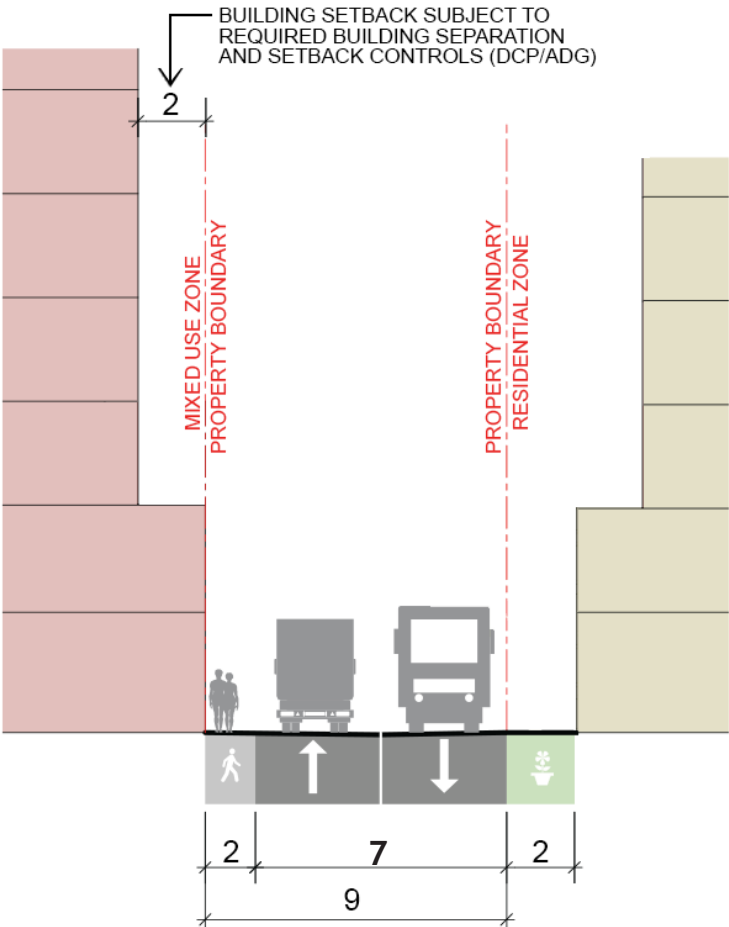


Figure 15.3.2.1 - Excerpt from the Glenfield Structure Plan showing proposed laneway and pathway connections



15.3

General Controls

Figure 15.3.2.2 - Typical Laneway Section - B4 Mixed-use Zone to R4 Medium Density Residential Zone

15.3

General Controls

15.3.4 Car Parking - Glenfield East Precinct

Objective:

- Ensure appropriate off-street car parking facilities are available within Glenfield East Precinct to assist in reducing the amount of traffic congestion and promoting sustainable travel within this Precinct.

Controls

15.3.3.1 On-site Parking Rates

1. The minimum car parking rates shall be in accordance with the relevant sections of Campbelltown Sustainable City DCP Volume 1.
2. Where the minimum car parking rates under Campbelltown Sustainable City DCP Volume 1 equal or exceed the maximum car parking rates required under Clause 8.3 of the CLEP 2015, the CLEP’s 2015 rate shall be taken as the minimum required car parking rate.
3. Development within the B4 and R4 Zones shall provide on-site parking within a basement and/or integrated within the site and associated building design.

Note:

Refer to Clause 8.3 (Carparking in Area A) in CLEP 2015 which provides the maximum carparking rates within Area A of the Glenfield East Precinct.

Area A includes land zoned R4 and B4 within the Glenfield East Precinct.

15.3

General Controls

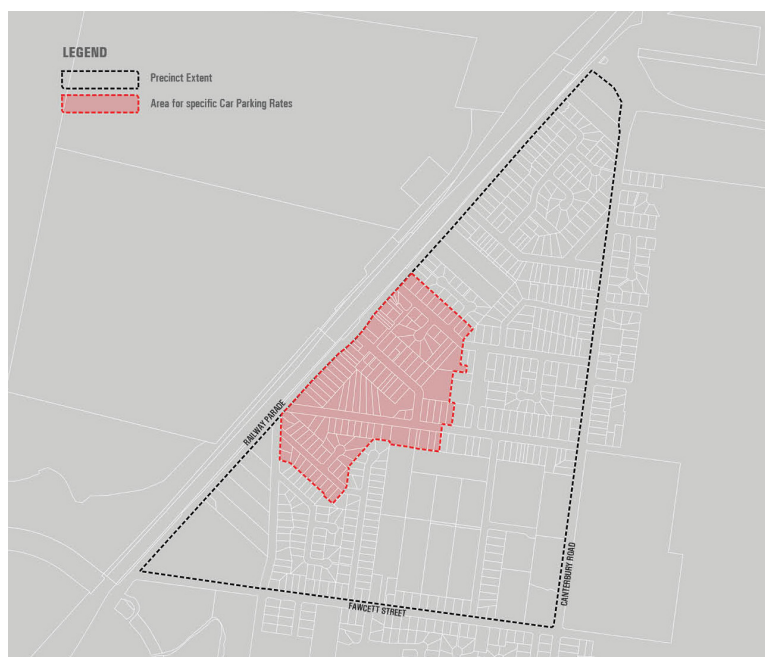


Figure 15.3.3.1 - Area for specific Car Parking Rates - CLEP2015

Column 1 Proposed Use	Column 2 Maximum number of parking spaces
Centre-based child care facility	1 parking space for every 10 child care places plus 1 parking space for every 2 members of staff
Commercial premises other than retail premises	1 parking space for every 25 square metres of gross floor area
Recreation facility (indoor)	3 parking spaces for every 100 square metres of gross floor area
Residential flat building	<ul style="list-style-type: none"> 1 parking space for a studio apartment; 1 parking space for a 1 bedroom apartment; 1 parking space for a 2 bedroom apartment; 2 parking spaces for an apartment with 3 or more bedrooms; 1 visitor parking space for every 5 apartments
Retail premises with a gross floor area of up to 10,000 square metres	6.1 parking spaces for every 100 square metres of gross floor area
Retail premises with a gross floor area of more than 10,000 square metres but not more than 20,000 square metre	5.6 parking spaces for every 100 square metres of gross floor area
Retail premises with a gross floor area of more than 20,000 square metres but not more than 30,000 square metre	4.3 parking spaces for every 100 square metres of gross floor area
Retail premises with a gross floor area of more than 30,000 square metres	4.1 parking spaces for every 100 square metres of gross floor area

Table 15.4 - Maximum Car Parking rates: Clause 8.3 of the CLEP 2015

15.3

General Controls

15.3.5 Landscape Strategy and Character

Objectives:

- Retain and enhance the leafy character of the Glenfield East Precinct by retaining existing vegetation which is considered significant to the local area.
- Add value and quality of life for future residents and occupants proposing to live in the Precinct's high and medium density areas
- Enhance residential amenity including privacy, outlook, views and recreational opportunities.
- Provide improved environmental outcomes which improve air and stormwater quality through reduced runoff and the implementation of suitable biodiversity principles.
- Improve the streetscape within the Precinct.

Controls

1. Remnant native vegetation shall be retained, managed and incorporated into the landscape design, wherever practicable, including any significant trees that exist on-site.
2. Works on public land is to be in accordance with the Glenfield East Public Domain Plan, which includes new street trees, footpath upgrades and improvements to existing open space areas.
3. A landscaping plan showing proposed landscaping on site and in any adjacent public domain shall be submitted with any development application



Figure 15.3.4.1 - Existing vegetation retained and incorporated into Landscape design (source: DPE ADG, 2015)



Figure 15.3.4.2 - Enhancing open spaces through existing established vegetation (source: DPIE, 2021)

15.3.6 Flood-Affected Land

15.3

General Controls

Objectives:

- To ensure that developments on flood-affected land are sited and designed so that they only have a minimal risk from flooding, have reliable vehical access and do not result in unreasonable impacts upon the amenity or ecology of this precinct.
- To minimise the risk to life and property during any flooding event.

Controls

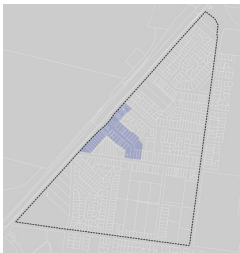
1. Development applications proposed on flood liable land shall include a flood study prepared by a suitably qualified and experienced person which satisfactorily addresses all of Council's flood requirements.
2. Basements shall be designed so that they are protected from the 100-year ARI flood inundation level (or greater).
3. To mitigate visual impacts from raised basement walls and/or podiums, the facades of the buildings shall be designed using various design techniques. This may include well-proportioned ground level articulation, the use of mixed finishes and materials, as well as terracing and/or dense landscaping

Note:

The *Bow Bowing Bunbury Curran Creek Strategic Floodplain Risk Management Study and Plan (Molino Stewart, March 2019)*, indicates some land in the south-western corner of the Glenfield East Precinct is flood affected.

15.4

Station East (B4 Mixed Use Zone)



15.4 Area A - Station East (B4 Mixed Use Zone)

15.4.1 Desired Future Character Statement - Area A

‘Area A’ will experience the most transformation within Glenfield East, where building heights up to 12 storeys can be supported in the Precinct’s B4 Mixed-Use zoned area. Quality urban design outcomes with active street frontages in this precinct are envisaged. Upper levels of buildings will be set back to create a more human scale feeling at the street level.

Railway Parade and Hoskings Crescent will be pedestrian friendly and form the heart of the Precinct while future ground floor retail and commercial uses will activate this area with residential uses located above.

Alfresco dining on footpaths with street-tree planting also needs to be delivered which will facilitate forming the acquired character in ‘Area A’. The proposed public domain will provide an attractive and pedestrian friendly main street with the other nearby roadways also serving as invaluable connections to the railway from different areas within the Precinct. Vehicle and service access via new rear laneways have also been provided which facilitates safe ingress and egress to/from these properties.



Figure 15.4.1.1 - Example of desired character of Area A Station East (B4 Mixed Use Zone) (source: DPIE & Group GSA, 2020)

15.4.2 Site Requirements - Area A

Objectives:

- To encourage the amalgamation of lots.
- To provide sites with dimensions and an area that can accommodate a high rise building
- To prevent the formation of isolated lots.

Controls

15.4.2.1 Minimum Site Width and Depth

1. Mixed-use buildings shall only be permitted on allotments which have the following dimensions:
 - b. a minimum width of 30 metres, measured at the front property boundary.
 - c. a minimum depth of 40 metres, measured along the side property boundaries.
2. Sites shall be amalgamated to achieve the required site width and depth requirements.
3. Mixed-use developments are not permitted on battleaxe lots.

15.4.2.2 Minimum Site Area

1. Mixed-use buildings shall only be permitted on sites which have a minimum area of 1,200sqm. Existing sites which do not meet the minimum area requirement shall be amalgamated to achieve the required area.

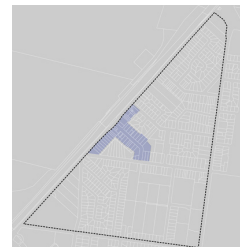
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15.4.2.3 Isolated Lot

1. Mixed-use development shall not result in the creation of an isolated allotment. For the purpose of this clause, an 'isolated allotment' is a lot (including a battleaxe lot) that has a site area of less than 1,200sqm and/or a width at the front boundary of less than 30 metres, that has no immediate potential for amalgamation with any other adjoining lots to achieve the required site area and frontage dimension. Amalgamation of allotments will be required in the circumstance where an isolated allotment would otherwise be created.
2. Council shall only permit development which results in the creation of an isolated allotment, where it is demonstrated that:
 - a. Written negotiations to purchase the isolated allotment have been entered into but have been unsuccessful; and
 - b. The isolated allotment is capable of accommodating a similar mixed-use development.

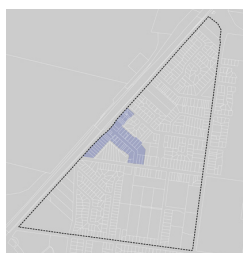
15.4

Station East (B4 Mixed Use Zone)



15.4

Station East (B4 Mixed Use Zone)



15.4.3 Built Form -Area A

Objectives:

- To mitigate the visual effects of tall buildings on the street.
- To delineate the commercial aspect of a building from the residential by encouraging further front setbacks.
- To ensure that Glenfield East is a vibrant and attractive commercial centre.
- To encourage the activation of the streetscape by providing only retail/commercial uses at the ground floor level.
- To ensure all building facades are well articulated and appropriately designed to activate the streetscape.
- To coordinate building massing along streets and across blocks.
- To provide appropriate transition and minimise amenity impacts to adjacent residential development.
- To integrate appropriate services within the design of the building.
- To reduce/manage the occurrence of wind tunnels as a result of high rise development.

15.4.3.1 Built Form and Setbacks

1. To achieve the desired built form and character envisioned for Glenfield East, any development proposed within this Precinct shall adhere to the Built Form and Setbacks Plan contained in Figure 15.4.3.1.

15.4.3.2 Active Street Frontages

1. Buildings located on active street frontages, as nominated on the Built Form and Setbacks plan in Figure 15.4.3.1 of this DCP, shall only provide commercial/business uses on the ground level facing the street.
2. Development at the ground floor level

shall incorporate a finished floor level no greater than 500mm above the adjacent footpath level where appropriate.

3. Where possible, other commercial uses which do not attract a high level of pedestrian movement shall be located on the building's first floor level or above.
4. The first floor of any proposed mixed-use buildings located on Railway Parade and Hosking Crescent shall be designed with a minimum floor to ceiling height of 3.3 metres to allow for future adaptation for commercial uses.

Note:

All residential flat buildings and mixed-use development containing 3 or more storeys and 4 or more dwellings shall satisfy the standards of State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (NSW Department of Planning and Environment, July 2015). SEPP 65 and the ADG shall prevail in the event of any inconsistency with this DCP.



15.4

Station East (B4 Mixed Use Zone)

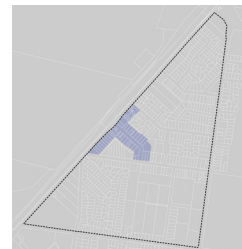


Figure 15.4.3.1 Built Form and Setbacks - Area A: Station East



Figure 15.4.3.2 - Example of mixed use development with active street frontages (source: DPE ADG, 2015)

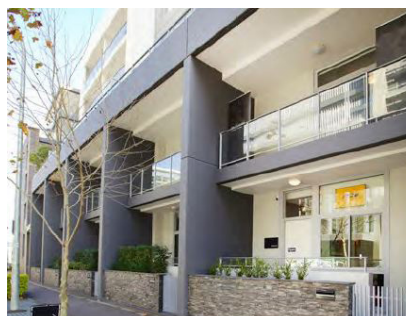
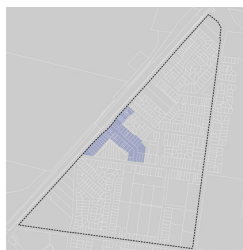


Figure 15.4.3.3 - Commercial offices at ground floor of a mixed use building (source: DPE ADG, 2015)

15.4

Station East (B4 Mixed Use Zone)



15.4.3.3 Setbacks

1. Front, side and rear setbacks from streets and laneways shall be in accordance with the Built Form and Setbacks Plan at Figure 15.4.3.1 of this DCP.
2. A continuous street line/zero side setback is required for mixed-use development. A two storey street wall height is applicable where indicated in Figure 15.4.3.1 and as illustrated at Figure 15.4.3.5.
3. The side and rear building setback for any mixed-use development which adjoins land zoned R4 High Density Residential shall be:
 - a. For buildings up to 4 storeys: 3m for a blank wall or non-habitable room, and 6m to a defined 'habitable room' or balcony;
 - b. For buildings 5 to 8 storeys: 4.5m to a blank wall or non-habitable room, and 9m to 'habitable room' or open balcony.
3. Blank walls with minimal articulation which face any boundary will not be permitted.

15.4.3.4 Building Design

4. The design of roof plant rooms and lift overruns shall be integrated into the overall architecture of the building.
5. For development in close proximity to the rail corridor, balconies and windows shall be designed to prevent objects being thrown onto RailCorp's facilities, as required by the relevant Building Code of Australia (BCA) and RailCorp Electrical Standards

15.4.1.4 Awnings

1. Buildings located on active street frontages as labelled on the Built Form and Setbacks Plan in Figure 15.4.3.1 shall provide an awning over the

footpath for the full width of the street frontage.

2. Awnings shall have a minimum width of 3 metres.
3. Under awning lighting shall be provided to illuminate the footpath area below

15.4.3.5 Entrances to Buildings

1. Main entrances and exits are to be located at the front of the site and be visible from the street.
2. Entrances and exits shall be incorporated into the overall architectural design of a development.
3. Entrances are not to be obscured by landscaping or other obstacles and shall have clear sight lines.
4. Entrances shall be clearly identifiable to reduce confusion and unintentional entry by incorporating measures such as:
 - Architectural features and articulation;
 - Awnings;
 - Variations in colours and materials;
 - Changes in paving; and
 - Landscaping.

These measures shall be shown on the building plans and the landscaping plan.



Figure 15.4.3.4 - Example of mixed-use building with two storey street wall height and upper level setback

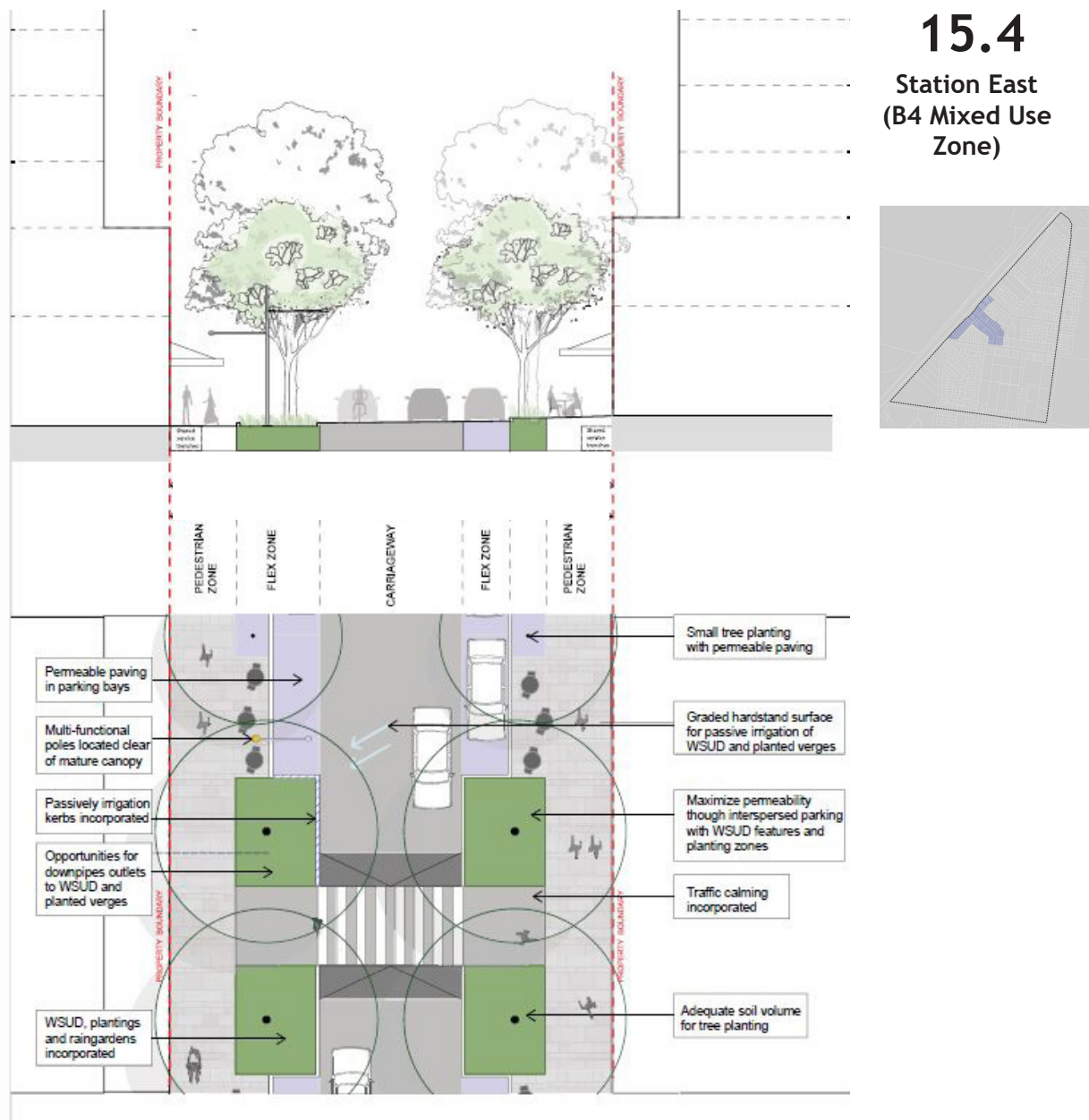
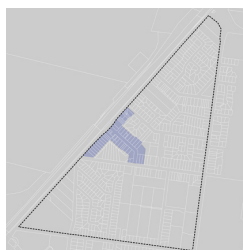


Figure 15.4.3.5 - Hosking Crescent Typical Plan and Section showing street character including two storey street wall height (zero setback)

15.4

Station East (B4 Mixed Use Zone)



15.4.4 Services, Safety and Amenity - Area A

Objectives:

- To provide safe spaces for occupants through suitable design solutions.
- To ensure that site services are not visually obtrusive.
- To ensure that new development reduces and mitigates wind impacts in the public domain.

15.4.4.1 Safety and Security

1. Where practicable, lift lobbies, stairwells and corridors shall remain visible from all public areas through the installation of transparent glass panels or openings.
2. For large scale retail and commercial development that exceed 4 storeys, in height or comprise two or more separate towers, a 'Safety by Design' assessment shall be prepared by a suitably qualified consultant in accordance with CPTED principles and submitted with the DA.

15.4.4.2 Wind Mitigation

1. Development Applications which proposes any buildings exceeding 8 storeys in height shall be accompanied by a Wind Effects Report prepared by a suitably qualified consultant to confirm that the building will not create uncomfortable or unsafe wind conditions in the public domain.

15.4.2.3 Services

1. At the developer's expense, any existing above ground power lines which traverse the property's frontage shall be relocated underground. Further, any proposed electrical substation shall be located internally within the building or in a position which is not visible from the street frontage. To facilitate this requirement, the applicant shall liaise with the relevant power authority.

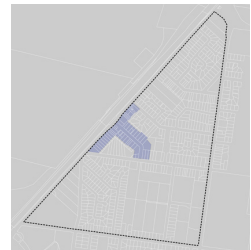
15.4.5 Landscaping - Area A

Objectives:

- To encourage a high standard of landscape design which enhances the streetscape and amenity of the zone.
- To encourage innovative landscape design throughout the built form by enhancing opportunities for rooftop landscaping.

15.4

Station East
(B4 Mixed Use
Zone)



15.4.5.2 Landscaping

1. Green roofs are encouraged on all buildings (including alterations and additions) which have a total gross floor area exceeding 2,000sqm. The required size of the green roof area, inclusive of any area for solar panels or the like, shall be in accordance with the following site areas:
 - b. 2,000 to 4,999m²—20% of roof space;
 - c. 5,000 to 9,999m²—30% of roof space;
 - d. 10,000 to 14,999m²—40% of roof space;
 - e. 15,000 to 19,999m²—50% of roof space; and
 - f. 20,000m² or greater—60% of roof space.
2. Green roof areas proposed to be used for communal open space shall be designed to a high standard in order to enhance the aesthetics of the building and include enough soil depth for planting.

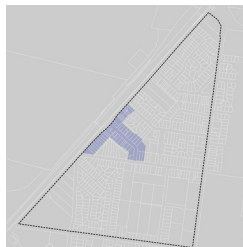
Note: Volume 1 of the SCDCP and the Apartment Design Guide have additional landscaping requirements.



Figure 15.4.5.1 - Example of urban square integrated with mixed use building (source: DPE ADG, 2015)

15.4

Station East (B4 Mixed Use Zone)



15.4.6 Access and Connectivity - Area A

Objectives:

- To encourage pedestrian building access from the streetscape and vehicular access at the rear.
- To improve local pedestrian access and connectivity.
- To contribute to the creation of an interesting and attractive streetscape.

Controls

15.4.6.1 Building Access

1. Car park entries and exits shall not be located along primary street frontages.
2. The primary means of pedestrian access to retail, commercial and upper floor residential uses shall be undertaken from the street frontage, rather than from the rear of the building.

15.4.6.2 Connectivity

1. Development shall provide local vehicular, pedestrian and cycle connections which are consistent with Part 15.3.2 Movement Network of this DCP.
2. Existing publicly and privately owned pedestrian links shall be retained where possible.

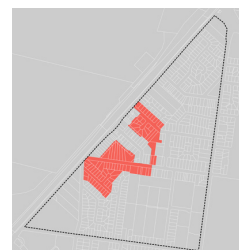
15.5 Area B - High Density Residential Character Area (R4 Zone)

15.5.1 Desired Future Character Statement - Area B

The areas adjacent to the B4 Mixed-use zone will provide high density residential development in the form of multi-storey apartment buildings up to 8 storeys in height. This area's transformation will require the coordinated consolidation of properties to accommodate the scale of buildings proposed and intended densities. In addition, appropriate amenity for future residents is also required in terms of better solar access, additional communal open space and maintaining existing significant vegetation in the Precinct. Streets will be lined with trees and good pathway connections are proposed which are intended to provide better accessibility to transport, schools and quality open space areas located within 400m walking distance.

15.5

High Density Residential (R4 Zone)



Objectives:

- To provide building forms that have a high level of architectural merit and make a positive contribution to the local area.
- To provide appropriate transition and minimise amenity impacts adjacent to lower density development.
- To encourage a diversity of high density residential forms.
- To facilitate residential forms that provide high quality residential living environments.
- To provide integration with high intensity public transport forms and fine grained pedestrian/ cycleway networks.
- To encourage a high quality public domain.
- To provide articulated front facades with balconies and deep soil planting and landscaping of street frontages.

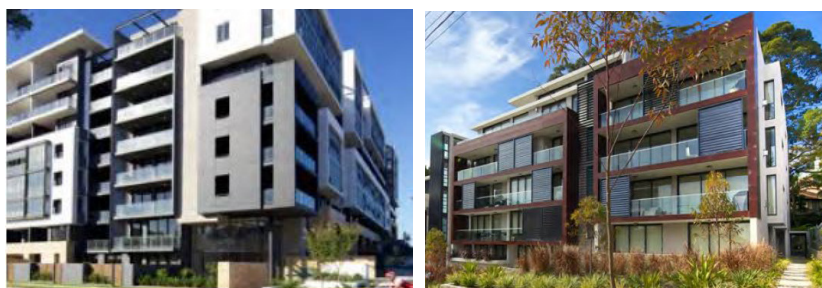
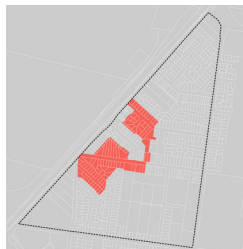


Figure 15.5.1.1 - Examples of High Density Residential Apartment Buildings
(source: DPE ADG, 2015)

15.5

High Density Residential (R4 Zone)



Controls

15.5.1.1 General

1. Residential development within the R4 High Density residential zone shall be designed to reflect full compliance with Part 5: Residential Flat Buildings and Mixed-use Development of the Campbelltown (Sustainable City) Development Control Plan 2015.

15.5.1.2 Built Form and Setbacks

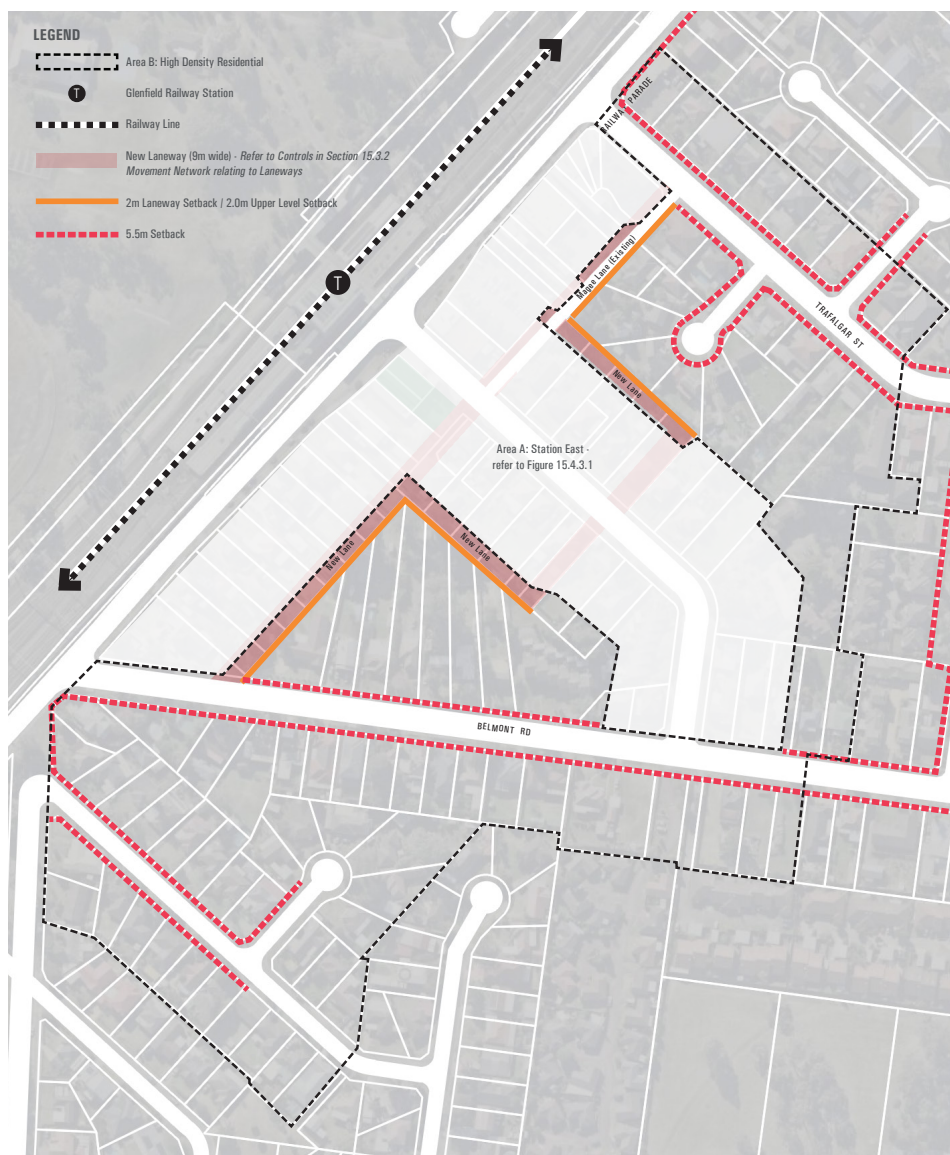
1. Front, side and rear setbacks from laneways shall be in accordance with the Built Form and Setbacks Plan at Figure 15.5.1.2 of this DCP.
2. Provide increased setbacks (+3m) when adjacent to an R3 Medium Density Residential zone to address amenity impacts and allow for additional landscaping. Refer to Figure 15.5.1.3. Setbacks shall be provided in accordance with the following:
 - a. For buildings up to 4 storeys: 6.0m for a blank wall or non-habitable room, and 9m to a defined 'habitable room' or balcony;
 - b. For buildings 5 to 8 storeys: 7.5m for a blank wall or non-habitable room, and 12m to 'habitable room' or balcony.
3. Amalgamation of sites will typically be required to achieve the required setbacks. Variation to the above setbacks will only be considered where built form modelling is undertaken which demonstrates an appropriate transition between the proposed development and existing/future

development on adjacent lands.

4. Blank walls with minimal articulation which face any boundary will not be permitted.

Note:

Any permitted form of residential development containing 3 or more storeys and 4 or more dwellings shall satisfy the standards of State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (NSW Department of Planning and Environment, July 2015). SEPP 65 and the ADG shall prevail in the event of any inconsistency with this DCP.



15.5 High Density Residential (R4 Zone)

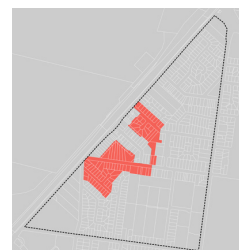


Figure 15.5.1.2 Built Form and Setbacks - Area B - High Density Residential

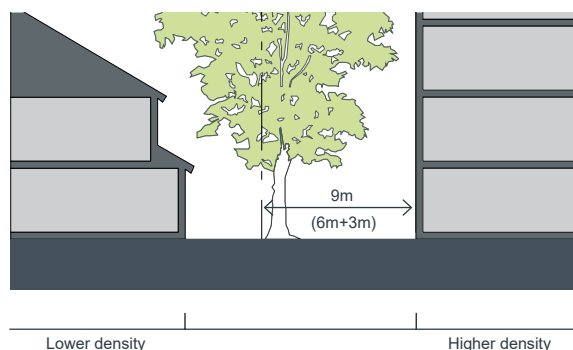
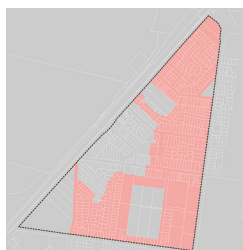


Figure 15.5.1.3 - Increased setback adjacent to R3 Zone (source: DPE, ADG 2015)

15.6

Medium Density Residential (R3 Zone)



15.6 Area C - Medium Density Residential Character Area (R3 Zone)

15.6.1 Desired Future Character Statement - Area C

The remaining areas within the Glenfield East Precinct are located in the R3 Medium Density Residential Zone. This will lead to the replacement of the aging dwelling stock within Area C with contemporary building forms which exhibit the highest levels of quality design. Consolidation of properties will also be encouraged to further facilitate providing a wider range of housing choices, in addition to creating further opportunities for attached dwellings and multi-dwelling housing to be constructed within this precinct. Safe, convenient pedestrian and suitably designed cycle connections will be constructed along key streets to the Glenfield railway station, school and nearby open-space areas while planting will further enhance Glenfield East as an attractive and liveable precinct.

Objectives:

- To provide medium density housing comprising two storey attached dwellings and multi dwelling housing in a landscaped setting with additional habitable areas provided within the roof space.
- To provide appropriate transition in built form and reduce amenity impacts where a change in building height occurs.
- To require development footprints that are sited to achieve setbacks to boundaries and provide for quality landscaping and private open space.
- To encourage articulated front facades where garages and car parking spaces are setback and do not dominate the streetscapes.
- To encourage active residential facades with balconies.
- To promote soft landscaping along communal driveways and the front boundary.
- To encourage a high standard of architectural merit with quality designed buildings.
- To provide development that incorporates a mix of dwelling sizes to provide further housing choice.

Note: the R3 Medium Density Zone prohibits residential flat buildings (RFBs).

Controls

15.6.1.1 General

1. Residential development within the R3 Medium Density zone shall be designed in accordance with all the requirements specified in 'Part 3: Low and Medium Density Residential Development and Ancillary Structures' of the Campbelltown (Sustainable City) Development Control Plan 2015.

15.6.1.2 Side and Rear Setbacks - For any proposed development containing 3 or more storeys

1. The side and rear building setback shall provide the following setbacks to reduce amenity impacts and allow for additional landscaping:
 - b. For buildings up to 4 storeys: 3.0m for a blank wall or non-habitable room, and 6m to a 'habitable room' or balcony;
 - c. For buildings of over 5 storeys: 4.5m for a blank wall or non-habitable room, and 9m to a 'habitable room' or balcony.
2. Amalgamation of sites may be required to achieve the required setbacks. Variation to the above setbacks will only be considered where built form modelling is undertaken which demonstrates an appropriate transition between the proposed development and existing/future development on adjacent lands.

Note:

Any permitted form of residential development containing 3 or more storeys and 4 or more dwellings shall satisfy the standards of State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (NSW Department of Planning and Environment, July 2015). SEPP 65 and the ADG shall prevail in the event of any inconsistency with this DCP.

15.6 Medium Density Residential (R3 Zone)

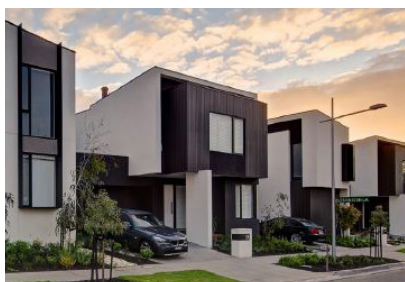
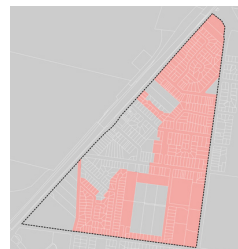


Figure 15.6.1.1 - Examples of Medium Density Residential Development (source: DPIE, 2020)

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CAMPBELLTOWN

Campbelltown City Council, PO Box 57, Campbelltown, NSW 2560

Design Excellence Panel Comments and Response to Issues Raised

General Panel Comments from Meeting (7/11/22)	Stantec Response (DCP updates as agreed at meeting with Council officers on 20/12/22)
<p>2 The Panel feels that the test of the DCP is being able to understand the intent, character and design guidance clearly and simply. While the Panel appreciates that the DCP has been drafted around LEP controls and a Structure Plan set to reflect a broader place strategy, there are opportunities to communicate the desired future character with greater clarity and immediacy</p> <ul style="list-style-type: none"> • The document presented seems incomplete or inconsistent in its guidance for each area, even if the Controls are not different to those covered in Volume 1. • There is quite a lot of detail for the B4 Mixed use zone, the higher density area (whose residential component is covered by the ADG) but our experience as a panel is probably that more issues come from low to medium density developments. • The document would benefit greatly from more diagrams / illustrations. 	<p>Version D: Section 15.2.3 'Desired Future Character' summarised and B4 Character area brief discussion moved to the Sections 15.5 and 15.6 at end of document, removing repetition and relevant to Area/Precinct.</p> <p>Additional clauses and diagrams have been added in sections 15.4, 15.5 and 15.6 that address transition areas between zones and differing height controls.</p> <p>Size of Figure 15.4.3.1 has been increased as suggested by Council, and duplicated in the Area B (R4 Zone) for clarity. Also transition controls included.</p> <p>Additional controls provided in Area C (R3 Zone) to achieve a more granular approach to address setbacks for permitted development over 2 storeys (ie. 18m) in R3 zone eg boarding houses.</p>
<p>3.</p> <ul style="list-style-type: none"> • Why do character areas reflect zone boundaries? • The challenge is to convey the desired transition character across the boundaries to avoid harsh edge conditions/ mitigate impacts / manage changes in scale. This is particularly the case for those parts of the medium density residential zones where the FSR varies. There is some helpful commentary in the text about desired streetscape character and activity, which would be useful to map (eg plan diagram) in terms of key locations. – this is where the difference in detail provided for the B4 zone and the other areas is most marked. • Consider additional diagrams mapping desired character features. • Implement a more granular approach for the transition areas within area C. 	<p>This is because the B4 Mixed use zone requires active street frontages via CLEP 2015 clause 7.9 (ie. business or retail premises) which will have a very different land use and built form character at the street level (eg. continuous awnings etc) compared to the residential zones (R3 and R4) zones.</p> <p>Noted and agreed. Additional clauses and diagrams have been added in sections 15.4, 15.5 and 15.6 that address transition areas between zones and differing height controls.</p> <p>Size of Figure 15.4.3.1 has been increased as suggested, and duplicated in the Area B (R4 Zone) for clarity and also transition controls within Area C (R3 Zone) to achieve a more granular approach.</p>
<p>4. The Panel supports the urban plaza concept for its ability to create focus and public identity.</p>	<p>Noted</p>

5.	<p><i>Studies should be undertaken within the Area A -B4 mixed use zone to understand the ground plane opportunities for activation.</i></p> <p><i>Further testing of building floor plates would confirm the proposed areas.</i></p> <p><i>Justify the length of the main street activation zones and the ability for appropriate Retail and Commercial Anchors to work in the lot planning to support the activity character.</i></p>	<p>Acknowledge more studies need to be undertaken however this is outside the scope of the DCP brief.</p> <p>The length of the main street activation zones (ie. as illustrated in Figure 15.4.3.1) reflects the activation Clause 7.9 in CLEP 2015.</p>
6.	<p><i>Identify and define landmark / catalyst sites that could be set aside to make sure they go before an excellence panel (eg sites adjacent to plaza). Ideally provide some design parameters for these key sites.</i></p>	<p>All redevelopment for mixed use and residential flat buildings will already be captured and considered by the DEP. Considerations within Clause 7.13 'Design Excellence' of CLEP 2015 also applies to all development in the precinct.</p> <p>Sites on both corners of Railway Parade and Hosking Crescent (including south of/adjacent to urban plaza) could be identified as landmark/catalyst corner sites. It is recommended that urban design testing occur prior to including detailed development controls for these sites.</p>
7.	<p><i>With regard to the laneway setbacks, explain how this relates to a laneway condition and what character this describes.</i></p>	<p>Additional control and sections/diagram added for laneways in Section 15.3.2</p>
8.	<p><i>Recommendations:</i></p> <ul style="list-style-type: none"> <i>• Test some key sites for scale and massing that aligns with the DCP.</i> <i>• Undertake additional UD analysis / public domain plan integration to reinforce the desired outcome.</i> <i>• Define expectations for transitions between Zones.</i> 	<p>Some basic testing for some sites in the B4 zone has been undertaken. More detailed testing would be ideal (ie. similar to that undertaken for western side of rail line by Group GSA) as part of the rezoning package, but this is outside the DCP brief. If required, this can be undertaken at a later date as it is critical to adopt a DCP to introduce key controls initially to enable development pursuant to Clause 6.3 of CLEP 2015.</p> <p>Commentary on transition between zones provided in revised Draft DCP – also refer to Point 3 (first dot point).</p>

8.2 Biodiversity Certification Application – Mt Gilead Stage 2

Reporting Officer

Acting Executive Manager, Urban Release and Engagement
City Planning and Environment

Community Strategic Plan

Objective	Strategy
3 Enriched Natural Environment	3.1.1 Protect, rehabilitate, and promote our natural areas, waterways and biodiversity 3.1.2 Ensure urban development is considerate of the natural environment

Delivery Program

Principal Activity
3.1.1.2 Lead initiatives that rehabilitate and protect biodiversity, including threatened flora, fauna and ecological communities

Officer's Recommendation

1. That Council proceed with the Mt Gilead Biodiversity Certification Application by lodging the Response to Submissions Report and Final Biodiversity Certification Application attached to this report, including all associated documents with the Minister for the Environment.
2. That subject to recommendation No.1, Council delegate authority to the General Manager to
 - a) sign the amended Biodiversity Certification Application on Council's behalf and forward the Application with all associated documents to the Minister for the Environment; and
 - b) sign the Biodiversity Certification Agreement on Council's behalf, subject to the receipt of the Ministers agreement to confer Biodiversity Certification on Lots 1 and 2 DP 1218887, part Lot 5 DP 1240836, Lot 2 DP 603674 and Lot 1 DP 603675 Appin Road and Lot 2 DP 249393 Menangle Road.

Purpose

The purpose of this report is to inform Council of the outcomes of the public exhibition of the Biodiversity Certification Application for Mt Gilead Stage 2, and to recommend that Council

forward the Application to the Minister for the Environment for approval and the Biodiversity Certification of the subject lands.

History

Only a 'Planning Authority' as defined by section 126G of the Threatened Species Conservation Act (TSC Act) may apply to the relevant Minister for Biodiversity Certification of specified lands.

Campbelltown City Council (CCC) is a Planning Authority as defined by section 126G and on 11 June 2019, it determined by way of resolution to be the Applicant for the Biodiversity Certification of the Mt Gilead Stage 2 urban release area.

The Mt Gilead Stage 2 Biodiversity Certification Application was first submitted to the Minister for the Environment (19 August 2019), by Council under the Savings and Transitional Regulations 2017 of the *Biodiversity Conservation Act*. The Minister responded (17/8/20) and requested that Council revise and resubmit the Application with amendments.

At its Ordinary meeting on 13 October 2020, Council considered a report providing an update on the Mt Gilead Stage 2 Biodiversity Certification Application. That report outlined amendments that had been made to the Application to address issues associated with Council's conditional lodgement of the Application, including satisfying the advice from the Minister for the Environment received in August 2020, which recommended that the application be amended so that it is consistent with the final corridor widths, fencing and buffer requirements of the Chief Scientist and Engineer/Koala Independent Expert Panel Report, which was subsequently published in August 2020.

At its Ordinary meeting on 8 December 2020 Council considered a further report on the amended Biodiversity Certification Application and resolved in part that Council exhibit the amended Biodiversity Certification Application for a minimum of 30 days and that a further report be provided to Council detailing the outcomes of the public exhibition process and associated amendments to the Biodiversity Certification Application.

The submissions report attached to this report addresses the latter part of this resolution.

The application for Biodiversity Certification was publicly exhibited for 66 days between 15 December 2020 and 19 February 2021 in accordance with s126N of the TSC Act.

Public Notices appeared in the Sydney Morning Herald and Macarthur Chronicle on Tuesday 15 December 2021 and all reports were available for viewing at Council's Civic Centre, the HJ Daley Library and Eagle Vale Central Library and for downloading from Council's website.

Submissions Report

This report:

- summarises issues raised in submissions received during and after the public exhibition of the Mt Gilead Stage 2 Biodiversity Certification Application for Lots 1 and 2 DP 1218887, part Lot 5 DP 1240836, Lot 2 DP 603674 and Lot 1 DP 603675 Appin Road and Lot 2 DP 249393 Menangle Road Gilead;

- summarises issues raised by the Department of Planning Industry and Environment through the Technical Assurance Panel (TAP) process and highlights changes that have been made to the Biodiversity Certification Application in response to these issues;
- presents a Final Biodiversity Certification Application and associated Response to Submissions Report (attachment 1) which provides extensive detail about the outcomes of the exhibition process

Outcomes of the Public Exhibition

The application for the conferral of biodiversity certification on Lots 1 and 2 DP 1218887, Part Lot 5 DP 1240836, Lot 2 DP 603674 and Lot 1 DP 603675 Appin Road Lot 2 DP 249393 Menangle Road, Gilead was placed on public exhibition from 15 December 2020 to 19 February 2021.

Council received 626 submissions during the exhibition period and a further 53 submissions after the close of exhibition.

A total of 24 submission were received from people with Campbelltown addresses, and a further 5 submission received after the exhibition period.

A total of 21 submission were received from people with addresses outside of the Campbelltown LGA, but within the Macarthur area (Camden / Wollondilly), with 4 additional submissions received after the exhibition period.

There were also submissions received from the Southern Highlands (4); the rest of the Sydney Metro (194); the rest of NSW (87); the rest of Australia (102); International submissions (49); and 188 submission from unspecified locations. One petition was also received with 20 signatures.

The submissions raised a number of concerns relating to strategic inadequacy, the inadequacy of surveys for threatened species, unacceptable impacts to the Campbelltown Koala population (including inadequate Koala corridors) and unacceptable impacts to listed endangered ecological communities.

There were 5 broad issues identified within the submissions, of which 4 are deemed relevant to the biodiversity certification application, and are summarised below.

1. Lack of Planning Proposal/integrated approach with transport and other infrastructure across the Greater Macarthur Growth Area (GMGA);
2. Issues to do with the Biocertification Assessment Methodology (BCAM) (inadequate surveys, differences in species recorded between Mt Gilead Stage 1 and Mt Gilead Stage 2 (MGS1 and MGS2), not addressing measures to avoid and mitigate impacts, not achieving an improve or maintain outcome, impacts to red flag entities, no assessment of cumulative impacts, inadequate biodiversity offsets).
3. Unacceptable impacts to the strategically significant Campbelltown/Macarthur local koala population and critical koala habitat including:-
 - a. Lack of conformity with the Chief Scientist & Engineer's (CS&E) recommendations, Campbelltown Koala Plan of Management and GMGA 2040 Interim Plan

- b. Inadequate protection of all koala movement corridors, inadequate width of corridors, need for buffers to movement corridors, objection to use of buffers for Asset Protection Zones, drainage basins and passive recreational activities, need for koala underpasses on Appin Road and need for floppy top koala exclusion fencing.
4. Unacceptable impacts to endangered ecologically communities and other threatened species
5. Other issues not covered by BCAM (loss of rural land, impacts to heritage areas, impacts to cultural heritage, increase in noise, sound, light, air and water pollution, impacts of climate change).

The first 4 issues are considered relevant to the Biocertification assessment process and application, whilst the fifth issue is not part of the Biocertification assessment process and is addressed through other processes (i.e. the regional planning process, rezoning of the land, development application and conditions of consent).

A detailed response to each of the broad issues raised is provided in the Response to Submissions Report (attachment 1), and the Biodiversity Certification Assessment and Strategy report has been updated in light of these submissions (attachment 4).

Amended Biodiversity Certification Assessment and Strategy Report.

The amended Biodiversity Certification Assessment Report and Biocertification Strategy applies to the subject land being Lots 1 and 2 DP 1218887, part Lot 5 DP 1240836, Lot 2 DP 603674 and Lot 1 DP 603675 Appin Road and Lot 2 DP 249393 Menangle Road Gilead (attachment 4).

The Biodiversity Certification Assessment Report and Biocertification Strategy has also been revised and updated, as requested by the Minister (17/8/20), following the Chief Scientist and Engineers Independent Reports on the Protection of the Campbelltown Koala population in April 2020, February 2021 and May 2021 and the release of the Cumberland Plain Assessment Report and draft Cumberland Plain Conservation Plan in August 2020 (DPIE 2020) and final Cumberland Plain Conservation Plan in August 2022 (DPE 2022).

The Biodiversity Certification Assessment Report and Biocertification Strategy has been updated recently, as per a letter received from the Technical Assurance Panel (TAP - 21/9/2022), to include the planning provisions for conservation lands and Koala corridors (attachment 2).

The total area of the Mt. Gilead Stage 2 is 645.57 ha, this includes 268.72 ha as land to be certified and 377.03 ha as land subject to conservation measures.

Substantially, the amendments also go to addressing the matters raised in the public submissions.

Conclusion

A Biodiversity Certification Application and associated documentation has been prepared to provide a practical solution to balance biodiversity and development outcomes within Mt Gilead Stage 2.

The Application seeks to certify lands that are proposed to be rezoned for low density residential development as part of a future planning proposal whilst permanently protecting and managing identified conservation areas.

Overall, the biodiversity certification process is considered an appropriate mechanism to address competing development and conservation outcomes within Mt Gilead Stage 2, and the amended Application strengthens Council's desire to protect its valuable environmental lands and their biodiversity values.

Following public exhibition of the Biodiversity Certification Application, a review of the relevant issues raised in the exhibition period, and the planning process undertaken by the DPE (Technical Assurance Panel) after the exhibition period, the Biocertification Assessment Report and Biocertification Strategy has been updated to:-

1. Widen the Woodhouse Creek, Menangle Creek and Nepean River Koala corridors to be consistent with CS&E recommendations;
2. Recalculate the impacts and offset commitments;
3. Clarify the commitment to install 'koala exclusion fencing' along all koala corridors (rather than dog fencing);
4. Confirm that all offset areas will be proposed for C2 zoning;
5. The updated Biodiversity Certification layout has adopted the corridors as mapped by DPIE (attachment 3); and
6. Enter into discussions with the owners of the Mt Gilead Homestead regarding the restriction/free range of farm dogs.

It is therefore recommended that having regard to the important amendments to the Application, Council proceed with the Biodiversity Certification Application and delegate the authority to the General Manager to sign the Application.

If supported the next steps are: -

- 1) Signing of Biodiversity Certification application.
- 2) Referral of Biodiversity Certification application to the Minister for the Environment, with all supporting documentation.
- 3) The Environment and Heritage Group (EHG), within the Department of the Environment, assesses the Biodiversity Certification application.
- 4) If the Biodiversity Certification application is supported by the Minister of the Environment, the applicant (Council) enters into a Biodiversity Certification Agreement with the Minister.
- 5) The Biodiversity Certification of the specified lands is conferred via an order made in the NSW Government Gazette.

Attachments

8.2.1 Biocertification Response to Submissions (contained within this report) [↓](#)

8.2.2 Technical Assurance Panel Letter (contained within this report) [↓](#)

8.2.3 Indicative Koala Corridor Map (contained within this report) [↓](#)

8.2.4 Biodiversity Certification Assessment - due to size (261 pages) (distributed under separate cover)

Mt Gilead Stage 2 Biodiversity Certification Application

Response to public submissions

13 September 2022

Contents

1	Introduction.....	1
2	Summary of Planning process relevant to the identification of Koala corridors in Greater Macarthur Area	3
3	Response to issues raised	9
3.1	Lack of Planning Proposal and integrated approach with GMGA, the CPCP and regional traffic studies	9
3.2	Biocertification Process and Method	13
3.3	Impacts to viability of strategically significant Campbelltown / Macarthur koala population	20
3.4	Impacts to endangered ecological communities and other threatened species	30
3.5	Other Site Values	34
4	Conclusion	36
5	References	37
Appendix A : Exhibited Biocertification Assessment report and Application (Eco Logical Australia, 27 November 2020)		40
Appendix B : Compendium of submissions.....		40
Appendix C : CS&E's Advice on Protection of the Campbelltown Koala Population - 30 April 2020		40
Appendix D Department of Planning and Environment response to the OCSE Principles and final Koala corridors in Gilead.....		40
Appendix E : Updated Biocertification Assessment report (Eco Logical Australia, 5 September 2022) 40		
Appendix F : CS&E's Response to questions regarding the Campbelltown Koala population- February 2021		40
Appendix G : CS&'s Advice regarding the protection of koala populations associated with the CPCP- 14 May 2021		41

Appendix H : Relevant Maps and Figures 42

List of figures

Figure 1: Land proposed for Biocertification and fenced koala Conservation area after ELA (2020).....42

Figure 2: Land proposed for Biocertification and fenced koala Conservation area after ELA (2022 Revised BCAR)43

Figure 3: DPIE GMGA Structure Plan (Source DPIE 2018)44

Figure 4: Indicative Koala corridors in Greater Macarthur 2040 Update (Dec 2021)45

Figure 5: Proposed retained and protected Koala habitat in and adjacent to Mt Gilead Stage 2 including the 250 ha Mt Gilead Koala Conservation Area within MGS246

Figure 6: Typical examples of vegetated bio-retention basins showing the extent of vegetation47

Figure 7: Gilead Koala exclusion Fence Design48

Figure 8: Indicative Appin Road Koala Underpass (Subject to Stage Government approval)49

List of tables

Table 1: Geographic breakdown of submissions received2

Table 2: Summary of issues raised by submission type/number5

Terms and acronyms used in this report

Abbreviation	Description
APZ	Asset Protection Zone
BAM	Biodiversity Assessment Methodology (BC Act 2016)
BBAM	BioBanking Assessment Methodology (TSC Act 1995)
BC Act	<i>NSW Biodiversity Conservation Act 2016</i>
BCA	Biodiversity Certification application
BCAA	Biodiversity Certification Assessment Area
BCAM	Biodiversity Certification Assessment Methodology
BCAR	Biodiversity Certification Assessment Report
Biodiversity Certification	An assessment process for areas of land that are proposed for development provided for under the TSC and BC Acts. The process identifies land that can be developed and measures to offset the impacts of development, either within the BCAA and/or outside of the BCAA.
BSA	Biodiversity Stewardship Agreement
CCC	Campbelltown City Council
CCKPoM	Campbelltown Comprehensive Koala Plan of Management
CEEC	Critically Endangered Ecological Community
CEMP	Construction Environmental Management Plan
CLEP	Campbelltown Local Environment Plan 2015
Core Koala Habitat	An area of land identified by the processes in SEPP 44 to contain a resident koala population or identified in an approved KPoM
CPAR	Cumberland Plain Assessment Report (part of Cumberland Plain Strategic Assessment)
CPCP	Cumberland Plain Conservation Plan (part of Cumberland Plain Strategic Assessment)
CPLS	Cumberland Plain Land Snail
CPW	Cumberland Plain Woodland (a critically endangered ecological community listed under the BC Act)
CS&E	Office of NSW Chief Scientist and Engineer
DAWE	Commonwealth Department of Agriculture, Water and the Environment
DOP	former NSW Department of Planning (now part of DPE)
DPE	NSW Department of Planning and Environment
DPIE	Former NSW Department of Planning, Industry and Environment (now DPE)
EES	Environment, Energy and Science Group (part of DPIE)
EMP	Environmental Management Plan

Abbreviation	Description
EP&A Act	NSW <i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>
GREA	Georges River Environment Alliance
GMGA	Greater Macarthur Growth Area
HBT	Hollow Bearing Tree
Important Koala Habitat	The term used in the CPAR and CPCP to describe both primary corridors (critical to the long term viability of koalas) and secondary corridors (if enhanced would support the population)
KFT	Koala Food Tree (as defined by Schedule 2 of SEPP 44) and includes Forest Red Gum (<i>Eucalyptus tereticornis</i>) and Grey Gum (<i>E. punctata</i>) in the BCAA/study area
Koala Movement Corridors	Areas of habitat which facilitate movement and dispersal of koalas between habitat patches which would otherwise be disconnected
LEP	Local Environment Plan
LGA	Local Government Area
MGS1	Mount Gilead Stage 1
MGS2	Mount Gilead Stage 2
NCC	Nature Conservation Council (of NSW)
OEH	former NSW Office of Environment and Heritage (now part of DPIE)
PoM	Plan of Management
Potential Koala Habitat	An area of native vegetation where the trees listed in Schedule 2 of SEPP 44 constitute at least 15% of the total number of trees in the upper or lower strata of the canopy (or as identified in an approved KPoM)
PKFT	Preferred Koala Food Tree (as recognised by the CCKPoM) and includes Woollybutt (<i>E. longifolia</i>) and Grey Box (<i>E. moluccana</i>) in the BCAA/study area
Primary Koala Corridors	Defined by DPIE (2019) as connected areas of koala habitat that are contiguous (gaps between trees less than 100m) and greater than 380 ha in area
Regional Koala Population	Defined by DPIE as the single, contiguous koala population extending from Campbelltown through Wollondilly to Wingecarribee
RFEF	River-flat Eucalypt Forest (an endangered ecological community listed under the BC Act)
RMS	NSW Roads and Maritime Services
SCKHCS	South Campbelltown Koala Habitat Connectivity Study
Secondary Koala Corridors	Defined by DPIE (2019) as movement corridors that are less than 50m wide or not connected at both ends to other koala habitat and contain between 100 and 380 ha of habitat
SEPP	NSW State Environmental Planning Policy
SLA	Koala Strategic Linkage Area (as defined in the Campbelltown CKPoM)
SSTF	Shale Sandstone Transition Forest (a critically endangered ecological community listed under the BC Act)

Abbreviation	Description
Strategic Biodiversity Assessment	A form of biodiversity certification only available to planning authorities such as the DPIE or a Local Government to support significant regional development and planning processes
Strategic Conservation Area	A term used in the CPAR to identify large remnants of native vegetation with good connectivity or areas with the potential to enhance connectivity to identify potential conservation lands for further investigation.
TAP	Technical Assurance Panel
TEC	Total Environment Centre
TSC Act	Now repealed NSW <i>Threatened Species Conservation Act 1995</i>
WSUD	Water Sensitive Urban Design

1 Introduction

Eco Logical Australia (ELA) has been engaged by Campbelltown City Council (CCC) to prepare a report responding to submissions on the Biodiversity Certification Assessment Report for a proposed residential development on part of the Mount Gilead Property (Mt Gilead Stage 2) in the southern part of the Campbelltown Local Government Area (LGA) (ELA 2020) (**Appendix A** – Exhibited Biocertification Assessment report dated 27 November 2020).

The land originally proposed for biocertification is shown in **Figure 1** and comprised parts of Lot 1 and 2 DP1218887, Part Lot 2 DP 249393 and Part Lot 1 DP622362, Appin Road, Gilead. Since the exhibition of the biocertification application, amendments to the land proposed for biocertification has been reduced to reflect change in land ownerships. Lot 1 DP 622362 no longer forms part of the Biodiversity Assessment. **Figure 2** shows the current boundary of the land proposed for biocertification.

An application for the conferral of biodiversity certification can only be made by a planning authority. Campbelltown City Council is the applicant for biodiversity certification.

CCC must give notice of its intention to seek biodiversity certification in accordance with the public notification requirements of Section 126M of the now repealed *Threatened Species Conservation Act* 1995 (TSC Act).

A public notice regarding the exhibition was published in the Sydney Morning Herald and Macarthur Chronicle newspapers on Tuesday 15 December 2020. A public notice was also placed in the Macarthur Advertiser. The application was exhibited for 64 days between 15 December 2020 and 17 February 2021 with copies of the application and associated reports available for viewing at Council's Civic Centre, HJ Daley Library and Eagle Vale Central Library or by downloading from Council's website.

The exhibition period exceeded the statutory 28 day requirement and was further extended by 2 days to Friday 19th February 2021.

626 submissions (including one petition with 20 signatures) were received in the notified exhibition period and a further 53 after the close of exhibitions (**Appendix B**).

All the submissions were reviewed and comments noted.

Of the 626 submissions, 603 were 'template' submissions using one of three templates with identical points made/issues raised (with very minor differences in opening sentences followed by the same dot or numbered points). 17 submissions were made by individuals ranging from single sentences objecting to the proposal to more detailed comments. Six detailed submissions were made by organisations (Nature Conservation Council (NCC # 533), Georges River Environmental Alliance (GREA #576), Save Mt. Gilead Inc. (#609), Save Sydney's Koalas Inc. (#624), the Total Environment Centre (TEC #625) and the National Parks Association Macarthur Branch (#626)).

A geographic breakdown of the submissions is provided in **Table 1**.

All submissions either objected to the application or stated that a decision should be delayed until after decisions regarding regional infrastructure (specifically the Menangle and Appin Road Link Road) were made and broader issues with the Greater Macarthur Growth Area (GMGA), including the Cumberland Plain Conservation Plan (CPCP) were finalised.

Mt Gilead Biodiversity Certification – Response to public submissions

Comments have been grouped by “issue” and are presented in **Table 2** and responded to in **Section 3**. Comments that have been raised by more than one submission have been grouped to avoid repetition. Five broad issues were raised in the 626 submissions as summarised below.

1. Lack of Planning proposal/Integrated approach with transport and other infrastructure across the Greater Macarthur Growth Area (GMGA)
2. Issues to do with the Biocertification Assessment Methodology (BCAM) (in adequate surveys, differences in species recorded between MGS1 and MGS2, not addressing measure to avoid and mitigate impacts, not achieving an improve or maintain outcome, impacts to red flag entities, no assessment of cumulative impacts, in adequate biodiversity offsets).
3. Unacceptable impacts to the strategically significant Campbelltown / Macarthur local koala population and critical koala habitat including:-
 - a. Lack of conformity with the Chief Scientist & Engineer’s (CS&E) recommendations, Campbelltown Koala Plan of Management and GMGA 2040 Interim Plan
 - b. Inadequate protection of all koala movement corridors, inadequate width of corridors, need for buffers to movement corridors, objection to use of buffers for Asset Protection Zones, drainage basins and passive recreational activities, need for koala underpasses on Appin Road and need for floppy top koala exclusion fencing).
4. Unacceptable impacts to endangered ecologically communities and other threatened species
5. Other issues not covered by BCAM (loss of rural land, impacts to heritage areas, impacts to cultural heritage, increase in noise, sound, light, air and water pollution, impacts of climate change).

The first four issues are relevant to the biocertification assessment process and application, whilst the fifth issue is not part of the biocertification assessment process and are addressed through other processes (i.e. the regional planning process, rezoning of the land, development application and conditions of consent).

Table 1: Geographic breakdown of submissions received

Geographical Breakdown	Received by 19 February 2021	Received after 19 February 2021
Campbelltown	24	5
Camden/Wollondilly (Macarthur excluding C’town)	21	4
Southern Highlands	3	1
Metropolitan Sydney (Excluding above regions)	181	13
Rest of NSW	82	5
Rest of Australia	98	4
International	47	2
Unspecified	169	19
Petition	1 signed by 20	0
Total	626	53

This report provides a summary of the submissions, along with a response to the issues raised and whether any changes or additions to the original documentation will be made as a result of these submissions.

As the majority of submissions raised the lack of a planning proposal, none conformity with the CS&E recommendations (**Appendix C**), Campbelltown Council's Comprehensive Koala Plan of Management (CCKPoM) and the need for the protection of all koala movement corridors in the study area, **Section 2** provides a chronological summary of the planning process undertaken by the NSW Department of Planning and Environment (DPE) (and former agencies) over the past 7 years in the GMGA and the recommendations made to protect the Campbelltown / Macarthur koala population and koala habitat in and around the study area.

2 Summary of Planning process relevant to the identification of Koala corridors in Greater Macarthur Area

In 2015, the then NSW Department of Planning (DoP) released a preliminary strategy and action plan for the Greater Macarthur area, the '*Greater Macarthur Land Release Investigation Preliminary Strategy and Action Plan*'. The plan identified immediate opportunities to deliver up to 35,000 homes in Menangle Park and Gilead and identified these areas as 'Priority Growth Precincts' as they were logical extensions to the Campbelltown-Macarthur Regional City (DoP 2015). The report stated that '*the land in the precinct was relatively unencumbered by constraints to development and had less requirements for substantial transport and utility infrastructure upgrades than other parts of the Greater Macarthur Growth Area*' (DoP 2015).

The Greater Macarthur Growth Area (GMGA) has since been adopted and confirmed as a land release area in the Greater Sydney Commissions' Greater Sydney **Region Plan** – a Metropolis of three cities and the Western City **District Plan**. In response to the strategic importance of Greater Macarthur, the NSW Government exhibited '*Greater Macarthur 2040 - An Interim Plan for the Greater Macarthur Area*' in November 2018 (DPE 2018) which includes a **Structure Plan (Figure 3)** which identified urban capable land, employment lands, environmental conservation lands (including proposed indicative koala corridors) and indicative transport corridors.

In 2019, the Office of NSW Chief Scientist & Engineer (CS&E) was asked to review previous studies, reports and recommendations then provide independent expert advice on protecting the Campbelltown koala population. Over various reports prepared by the CS&E (April 2020, February 2021 & May 2021) the CS&E provided 4 overarching principals to ensure the adequacy of koala protection measures.

1. increasing and improving existing habitat by, for example, establishing the Georges River Koala Reserve
2. improving connectivity by constructing koala movement crossings and protecting koalas from urban threats with exclusion fencing
3. active monitoring and using adaptive management for koalas
4. adopting good practices for disease prevention including vaccinations.

In finalising the advice, the CS&E detailed 31 principles for protecting koalas in the Greater Macarthur and Wilton growth areas and surrounding regions.

Mt Gilead Biodiversity Certification – Response to public submissions

In Jan 2021, the Government established a Technical Assurance Panel (TAP), Chaired by the Executive Director of the Department of Planning with representatives from the Environment, Energy and Science Division of DPIE, Transport for NSW, Sydney Water and CCC to work through the recommendations of the CS&E and further assessment of fauna underpasses along Appin Road to finalise the Master planning of the site and progress the planning proposal.

In December 2021, the NSW Department of Planning, Industry and Environment (DPIE) published an update to the Greater Macarthur 2040. This update provides an overview of what has happened since the release of Greater Macarthur 2040 Interim Plan in November 2018, a status update of key strategic projects and an outline of the steps needed to finalise the plan. Importantly the update included indicative koala corridors that will be secured over time in the Greater Macarthur Growth Area, which includes parts of Campbelltown City Council and Wollondilly Shire Council (**Figure 4**). The indicative koala corridors apply all the CS&E's advice to ensure they support safe koala movement and are a priority for protection and ecological restoration over the long term.

DPIE advised Lendlease in December 2021 that the details regarding koala corridors at Gilead as recommended by the CS&E were now resolved (**Appendix D**). The Biodiversity Certification Assessment Report has now been updated to ensure the Master plan is consistent with the advice provided by DPIE (**Appendix E**).

In August 2022 the Cumberland Plain Conservation Plan (CPCP) was approved by the NSW Minister for the Environment, The CPCP will be implemented through to 2056 and represents one of the largest strategic conservation planning exercises ever undertaken in Australia.

This response to submissions report has been prepared taking into account the latest Government policy positions regarding koala corridors within Greater Macarthur and the April 2020, February 2021 and May 2021 CS&E recommendations regarding the protection of koala movement corridors, fauna crossing for linear infrastructure, threat mitigation disease management and adaptive management.

Table 2: Summary of issues raised by submission type/number

Submission Number	533	576	609	624	625	626	489	497	Template #1	Template #2	Template #3	7	14	38	50	94	253	309	312	330	379	451	557	583	586
	NCC	GRE A	Save Mt Gilead	Save Sydney's Koalas	TEC	NPA			5	313	285														
Planning issues																									
Need for planning proposal/Integrated approach	X		X	X	X		X			X	X			X											
Master Plan exhibited is out of date, old maps					X																				
Density and nature of development not specified			X		X																				
Regional Transport Options in GMGA / Link Roads not considered	X	X	X					X			X														
Other infrastructure requirements (sewerage/water) not assessed								X																	
Other approvals required (WM Act)				X																					
Changes to MGS1 and flow on effects to MGS2			X	X		X																			
Appin Road upgrade not assessed	X		X	X	X																				
Need for CPCP to be completed prior to decision on MGS2																									
Cumulative impacts of development (MGS1 / MGS2 & CPSA) and development creep on MGS1	X		X	X	X	X	X	X																	
Increased urban temps & climate change not assessed				X																					
Biocertification process and method issues																									
Inadequacy of assessment reports			X			X																			
Assessment of State/Regional Biodiversity Link missing from the application					X																				
Differences between species recorded in MGS1 and MGS2			X																						

Mt Gilead Biodiversity Certification – response to public submissions

Submission Number	533	576	609	624	625	626	489	497	Template #1	Template #2	Template #3	7	14	38	50	94	253	309	312	330	379	451	557	583	586
Measures to avoid impacts			X	X			X				X														
Improve or Maintain outcome not achieved		X	X	X																					
Impacts to Red Flags			X	X			X																		
Assessment of cumulative impacts																									
Inadequate Biodiversity Offsets	X	X	X	X			X				X								X	X					
Biobank sites (Medhurst not connected, Browns Bush impacted by Appin Rd upgrade)			X				X																		
Impacts to Strategic Koala population issues																									
Extinction of Koalas in NSW / Key NSW Population that is Chlamydia free	X	X		X	X	X	X									X		X					X		X
Impact of 2019/20 bushfires not considered					X		X							X											
Strategic Location of Mt Gilead between Georges and Nepean Rivers	X	X	X	X	X	X																			
Loss and/or fragmentation of Koala habitat	X				X	X			X	X		X	X			X	X			X	X				
Lack of conformity to CS&E Recommendations	X	X	X	X	X	X	X	X	X	X	X			X	X				X	X				X	X
Contrary to advice of CCC and CKPoM				X	X	X		X	X	X														X	
Contrary to recommendations of GMGA 2040 Interim Plan re Nepean River Corridor	X	X	X	X	X					X	X			X											
Connection between Georges & Nepean Rivers	X	X		X	X	X	X		X			X		X											
Need to protect ALL east-west corridor on Gilead	X	X	X	X	X		X		X			X			X						X				X
Queries over timing of construction of three creek crossings							X																		
Width of Koala corridors	X		X	X	X	X		X	X					X						X				X	X
Buffers to koala corridors		X	X	X	X	X		X	X	X	X									X					
Averaging of corridors & use of adjoining properties				X	X	X	X	X	X	X	X			X											
Primary Nepean River corridor - 425m + buffers		X	X	X	X	X	X	X	X	X	X			X						X					X

Mt Gilead Biodiversity Certification – response to public submissions

Submission Number	533	576	609	624	625	626	489	497	Template #1	Template #2	Template #3	7	14	38	50	94	253	309	312	330	379	451	557	583	586
Menangle Creek (A) 390-425m + buffers				X	X	X			X	X															
Increase Menangle Creek corridor in MGS1 to 250m							X																		
Woodhouse Creek (B) 390-425m + buffers		X	X	X	X	X			X	X															
Nepean Creek (C) - 390m + buffers		X		X	X			X	X	X	X			X						X					X
Consistency with CCKPoM corridors - 425m				X	X	X			X																
Edge effects to Koalas (traffic, noise, pollution, dogs)			X	X		X		X			X									X					
Impacts of noise and light on wildlife				X					X																
Unacceptable works/activities in corridor /buffers				X				X	X	X	X									X					
Location of APZs		X	X	X				X		X	X									X					
Floppy top koala exclusion fencing				X		X	X	X	X	X															
Need for koala underpasses at Appin Rd	X	X	X	X	X	X	X	X	X	X	X														
All Koala Offsets to be met on-site (not Appin/Noorumba)				X	X					X	X								X						
Koala credit deficit				X	X																				
Inadequate Koala Conservation Plan				X	X	X																			
Reject proposal and declare a Koala Sanctuary																									
Assessment & impact to critically endangered ecological communities																									
CPW Impacts		X		X																					
SSTF Impacts		X		X																					
RFEF Impacts				X																					
Assessment & impacts to other threatened species		X																							
Native animal & human impacts									X																
Pomaderris brunnea		X	X	X																					

Mt Gilead Biodiversity Certification – response to public submissions

	533	576	609	624	625	626	489	497	Template #1	Template #2	Template #3	7	14	38	50	94	253	309	312	330	379	451	557	583	586
Submission Number																									
Large-eared Pied Bat																									
Fishing Bat		X	X	X																					
Micro-bats		X																							
Swift Parrot		X																							
Cumberland Land Snail		X		X																					
Squirrel Gliders		X		X																					
Protection of Hollow-bearing trees		X		X																					
Other issues (Not addressed by BCAM)																									
Heritage listing - Double dipping Homestead Biobank		X																							
Heritage values				X																					
Cultural Heritage Values				X																					
Loss of Rural Land									X																
Erosion in gullies/ Storm water run-off and management and water quality pollution		X																							
Heat & Air pollution impacts to humans & native F&F from Climate Change								X	X																
Sub-totals	14	27	26	44	27	20	17	16	20	16	15	3	1	9											
Support or Object to proposal	Delay	-	Object	Object	Object	Object	Object	Object	Oppose	Oppose	Oppose	Object	_	Delay	Object	Object	Object	Object	Object	Object	Object	Object	Object	Object	Object

Notes: Template 1 comprises 5 submissions, Template 2 comprises 314 submissions and Template3 comprises 285 submissions.

3 Response to issues raised

3.1 Lack of Planning Proposal and integrated approach with GMGA, the CPCP and regional traffic studies			
Comments	Raised in key submissions	Response	Relevant Section of ELA report
Need for a planning proposal / Integrated approach			
<ul style="list-style-type: none"> Lendlease should withdraw its biodiversity certification application for MGS2 until a planning proposal for the site has been finalised. The environmental impacts cannot be adequately assessed unless the scale of development and the edge effects of traffic, noise and light pollution are better known. The assessment of the application should be delayed until a planning proposal is developed for the property. The rural zoning of MGS2 has not changed to residential and Lendlease has not finalised its Masterplan. The environmental impacts cannot be properly assessed if the density of the proposed development and its potential edge effects on wildlife are not known. The MGS2 biodiversity application should be suspended until broader planning is completed to address the protection of the Campbelltown region koala population. Important decisions remain about growth area and transport infrastructure in an 	T2, T3 & #38, #489, #497, #533 #576, #609, #624, #625, #626	<p>The Menangle Park and Gilead Priority Precincts of the Greater Macarthur Growth Area have been planned as part of a Department of Planning led planning process since 2015 and have included consideration of major transport links. The Department released a draft Structure Plan in 2018 (Figure 2) that includes urban capable land, key conservation land and primary/secondary koala corridors with the preferred assessment being a biodiversity certification assessment in parallel with the planning process.</p> <p>Lendlease commenced its biodiversity assessments in 2016. The DPE led Strategic Assessment commenced in 2017 (Openlines 2020) and included assessment of transport options.</p> <p>Lendlease and Campbelltown City Council have been liaising with DPIE since November 2017 on the planning process for the Gilead Precinct.</p> <p>The REF for the Appin Road upgrade was exhibited between November and December 2018 by Roads and Maritime Services (RMS 2018) and a Response to submissions report prepared in March 2019 (RMS 2019). The planning proposal for MGS1 included a strip of land within the Mt Gilead Property to allow this road widening to occur. The proposed road includes koala exclusion fencing along the eastern side of Appin Road and on the western side at Noorumba Reserve Biobank site.</p>	<p>Refer Section 1.1.1 and Appendix B of revised Biocertification Assessment Report (Appendix E)</p>

3.1 Lack of Planning Proposal and integrated approach with GMGA, the CPCP and regional traffic studies

Comments	Raised in key submissions	Response	Relevant Section of ELA report
<p>around Gilead which will determine the adequacy of koala protection measures in the application (significantly Appin Road upgrade and wildlife underpasses have not been confirmed).</p> <ul style="list-style-type: none"> Assessment of the application should be delayed until the design of the Appin Road upgrade and underpasses/overpasses at Noorumba and Beulah are finalised. Plans for east-west link roads connecting Appin Road, Gilead and Menangle Park are still being formulated. The CPCP has not been finalised so locking in the MGS2 biocertification is premature and undermines the integrated planning approach needed to secure proper koala protections The biodiversity certification process encourages planning authorities to assess the biodiversity values of land as part of the strategic planning process and an application for certification will generally be developed in conjunction with a planning proposal. The application cannot proceed until it is known what infrastructure development impacts will occur such as proposed link roads and widening of Appin Road and other infrastructure such as waste and power. 		<p>In Jan 2021, the Government established a Technical Assurance Panel (TAP), Chaired by the Executive Director of the Department of Planning with representatives from the Environment, Energy and Science Division of DPIE, Transport for NSW, Sydney Water and CCC to work through the recommendations of the CS&E and further assessment of fauna underpasses along Appin Road to finalise the Master planning of the site and progress the planning proposal.</p> <p>In December 2021 DPIE resolved the details regarding koala corridors as recommended by the CS&E, updates to the Biodiversity Certification Assessment Report have been finalised to ensure the plans are consistent with the advice provided by DPIE.</p> <p>In July 2022 Lendlease submitted a draft planning proposal to DPIE for Mount Gilead Stage 2, this proposal will be followed by an update to the Biodiversity Certification Assessment.</p> <p>As per many comments made in submissions the Biodiversity Conservation assessment was paused while the planning process was progressed to resolve the extent of urban development, infrastructure requirements and ecological corridors across Mount Gilead stage 2.</p>	<p>Letter from DPE to Lendlease regarding agreed Koala corridors (Appendix D)</p>

3.1 Lack of Planning Proposal and integrated approach with GMGA, the CPCP and regional traffic studies			
Comments	Raised in key submissions	Response	Relevant Section of ELA report
<ul style="list-style-type: none"> Should the biodiversity certification application for MGS2 be assessed before a planning proposal for MGS2 has been developed to avoid the risk of major infrastructure (transport routes or other utilities) impacting on agreed conservation measures, including Appin Road upgrade. No rezoning proposal has been put forward so hard to Masterplan without densities. 			
<ul style="list-style-type: none"> The Masterplan in the exhibited document is out of date, it is dated July 2019, and thus Masterplan has not been updated in last 2 years as per CS&E report and as requested by the Minister 	#625	<p>This statement is incorrect.</p> <p>Figure 4 of the updated Concept Master Plan is dated 12 August 2020.</p> <p>The Master Plan in the originally submitted application (ELA 2019) is dated 20 July 2019.</p> <p>The Biocertification Assessment report was updated prior to exhibition, as requested by the Minister, and has been updated again following exhibition following the TAP process.</p> <p>Assessment Report updated to reflect latest advice from the CS&E and DPE</p>	<p>Updated Biocertification Assessment Report September 2022 (Appendix E)</p>
Cumulative impacts of development			
<ul style="list-style-type: none"> Several submissions raised the issue of the cumulative impacts associated with MGS1, proposed MGS2 and potential development in the rest of the GMGA including the Strategic Assessment and that the cumulative impacts of this 	#533, #609, #624, #625, #626	<p>As part of the broader planning process for the Greater Macarthur Priority Growth Area, DPIE is considering the cumulative impacts of development in the Greater Macarthur region on biodiversity with a particular emphasis on the Macarthur Koala population supported by studies undertaken by CCC, ESS and the recommendations of the CS&E.</p>	<p>Updated Biocertification Assessment Report September 2022 (Appendix E)</p>

3.1 Lack of Planning Proposal and integrated approach with GMGA, the CPCP and regional traffic studies			
Comments	Raised in key submissions	Response	Relevant Section of ELA report
<p>development to biodiversity and the local Koala population has not been assessed</p> <ul style="list-style-type: none"> Several submissions stated that the Government should finalise the CPCP before making a decision on MGS2 		<p>It is these reports that have led to the identification and protection of critical koala movement corridors across the GMGA, the mitigation of existing threats to the population (proposed underpasses at Noorumba, Beulah and Ousedale Creeks), an extensive program of habitat protection, consolidation and restoration and a fully funded long term monitoring program will be implemented under the CPCP.</p> <p>The CPCP was approved in August 2022.</p> <p>Assessment Report updated to reflect approval of the CPCP in August 2022</p>	
Impacts of associated infrastructure not assessed			
<ul style="list-style-type: none"> Several submissions have raised the lack of assessment of the impacts of associated infrastructure including the upgrading of Appin Road, the proposed Link Road between Menangle Park and Appin Road as well as power, sewerage and water infrastructure 	<p>#489, #497, #533 #576, #609, #624, #625</p>	<p>MGS2 has included provision for a north-south transport corridor through Mt Gilead joining Menangle Road in the north east of the project site via an elevated Menangle Creek crossing that will allow the free passage of koalas beneath and has made submissions to Transport for NSW regarding the various Menangle Park to Appin Link Road Options to ensure that these do not impact on proposed offset areas.</p> <p>The CPSA and CPCP have also included assessment of various transport options in their assessments.</p> <p>Water and sewerage infrastructure to MGS2 will be subject to environmental assessments, importantly the creation of the biobanks as part of the conservation strategy of the BCA existing habitat will be protected from further impacts from servicing the development.</p> <p>Over 50% of the BCA areas of Mount Gilead Stage 1 & 2 will be retained for conservation, heritage and open space. The proposed development</p>	

3.1 Lack of Planning Proposal and integrated approach with GMGA, the CPCP and regional traffic studies			
Comments	Raised in key submissions	Response	Relevant Section of ELA report
<ul style="list-style-type: none"> Several submissions have raised the issue of heat sinks and the appropriateness of further urban development in a part of south western Sydney where average temperatures are expected to increase significantly due to climate change 		<p>will see an increase in tree canopy cover across the site compared to the current extent of canopy cover.</p> <p>No changes to Assessment Report required</p> <p>The proposed development will see a significant increase in tree canopy cover across the site compared to the current extent of canopy cover. Mitigating the impacts of urban heating will be managed through the urban design process and has no bearing on the Biodiversity Conservation Assessment.</p> <p>No changes to Assessment Report required</p>	
3.2 Biocertification Process and Method			
Comments	Raised in submissions	Response	Relevant Section of ELA report
Adequacy of Flora and Fauna Studies (different suite of species recorded in MGS2 compared to MGS1)			
<ul style="list-style-type: none"> Stage 1 and 2 are adjacent and have similar soils, topography, landscapes and vegetation types but different suites of species have been recorded that suggest inadequacies and unreliability of the studies (e.g. abundance of Cumberland Plain Land Snails in Stage 2, presence of a significant population of Pomaderris brunnea in Stage 2) 	#609, #626	<p>Whilst MGS1 and MGS2 have similar soils, topography and vegetation types, the landscapes and landuse histories are quite different.</p> <p>MGS1 is largely cleared with a few isolated, fragmented patches of poor quality vegetation remaining that has been heavily used for agricultural purposes. MGS1 was largely cleared by the 1950's. The current habitat condition is not suitable for Cumberland Plain Land Snail which requires dense ground cover and abundant litter, Squirrel Glider that requires</p>	

3.2 Biocertification Process and Method			
Comments	Raised in submissions	Response	Relevant Section of ELA report
		<p>connected habitat and a dense midstory or Pomaderris that is susceptible to grazing (although land snails were recorded in the higher quality vegetation in Noorumba Reserve, Squirrel Glider in Browns Bush and Pomaderris to the east of Appin Road.</p> <p>In contrast, extensive areas of contiguous vegetation remained in MGS2 (in the 1950's). Large parts of MGS2 were not cleared for agricultural use until the 1980's. The creek lines in Stage 2 are 2nd and 3rd order creeks, are more dissected than Stage 1, have been fenced off by the land owner to keep stock out and are accordingly more intact, less disturbed and still support suitable habitat for these species.</p> <p>No changes to Assessment Report required</p>	
Impacts to biodiversity values not avoided and minimised			
<ul style="list-style-type: none"> We believe that the proposed footprint has failed to apply the avoid option, and has poor mitigation 	#609	<p>The Master planning for MGS2 has been an iterative process since 2015 with the ecological constraints informing the development outcomes. Areas of high biodiversity values (vegetation in good condition, strategic wildlife corridors) have largely been avoided other than relatively minor impacts associated with creek crossings where there are no alternatives.</p> <p>When the original Biocertification application was submitted to the Minister by CCC in August 2019, the land proposed for certification was 332.17 ha an included impacts to 76.89 ha of native vegetation.</p> <p>The land proposed for certification has been reduced to 268.72 ha which includes 53.50 ha of native vegetation.</p> <p>Assessment Report updated post exhibition</p>	<p>Updated Biocertification Assessment Report September 2022 (Appendix E)</p>
In adequacy of Assessment Report			

3.2 Biocertification Process and Method			
Comments	Raised in submissions	Response	Relevant Section of ELA report
<ul style="list-style-type: none"> Assessment report does not recognise the importance of Gilead's importance as a State/Regional Biodiversity Link 	#625, #626	<p>The assessment report has been prepared in accordance with the BCAM. The BCAM has specific definitions of 'State', 'Regional' and 'Local' Biodiversity Links when undertaking assessments. Further, the 'Guide to undertaking Biodiversity Certification Assessments for applicants (OEH 2015a) states that a State or Regional Biodiversity Link is a link that has been approved by the then CEO of OEH for the specific purpose of a Biodiversity assessment.</p> <p>As outlined in Section 1.6 of the Assessment report, the CEO of OEH has not approved any State or Regional Links for use in the BCAM.</p> <p>This does not mean that the assessment has ignored the strategic importance of the east-west corridors at Gilead. On the contrary, consistent with Biolink 2018; 2020 and the recommendations of the CS&E, the application has identified Woodhouse and Menangle Creek as key corridors and has committed to permanently protect, restore and manage these corridors as registered biobank sites.</p> <p>No changes to Assessment Report required</p>	Refer Section 1.6 of BCAR (Appendix E)
Impacts to Red Flags not avoided			
<ul style="list-style-type: none"> Pomaderris brunnea is a species that cannot withstand further loss (i.e. it is a red flag species). This species must at all costs be protected by maximising corridor widths to 425m with buffer zones. 	#609, #624, #489	<p>The MGS2 has recorded the presence of a significant new population of this species in south-west Sydney. This population is not protected from harm under the current land tenure and management. Of the 258 plants recorded in the study area, all but 2 will be permanently protected by the proposed Biodiversity Stewardship sites, protecting over 99% of the plants recorded on the site (Up to 23 Pomaderris plants would have been impacted in the original application).</p> <p>Assessment Report updated post exhibition</p>	Updated Biocertification Assessment Report September 2022 (Appendix E)

3.2 Biocertification Process and Method			
Comments	Raised in submissions	Response	Relevant Section of ELA report
Application does not achieve an 'improve or maintain' outcome			
<ul style="list-style-type: none"> The inadequate bushland protection and conservation measures will not enable the maintenance and improvement in biodiversity outcomes. 	#576 & #609	<p>An 'improve or maintain' outcome is described in Section 2 of the BCAM and is achieved if 'red flag' areas are avoided and all impacts are offset by the number of required credits (or the Director-General of OEH is satisfied that impacts to red flag areas may be offset in accordance with the variation criteria in s2.4 of the BCAM).</p> <p>In accordance with the BCAM, conservation measures may be secured within the BCAA (Section 8) or outside of the BCAA (Section 9).</p> <p>Subject to the Director –General approval of the red flag variation requests for impacts to CPW, SSTF and Pomaderris brunnea) (Section 5 of the assessment report), the conservation measures proposed in the assessment (both on-site and off-site measures) will generate all the required credits for impacts to all vegetation types and all species credit species other than a small 185 credit deficit for Koala, which will be met by the purchase of credits from a registered Biobank or Biodiversity Stewardship site or the Biodiversity Conservation Trust.</p> <p>As such, and in accordance with the BCAM, the proposal is considered to meet an 'improve or maintain' outcome.</p> <p>The land proposed for biocertification comprises largely scattered paddock trees and non-Koala browse species that whilst providing habitat for Koala, is of lower value than intact woodland. Patches of higher quality vegetation, surrounded by open space, are proposed for conservation measures where the quality of habitat in these areas will be enhanced and expanded.</p>	Section 2.4, 8 & 9 of BCAM and Section 4 and 5 of the updated Biocertification Assessment report, September 2022

3.2 Biocertification Process and Method			
Comments	Raised in submissions	Response	Relevant Section of ELA report
		<p>The proposed conservation measures permanently protect, manage and restore some 225 ha of endangered communities and habitat for threatened species, including koala.</p> <p>The management of the offset areas includes improving the quality and extent of vegetation and restoration of currently cleared areas.</p> <p>Assessment Report updated post exhibition</p>	
The Offset Package is inadequate			
<ul style="list-style-type: none"> The offset package includes Noorumba and Beulah Reserves The offset package includes the Heritage listed Mt Gilead Homestead site. This is double dipping it is already conserved by legislative instrument such as State Heritage Listing. Medhurst biobank site is not connected to any corridors Appin West is many miles away which may have some benefits for Wilton Koala's that are genetically distinct from the koalas at Gilead. Species credit paid into a fund, may support research but fails the 'like for like' standard. 	#576, #609 & #625	<p>The proposed offset package for MGS2 <u>does not</u> include the Beulah, Fernhill or West Appin Biobank sites.</p> <p>The package includes 3 new Biodiversity Stewardship Agreement sites (BSAs) sites totalling 225 ha of endangered vegetation types and Koala habitat (Browns Bush, Gilead and Gilead Homestead) and purchase of an additional 185 koala credits from other registered biobank and /or BSA sites or the Biodiversity Conservation Trust.</p> <p>The proposed offsets for MGS2 enhance and complement the offsets provided in MGS1 by further securing habitat along the Menangle Creek corridor, adding connectivity to the Macarthur-Onslow Biobank site to Woodhouse Creek and adding to the proposed Georges River Koala Reserve (Browns Bush Biobank site).</p> <p>All of these new sites are eligible to be registered as Biodiversity Stewardship sites (BSAs) as they have not previously been used as offset sites and have no existing legal requirement to be 'actively managed for conservation' (Heritage listing of the Gilead Homestead does not require the land owner to undertake active management, rehabilitation and</p>	<p>Refer to Figure 37 and Section 6 of revised Assessment Report</p>

3.2 Biocertification Process and Method			
Comments	Raised in submissions	Response	Relevant Section of ELA report
		<p>restoration of koala habitat. Registration of a Homestead Biobank site requires these actions, in perpetuity).</p> <p>Payment into the BCF means that Koala species credits from a registered Biobank or BSA site are purchased and retired. The funds are not used for research, they are used to secure, protect and manage koala habitat and not other species habitat. Accordingly they meet the 'like for like' test.</p> <p>Lendlease will use 99 koala credits purchased from the Noorumba Reserve Biobank site to meet part of the koala offset requirements. These credits fund the management and restoration of core koala habitat in degraded parts of the Noorumba Reserve (a strategic Koala Linkage Area, as they did at West Appin for MGS1) and thus address all 5 of the TECs offset requirements of Proximate (they are within or immediately adjacent to the MGS2 study areas, they are Contiguous (the habitat areas are all part of corridors linking the Georges and Nepean Rivers), they are additional (as they secure, protect and require active management of land that is not currently protected and/or required to be managed for conservation), are Environmentally Zoned (all Biobank sites in MGS2 (and MGS1 as part of a new planning proposal that increases the areas available to koalas) are proposed to be zoned Environmental Protection), and are accessible to koalas (Lendlease has committed to provide underpasses at Beulah and Noorumba to assist safe passage of koala's across Appin Road (Subject to State Government Approval).</p> <p>No changes to Assessment Report required</p>	
Zoning and Wildlife Corridors -			

3.2 Biocertification Process and Method			
Comments	Raised in submissions	Response	Relevant Section of ELA report
<ul style="list-style-type: none">Submission # 625 states that all biobank sites must be zoned Environmental Protection.	#625	<p>BSAs are an in perpetuity agreement registered on the land title. They can be registered over any land zoning other than National Park.</p> <p>It is the registration of the BSA on title that protects the biodiversity values of the land and creates the legal obligation of the current and any future land owners to manage the land in accordance with the Agreement, not what the underlying land zoning may or may not permit.</p> <p>Only the Minister for the Environment can terminate a BSA once the credits have been sold/retired.</p> <p>So whilst not required to be zoned C2 (as the requirements of a BSA are a higher standard), all proposed biobank sites in MGS2 are proposed to be zoned C2.</p> <p>No changes to Assessment Report required</p>	Section 6 of Biocertification Assessment report

3.3 Impacts to viability of strategically significant Campbelltown / Macarthur koala population			
Comments	Raised in submissions	Response / Actions	Relevant Section of ELA report
Concerns regarding the possible extinction of koalas in NSW in next 50 years, importance of the Chlamydia free Macarthur koala population			
<ul style="list-style-type: none"> Several submissions raised concerns about the possible extinction of Koalas in NSW within 50 years as found in the Upper House Koala enquiry (Parliament of NSW 2020) and the importance of the chlamydia free Macarthur population as one of the healthiest in the state and thus a key population to protect and enhance 	#489, #533, #576, #624, #625, #626	<p>Noted. CCC, DPIE and the NSW Government recognise the importance of this koala population and have taken extraordinary lengths to develop a 'best practice' approach to koala management in urban areas based on the advice of koala experts, CCC, DPIE (2019) and the CS&E Recommendations. The development as proposed will protect over 250 ha of koala habitat, 225 ha of which is in dedicated conservation areas (BSA sites) which has no current land tenure protections. The protection and enhancement of over 250 ha of koala habitat will increase the koala carrying capacity of the site from its current state.</p> <p>No changes to Assessment Report required</p>	
Impacts of the 2019/20 summer bushfires on koalas in NSW			
<ul style="list-style-type: none"> Several submissions raised concerns about the impacts of the 2019/20 summer bushfires on NSW Koala populations and the need to provide 'escape routes' should wildfires impact the Campbelltown population 	#489, #625	<p>The MGS2 project does not affect the likelihood of major bushfires in the Campbelltown/Wedderburn or Holsworthy areas.</p> <p>Should a major bushfire occur in these catchments the extent of unburnt areas and ability to move into unburnt patches of habitat for surviving koalas will be important in the recovery of the population.</p> <p>The MGS2 project has proposed underpasses at Beulah and Noorumba for the safe passage of Koalas across Appin Road (or the reverse direction) to the protected corridors within MGS2 and other connecting habitat along the Nepean River corridor.</p> <p>No changes to Assessment Report required</p>	

3.3 Impacts to viability of strategically significant Campbelltown / Macarthur koala population			
Comments	Raised in submissions	Response / Actions	Relevant Section of ELA report
Strategic Location of Mt Gilead in relation to connecting the Georges and Nepean Rivers and need to protect ALL east-west corridors as recommended by the CS&E			
<ul style="list-style-type: none"> Multiple submissions refer to the strategic importance of Mt Gilead in providing three of the six east-west connecting corridors between the Georges and Nepean River corridors and that Mt Gilead provides the shortest linkage point Several submissions also state that the CS&E report states that ALL of these corridors must be protected and that MGS2 does not conform to the CS&E's recommendations. Several submissions state that MGS2 is inconsistent with the recommendations of CCC and the approved CKPOM that states '<i>all east-west corridors on Mt Gilead MUST be protected</i>' including the recommendations of Biolink's South Campbelltown Koala habitat Connectivity Study (SCKHCS) (Biolink 2018) 	T1, T2, T3 & #489, #533, #576, #624, #625, #626	<p>DPIE (2019) identifies seven (7) east-west corridors connecting the Georges and Nepean Rivers. Six are classified as secondary corridors (A - Menangle Creek, B - Woodhouse Creek, C - Nepean Creek, D - Mallaty Creek, E- Ousedale Creek and F – Elladale and Simpsons Creek) and one as a Primary Corridor (the Cataract River).</p> <p>The CS&E <u>does not</u> recommend the protection of 'ALL' east-west corridors in Mt Gilead. The CS&E states:-</p> <ol style="list-style-type: none"> the Menangle Creek to Noorumba Reserve Corridor (Corridor A) should be used for koala '<u>if a feasible connectivity structure can be constructed at Appin Road</u>' and if not it should be fenced (At Appin Rd), isolating the koalas using this area. The Woodhouse Creek to Beulah Reserve Corridor (Corridor B) is an important northern connection for the koala population between the Georges River Reserve and the Nepean River corridor and should be retained with an underpass near Beulah Reserve as proposed by Lendlease, however, the proposed measures for this corridor in ELA (2019) are not adequate and should be improved based on the corridor width measures recommended. The relative importance of Corridor C (Nepean Creek to Beulah Corridor) is reduced in terms of its function if Corridor B can be secured. The role of corridor C would need to be visited if Corridor B is not used by Koalas or if its connectivity is temporarily disrupted during the construction of bridges at the Nepean River. 	Updated Biocertification Assessment Report September 2022 (Appendix E)

3.3 Impacts to viability of strategically significant Campbelltown / Macarthur koala population			
Comments	Raised in submissions	Response / Actions	Relevant Section of ELA report
		<p>The CS&E Report states that <i>“Not all the identified corridors are suitable to provide connectivity for koalas, but the habitat should be protected for koala habitat, biodiversity values and amenity in the region.”</i></p> <p>Ultimately the CSE recommends that within the Greater Macarthur there should be east-west connectivity across Appin Road and the expert panel prioritises two locations:</p> <ul style="list-style-type: none"> i. Beulah Reserve / Woodhouse Creek at Gilead; and ii. Ouesdale Creek at Appin. <p>Following a review of the CS&E advise, DPIE mapped koala corridors across Greater Macarthur and published an update to Greater Macarthur 2040 in December 2021 (Figure 4). This purpose of this update was to ensure the ongoing protection of koalas within the growth area, and in line with the Office of the NSW Chief Scientist & Engineer's recommendations, expand some koala movement corridors to ensure they support safe koala movement and are a priority for protection and ecological restoration over the long term.</p> <p>Lendlease have made legally binding irrevocable offers to the NSW Government to deliver, two Koala underpasses at Beulah and Noorumba, consistent with the CS&E (and Biolink 2018) to provide maximum functionality for the Woodhouse and Menangle Creek corridors.</p> <p>Creek crossings will be staged over 15 years such that habitat along Nepean and Menangle Creeks will remain intact until the crossing of Woodhouse Creek and protection of the corridor is complete.</p>	

3.3 Impacts to viability of strategically significant Campbelltown / Macarthur koala population			
Comments	Raised in submissions	Response / Actions	Relevant Section of ELA report
		<p>Further, Figure 5.3 in the approved CCC Comprehensive Koala Management Plan (Phillips 2018), identifies two Strategic Linkage Key Areas (SLAs) which run east to west through Mt Gilead (Woodhouse Creek) or on the northern boundary of Mt Gilead (Menangle Creek). These key SLAs will not be severely impacted by the proposal (other than for elevated creek crossings) and will be enhanced by the proposed BSA site registration with restoration of cleared areas and degraded vegetation to widen the width of each corridor</p> <p>The SCKHCS (Biolink 2018) recommends the protection of 'three' east-west corridors in South Campbelltown, two of which are within Mt Gilead (Menangle Creek and Woodhouse Creek (both of which are proposed to be protected and enhanced)) and a third, Mallaty Creek, which is south of Mt Gilead and not affected by the proposed biocertification. It is considered as part of the CPCP (DPIE 2020).</p> <p>The SCKHCS <u>does not</u> recommend the protection of the Nepean Creek corridor.</p> <p>Following a review of the CS&E advise, DPIE mapped koala corridors across Greater Macarthur and published an update to Greater Macarthur 2040 in December 2021.</p> <p>The updated Biodiversity Certification layout has adopted the corridors as mapped by DPIE.</p> <p>The Assessment Report has been updated to reflect these changes.</p>	
Width of Koala corridors, need to provide buffers and permitted activities within buffers			

3.3 Impacts to viability of strategically significant Campbelltown / Macarthur koala population			
Comments	Raised in submissions	Response / Actions	Relevant Section of ELA report
<ul style="list-style-type: none"> Many submission have stated that the CS&E has recommended all corridors be of a minimum width of 425m (within the development footprint and not averaged over the length of the corridor), plus a buffer 30m either side (which may be vegetated), and that APZs and detention basins must be within the development footprint. Several submissions also state that Lendlease have included parts of the heritage precinct to inflate the average width of the corridors 	T1, T2, T3 & #489, #533, #576, #624, #625, #626	<p>Following a review of the CS&E advise, DPIE mapped koala corridors across Greater Macarthur and published an update to Greater Macarthur 2040 in December 2021.</p> <p>The updated Biodiversity Certification layout has adopted the corridors as mapped by DPIE.</p> <p>The Assessment Report has been updated to reflect these changes.</p>	Updated Biocertification Assessment Report September 2022 (Appendix E)
<ul style="list-style-type: none"> Many submissions have stated that the application does not protect the Nepean River, identified as a Primary Corridor by DPIE 2019, with a minimum preferred width of 425m as stated in the GMGA Structure Plan (DPE 2018) plus 30m buffer each side and 30m APZ 	T1, T2, T3 & #489, #533, #576, #624, #625, #626	<p>Following a review of the CS&E advise, DPIE mapped koala corridors across Greater Macarthur and published an update to Greater Macarthur 2040 in December 2021.</p> <p>The updated Biodiversity Certification layout has adopted the corridors as mapped by DPIE.</p> <p>The Assessment Report has been updated to reflect these changes</p>	Updated Biocertification Assessment Report September 2022 (Appendix E)
<ul style="list-style-type: none"> Many submissions state that Nepean Creek should have a wildlife corridor of at least 390 metres plus buffer zones from the top of its banks and a 30 meter Asset Protection Area (APZ). 	T1, T2, T3 & #489, #533, #576, #624, #625	<p>The CSE report found that <i>"Not all the identified corridors are suitable to provide connectivity for koalas, but the habitat should be protected for koala habitat, biodiversity values and amenity in the region."</i></p> <p>The CSE report prioritises the protection of Corridor B (Woodhouse Creek) as a primary east-west connector for Gilead. The Lendlease proposal does exactly that. The CSE report also advises that <i>"Should Corridor B become secured, the relative importance of Corridor C</i></p>	Updated Biocertification Assessment Report

3.3 Impacts to viability of strategically significant Campbelltown / Macarthur koala population			
Comments	Raised in submissions	Response / Actions	Relevant Section of ELA report
		<p>[Nepean Creek] is reduced in terms of its function in connecting the Beulah Biobank site to the northern end of the Nepean Corridor."</p> <p>The MGS2 proposal will protect koala habitat within the Nepean Creek corridor and includes koala exclusion fencing.</p> <p>Following a review of the CS&E advise, DPIE mapped koala corridors across Greater Macarthur and published an update to Greater Macarthur 2040 in December 2021.</p> <p>The updated Biodiversity Certification layout has adopted the corridors as mapped by DPIE.</p> <p>The Assessment Report has been updated to reflect these changes</p>	September 2022 (Appendix E)
<ul style="list-style-type: none"> The Chief Scientist advises that all wildlife corridors on developable land should be between 390 and 425 metres wide with 30-metre buffer zones and 30-metre APZs. Many submissions state that the width of the proposed Woodhouse Creek corridors is not consistent with the CS&Es recommendations and should not include the existing Beulah and Browns Bush Biobank sites to inflate the average width 	T1, T2, T3 & #489, #533, #576, #624, #625, #626	<p>Following a review of the CS&E advise, DPIE mapped koala corridors across Greater Macarthur and published an update to Greater Macarthur 2040 in December 2021.</p> <p>The updated Biodiversity Certification layout has adopted the corridors as mapped by DPIE.</p> <p>The Assessment Report has been updated to reflect these changes</p>	Updated Biocertification Assessment Report September 2022 (Appendix E)

3.3 Impacts to viability of strategically significant Campbelltown / Macarthur koala population			
Comments	Raised in submissions	Response / Actions	Relevant Section of ELA report
<ul style="list-style-type: none"> The Chief Scientist advises that all wildlife corridors on developable land should be between 390 and 425 metres wide with 30-metre buffer zones and 30-metre APZs. Many submissions state that the width of the proposed Menangle Creek corridor is not consistent with the CS&Es recommendations and should not include the existing Noorumba Biobank site or the Heritage listed part of the Gilead Homestead to inflate the average width Several submissions state that the Menangle Creek corridor within MGS1 should be increased to 250m consistent with the approved Bulk Earth works DA. 	T1, T2, T3 & #489, #533, #576, #624, #625, #626	<p>Following a review of the CS&E advise, DPIE mapped koala corridors across Greater Macarthur and published an update to Greater Macarthur 2040 in December 2021.</p> <p>The updated Biodiversity Certification layout has adopted the corridors as mapped by DPIE.</p> <p>The Assessment Report has been updated to reflect these changes</p>	Updated Biocertification Assessment Report September 2022 (Appendix E)
Road kill, and need for floppy top koala exclusion fencing			
<ul style="list-style-type: none"> Multiple submissions have stated the need for 'floppy top koala exclusion fencing' (not dog proof fencing) to prevent road kill and dog attacks 	T1, T2, T3 & #489, #533, #576, #624, #625, #626	<p>In the updated assessment report, Lendlease have committed to fully enclosing/enclaving the entire development with koala exclusion fencing of all movement corridors with standard DPE/RMS endorsed 1500mm high fencing with a 600mm steel panel fencing (that will keep koalas within the safety of the protected corridors and dogs out) as recently installed along Appin and Picton Roads (refer to Figure 8).</p> <p>Koala exclusion fencing will also be installed along the length of the Appin Road upgrade adjacent to Mt Gilead by RMS, including the Browns Bush Biobank site.</p> <p>Fencing will be erected in Stages over the expected 15 years development stage of the project and prior to construction activities.</p>	Updated Biocertification Assessment Report September 2022 (Appendix E)

3.3 Impacts to viability of strategically significant Campbelltown / Macarthur koala population			
Comments	Raised in submissions	Response / Actions	Relevant Section of ELA report
		The Assessment Report has been updated to clarify that all fencing is Koala exclusion fencing.	
Need for Koala underpasses along Appin Road			
<ul style="list-style-type: none"> Multiple submissions have stated that overhead or underground wildlife crossings must be in place at Appin Rd Multiple submissions state that these underpasses must be at Gilead and not Beulah or Noorumba biobank sites to minimise disruption to vegetation 	T1, T2, T3 & #489, #533, #576, #624, #625, #626	<p>Lendlease have offered to fund and construct koala underpass at Beulah and Noorumba consistent with the recommendations of Biolink 2018 and the CS&E (Subject to Stage Government approval).</p> <p>The concept design for an underpass at Beulah Reserve was endorsed by the CS&E.</p> <p>Indicative designs of these underpasses are included at Figure 8.</p> <p>Lendlease and DPIE are in ongoing discussions with Transport for NSW regarding the provision of koala underpasses at Beulah and Noorumba Reserve in support of MGS1 and MGS2.</p> <p>The underpasses will be located to balance corridor functionality and ecological impacts of construction.</p> <p>Impacts to vegetation will be minimal and restored following construction.</p> <p>No changes to Assessment Report required</p>	
Need to meet all koala offsets on-site including Koala credit deficit			
<ul style="list-style-type: none"> Several submissions have stated that all koala offsets should be met on site (i.e. from within Mt Gilead) and not via purchase of credits from Appin West or Noorumba Biobank sites The deficit koala credits should also be met from Mt Gilead by widening corridors. 	#624 #625	<p>The proposed offset package for MGS2 <u>does not</u> include the Noorumba, Beulah, Fernhill or West Appin Biobank sites.</p> <p>The package includes 3 new BSA sites totalling 225 ha of Koala habitat (Browns Bush, Gilead and Gilead Homestead) and purchase of additional credits from other registered biobank sites or the Biodiversity Conservation Trust.</p>	

3.3 Impacts to viability of strategically significant Campbelltown / Macarthur koala population			
Comments	Raised in submissions	Response / Actions	Relevant Section of ELA report
		<p>The proposed offsets for MGS2 enhance and complement the offsets provided in MGS1 by further securing habitat along the Menangle Creek corridor, adding connectivity to the Macarthur-Onslow Biobank site to Woodhouse Creek and adding to the proposed Georges River Koala Reserve (Browns Bush Biobank site).</p> <p>All of these new sites are eligible to be registered as Biobank site as they have not previously been used as offset sites and have no existing legal requirement to be 'actively managed for conservation' (Heritage listing of the Gilead Homestead does not require the land owner to undertake active management, rehabilitation and restoration of koala habitat. Registration of a Homestead Biobank site requires these actions, in perpetuity).</p> <p>Payment into the BCF means that Koala species credits from a registered Biobank site are purchased and retired. The funds are not used for research, they are used to secure, protect and manage koala habitat and not other species habitat. Accordingly they meet the 'like for like' test.</p> <p>Lendlease will use 99 koala credits purchased from the Noorumba Reserve Biobank site to meet part of the koala offset requirements. These credits fund the management and restoration of core koala habitat in degraded parts of the Noorumba Reserve (a strategic Koala Linkage Area, as they did at West Appin for MGS1).</p> <p>Additional koala offsets will be provided that address strategic priorities for the regional koala population.</p> <p>No changes to Assessment Report required</p>	
Inadequate Lendlease Koala Management Plan			

3.3 Impacts to viability of strategically significant Campbelltown / Macarthur koala population			
Comments	Raised in submissions	Response / Actions	Relevant Section of ELA report
<ul style="list-style-type: none"> The Lendlease KMP is inadequate Several submissions state that Lendlease's corridor and carrying capacity reports lack credibility in regards to statements that the area of koala habitat will ultimately be higher and carrying capacity higher, koalas will not use trees less than 4 years old as stated by Eco Logical Australia because of low fertility soils 	#624, #625, #626	<p>Lendlease's Koala Conservation Plan and supplementary reports were prepared as a tool for community information and engagement, they do not form part of the Biodiversity Certification Application documentation.</p> <p>Accordingly no responses are given, however it is noted that In December 2020, Campbelltown City Council noted that <i>"The amendments [to the Biocertification Assessment report requested by the Minister (ELA 2020)] are consistent with the requirements of the Chief Scientist and Engineers Report and address the updated findings of Dr Steve Phillips, whose peer review was recently presented to Council."</i></p> <p>No changes to Assessment Report required</p>	
<ul style="list-style-type: none"> The NSW Minister for Environment & Energy, Matt Kean, announced that he would not be signing off on a biodiversity certification application for Mount Gilead Stage 2 unless the "development meets all the recommendations of the Chief Scientist" Campbelltown Council must reject this application because it doesn't comply with the Chief Scientist's recommendations and will be rejected by Environment Minister Matt Kean. 	T1, T2, T3 & #489, #533, #576, #624, #625	<p>Following a review of the CS&E advise, DPIE mapped koala corridors across Greater Macarthur and published an update to Greater Macarthur 2040 in December 2021.</p> <p>The updated Biodiversity Certification layout has adopted the corridors as mapped by DPIE.</p> <p>The Assessment Report has been updated to reflect these changes</p>	<p>Updated Biocertification Assessment Report September 2022 (Appendix E)</p>

3.4 Impacts to endangered ecological communities and other threatened species			
Comments	Raised in submissions	Response	Relevant Section of ELA report
Threats and cumulative impacts to EECs			
<ul style="list-style-type: none"> MGS2 is 3 times size of MGS1 and will impact 5 EECs and 19 threatened fauna species and one threatened plant The offset package is inadequate for such a huge loss Several of the impacted species will have a credit deficit 	#575 and #624	<p>There are three EECs within MGS2. CPW, STF and RFEF.</p> <p>GMDR is not a listed EEC under either the BC or EPBC Acts.</p> <ul style="list-style-type: none"> 11.56 ha of CPW will be impacted, down from 13.85 ha of, of which 7.75 ha is of moderate condition and comprises a red flag area or area of high conservation value. 15.80 ha will be permanently protected and a further 13.54 ha will be restored. 37.53 ha of SSTF will be impacted, down from 54.79 ha, of which only 4.42 ha is of moderate condition and comprises a red flag area or area of high conservation value. 127.86 ha will be permanently protected and a further 34.18 ha will be restored. 4.14 ha of RFEF will be impacted, down from 5.96 ha, all of which is in low condition. 19.74 ha will be permanently protected or retained. <p>The offset commitments for impacts to EECs are in excess of the requirements of BCAM.</p> <p>Lendlease will retire all the EEC credits required by the assessment and a further 101 surplus CPW, 997 surplus SSTF and 129 surplus RFEF ecosystem credits.</p> <p>Assessment Report updated to reflect these changes</p>	Section 4 and 6 of updated Biocertification report (Appendix E)

3.4 Impacts to endangered ecological communities and other threatened species			
Comments	Raised in submissions	Response	Relevant Section of ELA report
<ul style="list-style-type: none"> Pomaderris brunnea is an endangered shrub that was observed at 10 locations across Mt Gilead with 253 plants recorded. This species must be protected at all costs by maximising the corridor widths of Woodhouse and Nepean Creeks to 425m 	#575, #609 and #624	<p>The Masterplan has been updated between 2019 and 2022 to widen corridors for Koalas and reduce impacts to Pomaderris brunnea. These changes have resulted in impacts to 23 Pomaderris plants being reduced to 2.</p> <p>Assessment Report updated to reflect these changes</p>	<p>Updated Biocertification Assessment Report September 2022 (Appendix E)</p>
<ul style="list-style-type: none"> Swift Parrot use Mt Gilead and surrounding areas 	#576	<p>The Swift Parrot was recently recorded east of Appin Road, near Beulah in May 2018 (BioNet records) . Accordingly, the study area was identified as potential foraging habitat for Swift Parrot.</p> <p>Swift Parrots were considered likely to use the site from time to time as potential habitat is present on site. The species is difficult to survey for due to its nomadic nature and may only visit sites infrequently when winter flowering eucalypts are active.</p> <p>Under the BCAM Species credits are not required for impacts to Swift Parrot foraging habitat, however, the proposal will permanently protect 225 ha of potential foraging habitat and additional foraging opportunities in open space landscape plantings.</p> <p>No changes to Assessment Report required</p>	
<ul style="list-style-type: none"> Cumberland Plain Land Snails 	#575 and #624	<p>The Cumberland Plain Land Snail (CPLS) was recorded in MGS2 in areas with higher quality vegetation comprising native ground covers and abundant litter).</p> <p>There is no credit deficit for CPLS.</p> <p>1,181 species credits are generated for the 196.88 ha of Cumberland Plain Land Snail habitat conserved, and will be retired for a 289 credit obligation, i.e. 892 surplus credits will be retired.</p>	<p>Updated Biocertification Assessment Report September 2022 (Appendix E)</p>

3.4 Impacts to endangered ecological communities and other threatened species			
Comments	Raised in submissions	Response	Relevant Section of ELA report
		Assessment Report updated to reflect these changes	
<ul style="list-style-type: none"> Squirrel Glider and Greater Glider Recorded in step gorges of Woodhouse and Menangle Creek where they nest in large tree hollows. Need to address the additional threat of poorly managed urban run-off and increased erosion of gullies and not include stormwater control measures within corridors 		<p>The Squirrel Glider was recorded in the Nepean River corridor and the Woodhouse, Menangle and Nepean Creek corridors as shown in Figure 17 of the assessment report.</p> <p>1,347 credits are generated for the 224.42 ha of conserved Squirrel Glider habitat that will be retired for the 993 credit obligation i.e. 354 surplus Squirrel Glider credits will also be retired.</p> <p>Greater Gliders (Endangered on the EPBC Act but not listed under the TSC/BC Act) have not been recorded in the BCAA despite extensive survey effort.</p> <p>All of the corridors will be fenced with koala exclusion fencing with the habitat areas restored and enhanced under BSA management arrangements. The Master Plan for MGS2 includes a Water Sensitive Urban Design (WSUD), as described in Section 4.7.1 of the assessment report) with collection of urban run-off in stormwater detention swales within the urban footprint. Additional Bio-retention basins are located adjacent to (and sometimes within) the proposed wildlife corridors to temporarily hold, treat and release water into existing creek lines following heavy rainfall events to maintain water quality to match or exceed pre development water quality levels and flows and prevent erosion of gullies (Figure 6).</p>	<p>Updated Biocertification Assessment Report September 2022 (Appendix E)</p>
<ul style="list-style-type: none"> Southern Myotis (Fishing Bat) It is important to protect the streamlines and associated rock features and trees that contain 		<p>Vegetation along Nepean River, Menangle and Woodhouse Creek where this species is likely to roost/breed will all be protected in registered biobank sites.</p> <p>The Master Plan for MGS2 includes a Water Sensitive Urban Design (WSUD), as described in Section 4.7.1 of the assessment report) with</p>	

3.4 Impacts to endangered ecological communities and other threatened species			
Comments	Raised in submissions	Response	Relevant Section of ELA report
<p>nesting hollows for this species by maximising widths of corridors and other WSUD mitigations.</p> <ul style="list-style-type: none"> Water quality of streams must be maintained at current condition to support the suite of aquatic insects that are an essential part of the diet of this species 		<p>collection of urban run-off in stormwater detention swales within the urban footprint. Additional Bio-retention basins are located adjacent to (and sometimes within) the proposed wildlife corridors to temporarily hold, treat and release water into existing creek lines following heavy rainfall events to maintain water quality to match or exceed pre development water quality levels and flows and prevent erosion of gullies (Figure 6).</p> <p>856 credits are generated for the 142.74 ha of conserved Myotis habitat that will be retired for the 613 credit obligation i.e. 244 surplus Myotis credits will also be retired.</p> <p>Assessment Report updated to reflect these changes</p>	
<ul style="list-style-type: none"> Micro-bats 	#576	<p>225 ha of foraging habitat for micro-bat species will be permanently protected on-site in proposed BSA sites with additional foraging opportunities in other retained land and open space areas.</p>	

3.5 Other Site Values			
Comments	Raised in submissions	Response	Relevant Section of ELA report
Heritage listing			
<ul style="list-style-type: none"> The Gilead Homestead site is already heritage listed so registering a biobank site over the homestead area is double dipping 	#576	<p>As indicated above, listing under the NSW Heritage Act does not require the land owner to undertake active conservation management of EECs or koala habitat. The proposed Gilead Homestead BSA site will require active management of the BSA area, including restoration and enhancement to the existing poor quality habitat, feral animal control, fencing and is subject to annual reporting, monitoring and compliance checks.</p> <p>No changes to Assessment Report required</p>	
Heritage values			
<ul style="list-style-type: none"> Submission #624 refers to the historical significance of the property 	#624	<p>The Heritage values of Mt Gilead are noted and have been recognised by the heritage listing of the 150 ha homestead site in September 2020.</p> <p>MGS2 will not impact the heritage curtilage of the property.</p> <p>No changes to Assessment Report required</p>	
Impacts to Cultural Heritage Values			
Submission #624 refers to the cultural significance of the river (Nepean) to the indigenous Dharawal people	#624	<p>The cultural heritage values of the Nepean River are noted. MGS2 will not impact the cultural heritage values of the Nepean River. The Nepean River corridor will be protected in a biobank site.</p> <p>No changes to Assessment Report required</p>	
Loss of rural land			
<ul style="list-style-type: none"> General concern for loss of agricultural and scenic values 	T1	The Gilead and Menangle Precincts of the GMGA were identified by the Department of Planning in the Greater Macarthur Land Release	

3.5 Other Site Values			
Comments	Raised in submissions	Response	Relevant Section of ELA report
		investigation study and the subsequent 2040 Structure Plan as being suitable for urban development. No changes to Assessment Report required	
Erosion of gullies and gorges from urban run-off and water quality and/or pollution			
<ul style="list-style-type: none"> Submission #576 states that increased urban stormwater runoff is an erosional threat and that it is important that WSUD mitigation measures are implemented to maintain water quality in creeks and streams 	#576	<p>The Master Plan for MGS2 includes a Water Sensitive Urban Design (WSUD), as described in Section 4.7.1 of the assessment report) Additional Bio-retention basins temporarily hold, treat and release water into existing creek lines following heavy rainfall events to maintain water quality to match or exceed pre development water quality levels and flows and prevent erosion of gullies (Figure 6).</p> <p>No changes to Assessment Report required</p>	
Heat and air pollution linked with Climate Change			
<ul style="list-style-type: none"> Submission #497 states that a report on the cumulative effects of air pollution and heat of the new Badgery's Creek airport, the Liverpool Intermodal and 1000's of new homes needs to be assessed. 	T1 and #497	<p>In proposing rezoning the site for residential purposes as part of the GMGA, the Minister for Planning has determined that development of the site for residential purposes will not have significant impacts on air quality, heat sinks or climate change.</p> <p>No changes to Assessment Report required.</p>	

4 Conclusion

Of the issues raised in the 625 submissions, the vast majority related to non-conformity with the CS&E recommendations regarding protection of strategic koala movement corridors, minimum widths of corridors and the need for buffers to protect the integrity and functioning of these corridors and the lack of a Planning Proposal for the development.

Several issues raised were not relevant to matters the Biodiversity Certification Assessment Methodology (BCAM) is required to address (i.e. suitability of land for urban development (planning matter), impacts to agricultural land (planning matter) and lack on consideration of regional infrastructure (planning matter).

As part of preparing the assessment report, Lendlease and Campbelltown City Council consulted extensively with the DPIE to ensure consistency with the GMGA Structure Plan and the CPCP and have taken on board the recommendations of the CS&E.

The proposal is consistent with the GMGA planning process and protects (and enhances) all strategic east-west koala corridors identified in Councils Comprehensive Koala Plan of Management (Phillips 2018), the South Campbelltown Koala Habitat Connectivity Study (Biolink 2018) and the CS&E recommendations in a 250 ha Koala Conservation Area.

Following a review of the relevant issues raised in the exhibition period, and the planning process undertaken by the DPE (Technical Assurance Panel) after the exhibition period, the Biocertification Assessment report has been updated to:-

1. Widen the Woodhouse Creek, Menangle Creek and Nepean River Koala corridors to be consistent with CS&E recommendations
2. Recalculate the impacts and offset commitments
3. clarify the commitment to install 'koala exclusion fencing' along all koala corridors (rather than dog fencing).
4. Confirm that all offset areas will be proposed for C2 zoning.
5. The updated Biodiversity Certification layout has adopted the corridors as mapped by DPIE.
6. Enter into discussions with the owners of the Mt Gilead Homestead regarding the restriction/free range of farm dogs.

The updated Biocertification Assessment Report (ELA 2020) is provided as **Appendix E**.

5 References

Biolink 2018. South Campbelltown Koala Habitat Connectivity Study. Final report to Campbelltown City Council, updated April 2018. Biolink 2020. Gilead Stage 2: A commentary on koala carrying capacity and corridor review reports prepared by Eco Logical Australia on behalf of Lendlease Communities (Fig Tree Hill) Pty Ltd. Advice to Campbelltown City Council, June 2020.

Campbelltown City Council (CCC) 2020. *Campbelltown 2040: Local Strategic Planning Statement*. NSW Government.

Campbelltown City Council (CCC) 2017. Ordinary Council Meeting 28 November 2017 Item 8.4 Proposed Natural Assets Corridors – Officers Report

Campbelltown City Council (CCC) 2020. Ordinary Business Paper 13 October 2020 Item 8.5 Update on draft Biodiversity Certification Application for Mount Gilead Stage 2 - Officers Report

DEECW 2011. Biodiversity Certification Assessment Methodology. NSW Department of Environment, Climate Change and Water, February 2011.

DPE (Department of Planning and Environment) 2013. *The Draft Metropolitan Strategy for Sydney to 2031*. Available from http://planspolicies.planning.nsw.gov.au/index.pl?action=view_job&job_id=6051

DPE (Department of Planning and Environment) 2014. *A Plan for Growing Sydney*. Department of Planning and Environment, Sydney.

DPE (Department of Planning and Environment) 2015. Greater Macarthur Land Release Investigation – Preliminary Strategy and Action Plan.

DPE (Department of Planning and Environment) 2018. Greater Macarthur 2040: An Interim Plan for the Greater Macarthur Growth Area, NSW Department of Planning and Environment, November 2018.

DPE (Department of Planning and Environment) 2017. *Greater Macarthur Strategic Transport Infrastructure Study*. Prepared by Jacobs for Department of Planning and Environment.

DPE 2022. The Cumberland Plain Conservation Plan. A conservation plan for Western Sydney to 2056. Published by the NSW Department of Planning, Industry and Environment, August 2022.

Department of Planning, Industry and Environment (DPIE) 2019. Conserving Koalas in the Wollondilly and Campbelltown Local Government Areas.

DPIE 2020. The Draft Cumberland Plain Conservation Plan. A conservation plan for Western Sydney to 2056. Published by the NSW Department of Planning, Industry and Environment, August 2020.

DPIE 2021. Greater Macarthur 2040 Update December 2021. NSW Department of Planning, Industry and Environment, December 2021.

ELA 2019. *Mt Gilead Stage 2 Biodiversity Certification Assessment Report & Biocertification Strategy*. Prepared for Lendlease Communities (Figtree Hill) Pty Limited, 18 July 2019.

ELA 2020. *Mt Gilead Stage 2 Biodiversity Certification Assessment Report & Biocertification Strategy*. Prepared for Lendlease Communities (Figtree Hill) Pty Limited, 27 November 2020.

Eco Logical Australia (ELA) 2020a. *Biobank Agreement Credit Assessment Report – Browns Bush Biobank Site*. Report prepared for Lendlease Communities (Mt Gilead) Pty Ltd, August 2020.

Eco Logical Australia (ELA) 2020b. *Biobank Agreement Credit Assessment Report – Gilead Biobank Site*. Report prepared for Mt Gilead Pty Ltd, August 2020.

Eco Logical Australia (ELA) 2020c. *Biobank Agreement Credit Assessment Report – Gilead - Homestead Biobank Site*. Report prepared for Mt Gilead Pty Ltd, August 2020.

Eco Logical Australia (ELA) 2020d. *Biobank Agreement Credit Assessment Report – Medhurst Biobank Site*. Report prepared for Lendlease Communities (Figtree Hill) Pty Ltd, August 2020.

Eco Logical Australia (ELA) 2020e. Mt Gilead Koala Carrying Capacity Assessment. Report prepared for Lendlease Communities (Figtree Hill) Pty Ltd, 3 March 2020.

Eco Logical Australia (ELA) 2020f. Mt Gilead corridor review. Report prepared for Lendlease Communities (Figtree Hill) Pty Ltd, 3 March 2020.

Greater Sydney Commission 2018a. *The Greater Sydney Regional Plan: A Metropolis of Three Cities*. Parramatta. NSW Government.

Greater Sydney Commission 2018b. *The Western Sydney District Plan*. Parramatta. NSW Government.

Lendlease 2020. Gilead Koala Conservation Plan, Rev 3 16 October 2020.

NSW Chief Scientist & Engineer 2020. Advice on the protection of the Campbelltown Koala population. Koala Independent Expert Panel. Office of the Chief Scientist & Engineer, 30 April 2020.

NSW Chief Scientist & Engineer 2021a. Response to question about advice provided in the Koala Independent Expert Panel Report 'Advice on the protection of the Campbelltown Koala Population. Office of the Chief Scientist & Engineer, February 2021.

NSW Chief Scientist & Engineer 2021b. Advice regarding the protection of koala populations associated with the Cumberland Plain Conservation Plan. Office of the Chief Scientist & Engineer, May 2021.

NSW Department of Planning 2010. Metropolitan Plan for Sydney 2036.

OEH 2015 Biodiversity Certification – Guide for applicants. NSW Office of Environment and Heritage, May 2015.

Openlines 2020. Draft Cumberland Plain Assessment Report.

Parliament of NSW 2020. Legislative Council. Portfolio Committee No. 7 – Planning and Environment. Koala populations and habitat in New South Wales, 30 June 2020

Phillips, S. 2018. Campbelltown Comprehensive Koala Plan of Management. Prepared for Campbelltown City Council, September 2018 (Approved under SEPP (Koala Habitat Protection) 2019 July 2020).

RMS 2018. Appin Road Upgrade, Mt Gilead to Ambervale: Review of Environmental Factors, Roads and Maritime Services, November 2018.

RMS 2019. Appin Road Upgrade, Mt Gilead to Ambervale: Submissions Report, Roads and Maritime Services, March 2019.

Transport for NSW 2018.Future Transport Strategy 2056. Transport for NSW, Sydney.

Transport for NSW 2020. Link Road Corridor Study Options Report. Transport for NSW,
November 2020.

Appendix A : Exhibited Biocertification Assessment report and Application (Eco Logical Australia, 27 November 2020)

Provided as a separate Pdf document with names of submitters removed for privacy reasons.

Appendix B : Compendium of submissions

Provided as a separate Pdf document with names of submitters removed for privacy reasons.

Appendix C : CS&E's Advice on Protection of the Campbelltown Koala Population - 30 April 2020

Provided as a separate Pdf document with names of submitters removed for privacy reasons.

Appendix D Department of Planning and Environment response to the OCSE Principles and final Koala corridors in Gilead

Provided as a separate Pdf document with names of submitters removed for privacy reasons

Appendix E : Updated Biocertification Assessment report (Eco Logical Australia, 5 September 2022)

Provided as a separate Pdf document with names of submitters removed for privacy reasons.

Appendix F : CS&E's Response to questions regarding the Campbelltown Koala population- February 2021

Provided as a separate Pdf document with names of submitters removed for privacy reasons.

Appendix G : CS&'s Advice regarding the protection of koala populations associated with the CPCP- 14 May 2021

Provided as a separate Pdf document with names of submitters removed for privacy reasons.

Appendix H : Relevant Maps and Figures

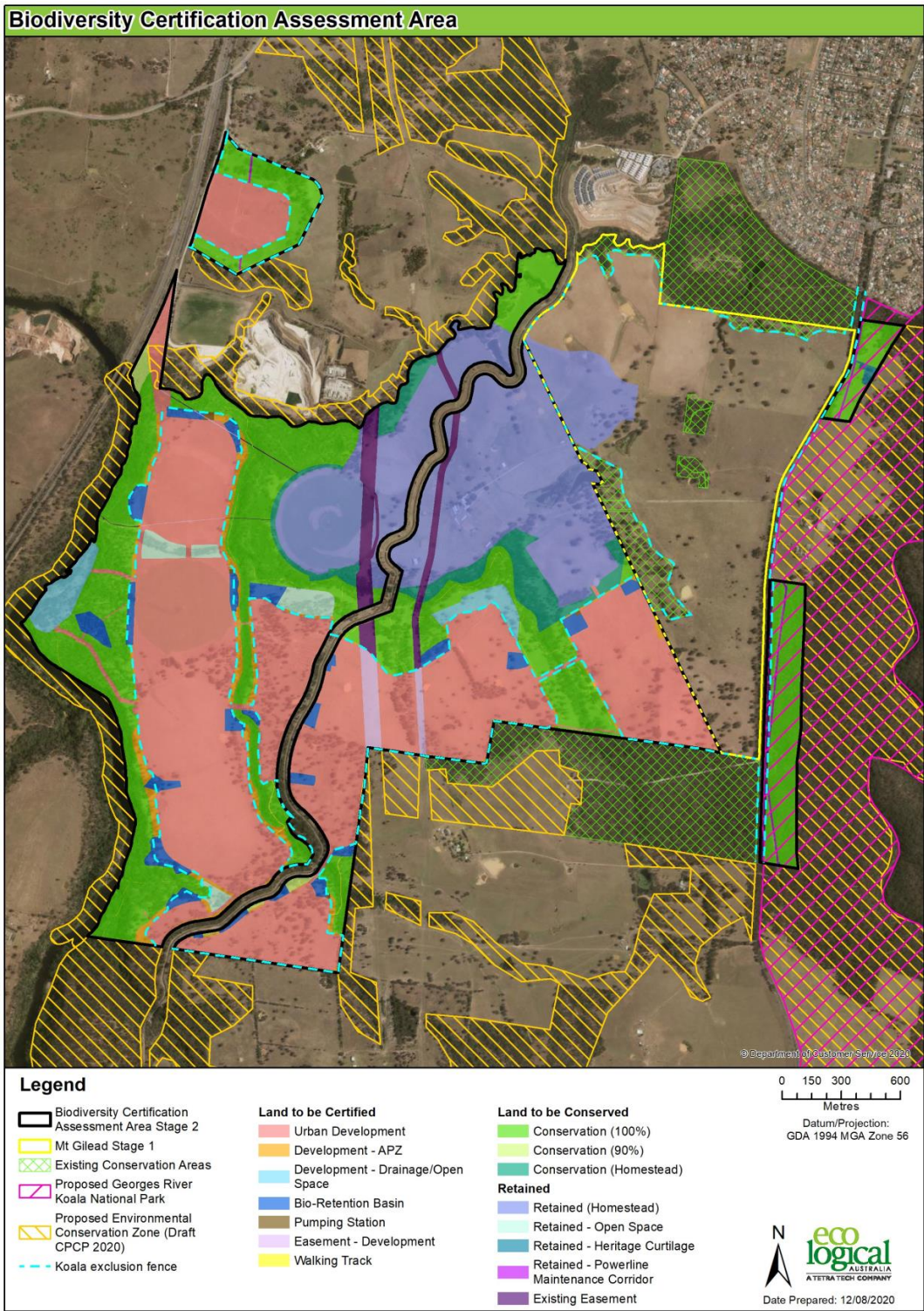


Figure 1: Land proposed for Biocertification and fenced koala Conservation area after ELA (2020)

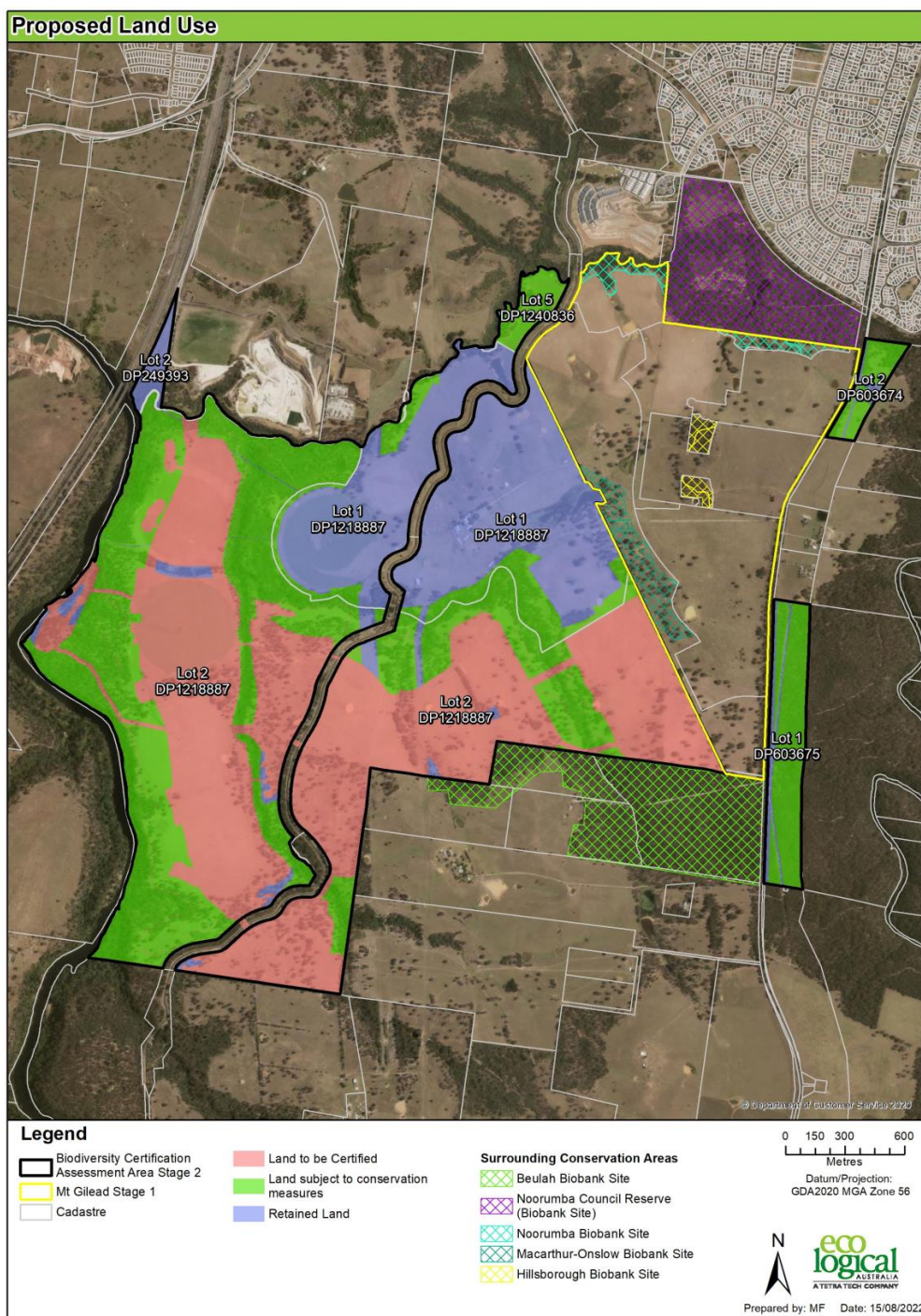


Figure 2: Land proposed for Biocertification and fenced koala Conservation area after ELA (2022 Revised BCAR)

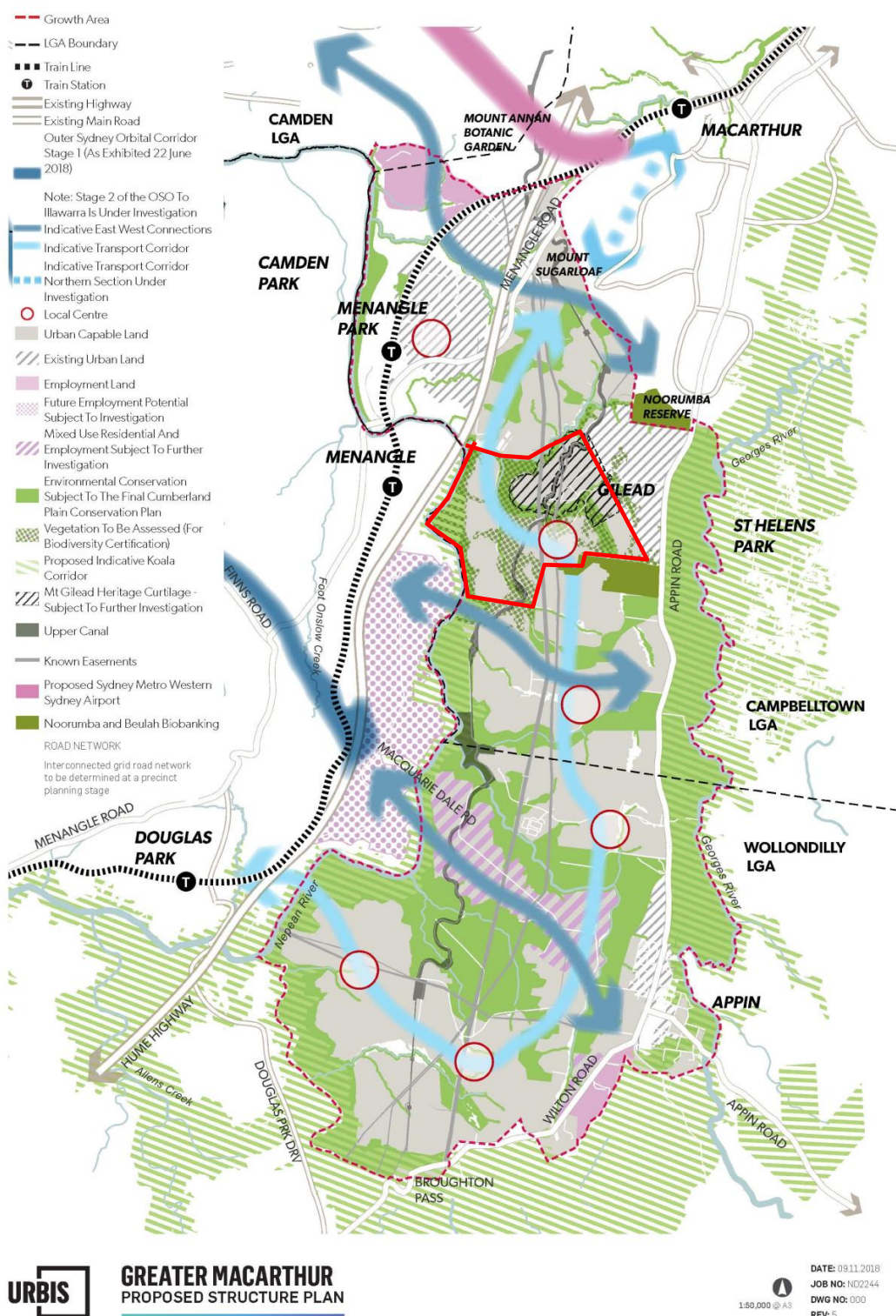


Figure 3: DPIE GMGA Structure Plan (Source DPIE 2018)

Note red outline shows approximate location of MGS2 application boundary

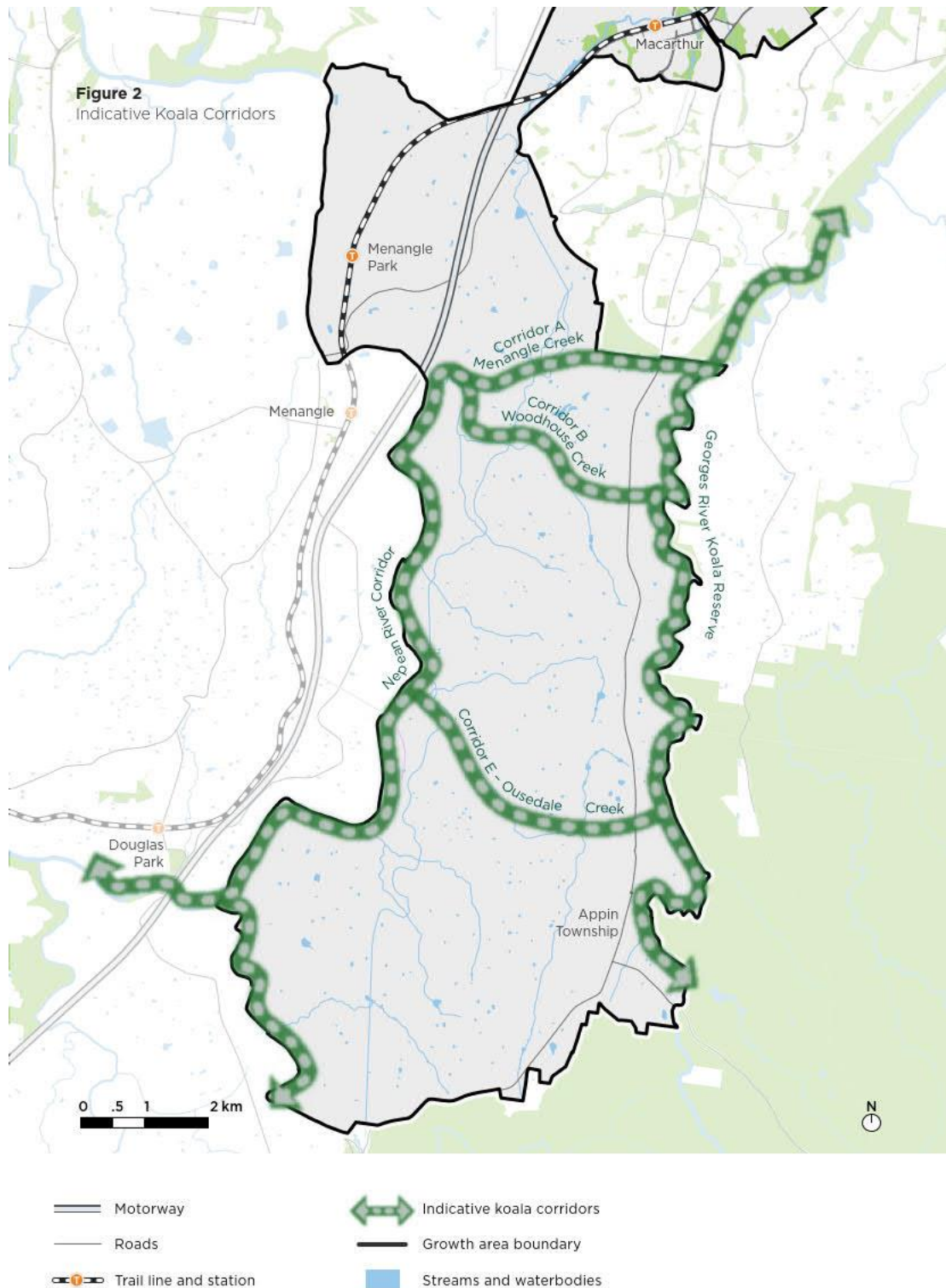


Figure 4: Indicative Koala corridors in Greater Macarthur 2040 Update (Dec 2021)

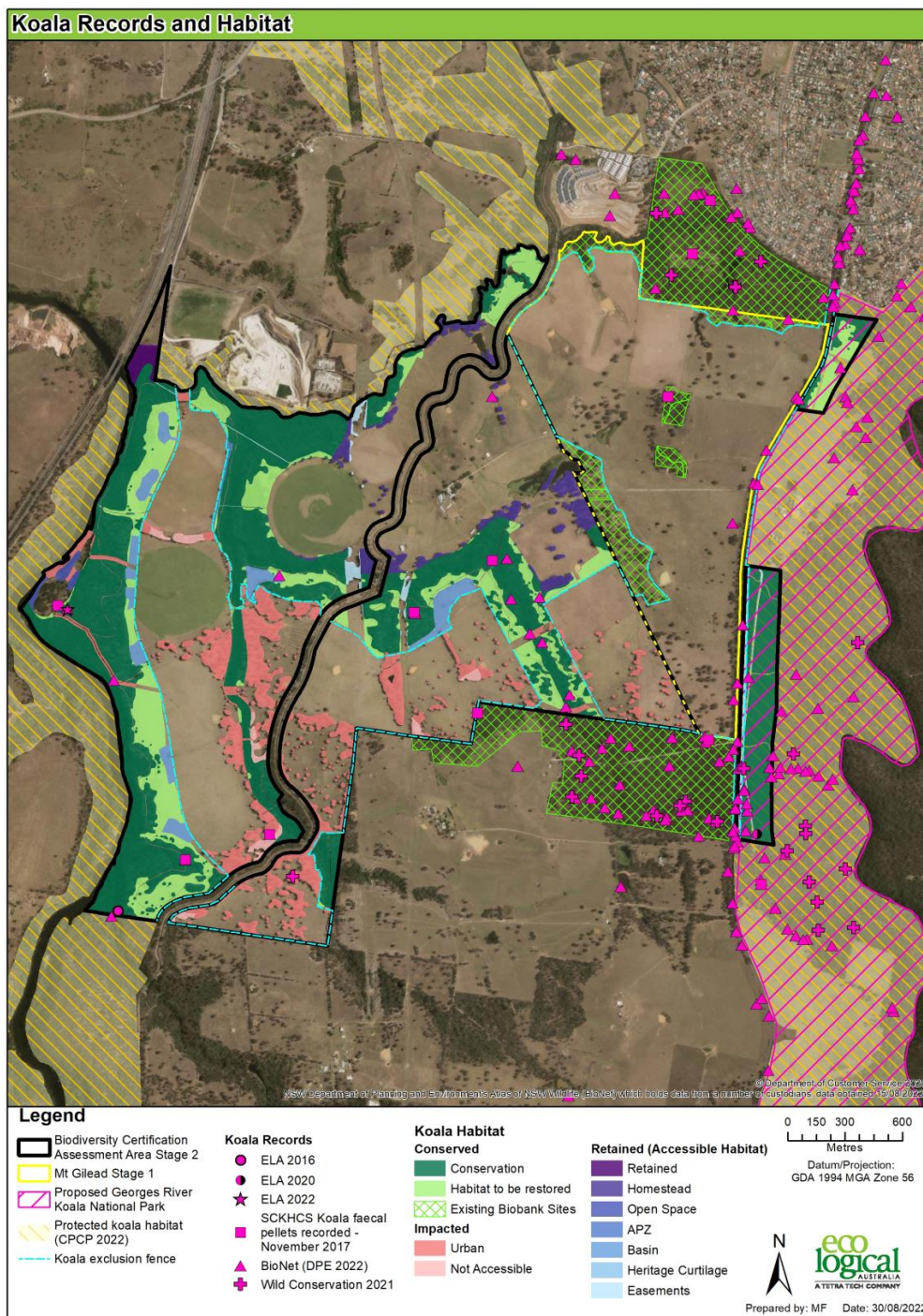


Figure 5: Proposed retained and protected Koala habitat in and adjacent to Mt Gilead Stage 2 including the 250 ha Mt Gilead Koala Conservation Area within MGS2



A bioretention basin showing the transition from open space to vegetated basin, with footpath on farside and fenced off conservation area in the background.



Established native vegetation within a bioretention basin acting as a buffer to the conservation area in the background.



An aerial view of a bioretention basin functioning alongside residential development and conservation areas

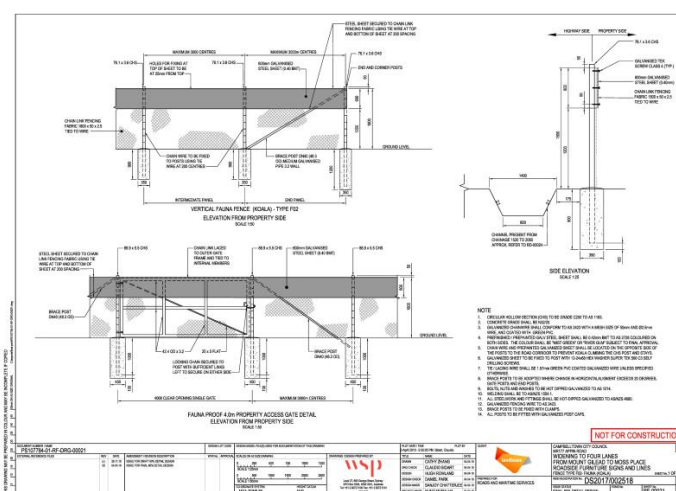
Figure 6: Typical examples of vegetated bio-retention basins showing the extent of vegetation



Traditional floppy-top Koala Exclusion Fence – RMS Picton Road



New Design Koala Exclusion Fence – RMS Picton Road



Gilead fence 1500mm high with 600mm panel

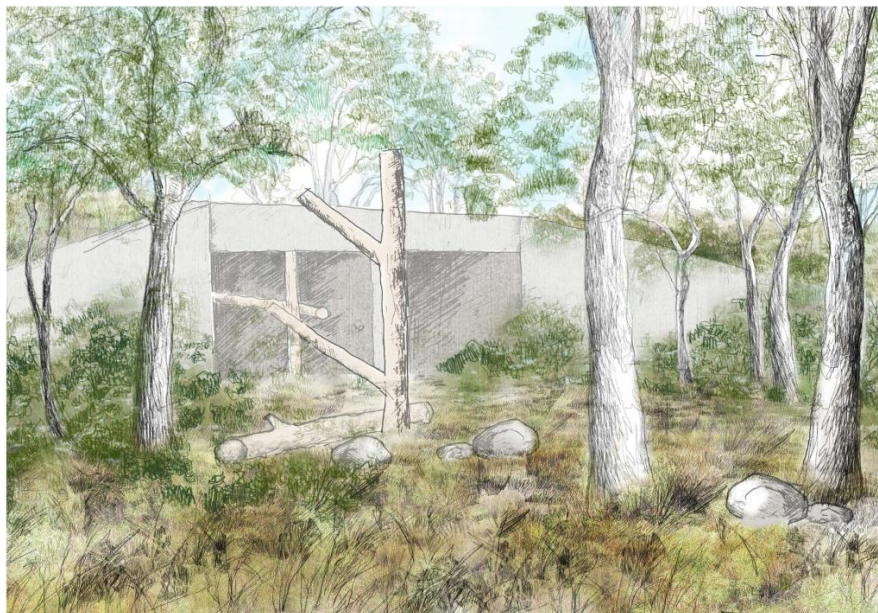
Figure 7: Gilead Koala exclusion Fence Design



2 Figtree Hill Koala Conservation Strategy | Graphic Illustrations | Rev -

| DRAWN BY: SL/DY | CHECKED BY: PP | ASPECT Studios™

Indicative Underpass at Beulah



3 Figtree Hill Koala Conservation Strategy | Graphic Illustrations | Rev -

| DRAWN BY: SL/DY | CHECKED BY: PP | ASPECT Studios™

Indicative underpass at Noorumba

Figure 8: Indicative Appin Road Koala Underpass (Subject to Stage Government approval)

Department of Planning and Environment



Our ref: IRF22/2756

Mr Brendan O'Brien
Head of Strategic Planning, Residential Communities
Lendlease
Level 14, Tower Three, International Towers Sydney
Exchange Place, 300 Barangaroo Avenue,
Barangaroo NSW 2000

Dear Mr O'Brien

Thank you for participating in the Technical Assurance Panel (TAP) pilot program. The TAP sought to ensure the preparation of a proposal to rezone Gilead Stage 2 (the site) which aligns to the strategic framework, state and local government policies and infrastructure delivery.

Since the TAP commenced in late 2020, significant progress was made to establish indicative koala corridors and engagement with the local Aboriginal community. These have both informed the draft proposal. I understand the key intent of the draft proposal is to establish the extent of conservation and urban development land for the site. The Department supports this as an important step in securing koala corridors and new communities for South West Sydney. Further, the analysis of housing supply in the Western City District undertaken as part of the TAP program found the current planned housing supply across the District, including the Wilton and South West Growth Areas, would not keep up with housing demand for the Western Parkland City. This shortfall was demonstrated prior to 2036 and was projected increase significantly before 2041.

While the package submitted has been prepared in the format of a draft Planning Proposal (the draft proposal), the recommended statutory pathway is still under consideration and further advice will be provided in the coming weeks.

The draft proposal package that was submitted for review is at **Attachment A**. The TAP members have now provided their comments on the draft proposal which are at **Attachment B**. Having considered that feedback, I have provided the following advice below:

- changes required to the draft proposal, and
- matters that can be progressed during or after exhibition of the proposal.

Changes required prior to lodgement and exhibition of the proposal

1. Update the draft proposal to amend the following:
 - a. refer to the structure plan as the 'draft Gilead (part) Precinct structure plan (**draft structure plan**)', and
 - b. refer to the future 'detailed master plan' as the 'final Gilead (part) Precinct structure plan (**final structure plan**)', to be finalised and adopted following exhibition.

While I appreciate the intention is to undertake further masterplanning work which will inform the Development Control Plan (DCP), the current structure plan, contained in the draft proposal, requires further refinement and detail. It must indicate the public open space and the transport corridor before it can be adopted and uploaded to the Department's website. The draft proposal

Department of Planning and Environment



is to note the final structure plan will be prepared following exhibition and consideration of submissions. **Attachment C** outlines the intended hierarchy of plans.

I note that the current draft structure plan also shows Stage 1 (Figtree Hill) and the State Heritage Listed Mt Gilead Estate. The structure plan should be amended to be clear that only the Stage 2 site is proposed to be rezoned.

2. Update Part 2 (Explanation of Provisions) to propose a new provision in the State Environmental Planning Policy (Western Parkland City) 2021 (WPC SEPP) to require a final structure plan to be adopted by the Planning Secretary and published on the Department's website prior to development consent being granted. The provision is to propose that the Gilead Stage 2 site within the final structure plan must include:
 - a. at least 29.1ha of open space not located within the koala corridors, and comprising:
 - at least 20.9ha of active open space and
 - at least 8.2ha of passive open space,
 - b. medium and low density residential development,
 - c. Koala Corridors (as proposed in the draft structure plan and proposed land use zone map) and other areas of Environmental Conservation,
 - d. local or neighbourhood centre,
 - e. school site,
 - f. road hierarchy,
 - g. koala underpasses at Appin Road,
 - h. the Transport Corridor with an appropriate width and scale as per the cross section in the Greater Macarthur 2040 Interim Plan, and
 - i. any other information considered relevant.

This proposed provision is to ensure sufficient flexibility so the future DCP can accommodate minor changes of uses within the urban development zone, and be adopted without requiring the structure plan to be re-exhibited and updated. This is to be achieved in the new SEPP provisions which will include aims such as:

- to rezone land to allow for development to occur in the manner envisaged by the Gilead (Part) Precinct structure plan,
- to protect conservation land and koala corridors consistent with the Gilead (Part) Precinct structure plan, and
- to guide the bulk and scale of future development within the Gilead (Part) Precinct generally consistent with the Gilead (Part) Precinct structure plan.

It is at Lendlease's discretion to include the Height of Building (HOB) controls on the structure plan or continue to propose a SEPP HOB map. I note that the structure plan for the North East Wilton Precinct includes HOB controls. The Department is currently updating the structure plan for the South East Wilton Precinct to indicate the HOB controls.

EHG raised concerns that the stormwater basins may not be adequately sized. Lendlease should review the basins to ensure their sizes are adequate as this may have implications for the final structure plan.

Department of Planning and Environment



3. Update the draft proposal to ensure the proposed uses for the Riverside Reserve are consistent with the advice from the Office of Chief Scientist and Engineer. While walking trails, seating and wayfinding signs are supported, as the proposed Riverside Reserve is located within the Nepean Koala Corridor it cannot support uses such as access roads, built structures, barbeques, lighting, dog walking, playgrounds, etc.

The types of uses permissible in all koala corridors is consistent throughout the Greater Macarthur Growth Area.

4. Update the permitted uses in the C2 Environmental Conservation zone to only include:
 - a. Oyster aquaculture (mandatory use in the zone),
 - b. Environmental Facility,
 - c. Environmental Protection works, and
 - d. Flood mitigation works.
5. Update Part 2 of the draft proposal (Explanation of Provisions) to propose a concurrence clause and associated clause application map to apply to the site's portion of Koala Corridors A and B and the Nepean Corridor. This clause is proposed to be similar to the clause 7.28 in the Campbelltown Local Environmental Plan (LEP) 2015 currently applied to Corridor A in Figtree Hill. The concurrence will apply to proposed development in the koala corridors.

In deciding whether to grant concurrence, the Planning Secretary must consider the impact of the proposed development on:

- a. the protection of the Campbelltown koala population, and
- b. the maintenance and delivery of the koala corridor.

The Department is preparing an update to the Greater Macarthur 2040 Interim Plan. This update will provide further guidance on this concurrence clause. For example, proposed development within the koala corridors will need to address matters such as:

- if native vegetation is proposed to be cleared,
- the size of the development and the consequential loss of land in the koala corridor available for revegetation,
- accessibility from the UDZ land for construction and maintenance, given roads aren't permissible in the C2 area,
- any mitigation measures such as revegetation, and
- consistency with the Chief Scientist's advice and recommendations.

6. Include a proposed SEPP map of C2- Environmental Conservation land that does not form part of a koala corridor. This conservation area that is outside a koala corridor is proposed to have the following additional permitted uses:
 - a. Building identification signs,
 - b. Business identification signs,
 - c. Eco-tourist facilities,
 - d. Information and education facilities,
 - e. Roads,
 - f. Kiosks,
 - g. Recreation areas,
 - h. Water supply systems.

Department of Planning and Environment



7. Update the draft proposal to reflect TfNSW has objected to being the acquisition authority for the portion of land in Corridor A proposed to be zoned SP2-Infrastructure. Campbelltown City Council will consider being nominated the acquisition authority and provide a formal response during statutory rezoning process.
8. Update the cross-section diagrams for the secondary collector road (currently shown as 28m wide corridor) to align with the cross section for the Transit Corridor (which requires a 45.2m corridor) contained in the Greater Macarthur 2040 Interim Plan. Ensure this is reflected wherever they appear in supporting documents (such as the Urban Design report).
9. Include a summary of how the draft proposal has addressed or responded to feedback from the Aboriginal Community, with reference to the Connecting with Country principles and objectives.
10. Propose an affordable housing target of 5% for medium density development. This is similar to the existing provision for Glenfield Precinct contained in clause 8.4 of the Campbelltown LEP.
11. Refer to the annotated Planning Proposal provided at **Attachment A** for minor miscellaneous updates required.

Further reasons and discussion for the above required changesPublic Open Space:

Using the benchmark of 2.83ha per 1000 people, Gilead Stage 2 requires a total of **29.1ha** of open space. This is calculated on the assumption of a future population of 10,313 people noted in the supporting studies.

Campbelltown City Councils Sport and Recreation Strategy (2016) provides the benchmark of 1.37ha per 1000 people for active open space. Based on the future population of 10,313 people for Stage 2, this equates to 14.1ha.

Campbelltown Council has raised concerns about the provision of necessary active open space arising from the combined population of Stage 2 and Stage 1 (Figtree Hill). Given the total population of Figtree Hill and Stage 2 is approximately 15,313 people, this population generates demand for **20.9ha** of active open space. This allocation would provide sufficient flexibility for example, for two to three district level facilities, which could accommodate sports fields, courts, play spaces, etc. The specifics of the facilities can be further planned with Council.

Comparing the above to the benchmark of 15% of the developable area proposed in the draft Urban Design Guideline, the open space provision would be **33.24ha** based on 221.6ha of developable area noted in the supporting studies.

I note that the draft proposal seeks to deliver **35.92ha** of open space. Currently this figure includes the Riverside Reserve (6.38ha) which for clarity, should be excluded from this calculation. This results in **29.54ha** Update Part 2 of the draft proposal (Explanation of Provisions) of open space which meets the 2.83ha per 1000 people benchmark.

I appreciate Gilead Stage 2's portion of Koala Corridor A along Menangle Creek, Koala Corridor B along Woodhouse Creek, and the Nepean River Koala Corridor will provide a substantial amount of accessible conservation land. This will be a unique asset and opportunity for both the survival of Sydney's koalas

Department of Planning and Environment



and the amenity of future residents. However, some passive open space is still required for playgrounds, BBQ and toilet facilities and active recreation opportunities (such as hardcourts and sport fields), etc which the Koala Corridors cannot accommodate.

Considering the overall planned and proposed open space across Stages 1 and 2, noting there is no active open space provided in Figtree Hill, the final structure plan for Stage 2 must include at least:

- a. 20.9ha of active open space and
- b. 8.2ha of passive open space.

Riverside Reserve and Koala Corridors

A key objective of planning for the site was to understand its contribution to the Nepean River Koala Corridor in conjunction with finalising the Cumberland Plain Conservation Plan (CPCP). As agreed with the Department in late 2021, the site proposed for the Riverside Reserve is located within the Nepean Corridor and is required to meet the average corridor width of at least 390m. Progressing with the Riverside Reserve as proposed would require it to be omitted from the Nepean Koala Corridor which would then not meet the recommendations of the Chief Scientist. One option is to expand the corridor in other locations to compensate for the Riverside Reserve. Although this approach is possible, the Department does not support this because it would require resolution of consequential matters such as fencing and additional koala underpasses for access roads. Further, the proposed reserve would risk bringing urban threats through and into the Nepean corridor.

Matters that can be progressed during or after exhibition of the Planning Proposal.

1. TfNSW has advised that a Transport Management and Accessibility Plan (TMAP) is required. However, this cannot be undertaken until the modelling from the Greater Macarthur Transport Network Plan is available.
2. Negotiations regarding the State Planning Agreement (SPA) for Stage 2 are underway and it is anticipated that exhibition of the draft SPA will occur following exhibition of the planning proposal.
3. The Department understands that there will be a Local Planning Agreement with Campbelltown City Council.
4. Sydney Water has advised that they are available to meet to continue discussing potable and wastewater servicing options. Sydney Water has noted that one of the options for potable water servicing (the Figtree Hill Reservoir) is not supported due to its location within a koala corridor. Sydney Water advises that wastewater options assessment will commence late 2022 with a target date of a preferred servicing option in August 2023.

Department of Planning and Environment



I look forward to continuing to work with you to progress this proposal. Please note that this advice does not fetter agencies' and Campbelltown City Council's ability to assess a planning proposal once it goes on exhibition, or the Minister for Planning's statutory functions under the Act. If you have any questions, you are welcome to contact Adrian Hohenzollern, Director Metro West via Adrian.hohenzollern@planning.nsw.gov.au or 9860 1505.

Yours sincerely

Signature removed

21/09/2022

Catherine Van Laeren
Chair, Technical Assurance Panel
Executive Director, Metro West
Encl: Copies of TAP member feedback.

Department of Planning and Environment

**Attachment C – Hierarchy of Plans****Greater Macarthur Growth Area 2040 Interim Plan (2018) and December 2021 update**

Together, these documents outline strategic planning framework for the Greater Macarthur Growth Area. The Interim Plan is accompanied by a Ministerial Direction.

Growth Area Structure Plan

The Growth Area Structure Plan is comprised of:

- The structure plan contained in the Greater Macarthur 2040 Interim Plan, and
- The Koala Corridor Map published by the Department in December 2021

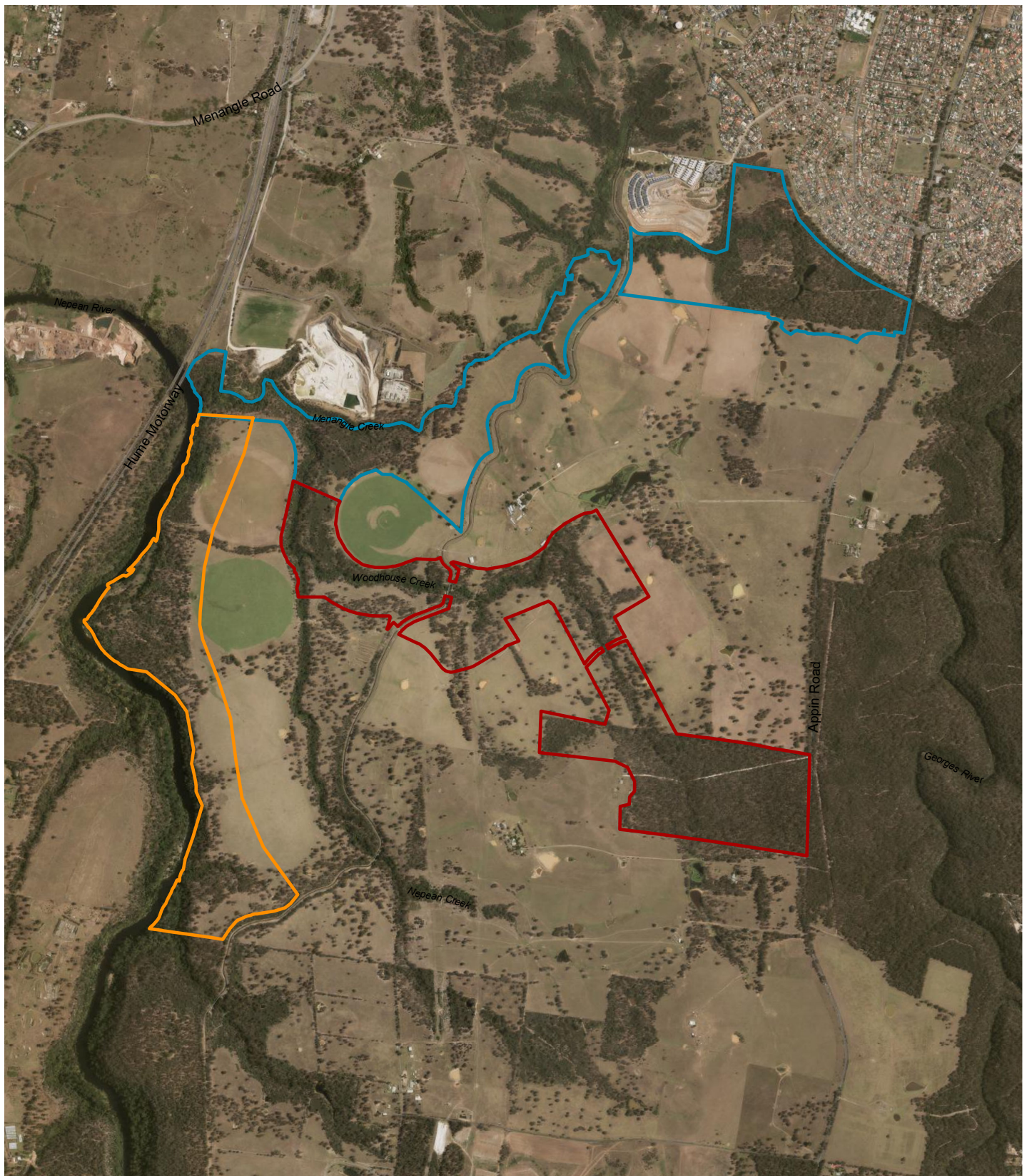
This plan applies to the land release component of the Growth Area. The Department is currently preparing an updated structure plan for the Growth Area and an update to the Ministerial Direction.

Gilead (Part) Precinct Structure Plan

The draft proposal refers to a 'structure plan' which applies to the site. This will be exhibited as a 'draft structure plan' to be finalised post exhibition and uploaded on the Department's website. This structure plan is intended to provide a flexible framework for the Development Control Plan, which must be generally consistent with the structure plan.

Development Control Plan

As noted above, the DCP will implement the precinct structure plan but in greater detail and achieve the intended outcomes of the structure plan. The Department intends to provide flexibility so the DCP can be prepared without requiring amendments to the precinct structure plan unless there are substantial or fundamental departures proposed in the DCP. If draft DCP controls comprise a significant departure from the precinct structure plan, consequential amendments to the structure plan will be approved to facilitate the new outcomes envisaged by the DCP.



Indicative Koala Corridors - Gilead

- ▮ Nepean River Corridor (*Gilead Component*)
- ▮ Woodhouse Creek Corridor (*Corridor B*)
- ▮ Menangle Creek Corridor (*Corridor A*)



December 2021

8.3 Maryfields Development Site - 192 Narellan Road, Campbelltown

Reporting Officer

Acting Executive Manager, Urban Release and Engagement
City Planning and Environment

Community Strategic Plan

Objective	Strategy
3 Enriched Natural Environment	3.1.1 Protect, rehabilitate, and promote our natural areas, waterways and biodiversity

Delivery Program

Principal Activity
3.1.1.2 Lead initiatives that rehabilitate and protect biodiversity, including threatened flora, fauna and ecological communities
3.1.2.1 Lead best practice environmental and design standards in new and existing developments, public space and infrastructure design

Officer's Recommendation

- To ensure the overall vision, aims and objectives of the Comprehensive Koala Plan of Management, being to provide for the long-term maintenance of a viable, free-ranging population in the Campbelltown LGA are not unduly compromised:
 1. That Council support the provision of offsets for koala habitat, only where developers have demonstrated in the first instance that development impacts cannot be reasonably avoided
 2. That Council continue to mandate for standardised compensation provisions for the loss of koala habitat on development sites
 3. That Council reject/refuse the non-conforming major development application request associated with 192 Narellan Road, Campbelltown (Campbelltown City Council ats MH Property No. 1 - Land and Environment Court Case Number 2022/00227044) which is seeking a waiver to enable the removal of koala habitat on site without providing any compensation for the loss of habitat, in addition to making no design effort to avoid 118 koala habitat trees (comprising 76 PKFTs and 42 shelter trees) onsite.

Purpose

1. To update Council on the importance of compensation requirements for the loss of koala habitat in association with major development applications.
2. To assist Council in its determination of a non-conforming major development application seeking a compensation waiver for the removal of koala habitat.
3. To seek Councils approval (in lieu of the creation of a Koala Management Committee) to ensure developers continue to provide adequate offsets for the removal of Preferred Koala Food Trees (PKFTs) and shelter trees on development sites.

History

The Koala is listed as a threatened species, now classified as 'Endangered' under both the NSW *Biodiversity Conservation Act, 2016* (BC Act) and the Commonwealth *Environmental Protection Biodiversity Conservation Act, 1999* (EPBC Act). In early 2021, the Koala was re-classified into the higher risk weighting category of Endangered (from Vulnerable) following the NSW Threatened Species Scientific Committee (TSSC) final determination which noted that habitat loss had significantly affected lessened populations so that the numbers of koalas is estimated to have fallen by 50 per cent over the last 2 decades alone.

In accordance with the provisions of State Environmental Planning Policy 44 – Koala Habitat Protection (SEPP44), Council prepared a Comprehensive Koala Plan of Management (CKPOM), the history of which has been extensively summarised in previous reports presented to Council at both its meeting held on the 10 May 2016 (Campbelltown Comprehensive Koala Plan of Management) and 13 December 2016 (Update on the Draft Campbelltown Koala Plan of Management).

Councils draft CKPOM was first submitted to the Department of Planning and Environment (the Department) for approval on 23 December 2016, with Council receiving feedback on the 18 December 2017.

A revised draft CKPOM was subsequently endorsed by Council at its meeting held on the 10 July 2018, which resolved (in part):

1. That Council endorse the revised draft Campbelltown Koala Plan of Management

Council's CKPOM was re-submitted to the Department on 12 November 2018, and formally approved by the Secretary on 30 July 2020 under clause 17 of the NSW State Environmental Planning Policy (Koala Habitat Protection) 2019.

Report

Campbelltown is fortunate to be home to a koala population that is considered to be one of the healthiest populations in the state, being largely free of chlamydia. Correspondingly, our resident population has been found to be slowly increasing in size, where most of the populations across the species range are in decline. Findings from specialist studies commissioned by Council in the development of the CKPOM, including generational persistence modelling – have identified a strong recovery trend, and expansion of our koala population in

recent decades. This has been further evidenced by field observations and records of koalas re-occupying areas of habitat consistent with their historical range (pre-range contraction documented in the 1900s).

Koalas are a highly territorial species, and the home range sizes for individuals vary not only between genders (eg males are known to have a substantially larger home range size than females), but home range sizes have also been found to be strongly correlated to the suitability of available habitat (being the presence and density of food tree species). For example, in landscapes with a high availability of food tree species, a smaller home range size is required to meet an individual's energy needs. On the other hand, in low productivity landscapes where food tree species are scarcer, a larger home range size is thus required to meet an individual's resource needs.

Campbelltown occurs on low nutrient soil substrates, which means that the growth rates of Eucalypts are considerably slower when compared to higher nutrient soil substrates (such as those found on the NSW north coast). This means that our local koala food trees take a much longer time to grow to a size that is palatable for koalas. Thus we are considered to be in a low carrying capacity landscape, hence why studies have found koalas in our region to have a much larger home range sizes than other regions (approximately 12 ha for males, and 9 ha for females).

These findings have implications for strategic conservation planning, and are important factors to consider when evaluating the merit of development proposals located in areas of koala habitat, in particular for greenfield developments on the periphery of the town centre. Not only with consideration to direct impacts of the loss of koala habitat to our local koala population in the short-term; but also with consideration to the viability of our koala population into the future as it continues on its recovery trajectory, and what the residual impacts of the loss of suitable habitat will have on subsequent generations of koalas.

Consideration to the principles of avoid and minimise

There are a range of Commonwealth, State-based and local statutory measures that mandate the biodiversity mitigation hierarchy of avoiding and mitigating impacts.

Biodiversity offsetting principles and frameworks follow a mitigation hierarchy of 'avoid, mitigate, offset'. This means that in the first instance, developers are obliged to avoid or mitigate the biodiversity impacts of their development proposal. This may include modifying a development proposal to avoid an area of biodiversity value or koala habitat.

Offsetting is only then entered into when all other options to avoid, minimise or mitigate the impact of the development on biodiversity have been exhausted; and this has been reasonably demonstrated and documented by the developer.

Reference is made in the CKPOM to the principles of avoid and minimise, and the requirement for developers to prioritise resources that are more valuable to koalas by maximising the retention of larger food trees on site:

Section 6.4.8(ii) - 'For the purposes of Section 6.4.2 of the Plan (Retention of PKFTs and shelter trees), Council may exercise discretion subject to the (development) application demonstrating to the satisfaction of Council that the retention of PKFTs > 200 mm DBH has been maximised

and that the proposed tree removal will not prejudice the overall vision, aims and objectives of the Plan.'

Incentivising developers to avoid impacts to koala habitat

The financial compensation amounts detailed in Section 7.1(iv) of the CKPOM have been designed with consideration to the value of the age of habitat trees to koalas – noting that in general older, more mature (and thus larger trees) are more palatable and desirable to koalas – in that they provide substantially better foraging and shelter habitat than younger trees. Accordingly, the 'Compensation Units' applicable to the offsetting calculations are categorised to increase exponentially with the size of the tree, commensurate with the Diameter at Breast Height (DBH).

This approach was designed to incentivise developers to consider their site constraints at the preliminary design stages of the development. The intent being to encourage the retention of the larger, higher quality koala habitat trees on site (due to the higher cost associated with removing these trees) – and for development impacts to be focused in cleared areas, or areas where smaller more juvenile trees are present (given the comparatively lower cost of removing these trees).

This benefits both the developer and our local koalas by effectively reducing the financial costs of the koala habitat offsets, while ensuring that the higher quality koala habitat trees present on site are retained and conserved into the future.

Requests to waive offsetting requirements under Councils CKPOM

Council has received an application for a proposed subdivision development located at 192 Narellan Road, Campbelltown (Campbelltown City Council ats MH Property No. 1 – Land and Environment Court Case Number 2022/00227044). The proposed development has been assessed as non-conforming under Councils CKPOM, on the basis that it contains areas that have been mapped as potential koala habitat, and the development proposes the removal of approximately ~ 118 koala habitat trees (comprising 76 PKFTs and 42 shelter trees) – (According to the Arborist report (Moore Trees, 29 November 2022), the total number of PKFTs in the study area is 188, and 76 are proposed for removal. However there are also 42 shelter trees listed in this report that have not been included in the koala habitat calculations in the Arborist report, and it appears that all of these are proposed for removal as per the Plan 1 of the Arborist report).

In the first instance, we would expect to see design consideration given to the retention of the larger more mature PKFTs that would provide higher quality habitat for koalas. To date, the developer has not demonstrated any avoidance of impacts to koala habitat trees in their application.

The loss of koala habitat trees on development sites are subject to offsetting requirements under Councils CKPOM (which are calculated with reference to the DBH of each individual tree). Financial compensation provided by developers for the removal of koala habitat trees is paid into Councils biodiversity offset fund, and these funds are used by Councils Natural Areas Team to regenerate areas of koala habitat across the LGA.

In this case, the developer has submitted that they should not be required to provide any financial compensation under the CKPOM for the removal of koala habitat on site, and have requested that Council waive the offsetting requirements, on the basis that:

1. The site is too distant from areas of native vegetation that are utilised by the koala, and
2. There are too many barriers to koala movement to be able to access the site

Koalas are known to travel vast distances, traversing fragmented landscapes in search of food resources, new territories and mates. In Campbelltown, koalas have been well documented and studied by the likes of Dr Rob Close and Dr Steve Phillips, and we are fortunate that we have extensive historical tracking and survey data as a result of these studies. Furthermore, individual koalas have been observed utilising available habitat in a wide range of locations and conditions across the LGA - including frequenting isolated paddock trees in predominately cleared farmland, as well as occupying territory in highly urbanised suburban areas observed in areas.

Perceived barriers to the movement of koalas, for example motorways separating patches of suitable habitat - do not in themselves prevent the movement of koalas through these areas, and we frequently receive reports of koalas successfully (and sometimes unsuccessfully) crossing larger arterial roads such as Appin Road and the Hume Highway. Over the last decade, there have also been a number of koala sightings in close proximity to the subject site, including multiple records from in and around Mount Annan Botanical Gardens.

Based on the available evidence, it is not considered appropriate to disregard the habitat present within the development as being unsuitable to koalas based on site accessibility alone. Thus, the reasoning put forth is not considered to satisfy Council of the existence of extenuating circumstances in granting an exemption under Section 6.2.2(ii) of the CKPOM to justify waiving the requirement for financial compensation for the loss of koala habitat on the subject site.

Future-proofing the koala population

The key to the long-term sustainable management of free-ranging koala populations is to build resilience. This is achieved through having viable population cells widely distributed throughout the LGA, and supporting the occupation of habitat outliers by koalas that are effectively insulated from large-scale fire events (to enable recolonization to occur after such an event). Thus, suitable koala habitat and linkages need to be protected and secured across the LGA into the future.

Conclusion

The futureproofing of our koala population, by building resilience, is imperative to ensure the ongoing viability of our resident population into the future.

Granting developers consent to remove koala habitat on development sites without providing adequate compensatory offset measures would be contrary to the aims and objectives of our CKPOM, as it would:

- Result in a net loss of koala habitat on the subject site, and in the local area
- Be detrimental to the long term viability of our resident koala population which is undergoing a range expansion
- Not be in the community interest
- Set a dangerous precedent for developers looking to develop sites containing koala habitat

Accordingly, in the absence of any demonstrated avoidance of impacts to koala habitat trees by the developer in their application, it is recommended that Council does not support the removal or reduction of the payment of compensatory offset measures as requested in the case of Campbelltown City Council at MH Property No. 1 - Land and Environment Court Case Number 2022/00227044.

Attachments

Nil

8.4 Proposed amendment of Campbelltown Community Participation Plan

Reporting Officer

Acting Executive Manager, Urban Release and Engagement
City Planning and Environment

Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.1.1 Increase opportunities for the community to engage and collaborate with Council and Key Delivery Partners

Delivery Program

Principal Activity
5.1.2.1 Communicate in a diverse, open and inclusive way that informs and engages our communities to build confidence and trust

Officer's Recommendation

1. That Council approves the exhibition of the amendments to the draft Community Participation Plan as detailed in attachment 1.
2. That the draft Community Participation Plan be placed on public exhibition for a period of 28 days (minimum).
3. Where any submission objecting to the proposed amendments is received during the exhibition period, a report be provided to the Council tabling the submission/s and responses to the matters raised therein.
4. Where no submissions of objection to the amendments are received during the exhibition period, the draft Community Participation Plan shall be deemed to be formally adopted upon the completion of the exhibition period.

Purpose

This report has been prepared in order to seek Council's endorsement to exhibit required amendments to the Campbelltown Community Participation Plan (CPP). The amendments are proposed to ensure that the CPP remains consistent with the applicable legislation.

History

Council adopted the CPP during its Ordinary Meeting held in November 2019. As required by the *Environmental Planning and Assessment Act 1979* (EP&A Act), the CPP was provided to the Department of Planning and Environment (DPE), where it became effective after its publication on the NSW Planning Portal in late November 2019.

The CPP's first amendment was made in April 2020 in response to the COVID-19 pandemic and access to information about planning applications when Council offices, including libraries, were closed to the public and local newspapers ceased to be distributed. The CPP was updated to provide for online-only advertising of planning applications as recommended by the DPE at the time.

Report

The Community Participation Plan (CPP) details Council's reasoning and methodology for seeking community input to planning applications, including changes to the local environmental plan and development applications.

The CPP was prepared to comply with the requirements of the EP&A Act and the accompanying Regulation 2021.

Over time, changes are needed to ensure that the CPP remains contemporary and compliant with relevant legislation.

As a result of recent changes to legislation, there are some required updates to the CPP.

The required amendments are:

- Introducing a new requirement that development applications made by or on behalf of the Council or are located on Council-owned land are publicly exhibited for 28 days. This has been done to ensure that the CPP complies with the EP&A Act and the DPE's publication 'Council-related Development Application Conflict of Interest Guidelines'. These requirements come into force during April 2023.
- A reduction in the number of days that a development application for 'nominated integrated development' is publicly exhibited for – from 31 days to 28 days. This has been done to match revised requirements of the EP&A Act.
- A reduction in the number of days that a development application for 'designated development' is publicly exhibited for – from 31 days to 28 days. This has been done to match revised requirements of the EP&A Act.
- Changes to the extension of advertising times during the Christmas/New Year period. The Council had previously set its own extension period for submissions to be made during the Christmas/New Year period in the absence of any statutory requirement. Council set the extension period to minimise the chance that the community would miss opportunities to comment on planning applications while away on holidays. The Council's requirement was that any planning-related advertising between 15 December and 15 January (inclusive) each year would be advertised for a longer period. The EP&A Act has

now published an extension period, and the CPP would be amended to match that. The Act's extension period is slightly less at 20 December to 10 January (inclusive).

- Clarification of instances when particular modifications of existing development approvals will need to be notified. The CPP is proposed to be changed so it is clear that only applications which were originally notified or exhibited will be notified or exhibited if they are modified after approval.

Public Consultation

As required by the EP&A Act, the proposed amendments to the CPP are required to be exhibited to the public for a period of 28 days, during which submissions may be made.

Should a submission or submissions be received in objection to the amendments during the 28 day period, a further report will be provided to Council that responds to any of the matters raised.

Conclusion

Some relatively minor amendments are required to be made to the Community Participation Plan. The amendments proposed will ensure that the Community Participation Plan remains contemporary and compliant with relevant State legislation.

This is the second amendment to the Community Participation Plan since it was first adopted and used by Council in 2019.

The amendments relate to including a new category of development that must be made available for public comment, being applications made by or on behalf of the Council as well as changes to the length of time certain applications are exhibited for. In each case, the changes are being proposed so that the Community Participation Plan complies with relevant State government legislation.

As required, the proposed amendments will be exhibited to the public for 28 days. Should no submissions on the proposed amendment be received during the 28 day exhibition period, it is recommended that the changes be made to the Community Participation Plan with immediate effect.

Where a submission objecting to the amendments is received during the 28 day period, a further report will be provided to Council that responds to any matters raised.

Attachments

8.4.1 Table of proposed Community Participation Plan amendments (contained within this report) [↓](#)

Page no.	Existing text	Proposed amended text
13	Application for designated development 31 days – will be exhibited and notified	Application for designated development 28 days – will be exhibited and notified
13	Application for nominated integrated development 31 days – will be exhibited and notified	Application for nominated integrated development 28 days – will be exhibited and notified
13	No existing text, new requirement	Application for development by or on behalf of Campbelltown City Council or on land owned by Campbelltown City Council 28 days – will be exhibited and notified
19	Application for modification of development consent under Sec 4.55(2) of the Act The minimum days and method specified in Table 3 for the types of applications listed	Application for modification of development consent under Sec 4.55(2) of the Act where the original development application was notified or exhibited The minimum days and method specified in Table 3 for the types of applications listed

8.5 Submission to Department of Planning and Environment - Proposed Housing SEPP Amendments

Reporting Officer

Acting Executive Manager, Urban Release and Engagement
City Planning and Environment

Community Strategic Plan

Objective	Strategy
1 Community and Belonging	1.2.2 Improve wellbeing and quality of life

Delivery Program

Principal Activity
2.3.1.2 Lead and build partnerships to achieve diverse and affordable housing options
5.2.1.4 Build a Resilient City and community

Officer's Recommendation

That Council endorse the attached submission sent to the Department of Planning and Environment on the Housing SEPP Explanation of Intended Effect.

Purpose

This report seeks Council's endorsement of an interim submission sent to the Department of Planning and Environment (DPE) in December 2022, responding to its proposed amendments to State Environmental Planning Policy (Housing) 2021.

Executive Summary

- State Environmental Planning Policy (Housing) 2021 (Housing SEPP) commenced on 26 November 2021.
- Council has made a number of submissions to the DPE raising issues and concerns with the commencement and operation of the Housing SEPP, particularly with respect to the increased opportunities for higher density residential development to be approved as complying development with nil consideration of local planning policy or potential amenity impacts to surrounding residential areas.
- There has been no resolution by DPE of the broader concerns and issues identified by Council in its earlier submissions.
- DPE has exhibited an Explanation of Intended Effect (EIE) outlining new amendments to the Housing SEPP to further incentivise the uptake of residential development

opportunities under the policy, including the expansion of complying development certification and self-assessment of certain residential development types by government agencies.

- Given the close of the EIE public exhibition period on 13 January 2023, Council staff lodged an interim submission to DPE (attachment 1) subject to the consideration and endorsement of Council. This interim submission outlines a number of concerns with the proposed amendments to the Housing SEPP, including the promotion of housing outcomes inconsistent with local planning policy and without consideration of the Campbelltown Local Housing Strategy.

Background

State Environmental Planning Policy (Housing) 2021 (Housing SEPP) commenced on 26 November 2021 following public consultation by the Department of Planning and Environment (DPE) in August / September 2021. Council's submission to the DPE at that time (attachment 2) requested the DPE to defer making of the proposed Housing SEPP due to a number of significant issues and concerns. These concerns included the potential for amenity and design impacts resulting from increased scale and density of residential development types able to be approved as complying development, without consideration of local planning controls or community engagement that would normally occur under the development application process.

The Housing SEPP was subsequently made by the DPE on 26 November 2021 without resolution of the broader concerns and issues raised by Council in its submission at that time. This includes the potential adverse impacts resulting from higher density developments being permitted in low density residential areas without any consideration of Council's local planning policies.

Report

The NSW Government is proposing amendments to State Environmental Planning Policy (Housing) 2021 to expand the operation of the policy and allow a greater range of residential development types to be built without the approval of Council. An Explanation of Intended Effect (attachment 3) was publicly exhibited by DPE until 13 January 2023 outlining proposed changes generally summarised as follows:

- new complying development opportunities for social and affordable housing, including floor space ratio bonuses.
- a new State significant development (SSD) pathway for large residential developments.
- expanded self-assessment and SSD approval pathways for the delivery of social housing.
- replacing the group homes and hostels provisions with two new housing types ('high support accommodation' and 'supported living').
- amendment of Council's Local Environmental Plan provisions to allow 'temporary supportive accommodation'.
- updates to the accessibility and usability standards for seniors independent living unit.
- revised provisions relating to boarding houses.

Given the time constraints of the exhibition period finishing in early 2023, an interim submission (attachment 1) was lodged with DPE on 13 January 2023 and is now provided for Council's

consideration and endorsement. The concerns outlined in this submission are summarised as follows:

1. **Impacts on Local Planning Policy** - changes to approval pathways for dwelling delivery that are not consistent with the Campbelltown Local Housing Strategy and Campbelltown Local Environmental Plan 2015.
2. **Time limitations on affordable housing** - time limits (15 years) for residential flat buildings to be used as 'affordable housing' under the Housing SEPP, with no time restrictions for development on land owned by a relevant authority or to a development application made by a public authority.
3. **Reduced lot sizes for dual occupancies** - proposed changes to the Codes SEPP to permit dual occupancies as complying development on minimum 400m² lots when undertaken by nominated agencies.
4. **Affordable Housing Contribution Scheme** - no consideration of a regional approach to affordable housing provision in Western Sydney, to align with the assurance provided by DPE for the Western Sydney Affordable Housing Strategy.
5. **Amendments to Campbelltown Local Environmental Plan 2015** - compulsory amendments to allow for the provision of temporary residential accommodation on vacant land by nominated agencies for a period of up to five years.
6. **Floor Space Ratio (FSR) Increases** - mandated increases to FSR permitted by Council's Local Environmental Plan for certain housing types would likely result in poorer building design outcomes of greater bulk and scale and diminish consistency of built form.
7. **New approval pathways for social and affordable housing** - expanding the opportunities for affordable housing without approval by Council or consideration of Council's Local Housing Strategy. Shortcomings also identified with the existing definition of "affordable housing".
8. **Group Homes and Hostels** - multiple buildings being permitted on a lot that significantly depart from the amenity and design controls applicable to comparable residential developments under local planning policy. Issues also identified with uncertainty arising from the proposed change in housing definitions.

Conclusion

The Housing SEPP commenced on 26 November 2021 and provides opportunities for increased scale and density of certain residential development types to assist the provision of affordable and social housing. Council has previously raised concerns to DPE regarding the impacts of higher density housing forms able to be approved without any involvement from Council or consideration of local planning controls, and without community engagement that would normally occur under the development application process.

An Explanation of Intended Effect (EIE) was publicly exhibited by DPE until 13 January 2023 outlining proposed changes to expand the operation of the Housing SEPP with the general intent of providing greater opportunities and incentives for social and affordable housing delivery without Council approval.

Given the timing of the exhibition period finishing in early 2023, Council staff lodged an interim submission to DPE (attachment 1) subject to the consideration and endorsement of Council as appropriate. This interim submission outlines a number of concerns with the proposed amendments to the Housing SEPP, including the promotion of housing outcomes inconsistent with local planning policy and without consideration of the Campbelltown Local Housing Strategy.

Attachments

8.5.1 Interim Submission to DPE for Council endorsement (contained within this report) [↓](#)

8.5.2 Council Submission to DPE - 12 September 2021 (contained within this report) [↓](#)

8.5.3 Explanation of Intended Effect-Housing SEPP Amendments (contained within this report)



***Interim Submission by Campbelltown City Council to DPE: Public Exhibition – Explanation of Intended Effect (EIE) seeking feedback on proposed amendments to the State Environmental Planning Policy (Housing) 2021 (Housing SEPP).**

***due to timing constraints, this submission is subject to endorsement by Campbelltown City Council at its upcoming meeting of 14 February 2023. Any amendments will be notified to DPE accordingly.**

A copy of Campbelltown City Council's previous submissions to the DPE on the Housing SEPP are attached (dated 10 September 2020 and 12 September 2021). The issues and concerns raised in these earlier submissions remain largely relevant for the proposed amendments to the Housing SEPP are therefore requested to be considered by DPE in consideration of the EIE.

In addition to the above concerns and issues, the following matters are provided for DPE's consideration and response.

1. Impacts on Local Planning Policy

Concerns raised:

- a) Any changes to approval pathways affecting housing supply in the Campbelltown Local Government Area must be consistent with Campbelltown Local Housing Strategy, and future Affordable Housing Strategy.
- b) No policy changes are supported that allow for development outcomes inconsistent with the development standards of the Campbelltown LEP 2015, and development controls for comparative residential development under the Sustainable City DCP 2015.

2. Expiry of 'Affordable Housing' under the Housing SEPP provisions

Concerns raised:

Affordable housing developments approved under the Housing SEPP should be managed as affordable housing developments in perpetuity. In this regard, strong concerns are raised that:

- a) the Housing SEPP only requires affordable housing to be used as affordable housing for 15 years.
- b) there is no clear mandate for the use of affordable housing for development on land owned by a relevant authority or to a development application made by, or on behalf of, a public authority.
- c) the Housing SEPP provides tacit approval for affordable housing developments to revert to standard housing after 15 years without guidance or clarity on how the development consent is to change from affordable housing.

3. Changes to Codes SEPP – State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Concerns raised:

- a) Council objects to any proposed changes to the Codes SEPP to permit dual occupancies being delivered on minimum 400m² lots as complying development by the LAHC and the AHO. In this respect, all proposed developments should consider local provisions to avoid compromised design and amenity outcomes.
- b) Further concerns are raised that this proposed change to the Codes SEPP is not properly disclosed in the EIE exhibition documentation given the generic referencing to Housing SEPP amendments only.

4. Updates to the Guideline for Developing an Affordable Housing Contribution Scheme (AHCS)

Concerns raised:

- a) DPE is requested to revise the AHCS guidelines to allow for a regional approach to affordable housing provision, consistent with the assurance provided by DPE to the preparation of the Western Sydney Affordable Housing Strategy.

5. Amendments to Standard Instrument LEP

Concerns raised:

- a) Council objects to the proposed amendment to allow the temporary use of land clause in the Standard Instrument LEP to allow for the provision of temporary residential accommodation on vacant land for a period of up to five years. The proposed amendments are vague, the removal of "adverse impacts" is not supported, and concerns are raised that the amendment does not properly consider how the forcible removal of residents after 5 years will be managed.
- b) Further concerns are raised that the proposed amendment to the SILEP is not properly disclosed in the EIE exhibition documentation given the generic referencing to Housing SEPP amendments only.

6. In-fill Affordable housing provisions

Further incentivise the uptake of the in-fill affordable housing provisions to help increase the delivery of affordable housing dwellings by:

Increasing the in-fill affordable housing floor space bonuses available by 25

Lowering the FSR threshold associated with calculation of the FSR bonus from 2.5:1 to 2:1.

Concerns raised:

- a) Concerns are raised that any FSR increases would result in poorer building design outcomes with buildings being permitted of greater bulk and scale.
- b) Objection is made to any increases to LEP building heights to support FSR increases without a separate planning proposal being considered and endorsed by Council.

7. Planning pathways for social and affordable housing

Facilitate delivery of some forms of social or affordable housing within large residential developments by introducing a State significant development (SSD) pathway.

Facilitate delivery of some forms of social housing carried out by the NSW Land and Housing Corporation and Aboriginal Housing Office by expanding self-assessment and State significant development (SSD) pathways.

Concerns raised:

- a) Social and affordable housing outcomes under the SSD pathway must be consistent with the 2041 Campbelltown LHS and Council's future planning strategies relating to affordable housing provision.
- b) DPE is requested to change the current "affordable housing" planning definition so as to:
 - I. focus on the built form of the development
 - II. be based upon on the rental price of the property rather than require a complicated and ongoing analysis of personal incomes of households and/or eligibility criteria under the National Rental Affordability Scheme to determine compliance with the definition.
 - III. provide a greater focus on the greatest risk groups, comprising very-low to low income households, rather than households of annual incomes up to approximately \$120,000. Source: [Household median incomes 2020-21 - Manage affordable rental housing | Family & Community Services \(nsw.gov.au\)](#)
- c) If the existing definition of 'affordable housing' is retained, there needs to be clear guidelines provided on how the income threshold of tenants will be monitored and enforced and by whom, and how eligibility criteria under the National Rental Affordability Scheme will be efficiently determined.

8. Group homes and hostels

Concerns raised:

- a) The EIE does not acknowledge or address the problems arising from a group home development taking the form of multiple buildings on a residential lot. This is permitting sub-standard development outcomes that significantly depart from the amenity and design considerations applicable to comparable developments permitted under Council's LEP eg. 'dual occupancy' and 'multi-dwellings'. Any changes must therefore limit the number of buildings permitted, and must give due consideration to the amenity and design considerations of Council's LEP and DCP.
- b) Concerns are raised that new definitions to replace 'group homes' and 'hostels' will cause uncertainty with respect to the validity of current development consents.
- c) Any new policy / definition must provide clear direction on the building code classifications of these buildings to ensure appropriate fire rating, safety and amenity standards are achieved.
- d) Any new policy / definition must ensure amenity and building design requirements for complying development are consistent with Council's DCP requirements for comparable residential developments.

9. Temporary supportive accommodation

*Broaden the existing supportive accommodation provisions so that they apply to a wider range of residential accommodation, and to tourist and visitor accommodation.
Provide additional pathways to support the delivery of temporary supportive accommodation in vacant buildings and on vacant land.*

Concerns raised:

- a) Any changes to approval pathways affecting housing supply in the Campbelltown Local Government Area must be consistent with Campbelltown Local Housing Strategy, and future Affordable Housing Strategy.

10. Boarding houses

*Increase the area within R2 zoned land on which boarding houses may be permitted in regional areas.
Extend the floor space ratio bonus for boarding houses to land where shop top housing is permitted.*

Concerns raised:

- a) Any changes to approval pathways affecting housing supply in the Campbelltown Local Government Area must be consistent with Campbelltown Local Housing Strategy, and future Affordable Housing Strategy.
- b) Concerns are raised that permitting a higher FSR than considered or planned for under the LEP would result in buildings of greater bulk and scale and therefore potentially poorer built design outcomes. In this regard, Council objects to any increases to the LEP height standard.

Thank you for your consideration of these comments. Should you wish to discuss any aspects of this submission please contact Campbelltown City Council's Senior Strategic Planner Jeff Burton on 4645 4608.

Submitted through the DPE Planning Portal 13 January 2023.

Attachment 1.



25 September 2020

Ms Sandy Chappel
Director, Housing Policy
NSW Department of Planning Infrastructure and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Chappel,

Submission – Proposed Housing Diversity SEPP

Thank you for the opportunity to make a submission on the Explanation of Intended Effect (EIE) for a proposed Housing Diversity State Environmental Planning Policy (Housing Diversity SEPP).

A review of the exhibited EIE and accompanying documentation has been undertaken, and the proposed consolidation of three existing housing related SEPPs (Seniors SEPP, Affordable Rental Housing SEPP and SEPP 70) as outlined in the EIE is generally supported. The consolidation of these policies is considered a timely measure to simplify the operation of these housing policies and improve the delivery of their common housing objectives.

This submission supports the consolidation of the abovementioned housing SEPPs. However, a number of concerns are raised with the content and timing of the proposed policy changes put forward in the EIE. These concerns are outlined below, and generally relate to the unconsidered impacts of some of the proposed policy changes on housing delivery in the Campbelltown Local Government Area. The DPIE is requested to defer the operation and/or amend the proposed SEPP to appropriately address these concerns.

Impacts on Planned Housing Delivery for the Campbelltown LGA

Campbelltown City Council has undertaken a strong evidence based analysis of housing needs in the local area under its Draft Campbelltown Local Housing Strategy (LHS), to sustainably manage future housing delivery in the Campbelltown Local Government Area according to local needs. This work is being undertaken to align with housing targets and related actions of the Western City District Plan. The Draft LHS has been publicly exhibited by Council (finished 9 September 2020), and subject to review of public submissions, is anticipated to be forwarded to the Greater Sydney Commission for making by 30 September.

Council is also partnering with other Western City Councils in the District Planning Partnership to advance work on affordable rental housing initiatives for the broader district, and is separately preparing a stand-alone Affordable Rental Housing Strategy for the Campbelltown Local Government Area. The preparation of the Campbelltown Affordable Rental Housing Strategy will strengthen the evidence base for the delivery of affordable rental housing in the local area, and will properly inform any required amendments to advance affordable rental housing initiatives under the Campbelltown Local Environmental Plan 2015 (CLEP 2015).

Strong concerns are therefore raised that the proposed timeframe for the Housing Diversity SEPP, and associated mandated amendments to CLEP 2015, will precede and potentially undermine the abovementioned planning work being undertaken by Council to ensure that the delivery of housing in the Campbelltown LGA is evidence based. In this respect, the mandated LEP amendments proposed under the EIE are requested to be deferred until the Affordable Rental Housing Strategy being prepared by Campbelltown City Council establishes an evidence based need for these policy changes to occur.

Increased Complexity – New Housing Definitions within CLEP 2015

The introduction of three new definitions into the Standard Instrument LEP ('build-to-rent housing', 'student housing', and 'co-living' housing) would make a total of 16 (sixteen) different dwelling types defined under CLEP 2015.

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In terms of land use permissibility under the LEP, sixteen different sub-definitions of 'residential accommodation' is considered to be overly prescriptive, and unnecessarily complicates the housing approval process.

The increased complexity of having additional housing definitions to administer under the LEP will have direct resourcing implications for Council:

- **DCP Amendments**

Council's Sustainable City Development Control Plan 2015 (SCDCP) will need to be reviewed and amended to align with new LEP definitions and policy changes. It is unclear what amendments to Council's DCP will be required and there is a risk that there will be a mis-alignment between the commencement of the Housing Diversity SEPP and the amendment of the SCDCP. It is requested that the implementation program include a suitable timeframe for Councils to amend their DCPs.

- **Compliance Work**

Concerns are raised that an increased level of compliance work will be required to ensure that these developments adhere to specific site management, subdivision restrictions, and tenancy occupation requirements of the respective LEP definitions. To address this concern, it is requested that the SEPP requires covenants on the Land Title of approved developments to be enforced by DPIE. Any ongoing restrictions on tenants and site management or subdivision should be detailed in the covenant to provide greater transparency and certainty to all stakeholders.

Group Homes – Policy Changes

Strong concerns are raised that the expansion of complying development to allow the conversion of a standard dwelling to be used as a group home will potentially have negative implications for tenants and surrounding land owners.

The proposed complying development approval pathway for the retrofitting of standard dwellings to group homes would likely result in lower quality design outcomes than would have otherwise be provided if the group home was purpose built. In this respect, it is considered that group homes should be encouraged as new developments with specific building and site requirements applied to provide the best design outcomes possible.

Any proposed change of use of an existing dwelling to a group home should involve a more rigorous assessment than permitted under complying development, including a merit based assessment of potential impacts on the surrounding area and a merit based assessment of the level of access to transport and services. This should include appropriate consultation with adjoining residents under the DA process, given the potential impacts to neighbourhoods resulting from the conversion of a standard dwelling to a group home.

Notwithstanding the above, if the DPIE is to permit the conversion of standard dwellings to group homes as complying development then restrictions should be imposed on the clustering of group homes to avoid cumulative impacts in neighbourhoods. Additionally, the DPIE is requested to require the proponent of a group home development to engage a social housing provider to appropriately manage the development, similar to the proposed updated boarding house definition.

Rent to Own

There is insufficient justification provided in the EIE to demonstrate that 'build to rent' housing needs to be separately defined under Campbelltown LEP 2015, given that this form of housing may already be approved under Council's LEP as a 'residential flat building'. In this respect, the main impediments to this housing product being delivered appear to be tax related (GST and Land Tax), not planning policy related.

GST makes build-to-buy more cost effective than build-to-rent, as in a build-to-rent scenario the developer who establishes the property is also the final owner and cannot reclaim the 10 per cent tax payment. Land tax is another disincentive given that the amount of land tax liable is based on how many apartments the investor owns, meaning that owning the whole development would generate the highest rates of land tax.

It is therefore unclear how the proposed new LEP definition for this housing type will stimulate the delivery of this housing product in the market place.

Notwithstanding, the DPIE is requested to consider provisions within the SEPP to promote the opportunity for tenants to 'rent to own'. This may include, for example, a purchase option being provided to long term tenants as part of any subdivision approval of this development type. This will allow persons to have security of residency later in life and avoid long term and increasing rental costs. Home-owners can also use home equity withdrawal to fund life expenses such as health and aged care, whereas renters cannot. It is therefore requested that the SEPP provides a greater emphasis on long term ownership of dwellings by tenants to assist ageing in place and financial independency for tenants post-retirement.

Boarding House – Policy Changes

The proposed definition amendment for boarding houses to be managed by community housing providers (CHPs) is supported.

However, to ensure the sustainable delivery of affordable rental housing (ARH), all new boarding houses approved under the SEPP should be required to be used for affordable rental housing in perpetuity.

The current provisions of requiring boarding houses to be used as ARH for a 10-year period means that there is no long term security of tenure for tenants, and potentially no net increase of affordable rental housing in the market.

The ongoing use of boarding houses as affordable rental housing is consistent with the 'boarding house' definition under the SEPP, requiring this type of residential accommodation to be 'affordable rental housing'. Given this definition, it is unclear how the use of boarding houses can legally cease being used for affordable rental housing without being separately approved as a non-ARH type of residential accommodation under the LEP.

Notwithstanding, should the DPIE maintain the current 10 year limit on affordable rental housing then the SEPP should require a common register or database for boarding house developments to provide certainty for all stakeholders on the date of commencement and expiry as ARH.

Legal Weight

It is unclear whether the EIE should be given legal weight in the evaluation of current Development Applications (DAs) under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. DPIE is requested to clarify this matter to ensure consistent consideration of the EIE in DA assessment by all Councils that are affected by the proposed Housing Diversity SEPP.

In conclusion, strong concerns are raised that the proposed timeframe for the Housing Diversity SEPP, and associated mandated amendments to CLEP 2015, will precede and potentially undermine the planned delivery of housing in the Campbelltown LGA. In this respect, whilst the consolidation of the three existing housing SEPPs is supported in principle, a number of issues are identified with the proposed policy changes and mandated LEP amendments.

The DPIE is therefore requested to defer and/or amend the proposed Housing Diversity SEPP having regard to the abovementioned issues and concerns, and ideally defer any significant policy changes affecting affordable rental housing in the Campbelltown LGA until the Campbelltown Affordable Rental Housing Strategy is finalised.

If you require any further information please contact Jeff Burton from Council's City Development Division on (02) 4645 4842.

Yours sincerely

David Smith
Executive Manager Urban Centres

Attachment 2.



12 September 2021

Housing Policy Team
NSW Department of Planning Industry and Environment
GPO Box 39
SYDNEY NSW 2001

cc: housingpolicy@planning.nsw.gov.au Luke.Walton@planning.nsw.gov.au

Attention: Luke Walton

Dear Sir,

Submission – Proposed Housing SEPP

Thank you for the opportunity to make a submission on the proposed Housing State Environmental Planning Policy (Housing SEPP).

A copy of Campbelltown City Council's earlier submission on the preceding explanation of intended effects (EIE) is attached and is requested to be considered by DPIE as it remains largely relevant for the preparation of the proposed Housing SEPP.

A review of the draft consultation paper and accompanying documentation has been undertaken, and the proposed consolidation of five existing housing related SEPPs is broadly supported to improve the efficiency and operation of these housing policies. However, a number of concerns are raised with the content and timing of the proposed policy changes put forward in the public consultation draft.

For the reasons outlined in Council's earlier submission on the EIE, and the concerns outlined below, the DPIE is requested to defer the making of the proposed Housing SEPP to allow proper consideration and resolution of these issues. This includes the review, amendment and integration of SEPP No. 21 Caravan Parks and SEPP No.36 Manufactured Home Estates into the proposed SEPP.

Housing Definitions – strong concerns are raised that expanding the existing plethora of thirty three (33) housing types referenced under the Standard Instrument LEP and housing related SEPPs will increase the complexity of the existing planning framework for the delivery of housing in NSW. This increased complexity would likely hinder the efficient delivery of housing in NSW and be counter to the overarching objective of the Housing SEPP to encourage the development of diverse and affordable housing types.

Increased focus on use rather than housing form – strong concerns are raised that the proposed introduction of housing types which are defined by occupation rather than built-form will create ongoing compliance and resourcing issues for Councils to administer the proposed SEPP, and ultimately lead to eviction of tenants given the inflexible nature of the housing definitions proposed. This issue was raised by the Minister for Planning and Public Spaces in his introduction to the DPIE Housing SEPP information webinar on 25 August 2021, where the Minister specifically emphasised the objective of the new policy was to focus on building form not use.

Ventilation Standards / Covid 19 – the federal body that sets building laws is moving to create rules that would ensure new buildings have appropriate ventilation and filtration features that minimise indoor circulation of pathogens (see web-link below). Given the reliance upon common living areas within building types proposed by the Housing SEPP, it is requested that a minimum standard of construction techniques are mandated under any new Housing SEPP to ensure development of better-ventilated buildings, including minimum ventilation requirements and consideration of carbon dioxide monitoring building standards.

<https://www.smh.com.au/national/ventilation-revolution-needed-to-speed-up-australia-s-path-out-of-lockdown-20210819-p58kaq.html>

Cumulative impacts – strong concerns are raised that the proposed SEPP does not provide any consideration of cumulative impacts resulting from the clustering of higher density housing types that would potentially occur under the proposed Housing SEPP. It is requested that as a minimum, the policy is amended to include suitable controls and a mandatory separation distance between such developments, particularly within the R2 Low Density Residential zone.

Reduced standards for LAHC / Public Authorities – the creation of a planning policy that provides a two tiered system of development standards determined by who the applicant is will diminish the opportunity for merit based assessment, will create unnecessary complexity and is unfair. For example, there is not considered to be any difference in the car parking demand generated by occupants of a LAHC affordable housing development compared to an equivalent privately built development. This reduction of building design standards for LAHC developments will create the potential for increased amenity impacts to occupants and nearby residents, and will ultimately compromise the successful integration of LAHC housing within established neighbourhoods.

Consultation with Councils – it is requested that any self-determined housing approvals by the LAHC must explicitly require any objections raised by Councils to be appropriately resolved. Where concerns are unresolved, it is requested that such applications are determined by an independent planning panel to mitigate against the potential for conflict of interest and corruption.

Moratorium on seniors housing in Heritage Conservation Areas – the Council and the community of Campbelltown place a very high value on its items of heritage and as such it is requested that the moratorium on seniors housing is extended indefinitely, and also expanded to include any sites with listed heritage items.

Student Housing – DPIE is requested to review and clarify the standards for “residential accommodation for students” under State Environmental Planning Policy (Educational Establishments and Child Care Facilities) to properly align with the proposed provisions of the Housing SEPP. In this respect, it is unclear whether the proposed Housing SEPP will regulate this form of housing, how this form of housing will be defined for the purpose of permissibility, and what standards will apply to this housing type.

In conclusion, strong concerns are raised that the proposed timeframe for the Housing SEPP will be detrimental to the orderly delivery of housing within NSW, including the Campbelltown LGA. Whilst the consolidation of the five existing housing SEPPs is supported in principle, a number of concerns are raised with the proposed policy changes and mandated LEP amendments. The DPIE is therefore requested to defer and amend the proposed Housing SEPP having regard to the abovementioned issues and concerns.

If you require any further information please contact Jeff Burton from Council’s City Development Division on (02) 4645 4842.

Yours sincerely,

David Smith
Executive Manager Urban Centres



12 September 2021

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If you require any further information please contact Jeff Burton from Council’s City Development Division on (02) 4645 4842.

Yours sincerely,

David Smith
Executive Manager Urban Centres

Department of Planning and Environment

dpie.nsw.gov.au



Explanation of Intended Effect

Proposed amendments to the in-fill affordable housing, group homes, supportive accommodation and social housing provisions of the State Environmental Planning Policy (Housing) 2021

November 2022





Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Explanation of Intended Effect

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TMP-MC-R-SC-V1.2

Abbreviations

Shortened term	Term
Affordable Rental Housing SEPP	State Environmental Planning Policy (Affordable Rental Housing) 2009
AHCS	affordable housing contribution scheme
AHURI	Australian Housing and Urban Research Institute
CDC	complying development certificate
CHP	community housing provider
CIV	capital investment value
Codes SEPP	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
DA	development application
EIE	explanation of intended effect
FSR	floor space ratio
GFA	gross floor area
Group Homes SEPP	State Environmental Planning Policy No 9 – Group Homes
Housing SEPP	State Environmental Planning Policy (Housing) 2021
ILU	independent living unit
LAHC	NSW Land and Housing Corporation
LEP	local environmental plan
LGA	local government area
LSPS	local strategic planning statement
NDIS	National Disability Insurance Scheme
SDRP	State Design Review Panel
SEPP	state environmental planning policy
SHP	social housing provider
SHS	specialist homelessness service
SSD	state-significant development
TSA	temporary supportive accommodation

Contents

Introduction	5
Supporting more affordable housing	7
The current system	7
Barriers to uptake of current provisions	8
The opportunity	9
Planning pathways for social housing	15
Minimum lot size for dual occupancy lots	15
Expansion of self-assessment power for residential development	15
New threshold for State Significant Development	16
Group homes	18
The current framework	18
What we've heard so far	19
Proposed amendments	20
Temporary supportive accommodation	23
Background	23
The current framework	24
The opportunity	24
Proposed amendments	24
Accessibility and usability standards for independent living units	28
More opportunities for boarding house development	29
Appendix 1. Summary of existing and proposed development standards	30
Appendix 2. Temporary Supportive Accommodation examples	35
Use of existing buildings – residential and tourist and visitor accommodation	35
Use of existing buildings – other	35
Temporary use of vacant land	36
Appendix 3. Content of plans of management	38
Appendix 4. Proposed reforms to the accessibility and usability standards for independent living units	39

Introduction

Over the next 20 years, approximately 45,200 new homes need to be delivered each year to support NSW's projected population and the growth of prosperous and thriving communities. Without intervention, a safe, secure and affordable place to call home will be beyond the reach of future generations.

In response to this challenge, the NSW Government has announced the biggest investment in housing for decades - a \$2.8 billion housing package as part of the 2022-23 NSW Budget. The 2022 Housing Package is a whole-of-government approach that will take every available measure to supercharge housing supply. It will fast-track critical infrastructure and planning assessments to support people in NSW to own their home. The package includes funding to:

- upgrade more than 15,800 social homes,
- deliver new and upgraded homes for First Nations families,
- help single parents and older singles buy a home through shared equity schemes, and
- provide homes for rough sleepers.

This investment builds on the momentum generated by significant work already completed and underway through *Housing 2041* (the NSW Housing Strategy). The NSW Housing Strategy outlines the NSW Government's commitments, priorities, and activities over the next 20 years to improve a broad range of housing outcomes across NSW. Central to this strategy is its aim to provide NSW with housing 'that supports security, comfort, independence and choice for all people at all stages of their lives.'

In August 2022, the NSW Legislative Assembly's Committee on Social Services published the report of its inquiry into options for improving access to existing and alternative accommodation that will address the social housing shortage. The report concluded that both temporary and long term housing are needed to address the social housing shortage. It also found that 'meanwhile use' (also known as temporary supportive accommodation), could solve the short term housing needs of some of the most vulnerable members of the community.

The State Environmental Planning Policy (Housing) 2021 – also known as the Housing SEPP – plays an important and ongoing role in addressing the social and affordable housing shortage. It supports the NSW Government's housing supply priorities and applies the recommendations of the report. It has already undergone several amendments to:

- respond to stakeholder feedback about how the policy is working 'on the ground',
- ensure that it is operating as intended, including by:
 - effectively supporting a delivery pipeline of the right types of housing, in the right numbers and places to meet demand, and
 - giving industry the consistency and certainty it needs to deliver housing.

This explanation of intended effect (EIE) proposes more changes to the Housing SEPP to make it easier to plan and deliver housing for people with particular needs, including those on very low to moderate incomes, seniors, and people with a disability.

The proposed changes are aimed at facilitating the supply of social and affordable housing and include:

- supporting the delivery of affordable housing by increasing the in-fill affordable housing floor space ratio (FSR) bonuses by 25% and adjusting the base FSR threshold for calculating the FSR bonuses from 2.5:1 to 2:1. These provisions are available where 20% of a development's gross floor area (GFA) is delivered as affordable housing and are intended to improve the uptake of the in-fill affordable housing provisions by offering better incentives to encourage the delivery of affordable housing in our communities.
- introducing a new State significant development (SSD) pathway for large residential development with a capital investment value (CIV) of more than \$100 million that includes a minimum 20% affordable or social housing GFA along with a new SSD pathway for affordable housing to be delivered by the Transport Asset Holding Entity (TAHE) on its land through the TAHE Affordable Housing Pilot Program.
- amendments to help the New South Wales Land and Housing Corporation (LAHC) and the Aboriginal Housing Office (AHO) deliver social housing, including expanded self-assessment and SSD pathways.
- replacing the group homes and hostels provisions with two new housing types (high support accommodation and supported living). The proposed changes respond to stakeholder feedback that the current definitions and planning provisions for group homes are not fit for purpose.
- mechanisms to make it easier to deliver temporary supportive accommodation (TSA) where there is the opportunity and the need. This might include the use of existing buildings that are temporarily vacant, or the temporary use of vacant land, for people experiencing, or at risk of, homelessness.
- updates to the accessibility and design standards for independent living unit (ILU) seniors housing.
- permitting boarding houses on more land in regional areas and extending the existing floor space ratio (FSR) bonus for this housing type to land where shop top housing is permitted.

These proposed initiatives and the NSW Government's investment will support the delivery of more diverse and affordable homes sooner. They will also provide the certainty needed to attract the private investment needed to ensure the right types and numbers of homes are being built in the right places, in our cities and in our regions, to meet the community's needs.

Supporting more affordable housing

Everyone in NSW deserves a safe, secure and affordable home. The supply and delivery of affordable rental housing is important in every community in NSW.

The NSW Government is implementing a number of initiatives to boost and support housing supply as part of the \$2.8 billion housing package announced in the 2022 Budget.

We know that as the cost of living rises, it becomes harder for many families and households to enter the private rental or housing market. Affordable rental housing allows families and households to save for a home whilst living in quality housing in the community they know.

Most affordable rental homes are built and managed by Community Housing Providers (CHP's) who have an important role in helping people access affordable housing and get back on their feet.

However, increasing living costs, land values, development costs and approval blockages are making it harder for enough affordable rental housing to be built where it is most needed.

Since 2009, the NSW Government's planning policies have supported the community housing and private sectors to build over 2,000 affordable rental dwellings¹ and more recently, allowed local councils to develop and adopt affordable housing contribution schemes (AHCS) in their local government areas (LGAs).

In response to the growing need for affordable housing more needs to be done to encourage investment, unlock approvals and increase delivery. To do this we are planning several changes to the Housing SEPP. These changes will improve housing opportunities and better leverage the community housing and development industries to deliver affordable housing in NSW.

The current system

There are existing planning mechanisms to help with the delivery of affordable housing under Chapter 2 of the Housing SEPP.

Part 1 of Chapter 2 of the Housing SEPP identifies the need for affordable housing across the State and sets out requirements that a local council, as a consent authority, must consider before imposing an affordable housing condition on a development consent in accordance with section 7.32 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Under the EP&A Act, the consent authority may impose an affordable housing condition on a development consent provided the condition complies with the relevant provisions of a SEPP, is authorised to be imposed by the council's local environmental plan (LEP) and is in accordance with an affordable housing contribution scheme (AHCS) adopted by that LEP, as voluntarily developed and adopted by the local council.

¹ Community housing Industry Association (2021) *Taking Action on Affordability April 2021* <https://communityhousing.org.au/wp-content/uploads/2021/12/ARHSEPP-report-final-1.pdf>

Once the AHCS is adopted and authorised under the LEP, conditions can be imposed on development consents requiring the payment of affordable housing contributions for proposed development on land identified under the AHCS. There is currently no legislative requirement for a council to adopt an AHCS.

As a separate and distinct mechanism to facilitate the delivery of affordable housing on-site, Part 2, Division 1 of Chapter 2 of the Housing SEPP provides applicants and developers with incentives in the form of a floor space ratio (FSR) bonus and other non-discretionary development standards to offset the on-site delivery of affordable housing.

These provisions apply to certain residential development permitted with development consent under another environmental planning instrument (EPI) in certain geographical areas, including:

- accessible land in Greater Sydney, Wollongong and Newcastle, and
- in regional NSW, but only on certain land within 800 m walking distance of nominated business zones.

The provisions are voluntary and only apply to development that proposes to use a minimum 20% of the total floor space as affordable housing. Larger floor space bonuses are available as the percentage of affordable floor space increases, with bonuses capped for developments that include at least 50 per cent of gross floor area (GFA) as affordable housing. The nominated affordable housing dwellings must be used for affordable housing and managed by a registered CHP for a minimum 15 years.

Barriers to uptake of current provisions

To date, only five metropolitan councils have developed an AHCS under the Housing SEPP, though there is broad interest among councils in doing so. Many councils express an aspiration to do so in their local strategic planning statements (LSPSs). The NSW Department of Planning and Environment has developed resources such as the *Guideline for Developing an Affordable Housing Contribution Scheme* and online Affordable Housing Viability Tool to help support councils to develop viable schemes.

Councils have advised that the legislative complexity, costs, technical difficulty and limited evidence of viability have prevented them from developing AHCSs. Councils have also raised the prospect of regional-scale AHCSs and a more broad-based contribution that is less tied to development uplift within an identified precinct. They have asked for more Government support to develop these.

In 2018, the Australian Housing and Urban Research Institute (AHURI)² reported that the provisions for in-fill affordable housing under the former State Environmental Planning Policy (Affordable Rental Housing) 2009 (Affordable Rental Housing SEPP) had only contributed to the delivery of approximately 2,000 affordable housing dwellings in Sydney. This equates to approximately 0.5% to 1% of the city's total dwelling supply between 2009 and 2017.

² Gurran, N., Gilbert, C., Gibb, K., Nouwelant, R., James, A., and Phibbs, P. (2018) *Supporting affordable housing supply: inclusionary planning in new and renewing communities*, AHURI Final Report No. 297, Australian Housing and Urban Research Institute Limited, Melbourne, <https://www.ahuri.edu.au/research/final-reports/297>, doi:10.18408/ahuri-7313201.

Low uptake of the in-fill affordable housing provisions could be due to several factors, such as:

- difficulty in accommodating the full FSR bonus while complying with development standards and other local council controls (for example, height of building, setbacks and landscaping) and uncertainty around the application of clause 4.6 to vary development,
- lack of FSR bonus to overcome the cost of delivering and retaining affordable housing floor space for 15 years (formerly 10 years),
- the availability of other local environmental plan (LEP) bonuses (for example, design excellence provisions) that offer better incentives which allow for additional FSR without the requirement to deliver affordable housing, and
- financing limitations as affordable housing floor space must be used for that purpose for a minimum 15 years and managed by a CHP.

The opportunity

A fairer incentives framework for in-fill affordable housing

Affordable housing delivery must be viable for developers and investors. Planning incentives can help improve feasibility while delivering social public benefits, but not at the expense of poor development outcomes within our communities.

The existing FSR bonus incentives in the Housing SEPP have helped to deliver new affordable housing that meets the needs of the community, but their uptake has not been as high as originally anticipated or desired. Industry has also told us that changes to the current FSR bonus would improve and encourage increased affordable housing delivery under the existing provisions.

These changes could include:

- reducing the base FSR where a larger FSR bonus could be achieved,
- additional tiers of base FSR and higher bonuses for higher density sites (for example, highly accessible sites in mixed use zones), and
- greater certainty on the application of clause 4.6 variations where a proposal may need to rely on variations to certain council development standards to fully realise the floor space bonus.

The department proposes to amend the existing in-fill affordable housing FSR bonus provisions under Part 2, Division 1 of Chapter 2 of the Housing SEPP to make it easier to access the provisions.

Existing floor space ratio bonuses

The Housing SEPP currently has two scenarios that allow additional FSR where affordable housing is provided. These include:

- Where a site has a FSR of 2.5:1 or less:
 - If at least 50% of the building is affordable housing, an extra 0.5:1

- If less than 50% of the building is affordable housing, the floor space bonus is worked out as a percentage of the amount of affordable housing proposed to be provided, based on the formula **Floor space bonus = (% of affordable housing /100:1).**

For example, if a proposal contains the minimum 20% affordable housing, then the extra bonus is 0.2:1.

- Where a site has a FSR more than 2.5:1:
 - If at least 50% of the building is affordable housing – an extra 20% on top of the existing FSR. In this case a site with a FSR of 2.6:1 would gain an extra 0.52:1.
 - If less than 50% of the building is affordable housing, the floor space bonus is based on a sliding percentage scale that is worked out as a percentage of the amount of affordable housing proposed to be provided, up to a maximum bonus FSR of 20%.

For example, if the minimum 20% is provided then the extra bonus is 8% of the existing FSR. In this case, a site with a FSR of 2.6: 1 would gain an extra 0.2:1.

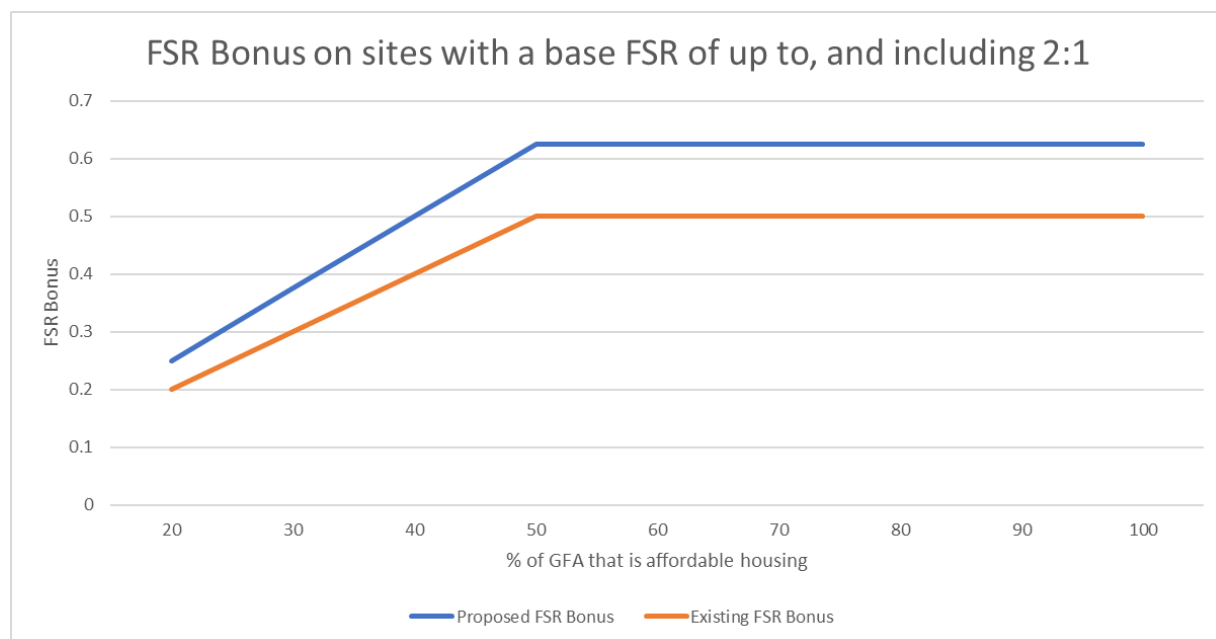
Proposed new floor space ratio bonuses

Revision of the FSR bonus percentages will help increase the economic incentive of the provisions and better support the delivery of more affordable housing in local communities.

The department proposes to amend the FSR bonus incentives framework as set out below:

For sites with a FSR of 2:1 and less:

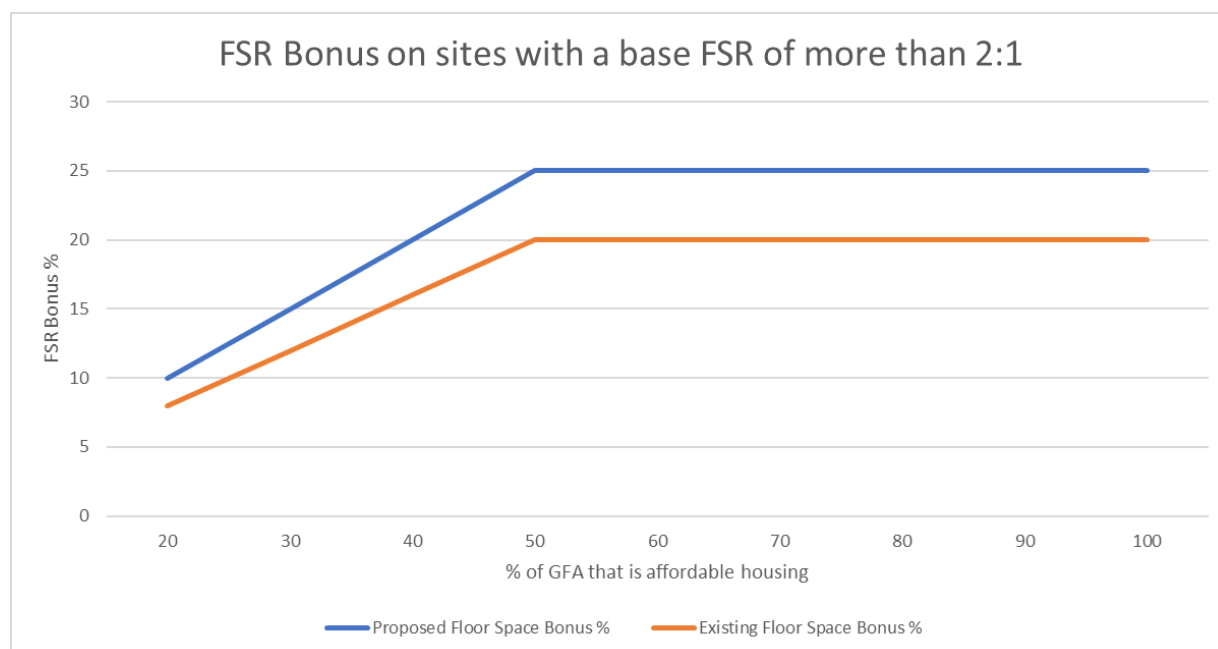
1. If 50% or more of the building is affordable housing, the base FSR plus an additional 0.625:1 FSR bonus, or
2. If less than 50% of the building is affordable housing, but no less than 20%, the base FSR plus an additional FSR determined by the percentage of proposed affordable housing and based on the formula: **Floor space bonus = (% of affordable housing % / 80:1).**



The graph above illustrates the proposed changes, including a comparison against the existing FSR bonus. For example, a proposal on a site with a 1.5:1 FSR control under another environmental planning instrument that proposes 40% of the total development GFA as affordable housing, could achieve a final FSR of 2:1, comprising a 0.5:1 FSR bonus under the proposed amendments. Under the current provisions, the FSR bonus would be limited to 0.4:1.

For sites with a FSR of more than 2:1:

1. If 50% or more of the building is affordable housing, the base FSR plus an additional 25% of the existing base FSR, or
2. If less than 50% of the building is affordable housing, but no less than 20%, the base FSR plus an additional FSR represented as a percentage of the base FSR and determined by the amount of affordable housing proposed, based on the formula: **Floor space bonus % = (% of affordable housing / 2).**



The graph above illustrates the proposed changes, including a comparison against the existing FSR bonus. For example, a proposal on a site with a 3.5:1 FSR control under another environmental planning instrument that proposes 40% of the total development GFA as affordable housing, could achieve a final FSR of 4.2:1, comprising a 0.7:1 FSR bonus under the proposed amendments. Under the current provisions, the FSR bonus would be limited to 0.56:1.

Delivering bonus affordable housing floor space under existing local controls

Existing development standards and local development controls (for example, height of building development standards) can deter or prevent applicants from applying the FSR bonuses available under the in-fill affordable housing provisions.

The NSW planning system already provides a pathway that allows consent authorities to flexibly apply developments standards via clause 4.6 of the Principal Local Environmental Plan (the

Standard Instrument LEP). Clause 4.6 provides a merit-based assessment process that can allow for the justified variation to existing development standards to realise floor space bonuses available under the in-fill affordable housing provisions.

Planned reforms to clause 4.6 of the Standard Instrument LEP will make variation requests simpler, provide greater consistency on the matters both consent authorities and applicants are required to consider and remove other consideration and concurrence requirements.

Consent authorities must still ensure a clause 4.6 variation request demonstrates the development standard contravention will result in an improved social, economic and environmental outcome. In that respect, where a variation request is required, it would be assessed on the planning outcome of the proposed development. This will improve flexibility in its application for development's that propose affordable housing, which the Government considers to be a social benefit.

Future guidance material will be developed to support the roll out of the clause 4.6 reforms, including guidance about how the clause should be applied for various development types. This will include where affordable housing is proposed to be delivered and provide stakeholders greater certainty about how clause 4.6 could be used when a non-compliant development standard is proposed as part of a residential development under the in-fill affordable housing provisions.

Updates to the Guideline for Developing an Affordable Housing Contribution Scheme

Stakeholders agree that where a need for affordable housing has been identified, the process for developing and implementing an AHCS should be efficient and mandatory. The need to simplify the process will be greater now that the Greater Cities Commission has released the *Six Cities Region* discussion paper, which proposes an affordable housing target of 10% for all new rezonings where there will be an uplift of residential development.

The department acknowledges the need to review the guideline to ensure it provides the appropriate guidance and support for councils so that the process of developing and adopting an AHCS is easier and more efficient.

Our review of the guideline would aim to create more flexibility for councils about how they wish to apply an AHCS in their LGAs by outlining alternative pathways. Any proposed changes would not affect a consent authority's requirements under section 7.32(1) of the EP&A Act. Proposed changes may include using a council-led planning proposal to:

- Introduce an affordable housing clause in an LEP that identifies potential areas and/or sites to be rezoned in the future. Basic feasibility analysis should be undertaken at this stage to identify a maximum applicable levy for the mapped sites. The contribution would then be triggered by a developer-initiated planning proposal for a mapped site, provided the council, as the consent authority, decides that it is reasonable to impose a condition on the development consent requiring the payment of an affordable housing contribution given the site-specific area.
- Introduce an affordable housing clause in an LEP that states a contribution rate may be applied for any developer-led planning proposal that seeks uplift on a site. The applicable levy would first need to be calculated by the developer. At the planning proposal stage the

council, as the consent authority, would need to review the proposed levy and agree that it is reasonable to impose a condition on the development consent requiring payment of an affordable housing contribution given the site-specific area.

These alternative pathways are consistent with the EP&A Act and are generally consistent with the guideline's intent to clearly communicate any applicable contribution levy prior to rezoning to give the market certainty about the amount of affordable housing to be provided, so that it can be factored into underlying land prices.

State significant development pathway for affordable and social housing projects

The department proposes to introduce a new SSD pathway for large residential developments:

- with a CIV of more than \$100 million, and
- that include a minimum 20% of GFA as either:
 - affordable housing, or
 - floor space delivered by a social housing provider.

It is also proposed introduce a new SSD pathway for affordable housing to be delivered by the Transport Asset Holding Entity (TAHE) on its land. The TAHE Affordable Housing Pilot Program will allocate surplus land for more than 300 new affordable homes in the Bayside, Blacktown, Inner West and Cumberland LGAs. The proposed SSD pathway will ensure timely assessment and delivery of these affordable homes.

The new SSD pathway will help the design and delivery of large-scale residential projects that include a social or affordable housing component. In keeping with existing provisions under the Housing SEPP, developments that include an affordable housing component will be conditioned to require it be retained and managed by registered community housing providers for a minimum 15 years.

The SSD pathway will have the benefit of using the department's State Design Review Panel (SDRP) that is administered by the department and the Government Architect NSW. It is also widely accepted that design review:

- improves the design quality of projects so they add value to the places where they are built,
- gives applicants timely and constructive advice, giving them more certainty in the assessment process, and
- gives consent authorities greater assurance and support in their assessment of proposals.

The SDRP's role in this reform would provide applicants and decision-makers with advice and recommendations on SSD proposal to ensure quality design outcomes. This advice will be beneficial given the transformational effect large scale SSD proposals can have on local communities. Ensuring these developments utilise any FSR bonuses under the Housing SEPP effectively will be important to ensure suitable built form outcomes are achieved.

Referring larger scale residential developments with a community housing benefit to the SDRP will also give applicants access to a pool of approximately 100 panellists with expertise across various project scales and typologies, and experience reviewing larger and more complex proposals. SDRP

meetings are typically more frequent, minimising impacts on development programs and allowing for the flexibility that larger and more complex proposals sometimes need.

The City of Sydney LGA would be excluded from the proposed SSD designation and DAs in the City of Sydney would continue to be assessed by the council and determined by the Central Sydney Planning Committee. This is already the case for build-to-rent housing, which is not SSD if proposed in the City of Sydney, regardless of the CIV of the project.

Planning pathways for social housing

There is significant and increasing demand for social, affordable and Aboriginal housing across NSW.

Both the Australian and NSW Governments have recognised the urgency of the need for these types of housing through significant financial commitments to support their delivery:

- The NSW Government's recently announced Housing Package included \$554.1 million to fast-track the delivery of new and upgraded homes for both social and Aboriginal housing over the next four years.
- The Australian Government has, among other things, committed \$10 billion to a Housing Australia Future Fund with the target of delivering 30,000 social and affordable housing properties in its first 5 years.

The NSW Housing Strategy emphasises the importance of strengthening partnerships and cross-sector collaboration to deliver this much-needed housing as well as reducing planning assessment processing times and red tape.

The EIE proposes to complement these monetary commitments, and support delivery of the NSW Housing Strategy, by amending the Housing SEPP to improve the capacity of LAHC and the AHO to deliver social and affordable housing for the community. Together, these initiatives will help supercharge the building of new social housing in NSW.

Minimum lot size for dual occupancy lots

Currently, the minimum parent lot size for dual occupancy development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – also known as the Codes SEPP – is 400 m², or a larger area if specified in a local environmental plan (LEP) – and most LEPs specify a larger minimum area.

It is proposed to specify a minimum parent lot size of 400 m² for dual occupancies being delivered as complying development by the LAHC and the AHO.

Permitting social housing providers (SHPs) to deliver dual occupancies on smaller lots in this way would enable the delivery of this lower-impact in-fill housing type on a wider range of lots.

Expansion of self-assessment power for residential development

The LAHC and, more recently, the AHO, have powers to self-assess residential development under the Housing SEPP that contains up to 60 dwellings and has a maximum height of 9 metres under section 42 of the Housing SEPP.

It is proposed to extend these existing self-assessment powers to enable the LAHC and the AHO to self-assess residential development:

- containing up to 75 dwellings, and
- with a maximum building height up to that permitted under the relevant LEP.

These changes will support the delivery of in-fill social housing within residential areas, up to the height limit already adopted by the local council.

The proposed expansion of these existing self-assessment powers is supported by the recent release of the department's new *Guidelines for Division 5.1 assessments* (June 2022) for proponents and determining authorities assessing activities under Part 5 of the EP&A Act. Proponents, such as the LAHC and AHO, are now required to publish a decision statement alongside the review of environmental factors (REF) for developments with a CIV in excess of \$5 million on the NSW Planning Portal.

In addition, the LAHC and AHO are required to ensure that their self-assessed developments are designed with consideration given to the principles and controls of:

- for LAHC developments – *Good design for social housing* (September 2020) and the *Land and Housing Corporation Dwelling Requirements*, September 2020,
- for AHO developments – the *Aboriginal Housing Design Guidelines*, January 2020, and
- for residential flat buildings that are three storeys or more – the Apartment Design Guide.

Both the LAHC and the AHO are also required to notify councils and occupiers of adjoining land and take any responses from them into account. They will also be required to consult with other public authorities in certain circumstances, as set out in sections 2.15 and 2.17 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

These requirements ensure greater levels of assurance and transparency about the activities being undertaken within our communities and increase the level of accountability for our public authorities.

New threshold for State Significant Development

Under the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP), two SSD pathways exist for development carried out by the LAHC. These include:

- LAHC development with a CIV of more than \$100 million under schedule 1, clause 26, and
- LAHC development on mapped sites (Ivanhoe Estate and Eden Street) with a CIV of more than \$30 million under schedule 2, clause 10.

The department proposes to amend schedule 1, clause 26 of the Planning Systems SEPP to better facilitate the delivery of large-scale social housing projects by removing the existing \$100 million SSD threshold and replacing it with a new, lower threshold.

In its place, it is proposed to introduce a new SSD threshold for development carried out by the LAHC containing more than 75 dwellings (that is, over the proposed new self-assessment threshold). The

proposed new SSD threshold roughly equates to a CIV of \$30 million, which is consistent with thresholds for some other types of SSD.

The SSD pathway under schedule 1, clause 26 of the Planning Systems SEPP, as is proposed to be amended, is also proposed to be extended to the AHO.

These proposed changes will ensure greater consistency in the assessment of development for new social and Aboriginal housing.

Group homes

The group homes provisions were introduced in 1983 to respond to the demand for residential care facilities and accommodation of a non-institutional nature. A growing need was also identified for short term, non-institutional accommodation for people faced with a crisis or emergency. Since their inception, the group homes provisions have been used to deliver a range of built form and operational outcomes for people who need support to live in the community.

In November 2021, the provisions of the Affordable Rental Housing SEPP were consolidated into the Housing SEPP and the Affordable Rental Housing SEPP was repealed.

The current framework

Group homes currently fall into one of two categories:

- Transitional group homes – which are intended to provide temporary accommodation for:
 - the relief or rehabilitation of people with a disability
 - drug or alcohol rehabilitation purposes
 - half-way accommodation for persons formerly living in institutions
 - temporary accommodation comprising refuges for men, women or young people
- Permanent group homes – which are intended to provide permanent accommodation for people with a disability or people who are socially disadvantaged.

In both cases, a group home:

- must be a dwelling
- must be occupied by persons as a single household
- can include paid supervision or care
- does not include development to which Chapter 3, Part 5 of the Housing SEPP (housing for seniors and people with a disability) applies.

Occupants may or may not be required to provide payment for board and lodging.

Group homes may be delivered using any of the following planning pathways:

1. Development without consent – up to 10 bedrooms within one or more group homes on a site, where the development is undertaken by or on behalf of a public authority on land in a prescribed zone. Prescribed zones include:
 - a. Zone R1 General Residential,
 - b. Zone R2 Low Density Residential,
 - c. Zone R3 Medium Density Residential,
 - d. Zone R4 High Density Residential,
 - e. Zone B4 Mixed Use,

- f. Zone SP1 Special Activities,
 - g. Zone SP2 Infrastructure, or
 - h. any other zone where dwelling houses or multi dwelling houses are permissible in another environmental planning instrument applying to the land.
2. Exempt development – for minor modifications to an existing group home, where the development is undertaken by or on behalf of a public authority and complies with the relevant development standards in Schedule 1 and section 2.20 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.
3. Complying development - maximum of 10 bedrooms within one or more group homes on a site and complies with certain provisions of the Codes SEPP, is not within a draft heritage conservation area or on bush fire prone land, and also complies with the standards prescribed in Schedule 2 to the Housing SEPP.
4. With development consent – in all other cases when carried out in a prescribed zone. In those circumstances, and also where a group home is permissible with consent under another environmental planning instrument, the consent authority cannot refuse a DA without taking into consideration the need for a group home.

What we've heard so far

What needs to change

During consultation on the Housing SEPP, in feedback provided by stakeholders since the Housing SEPP was made, and in the 2022 NSW Legislative Assembly's Committee report, a number of issues with the group homes provisions have been identified. In particular:

- Definitions are vague and can require consent authorities to make subjective assessments of residents' disability or social disadvantage.
- Some dwellings are being inappropriately captured by the group homes provisions, resulting in unnecessary costs, delays and administrative burdens for accommodation providers and people with a disability wanting to share accommodation.
- Uncertainty about what is and is not covered by the existing definitions of group homes results in delays, uncertainty and sometimes litigation.
- Some services using the group homes provisions necessarily need to "fly under the radar" to provide their services appropriately – for example, refugees and out-of-home care for children and young people.
- The complying development pathway has resulted in large group homes in low density areas that are out of scale with surrounding development.
- Existing planning pathways are out of step with the current National Disability Insurance Scheme (NDIS) guidelines. For example, group homes with up to 10 bedrooms are permitted through the without consent and complying development pathways. However, no more than five bedrooms are permissible under one roofline to qualify for National Disability Insurance Agency (NDIA) funding.

- Some certifiers are reluctant to approve group homes as complying development due to uncertainty about how to classify this development under the National Construction Code.
- In some cases, group homes are poorly managed resulting in significant adverse impacts on local communities.
- There is a stigma associated with group homes. In some instances, this has led to considerable community backlash against a proposed development, resulting in delays in the assessment and determination process.
- There is currently no restriction on who can live in or operate a group home. This raises concerns that the provisions may be being exploited by for-profit developers to deliver housing for the general market.

What's working well

Stakeholders have noted that there are some features of the existing provisions that ought to be retained. In particular, those that enable:

- flexibility in the design of group homes, to enable responsiveness to the varying needs of those who live in them,
- the complying development pathway, which is usually significantly faster to obtain approval for a new group home than a DA pathway, and
- the accommodation of seniors or people with a disability in smaller-scale home-style settings – reflecting the continuing transition of providing care away from institutional settings.

Proposed amendments

The department proposes to replace the current definitions of group home, transitional group home and permanent group home with two new housing types. These include:

- high support accommodation, and
- supported living.

The proposed approaches include new or amended pathways for these housing types that will help to free up-councils to focus on more complex housing applications.

High support accommodation

High support accommodation would be premises that —

- have private rooms, which may have private kitchen and bathroom facilities,
- have at least one staff member on-site or on-call 24 hours a day,
- may only be used for the purposes of:
 - drug or alcohol rehabilitation, and
 - refuges or crisis accommodation for men, women, children or young people – including intensive therapeutic transitional care for children and young people under the parental responsibility of the Minister of Family and Communities.

The development size would be constrained by site coverage and height controls. It is not proposed to limit the number of occupants.

This accommodation:

- may provide only accommodation that is temporary in nature (that is, occupants may stay no longer than 18 months), and
- must be managed by a government agency, a registered community housing provider or a specialist homelessness service.

A without development consent pathway will be available for development delivered by a government agency, provided the agency carrying out the development has considered whether the development meets the standards set out in **Appendix 1** for this accommodation type.

Supported living

In addition to replacing the definition of group home, this new housing type will also replace existing definitions of 'hostel' in the Standard Instrument LEP, and in the Housing SEPP. The definition of supported living will make clear that it:

- provides accommodation on a single or shared basis, or a combination,
- has at least one staff member on-site or on call 24 hours a day,
- is a type of housing for seniors and people with a disability, and
- is not occupied as a single dwelling.

It is proposed to replace the existing DA pathway for hostels for seniors and people with a disability under the Housing SEPP (with standards designed for large-scale developments) with a complying development pathway for smaller scale supported living.

Supported living may only be operated by entities with current registration with the NDIS Commission as an NDIS provider. Certifiers, councils and the public will be able to verify registration currency using the NDIS provider register: <https://www.ndiscommission.gov.au/resources/ndis-provider-register/search>.

Similar to the existing provisions for hostels, occupancy of supported living will be restricted to:

- seniors or people with a disability,
- people who live in the same household with seniors or people with a disability, and
- staff employed to assist in the administration and provision of services.

Unlike the 10 bedroom cap under the current complying development pathway for group homes, there will be no limit on the number of bedrooms, or the number of occupants who can be accommodated in supported living. Development size will be constrained by site coverage and building height controls.

The proposed standards for supported living using this complying development pathway are set out in the table at **Appendix 1**.

The proposed changes will not apply to existing hostels, or to minor alterations and additions to existing hostels. Consideration of appropriate savings provisions for development applications lodged, but not yet determined as well as the continued application of the provisions for

applications to modify existing hostels, will be given before any amendments to the Housing SEPP are finalised.

It is also proposed to:

- Amend the definition of ‘people with a disability’ in the Standard Instrument LEP to align with the definition in section 7 of the *Disability Inclusion Act 2014* which reads as follows:
disability, in relation to a person, includes a long term physical, psychiatric, intellectual or sensory impairment that, in interaction with various barriers, may hinder the person’s full and effective participation in the community on an equal basis with others.
- Omit the definition of ‘people who are socially disadvantaged’ from the Standard Instrument LEP. Stakeholder feedback indicates that this term is out of date and can result in discrimination against people who are already vulnerable.

Temporary supportive accommodation

Developing housing solutions for people experiencing, or at risk of, homelessness is key to breaking the cycle of disadvantage. This is recognised in the 2021-22 action plan for implementation of the NSW Housing Strategy, which notes that the NSW Government has committed to reducing street homelessness by 50% across NSW by 2025.

While long term housing solutions are needed, these take time to deliver. The Committee on Social Services Report found that, in the interim, meanwhile uses (including temporary supportive accommodation (TSA)) can play an important role in providing short term housing for some of the most vulnerable members of the community.

This EIE proposes making changes to the planning system that will implement the recommendations of the report in relation to TSA for people experiencing homelessness and help to achieve this action plan outcome. The proposed changes aim to provide future proposals for TSA with a clear path to implementation, speeding up delivery of housing for those most in need.

Background

Temporary supportive accommodation (TSA) is used here to refer to the repurposing of existing buildings, or the temporary use of vacant land, to provide transitional housing to people experiencing, or at risk of, homelessness.

While anyone can experience homelessness, certain cohorts are at a higher risk. At risk cohorts include:

- those who have experienced domestic and family violence,
- young people,
- children subject to care and protection orders,
- Aboriginal and Torres Strait Islander people,
- people leaving health or social care arrangements,
- people aged 55 and over, and
- people with mental health issues.

Improving access to housing is associated with better health and wellbeing outcomes. Transitional housing provides occupants with an accommodation option while they wait for long term housing solutions, such as social housing or rental housing on the private market. It typically includes the provision of support services, or at least support coordination, to help occupants deal with the complexities of homelessness.

Without these support services, many people experiencing homelessness struggle to sustain a tenancy, and may cycle in and out of emergency and short term accommodation. By addressing some of the core factors that contribute to homelessness, support services can help prevent homelessness in the future.

The current framework

A number of innovative examples of TSA have been delivered in NSW to date, in some cases without the need for development consent.

Some TSA projects have been delivered using the existing group homes provisions. Others have used the existing without development consent pathway for supportive accommodation. This pathway enables existing residential flat buildings and boarding houses to provide accommodation and associated supervision and support services for people in need.

The opportunity

Better facilitating the delivery of TSA through the planning system will provide:

- greater clarity and certainty for the community housing providers and specialist homelessness services who work with people experiencing homelessness, and
- even more opportunities to provide housing for people in need.

Examples of how each of the proposed pathways might work are provided at **Appendix 2**.

Proposed amendments

Use of existing buildings

The department proposes to amend the supportive accommodation provisions of the Housing SEPP (set out in Chapter 2, Part 2, Division 4) to make it easier to provide temporary and permanent supportive accommodation.

The existing definition of supportive accommodation would be amended so that it refers to the use of an existing building or buildings to provide:

- accommodation to people experiencing, or at risk of, homelessness, and
- support services, in a dedicated room or area, only to people who live in that building or buildings.

Support services provided on-site may include:

- management, care for or supervision of occupants of the building,
- support coordination,
- medical services,
- counselling services,
- education and training services, and
- administrative services.

Two planning pathways would be available:

1. without development consent – this will involve modification of the existing without development consent pathway for supportive accommodation and will be available to government agencies only.
2. complying development – this will be a new pathway. There will be no restriction on who may deliver this type of development, but the management of the accommodation will be restricted to a government agency, registered CHP or specialist homelessness service (SHS).

Under both pathways:

- A member of staff of the government agency, registered CHP or SHS must be available on-site or on call to both occupants and neighbours 24/7.
- Consultation with the Department of Communities and Justice (DCJ) will be required before development is carried out. This process would be similar to the process set out in section 30 of the Housing SEPP for boarding houses delivered by the LAHC. In this process, the proponent would have to notify DCJ and take any response from them into account prior to proceeding with the development.
- The proponent must provide a plan of management to the relevant local council that addresses the matters set out in **Appendix 3** before carrying out the development. Council will not be required to review or assess the plan of management.

Without development consent pathway

The modified without development consent pathway will allow the repurposing of existing buildings that are currently used for following types of residential or tourist and visitor accommodation, provided no physical works are required, to enable the use of the building as supportive accommodation:

- backpackers' accommodation
- boarding houses
- co-living housing
- high support accommodation (as proposed by this EIE)
- hostels (whether under the Standard Instrument LEP or the existing hostels provisions of the Housing SEPP)
- hotel or motel accommodation
- multi dwelling housing
- residential flat buildings
- seniors housing
- serviced apartments
- shop top housing
- supported living (as proposed by this EIE).

Under this proposed pathway:

- The proponent must consider the safety aspects of the building that is proposed to be used as supportive accommodation and be satisfied that the building will be safe for the intended use.
- The proponent must give 7 days' notice of their intention to use the property as supportive accommodation to the local council. They must also provide the council with a copy of the plan of management for the use of the property as supportive accommodation.
- The council must acknowledge, in writing, the receipt of the notice, including acknowledgement of the proponent's proposed start date for the use of the building as supportive accommodation.

Complying development pathway

The new complying development pathway will be available in existing buildings where the existing land use is not residential accommodation or tourist and visitor accommodation.

Under this pathway:

- Use of a building will be limited to 5 years from the date the occupation certificate for the use is issued.
- Applicants will be required to satisfy sections 1.17A and 1.18 (except (1)(b) and (2)) of the Codes SEPP. These provisions set out general requirements for complying development, including that it not be on land that contains critical habitat or a heritage item, and that it meets the relevant provisions of the Building Code of Australia.
- The plan of management must be submitted with the complying development application and provided to council with the endorsed documents when the CDC is approved.

Temporary use of vacant land

We propose to amend the temporary use of land clause in the Standard Instrument LEP (optional clause 2.8) to allow for the provision of temporary residential accommodation on vacant land for a period of up to five years. This development consent pathway will:

- only apply to public land that is classified by the council as operational land. Under the *Local Government Act 1993*, councils are required to classify all public land as either 'community land' or 'operational land'. Operational land is generally council-owned land that facilitates the carrying out of the council's functions, such as works depot or drainage reserves. Operational land can be sold or developed for private use,
- only be available to government agencies, registered CHPs or specialist homelessness services, and
- require a staff member to be available on-site or on call to both occupants and neighbours 24/7.

Any development application will need to be accompanied by a plan of management, which addresses the matters set out in **Appendix 3**.

Clause 2.8 already requires the consent authority to be satisfied that:

- (a) the temporary use will not prejudice the subsequent carrying out of development on the land, and
- (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
- (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
- (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

Amendments are also proposed to clause 2.8 (3)(b), as the current restriction is too onerous. It is proposed that this subclause read: 'the temporary use will not unreasonably impact on any adjoining land or the amenity of the neighbourhood'.

Accessibility and usability standards for independent living units

Supporting housing design that is adaptable and optimises technology to meet the changing and varied needs of NSW residents is a key priority of the NSW Housing Strategy.

The department proposes to update the accessibility and usability standards for independent living units (ILUs) seniors housing specified in Schedule 4 to the Housing SEPP.

Ongoing industry feedback, including detailed commentary from The Association of Consultants in Access Australia Inc. (ACAA), has identified several issues with the interpretation of the current standards that can impact assessment timeframes.

Changes are proposed to:

- remove outdated design specifications that have been superseded by technological improvements (for example, lighting and telecommunications),
- update and clarify the accessible car parking requirements for residents,
- update and improve accessibility standards for letterboxes (that is, to improve wheelchair access) and ancillary spaces (for example, garbage storage areas), and
- update and clarify the accessibility requirements for doors and entries and the main internal rooms and living spaces.

Updating these standards will ensure that the accessibility requirements for ILUs reflect industry best practice. These changes will also improve consistency in the assessment and determination of ILU seniors housing developments, and better equip the planning system to deliver safe and suitable seniors housing.

The proposed changes are set out in the table at **Appendix 4**.

We expect that the accessibility standards will be updated to coincide with the finalisation of the draft Seniors Housing Design Guideline, which has been available on the department's webpage since the release of the Housing SEPP in November 2021.

The draft Seniors Housing Design Guideline has been updated in response to amendments made to the Housing SEPP this year and is currently on exhibition with the EIE for review and comment. The draft Seniors Housing Design Guideline will be updated in response to feedback received during this consultation phase and finalised with the next Housing SEPP amendment.

Once finalised, the draft Seniors Housing Design Guideline will apply to all seniors housing types. The Housing SEPP will put the Seniors Housing Design Guideline into action. This will require the consent authority to consider the guideline when determining a development application for seniors housing.

More opportunities for boarding house development

We propose to further incentivise the development of boarding houses to generate renewal surrounding local centres and commercial cores and increase housing in Regional NSW. The proposed changes are an extension of recent amendments made to the Housing SEPP.

Outside of the Greater Sydney region, the boarding house provisions only apply to land in Zone R2 Low Density Residential if the site is within 400 m walking distance of land in Zone B2 Local Centre or Zone B4 Mixed Use, or an equivalent land use zone.

It is proposed to increase the land on which the boarding house provisions apply in regional NSW by:

- including land within walking distance of Zone B1 Neighbourhood Centre and by expanding the walking distance from these business zones from 400 m to 800 m. These changes will make available additional R2 zoned land to accommodate boarding houses outside the Greater Sydney region.

A 25% FSR bonus currently applies to boarding houses delivered on land where residential flat buildings are permitted. It is proposed to extend this bonus so that it also applies to boarding houses delivered on land on which shop top housing is permitted.

Appendix 1. Summary of existing and proposed development standards

Table 1 below sets out the proposed standards for high-support accommodation, and for the proposed complying development pathway for supported living. It also includes the existing standards for group homes and hostels for comparison.

We propose these changes to:

- make the development standards clear
- give developers the maximum flexibility for design
- ensure that accommodation delivered using these pathways responds to the site and character of the local area.

Table 1. Proposed standards for high-support accommodation and proposed complying development pathway for supported living

Control	Current group homes setting – complying development pathway	Current hostels setting	Proposed high support accommodation standards – without consent pathway	Proposed supported living standards – complying development pathway
Minimum lot size	450 m ²	1000 m ² (does not apply to LAHC or other SHPs)	450 m ²	450 m ²
Height	8.5m	9.5m + 2m for servicing equipment	If no LEP height applies, maximum of 8.5m / 2 storeys	If no LEP height applies, maximum of 8.5m / 2 storeys
Maximum site coverage	70%		50%	50%
Setbacks	Front setback must be the average distance of the nearest 2 group homes or dwelling houses or 4.5 metres if a dwelling is not within 40 metres of the site. This setback varies depending on the	Must provide building setbacks to reduce bulk and overshadowing	As for group homes; the existing exceptions to setbacks will be substantially replaced by reference to the exceptions listed in section 3.11 of the Codes SEPP.	As for group homes; the existing exceptions to setbacks will be substantially replaced by reference to the exceptions listed in section 3.11 of the Codes SEPP.

Control	Current group homes setting – complying development pathway	Current hostels setting	Proposed high support accommodation standards – without consent pathway	Proposed supported living standards – complying development pathway
	classification of the road which the development fronts. The Housing SEPP also sets out setbacks to side and rear boundaries, as well as exceptions to setbacks.			
Landscaped area	Minimum 20% of site area, with 50% behind the building line and minimum dimensions of 2.5m	At least 15m ² of landscaped area for every bed	Minimum 20% of site area, with 50% behind the building line and minimum dimensions of 2.5 m. At least 25% of the area of the lot forward of the building line must be landscaped.	Minimum 20% of site area, with 50% behind the building line and minimum dimensions of 2.5 m. At least 25% of the area of the lot forward of the building line must be landscaped.
Car parking	At least 2 off-street car parking spaces.	At least: <ul style="list-style-type: none"> 1 space per 10 beds 1 space per 2 employees on duty at the same time 1 space for ambulance parking Car parking for residents: <ul style="list-style-type: none"> must comply with AS 2890.6. 10% of parking spaces (or at least one space) must allow for increase in width to 3.8 metres. 	At least 2 off-street car parking spaces	At least 2 off-street car parking spaces, 1 of which must comply with AS 2890.6 (Off-street parking for people with disabilities).
Building separation	The distance between group homes on a site must be at least 1.8 metres.			
Communal open space	24m ² , at least 4m wide and with a gradient no steeper than 1:50.	8m ² per bed		Minimum 20% of site area, and minimum 3m dimensions

Control	Current group homes setting – complying development pathway	Current hostels setting	Proposed high support accommodation standards – without consent pathway	Proposed supported living standards – complying development pathway
Provision of care and support	With or without paid supervision or care and whether or not payment for board and lodging is required	At least 1 staff member is available on site 24 hours a day to provide management services	At least 1 staff member on site or on call 24 hours a day	At least 1 staff member on site or on call 24 hours a day
Form	A dwelling occupied by persons as a single household	Building or place	Premises	Premises
Duration of accommodation	Temporary or permanent, depending on definition used	No limit or restriction on duration of stay	Maximum 18 months	No limit or restriction on duration of stay
Shared spaces and facilities	-	Meals, laundering, cleaning and other facilities are provided on a shared basis		
Permissibility	Various, depending on planning pathway	RU5 Village, R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor, B7 Business Park, B8 Metropolitan Centre, SP1 Special Purposes, SP2 Infrastructure, RE2 Private Recreation.	R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, B4 Mixed Use, SP1 Special Activities and SP2 Infrastructure, where development for the purposes of a place of public worship, an educational establishment, a hospital, seniors housing is permitted.	R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor, B8 Metropolitan Centre, SP1 Special Purposes, SP2 Infrastructure, RE2 Private Recreation.

Control	Current group homes setting – complying development pathway	Current hostels setting	Proposed high support accommodation standards – without consent pathway	Proposed supported living standards – complying development pathway
Frontage	If not a battle-axe lot, has a boundary with a primary road of at least 12m If a battle-axe lot, has an access laneway of at least 3m in width	20 m measured at the building line (does not apply to LAHC or other SHPs)	For a lot other than a battle-axe lot – minimum frontage measured at the building line – • 12 m for lots with an area of 450m ² to 900m ² , • 15 m for lots with an area of 900m ² to 1500m ² • 18 m for lots with an area greater than 1500m ² For a battle-axe lot – has an access laneway that is at least 3m in width and measuring at least 12m by 12m, excluding the access laneway	For a lot other than a battle-axe lot – minimum frontage measured at the building line – • 12 m for lots with an area of 450m ² to 900m ² , • 15 m for lots with an area of 900m ² to 1500m ² • 18 m for lots with an area greater than 1500m ² For a battle-axe lot – has an access laneway of at least 3m in width and measuring at least 12m by 12m, excluding the access laneway
Deep soil zone		15% of site area, with minimum dimensions of 6m for each deep soil zone and, if practicable, at least 65% of the deep soil zone located at rear of site		
Subdivision		May be subdivided except in B3	Not permitted	Not permitted
Bush Fire Prone Land	CDC not available if on bushfire prone land; usual requirements under <i>Rural Fires Act 1997</i> apply to DA and without consent pathways	Must comply with Planning for Bushfire Protection	Usual consent authority obligations under <i>Rural Fires Act 1997</i> apply	CDC not available if on bushfire prone land
Flood Prone Land	Development standards apply for flood control lots	Part 5 Housing for Seniors and people with a disability does not apply to land to which the Standard Instrument LEP, clause 5.22 applies in relation to seniors housing specified as sensitive and hazardous development		As for group homes

Control	Current group homes setting – complying development pathway	Current hostels setting	Proposed high support accommodation standards – without consent pathway	Proposed supported living standards – complying development pathway
Design		<div>Must demonstrate consideration of design principles for:<ul style="list-style-type: none">• Neighbourhood amenity and streetscape• Visual and acoustic privacy• Solar access and design for climate• Stormwater• Crime prevention• Accessibility• Recycling</div>		

Appendix 2. Temporary Supportive Accommodation examples

Use of existing buildings – residential and tourist and visitor accommodation

Under this proposed without development consent pathway, a specialist homelessness service (SHS) will be able to repurpose existing backpackers' accommodation to almost immediately begin providing accommodation for young people aged 16 – 24 years who are experiencing, or at risk of homelessness. All that will be needed to use the property for this purpose will be some minor refurbishments – new carpets and curtains, and simple furnishings for the bedrooms and existing shared spaces (lounge room and kitchen), an on-site office and a couple of rooms to be used for meetings or counselling sessions.

Young people might be accommodated for anywhere from overnight to permanently, but the SHS decides to offer accommodation to each young person for up to 2 years, which should be enough time to prepare them to live independently.

During their time in the accommodation, each young person will be provided with a case manager who will work with them to organise the support they need to help them live independently. This might be counselling provided by a specialist provider onsite, cooking and budgeting classes also provided onsite, or help to enrol in education or to secure and maintain a job.

It will be important to make sure that the vulnerable young people who are accommodated are safe and adequately cared for, and that any negative impacts on neighbours are minimised, so before repurposing the property, the SHS:

- carefully considers the safety aspects of the building, and is satisfied that it will be safe for its intended use,
- advises DCJ about what they are proposing. DCJ has some suggestions that might help to ensure the accommodation operates smoothly, and the SHS considers and implements this feedback, and
- gives 7 days notice to the local council of their intention to repurpose the property and provides them with a plan of management which details how the facility will operate.

From the time the property begins being used for this new purpose, the SHS will ensure that a member of their staff is available on-site to the young people in the accommodation, and any neighbours, at all times.

Use of existing buildings – other

In this hypothetical scenario, Delta Corp owns an old office building. They plan to redevelop the site, but it is going to take time to get the necessary approvals. As part of their corporate social

responsibility plan, they decide to provide the vacant building to Zeta (a not-for-profit specialist homelessness service), rent free, until approvals for the redevelopment are obtained.

Zeta would like to use the office building to provide hostel-style accommodation to homeless men and has an established network of professionals and companies who are able to provide refurbishment services and materials pro bono. However, it won't be possible to bring the entire building up to the appropriate standard, so Zeta seeks a complying development certificate (CDC) for conversion of the lowest three stories.

Zeta seeks a CDC for this. Initially consultation about the project is undertaken with DCJ in order to receive support for the concept. Zeta then approaches a certifier which is able to:

- Issue a CDC for the proposed changes to the lower three storeys of the building, confirming what works are necessary to satisfy the relevant requirements of the Building Code of Australia. The refurbishment includes the installation of a number of bathroom pods, supplied pro bono by one of Zeta's project partners. This makes it simpler and faster to bring parts of the building up to the appropriate standard.
- endorse the plan of management provided to them by Zeta. The plan of management makes clear that at least two members of Zeta staff will be on site at all times. These staff will be responsible for managing the ongoing operations.
- Issue an occupation certificate once the physical works are complete. This allows Zeta to begin its use of the building for up to 5 years from the date it is issued.

At the end of the 5 years, Zeta has found an opportunity to continue providing its hostel-style services out of another vacant building nearby, under a similar arrangement. Zeta organises the removal of the bathroom pods to this new site, and vacate the old office building, which is to be demolished by the site owner as part of the redevelopment.

Temporary use of vacant land

In this hypothetical scenario, Alpha Council owns a plot of operational land that is currently vacant. Like many parts of the State, there is a shortage of housing in Alpha LGA.

Beta Housing, a registered CHP, approaches Alpha Council with a proposal. Beta Housing would like to use the vacant land to provide residential accommodation to women over 50 who are experiencing, or are at risk of, homelessness in the local area. The development will take the form of a boarding house made up of:

- four micro dwellings that will be built on site and each provide a bed, kitchenette and bathroom for one, and
- a central building that will include a communal living area and laundry.

Beta Housing will manage the development, and will partner with Gamma Services, who will provide residents with counselling and other support services off site.

Alpha Council has chosen to adopt clause 2.8 of the Standard Instrument LEP, which enables residential accommodation to be provided on vacant operational land in certain circumstances for up to 5 years – with development consent.

Beta Housing lodges a development application. In the development application, they demonstrate that the proposed development:

- Won't prevent future development of the land – and will leave the site in better condition than before the temporary use is carried out. The site currently contains overgrown vegetation and disused piles of road base. Beta Housing undertakes to leave the ground completely cleared of all structures and debris, and neatly mown, at the end of the 5 years
- Will not result in any unreasonable impacts on adjoining land, or on the amenity of the neighbourhood. The development will house only 4 women and will be actively managed – and the presence of the women on site is likely to discourage the young people who currently tend to congregate at the site to drink and smoke.
- Will not increase the risk of flood or bushfire on the land, or adversely impact any environmental features of the land as the site was long ago cleared of all natural vegetation.

Beta Housing includes a plan of management with its application, which makes clear that a staff member of Beta Housing will be on call 24/7 to occupants of the site and any neighbours with questions or concerns. The contact number for this staff member will be provided to adjacent neighbours and included in signage in each dwelling on site.

The development application is determined by a local planning panel in accordance with the council's conflict of interest policy and the legislative requirements, and the development is given consent.

The buildings are constructed on site in accordance with the consent and used for the intended purpose. At the end of the 5 years, Beta Housing removes the buildings and leaves the site clean and tidy.

Alpha Council and Beta Housing work together to secure long term accommodation for the women before the 5-year expiry.

Appendix 3. Content of plans of management

It is proposed that plans of management for TSA be required to address the following:

- Which legislative or regulatory framework applies to the accommodation and the name and contact details of the entity responsible for overseeing that framework (for example, *Residential Tenancies Act 2010* or *Boarding Houses Act 2012*).
- How eligibility for the accommodation will be determined.
- Whether support will be provided on-site or on call.
- What measures will be taken to minimise unreasonable impacts to the habitable areas of adjoining properties, including the management of communal open spaces and noise impacts.
- How concerns or complaints from occupants and neighbours can be raised (including how the 24-hour contact details of the staff member who will be on-site or on call will be made available to occupants and neighbours), and how concerns or complaints will be addressed.
- Car parking arrangements and vehicle use.
- Waste management, waste use minimisation, recycling and waste collection arrangements, including the servicing of 'sharps' and sanitary napkin receptacles.
- How external security matters (including, but not limited to, lighting, surveillance or security camera systems, fencing and secure gates) will be managed.

Appendix 4. Proposed reforms to the accessibility and usability standards for independent living units

Table 2 below outlines potential changes to the existing accessibility and usability standards to demonstrate the intent of the proposed reforms. Text removed is shown in ~~red with a strike through~~ and new text in **bold** (headings excepted).

The final version of the standards may differ from the potential changes outlined below following consideration of stakeholder feedback and formal legislative drafting.

Table 2. Proposed changes for independent living units

Existing Provision	Potential change	Rationale
Part 5 Housing for seniors and people with a disability – Division 6 Design principles		
104 Accessibility Seniors housing should – (a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	104 Accessibility Seniors housing should – (a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and (b) provide attractive, yet safe, safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.	The term ‘attractive’ is subjective and open to interpretation. Removing this term may improve consistency in the development assessment process.
Schedule 4 Standards concerning accessibility and usability for hostels and independent living units		
Part 1 Standards applying to hostels and independent living units		
3 Security Pathway lighting – (a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and (b) must provide at least 20 lux at ground level	3 Security Pathway lighting (a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings. and (b) must provide at least 20 lux at ground level	Changes are proposed to remove the lighting specifications for pathways as lighting technology has advanced substantially with the introduction of LED lighting.

Existing Provision	Potential change	Rationale
4 Letterboxes Letterboxes — (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and (b) must be lockable, and (c) must be located together in a central location adjacent to the street entry or, in the case of independent living units, must be located together in one or more central locations adjacent to the street entry.	4 Letterboxes (1) Letterboxes — (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and (b) must be lockable, and (c) must be located together in a central location adjacent to the street entry or, in the case of independent living units, must be located together in one or more central locations adjacent to the street entry. (2) At least 20% of the letterboxes must be more than 600mm and less than 1100mm above the finished floor level.	<p>The proposed changes are designed to improve the accessibility of letterbox facilities of independent living units by specifying that a minimum amount (i.e., 20%) of letterboxes must be provided within the minimum height range specified.</p> <p>This change will ensure that suitable access is provided for those residents with reduced mobility.</p>
5 Private car accommodation If car parking (not being car parking for employees) is provided — (a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890.6, and (b) 10% of the total number of car parking spaces (or at least one space if there are fewer than 10 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and (c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.	5 Private car accommodation If car parking (not being car parking for employees) is provided — (a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890.6, and (b) 10% of the total number of car parking spaces (or at least one space if there are fewer than 10 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and (a) For resident car parking attached to an independent living unit — car parking spaces, or at least 1 space where 2 or more are provided, must comply with the following — (i) be at least 3.8m wide and 5.4m in length, and (ii) have a minimum vertical clearance of 2.5m, and (iii) have a maximum grade of 1:40. (b) For resident car parking spaces provided in communal car parks — (i) if 10 or more car parking spaces, not including car parking spaces for employees, are	<p>Feedback from industry indicates that the current resident car parking design requirements are out-of-date, do not reflect the resident mobility profile or the design and functionality of independent living units.</p> <p>The proposed changes seek to:</p> <ul style="list-style-type: none"> • acknowledge resident mobility requirements (i.e., specifying a minimum provision of accessible parking spaces as opposed to all spaces), and • better account for developments that include independent living units with dedicated car parking spaces (e.g. garage or car port) by allowing the provision of a 3.8m wide space rather than requiring all spaces to comply with AS 2890.6.

Existing Provision	Potential change	Rationale
	<p>provided — at least 10% of the spaces must comply with the requirements for parking for persons with a disability set out in AS/NZS 2890.6, and</p> <p>(ii) if fewer than 10 car parking spaces, not including car parking spaces for employees, are provided — at least 1 of the spaces must comply with the requirements, and</p> <p>(c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.</p>	
<p>6 Accessible entry</p> <p>Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.</p>	<p>6 Accessible entry</p> <p>Every entry At least one entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with AS 1428.1. clauses 4.3.1 and 4.3.2 of AS 4299.</p>	Changes are proposed to update the old AS 4299 reference to AS 1428.1 which was recently updated and better reflects current requirements for seniors housing.
<p>7 Interior: general</p> <p>(1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.</p> <p>(2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.</p> <p>(3) Circulation space at approaches to internal doorways must comply with AS 1428.1.</p>	<p>7 Interior: general</p> <p>(1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.</p> <p>(2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.</p> <p>(3) Circulation space at approaches to on both sides of at least one internal doorways s in the following areas must comply with AS 1428.1:</p> <p>(a) the kitchen,</p> <p>(b) the laundry,</p> <p>(c) at least 1 bathroom,</p> <p>(d) at least 1 bedroom,</p> <p>(e) the main living area,</p> <p>(f) any required private open space area,</p> <p>(g) at least 1 toilet.</p>	<p>Changes are proposed to subsection (3) to improve the application of the internal circulation space requirements, particularly for independent living units provided over multiple levels and to minimise misinterpretation with section 17.</p> <p>Some interpretations are leading to all internal doorways being designed to comply with AS 1428.1, even when those spaces (e.g., above the ground floor) may not be accessible to all resident occupants.</p>
8 Bedroom	<p>8 Bedroom</p> <p>(1) At least one bedroom within each dwelling must have —</p>	Changes are proposed to update bedroom requirements by removing outdated telecommunication fixture specifications and

Existing Provision	Potential change	Rationale
<p>At least one bedroom within each dwelling must have –</p> <p>(a) an area sufficient to accommodate a wardrobe and a bed sized as follows –</p> <p>(i) in the case of a dwelling in a hostel – a single-size bed,</p> <p>(ii) in the case of an independent living unit – a queen-size bed, and</p> <p>(b) a clear area for the bed of at least –</p> <p>(i) 1,200 millimetres wide at the foot of the bed, and</p> <p>(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and</p> <p>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and</p> <p>(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and</p> <p>(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and</p> <p>(f) wiring to allow a potential illumination level of at least 300 lux.</p>	<p>(a) an area sufficient to accommodate a wardrobe and a queen size bed bed sized as follows –</p> <p>(i) in the case of a dwelling in a hostel – a single-size bed,</p> <p>(ii) in the case of an independent living unit – a queen-size bed, and</p> <p>(b) a clear area for the bed of at least –</p> <p>(i) 1,200 millimetres wide at the foot of the bed, and</p> <p>(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and</p> <p>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and</p> <p>(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and</p> <p>(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and</p> <p>(f) wiring to allow a potential illumination level of at least 300 lux.</p> <p>(2) Circulation space to an internal doorway in the main bedroom must be clear of the area designated for a bed under subsection (1)(b).</p>	<p>to further clarify that circulation spaces provided to the bedroom must be sufficient to enable person requiring the use of a wheelchair to enter the room, turn and then approach the door to access the handle to exit the room.</p>
<p>9 Bathroom</p> <p>(1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1 –</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,</p>	<p>9 Bathroom</p> <p>(1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1 –</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing and tapware, that would allow, either immediately or in the future, with all setout and clearances in accordance that comply with AS 1428.1, or where accordance is able to be achieved</p>	<p>The proposed changes aim to provide clearer guidance surrounding minimum bathroom requirements, but to include more flexibility by removing the specificity for power outlet locations and by enabling the provision of a bathroom either on the main entry level or on a floor serviced by a lift.</p> <p>Consideration is also being giving to better clarify the minimum requirements for slip-resistant floor surfaces to improve compliance certainty for industry and consent authorities</p>

Existing Provision	Potential change	Rationale
<p>(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future —</p> <ul style="list-style-type: none"> (i) a grab rail, (iii) portable shower head, (iv) folding seat, <p>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</p> <p>(e) a double general power outlet beside the mirror.</p> <p>(2) Subsection (1)(c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.</p>	<p>through replacement of the washbasin (without change of location) and tapware,</p> <p>(e) a shower that complies with circulation and falls to flooring and drainage, and mixer tap location in accordance with AS 1428.1, except that the following must be accommodated either immediately or in the future. The shower compartment must be constructed of solid masonry, or have framing suitably reinforced so as to be capable of accepting the following fixtures, readily installed in accordance with AS 1428.1:</p> <ul style="list-style-type: none"> i. a grab rail, ii. portable shower head, iii. folding seat, iv. a shower seat, v. a vertical support rail, <p>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</p> <p>(e) a double general power outlet in an accessible location in accordance with AS 1428.1 beside the mirror.</p> <p>(2) Subsection (1)(c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.</p>	<p>under this section and section 11 Surface finishes.</p>
<p>10 Toilet</p> <p>A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.</p>	<p>10 Toilet</p> <p>A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the following requirements for sanitary facilities of AS 4299:</p> <p>(a) water closet pan installed to the corner of the room with centreline setout in accordance with AS 1428.1,</p>	<p>Changes are proposed to update the old AS 4299 reference to AS 1428.1 which was recently updated and better reflects current requirements for seniors housing.</p> <p>The proposed expansion of this standard aims to provide improved clarity regarding the design requirements for the main toilet.</p> <p>It is also proposed to provide greater flexibility by enabling the provision of a toilet either on</p>

Existing Provision	Potential change	Rationale
	<p>(b) water closet pan specification and installation in accordance with AS 1428.1 (or a replacement of the water closet only in its current location, in the future, as the only allowable adaptation to achieve the requirements of this standard),</p> <p>(c) circulation around the water closet pan that complies with AS 1428.1 (except that a shower screen designed for removal for future accessibility under clause 9 may be located within the required circulation zone at the outset),</p> <p>(d) the wall construction of the compartment must be capable of accepting the following fixtures in the future, readily installed in accordance with AS 1428.1:</p> <ul style="list-style-type: none"> (i) grab back (ii) rest rails. 	the main ground floor or on a floor serviced by a lift.
12 Door hardware Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.	12 Door hardware Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 1428.1. AS 4299.	Changes are proposed to update the old AS 4299 reference to AS 1428.1 which was recently updated and better reflects current requirements for seniors housing.
13 Ancillary items Switches and power points must be provided in accordance with AS 4299.	13 Ancillary items Switches, power points and controls and power points must be provided in accordance with AS 1428.1. AS 4299.	Changes are proposed to update the old AS 4299 reference to AS 1428.1 which was recently updated and better reflects current requirements for seniors housing. The introduction of 'controls' is proposed to better reflect updated telecommunication and intercom devices being delivered as part of independent living unit housing.
Part 2 Additional standards for independent living units		
15 Living room and dining room (1) A living room in an independent living unit must have —	15 Living room and dining room (1) A living room in an independent living unit have —	Changes are proposed to update living and dining room design requirements by removing minimum illumination requirements and

Existing Provision	Potential change	Rationale
<ul style="list-style-type: none"> (a) a circulation space in accordance with clause 4.7.1 of AS 4299, and (b) a telephone adjacent to a general power outlet. <p>(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.</p>	<ul style="list-style-type: none"> (a) a circulation space in accordance with clause 4.7.1 of AS 4299, and (b) a telecommunications outlet telephone adjacent to a general power outlet. <p>(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux</p>	<p>updating the reference for telecommunication fixture specifications.</p> <p>Technology improvements in lighting design, including the introduction of LED lighting, removes the requirement for minimum lighting specifications to be stipulated.</p>
<p>16 Kitchen</p> <p>A kitchen in an independent living unit must have —</p> <ul style="list-style-type: none"> (a) a circulation space in accordance with clause 4.5.2 of AS 4299, and (b) a circulation space at door approaches that complies with AS 1428.1, and (c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299 — <ul style="list-style-type: none"> (i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5(a), (ii) a tap set (see clause 4.5.6), (iii) cooktops (see clause 4.5.7), except that an isolating switch must be included, (iv) an oven (see clause 4.5.8), and (d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and (e) general power outlets — <ul style="list-style-type: none"> (i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed. 	<p>16 Kitchen</p> <p>A kitchen in an independent living unit must have —</p> <ul style="list-style-type: none"> (a) a circulation space: in accordance with clause 4.5.2 of AS 4299, and: <ul style="list-style-type: none"> (i) of at least 1,200mm, and (ii) that is capable of being increased to 1,550mm, and (b) a circulation space in the kitchen area and associated entries at door approaches that complies with AS 1428.1, and (c) the following fittings in accordance with the relevant provisions of AS 1428.1 subclauses of clause 4.5 of AS 4299 — <ul style="list-style-type: none"> (i) benches that include at least one work surface at least 800 millimetres in length, that are located clear of obstructions for users, and where any cabinetry that is provided below the work surface may be removed to enable wheelchair access, that comply with clause 4.5.5(a), (ii) a lever tap set, a tap set (see clause 4.5.6), (iii) cooktops (see clause 4.5.7), except that an isolating switch must be included, (iv) an oven that is side hinged to suit an adjacent work surface, and installed at a height between 600mm and 1,100mm above the finished floor level (see clause 4.5.8), and (d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and 	<p>Changes are proposed to update the old AS 4299 reference to AS 1428.1 where appropriate.</p> <p>The proposed allowance for the provision of 1,200mm between benches provides industry with design flexibility by being able to cater for ambulant residents, but still ensuring the kitchen layout is capable of being modified to achieve compliance with 1,550mm to cater for a person requiring use of a wheelchair for mobility.</p> <p>Other proposed changes also seek to introduce greater guidance and flexibility for kitchen fixtures and fittings.</p> <p>Improved clarification is also proposed to be introduced for kitchen fitting design requirements to ensure designs better cater for the range of mobility of their residents.</p>

Existing Provision	Potential change	Rationale
	<p>towards the bottom of overhead cupboards, All operable cabinetry shall be of a type that includes, or allows, the installation of "D" pull handles, located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</p> <p>(e) At least one general power outlet s at least one of which is a double general power outlet within 300 millimetres of the front of a work surface. and</p> <p>(i) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.</p>	
<p>17 Access to kitchen, main bedroom, bathroom and toilet</p> <p>In a multi-storey independent living unit, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.</p>	<p>17 Access to kitchen, main bedroom, bathroom, and toilet, living area and private open space</p> <p>In an independent living unit, the kitchen, main bedroom, bathroom, and toilet, living area and private open space must be located on the main entry level or a floor serviced by a private compliant lift.</p>	<p>Section 17 is proposed to be amended to specify the minimum access requirement for each of the main living areas of an independent living unit.</p> <p>Flexibility is also proposed to be introduced by enabling the provision of these living areas over multiple levels either on the main entry level or on a floor serviced by a lift.</p> <p>It is proposed to define 'compliant lift' to mean:</p> <p><i>compliant lift means a lift that —</i></p> <p>(a) <i>meets the relevant provisions of the Building Code of Australia, and</i></p> <p>(b) <i>is not a stairway platform lift, and</i></p> <p>(c) <i>is internally accessible.</i></p>
<p>19 Laundry</p> <p>An independent living unit must have a laundry that has —</p> <p>(a) a circulation space at door approaches that complies with AS 1428.1, and</p> <p>(b) provision for the installation of an automatic washing machine and a clothes dryer, and</p>	<p>19 Laundry</p> <p>An independent living unit must have a laundry at main entry level, or a level serviced by a private compliant lift, that has —</p> <p>(a) where the laundry is contained within a separate room — circulation spaces on both sides of internal and external doors that comply with AS</p>	<p>Changes are proposed to clarify the circulation space requirements for laundries by specifying the requirement for both internal and external door approaches having to comply with AS 1428.1</p> <p>Changes are also proposed to provide flexibility regarding the location of laundry facilities to improve compliance certainty for</p>

Existing Provision	Potential change	Rationale
(c) a clear space in front of appliances of at least 1,300 millimetres, and (d) a slip-resistant floor surface, and (e) an accessible path of travel to any clothes line provided in relation to the dwelling.	1428.1, and a circulation space at door approaches that complies with AS 1428.1, and (b) where the laundry is contained within one or more cupboards — all operable cabinetry shall be of a type that includes, or allows in the future, the installation of "D" pull handles, located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and (c) provision for the installation of an automatic washing machine and a clothes dryer, and (d) a clear space in front of appliances of at least 1,300 1,500 millimetres, and (e) a slip-resistant floor surface, and (f) an accessible path of travel to any clothes line provided in relation to the dwelling.	industry and consent authorities under this section.
21 Garbage A garbage storage area must be provided in an accessible location.	21 Garbage A garbage storage area must be provided in an accessible location in accordance with AS 1428.1.	Changes are proposed to improve accessibility design outcomes for independent living unit garbage storage areas by requiring these spaces to be designed in accordance with AS 1428.1.

8.6 Planning Proposal - Reclassification of Land at Kanbyugal Reserve and 2 Rose Street, Campbelltown

Reporting Officer

Executive Manager Urban Centres
City Planning and Environment

Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.2.2 Ensure that public funds and assets are managed strategically, transparently and efficiently

Delivery Program

Principal Activity
5.2.2.1 Conduct Council business in an open, transparent and accountable manner

Officer's Recommendation

1. That Council endorse the Planning Proposal at attachment 1 which seeks to reclassify part of Kanbyugal Reserve, Campbelltown from Community land to Operational land and forward the Planning Proposal to the Department of Planning and Environment for a Gateway Determination.
2. That should the Minister or their delegate determine that the proposal may proceed, public exhibition occur in accordance with the Gateway Determination.
3. That following the completion of the public exhibition, a separate public hearing be held with the outcome of both the public exhibition and the public hearing reported back to Council.

Purpose

The purpose of the report is to inform the Council of a Planning Proposal (PP) which seeks to reclassify Council owned land at Campbelltown from community land to operational land to simplify the land classification of the site known as the Campbelltown Animal Care Facility and Kanbyugal Reserve. This report also recommends the rezoning of the part of the land to the E4 General Industrial zone to match the rest of the Animal Care Facility. The report also seeks Council's endorsement for the PP to be forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

The PP is located at attachment 1 to this report.

History

This report relates to Kanbyugal Reserve and the Campbelltown Animal Care Facility at property no. 2 Rose Street, Campbelltown. The current site incorporates an animal housing facility that is surrounded by parklands, known as Kanbyugal Reserve.

Council continuously undertakes work to review of main its Local Environmental Plan (LEP). Through this work it has been identified that there is a need to simplify mapping anomalies and fragmented planning controls.

The PP seeks to amend the Campbelltown Local Environmental Plan 2015 (CLEP 2015) to address the fragmented land classification for the subject land and future proof it for any potential future expansion of the animal care facility, without reducing the functionality or quality of the open space functions of Kanbyugal reserve.

Report

1. Summary of the Planning Proposal

The PP seeks to reclassify part of the land at Kanbyugal Reserve from Community land to Operational land.

The subject site is currently owned by Campbelltown City Council and includes land classified as Community land and Operational land. The site contains the ACF and Kanbyugal Reserve to the north. The ACF is currently in operation and is recognised as a premier animal housing facility in the region. The ACF has a split zoning, partly RE1 – Public Recreation and partly IN2 – Light Industrial. This IN2 zone will change to the E4 general industrial zone within the next few months as part of the employment zones reform program.

Adjoining the site is Kanbyugal Reserve which is zoned RE1 – Public Recreation. The PP seeks to amend the portion of land that is proposed to be reclassified from Community to Operational land to E4 General Industrial to maintain consistency with the current zoning of the part of the ACF site that is currently operational land.

2. Assessment of the draft Planning Proposal

2.1 Justification

The State Government's – Local Environmental Plan Making Guideline, 2022 issued under s3.33 (3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides guidance and information for preparing planning proposals. The preparation of the PP subject of this report has been undertaken in accordance with the latest version of the guide.

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

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

The Gateway Determination is expected to confirm if any further information is required before the PP can be placed on public exhibition. The PP may need to be updated/amended in minor ways in response to the Gateway Determination.

An LEP Practice Note (PN-16-001) 'Classification and reclassification of public land through local environmental plan' has been used to assess the PP. The LEP practice note and responses are located at attachment 2.

2.2 Ministerial Directions

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

Overall the PP is considered consistent with the relevant Section 9.1 directions as the proposal seeks to simplify the land classification and unify the zoning of the Animal Care Facility.

2.3 Consideration of State Environmental Planning Policies

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

2.4 Consideration of Campbelltown Local Environmental Plan 2015

The PP seeks to amend CLEP 2015 by reclassifying a portion of Kanbyugal Reserve from Community land to Operational land and also rezoning the proposed operational land from RE1 – Public Recreation to IE4 General Industrial.

A further explanation relating to the proposed zoning changes are located in attachment 1.

2.5 Consideration of Local Government Act 1993

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

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

Operational land is generally Council land that facilitates the functions of Council. Typically, operational land is not dissimilar to privately owned lands/facilities, and would generally not be open to the public.

The LG Act places restrictions on the management of community land which restricts the flexibility of the use of the site and the ability to capitalise on opportunities as they arise, when compared to land that is classified as operational land.

When considering whether to adopt a community land classification or an operational land classification it is appropriate to consider the context of the site and the way it is used or is expected to be used in the future. The most recognised use of the site is for the purposes of housing animals that have either strayed from their homes, have been surrendered or have simply been found but have no microchip or known owner. The current location of the ACF is positioned over two different land classifications and as such a reclassification of a portion of Kanbyugal Reserve would be most appropriate to maintain a consistent land classification.

The proposed reclassification of land is unlikely to have an impact on the use of the site. The use of Kanbyugal Reserve as public space will continue and the use of the ACF will continue. The current use for the site is a key component in providing a valuable service to the community of Campbelltown.

The reclassification of the subject site will allow greater flexibility to occur in the future. Consistent with the Reimagining Campbelltown City Centre Master Plan Council may investigate options for other uses that complement the existing ACF or alternatively look to expand on the existing use of the site and the reclassification of part of the land as operational land will provide greater flexibility for this to occur.

3. Strategic Context – Relationship to Local and State Policies

3.1 Greater Sydney Region Plan

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

The PP is consistent with the Plan as it aims to simplify the land classification status of the facility and also provide greater flexibility for future enhancements of the site. Further information is provided at attachment 1.

3.2 Western City District Plan

The Western City District Plan (WCDP) sets out priorities and actions for the Western Parkland City which are structured on themes that are based on the Greater Sydney Region Plan. The PP is considered to be consistent with W3 and W11 identified in the WCDP. The consistency of the PP with the WCDP is outlined further in attachment 1.

3.3 Campbelltown Community Strategic Plan 2032

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

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

- Community and belonging
- Places for people

- Enriched natural environment
- Economic prosperity
- Strong leadership

3.4 Reimagining Campbelltown City Centre Master Plan

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

The planning proposal is not inconsistent with the outcomes listed in the Reimagining Campbelltown Masterplan. The amendment would allow greater possibilities for the subject site and would promote opportunities to use the land in harmony with other potential uses on adjoining land. The current land classification over the animal care facility is irregular.

The proposal would allow for the facility to be solely located within the operational land classification.

3.5 Glenfield to Macarthur Corridor Strategy

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

The PP is consistent with the Strategy and is consistent with the Campbelltown Precinct Plan adopted as part of this Strategy.

3.6 Campbelltown Local Strategic Planning Statement (LSPS)

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

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

The LSPS provides context and direction for land use decision making within the LGA.

Its purpose is to:

- Provide a 20 year land use vision for the LGA
- Outline the characteristics that make our city special
- Identify shared values to be enhanced or maintained

The LSPS responds to region and district planning initiatives and information received from the Campbelltown community during the public exhibition period for the future of our city. The planning proposal is not inconsistent with the outcomes listed.

3.7 Campbelltown Local Planning Panel advice

On 28 September 2022 the Campbelltown Local Planning Panel (the Panel) considered a report on the subject PP. In summary, the Panel's considerations and advice to Council was that it:

- was aware of the ongoing operation and purpose of the Campbelltown Animal Care Facility as a venue to house animals
- believed that an independent public hearing with an independent chairperson should be held in regards to this PP, post gateway determination and public exhibition, so as to ensure the public is provided an appropriate level of scrutiny on the matter
- considers the draft PP to have sufficient strategic and site specific merit and is appropriate
- was of the view that the reclassification of land would simplify the land classification of the site and would remove constraints from having a dual classification across the site
- noted that the fragmented structure presently is not considered to be an efficient or orderly use of the land
- believed the reclassification will be of benefit to the ongoing management and use of the site a housing facility for animals

The Panel also provided the following advice:

- Council should seek independent legal advice before Council decides whether to forward the PP to DPE for Gateway approval regarding the permissibility of the boundary realignment between Kanbyugal Reserve and property No. 2 Rose Street, Campbelltown and any legal constraints that may prevent this change to ensure that any amendment to CLEP 2015 results in the existing and proposed land use being permissible on the land.

In accordance with the advice provided by the Panel, Council wrote to Bartier Perry requesting legal advice. Bartier Perry provided the following advice with respect to the Planning Proposal:

- The Planning Proposal can proceed to Council for consideration and endorsement to proceed the proposal to DPE for a Gateway Determination.
- Any proposed boundary adjustment between Kanbyugal Reserve and the ACF site is to take place after the Planning Proposal is finalised.
- The proposed boundary adjustment cannot take place until the reclassification of the relevant part of Lot 22 (Kanbyugal Reserve) as Operational land under section 30 of the LGA Act is completed, as Community land cannot be subdivided.
- Should the Planning Proposal proceed to finalisation, the amending instrument could outline a provision to the effect that, on the commencement of the amended CLEP 2015, the relevant part of Kanbyugal Reserve (Lot 22) ceases to be a public reserve and is discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the relevant part of Kanbyugal Reserve (Lot 22), except for:
 - Any reservations that except the land out of a Crown grant relating to that land; and
 - Reservations of minerals.

A copy of the legal advice is located at attachment 6 to this report.

Public Participation

In the case that Council supports the progression of the PP, or otherwise amends it, the PP will be forwarded to DPE for a Gateway Determination.

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

Additionally, under the provisions of the LG Act a public hearing would need to be held in regards to the PP after the completion of the exhibition period. This public hearing would be facilitated by an independent chairperson.

The results of the public exhibition and a report prepared by the independent chairperson following the public hearing would be subsequently reported to Council.

Conclusion

The existing land classification for the subject site is fragmented and its simplification by reclassifying that part of the site currently classified as community to operational land, will provide a consistent land classification across the entire site. The will also simplify the ongoing management of the land. There is no intention to sell the land.

The PP also seeks to rezone the proposed operational land from RE1 – Public Recreation to E4 General Industrial to align with the existing zone of the ACF site. The proposed reclassification and rezoning is considered reasonable in the circumstances and is expected to increase the level of opportunity for the site to operate as a premier animal housing facility of Campbelltown and the Macarthur region.

The legal advice provided to Council notes that the Planning Proposal is able to proceed to DPE for gateway consideration. Any future boundary adjustments are required to be undertaken after the Planning Proposal should the proposal proceed to the finalisation stage.

Attachments

- 8.6.1 Planning Proposal Reclassification – 2 Rose Street Campbelltown (contained within this report) [↓](#)
- 8.6.2 Title Search (contained within this report) [↓](#)
- 8.6.3 LEP Practice Note and Responses (contained within this report) [↓](#)
- 8.6.4 Proposed Reclassification Map (contained within this report) [↓](#)
- 8.6.5 Proposed Land Zoning Map (contained within this report) [↓](#)
- 8.6.6 Advice Letter to Council (contained within this report) [↓](#)



Planning Proposal
Reclassification of Land

2 Rose Street, Campbelltown & Kanbyugal Reserve
(Campbelltown Animal Care Facility)
Lots 21 & 22 DP 572308

January 2023

Introduction

This Planning Proposal explains the intent of, and justification for, the proposed reclassification of land located at the Campbelltown Animal Care Facility, 2 Rose Street, Campbelltown (Lots 21 and 22 DP 572308) from Community to Operational land.

The purpose of the reclassification of land is to realign the irregular boundary of the property to the north adjoining Kanbyugal Reserve. The current animal care facility that occupies the site is situated over two land classifications. The proposed reclassification would also assist Council in future proofing the site for expansion of the facility.

The Site

The site (see Figure 1 – Location Map) is currently owned by Campbelltown City Council and is located on the eastern side of Rose Street, Campbelltown and has an area of 16,500 m². Access to the site is via a driveway off Rose Street. The existing site forms part of the employment core of the Campbelltown CBD which is largely made up of industrial land uses. Property no. 2 Rose Street, Campbelltown currently incorporates 2 parcels of land, Lots 21 and 22 DP 572308.

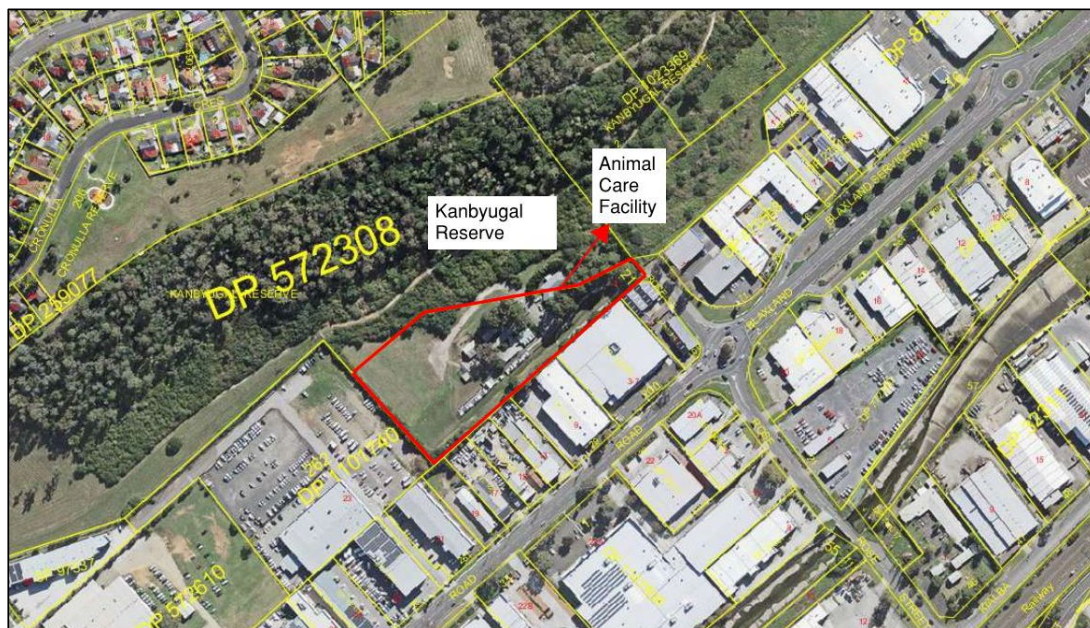


Figure 1 – Location Map

Part of the site used for the animal care facility is currently zoned IN2 – Light Industrial. This will change to E4 General Industrial within a few months as part of the Department's employment zones reform program. This part of the land has a maximum permissible building height of 19 m. The other part of the land is zoned RE1 – Public Recreation on the northern part of the site at Kanbyugal Reserve under the Campbelltown Local Environmental Plan 2015. As part of the planning

proposal an amendment to the zoning is also being sought in line with the reclassification of land and boundary alignment to the north of the animal care facility.

Background

The Campbelltown Animal Care Facility is an important Council asset that serves a number of different purposes. Notably the facility houses animals that have been surrendered and/or impounded and promotes the de-sexing, microchipping and registration of animals. A number of other facilities that have housed animals in Greater Sydney have recently closed and the ACF remains an important facility for the wider Sydney community.

Council undertakes work relating to the Review of the LEP. As part of this work it was identified that further work is required to simplify mapping anomalies and fragmented planning controls. The planning proposal seeks to amend the CLEP 2015 to address the fragmented land classification for the Campbelltown Animal Care Facility.

Existing Situation

The site (2 Rose Street, Campbelltown) currently comprises 2 lots. The site is located in Campbelltown CBD and is accessed via Rose Street. The current site comprises an animal care facility on Lot 21 DP 572308 and Kanbyugal Reserve to the north of the facility at Lot 22 DP 572308.

The site is zoned IN2 – Light Industrial on the animal care facility site and RE1 – Public Recreation for Kanbyugal Reserve under Campbelltown Local Environmental Plan (CLEP) 2015. A zoning map of the site is shown in Figure 2 below.



Figure 2 – Zoning Map: Kanbyugal Reserve zoned RE1 – Public Recreation and 2 Rose Street, Campbelltown zoned IN2 – Light Industrial.

The proposal to reclassify the land relates to the two lots. Figure 3 in the planning proposal identifies the breakdown and location of community land and operational land within the site.

The Planning Proposal has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Department of Planning and Environment's 'Local Environmental Plan Making Guidelines' (Department of Planning and Environment, 2021).

Part 1 – Objectives or Intended Outcomes

The objective and intended outcomes of the Planning Proposal are to reclassify the land from Community to Operational land to remove the irregular boundary alignment and for the animal care facility to solely be located within Operational land. The proposal also seeks to rezone the proposed Operational land from RE1 – Public Recreation to E4 General Industrial to provide consistency with the new boundary alignment.

The current and proposed land classification is identified below.

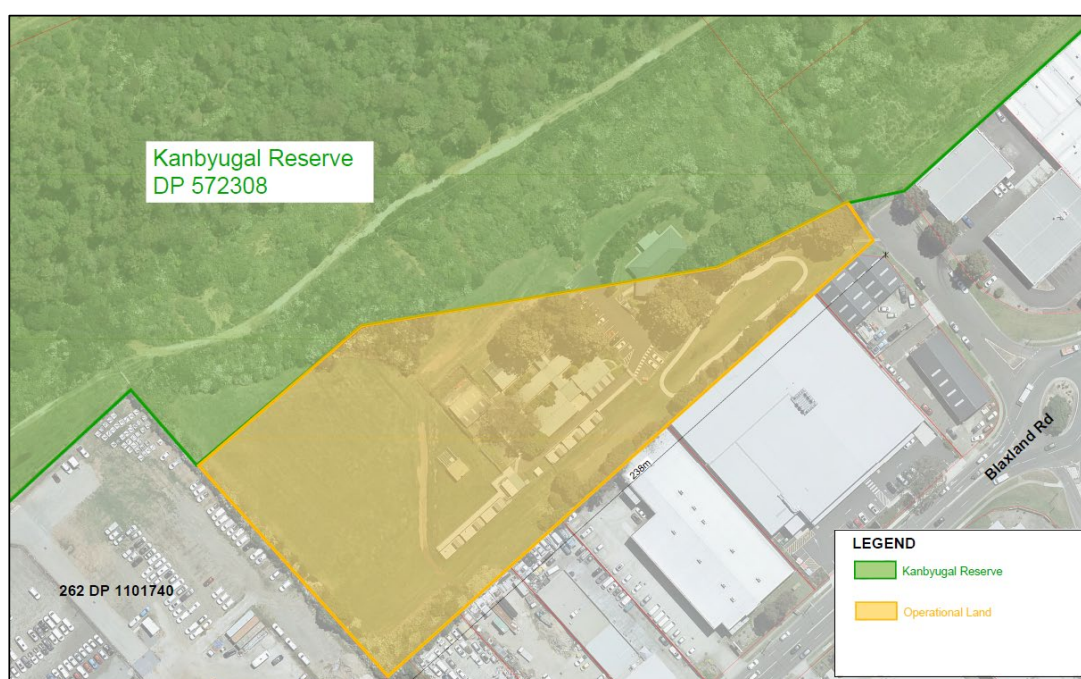


Figure 3 – Current Land Classification – Green indicates Community land and Yellow is Operational land.

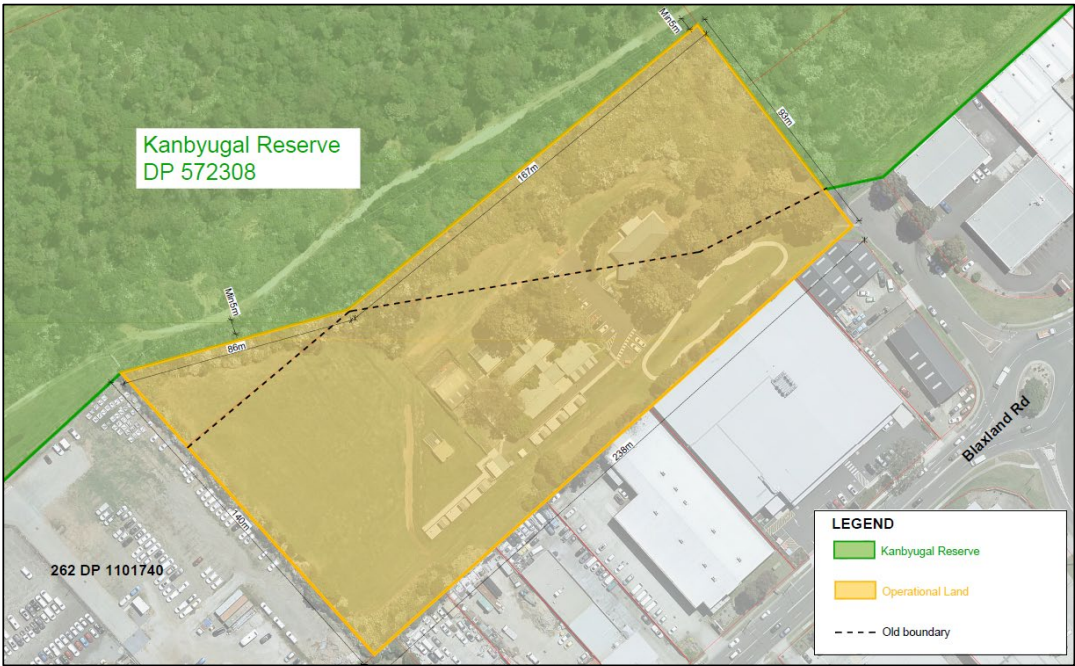


Figure 4 – Proposed Land Classification with amended boundary. Green is Community land and yellow is Operational land. The black dotted line represents the current boundary.

Part 2 – Explanation of provisions

The objectives and intended outcomes of the planning proposal will be achieved by realigning the boundary of the animal care facility and reclassifying the land from Community to Operational land. The current boundary alignment along with the land classification is considered to be irregular. The proposal would assist Council in simplifying the status of the site and having one consistent set of rules to govern its management and use.

The planning proposal also seeks to amend the land use zone for the proposed expansion of the Operational land from RE1 – Public Recreation to E 4 General Industrial to remain consistent with the existing zoning for the animal care facility site.

The objectives and intended outcomes of the planning proposal will be achieved by amending the CLEP 2015 through the inclusion of part of the site as ‘Operational Land’ under Schedule 4 of the CLEP 2015. The proposed wording is outlined below:

Insert into Part 1 of Schedule 4 of CLEP 2015 the following:

Column 1	Column 2
Locality	Description
Kanbyugal Reserve	2 Rose Street, Campbelltown Lot 22 DP 572308

Figure 5: Proposed wording to be inserted into CLEP 2015

The following table in Figure 6 provides greater detail in response to the Secretary's requirements as stated in the Practice Note 16-0001 checklist including interests in the land. A detailed response to each checklist item can be found in attachment 1 and the results of a title search of each lot can be found in attachment 2.

Property Information	Interest	Proposed Action	Recommended Schedule 4 Part	Are all interests proposed to be removed?
Lot 21 DP 572308	Land excludes minerals (S. 536AA Local Government Act, 1919)	No further action is required.	1	No
Lot 22 DP 572308	Land excludes minerals (S. 536AA Local Government Act, 1919)	No further action is required.	1	No
Lot 22 DP 572308	V341825 Easement for transmissions line affecting the part of the land within described shown in DP 630769	No further action is required.	1	No
Lot 22 DP 572308	DP1101740 Easement to drain water 1.5 and 2.5 metre(s) wide appurtenant to the land above described	No further action is required.	1	No
Lot 22 DP 572308	DP1101740 Easement to drain water 6.5 metre(s) wide appurtenant to the land above described	No further action is required.	1	No

Figure 6: Interests on the subject site

Part 3 – Justification

Section A – Need for the planning proposal

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

No.

The subject site is currently in Council ownership and contains an animal care facility and a reserve. The site is also located and identified by a number of key strategies and report such as the Greater Sydney Region Plan, Western District Plan and the Glenfield to Macarthur Urban Renewal Corridor Strategy.

The proposal to realign the property boundary of the animal care facility and reclassify the additional land located within the reserve from Community to Operational land is a result of an ongoing housekeeping amendment dating back to the LEP Review undertaken in 2019 and 2020.

The proposal will also enable Council to investigate for future improvements of the facility in order to meet increasing demands relating to animal care.

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

The Planning Proposal is the best way to achieve the intended outcomes and objectives as it is the simplest administrative way to achieve the aims of the planning proposal. It follows the LEP practice note for classification and reclassification of public land through a local environmental plan issued by the Department of Planning and Environment.

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

Section B – Relationship to strategic planning framework**3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

Yes.

The Planning Proposal is consistent with the relevant objectives and actions outlined in the Greater Sydney Region Plan and the Western City District Plan.

Greater Sydney Region Plan

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

The Planning Proposal is considered consistent with the Greater Sydney Region Plan as it aims to provide greater certainty around the land classification of the site. The proposal also seeks to amend an irregular boundary line to allow for Council to investigate for future site improvements

for the animal care facility. The Planning Proposal will facilitate flexibility in the future management and operation of the facility thereby enhancing opportunities for further upgrades to the site. The proposal aims to simplify the land classification for the site.

Western City District Plan

The Western City District Plan sets out priorities and actions for the Western Parkland City which are structured on themes that are based on the Greater Sydney Region Plan.

By amending the land classification for the site there would be no management issues for the site. Currently the facility overlaps into community land and the boundary is irregular. The proposal also seeks to rezone the proposed additional operational land to IN2 – Light Industrial to maintain consistency with the existing zone.

Glenfield to Macarthur Urban Renewal Corridor Strategy

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

The Planning Proposal is not inconsistent with the Strategy and is consistent with the Campbelltown Precinct Plan adopted as part of this Strategy.

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

Campbelltown Community Strategic Plan – Campbelltown 2027

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

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

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

The planning proposal is not inconsistent with the outcomes listed.

Campbelltown Local Strategic Planning Statement (LSPS)

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

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

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

Its purpose is to:

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

The LSPS responds to region and district planning initiatives and information received from the Campbelltown community during the public exhibition period for the future of our city.

The planning proposal is not inconsistent with the outcomes listed.

Reimagining Campbelltown City Centre Master Plan

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

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

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

The planning proposal is not inconsistent with the outcomes listed in the Reimagining Campbelltown Masterplan. The amendment would allow greater possibilities for the subject site and would promote opportunities to use the land in harmony with other potential uses on adjoining land. The current land classification over the animal care facility is irregular. The proposal would allow for the facility to be solely located within the operational land classification.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The following table provides a brief assessment of consistency against each State Environmental Planning Policy (SEPP) relevant to the Planning Proposal.

State Environmental Planning Policies	Comment
SEPP 65 – Design Quality of Residential Apartment Development	The planning proposal is not inconsistent with the SEPP.
SEPP (Biodiversity and Conservation) 2021	The planning proposal is not inconsistent with the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Future development of the site would take into consideration the requirements of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Not relevant to the Proposal
SEPP (Housing) 2021	The proposal is consistent with the SEPP.
SEPP (Industry and Employment) 2021	The planning proposal is not inconsistent with the SEPP. The proposal seeks to reclassify a portion of land to operational land as well as rezone the proposed operational land to E4 General Industrial to maintain consistency with the existing zone applied to the animal care facility. The proposed rezoning would potentially unlock additional employment related land uses.
SEPP (Planning Systems) 2021	The planning proposal is not inconsistent with the SEPP. The proposal does not propose any state significant infrastructure or development on Aboriginal land.
SEPP (Precincts – Eastern Harbour City) 2021	Not relevant to the Proposal.
SEPP (Precincts – Western Parkland City) 2021	The planning proposal is not inconsistent with the SEPP.
SEPP (Precincts – Central River City) 2021	Not relevant to the Proposal.
SEPP (Precincts – Regional SEPP)	Not relevant to the Proposal.
SEPP (Primary Production) 2021	Not relevant to the Proposal.
SEPP (Resilience and Hazards) 2021	The existing urban use of the land is unlikely to result in land contamination or hazardous types of development. Future development of the site will need to address the requirements of the SEPP.
SEPP (Resources and Energy) 2021	The planning proposal is not inconsistent with the SEPP. The proposal does not seek to undertake any extractive industries or mining.
SEPP (Transport and Infrastructure) 2021	Future development of the site may constitute traffic generating development and trigger an assessment under this SEPP.

Figure 7 – Consistency with State Environmental Planning Policies

6. Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The following table provides a brief assessment of consistency against each section 9.1 direction relevant to the planning proposal.

Consideration of s9.1 Directions	Comment
Focus Area 1: Planning Systems	
1.1 Implementation of Regional Plans	The planning proposal is not inconsistent with this Direction. The planning proposal would provide greater certainty of the Council asset and would allow Council to investigate future works to meet the increasing demands of the community.
1.2 Development of Aboriginal Land Council land	Not relevant to the Proposal.
1.3 Approval and Referral Requirements	The planning proposal does not trigger the need for any additional concurrence, consultation or referral to a Minister or Public Authority.
1.4 Site Specific Provisions	Not relevant to the Proposal.
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not relevant to the Proposal.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not relevant to the Proposal.
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use Infrastructure Implementation Plan	Not relevant to the Proposal.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use Infrastructure Implementation Plan	Not relevant to the Proposal.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	The proposal is consistent with this Direction. The proposal would potentially increase further employment opportunities on the site. The proposal would also reclassify the land and amend the property boundary in order to have the facility solely on operational land.
1.10 Implementation of Western Sydney Aerotropolis Plan	The proposal is not inconsistent with the Plan.
1.11 Implementation of Bayside West Precincts 2036 Plan	Not relevant to the Proposal.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not relevant to the Proposal
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not relevant to the Proposal.
1.14 Implementation of Greater Macarthur 2040	The planning proposal is consistent with the Plan. The proposal seeks to reclassify a portion of the site to operational land and

	rezone the portion to IN2 – Light Industrial. The rezoning and reclassification would provide greater flexibility to the site in terms of management and upgrades.
1.15 Implementation of the Pymont Peninsula Place Strategy	Not relevant to the Proposal.
1.16 North West Rail Link Corridor Strategy	Not relevant to the Proposal.
1.17 Implementation of the Bays West Place Strategy	Not relevant to the Proposal.
Focus Area 2	
Design and Place	Not relevant to the Proposal.
Focus Area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Not relevant to the Proposal.
3.2 Heritage Conservation	The planning proposal is not inconsistent with this direction.
3.3 Sydney Drinking Water Catchments	Not relevant to the Proposal.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs 26	Not relevant to the Proposal.
3.5 Recreation Vehicle Areas	Not relevant to the Proposal.
Focus Area 4: Resilience and Hazards	
4.1 Flooding	Not relevant to the Proposal.
4.2 Coastal Management	Not relevant to the Proposal.
4.3 Planning for Bushfire Protection	The planning proposal is not consistent with this direction. The subject site is located within a bushfire prone area. The site is entirely located within a vegetation buffer with the northern portion of the existing animal care site incorporating a Vegetation Category 1.
4.4 Remediation of Contaminated Land	The planning proposal seeks to rezone a portion of the land from RE1 – Public Recreation to E4 General Industrial. Should the site be developed on, a contamination study would need to be undertaken.
4.5 Acid Sulfate Soils	Not relevant to the Proposal.
4.6 Mine Subsidence and Unstable Land	Not relevant to the Proposal.
Focus Area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent. The subject site is within 800m of Campbelltown Train Station and other forms of services such as buses which can provide access to jobs and amenities.
5.2 Reserving Land for Public Purposes	Not relevant to the Proposal.
5.3 Development Near Regulated Airports and Defence Airfields	Not relevant to the Proposal.

5.4 Shooting Ranges	Not relevant to the Proposal.
Focus Area 6: Housing	
6.1 Residential Zones	Not relevant to the Proposal.
6.2 Caravan Parks and Manufactured Home Estates	Not relevant to the Proposal.
Focus Area 7: Industry and Employment	
7.1 Business and Industrial Zones	The proposal is consistent with this Direction. The proposal seeks to increase the operational land for the animal care facility as well as apply the E4 General Industrial zone. The proposed amendment would not detract from either the existing IN2 zoning or the E4 zoning to be implemented as part of the employment zones reform program.
7.2 Reduction in non-hosted short-term rental accommodation period	Not relevant to the Proposal.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not relevant to the Proposal.
Focus Area 8: Resources and Energy	
8.1 Mining, Petroleum and Extractive Industries	Not relevant to the Proposal.
Focus Area 9: Primary Production	
9.1 Rural Zones	Not relevant to the Proposal.
9.2 Rural Lands	Not relevant to the Proposal.
9.3 Oyster Aquaculture	Not relevant to the Proposal.
9.4 Farmland of State and Regional Significance on the NSW Far Coast	Not relevant to the Proposal.

Figure 8 – Consistency with Section 9.1 Directions

Section C – Environmental, social and economic impact

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

No.

The subject site includes native vegetation. The planning proposal does not seek to remove any vegetation. Any future development of the site would consider existing vegetation.

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

No.

It is anticipated that there would be no environmental effects as a result of the planning proposal.

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

Yes.

The Planning Proposal is not supported by a social or economic assessment as these are not considered necessary. The planning proposal seeks to reclassify a portion of the land from community to operational land to simplify the status of land for the Animal Care Facility.

Section D – State and Commonwealth Interests

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

Yes.

The planning proposal is unlikely to result in a need for additional public infrastructure given the limited size of the subject site it is not expected to impose any additional demands on local infrastructure, public or community services. The sites are located in close proximity to existing bus and train services.

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

Consultation will occur with any public authorities identified in the Gateway Determination.

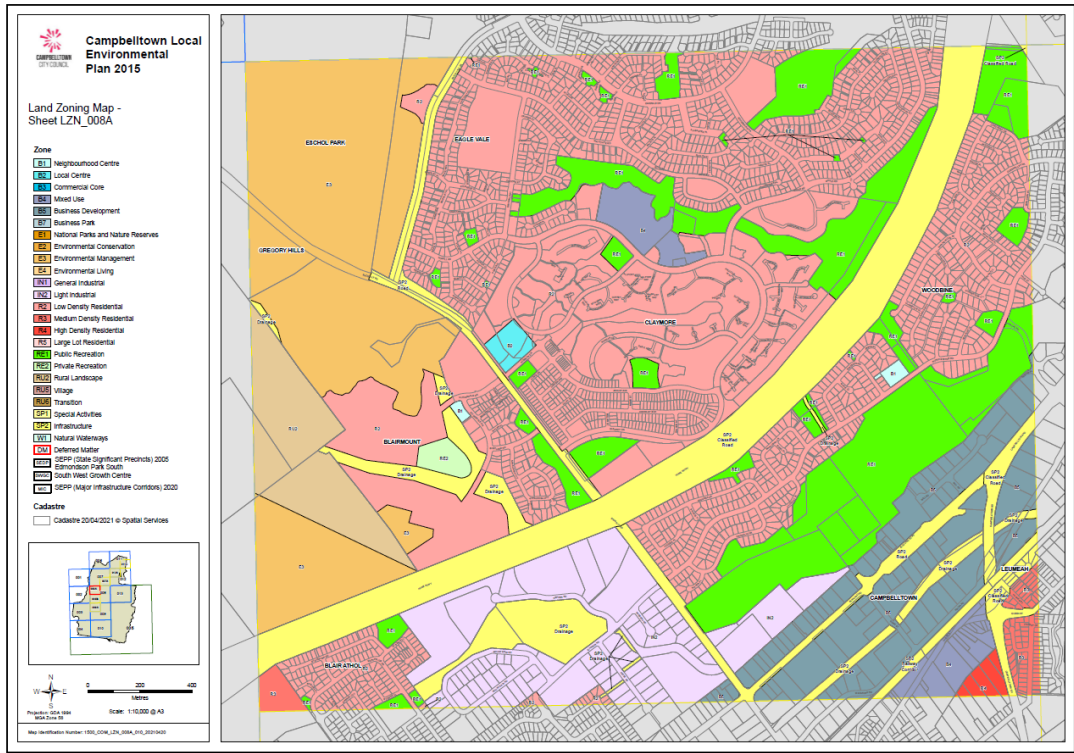
Part 4 – Mapping

The Planning Proposal seeks to amend the Land Reclassification (Part Lots) and Land Use Zoning Map within CLEP 2015 as proposed below.

Map	No	Requested Amendment
Land Reclassification (Part Lots) Map	RPL_008 Date 18 August 2022	Create a Land Reclassification (Part Lots) Map for No. 2 Rose Street, Campbelltown incorporating the additional operational land.
Land Zoning Map	1500_COM_LZN_008A_010_20210420 Date 20 April 2022	Amend the Land Use Zoning map by rezoning the additional operational land to E4 General Industrial from RE1 – Public Recreation to maintain consistency with the existing industrial zone that applies to the rest of the animal care facility.

Current Maps

- Land Zoning Map

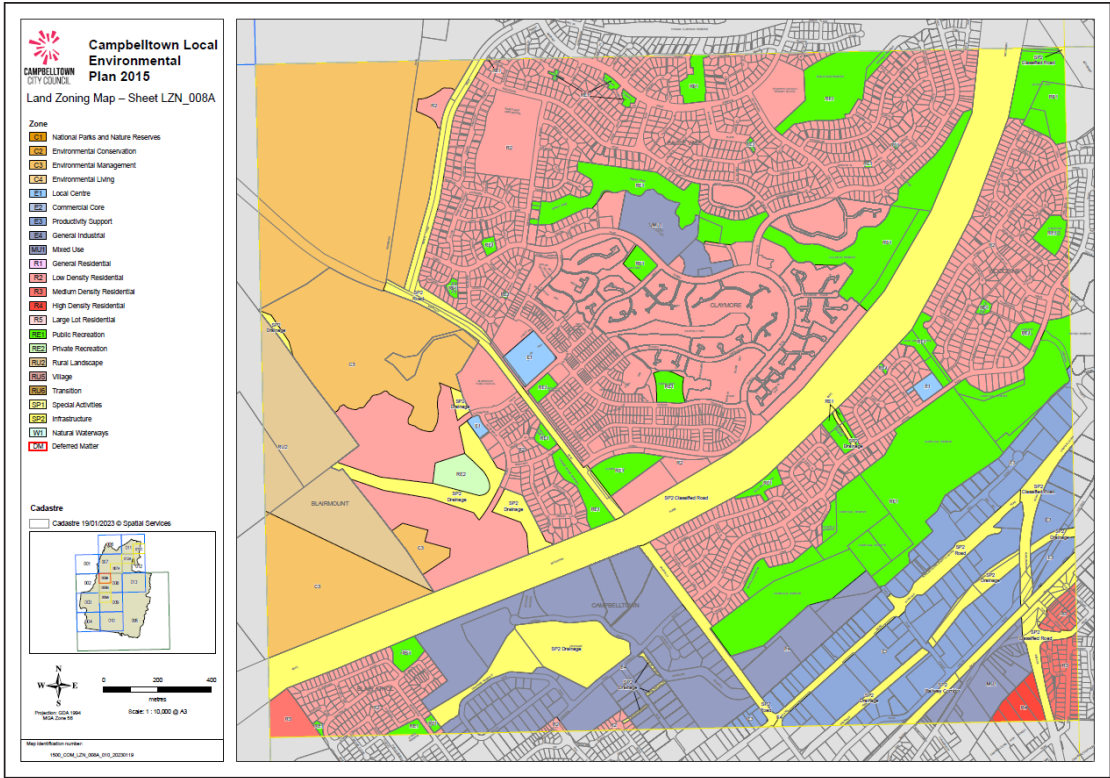


- Reclassification (Part Lots) Map

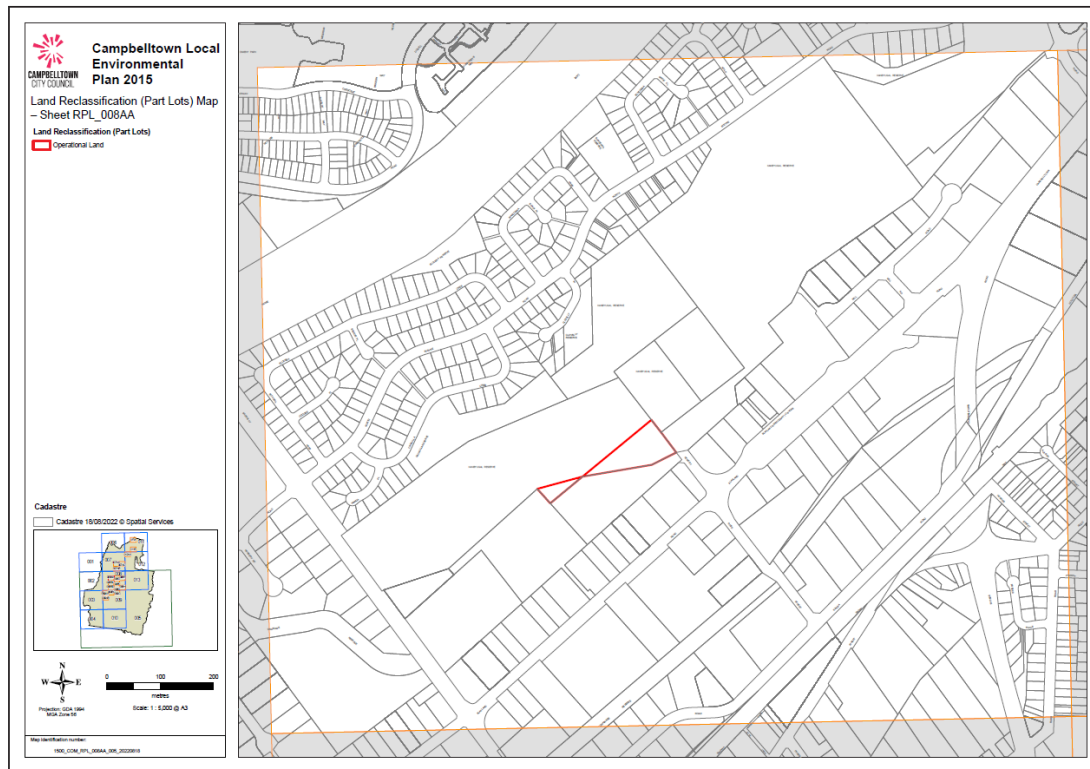
No current existing map.

Proposed Maps

- Draft Land Zoning Map



- **Draft Reclassification (Part Lots) Map**



The current and proposed maps are attached to this proposal.

Part 5 – Community consultation

In accordance with the 'Local Environmental Plan Making Guidelines' prepared by the Department of Planning and Environment (2021), the consultation strategy is:

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

The planning proposal will also be made available on the NSW Planning Portal website (www.planningportal.nsw.gov.au).

A letter will be distributed to affected properties within 200m of the subject in accordance with Council's public exhibition policy.

A copy of the Planning Proposal and associated attachments will be made available at HJ Daley Library, Campbelltown and at Council's Administration Building.

A public hearing will also be undertaken by a suitably qualified Independent Chairperson after the public exhibition period.

Part 6 – Project Timeline

Dates	Item
28 September 2022	Local Planning Panel advice
14 February 2023	Council endorsement
February/March 2023	Referral to DPE for Gateway Determination
April 2023	Gateway Determination
May 2023	Public exhibition and referral to any required public authorities
July/August 2023	Independent Public Hearing
September/October 2023	A report to Council on submissions received and Independent Public Hearing report
September/October 2023	Send planning proposal to DPE for finalisation
October/November 2023	Making of LEP Amendment



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 21/572308

SEARCH DATE	TIME	EDITION NO	DATE
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10/8/2022	9:42 AM	-	-

VOL 12607 FOL 161 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 21 IN DEPOSITED PLAN 572308
AT CAMPBELLTOWN
LOCAL GOVERNMENT AREA CAMPBELLTOWN
PARISH OF ST PETER COUNTY OF CUMBERLAND
TITLE DIAGRAM DP572308

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF CAMPBELLTOWN

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS (S.536AA LOCAL GOVERNMENT ACT, 1919)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Property

PRINTED ON 10/8/2022

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LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 22/572308

SEARCH DATE	TIME	EDITION NO	DATE
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10/8/2022	9:42 AM	-	-

VOL 12607 FOL 162 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 22 IN DEPOSITED PLAN 572308
AT CAMPBELLTOWN
LOCAL GOVERNMENT AREA CAMPBELLTOWN
PARISH OF ST PETER COUNTY OF CUMBERLAND
TITLE DIAGRAM DP572308

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF CAMPBELLTOWN

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS (S.536AA LOCAL GOVERNMENT ACT, 1919)
- 2 V341825 EASEMENT FOR TRANSMISSION LINE AFFECTING THE PART
OF THE LAND WITHIN DESCRIBED SHOWN IN DP630769
- * 3 DP1101740 EASEMENT TO DRAIN WATER 1.5 AND 2.5 METRE(S) WIDE
APPURTENANT TO THE LAND ABOVE DESCRIBED
- * 4 DP1101740 EASEMENT TO DRAIN WATER 6.5 METRE(S) WIDE APPURTENANT
TO THE LAND ABOVE DESCRIBED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Property

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LEP practice note

LOCAL PLANNING

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

Classification and reclassification of public land through a local environmental plan

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

Classification of public land

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

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

What is public land?

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

Why classify public land?

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

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

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

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

How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

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

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

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

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

Reclassification through an LEP

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

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

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

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

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

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

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

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

Land can be dedicated as a public reserve by either:

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

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

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

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

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

Standard Instrument LEP requirements

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

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

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

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

Department assessment

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

Community consultation

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

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

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

Public hearings

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

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

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

Governor's approval

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

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

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

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

Authorisation of delegation

Local plan making functions are now largely delegated to councils.

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

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

Background

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

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

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

Further information

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

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

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

Post: GPO Box 39, Sydney NSW 2001.

Tel: 1300 305 695

Email: information@planning.nsw.gov.au

Authorised by:
Carolyn McNally
Secretary

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

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

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

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

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

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

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

Responses to Attachment 1

- The current and proposed classification of the land

The subject site includes both part community and part operational land. The planning proposal seeks to reclassify a portion of community land on Kanbyugal Reserve, Campbelltown to operational land.

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

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

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

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

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

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

- A summary of council's interests in the land, including:

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

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

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

As part of the planning proposal, there are no interests proposed to be discharged. The subject site is currently owned by Council in its entirety and there are no interests on the land that would impact on the proposed reclassification.

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

The reclassification does not seek to diminish the public open space. The current portion of land at Kanbyugal Reserve proposed to be reclassified is considered to be small and would assist in the future proofing and operations of the Campbelltown Animal Care Facility.

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

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

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

The site currently does not serve any purpose. There are no playing fields, play grounds or any other community facilities located at Kanbyugal Reserve. Currently the site is green space with grass and trees.

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

There are currently no lease agreements applying to the land.

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

Council does not currently have any business dealings proposed as part of the reclassification of the site. Council will investigate potential uses in the future that will accompany the Animal Care Facility.

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

The Planning Proposal seeks to rezone the portion of land that is proposed to be Operational land from RE1 – Public Recreation to IN2 – Light Industrial. The IN2 zone would be consistent with the existing zone for the Campbelltown Animal Care Facility.

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

The reclassification of the land will unlock further uses of the land and allow Council to investigate potential other uses or refurbishments that would complement the existing Campbelltown Animal Care Facility.

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

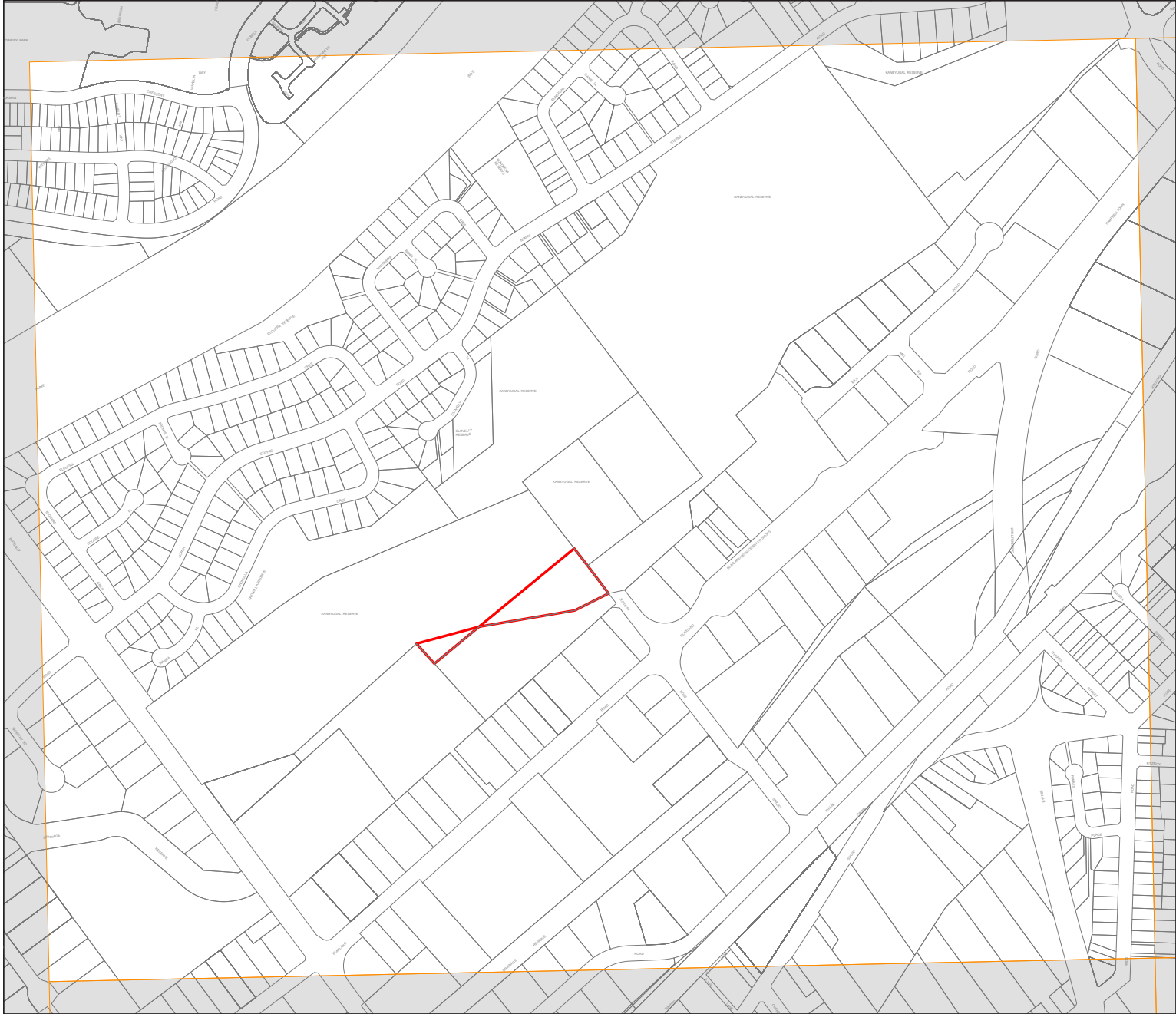
The Campbelltown Animal Care Facility will maintain its use as a facility for the residents of Campbelltown.

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

The extent of the reclassification is outlined in the planning proposal.


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

Not applicable.




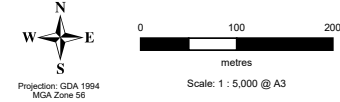
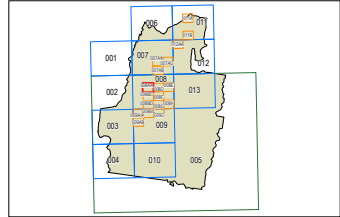
**Campbelltown Local
Environmental
Plan 2015**

Land Reclassification (Part Lots) Map
– Sheet RPL_008AA

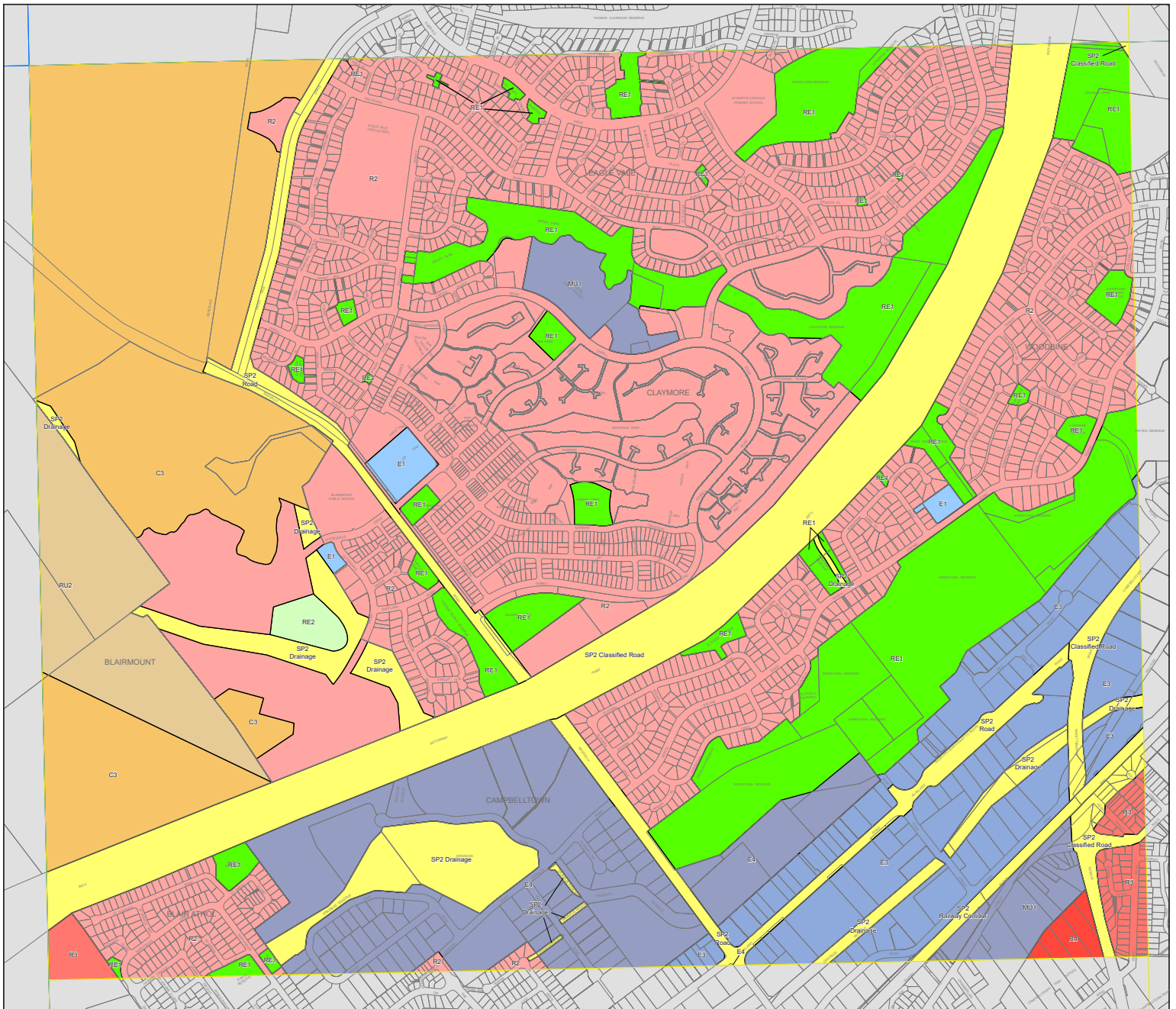
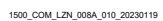
Land Reclassification (Part Lots)
 Operational Land

Cadastre

 Cadastre 18/08/2022 © Spatial Services



Map identification number:
1500_COM_RPL_008AA_005_20220618





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17 December 2022

Our ref EXC 227209

Dear

Campbelltown City Council Advice on Reclassification of Land at Kanbyugal Reserve and 2 Rose St, Campbelltown

We refer to our meeting on 2 December 2022 in respect of Council's proposed reclassification of community land at Kanbyugal Reserve and subsequent boundary adjustment with the adjoining lot at 2 Rose Street, Campbelltown for the purpose of containing the Campbelltown Animal Care Facility site *wholly* within Council's operational land.

1. Definitions

The following terms used in this advice are defined as follows:

CLEP means the Campbelltown Local Environmental Plan 2015

Community Land means land that is classified as community land under Division 1 of Part 2 of Chapter 6 of the LGA.

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

LGA means the *Local Government Act 1993* (NSW).

Lot 21 means the whole of the land contained in the Certificate of Title Folio Identifier 21/572308 located at 2 Rose Street, Campbelltown NSW 2560.

Lot 22 means the whole of the land contained in the Certificate of Title Folio Identifier 22/572308 forming *part* of Kanbyugal Reserve.

LRS means NSW Land Registry Services.

Operational Land means land that is classified as operational land under Division 1 of Part 2 of Chapter 6 of the LGA.

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Campbelltown City Council Advice on Reclassification of Land at Kanbyugal Reserve and 2 Rose St, Campbelltown

Proposal means Council's "*Planning Proposal – September 2022*" provided to our office on 24 November 2022.

Proposed Boundary Adjustment means the proposed boundary adjustment between Lot 21 and Lot 22 as set out in Figure 4 in the Proposal.

Site means the Campbelltown Animal Care Facility site.

Transitional Provision 1 means clause 6(2) of Schedule 7 of the LGA.

Transitional Provision 2 means clause 6(3) of Schedule 7 of the LGA.

2. Background

- 2.1 Council is the registered proprietor of Lot 21 and Lot 22.
- 2.2 Lot 21 is zoned "IN2 – Light Industrial and is Operational Land.
- 2.3 The part of Lot 22 relevant to this advice being the area directly adjoining Lot 21 is zoned "RE1 – Public Recreation" and is Community Land.
- 2.4 As the Site is currently located on both Lot 21 and Lot 22, it is exposed to:
 - (a) two different public land classifications; and
 - (b) two different zonings.
- 2.5 Based on the Proposal, Council intends to amend the CLEP to:
 - (a) reclassify the relevant part of Lot 21 being the area directly adjoining Lot 22 the subject of the proposed boundary adjustment from Community Land to Operational Land;
 - (b) alter the zoning of the relevant part of Lot 21 from "RE1 – Public Recreation" to "IN2 – Light Industrial" to be in line with the current zoning of Lot 22; and
 - (c) implement the Proposed Boundary Adjustment.

3. Questions

You have asked us to advise on:

- 3.1 The presence of any legal barriers in relation to the Proposed Boundary Adjustment of Kanbyugal Reserve to the north of the Site and Lot 21; and
- 3.2 Any particular process by which Council is to carry out the Proposed Boundary Adjustment.

Campbelltown City Council Advice on Reclassification of Land at Kanbyugal Reserve and 2 Rose St, Campbelltown

4. Status of Lot 21

- 4.1 We enclose the title search of Lot 21.
- 4.2 Except for all public land that are deemed to be automatically classified as Community Land on the commencement of the LGA being 1 July 1993 pursuant to Transitional Provision 1 (ie. land comprising a public reserve), Council is to classify, by resolution, all public land as either Operational Land or Community Land pursuant to Transition Provision 2 by 30 June 1994.
- 4.3 As Lot 21 was created on the registration of DP572308 on 28 October 1974 prior to the commencement of the GLA being 1 July 1993. We assume Lot 21 was not part of any public reserve, hence, such Lot was classified as Operational Land by resolution pursuant to Transitional Provision 2.
- 4.4 Please let us know if the abovementioned assumption is inaccurate.

5. Status of Lot 22

- 5.1 We enclose the title search of Lot 22.
- 5.2 Whilst we note Council's understanding that Lot 22 forms part of Kanbyugal Reserve (ie. a public reserve), this has not been officially recorded on the title as the second schedule of the title does not contain the relevant 'KP' notification being "*The land within described is a public reserve*".
- 5.3 We also note DP572308 (copy enclosed) does not bear a statement of intention dedicating Lot 22 as a public reserve.
- 5.4 Has Council ever prepared an appropriate notification in the Government Gazette instead to dedicate Lot 22 as a public reserve?
- 5.5 If Council has prepared an appropriate notification in the Government Gazette to dedicate Lot 22 as a public reserve, Council should have subsequently lodged a Request 11R form with LRS to record such notification in the second schedule of the title. We can assist Council in this regard if Council provides us with a copy of the gazettal notice.
- 5.6 Despite the absence of the relevant notification in the second schedule of the title, Transition Provision 1 provides that land comprising a public reserve that is vested in or under the control of Council as at the commencement of Part 2 of Chapter 6 of the LGA (ie. 1 July 1993) "*is taken to have been classified as*" Community Land".
- 5.7 Please note the term "public reserve" is defined in the LGA to include a "public park". Although the term "public park" is not defined in the LGA, in our view, it certainly extends to an *unrecorded* public park that has been neither:
 - (a) notified in the Government Gazette; nor
 - (b) expressed to be a public reserve whilst bearing a relevant statement of intention in the relevant plan.

Campbelltown City Council Advice on Reclassification of Land at Kanbyugal Reserve and 2 Rose St, Campbelltown

- 5.8 We assume Lot 22 was a public reserve prior to 1 July 1993. If so, Lot 22 is classified as Community Land pursuant to Transitional Provision 1.
- 5.9 Please let us know if the abovementioned assumption is inaccurate.

6. BP Advice

- 6.1 In respect of Council's enquiry as to any legal barriers to the Proposed Boundary Adjustment:
- (a) We note that the Proposal is to be referred to the Minister for the Gateway determination under section 3.34 of the EPAA to amend the CLEP.
 - (b) Once the CLEP is amended to be in line with the Proposal, the CLEP that reclassifies the relevant part of Lot 22 as Operational Land can make a provision to the effect that, on the commencement of the amended CLEP, the relevant part of Lot 22 ceases to be a public reserve and is discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the relevant part of Lot 22, except for:
 - (i) any reservations that except the land out of a Crown grant relating to that land; and
 - (ii) reservations of minerals.
 - (c) The Proposed Boundary Adjustment cannot take place until the reclassification of the relevant part of Lot 22 as Operational Land under section 30 of the LGA is completed as Community Land cannot be subdivided.
- 6.2 In respect of any particular process by which the Proposed Boundary Adjustment is to be carried out:
- (a) Upon the reclassification of the relevant part of Lot 22 as Operational Land, a plan of subdivision (which includes a plan of boundary adjustment) can be prepared and lodged with the LRS.
 - (b) When the plan is lodged, a Request 11R form is generally lodged together with evidence indicating that the subject area has been reclassified as Operational Land in accordance with section 30 of the LGA (ie. a copy of the amended CLEP). This Request form is intended to remove any 'KP' notification in the second schedule of title, if any.
 - (c) As noted in paragraph 5.2 above, however, Lot 22 does not contain the relevant 'KP' notification being "*The land within described is a public reserve*" as neither the registration of DP572308 nor the publication of any relevant gazettal notice resulted in Lot 22 becoming a public reserve.
 - (d) Instead, Lot 22 is taken to have been classified as Community Land by virtue of Transitional Provision 1 and is used as a public park which constitutes a category of public reserve within the meaning of the LGA.
 - (e) Hence, it is not clear at this stage whether such Request 11R form will be required by the LRS.

Campbelltown City Council Advice on Reclassification of Land at Kanbyugal Reserve and 2 Rose St, Campbelltown

- (f) We have sought clarification from the LRS in this regard and have been advised by the LRS that it will only examine the plan of subdivision as if both Lot 21 and Lot 22 were Operational Land from the inception and will disregard any amendment to the CLEP as, based on the LRS record, Lot 22 has never been recorded as a public reserve (ie. community land).
- (g) Despite the above, we strongly recommend that Council approaches the Proposed Boundary Adjustment in accordance with its statutory obligations under the LGA and section 30 of the LGA requires the CLEP be amended to that effect first prior to the Proposed Boundary Adjustment is to proceed.
- (h) Hence, we recommend the Proposed Boundary Adjustment to proceed by way of a plan of subdivision (which includes a plan of boundary adjustment) only upon the completion of the relevant amendment to the CLEP (notwithstanding the advice from the LRS referred to in paragraph 6.2(f) above).

7. Next Steps

- 7.1 We note that the approximate timeline for the Minister's determination as to the Proposal is January 2023 and the amendment to the CLEP is expected to be completed in August 2023.
- 7.2 Upon completion of the amendment to the CLEP to reclassify the relevant part of Lot 22 as Operational Land, Council's surveyor can lodge a plan of subdivision of Lot 21 (which is already Operational Land) and Lot 22 to realign the boundary between the two lots.
- 7.3 We can review the plan of subdivision and the amended CLEP in due course once such are provided by Council to confirm the reclassification of the relevant part of Lot 22 as Operational Land. If the LRS changes its stance and requires a Request 11R form to be lodged with the plan of subdivision, we can prepare such dealing and lodge with the LRS.
- 7.4 Please contact our office if you have any questions or would like to discuss further.

Yours faithfully
Bartier Perry

8.7 Proposed Housekeeping Amendments to Campbelltown (Sustainable City) Development Control Plan 2015

Reporting Officer

Executive Manager Urban Centres
City Planning and Environment

Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.2.1 Provide proactive and collaborative leadership on issues that are important to Campbelltown now and into the future

Delivery Program

Principal Activity
5.2.1.1 Lead and improve corporate planning for a sustainable future

Officer's Recommendation

1. That Council endorse the draft Amendment No.19 to Volume 1 of Campbelltown (Sustainable City) Development Control Plan 2015, as shown in the attachment to this report for the purpose of public exhibition.
2. That should Council receive any submissions during the public exhibition of draft Amendment No.19, a further report be provided to Council following the completion of the public exhibition period.
3. That where Council receives no submissions objecting to the draft Amendment No.19, the amendments be formally adopted and notified in accordance with the Environmental Planning and Assessment Regulation 2000

Executive Summary

- Council staff undertake regular reviews of the controls in the Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP) to ensure that they are relevant and achieve Council's desired vision for the City.
- Another review has recently been completed which identified a range of amendments that needed to be made to the existing development controls in Part 17 (Boarding Houses) of the SCDCP so they align with the recently adopted requirements legislated in Chapter 2 (Affordable Housing), Part 2 (Development for affordable housing), Division 2 (Boarding Houses) of State Environmental Planning Policy (Housing) 2021 (Housing SEPP).

- As the Housing SEPP's development controls for 'boarding house' and 'co-living housing' development are identical, it is also proposed to amend Part 17 by introducing new 'co-living housing' provisions which reflect the same requirements specified in Chapter 3 (Diverse housing), Part 3 (Co-living housing) of the SEPP for this land use.
- The proposed changes to the SCDCP are outlined in the attachment to this report.
- This report recommends that Council place the proposed amendments to the SCDCP on public exhibition for 28 days.

Purpose

To advise Council of a number of proposed amendments to the SCDCP, and seek its approval to place draft Amendment No.19 on public exhibition for community input.

History

Council at its meeting held 16 February 2016 adopted the SCDCP, which came into effect on 11 March 2016 to coincide with the commencement of Campbelltown Local Environmental Plan 2015 (CLEP 2015).

Since its commencement in March 2016, the SCDCP has been amended on other occasions to realign the SCDCP with newly introduced State wide planning policies and guidelines or adopt site specific development controls under Volume 2 Site Specific DCPs.

Report

This section of the report provides a more detailed explanation of the proposed amendments to the SCDCP.

Amendments are proposed to Volume 1 – 'Development Controls for All Types of Development' so the existing development controls in Part 17 (Boarding Houses) of the SCDCP align with the recently adopted requirements legislated in Chapter 2 (Affordable housing), Part 2 (Development for affordable housing), Division 2 (Boarding houses) of the Housing SEPP.

Further, it is also proposed to introduce new 'co-living housing' provisions into Part 17 so they reflect the same requirements specified in Chapter 3 (Diverse housing), Part 3 (Co-living housing) of the SEPP for this land use.

The Housing SEPP commenced on 26 November 2021 and consolidated the following 5 SEPPs which have now been repealed:

- (1) State Environmental Planning Policy (Affordable Rental Housing) 2009;
- (2) State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004;
- (3) State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes);
- (4) State Environmental Planning Policy No 21 – Caravan Parks; and
- (5) State Environmental Planning Policy No 36 – Manufactured Home Estates.

The Housing SEPP includes 'boarding houses' and 'co-living housing' which are similar in built form but differ in terms of the community these types of developments are proposed to accommodate, in addition to regulating how they will be managed in perpetuity.

Boarding houses are managed by a Registered Community Housing Provider, in accordance with a 'Plan of Management', and are defined in the CLEP as meaning "a building or place": –

- (a) that provides residents with a principal place of residence for at least 3 months, and that contains shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (b) that contains rooms, some or all of which may have private kitchen and bathroom facilities, and
- (c) used to provide affordable housing, and
- (d) if not carried out by or on behalf of the Land and Housing Corporation—managed by a registered community housing provider,

but does not include backpackers' accommodation, co-living housing, a group home, hotel or motel accommodation, seniors housing or a serviced apartment."

'Co-living housing' is aimed at providing housing for young professionals, front line workers and students but does not have the same affordability requirements. Like 'boarding houses', 'co-living housing' is also operated in accordance with a 'Plan of Management' which is overseen by an appointed person who must also be contactable 24/7. As this is a recently introduced planning category, 'co-living housing' has not been defined in the CLEP but is still determined to be a permissible land use in the CLEP's R3 (Low Density Residential), R4 (High Density Residential), B1 (Neighbourhood Centre), B2 (Local Centre) and B4 (Mixed Use) zones.

In addition to updating the 'boarding house' requirements in Part 17 (Boarding Houses) to align with the current Housing SEPP controls, the planning guidelines indicating how 'co-living housing' must be designed and regulated have also been addressed in this amendment.

The existing standards in Part 17 are considered to more onerous than those specified in the Housing SEPP which facilitate and encourage these types of affordable housing in different areas around the state where they are most needed, as clarified in Clause 24 (1) which states that:

- "(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of 'boarding houses' that, if complied with, prevent the consent authority from requiring more onerous standards for the matters".

Clause 23(1) of the Housing SEPP states that:

- "(1) Development for the purposes of boarding houses may be carried out with consent on land on which development for the purposes of boarding houses is permitted with consent under another environmental planning instrument."

As 'boarding houses' are not identified as being permissible in the CLEP's R2 (Low Density Residential) zone, Council is unable to issue development consent for that specific land use in any of those precincts.

The exception to this prohibition is specified in Division 3 (Boarding houses-Aboriginal Housing Office and Land and Housing Corporation) of the Housing SEPP which insists that any 'boarding house' developments proposed in an R2 zone must be submitted by, or behalf of, either of these nominated 'social housing providers', as legislated in Clause 28 of Division 3 (Development to which Division applies), which confirms that:

- "(1) This Division applies to development for the purposes of boarding houses on land –
- (a) on which development for the purposes of boarding houses is permitted with consent under another environmental planning instrument, or
 - (b) in Zone R2 Low Density Residential or an equivalent land use zone."

Although the controls for such proposals have not be included in this amendment, any development application submitted to Council for assessment by the Aboriginal Housing Office or Land and Housing Corporation will be lodged and determined in accordance with all the expressed requirements legislated in Division 3 of the Housing SEPP.

Clause 67 (Co-living housing may be carried out on certain land with consent) of the Housing SEPP specifies that:

Development for the purposes of co-living housing may be carried out with consent on land in a zone in which development for the purposes of co-living housing, residential flat buildings or shop top housing is permitted under another environmental planning instrument.

As 'residential flat buildings' and 'shop top housing' are prohibited in the CLEP's R2 zone, 'co-living housing' is, therefore, also determined to be non-permissible land use within this zone. Clauses 24 (2) (a) (ii) and 68 (2) (a) (ii) of the Housing SEPP also permits FSR bonuses of 25 per cent and 10 per cent which can be respectively granted to a new 'boarding house' or 'co-living housing' development on the condition that any additional floor area proposed is solely utilised for those specific purposes.

The Housing SEPP's definition of a "relevant planning instrument" (RPI) includes "development control plans", so a large majority of the existing controls in Part 17 (Boarding Houses) have been retained, amended or removed to ensure they align and compliment the most recent provisions adopted into Division 2 (Boarding houses) of the SEPP. In conjunction with these changes, it also proposed to introduce 'co-living housing' into this section and retitling it - "Part 17 Boarding House and Co-Living Housing".

The 'Table' contained in attachment 1 to this report indicates the existing requirements for 'Boarding Houses' in Part 17 of the SCDP that now need to be addressed so they align with the current Housing SEPP provisions, which also includes adopting new planning controls for 'Co-living Housing' into this section.

Further, attachment 2 indicates how Part 17 (Boarding Houses) will be amended and inserted into the SCDP so it aligns with all the relevant provisions legislated in the Housing SEPP for Boarding Houses and Co-Living Housing.

<p align="center">SCDCP</p> <p align="center">Part 17 – Boarding Houses</p>	<p align="center">Housing SEPP 2021</p> <p align="center">Part 2, Division 2 – Boarding houses</p>	<p align="center">Proposed existing controls to be retained, amended or removed from Part 17 (Boarding Houses) of the SCDCP to ensure they align with the current Housing SEPP provisions and the introduction of 'Co-Living Housing' into this section.</p>
<p>17.2.1 – Site and Size Requirements</p> <p>(i) Boarding houses located within low density residential areas shall only be located on sites with a minimum area of 700 m² and a road frontage of 15 m.</p>	<p>Clauses 25 (1)(g) and 69 (1)(b) of the Housing SEPP states that the minimum lot size for any new boarding house or co-living housing development must be not less than:</p> <p>(ii) land in Zone R3 Medium Density Residential—the minimum lot size requirements for multi dwelling housing under a relevant planning instrument, or</p> <p>(iii) otherwise—the minimum lot size requirements for residential flat buildings under a relevant planning instrument.</p> <p><u>Note:</u> The definition of a “relevant planning instrument” in the Housing SEPP includes “development control plans” so a large majority of the existing provisions in Part 17 (Boarding Houses) of the SCDCP will be retained.</p>	<p>As ‘boarding houses’ and ‘co-living housing’ are both determined to be prohibited in the CLEP’s R2 zone, clause 17.2.1(a) of the SCDCP will be replaced with the minimum lot size requirements for both land uses in the R3 and R4 zones so they respectively align with Clauses 25 (1)(g)(ii) and 69 (1)(b)(ii) of the Housing SEPP.</p> <p>Clause 17.2.1(a) will be replaced to read:</p> <p>17.2.1 – Site and Size Requirements</p> <p>(a) Any sites proposing the construction of a ‘boarding house’ or ‘co-living housing’ development must have a minimum road frontage of 15 m and a minimum site area which meets the following requirements, for both land uses, in the R3 (Medium Density) and R4 (High Density) zones:</p> <p>(i) R3 – Minimum lot size of 800 m².</p> <p>(ii) R4 – Minimum lot size of 1,200 m².</p>
<p>(b) Boarding houses located within land zoned R2 Low Density Residential</p>	<p>Although Clause 23(2) of the Housing SEPP states that development for the</p>	<p>Retain clause 17.2.1 b) as boarding houses are still permissible in the R2 zone</p>

zone under the CELP or land zoned Zone 2(b) Residential B Zone under LEP 2002 shall have a maximum of 12 boarding rooms.	<p>purposes of a 'boarding house' can be carried out on land in the R2 Low Density Residential zone (or an equivalent land use zone), the CLEP identifies 'manor houses' to be a prohibited land use in the R2 zone, so 'boarding house' developments are also determined to be non-permissible within this zone.</p> <p>Clause 25 (1)(d) aligns with the SCDCP by confirming that any 'boarding house' proposed in the R2 zone is also limited to a maximum of 12 rooms.</p> <p>i.e. "will not have more than 12 boarding rooms"</p>	under the CLEP – providing they are developed and operated by a nominated social housing provider. Further, the SCDCP and Housing SEPP both limit any 'boarding house' development in the R2 zone to a maximum of 12 rooms.
(c) Boarding houses shall not be erected on battle-axe allotment.	The Housing SEPP does not specify a minimum road frontage width for new 'boarding house' developments or indicate that they cannot be located on a battle-axe allotment (c), or within 50 m from the "commencement of the head of a cul-de-sac to which vehicular access to the site is obtained".	<p>Amend 17.2.1 c) of the SCDCP to include 'co-living housing' and retain the existing provision as it is still considered important to ensure that both types of land uses are not located on restrictive battle-axe allotments.</p> <p>Clause 17.2.1 c) will be amended to read:</p> <p>c) No 'boarding house' or 'co-living housing' development shall be permitted to be erected on a battle-axe allotment.</p>
d) Boarding houses shall only be permitted on a site where no part of the allotment is within 50 m of the commencement of the head of a cul-de-sac to which vehicular access to the site is obtained.	The Housing SEPP does not indicate that "boarding house's' cannot be located "within 50 m from the commencement of the head of a cul-de-sac to which vehicular access to the site is obtained".	Amend clause 17.2.1 d) of the SCDCP to include 'co-living housing' and retain the intention of the existing provision as it is still essential to ensure that both types of land uses are only proposed on sites where no part of the allotment is located "...within 50 m of the commencement of the head of a cul-de-sac to

		<p>which vehicular access to the site is obtained.”</p> <p>Clause 17.2.1 d) will be amended to read:</p> <p>d) No ‘boarding house’ or ‘co-living housing’ development shall be permitted on properties where any part of the allotment is located within 50 m of the commencement of the head of a cul-de-sac to which vehicular access to the subject site is obtained.</p>
e) Boarding houses shall only be allowed on streets that provide for on street parking.	There is no provision in the Housing SEPP stating that ‘boarding house’ developments are only permitted on streets which provide on street parking.	<p>Amend 17.2.1 e) of the SCDGP to include ‘co-living housing’ and retain existing control to ensure there is still sufficient on-street parking available to adequately accommodate the potential traffic generation associated with these types of land uses.</p> <p>Clause 17.2.1 e) will be amended to read:</p> <p>e) No ‘boarding house’ or ‘co-living housing’ development shall be permitted on roads/streets that are unable to provide any on street parking.</p>
f) Boarding houses within local, neighbourhood centres and mixed use areas are not permitted to be located at the ground floor level.	Clauses 25 (1)(e) and 69 (1)(e) of the Housing SEPP prohibits a boarding house’s ground floor, which fronts a business zone, from being used for residential purposes unless another environmental planning instrument permits that use.	<p>Amend 17.2.1 f) to include ‘co-living housing’ and retain the intention of this clause as both land uses are nominated as being permissible in the CLEP’s B1 (Neighbourhood Centre), B2 (Local Centre) and B4 (Mixed Use) zones.</p> <p>Clause 17.2.1 f) will be amended to read:</p> <p>f) No ‘boarding house’ or ‘co-living housing’</p>

		development within a local, neighbourhood centre and/or mixed use is permitted to be located at, or on, the building's ground floor level.
<p>17.2.2 Streetscape - Design Requirements</p> <p>a) The design of new purpose built buildings (including facade treatments, building massing, roof design and entrance features, setbacks and landscaping) shall complement the scale of the surrounding development, and the desired character of the locality.</p> <p>b) New buildings on corner sites shall incorporate facade treatments that address both street frontages and achieve positive articulation in building design.</p> <p>c) Clothes lines and air conditioning units shall be screened and not visible by the public when viewed from a public area.</p>	<p>The only design requirements for boarding houses in the Housing SEPP are contained in clauses 25 (2)(a) and 69 (2)(f) which state that:</p> <p>Development consent must not be granted under this Division unless the consent authority considers whether -</p> <p>(a) the design of the 'boarding house' will be compatible with -</p> <p>(i) the desirable elements of the character of the local area, or</p> <p>(ii) for precincts undergoing transition—the desired future character of the precinct.</p>	<p>Amend clause 17.2.2 a) of the SCDCP to include 'co-living housing' and replace with a new provision which reflects clauses 25 (2)(a) and 69 (2)(f) of the Housing SEPP, followed by the existing DCP (RPI) requirements that are still considered relevant when determining how to optimise the future building designs for these types of developments.</p> <p>Clause 17.2.1 a) will be amended to read:</p> <p>Development consent will not be granted to any new 'boarding house' and /or 'co-living housing' development unless Council is satisfied that:</p> <p>a) the design of the 'boarding house' or 'co-living housing' development will be compatible with -</p> <p>(i) the desirable elements of the character of the local area, or</p> <p>(ii) for precincts undergoing transition—the desired future character.</p> <p>b) The design of new purpose built buildings (including facade treatments, building massing, roof design and entrance features, setbacks and landscaping) shall also complement the scale of the surrounding development, and the desired character of the</p>

		<p>locality.</p> <p>c) New buildings on corner sites shall incorporate facade treatments that address both street frontages and achieve positive articulation in building design.</p> <p>d) Clothes lines and air conditioning units shall be screened and not visible by the public when viewed from a public area.</p>
<p>17.2.3 Setbacks - Low and medium density Residential Areas</p> <p>a) A 'boarding house' development shall be set back a minimum of:</p> <p>i) 5.5 m from the primary street boundary;</p> <p>ii) 3 m from the secondary street boundary;</p> <p>iii) 0.9 m from any side boundary at the ground level;</p> <p>iv) 1.5 m from any side boundary for all levels above the ground level;</p> <p>v) 5 m from the rear boundary at the ground level; and</p> <p>vi) 10 m from the rear boundary for all levels above ground level within land zoned Zone 2(b) Residential B Zone under LEP 2002 or land zoned R2 under the CLEP;</p> <p>vii) 6.5 m from the rear</p>	<p>Clause 25 (2)(b) and 69 (2)(i) of the Housing SEPP states that the minimum front, side and rear setbacks for any new 'boarding house' or 'co-living housing' development in the R3 (Medium Density Residential) zone must be not less than:</p> <p>"...the minimum setback requirements for multi dwelling housing under a relevant planning instrument" (SCDCP).</p> <p>As the SCDCP is determined to be the RPI, the existing setback requirements in Clause 17.2.3 of the SCDCP would still prevail.</p>	<p>Besides amending the existing provision to include 'co-living housing', clause 17.2.3 of the SCDCP (RPI) will be retained as it is consistent with the 'multi dwelling' (R3) setback requirements, for both land uses, in Clauses 25 (2)(b)(i) and 69 (2)(i) of the Housing SEPP.</p> <p>Further, clauses 25 (2)(c) and 69 (2)(b) of the Housing SEPP requires any 'boarding house' or 'co-living housing' development, which is constructed to "at least 3 storeys" in height, to meet compliance with the minimum building separation distances specified in the State Environmental Planning Policy No. 65 (SEPP 65) associated 'Apartment Design Guide' (ADG). This new requirement will now be added as clause 17.2.3 (c) of the SCDCP.</p> <p>Clause 17.2.3 will be amended to read:</p> <p>(a) All 'boarding house' or 'co-living housing' development shall be set</p>

<p>boundary for all levels above ground level within land zoned R3 under the CLEP.</p> <p>b) Notwithstanding 17.2.3 a) i) and ii), any garage shall be setback a minimum of 6 m from any street boundary.</p>		<p>back a minimum of:</p> <ul style="list-style-type: none"> i) 5.5 m from the primary street boundary; ii) 3 m from the secondary street boundary; iii) 0.9 m from any side boundary at the ground level; iv) 1.5 m from any side boundary for all levels above the ground level; v) 5 m from the rear boundary at the ground level; and vi) 10 m from the rear boundary for all levels above ground level within land zoned R2 under the CLEP; vii) 6.5 m from the rear boundary for all levels above ground level within land zoned R3 under the CLEP. <p>b) Notwithstanding 17.2.3 a) i) and ii), any garage shall be setback a minimum of 6 m from any street boundary.</p> <p>c) Any 'boarding house' or 'co-living housing' development which is constructed to at least 3 storeys in height must demonstrate compliance with the minimum building separation distances specified in the Department of Planning and Environment's 'Apartment Design Guide'.</p>
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17.2.4 Setbacks - (High density residential areas)	Clause 25(2)(b)(ii) and 69 (2)(a)(i) of the Housing	Retain the setback requirements for 'boarding
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<p>a) A boarding house development within high density residential areas shall be setback a minimum of:</p> <ul style="list-style-type: none"> i) 5.5 m from any street boundary; and ii) 6 m from any other boundary. 	<p>SEPP states that the minimum front, side and rear setbacks for any new 'boarding house' development in the R4 (High Density Residential) zones must be not less than:</p> <p>"...the minimum setback requirements for residential flat buildings under a relevant planning instrument" (SCDCP).</p>	<p>house's (and 'co-living housing') in clause 17.2.4 (a) of the SCDCP which are consistent with the high density setback provisions specified in Section 5.5.2 (Building Setbacks for Residential Flat Buildings) and, therefore, also align with Clauses 25 (2)(b)(ii) and 69 (2) (a)(i) of the Housing SEPP.</p> <p>Clause 17.2.4 (a) will be amended to read:</p> <p>a) Boarding houses or co-living housing development within high density residential areas shall be setback a minimum of:</p> <ul style="list-style-type: none"> i) 5.5 m from any street boundary; and ii) 6 m from any other boundary.
<p>17.2.5 Setbacks - (Local and neighbourhood centres)</p> <p>a) 'boarding house's located on land within neighbourhood and local centres shall be setback a minimum of:</p> <ul style="list-style-type: none"> i) 3 m from the primary street boundary; ii) 3 m from the secondary street boundary; iii) 3 m from any side boundary where it adjoins residential properties or public open space; iv) 0.9 m from the side boundary in any other case; v) 6 m from the rear 	<p>There are no provisions in the Housing SEPP which specify the setback distances for 'boarding houses' in any 'local' or 'neighbourhood centre'.</p>	<p>In addition to amending by including 'co-living housing', clause 17.2.5 will otherwise be retained as both land uses are also determined to be permissible in the B1 (Neighbourhood Centre) and B2 (Local Centre) zones, under the CLEP.</p> <p>Clauses 17.2.5 a) and b) will be amended to read:</p> <p>a) 'Boarding house' or 'co-living housing' developments which are proposed on any land within a 'neighbourhood' and/or 'local' centre shall be setback a minimum of:</p> <ul style="list-style-type: none"> i) 3 m from the primary street boundary; ii) 3 m from the secondary

<p>boundary where it adjoins residential properties or public open space;</p> <p>vi) 3 m from the rear boundary in any other case.</p> <p>b) Despite clause 17.2.5 a) iv) above, 'boarding house's shall be permitted to be built on the side boundary where in Council's opinion the proposed development is considered as a continuation of an adjacent development within the same section of the streetscape.</p> <p>c) Despite clause 17.2.5 a) vi), reduced rear setbacks shall be considered on merits.</p>		<p>street boundary;</p> <p>iii) 3 m from any side boundary where it adjoins residential properties or public open space;</p> <p>iv) 0.9 m from the side boundary in any other case;</p> <p>v) 6 m from the rear boundary where it adjoins residential properties or public open space;</p> <p>vi) 3 m from the rear boundary in any other case.</p> <p>b) Despite clause 17.2.5 a) iv) above, a 'boarding house' or 'co-living housing' development shall be permitted to be built on the side boundary where, in Council's opinion, the proposed development is considered as a continuation of an adjacent development within the same section of the streetscape.</p> <p>c) Despite clause 17.2.5 a) vi), reduced rear setbacks shall be considered on merits.</p>
<p>17.2.6 Setbacks - (Mixed Use areas)</p> <p>a) Boarding houses within mixed use areas shall:</p> <p>i) Zero m from any street boundary; and</p> <p>ii) 6 m from any other boundary.</p>	<p>There are no provisions in the Housing SEPP which specify the building setback distances for boarding houses in "Mixed Use" zoned areas.</p>	<p>In addition to amending clause 17.2.6 of the SCDOP by including 'co-living housing', these setback provisions will be retained as both land uses still remain permissible in the CLEP's B4 (Mixed Use) zone.</p> <p>a) Any 'boarding house' or 'co-living housing' development proposed within a 'mixed</p>

		<p>use' zoned area shall be setback:</p> <ul style="list-style-type: none"> i) Zero m from any street boundary; and ii) 6 m from any other boundary.
<p>17.2.7 Shared facilities</p> <p>a) Where shared bathroom facilities are proposed, they shall be provided at the following rates:</p> <ul style="list-style-type: none"> i) A minimum of 1 bath or shower for each 10 occupants or part thereof; and ii) in addition, one accessible toilet and one accessible shower where the number of residents exceeds 5 or more; and iii) a closet pan and a washbasin with hot and cold running water for each toilet provided; and <p>b) Where the number of residents is 5 or less, the common toilet/shower shall also be accessible for people with disabilities.</p> <p>c) Toilets shall be able to be accessed separately from the shower, so that toilet and the shower may be used by two separate people at the same time.</p> <p>d) Where communal kitchen</p>	<p>The only provision in the Housing SEPP which relates to shared facilities for boarding houses are contained in Clauses 25 (1) (b) and 69 (1)(f) which simply states that:</p> <p>(a) adequate bathroom, kitchen and laundry facilities will be available within the boarding house for the use of each resident</p> <p>Clauses 25 (Standards for boarding houses) also provides that:</p> <p>(1) Development consent must not be granted under this Division unless the consent authority is satisfied that—</p> <ul style="list-style-type: none"> i) no boarding room will have a gross floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of more than 25 m², and ii) no boarding room 	<p>Amend clause 17.2.7 of the SCDCP by including new subclause a) so it aligns with Clauses 25 (1)(b) and 69 (1)(h) of the Housing SEPP, followed by the SCDCP's existing 'Shared Facilities' provisions which now will be included as clauses 17.2.7 b) to f).</p> <p>Clause 17.2.7 will be amended to read:</p> <p>Development consent will not be granted unless Council is satisfied that:</p> <ul style="list-style-type: none"> a) No 'boarding house' or 'co-living housing' room shall be occupied by more than 2 adults or have a gross floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, which does not exceed more than 25 m² and not less than— <ul style="list-style-type: none"> i) 12 m² for a private room intended to be used by a single occupant, or ii) otherwise— 16 m² b) Adequate bathroom, kitchen and laundry facilities shall be provided within the 'boarding house' or 'co-living housing' development for the use of each resident, in the following manner.

<p>facilities are proposed, they shall be provided at the following rates:</p> <p>i) a minimum area of 8 m² for up to 10 occupants and 1 m² additional area for every 2 occupants thereof.</p> <p>e) Laundry and clothes drying facilities are to be provided at a rate of:</p> <p>i) 1 washing machine and washing tub for every 10 occupants or part thereof; plus</p> <p>ii) 1 clothes dryer for every 10 occupants or part thereof and;</p> <p>iii) 1 fixed clothesline of at least 30 m for every 10 occupants or part thereof.</p>	<p>will be occupied by more than 2 adult residents.</p> <p>This is identical to the development controls provided in clause 69 of the Housing SEPP for 'co-living housing'.</p>	<p>c) Where shared bathroom facilities are proposed, they shall be provided at the following rates:</p> <p>i) A minimum of 1 bath or shower for each 10 occupants or part thereof; and</p> <p>ii) in addition, one accessible toilet and one accessible shower where the number of residents exceeds 5 or more; and</p> <p>iii) a closet pan and a washbasin with hot and cold running water for each toilet provided; and</p> <p>iv) Where the number of residents is 5 or less, the common toilet/shower shall also be accessible for people with disabilities.</p> <p>v) Toilets shall be able to be accessed separately from the shower, so that toilet and the shower may be used by 2 separate people at the same time.</p> <p>d) Where communal kitchen facilities are proposed, they shall be provided at the following rates:</p> <p>i) a minimum area of 8 m² for up to 10</p>
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		<p>occupants and 1 m² additional area for every 2 occupants thereof.</p> <p>e) Laundry and clothes drying facilities are to be provided at a rate of:</p> <p>i) one washing machine and washing tub for every 10 occupants or part thereof; plus</p> <p>ii) one clothes dryer for every 10 occupants or part thereof and;</p> <p>iii) one fixed clothes line of at least 30 m for every 10 occupants or part thereof.</p>
<p>17.2.8 Indoor Communal living areas</p> <p>a) Indoor communal living areas shall be provided with a minimum dimension of 3 m and a minimum total area of 20 m² or 1.2 m²/resident, whichever is greater.</p>	<p>Clauses 25 (2)(f) & (g); and 68 (2)(b), (c) and (d) of the Housing SEPP state that the following "communal living area" requirements must be provided for any new boarding house or co-living housing development containing 6 or more rooms:</p> <p>(f) for a boarding house containing 6 boarding rooms –</p> <p>(i) a total of at least 30 m² of communal living area, and</p> <p>(ii) minimum dimensions of 3 m for each communal living area,</p> <p>(g) for a boarding house containing more than 6 boarding rooms –</p>	<p>Remove 17.2.8 a) of the SCDCP and replace with an updated provisions which respectively reflect the current communal living area requirements for boarding houses and co-living housing in Clauses 25 and 69 of the Housing SEPP.</p> <p>Clause 17.2.8 (a) will be amended to read:</p> <p>a) Indoor communal living areas for a 'boarding house' or 'co-living housing' development containing 6 boarding rooms shall be –</p> <p>(i) a total of at least 30 m² of communal living area, and</p> <p>(ii) minimum dimensions of 3 m for each communal living area,</p> <p>b) Indoor communal living areas for a boarding house</p>

	<p>(i) a total of at least 30m² of communal living area plus at least a further 2m² for each boarding room in excess of 6 boarding rooms, and</p> <p>(ii) minimum dimensions of 3 m for each communal living area.</p> <p>Further, clause 68 (2)(d) any co-living housing development shall also "contain an appropriate workspace for the manager, either within the communal living area or in a separate space".</p>	<p>or co-living housing development containing more than 6 boarding rooms shall be –</p> <p>(i) a total of at least 30 m² of communal living area plus at least a further 2 m² for each boarding room in excess of 6 boarding rooms, and</p> <p>(ii) minimum dimensions of 3 m for each communal living area.</p> <p>c) Co-living housing developments shall also provide an appropriate workspace for the manager, either within the communal living area or in a separately designated area.</p>
<p>17.2.9 Solar Access</p> <p>(a) Dwellings on adjoining properties are to receive a minimum of 3 hours sunlight in habitable rooms and in at least 50% of the private open space between 9:00am and 3:00pm on 21 June.</p> <p>(b) Where existing adjoining development currently receives less sunlight than this requirement, this should not be unreasonably reduced. In order to demonstrate what can be achieved, shadow diagrams may be required with the development application.</p>	<p>Clauses 24 (2)(e) and 69 (2) (c) of the Housing SEPP only provides following 'solar access' requirements for boarding houses:-</p> <p>at least 3 hours of direct solar access provided between 9am and 3pm at mid-winter in at least 1 communal living area</p>	<p>Amend clause 17.2.9 (a) in accordance with Clauses 24 and 69 of the Housing SEPP by including the new 'Solar Access' provision, followed by the existing controls which will now be included as clauses 17.2.9 (b) and (c).</p> <p>Clause 17.2.9 (a) will be amended to read:</p> <p>a) A minimum 3 hours of direct solar access shall be provided into at least one (1) of the proposed communal living areas between 9:00am and 3:00pm on 21 June.</p> <p>b) Dwellings on adjoining properties are to receive a</p>

		<p>minimum of 3 hours sunlight in habitable rooms and in at least 50% of the private open space between 9:00 am and 3:00 pm on 21 June.</p> <p>c) Where existing adjoining development currently receives less sunlight than this requirement, this should not be unreasonably reduced. In order to demonstrate what can be achieved, shadow diagrams may be required with the development application.</p>
<p>17.2.10 Site Services boarding houses</p> <p>(a) The location, design and construction of utility services shall satisfy requirements of the relevant servicing authority and Council.</p> <p>(b) Adequate provision shall be made available for all essential services (i.e. water, sewerage, electricity, gas, telephone, internet and stormwater drainage).</p> <p>(c) All site services shall be placed underground.</p> <p>(d) All communication dishes, antennae and the like shall be located to minimise visual prominence.</p>	<p>There are no provisions in the Housing SEPP which specify a requirement for any of the same services to be implemented on site when constructing a new boarding house development.</p>	<p>Retain clause 17.2.10 of the SCDCP as the provision of appropriate site services for boarding houses and co-living housing still remain mandatory infrastructure requirements for both land uses.</p>
<p>17.2.11 Visual Privacy</p> <p>a) No window of a habitable room or balcony shall directly face a window of</p>	<p>As there are no specific 'Visual Privacy' provisions in the Housing SEPP for boarding house or co-living</p>	<p>Retain clause 17.2.11 of the SCDCP as the existing controls are still considered applicable to ensure that the visual privacy</p>

<p>another habitable room, balcony or private open space of another dwelling located within 6 m of the proposed window or balcony unless appropriately screened.</p> <p>b) Notwithstanding Clause 3.4.3.any window of a living room located on an upper level shall:</p> <ul style="list-style-type: none"> i) be offset by 2 m to limit views between windows and balconies; or ii) have a sill height 1.7 m above the floor level; or iii) be splayed to avoid direct views between windows; or iv) have fixed translucent glazing in any part of the window within 1.7 m of the floor level. <p>c) Notwithstanding 17.2.11 a), a balcony will only be considered where the private open space area of any adjacent dwelling is screened from view.</p>	<p>housing developments.</p>	<p>of residents on adjoining sites continues to be protected from any future 'boarding house' and/or 'co-living housing' developments proposed next door.</p>
<p>17.2.12 Signage</p> <p>a) Signage shall be limited to a maximum of one sign per building, detailing only the name and address of the premises and contact details of the managing agent.</p> <p>b) Signage must be affixed</p>	<p>There is no provision in the Housing SEPP which regulates the size or use of any signage on boarding house sites.</p>	<p>Retain clause 17.2.12 of the SCDCP as the existing signage provisions are still necessary to ensure and regulate the wording and size of any advertising signage proposed on future boarding house or co-living housing sites.</p>

<p>to the front elevation and not to the fence.</p> <p>c) The sign shall have a maximum area of 0.25 m² and a maximum height of 0.5 m.</p> <p>d) Signage shall be non-illuminated.</p>		
<p>17.2.12 Private Open Space</p> <p>a) A minimum of one communal private open space area of 20 m² with a minimum dimension in each direction of 3 m shall to be provided for use by lodgers.</p> <p>b) Where the boarding house is not within walking distance (400 m) to a public park the communal private open space shall have a minimum area of 30 m² with a minimum dimension in each direction of 3 m².</p> <p>c) The area of the communal private open space shall be directly adjacent to, and accessible from, the main indoor communal living area.</p>	<p>Clauses 25(2)(h) and 68(2)(b) of the Housing SEPP respectively provides the following 'communal open space' requirements for any new boarding house and co-living housing development:</p> <p>(i) communal open spaces</p> <p>(i) with a total area of at least 20% of the site area, and</p> <p>(ii) each with minimum dimensions of 3 m.</p>	<p>Amend 17.2.12 a) of the SCDCP by deleting "20 m²" and inserting "...with a total area of at least 20% of the site area" so this provision aligns with clauses 25(2)(b) and 68(2)(b) of the Housing SEPP.</p> <p>Clause 17.2.12 a) will be amended to read:</p> <p>a) A minimum of one (non-fragmented) communal private open space area shall be provided for use by all lodgers which is at least 20% of the total site area in size, with a minimum dimension in each direction of 3 m.</p> <p>b) Where the boarding house or 'co-living housing' development is not within walking distance (400 m) to a public park the communal private open space shall have a minimum area of 30 m² with a minimum dimension in each direction of 3 m.</p> <p>c) The area of the communal private open space shall be directly adjacent to, and accessible from, the main indoor communal living area.</p>
The existing 'Note' on page	Clauses 24(2)(i) and 68(2)	The 'Note' which stipulates the

<p>346 of the SCDCP which provides the required car parking rates for boarding houses in Part 17.</p>	<p>(e) of the Housing SEPP states that if a relevant planning instrument (RPI) does not specify a requirement for a lower number of parking spaces, the following rates shall apply:</p> <ul style="list-style-type: none"> (i) for development on land within an accessible area—0.2 parking spaces for each boarding room, (ii) otherwise, a minimum of 0.5 are to be provided for each room. <p>Further, clauses 25 (2)(d) and 69 (2)(d) also requires a minimum of 1 motorcycle parking space be provided for every 5 boarding house or co-living housing rooms while clauses 25 (2)(e) and 69 (1)(h) requires “adequate bicycle and motorcycle parking spaces” are made available to serve those residents living in these types of affordable rental housing.</p>	<p>existing car parking rates for boarding houses on page 346 of the SCDCP indicates that the 0.4 space requirement for each boarding or co-living housing room not located in a defined ‘accessible’ area’ is lower than the 0.5 space required in clauses 24 the Housing SEPP for the same thing.</p> <p>With this being the case, the existing car parking rates nominated in Part 17 of the SCDCP (or RPI) for boarding houses will be retained and applied as future requirements for ‘co-living housing’ development.</p> <p>Similarly with the Housing SEPP’s controls for motorcycles and bicycles that are also identical to those which already exist in the same ‘Note’.</p> <p>This ‘Note’ will now be amended to include ‘co-living housing’ in addition to removing all references to the repealed ‘State Environmental Planning Policy Affordable Rental Housing SEPP 2009’ (ARH SEPP) and replacing with the Housing SEPP 2021.</p>
<p>17.3.1 Car Parking Design Requirements</p> <ul style="list-style-type: none"> i) Car parking areas shall be setback a minimum of 3 m from the front boundary and any secondary boundary. ii) Off street parking and loading shall be designed in accordance with Australian Standards 	<p>There are no specific provisions in the Housing SEPP which regulates the car parking design requirements for ‘boarding houses’ or ‘co-living housing’.</p>	<p>Retain clause 17.3.1 of the SCDCP as the existing car parking design controls are still considered applicable to ensure there is sufficient quantifiable area available on site to fulfil these vehicular access requirements for both land uses.</p> <p>Clause 17.3.1 d) will be amended to include ‘co-living housing’</p>

<p>2890 (as amended), except as otherwise provided by this Plan.</p> <p>iii) No required car parking space shall be designed in a stacked configuration.</p> <p>iv) A boarding house shall have a maximum of one ingress and one egress driveway.</p> <p>v) The minimum width of a driveway serving a boarding house shall be 3 m.</p> <p>vi) Driveways shall :</p> <p style="padding-left: 40px;">i) be located a minimum distance of 6 m from the tangent point of any unsignalled intersection; and</p> <p style="padding-left: 40px;">ii) be sealed.</p> <p>Note: In circumstances where an intersection is controlled by lights, a roundabout or the like, applicants are requested to contact Council for specific requirements, as the location of the driveway may vary.</p> <p>vii) Sufficient space shall be provided on site so that no vehicle shall be required to make more than a three-point turn to exit the site in a forward direction.</p> <p>viii) All car parking spaces shall be line marked and delineated with</p>		<p>and read:</p> <p>d) A 'boarding house' or 'co-living housing' development shall have a maximum of one ingress and one egress driveway.</p>
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<p>appropriate signage and pavement marking.</p> <p>ix) Car parking areas shall be designed and sized so that only one three-point turn is required for exiting/entering the site in a forward direction.</p>		
<p>17.3.2 Access for People with Disabilities Design Requirements</p> <p>a) boarding houses shall comply with the minimum access requirements contained within the BCA and Australian Standard 1428 – Design for Access and Mobility (as amended).</p>	<p>There are no accessibility requirements specified for 'boarding houses' in the Housing SEPP</p>	<p>Retain clause 17.3.2 of the SCDCP as the existing accessibility provisions for all 'boarding house' and 'co-living housing' developments remain mandatory requirements for both land uses.</p>
<p>17.4 Landscaping - Design Requirements</p> <p>a) Landscaping shall be provided to a minimum of:</p> <ul style="list-style-type: none"> i) 3 m wide strip along the primary and secondary street frontage (other than vehicle driveways); and ii) 1.5 m wide strip along the full width of the rear setbacks. <p>b) Native mature trees on site shall be retained.</p> <p>c) Car parking areas located in the front building setbacks must be screened by appropriate hedging plant species at suitable spacing.</p> <p>d) Development</p>	<p>Clause 24 (2)(c) & (d); and of the Housing SEPP, which state that:</p> <ul style="list-style-type: none"> (c) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument (RPI). (d) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument (RPI). 	<p>Retain existing clauses 17.4 a), b) and c) of the SCDCP (RPI) but amend 17.4 d) to include 'co-living housing' as the other landscaping controls specified in these provisions are identical those already highlighted in clause 3.7.2.9 which provides the landscaping and deep soil planting requirements for any 'multi dwelling housing' development proposed in the R3 zone.</p> <p>As there are no specific "minimum landscaping requirements for residential flat buildings" in Part 5 (Residential Flat Building and Mixed-Use Development) of the SCDCP (or RPI), the same landscaping controls for 'multi dwelling housing' in the R3 zone will be adopted which also requires any 'boarding house' or 'co-living housing' development</p>

<p>applications for boarding houses shall include a Landscape Plan and report, prepared by a suitably qualified consultant, that addresses the following: species, location and mature height of proposed planting;</p> <ul style="list-style-type: none"> i) a detailed landscape design plan including the proposed driveway areas and fencing height/materials; ii) a minimum of 20% of the total site area shall be available for deep soil planting; and iii) no more than 30% of the area forward of any building line shall be surfaced with impervious materials. 		<p>proposed in the R4 zone to demonstrate full compliance with these provisions.</p>
<p>17.5 Waste Management</p> <p>a) Boarding houses shall make provision for waste storage, allocated behind the primary and secondary setbacks and out of public view. Provision shall be made for the following rates of waste generation:</p> <ul style="list-style-type: none"> i) Garbage: 1 x 240-litre bin for every 3 boarding rooms per week if bins are to be used on a shared basis, or 1 x 140-litre 	<p>There are no 'Waste Management' controls for 'boarding houses' in the Housing SEPP so the existing provisions specified in Clause 17.5 of the SCDCP will prevail.</p>	<p>Retain clause 17.5 of the SCDCP to ensure appropriate management facilities continue to be provided for the adequate storage and collection of all waste generated by these land uses in addition to amending clauses 17.5.1 a), b) and d) by including 'co-living housing'.</p> <p>Clauses 17.5.1 a), b) and d) will be amended to read:</p> <p>17.5.1 Boarding Housing, Co-Living Housing and Waste Management</p> <p>a) 'Boarding house' and 'co-living housing' developments shall make</p>

<p>bin for every boarding room per week if bins are to be allocated to individual boarding rooms;</p> <p>ii) Recyclables: 1 x 240-litre bin for every 3 boarding rooms per fortnight if bins are to be used on a shared basis, or 1 x 240-litre bin for every boarding room per fortnight if bins are to be allocated to individual boarding rooms.</p> <p>b) All boarding house developments shall make provision for an appropriately sized waste/recycling bin storage facility that is centrally located and provides convenient access for occupants and collection contractors. Such storage shall:</p> <p>i) provide for storage of a sufficient number of bins, as outlined under Section 17.5.1 a) above;</p> <p>ii) be no more than 30 m from the collection point;</p> <p>iii) be covered;</p> <p>iv) contain a hose</p>		<p>provision for waste storage, allocated behind the primary and secondary setbacks and out of public view. Provision shall be made for the following rates of waste generation:</p> <p>i) Garbage: 1 x 240-litre bin for every 3 boarding house/co-living housing rooms per week if bins are to be used on a shared basis, or 1 x 140-litre bin for every boarding / co-living housing room per week if bins are to be allocated to individual boarding / co-living housing rooms.</p> <p>ii) Recyclables: 1 x 240-litre bin for every 3 boarding / co-living housing rooms per fortnight if bins are to be used on a shared basis, or 1 x 240-litre bin for every boarding house or co-living housing room per fortnight if bins are to be allocated to individual boarding rooms.</p> <p>b) All boarding house/co-living housing developments shall make provision for an appropriately sized waste/recycling bin storage facility that is centrally located and provides convenient access for occupants and collection</p>
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<p>connection;</p> <p>v) have an impervious floor that is connected to the sewer; and</p> <p>vi) incorporate design and construction (including colours, materials and finishes) that complement the development.</p> <p>c) The bin storage facility shall have sufficient capacity to allow for:</p> <p>i) Access, manoeuvring, cleaning and maintaining all bins by providing an extra 30% of the footprint of each waste container to the overall size of the storage area;</p> <p>ii) Spacing of at least 50 cm between all bins allocated for the development;</p> <p>iii) All bins to be arranged side by side within the bin storage room (no stacking);</p> <p>iv) A minimum 1.5 m aisle between rows of bins to minimise potential obstructions; and</p> <p>v) Future modifications</p>		<p>contractors; and</p> <p>d) The communal waste / recycling bin storage facility shall not be located in such a place that requires any bins to be transported through any habitable part of the boarding house or co-living housing development to reach the collection point.</p>
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<p>of services, bin sizes and/or configurations by minimising the installation of fixed structures within bin storage areas. d)</p> <p>d) The communal waste/recycling bin storage facility shall not be located in such a place that requires any bins to be transported through any habitable part of the boarding house to reach the collection point.</p> <p>e) All bins located within the waste/recycling bin storage facility shall be presented to the kerbside for collection by a site manager, no earlier than the evening prior to scheduled collection and returned directly to the communal bin storage area within four hours of collection.</p> <p>f) Any development containing 20 or more bedrooms, and/or when the number of bins proposed cannot be accommodated within 50% of the development's frontage width on collection day, the development shall be designed to accommodate forward-in, forward-out, and drive-on vehicular collection for on-site servicing by a heavy rigid</p>		
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<p>vehicle. For the purpose of calculating the minimum area behind the kerb and gutter required for bin placement, each bin shall be provided a clear width of 1.0 m which allows for a 300 mm separation distance either side of each bin.</p> <p>g) Developments must make provision for the storage of bulky waste (kerbside clean-up) materials, ensuring that:</p> <ul style="list-style-type: none"> i) a minimum area of 10 m² per building is provided; ii) the area is secure and caged for visibility into the enclosure; iii) the area is accessible to all residents and has a minimum doorway width of 1.5 m; and iv) the area is not more than 10 m from the waste collection point. 		
<p>17.6 Management Plan</p> <p>Design Requirements</p> <p>a) A management plan shall be prepared and lodged with the Development Application for any proposed boarding house.</p>	<p>Clause 26(1)(Must be used for affordable housing in perpetuity) of the Housing SEPP also requires Council to be satisfied that any development application submitted for a boarding house must demonstrate</p>	<p>Amend clause 17.6 b) of the SCDCP by including the applicable management requirements for boarding houses in clauses 26(a) and (b) of the Housing SEPP, followed by the existing controls which have been retained as clauses</p>

<p>b) The management plan shall provide the following information:</p> <ul style="list-style-type: none"> i) 24 hour contact details of the manager / caretaker (including phone number and mobile phone number); ii) proposed staffing arrangements during the daytime and at night time; iii) proposed measures to control any potential noise or amenity impacts within the building and upon the surrounding locality; iv) proposed safety and security measures to be employed within the boarding house including prominent display boards within the building containing emergency telephone numbers and other essential telephone numbers; v) proposed management practices to prevent the use of outdoor common open space areas between 10.00pm and 7.00am.; and 	<p>that:</p> <p>“(1) Development consent must not be granted under this Division unless the consent authority is satisfied that from the date of the issue of the occupation certificate and continuing in perpetuity—</p> <ul style="list-style-type: none"> a) the boarding house will be used for affordable housing, and b) the boarding house will be managed by a registered community housing provider” 	<p>17.6 b) iii) to viii).</p> <p>Clauses 17.6 b) i) and ii) of the SCDCP will be amended to read:</p> <p>b) The management plan shall provide the following information:</p> <ul style="list-style-type: none"> i) A written statement confirming that the boarding house will always be used in perpetuity as ‘affordable housing’; ii) Written details of the registered community housing provider that will manage the day-to-day operations of the completed boarding house;
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vi) professional cleaning and vermin control arrangements for at a minimum, the shared facilities, such as kitchens, bathrooms, laundries and indoor and outdoor common areas.		
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Conclusion

It is good practice to regularly review and update the Campbelltown (Sustainable City) Development Control Plan 2015 to identify ways to make sure that controls are encouraging good development and clearly explain Council's expectations for development.

As the Housing SEPP's development controls for 'boarding house' and 'co-living housing' development appear to be identical, it is also proposed to amend Part 17 by introducing new 'co-living housing' provisions which reflect the same requirements nominated in Chapter 3 (Diverse housing), Part 3 (Co-living housing) of the SEPP for this land use.

It is recommended that the Draft Amendment No.19 to the Campbelltown (Sustainable City) Development Control Plan 2015 be publicly exhibited for a period of 28 days consistent with Council's Community Participation Plan. This exhibition will be consistent with the requirements of the *Environmental Planning and Assessment Act 1979* and the Environmental Planning and Assessment Regulation 2000. It is also proposed to consult with Endeavour Energy, in respect to section a) of this report, during the public exhibition period.

Following public exhibition it is proposed to report back to Council if there have been any submissions on Draft Amendment No.19 to the Campbelltown (Sustainable City) Development Control Plan 2015. If there are no submissions during the public exhibition period, it is recommended that this report not be required and the amendment to the Campbelltown (Sustainable City) Development Control Plan 2015 be notified and made in accordance with legislative requirements. Should this be the case, Councillors will be advised of the date of adoption of this amendment by way of a Councillors Weekly Bulletin.

Attachments

8.7.1 Part 17 Boarding Houses - Amendment No.19 (contained within this report) [↓](#)

Part 17

Boarding Houses and Co-Living Housing

DRAFT

17.1 Application

17.1

Application

This Part of the Plan sets out development controls relating to boarding house **and co-living housing** including newly proposed boarding houses **and co-living housing** or the conversion or adaptation of an existing building **to either of these land uses** within the Campbelltown LGA.

Note:

All boarding house **and co-living housing developments** shall be subject to annual fire safety and compliance inspections by Council.

The Boarding House Act 2012 (BH Act) sets out registration requirements and occupancy principles for 'registrable boarding houses' (as defined under the BH Act) to ensure delivery of quality accommodation services and protection of the wellbeing and living amenity of residents.

The BH Act is available for view the NSW legislation website at:

www.legislation.nsw.gov.au

Note:

This Part shall be read in conjunction with the provisions of the **State Environmental Planning Policy (Housing) 2021 (Housing SEPP)**.

Building Code of Australia

Boarding houses may be classified as Class 1b or Class 3 under the BCA, depending on the number of residents. Class 3 buildings are subject to more stringent fire safety requirements. For further information refer to the BCA.

Note:

Under the CLEP, and the ARH SEPP boarding houses are permissible within the following zones:

- **R2 Low Density Residential;**
- R3 Medium Density Residential;
- R4 High Density Residential;
- B1 Neighbourhood Centre
- B2 Local Centre; and
- B4 Mixed Use;



Fig 17.1 A boarding house in Campbelltown

17.2

General Requirements for Boarding Houses and Co-Living Housing

17.2 General Requirements for Boarding Houses and Co-Living Housing

Objectives:

- Ensure that boarding house and co-living housing developments are of high quality design and consistent with the desired future character of the locality;
- Ensure that boarding houses and co-living housing developments do not adversely impact on the residential amenity of adjoining residents.
- Provide appropriate levels of amenity (internal and external) for residents within boarding houses and co-living housing.
- Ensure that boarding house and co-living housing developments are designed to provide sufficient communal facilities for the occupants in terms of communal indoor and outdoor areas, kitchen and laundry facilities.

17.2.1 Site and Size Requirements

- a) ~~Boarding houses located within low density residential areas shall only be located on sites with a minimum area of 700sqm and a road frontage of 15 metres.~~
- a) Boarding houses located within land zoned R2 Low Density Residential zone under the CELP or land zoned Zone 2(b) Residential B Zone under LEP 2002 shall have a maximum of 12 boarding rooms.
- b) Any sites proposing the construction of a boarding house or co-living housing development must have a minimum road frontage of 15 metres and a minimum site area which meets the following requirements, for both land uses, in the R3 (Medium Density) and R4 (High Density) zones: -
 - i) R3 - Minimum lot size of 800 sqm;
 - ii) R4 - Minimum lot size of 1,200 sqm.
- c) No boarding house or co-living housing development is permitted to be erected on a battle-axe allotment.
- d) No boarding house or co-living housing development shall be permitted on properties where any part of the allotment is within 50 metres of the

Note

For the purpose of this Part:

Low and medium density residential areas shall be taken to mean any land zoned R2 Low Density Residential, R3 Medium Density Residential, under the CLEP, or where relevant, any land zoned Zone 2(b) Residential B Zone under LEP 2002.

High density residential areas shall be taken to mean any land zoned R4 High Density Residential under the CLEP, or where relevant any land where residential apartment buildings are permissible under LEP 2002.

Local and neighbourhood centres shall be taken to mean any land zoned B1 Neighbourhood Centre or B2 Local Centre under the CLEP or where relevant areas zoned Zone 3(c) Neighbourhood Business Zone under LEP 2002.

Mixed use areas shall be taken to mean any land zoned B4 Mixed Use under the CLEP, or where relevant areas zoned Zone 10 (a) Regional Comprehensive Centre Zone under LEP 2002.

commencement of the head of a cul-de-sac to which vehicular access to the site is obtained.

- e) No Boarding house or 'co-living housing' development shall be permitted on any streets/roads etc. that are unable provide on-street parking.
- f) Boarding houses or 'co-living housing' development within local, neighbourhood centres and mixed use areas are not permitted to be located at the ground floor level.

17.2.2 Streetscape

Design Requirements

Development consent will not be granted to any new 'boarding house' and /or 'co-living housing' development unless Council is satisfied that: -

- a) the design of the 'boarding house' or 'co-living housing' development will be compatible with -
 - i) the desirable elements of the character of the local area, or
 - ii) for precincts undergoing transition—the desired future character of the precinct.
- b) The design of new purpose built buildings (including facade treatments, building massing, roof design and entrance features, setbacks and landscaping) shall complement the scale of the surrounding development. ~~and the desired character of the locality.~~
- c) New buildings on corner sites shall incorporate facade treatments that address both street frontages and achieve positive articulation in building design.
- d) Clothes lines and air conditioning units shall be screened and not visible by the public when viewed from a

Boarding Houses (as defined under the CLEP) means a building that:

- i) is wholly or partly let in lodgings, and
- ii) provides lodgers with a principal place of residence for 3 months or more, and
- iii) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- iv) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

17.2 General Requirements for Boarding Houses and Co-Living Housing

17.2

General Requirements for Boarding Houses and Co-Living Housing

public area.

17.2.3 Setbacks - Low and medium density Residential Areas

- a) All boarding house and co-housing living developments shall be set back a minimum of:
 - i) 5.5 metres from the primary street boundary;
 - ii) 3 metres from the secondary street boundary;
 - iii) 0.9 metres from any side boundary at the ground level;
 - iv) 1.5 metres from any side boundary for all levels above the ground level;
 - v) 5 metres from the rear boundary at the ground level; and
 - vi) 10 metres from the rear boundary for all levels above ground level within land zoned Zone 2(b) Residential B Zone under LEP 2002 or land zoned R2 under the CLEP.
 - vii) 6.5 metres from the rear boundary for all levels above ground level within land zoned R3 under the CLEP.
- b) Notwithstanding 17.2.3 a) i) and ii), any garage shall be setback a minimum of 6 metres from any street boundary.
- c) Any 'boarding house' or 'co-living housing' development which is constructed to at least 3 storeys in height must demonstrate compliance with the minimum building separation distances specified in the Department of Planning and Environment's 'Apartment Design Guide'.

17.2.4 Setbacks - (High density residential areas)

- a) Boarding house and co-living housing developments within high density residential areas shall be setback a minimum of:
 - i) 5.5 metres from any street boundary; and
 - ii) 6 metres from any other boundary.

17.2.5 Setbacks - (Local and neighbourhood centres)

- a) Boarding house and co-living housing developments located on land within neighbourhood and local centres shall be setback a minimum of:
- i) 3 metres from the primary street boundary;
 - ii) 3 metres from the secondary street boundary;
 - iii) 3 metres from any side boundary where it adjoins residential properties or public open space;
 - iv) 0.9 metres from the side boundary in any other case;
 - v) 6 metres from the rear boundary where it adjoins residential properties or public open space;
 - vi) 3 metres from the rear boundary in any other case.
- b) Despite clause 17.2.5 a) iv) above, boarding house and co-living housing developments shall be permitted to be built on the side boundary where in Council's opinion the proposed development is considered as a continuation of an adjacent development within the same section of the streetscape.
- c) Despite clause 17.2.5 a) vi), reduced rear setbacks shall be considered on merits.

17.2.6 Setbacks - (Mixed Use areas)

- a) Boarding house or co-living development within mixed use areas shall be setback a minimum of:
- i) zero metres from any street boundary; and
 - ii) 6 metres from any other boundary.

17.2.7 Shared facilities

Development consent will not be granted unless Council is satisfied that: -

- a) No 'boarding house' or 'co-living housing' room shall be occupied by more than 2 adults or have a gross floor area, excluding an area,

17.2

General Requirements for Boarding Houses and Co-Living Housing

17.2

General Requirements for Boarding Houses and Co-Living Housing

- if any, used for the purposes of private kitchen or bathroom facilities, which does not exceed more than 25m² and is not less than—
- i) 12sqm for a private room intended to be used by a single occupant, or
 - ii) otherwise— 16sqm
- b) Adequate bathroom, kitchen and laundry facilities shall be provided within the ‘boarding house’ or ‘co-living housing’ development for the use of each resident, in the following manner.
- c) Where shared bathroom facilities are proposed, they shall be provided at the following rates:
- i) A minimum of 1 bath or shower for each 10 occupants or part thereof;and
 - ii) in addition, one accessible toilet and one accessible shower where the number of residents exceeds 5 or more;and
 - iii) a closet pan and a washbasin with hot and cold running water for each toilet provided; and
- d) Where the number of residents is 5 or less, the common toilet/shower shall also be accessible for people with disabilities.
- e) Toilets shall be able to be accessed separately from the shower, so that toilet and the shower may be used by two separate people at the same time.
- f) Where communal kitchen facilities are proposed, they shall be provided at the following rates:
- i) a minimum area of 8sqm for up to 10 occupants and 1sqm additional area for every 2 occupants thereof.
- g) Laundry and clothes drying facilities are to be provided at a rate of:
- i) 1 washing machine and washing tub for every 10 occupants or part thereof; plus
 - ii) 1 clothes dryer for every 10 occupants or part thereof and;

- iii) 1 fixed clothesline of at least 30 metres for every 10 occupants or part thereof.

17.2.8 Indoor Communal living areas

- a) ~~Indoor communal living areas shall be provided with a minimum dimension of 3 metres and a minimum total area of 20 square metres or 1.2 square metres/resident, whichever is greater.~~
- a) Indoor communal living areas for a boarding house or co-living housing development containing 6 boarding rooms shall be -
 - i) a total of at least 30sqm of communal living area, and
 - ii) minimum dimensions of 3m for each communal living area,
- b) Indoor communal living areas for a boarding house or co-living housing development containing more than 6 boarding rooms shall be-
 - i) a total of at least 30sqm of communal living area plus at least a further 2sqm for each boarding room in excess of 6 boarding rooms, and
 - ii) minimum dimensions of 3m for each communal living area.
- c) Co-living housing developments shall also provide an appropriate workspace for the manager, either within the communal living area or in a separately designated area.

17.2.9 Solar Access

- a) A minimum 3 hours of direct solar access shall be provided into at least one (1) of the proposed communal living areas between 9:00am and 3:00pm on 21 June.
- b) Dwellings on adjoining properties are to receive a minimum of 3 hours sunlight in habitable rooms and in at least 50% of the private open space between 9:00am and 3:00pm on 21 June. a) A minimum 3 hours of direct solar access shall be provided into at least one (1) of the proposed communal living areas between 9:00am and 3:00pm on 21 June.

17.2

General Requirements for Boarding Houses and Co-Living Housing

17.2

General Requirements for Boarding Houses and Co-Living Housing

- c) Where existing adjoining development currently receives less sunlight than this requirement, this should not be unreasonably reduced. In order to demonstrate what can be achieved, shadow diagrams may be required with the development application.

17.2.10 Site Services Boarding Houses and Co-Living Housing

- a) The location, design and construction of utility services shall satisfy requirements of the relevant servicing authority and Council.
- b) Adequate provision shall be made available for all essential services (i.e water, sewerage, electricity, gas, telephone, internet and stormwater drainage).
- c) All site services shall be placed underground.
- d) All communication dishes, antennae and the like shall be located to minimise visual prominence.

17.2.11 Visual Privacy

- a) No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private open space of another dwelling located within 6 metres of the proposed window or balcony unless appropriately screened.
- b) Notwithstanding Clause 3.4.3.2 a) any window of a living room located on an upper level shall:
 - i) be offset by 2 metres to limit views between windows and balconies; or
 - ii) have a sill height 1.7 metres above the floor level; or
 - iii) be splayed to avoid direct views between windows; or
 - iv) have fixed translucent glazing in any part of the window within 1.7 metres of the floor level.
- c) Notwithstanding 17.2.11 a), a balcony will only be considered where the private open space area of any adjacent dwelling is screened

from view.

17.2.12 Signage

- a) Signage shall be limited to a maximum of 1 sign per building, detailing only the name and address of the premises and contact details of the managing agent.
- b) Signage must be affixed to the front elevation and not to the fence.
- c) The sign shall have a maximum area of 0.25sqm and a maximum height of 0.5 metres.
- d) Signage shall be non-illuminated.

17.2.12 Private Open Space

- a) A minimum of one communal private open space area shall be provided for use by all lodgers which is at least 20% of the total site area in size, with a minimum dimension in each direction of 3m.
- b) A minimum of one communal private open space area of 20 m² with a minimum dimension in each direction of 3 m shall to be provided for use by lodgers.
- c) Where the boarding house or co-living housing development is not within walking distance (400 m) to a public park the communal private open space shall have a minimum area of 30 m² with a minimum dimension in each direction of 3 m².
- d) The area of the communal private open space shall be directly adjacent to, and accessible from, the main indoor communal living area.

17.2

General Requirements for Boarding Houses and Co-Living Housing

17.3

Car Parking and Access

17.3 Car Parking and Access

Objectives:

- Ensure that the location and design of driveways and parking areas, waste access and collection areas are practical, easily maintained, convenient, safe and suitably landscaped.
- Ensure that the surrounding street network and intersections continue to operate safely and effectively.
- Minimise parking arising from boarding houses on local streets.

17.3.1 Car Parking

Design Requirements

- a) Car parking areas shall be setback a minimum of 3 metres from the front boundary and any secondary boundary.
- b) Off street parking and loading shall be designed in accordance with *Australian Standards 2890 (as amended)*, except as otherwise provided by this Plan.
- c) No required car parking space shall be designed in a stacked configuration.
- d) A boarding house or co-living housing development shall have a maximum of one ingress and one egress driveway.
- e) The minimum width of a driveway serving a boarding house shall be 3 metres.
- f) Driveways shall :
 - i) be located a minimum distance of 6 metres from the tangent point of any unsignalled intersection; and
 - ii) be sealed.

Note: In circumstances where an intersection is controlled by lights, a roundabout or the like, applicants are requested to contact Council for specific requirements, as the location

Note:

Clauses 24 (2) (i) and 68 (2) (e) of the Housing SEPP states that the following on-site car parking rates shall respectively apply for any proposed boarding house or co-living housing development : -

(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and

(ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and

(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,'.

Additionally, clauses 25 (2) (d) and 69 (2) (d) of the Housing SEPP states that:

‘(d) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms or co-living housing rooms’.

Please note: Car parking requirements for boarding houses except where provided by a social housing provider is 0.5 spaces per bedroom in all locations.

of the driveway may vary.

- g) Sufficient space shall be provided on site so that no vehicle shall be required to make more than a three-point turn to exit the site in a forward direction.
- h) All car parking spaces shall be line marked and delineated with appropriate signage and pavement marking.
- i) Car parking areas shall be designed and sized so that only one three-point turn is required for exiting/entering the site in a forward direction.

17.3.2 Access for People with Disabilities

Design Requirements

- a) Boarding houses and co-living housing developments shall comply with the minimum access requirements contained within the BCA and *Australian Standard 1428 - Design for Access and Mobility* (as amended).

17.3

Car Parking and Access

17.4

Landscaping

17.4 Landscaping

Objectives:

- To encourage the planting of native and low water consumption plants and trees.
- To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, while maintaining opportunities for passive surveillance.

Design Requirements

- a) Landscaping shall be provided to a minimum of a:
 - i) 3 metre wide strip along the primary and secondary street frontage (other than vehicle driveways); and
 - ii) 1.5 metre wide strip along the full width of the rear setbacks.
- b) Native mature trees on site shall be retained.
- c) Car parking areas located in the front building setbacks must be screened by appropriate hedging plant species at suitable spacing.
- d) Development applications for boarding houses and co-living housing shall include a Landscape Plan and report, prepared by a suitably qualified consultant, that addresses the following: species, location and mature height of proposed planting;
 - i) a detailed landscape design plan including the proposed driveway areas and fencing height/materials;
 - ii) a minimum of 20 per cent of the total site area shall be available for deep soil planting; and
 - iii) no more than 30 per cent of the area forward of any building line shall be surfaced with impervious materials.

17.5 Waste Management

17.5

Waste Management

Objectives:

- Ensure that appropriate facilities are provided for the storage and collection of waste generated by boarding houses and co-living housing developments.

17.5.1 Boarding Houses, Co-Living Housing and Waste Management

- a) Boarding house' and 'co-living housing' developments shall make provision for waste storage, allocated behind the primary and secondary setbacks and out of public view. Provision shall be made for the following rates of waste generation:
- Garbage: 1 x 240-litre bin for every 3 boarding house/co-living housing rooms per week if bins are to be used on a shared basis, or 1 x 140-litre bin for every boarding / co-living housing room per week if bins are to be allocated to individual boarding / co-living housing rooms.
 - Recyclables: 1 x 240-litre bin for every 3 boarding / co-living housing rooms per fortnight if bins are to be used on a shared basis, or 1 x 240-litre bin for every boarding house or co-living housing room per fortnight if bins are to be allocated to individual boarding rooms.
- b) All boarding house and co-living housing developments shall make provision for an appropriately sized waste/recycling bin storage facility that is centrally located and provides convenient access for occupants and collection contractors:
- provide for storage of a sufficient number of bins, as outlined under Section 17.5.1 a) above;
 - be no more than 30 metres from the collection point;

Note:

Refer to Section 2.15 of Part 2 of Volume 1 for additional requirements on Waste Management.

17.5

Waste Management

- iii) be covered;
 - iv) contain a hose connection;
 - v) have an impervious floor that is connected to the sewer; and
 - vi) incorporate design and construction (including colours, materials and finishes) that complement the development.
- c) The bin storage facility shall have sufficient capacity to allow for:
- i) Access, manoeuvring, cleaning and maintaining all bins by providing an extra 30% of the footprint of each waste container to the overall size of the storage area;
 - ii) Spacing of at least 50cm between all bins allocated for the development;
 - iii) All bins to be arranged side by side within the bin storage room (no stacking);
 - iv) A minimum 1.5m aisle between rows of bins to minimise potential obstructions; and
 - v) Future modifications of services, bin sizes and/or configurations by minimising the installation of fixed structures within bin storage areas.
- d) The communal waste/recycling bin storage facility shall not be located in such a place that requires any bins to be transported through any habitable part of the boarding house or co-living housing development to reach the collection point.
- e) All bins located within waste/recycling bin storage facility shall be presented to the kerbside for collection by a site manager, no earlier than the evening prior to scheduled collection and returned directly to the communal bin storage area within four hours of collection.
- f) Any development containing 20 or

17.5

Waste Management

more bedrooms , and/or when the number of bins proposed cannot be accommodated within 50% of the development's frontage width on collection day, the development shall be designed to accommodate forward-in, forward-out, drive-on vehicular collection for on-site servicing by a heavy rigid vehicle. For the purpose of calculating the minimum area behind the kerb and gutter required for bin placement, each bin shall be provided a clear width of 1.0 metre which allows for a 300mm separation distance either side of each bin.

- g) Developments must make provision for the storage of bulky waste (kerbside clean-up) materials, ensuring that:
 - i) a minimum area of ten (10) square metres per building is provided;
 - ii) the area is secure and caged for visibility into the enclosure;
 - iii) the area is accessible to all residents and has a minimum doorway width of 1.5m; and
 - iv) the area is not more than ten (10) metres from the waste collection point.

17.6

Management Plan

17.6 Management Plan

Objectives:

- Ensure that boarding houses maintain the residential amenity of adjoining neighbours.
- Ensure that the residents of boarding houses are provided with a satisfactory level of residential amenity.

Design Requirements

- a) A management plan shall be prepared and lodged with the Development Application for any proposed Boarding House or Co-Living Housing development.
- b) The management plan shall provide the following information:
 - i) A written statement confirming that the boarding house will always be used in perpetuity as 'affordable housing';
 - ii) Written details of the registered community housing provider that will manage the day-to-day operations of the completed boarding house;
 - iii) 24 hour contact details of the manager / caretaker (including phone number and mobile phone number);
 - iii) proposed staffing arrangements during the daytime and at night-time;
 - iv) proposed measures to control any potential noise or amenity impacts within the building and upon the surrounding locality;
 - v) proposed safety and security measures to be employed within the boarding house including prominent display boards within the building containing emergency telephone numbers and other essential telephone numbers;

Note:

All boarding houses shall be subject to annual fire safety and compliance inspections by Council.

The Boarding House Act 2012 (BH Act) sets out registration requirements and occupancy principles for 'registrable boarding houses' (as defined under the Act) to ensure delivery of quality accommodation services and protection of the wellbeing and living amenity of residents.

The BH Act is available for the NSW legislation website at:

www.legislation.nsw.gov.au

vi) proposed management practices to prevent the use of outdoor common open space areas between 10.00pm and 7.00am.; and

vii) professional cleaning and vermin control arrangements for at a minimum, the shared facilities, such as kitchens, bathrooms, laundries and indoor and outdoor common areas.

17.6

Management Plan

8.8 Significant Development Applications

Reporting Officer

Director City Development
City Development

Community Strategic Plan

Objective	Strategy
2 Places For People	2.3.1 Ensure all people in Campbelltown have access to safe, secure, and affordable housing

Delivery Program

Principal Activity
2.3.1.2 Lead and build partnerships to achieve diverse and affordable housing options

Officer's Recommendation

That the information be noted.

Report

Development applications received by the Council, are required to be determined by the appropriate authority in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979.

Determining authorities include but are not limited to the Campbelltown Local Planning Panel, the Sydney Western City Planning Panel, or the General Manager under delegation.

This report provides information detailing all development applications considered under the authority of entities such as the Local Planning Panel, the Sydney Western City Planning Panel, and any other non-council government authorities, as well as more significant development applications approved by the General Manager under delegation.

The table attached to this report provides a summary of those development applications that meet the above criteria.

Attachments

DAs where the authority is the Sydney Western City Planning Panel					
DA No. & Link	Address	Description	Value	Authority Criteria	Status
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	Approved with conditions at Panel's December 2022 meeting
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	Withdrawn by 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 development	\$13,914,412	>\$5 million capital investment value Crown development	Waiting on information from applicant
3944/2021/DA-CD	Goldsmith Avenue, Campbelltown	Concept master plan for a high density residential and mixed use development (to be known as Macarthur Gardens North), and construction of Stage 1 of the master plan, including roads, parks, civil works, landscaping and subdivision of the site	\$509,000,000	>\$5 million capital investment value Crown development	Approved with conditions at Panel's December 2022 meeting
2020/2022/DA-CW	245 Farrow Road, Campbelltown	Construction of a 5 storey commuter car park and associated site and landscaping works	\$19,947,199	>\$5 million capital investment value Council development	Approved with conditions at Panel's December 2022 meeting

1990/2022/DA-C	'Hurlstone Agricultural High School', Roy Watts Road, Glenfield	Demolition of existing structures and construction of a farm hub facility and new boarding facilities, and car parking	\$48,000,000	>\$5 million capital investment value Crown development	Assessment in progress
3142/2022/DA-SL	33 Riverside Drive, Airds	Construction of 31 seniors living units	\$17,664,962	>\$5 million capital investment value Crown development	Assessment in progress.
2278/2022/DA-RA	22-32 Queen Street, Campbelltown	Construction of a mixed use development incorporating five towers containing 558 apartments, commercial premises, basement car parking and associated site and landscape works	\$218,949,500	>\$30 million capital investment value, SEPP-65, SEPP-65 development	Waiting on information from applicant
4973/2022/DA-SL	Dobell Road, Claymore	Construction of 23 seniors living units	\$11,787,655	>\$5 million capital investment value Crown development	Assessment in progress.
4606/2022/DA-C	381 St Andrews Road, Varroville	Construction of further stages of education establishment and associated site works	\$16,501,917	>\$5 million capital investment value private infrastructure	Assessment in progress.
4836/2022/DA-C	57 Junction Road, Leumeah	Construction of a child care and respite centre	\$5,366,572	>\$5 million capital investment value private infrastructure	Assessment in progress
39/2023/DA-C	Willowdale Drive, Denham Court	Construction of a child care centre and subdivision into 3 lots	\$6,182,012	>\$5 million capital investment value private infrastructure	Assessment in progress

DAs where the authority is the Department of Planning

DA No. & Link	Address	Description	Value	Authority Criteria	Status
SSD-7500(Mod4)	Culverston Road, Minto	Modification to existing state significant development for warehousing and distribution facility – changes to outdoor storage, façade colours, signage and parking area.	N/A	N/A	Approved by Department of Planning

DAs where the authority is Campbelltown Local Planning Panel					
DA No. & Link	Address	Description	Value	Authority Criteria	Status
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
3190/2022/DA-RA	17-21 Tyler Street, Campbelltown	Residential apartment building containing 49 units, basement car parking and associated site and landscaping works	\$18,027,422	SEPP 65 – Residential Apartment	Assessment in progress
3720/2020/DA-O	Macquarie Fields Park, Fourth Avenue, Macquarie Fields	Construction of a mobile telecommunications tower	\$250,000	Council owned land	Approved subject to conditions at Panel's December meeting
3400/2022/DA-RA	26 – 32 Iolanthe Street, Campbelltown	Demolition of existing dwellings and construction of a residential apartment building containing 75 units and associated site and landscaping works	\$23,770,670	SEPP 65 building, variation to development standard greater than 10%	Waiting on information from applicant
4090/2022/DA-O	5 Willowdale Drive, Denham Court	Installation of a 22.5 metre high telecommunications tower and associated equipment	\$250,000	Variation to development standard greater than 10%	Assessment in progress
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, SEPP-65 development	Waiting on information from applicant
810/2021/DA-BH	103 Oxford Road, Ingleburn	Demolition of existing dwelling, removal of 7 trees and construction of a two storey 13 room boarding house with associated car parking	\$787,000	More than 10 unique objections	Approved subject to conditions at Panel's December meeting
4557/2022/DA-S	Camden Road and Hurley Street, Campbelltown	Subdivision of land to create 2 lots	\$Nil	Council owned land	Approved subject to conditions at Panel's December meeting
151/2023/DA-RA	6-8 Palmer Street, Ingleburn	Construction of a residential apartment building containing 30 units	\$6,574,000	Variation to development standard greater than 10%	On public exhibition

Significant DAs approved under delegation by the General Manager since last Council meeting (value exceeding \$3 million)					
DA No. & Link	Address	Description	Value	Authority Criteria	Status
1819/2121/DA-SL	75-77 O'Sullivan Road, Leumeah	Construction of 24 self-contained seniors housing dwellings	\$6,799,473	Delegated authority	Approved with conditions

8.9 Minutes of Wildlife and Environment Advisory Committee Meeting held 30 August 2022

Reporting Officer

Director City Development
City Development

Community Strategic Plan

Objective	Strategy
3 Enriched Natural Environment	3.1.2 Ensure urban development is considerate of the natural environment

Delivery Program

Principal Activity
3.1.1.2 Lead initiatives that rehabilitate and protect biodiversity, including threatened flora, fauna and ecological communities

Officer's Recommendation

That the minutes of the Wildlife and Environment Advisory Committee meeting of 30 August 2022 be adopted.

Purpose

To seek Council's endorsement of the minutes of the Campbelltown Wildlife and Environment Advisory Committee meeting held on 30 August 2022.

Report

The Campbelltown Wildlife and Environment Advisory Committee was established by Council in 2022.

In accordance with the approved terms of reference, the Committee meets on a quarterly basis.

The minutes of the meeting of the August 2022 Committee are attached for the Council's review and endorsement.

Attachments

8.9.1 Wildlife and Environment Advisory Committee Minutes of 30 August 2022 (contained within this report) [↓](#)

Wildlife and Environment Advisory Committee Minutes

Meeting Date	Tuesday 30 August 2022
Location	Teams
Time	5.30pm to 6.35pm
Attendee's	Cr Stellino (Chairperson) Cr Chowdhury; Cr Cotter; Cr Manoto; Cr Morrison; Cr Munro; Cr Oates; Jim Baldwin; Ian Andrews; Mitchell Clark Minutes by Baldwin/Clark

Item	Agenda Item	Discussion
1.	Welcome and Acknowledgment of Country	Councillor Stellino welcomed all attendees and gave his Acknowledgement of Country
2.	Apologies	Jim Baldwin made note that those invitees that declined the calendar invite, did not include an apology. It was also noted that a number of Councillors did not respond to the invite, and as such no apologies were received.
3.	Declaration of Interest	No declarations were made
4.	Welcome to attendees/members	<p>Cr Stellino welcomed the attendees and requested that they introduce themselves and provide a comment as to the reason for their attendance.</p> <p>Cr Oates – Flora and Fauna is important and its protection is paramount. I have been advocating for many years on the protection of our environment. Areas like the Scenic Hills and the Georges River. The committee will help us make it known to the community the good work we do and that we do care for our environment.</p> <p>Cr Munro – I want to be an active member. I have a personal interest and the environment is close to my mind. We need responsible leadership and the committee will help us with that. The natural environment is very important and this advisory committee will help with informing council priorities.</p> <p>Cr Cotter – I wanted to be involved in the initial stages of the Committee. The environment /wildlife is on top of the list for the community. It is always topic of conversation. We need to communicate great work we are doing. This committee is a positive step in right direction.</p> <p>Cr Morrison – Congratulated Cr Stellino on the formation of the Committee. This committee is going to be great for Campbelltown. We have big green areas on either side of the city. Ted Rowel did so much for ACF and animal care. It's great to have Matt on anything to do with conservation of animals. Flora and Fauna community we had different options. Cr Hunt and the koala plan. Great things have been happening in council. Like Matts pesticide</p>

		<p>NoM, they are all great initiatives. A lot of people behind you to help. I'm here to help and help the community.</p> <p>Cr Manoto – I'm happy to be a member of the Committee. The environment is one of my focuses. Environmental protection is already a concern. We have many great places in the area. The koala population we need to protect as well. We need to be strong on environmental protection and assist with proposals/projects to council.</p> <p>Cr Chowdhury – the environment is very important. I'm happy to be a part of this committee.</p> <p>Cr Stellino - my reason for requesting / establishing the Committee was to acknowledge that Campbelltown does have a good track record in the environmental space. We want to place additional emphasis on what we do from the position of a councillor / good citizen. We have an ecologically diverse LGA and one of the last places across the Sydney CBD that has this type of treasure. Other places don't have the wide open spaces that we do. The clustering of city's will make us unique and desirable, as people will want to enjoy the benefits of what our city has to offer, and not that of a clustered city. I genuinely believe connecting people with environment is deeper when we get them in the dirt.</p> <p>Jim Baldwin – discussed his position within the Council and how it relates to the area of wildlife and the environment. He made mention of the relationship with the City Delivery Division, and the work that Mitchell Clark and Ian Andrews undertake, which is different to the assessment and policy work undertaken by his team.</p> <p>Ian Andrews – Executive Manager Open Space – This is an opportunity to assist Council with its decision making process, but also making Council aware of what we do. We have a beautiful environment that is the envy of many, and in particular important wildlife species that are unique to the Campbelltown area. The Committee is a great step in helping protect that.</p> <p>Mitchell Clark – Coordinator Natural Areas - I like the idea that this will be a vehicle for the promotion of the good things we do in the environment. The delivery/development of important and effective initiatives are not celebrated as well as they could be. The committee could help with making the public know what we are doing, and that we are equally as concerned and protective of our environment.</p>
5.	Discussion – draft Terms of Reference	Cr Stellino introduced the draft Terms of Reference (ToR), with Jim Baldwin taking the attendees through suggested minor amendments to the ToR to reflect a broader community partnerships.

		<p>Jim Baldwin confirmed that where the mayor and the Chairperson was not available, the Committee is able to nominate an acting chairperson.</p> <p>Jim Baldwin confirmed that the members in attendance to the meeting are by default nominees for the Committee and also outlined the membership of the Committee and provided an overview of the role of members.</p> <p>Jim Baldwin made the Committee aware of the code of conduct reference in the ToR and highlighted the need for Committee members to play an active part as members.</p> <p>Jim Baldwin discussed minor amendments under section 4.5 that would provide consistency across the whole of the ToR, relating to broader community partnerships.</p> <p>Jim confirmed the deletion of draft clause 4.8.9 of the ToR as it provided no additional value to the ToR.</p> <p>Jim confirmed that external experts/consultants can be invited to a Committee meeting as or when an item requires their input.</p> <p>Jim Baldwin confirmed that no further amendments were made to the draft ToR that was circulated to the Council.</p> <p>Cr Stellino discussed the opportunity to increase the meeting frequency to 4 meetings per year, to be held on a quarterly basis, to coincide with the start of each of the four climactic seasons of the year, to align with different changes in the environment.</p> <p>Cr Morrison asked whether the 5 minute limit to talk for Councillors would apply to this group.</p> <p>Jim Baldwin confirmed that it is normal for members / Councillors to have the time they need to talk about topics, and that it is also normal for external people invited to the Committee to be given the floor to speak about what the Committee invited them for. Anyone that acts contrary to the expectations of the Committee, could be controlled by the chair. This was confirmed by Cr Stellino.</p> <p>Cr Munro requested amendment to point 2 of the draft ToR regarding the venue and online/face to face meetings. This was acknowledged by Cr Stellino, and the draft ToR was amended include a combination of online, face to face or a combination of both meeting types.</p> <p>Cr Oates raised a question regarding confidentiality with the online meetings. Cr Stellino confirmed an amendment to the ToR to include the words 'online for members and invited guests'.</p>
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		<p>Cr Morrison asked whether reports would be presented to Council in the same month. Jim Baldwin confirmed that given the business paper process, reports would likely be put on Council to following month.</p> <p>Cr Munro raised the 6 weeks' notice for meetings within the climatic season. Cr Stellino confirmed that it was delivered within the climatic season it would meet the requirements. Cr Stellino further confirmed that he would like to amend the period of notice for meetings to 4 weeks' notice, and that a meeting should be held within each of the climatic seasons. Jim Baldwin made note that the inclusion of the quarterly reference to the meeting frequency, as well as requiring a meeting be held in each of the climactic seasons, was saying the same thing twice. This was accepted by all and the dual reference to the meeting timing was removed.</p> <p>Jim Baldwin drew the attendee's attention to the matters of confidentiality, conflict of interest and media.</p> <p>Cr Munro questioned who was capturing minutes for the meeting. Jim Baldwin confirm that Mitch Clark was taking the minutes for this evenings meeting, however minute taking support would be provided in future normal meetings of the Committee.</p> <p>Cr Stellino closed the discussion on the draft ToR after confirming that all attendees were happy with the amendments and the final draft ToR.</p> <p>Action - Jim Baldwin to table the endorsed ToR before the next round of Council for consideration and approval.</p>
6.	Future meeting dates/times	<p>Cr Stellino requested thoughts on future meeting dates at times. Cr Stellino asked what the standard meeting procedure is.</p> <p>Jim Baldwin advised that other committee meetings have been held on a Tuesday as standard with meetings convened at 5pm before dinner.</p> <p>Cr Morrison questioned the meeting time for the multicultural committee.</p> <p>Discussion was had from multiple Councillors around the dates in regards to work and Council meetings.</p> <p>Jim Baldwin confirmed that the Multicultural Communities Advisory Committee meeting would be held on a Wednesday at 5pm.</p> <p>Cr Stellino tabled the idea of holding future meetings on a Wednesday.</p>

		<p>A consensus was achieved on the preferred meeting day, with Cr Stellino confirming that the next meeting of the Committee would be held on 30 November 2022 at 6pm-7pm, with a preference to hold the meeting in person at the Council (STC).</p> <p>Action – Jim Baldwin to organise the booking of the STC for 30 November 2022 for a 6pm meeting. Meeting invites are to be sent to all members’ calendars a minimum of 4 weeks prior to the meeting date. A future agenda will be provided in accordance with the endorsed ToR.</p>
7.	General Business and meeting close	<p>No general business was discussed or raised.</p> <p>Cr Stellino declared the meeting closed at 6.35pm</p>

8.10 Minutes of the Campbelltown Multicultural Communities Advisory Committee meeting held 15 November 2022

Reporting Officer

Director City Lifestyles
City Lifestyles

Officer's Recommendation

That the minutes of the Campbelltown Multicultural Communities Advisory Committee held 15 November 2022 be noted.

Purpose

To seek Council's endorsement of the minutes of the Campbelltown Multicultural Communities Advisory Committee meeting held 15 November 2022.

Report

Detailed below are the recommendations of the Campbelltown Multicultural Communities Advisory Committee. Council officers have reviewed the recommendations and they are now presented for Council's consideration.

Reports listed for consideration

4.1 Minutes of the previous Campbelltown Multicultural Communities Advisory Committee Meeting held 20 September 2022

That the minutes of the Campbelltown Multicultural Communities Advisory Committee held 20 September 2022 be formally submitted to the Council at its meeting held on 13 December 2022.

5.1 Review and Update on Previous Action Items

The Multicultural Communities Advisory Committee noted the updates from the previous committee meeting action items. Noted that all previous action items have since been actioned and closed.

5.3 Multicultural Grant Funding Opportunities

The Multicultural Communities Advisory Committee noted the following:

1. Existing applications
2. Upcoming grant opportunities.

5.4 2021 Census Data

The Multicultural Communities Advisory Committee noted the additional 2021 Census information that was circulated prior to this meeting.

5.5 Multicultural Interagencies

The Multicultural Communities Advisory Committee noted the Macarthur Multicultural Network Meeting.

5.6 Review of 2022 / 2023 Calendar of Events

1. The Multicultural Communities Advisory Committee noted the upcoming calendar of events.
2. The Multicultural Communities Advisory Committee reviewed the Cultural Calendar as the 2022 events of cultural and spiritual significance celebrated across the LGA.

Councillor W Morrison noted the Macarthur Multicultural Children's Festival is planned for 26 February 2023.

Attachments

1. Minutes of the Campbelltown Multicultural Communities Advisory Committee held 15 November 2022 (contained within this report) - Circulated Separately

8.11 Administration of the September 2024 Council election

Reporting Officer

Manager Governance and Risk
City Governance

Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.2.1 Provide proactive and collaborative leadership on issues that are important to Campbelltown now and into the future

Delivery Program

Principal Activity
5.2.2.1 Conduct Council business in an open, transparent and accountable manner

Officer's Recommendation

1. That Campbelltown City Council (the Council) resolves:
 - a) pursuant to s. 296(2) and (3) of the *Local Government Act 1993 (NSW)* ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
 - b) pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
 - c) pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.
2. That the NSW Electoral Commission be advised of Council's decision.

Purpose

The purpose of this report is to discuss the requirement pursuant to section 296 of the *Local Government Act 1993* (the Act), whereby council elections (and, by operation of section 18 of the Act, constitutional referendums and polls) are to be administered by the General Manager or by entering into an arrangement with the New South Wales Electoral Commissioner to administer elections of Council.

This report explores the options available to Council in the conduct of the 2024 Local Government election.

Report

Pursuant to section 296 of the Act, Council elections are to be either administered by the General Manager or by entering into an arrangement with the Electoral Commissioner to administer elections of Council.

1. Administration of Council elections by the New South Wales Electoral Commission

There are 128 Local Government areas in NSW, each represented by a council. At the Local Government election held in 2021, of the 128 councils, 4 did not conduct elections and 2 chose a commercial elections provider. The NSW Electoral Commission was engaged to conduct 122 of 128 NSW Local Government elections including Campbelltown. The 6 exceptions were:

- Fairfield City Council (engaged a commercial election service provider)
- Penrith City Council (engaged a commercial election service provider)
- Balranald Shire Council (under administration and therefore did not hold an election)
- Central Coast Council (under administration and therefore did not hold an election)
- Central Darling Shire Council (under administration and therefore did not hold an election)
- Wingecarribee Shire Council (under administration and therefore did not hold an election).

Section 55(3) of the Act provides that a Council need not invite tenders before entering into a contract with the Electoral Commissioner. A key provision under section 296(2) provides that Council can enter into an arrangement with the Electoral Commission, by contract or otherwise, for the NSW Electoral Commission to administer elections of the council. If such an arrangement is entered into, the Electoral Commission is to administer elections of the council in accordance with the arrangement. This provision essentially enables Council to enter into an arrangement with the NSW Electoral Commission and allows Council to negotiate the level of service required by, and fees to be paid to, the NSW Electoral Commission. This provision provides Council a degree of control over election costs.

The main benefit of the NSW Electoral Commission administering the election is that the Electoral Commissioner is sufficiently independent to maintain high levels of integrity with the election process and is fully accountable for any issues that arise throughout the administration of the election and any subsequent challenges.

For the 2021 local government election, the Electoral Commission's technology assisted voting, platform (iVote – enabling internet and telephone voting), was used for the first time. Almost triple the number of voters used iVote to cast a vote than at any previous NSW election with 14,657 voters in Campbelltown utilising the service. Only elections administered by the NSWEC were provided access to iVote with the Council's that engaged a commercial election service provider having no access to an electronic voting system. It is noted, however, that the iVote system was not without issues due to the much higher load than expected, so the system will need to continue to be developed and refined for future elections.

2. Administration of Council elections by the General Manager

Council may determine that the General Manager administer the 2024 election of Campbelltown City Council, and confer ultimate accountability for all issues that arise throughout the administration of the election and any subsequent challenges on the General Manager.

The alternatives available under the General Manager administered model are:

- to conduct the election entirely in-house
- to conduct the election in-house and work collaboratively with a private company
- to conduct the election by tendering out to a private company.

The in-house administration of the election is not recommended as Council is not resourced to conduct elections. The complexity of the voting system would require access to an electronic voting system, the engagement of a Returning Officer and the development of all procedural and training material necessary to support the conduct of a lawful election. Additionally, external legal expertise would be engaged to assist with any legal queries. It is unlikely that this course of action would be cost effective.

The other alternative under the General Manager administered model is to conduct the election by tendering out to a private company. In 2021, Penrith City Council and Fairfield City Council councils elected to administer their own elections by tendering out to a private company.

The table below provides a brief comparison of the 2021 election results of Penrith City Council, Fairfield City Council and Campbelltown City Council. The data for Penrith City Council and Fairfield City Council is drawn from their 2021 post-election reports to the Minister required by section 393A(2) of the Local Government (General) Regulation 2021.

Council area	No. electors	Total cost	Cost per elector	Voter turnout	Date of Declaration
Campbelltown	112,968	\$695,183	\$6.15	84.4%	21 Dec 2021
Penrith	144,513	\$1,260,191	\$8.72	72.7%	20 Dec 2021
Fairfield	128,691	\$1,438,472	\$11.18	81.8%	20 Dec 2021

Costs for all three Councils were higher than previous elections due to the additional Covid-19 safety measures that were required at the time. Please note, the State Government subsidised additional Covid-19 measures that were implemented for all Councils that are not included in the total cost reported for Campbelltown.

By way of comparison, the reported election cost Campbelltown City Council was significantly lower than both Penrith and Fairfield whilst the data for Fairfield reported a significantly higher cost per elector.

Campbelltown City Council reported the highest voter turnout of the three comparison Councils. It is likely that the ongoing pandemic situation at the time may have impacted some resident's ability to vote. Fairfield and Penrith Council were not able to provide residents with an option to electronically vote despite having made representations to the Electoral Commissioner requesting that iVote be provided on a licence basis so that their residents could also access it to make their votes and may have impacted voter turnout in 2021.

The polls for all three Councils were declared around 20-21 December 2021.

Conclusion

Having regard to the success of the 2021 election and the favourable performance in key indicators against comparative Councils adopting the General Manager administered model, it is recommended that the NSWEC be again retained to conduct the 2024 election for the Campbelltown Local Government Area.

The NSW Electoral Commission will safeguard Council by ensuring an independent and impartial election is conducted in accordance with the legislation and accept all responsibility. Furthermore the ability to negotiate the level of service required by, and fees to be paid to NSWEC under section 296(2) provides Council greater control over cost. The NSW Electoral Commission's level of expertise, experience and technological advantage will again ensure that the elections are carried out to the satisfaction of stakeholders.

Attachments

Nil

8.12 Council meeting calendar update

Reporting Officer

Manager Governance and Risk
City Governance

Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.2.2 Ensure that public funds and assets are managed strategically, transparently and efficiently

Delivery Program

Principal Activity
5.2.2.1 Conduct Council business in an open, transparent and accountable manner

Officer's Recommendation

That the updated 2023 Council meeting calendar be noted and adopted.

Purpose

To submit for Council's consideration an updated meeting calendar for the 2023 meeting dates.

Report

Council has been recently advised of the of the dates for the 2023 Australian Local Government Association National General Assembly of Local Government and the Local Government New South Wales Annual conference.

The 2023 Australian Local Government Association National General Assembly of Local Government is to be held on 13-15 June 2023. This conference will conflict with the scheduled June Council meeting on 13 June, so it is proposed to reschedule the June Ordinary Council meeting to Tuesday 6 June 2023.

The 2023 New South Wales Local Government Annual conference is to be held on 12-14 November 2023. This conference will conflict with the scheduled November Council meeting on 14 November, so it is proposed to schedule the Annual General Meeting (AGM) on 7 November and reschedule the November Ordinary Council meeting to follow the AGM.

The following extraordinary meetings and updated AGM date have also been added to the attached 2023 calendar.

18 April 2023 – Public Exhibition of DP, OP and Resourcing strategy

27 June 2023 – Adoption of DP, OP and Resourcing strategy

7 November 2023 – Annual General Meeting to be followed by the Ordinary Council Meeting

Attachments

8.12.1 Updated 2023 Meeting Calendar (contained within this report) [↓](#)



2023 Council Meeting Calendar

S	M	T	W	T	F	S
January						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

S	M	T	W	T	F	S
February						
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

S	M	T	W	T	F	S
March						
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

S	M	T	W	T	F	S
April						
30						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

May						
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

June						
			1	2	3	
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July						
30	31					1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

August						
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September						
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November						
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

December						
31					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

- Council Meetings
- Extraordinary Council Meeting / AGM
- Briefing Nights
- Public Holidays
- LG Conference
- ALGA National General Assembly

8.13 Investments and Revenue Report - November and December 2022

Reporting Officer

Executive Manager Corporate Services and Governance
City Governance

Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.2.2 Ensure that public funds and assets are managed strategically, transparently and efficiently

Delivery Program

Principal Activity
5.2.2.4 Deliver financial sustainability through short, medium and long-term financial planning

Officer's Recommendation

That the information be noted.

Purpose

To provide a reporting outlining the activity in Council's financial services portfolio for the months of November and December 2022.

Report

This monthly report provides details of Council's investment and revenue portfolios.

Investments

Council's investment portfolio as at 31 December 2022 stood at approximately \$219 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 2021 and Council's Investment Policy.

All investments are placed with approved deposit taking institutions and no funds are placed with any unrated institutions.

Council's investment portfolio annual return is around 65 basis point above the benchmark which is a positive on an absolute basis. This return includes the 30 day notice saver account but excludes funds held in the at-call account.

The yield on the AusBond Bank Bill Index has been very low in recent years, however the weighted 12 month annualised return continues to improve at 1.254 per cent which reflects the continued increases in interest rates. Council's investment performance has maintained a positive return in comparison with an annualised return of 1.906 per cent.

The portfolio is diversified with maturities with varying lengths ranging up to the maximum 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 \$11 million held in an at call account and \$10 million in a 31 day notice saver account. The interest rate on the 31 day notice saver account remains attractive for short term deposits at 3.55 per cent and also increases in line with increases in the official cash rate.

The official cash rate is 3.10 per cent following an increase of 0.25 per cent announced at the December meeting of the Reserve Bank Board. This is a further step in the withdrawal of the extraordinary monetary support that has been in place to support the Australian economy. The Board places a high priority on returning inflation to within the target range of 2-3 per cent and the statement of monetary policy decision cited that inflation in Australia is too high at 6.9 per cent. Whilst global factors account for much of this high inflation, strong domestic demand and the strained ability to meet this demand is also a contributing factor.

The ASX200 closed at 7038.70 for December with the monthly change being negative 3.37 per cent. Over the past several months, the share market has been subject to heightened volatility due to global conditions and inflation. Economists are predicting a rebound over time during 2022-23 with the share market stabilising as the economy strengthens and inflationary pressures ease.

The market value of the Treasury Corporation Long Term Growth Fund which has a current asset allocation of around 50 per cent in domestic and international shares, also correlates to this downturn in global equity markets. This Treasury Corporation fund is a long term growth fund with high return potential over the long term that may experience occasional periods of negative returns. It is intended to be at least a 7 year investment with the expectation of a return of CPI plus 3.5 per cent over a rolling 10 year period.

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 2022 totalled \$135,044,001 representing 100 per cent of the current budget estimate.

The rates and charges receipts collected to the end of December totalled \$60,094,194. In percentage terms, 56.2 per cent of all rates and charges due to be paid have been collected, compared to 56 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 pandemic with particular attention to the business community. Where the charging of penalty interest causes hardship, the charges are waived in accordance with Council's 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 recovery action during the month involved the issue of 8 Statements of Claim to ratepayers who had been issued letters in previous months and had not made suitable arrangements to clear their debt or failed to maintain their agreed payments. Further recovery on accounts with previous action resulted in 4 Judgments. No Writs were served on defaulters that have not made suitable payment arrangements or failed on multiple occasions to maintain an agreed payment schedule.

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, 30 applications were made over the phone and 15 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, 96 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 2022 are \$8,188,474 reflecting an increase of \$5,308,062 since November 2022. During the month 487 invoices were raised totalling \$7,613,631. 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 \$1,592,305 as at 31 December 2022. The majority of this amount relates to a Grant item totalling \$1,178,787. An invoice was issued for reimbursement of costs incurred by Council for the preparation of WestInvest applications to "Crown Finance Entity West Invest". NSW Treasury has processed the payment and is expected to receive shortly.

City Standards debts of \$130,006 mostly relates to health licence inspection fees of \$104,305 – these fees are generated for various shop premises, household pool inspections, fire safety services and wastewater management systems for the whole local government area. Council staff continue to reach out to our customers to offer suitable payment arrangements for those experiencing difficulty in paying. If the cost of recovery is uneconomical the debt is submitted for write-off. Also incorporated in this debt is various accounts raised totalling \$25,701 for the recovery of costs involved for abandoned animals at the Animal Care Facility. In most cases owners have surrendered or abandoned the animals and have moved premises or are not in a

position to pay. Council staff attempt to negotiate payment plans with the debtors involved however this type of debt is proving difficult to recover.

City Delivery debt of \$83,775 is mainly associated with the costs of road restoration works to the value of \$82,350. Council staff have contacted the debtor involved who have advised that system changes and discrepancies have prevented payment in a timely manner. A significant part payment of \$77,230 has been received in January 2023.

Corporate Governance debts totalling \$73,248 with the most significant amount of \$27,159 in this category relating to various property debts for clean-up orders issued and the recovery of costs associated with restoring private 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, debts are encumbered to the land and are often finalised with the sale of the property. Another amount of significance is for \$4,975 relating to operational expenses for the Campbelltown State Emergency Services from July 2021 to June 2022. Further information was requested from Council to support the claim calculations which has now been provided. Also grouped is the ongoing amount of \$5,000 for bin services supplied to 'Eat, Shop, Love', Market for various events held. The account continues to be managed by Council's recovery agents. Also outstanding within this category is a combined amount of \$7,580 which relates to legal recovery of 3 accounts: one for hall hire and 2 for health licence inspection fees. In all cases the debt involved has proved to be unrecoverable with our agents who have advised to cease legal action and have now recommended the accounts for write-off.

Public hall hire fees of \$65,108 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 the function. This process also gives hirers an option to book in advance and then to make smaller regular payments leading up to their event. In this category there are a few accounts with the combined outstanding balance of \$27,669 where Council staff have reached out in the hope of seeking a suitable payment arrangement. We now await a response to our request and will refer to our agents for recovery should no contact be made.

Community Life debts totalling \$48,557. The most significant portion of \$20,789 relates to the current contractor for catering sales and commissions for various events held at the stadium. Council staff are awaiting a response from the contractors to see if any discrepancies are preventing payment. An amount of \$16,382 relates to a previous contractor for "catering sales commission" of various events at the Campbelltown Sports Stadium. Council pursued the debt and based on a negotiated outcome this balance will be submitted as part of the annual write-off.

Debts categorised within Community Businesses totalled \$8,631. This mostly relates to the Bicycle Education Centre and as hall hire fees are result of debts raised in advance.

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.

During the month, two accounts were issued a letter of demand on Council's letterhead advising that if the account was not settled or an appropriate arrangement was not made, the account will escalate to formal legal action through Council's agent.

Council's agents were not instructed to issue any legal recovery on matters.

Council officers are mindful of the ongoing impact of COVID 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

8.13.1 Summary of Council's Investment Portfolio - November 2022 (contained within this report) [↓](#)

8.13.2 Summary of Council's Investment Portfolio - December 2022 (contained within this report) [↓](#)

8.13.3 Rates and Charges Summary and Statistics - December 2022 (contained within this report) [↓](#)

8.13.4 Debtors Summary and Ageing Report - December 2022 (contained within this report) [↓](#)

Summary of Council's Investment Portfolio

Portfolio as at 30 November 2022



Product Type	Face Value	% of Total
At Call Deposits	3,346,122	1.5%
Notice Account	10,136,343	4.7%
Term Deposits – Fixed Rate	111,271,013	51.5%
Term Deposits – Floating Rate	39,000,000	18.1%
Fixed Rate Bond	22,050,000	10.2%
FRN	30,150,000	14.0%
Grand Total	215,953,478	100.0%
Managed Funds – TCorp*	4,950,941	

* Market Value as at month end

Total Term Deposits (Fixed and Floating Rate) by Institution's Long-Term Credit Rating

Credit Rating	Holdings	% of Total
AA+	6,900,000	4.6%
AA-	95,371,013	63.5%
A+	3,000,000	2.0%
BBB+	24,000,000	16.0%
Baa1	1,000,000	0.7%
BBB	16,000,000	10.6%
Baa2	4,000,000	2.7%
Total Term Deposits	150,271,013	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
AU3CB0289072	Royal Bank of Canada - Covered Bond	AAA	6-May-25	Fixed at 3.75% s.a.	\$1,000,000
AU3CB0282358	ING - Covered Bond	AAA	19-Aug-26	Fixed at 1.10% s.a.	\$1,800,000
AU3CB0286763	NAB	AA-	25-Feb-27	Fixed at 2.9545% s.a.	\$1,750,000
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
AU3FN0072617	Suncorp Metway - Covered Bond FRN	AAA	17-Oct-25	3m BBSW + 0.88%	\$2,000,000

AU3FN0073045	SMBC Sydney	A	7-Nov-25	3m BBSW + 1.10%	\$5,000,000
AU3FN0073797	Bank Australia Sustainability Bond	BBB	24-Nov-25	3m BBSW + 1.60%	\$2,000,000
AU3FN0073904	NAB	AA-	25-Nov-25	3m BBSW + 0.92%	\$2,500,000
AU3FN0063103	CBA – Green Bond	AA-	23-Dec-26	3m BBSW + 0.41%	\$5,000,000
AU3FN0070025	Royal Bank of Canada – Covered Bond	Aaa	13-July-27	3m BBSW + 1.05%	\$1,000,000
AU3FN0070579	CBA	AA-	18-Aug-27	3m BBSW + 1.02%	\$3,500,000

Long-Term Credit Rating	Exposure of Entire Portfolio				
	Actual	Cumulative*	Minimum*	Maximum	Compliant
AAA	2.7%	2.7%	40%	100%	Yes
AA+, AA, AA- (or MTB*)	63.5%	66.2%		100%	Yes
A+, A, A-	6.5%	72.7%	60% (70%) ¹	100%	Yes
BBB+, BBB, BBB-	27.3%	100.0%	100%	100%	Yes
TCorp LTGF	2.2%	-	0%	20%	Yes

*Policy limits are measured on a cumulative basis calculated from the respective rating category band on an **"and above"** basis

Portfolio Return

Council's investment portfolio (excluding NSW TCorp LTGF and At Call Deposits but includes Notice Saver Account) provided a weighted average return (running yield) of:

30 November 2022	Monthly Return	Annual Return
Campbelltown City Council – Investment Portfolio	0.266%	1.695%
Benchmark – Bloomberg Ausbond Bank Bill Index	0.249%	1.005%
Performance Relative to Benchmark	0.016%	0.689%

Summary of Council's Investment Portfolio

Portfolio as at 31 December 2022



Product Type	Face Value	% of Total
At Call Deposits	11,376,796	5.3%
Notice Account	10,166,141	4.7%
Term Deposits – Fixed Rate	104,900,000	49.0%
Term Deposits – Floating Rate	39,000,000	18.2%
Fixed Rate Bond	17,050,000	8.0%
FRN	31,750,000	14.8%
Grand Total	214,242,936	100.0%
Managed Funds – TCorp*	4,799,437	

* Market Value as at month end

Total Term Deposits (Fixed & Floating Rate) by Institution's Long-Term Credit Rating

Credit Rating	Holdings	% of Total
AA+	6,900,000	4.8%
AA-	90,000,000	62.5%
A+	3,000,000	2.1%
BBB+	24,000,000	16.7%
Baa1	1,000,000	0.7%
BBB	17,000,000	11.8%
Baa2	2,000,000	1.4%
Total Term Deposits	143,900,000	100.0%

Fixed and Floating Rate Notes

ISIN	Issuer	Issuer Rating	Maturity Date	Coupon	Face Value
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
AU3CB0289072	Royal Bank of Canada - Covered Bond	AAA	6-May-25	Fixed at 3.75% s.a.	\$1,000,000
AU3CB0282358	ING - Covered Bond	AAA	19-Aug-26	Fixed at 1.10% s.a.	\$1,800,000
AU3CB0286763	NAB	AA-	25-Feb-27	Fixed at 2.9545% s.a.	\$1,750,000
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
AU3FN0072617	Suncorp Metway - Covered Bond FRN	AAA	17-Oct-25	3m BBSW + 0.88%	\$2,000,000

AU3FN0073045	SMBC Sydney	A	7-Nov-25	3m BBSW + 1.10%	\$5,000,000
AU3FN0073797	Bank Australia Sustainability Bond	BBB	24-Nov-25	3m BBSW + 1.60%	\$2,000,000
AU3FN0073904	NAB	AA-	25-Nov-25	3m BBSW + 0.92%	\$2,500,000
AU3FN0073961	Great Southern Bank (prev CUA)	BBB	1-Dec-25	3m BBSW + 1.58%	\$1,600,000
AU3FN0063103	CBA – Green Bond	AA-	23-Dec-26	3m BBSW + 0.41%	\$5,000,000
AU3FN0070025	Royal Bank of Canada – Covered Bond	Aaa	13-July-27	3m BBSW + 1.05%	\$1,000,000
AU3FN0070579	CBA	AA-	18-Aug-27	3m BBSW + 1.02%	\$3,500,000

Long-Term Credit Rating	Exposure of Entire Portfolio				
	Actual	Cumulative*	Minimum*	Maximum	Compliant
AAA	2.7%	2.7%	40%	100%	Yes
AA+, AA, AA- (or MTB*)	62.9%	65.6%		100%	Yes
A+, A, A-	6.6%	72.2%	60% (70%) [^]	100%	Yes
BBB+, BBB, BBB-	27.8%	100.0%	100%	100%	Yes
TCorp LTGF	2.2%	-	0%	20%	Yes

*Policy limits are measured on a cumulative basis calculated from the respective rating category band on an **"and above"** basis

Portfolio Return

Council's investment portfolio (excluding NSW TCorp LTGF and At Call Deposits but includes Notice Saver Account) provided a weighted average return (running yield) of:

30 December 2022	Monthly Return	Annual Return
Campbelltown City Council – Investment Portfolio	0.288%	1.906%
Benchmark – Bloomberg Ausbond Bank Bill Index	0.250%	1.254%
Performance Relative to Benchmark	0.038%	0.652%

Rates Summary

Statement of all Outstanding Rates and Extra Charges



Rate - Charge	30/06/2022	Net Levy for Year	Pension Rebates	Extra Charges	Total Receivable	Cash Collected	Net Amount Due	Postponed Rates & Interest	Gross Amount Due
Residential	3,628,718.16	73,195,310.42	1,373,030.83	338,073.66	75,789,071.41	41,001,951.56	34,787,119.85	303,790.33	35,090,910.18
Business	691,071.49	20,999,379.69		37,067.73	21,727,518.91	13,680,268.22	8,047,250.69		8,047,250.69
Farmland	43,366.65	449,360.49	217.90	1,555.01	494,064.25	276,908.34	217,155.91	263,268.85	480,424.76
Mining	0.00	29,551.52		0.00	29,551.52	29,551.52	0.00		0.00
SR - Loan	762.80	0.00		37.56	800.36	0.00	800.36	0.00	800.36
SR - Infrastructure	404,110.68	7,169,661.24		5,969.86	7,579,741.78	4,151,000.83	3,428,740.95	56,328.33	3,485,069.28
Total	\$4,768,029.78	\$101,843,263.36	\$1,373,248.73	\$382,703.82	\$105,620,748.23	\$59,139,680.47	\$46,481,067.76	\$623,387.51	\$47,104,455.27
Garbage	1,143,646.84	27,578,912.59	878,073.25	24,910.39	27,869,396.57	14,953,969.10	12,915,427.47		12,915,427.47
Stormwater	78,048.53	1,475,329.89		477.87	1,553,856.29	856,157.90	697,698.39		697,698.39
Grand Total	\$5,989,725.15	\$130,897,505.84	\$2,251,321.98	\$408,092.08	\$135,044,001.09	\$74,949,807.47	\$60,094,193.62	\$623,387.51	\$60,717,581.13

Total from Rates Financial Transaction Summary	59,817,209.24
Overpayments	-900,371.89
Difference	0.00

Analysis of Recovery Action

Rate accounts greater than 6 months less than 12 months in arrears	357,097
Rate accounts greater than 12 months less than 18 months in arrears	320,906
Rate accounts greater than 18 months in arrears	78,912
TOTAL rates and charges under instruction with Council's agents	756,915



Rates Statistics

No. of documents issued	July	August	September	October	November	December	January	February	March	April	May	June	Oct-21
Rate Notices	58,585	22	17	2	38	13							
Electronic - DoH	4,730												
Instalment Notices				44,219									
Electronic - DoH				4,978									
Missed Instalment Notices			10,168			9,613							8,951
- Pensioners > \$15.00			1,219			1,153							987
Notice to new owner	179	101	98	103	110	96							41
7-day Letters - Council issued			922			976							1,237
- Pensioners > \$1000			120			134							127
7-day Letters - Agent Issued			421										
Statement of Claim	144	16	2	152	7	8							
Judgments	21	27	11	7	20	4							
Writs	27	15	1	20	0	0							
Electronic - eRates & BPAYView	14,164	14,927	15,119	15,280	15,632	16,032							12,858
Pensioner applications	143	67	51	73	76	45							53
Arrangements	99	91	99	83	77	68							172

DEBTORS SUMMARY 1 December 2022 to 31 December 2022



DEBTOR TYPE/DESCRIPTION	ARREARS AT 30/11/2022	RAISED THIS PERIOD	RECEIVED THIS PERIOD	BALANCE AT 31/12/2022	% DEBT RATIO
Corporate Governance	407,517	3,715,440	227,653	3,895,303	47.57%
City Delivery	179,494	49,496	5,692	223,297	2.73%
City Standards	302,817	54,417	60,164	297,070	3.63%
Community Businesses	118,656	57,211	30,946	144,921	1.77%
Community Life	84,492	61,737	4,774	141,455	1.73%
Grants	1,596,287	3,123,100	1,917,500	2,801,887	34.22%
Hall Hire	124,743	106,909	80,850	150,802	1.84%
Property Services	199,263	536,656	202,181	533,738	6.52%
	3,013,269	7,704,965	2,529,760	8,188,474	100%

AGEING OF SUNDRY DEBTOR ACCOUNTS - 31 December 2022



	Current Charges	Total 30 Days	Total 60 Days	Total 90+ Days	Balance Due	Previous Month 90+ days
Corporate Governance	3,695,259	117,305	9,491	73,248	3,895,303	87,181
City Delivery	52,619	2,754	84,149	83,775	223,297	27,735
City Standards	47,477	35,067	84,521	130,006	297,070	120,104
Community Businesses	75,229	45,374	15,687	8,631	144,921	33,330
Community Life	60,790	32,108	0	48,557	141,455	31,506
Grants	1,623,100	0	0	1,178,787	2,801,887	1,178,787
Hall Hire	9,490	68,274	7,929	65,108	150,802	64,885
Property Services	486,742	19,793	23,009	4,193	533,738	3,822
	6,050,706	320,676	224,787	1,592,305	8,188,474	1,547,350

8.14 Australian Local Government Association - National General Assembly 2023 - Call for Motions

Reporting Officer

Manager Governance and Risk
City Governance

Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.2.2 Ensure that public funds and assets are managed strategically, transparently and efficiently

Delivery Program

Principal Activity
5.2.2.1 Conduct Council business in an open, transparent and accountable manner

Officer's Recommendation

1. That Council endorse the attendance of the Mayor and the General Manager and/or delegate/s to the 2023 National General Assembly of Local Government in Canberra from 13-15 June 2023.
2. That interested Councillors contact and advise the Director City Governance in regard to attendance at the 2023 National General Assembly of Local Government in Canberra from 13-15 June 2023.

Purpose

To advise Councillors of the 2023 National General Assembly of Local Government in Canberra from 13-15 June 2023.

Report

The 29th National General Assembly of Local Government (NGA) will be convened in Canberra from 13-15 June 2023. It provides an opportunity for council to influence the national policy agenda with the theme for the 2023 conference being Our Communities, Our Future.

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 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 theme of the 2023 NGA: Our Communities, Our Future. This theme conveys the critical importance of our communities, how they are the focus of our attention, and how they are at the centre of all our work. Our communities are the reason that local governments exist, and it is the health and wellbeing of our communities that will shape Australia's future. The discussion paper is a call for councils to submit motions for debate at the 2023 NGA.

A notice of motion to this year's NGA should either:

- Focus on practical and deliverable programs and policies that the Australian Government can support and work directly with the local government sector to build our communities; or
- New program ideas that would help the local government sector to deliver national objectives.

Motions should be concise, practical and able to be implemented. They must also meet the guidelines for motions outlined in the discussion paper and the 'Our Communities, Our Future' 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. Not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications.
3. Be consistent with the themes of the NGA.
4. Complement or build on the policy objectives of ALGA and your state or territory local government association.
5. Be submitted by a council which is a financial member of their state or territory local government association.
6. Propose a clear action and outcome ie call on the Australian Government to act on something.
7. 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.
8. Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
9. Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
10. Be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

Motions must commence with the following wording:

This National General Assembly calls on the Australian Government to ..

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 14 March 2023. Notices of motion for this meeting need to be lodged by 9am Tuesday 7 March 2023 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

8.14.1 National General Assembly Call for Motions 2023 Discussion Paper - Our Communities, Our Future (contained within this report) [↓](#)



AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION

2023 NGA

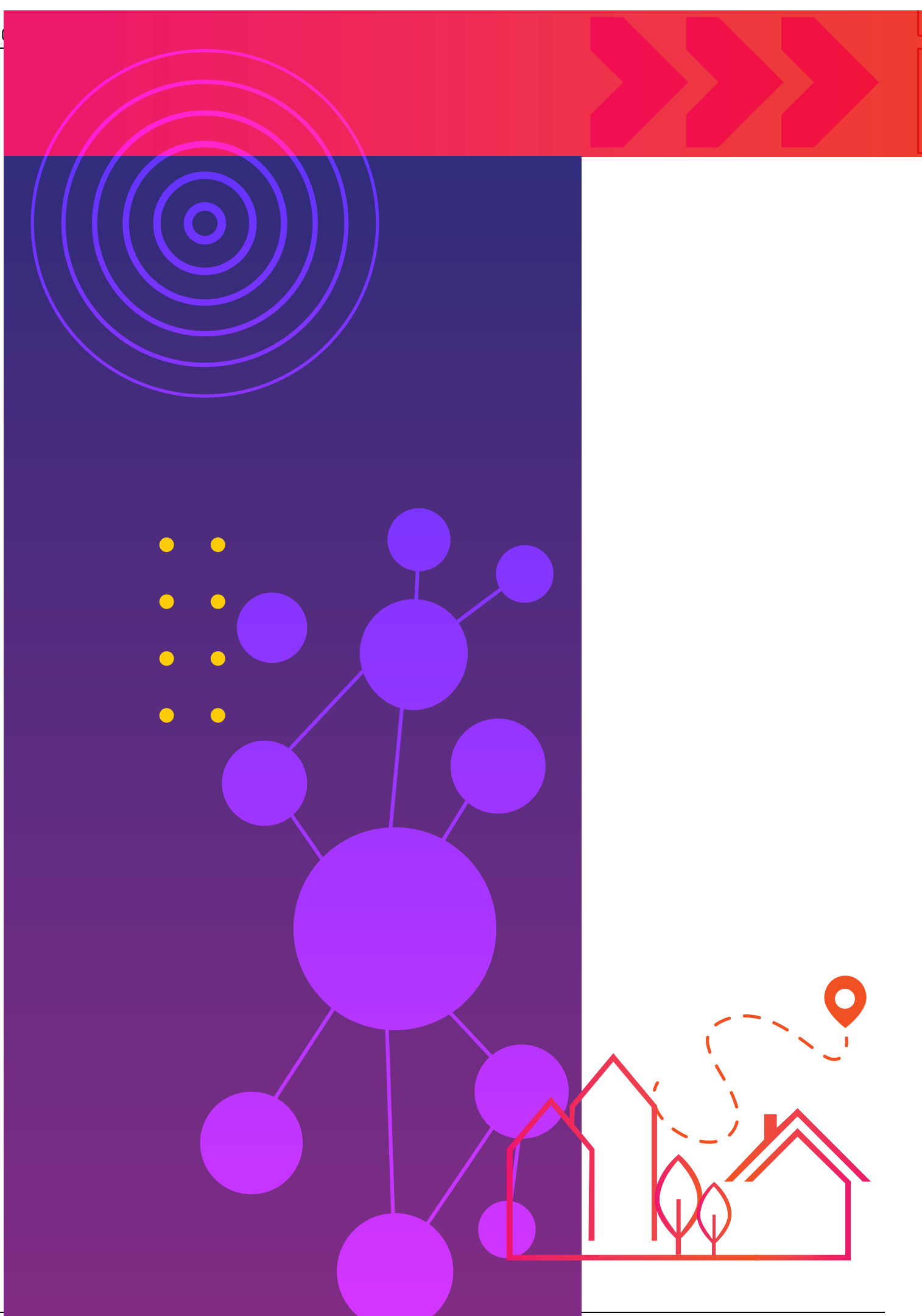
OUR COMMUNITIES
OUR FUTURE ▶▶▶


DISCUSSION PAPER
Call for Motions

JUNE 2023

NATIONAL CONVENTION CENTRE
CANBERRA







The Australian Local Government Association (ALGA) is pleased to convene the 29th National General Assembly of Local Government (NGA), to be held in Canberra mid June 2023.

This discussion paper contains essential information for Australian councils considering submitting motions for debate at the 2023 NGA.

It is recommended that all councils and delegates intending to attend this event familiarise themselves with the guidelines for motions contained in this paper.

Key Dates

December 2022	24 March 2023	June 2023 *	June 2023 *
Opening of Call for Motions	Acceptance of Motions	Regional Cooperation & Development Forum	National General Assembly

* Dates are subject to change depending on timing of Australian Council of Local Government



**To submit your motion,
visit: alga.com.au**

Background to ALGA and the NGA

ALGA was established in 1947, and its structure is a federation of member state and territory local government associations.

Its mission is to champion and strengthen Australian councils by representing the agreed position of ALGA members, the seven local government associations from around Australia, who represent 537 Australian councils.

In 1994, the ALGA Board, in consultation with its member associations, established the NGA as a unique forum to engage with councils directly at the national level.

The purpose of the NGA was to build the profile of local government on the national stage and demonstrate to the Australian Government the strength and value of working with local government nationally.

As part of the NGA, debate on motions was introduced as a vehicle for councils from across the nation to canvas ideas, and solutions to the challenges facing Australia's councils and communities.

Outcomes of debate on motions (NGA Resolutions) could then be used by participating councils to inform their own policies and priorities, as well as their own advocacy to the Federal Government and Federal MPs.

At the same time, they assist ALGA, and its member state and territory associations to gain valuable insight into council priorities, emerging national issues, and gauge the level of need and support for emerging policy and program initiatives and advocacy.

Changes for 2023

The ALGA Board has undertaken a comprehensive review of the motions process.

As a result, ALGA has allocated additional time for debate on motions at the 2023 NGA and amended the criteria with a view to improving the quality and relevance of motions included in the Business Papers.

The updated criteria for motions is listed on page 6.

ALGA's policies and priorities will continue to be informed by motions and determined by the ALGA Board and based on the positions of its member associations.

ALGA's Board thanks all councils for attending the NGA, and those that will take the time to submit motions for debate at this event.



Submitting Motions

The theme of the 2023 NGA: Our Communities, Our Future.

This theme conveys the critical importance of our communities, how they are the focus of our attention, and how they are at the centre of all our work.

Our communities are the reason that local governments exist, and it is the health and wellbeing of our communities that will shape Australia's future.

This discussion paper is a call for councils to submit motions for debate at the 2023 NGA, to be held in Canberra mid June 2023.

A notice of motion to this year's NGA should either:

- Focus on practical and deliverable programs and policies that the Australian Government can support and work directly with the local government sector to build our communities; or
- New program ideas that would help the local government sector to deliver national objectives.

Motions should be concise, practical and able to be implemented.

They must also meet the guidelines for motions outlined in this paper.

You are encouraged to read all the sections of the paper but are not expected to respond to every issue or question. Your council's motion/s should address one or more of the issues identified in the discussion paper.

Motions must be lodged electronically using the online form available at www.alga.com.au and be received no later than 11:59pm on Friday 24 March 2023.

All notices of motions will be reviewed by the NGA Subcommittee to ensure that they meet the criteria included in this paper.

The Subcommittee reserves the right to select, edit or amend notices of motions to facilitate the efficient and effective management of debate on motions at the NGA.

All NGA resolutions will be published on www.nationalgeneralassembly.com.au.

As the convenor of the NGA, the ALGA Board will communicate resolutions to the relevant Australian Government Minister and publish Ministerial responses as they are received on this website.

If your council does submit a motion, there is an expectation that a council representative will be present at the NGA to move and speak to that motion if required.

We look forward to hearing from you and seeing you at the 2023 NGA.





Criteria for motions

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. Not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications.
3. Be consistent with the themes of the NGA.
4. Complement or build on the policy objectives of ALGA and your state or territory local government association.
5. Be submitted by a council which is a financial member of their state or territory local government association.
6. Propose a clear action and outcome ie call on the Australian Government to act on something.
7. 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.
8. Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
9. Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
10. Be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

Motions must commence with the following wording:

This National General Assembly calls on the Australian Government to ...



Other things to consider

Please note that it is important to complete the background section on the form. Submitters of motions should not assume that NGA delegates will have background knowledge of the proposal.

The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion.

Motions should not be prescriptive in directing how the matter should be pursued.

Try to keep motions practical, focussed, relatively simple and capable of being implemented to ensure that relevant Australian Government Ministers provide considered, thoughtful and timely responses.

Multi-point motions that require cross portfolio coordination have not historically received meaningful responses from the Government.

All motions submitted will be reviewed by the NGA Subcommittee, in consultation with state and territory local government associations, to determine their eligibility for inclusion in the NGA Business Papers.

When reviewing motions, the Subcommittee will consider the motions criteria, clarity of the motion and the importance and relevance of the issue to local government.

If there are any questions about the substance or intent of a motion, ALGA will raise these with the nominated contact officer. With the agreement of the submitting council, these motions may be edited before inclusion in the NGA Business Papers.

To ensure an efficient and effective debate where there are numerous motions on a similar issue, the Subcommittee will group motions together under an overarching strategic motion.

The strategic motions will have either been drafted by ALGA or will be based on a motion submitted by a council which best summarises the subject matter.

Debate will occur in accordance with the rules for debate on motions published in the Business Papers and will focus on the strategic motions.

Associated sub-motions will be debated by exception only or in accordance with the debating rules.

Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state or territory local government association and will not be included in the NGA Business Papers.

Motions should be lodged electronically using the online form available on the NGA website at: www.alga.com.au.

All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of your council.

> **Motions should be received no later than 11:59pm on Friday 24 March 2023.**

Setting the scene

'Through a devastating pandemic, through a succession of dangerous and damaging natural disasters, through global uncertainty and painful price rises – The Australian people have demonstrated the best of our national character. Resolute and resilient in hard times. Practical and pragmatic about the challenges we confront. Optimistic and confident in a better future. And ready to work together to build it.'

The Hon Jim Chalmer MP, Federal Treasurer Budget Speech 2022-23


The opening statement of the Federal Treasurer's first Budget Speech describes the backdrop against which the 2023 NGA will be held.

The 2022 NGA was held just weeks after the change in the Federal Government on 21 May 2022. On 25 October 2022, the new Government handed down its first Budget which updated the economic outlook, realigned priorities and outlined how the Government was to meet its election promises.

The Budget update foreshadows deteriorating economic conditions, citing global challenges, slowing growth, high inflation and higher interest rates, and acknowledges the mounting cost of living pressures on individuals, families and communities.

Key updates include:

- The economy is expected to grow solidly this financial year, by 3 ¼ percent – before slowing to 1 ½ percent growth for 2023/24, a full percentage point lower than what was forecast in March;
- That slowing growth will have an effect on employment, but jobs will continue to be created, and unemployment is expected to stay low by historical standards – at 4 ½ percent in 2023/24 and 2024/25;
- Inflation is expected to peak at 7 ¾ percent late in 2022, before moderating over time to 3 ½ percent through 2023/24, and returning to the Reserve Bank's target range in 2024/25; and that
- When that inflation moderates, real wages are expected to start growing again in 2024.



The Government is also committed to repairing the Budget in a ‘measured and responsible’ manner consistent with the objective of maintaining full employment and the delivery of essential services. It foreshadows that this will be achieved through spending restraint, with new spending focused on high-quality and targeted investments and building on the capability of the Australian people, expanding the productive capacity of the economy, and supporting action on climate change.

The Budget also included a focus on measuring and improving community wellbeing.

By the time of the 2023 NGA, the Government will have delivered its second Budget, which will provide further updates to the economic outlook and also refine its economic strategy going forward.

The 2023 NGA provides you – the elected representatives of Australia’s local councils and communities – with the opportunity to engage with the Federal Government and key Ministers.

Further, it is your opportunity to advocate for new or extended programs and policy initiatives that could strengthen local governments’ capacity to deliver services and infrastructure to communities across the nation.

This year’s call for motions focusses on eight priority areas:

- Productivity;
- Local Government Infrastructure;
- Community Wellbeing;
- Local Government Workforce;
- Data, Digital Technology and Cyber Security;
- Climate Change and Renewable Energy;
- Natural Disasters; and
- Housing.



1. Productivity

In February 2022, the then Federal Treasurer asked the Productivity Commission to undertake an inquiry into Australia's productivity performance and provide recommendations on productivity enhancing reform.

This inquiry was the second of a regular series, undertaken at five-yearly intervals, and recognises that productivity growth is vital for Australia's future. Drawing on the Intergenerational Report the Treasurer notes that '... future growth in income and living standards will be driven from productivity growth as the participation effects of young migration are offset by an ageing population.'

ALGA engaged SGS Economics and Planning to undertake research to support its submissions to this inquiry.

SGS Principal and Partner Dr Marcus Spiller presented on some of the findings of this research at the 2022 NGA. In his presentation he identified that local governments generate local economic activity through employment, payment of wages and expenditure on goods and services in the local economy. In addition, SGS identified nine ways local government supports the productive capacity of the broader economy.

Figure 1 – Nine ways local governments contribute to the productive capacity of the broader economy:



Sources: Adapted from SGS Research for ALGA's Submission to Productivity Commission (2022)

Are there programs and initiatives that the Commonwealth Government could implement to improve local government's capacity to support productivity growth?

Are there programs that could support one, or all of the identified ways local government contributes to productivity in the broader economy?



2. Local Government Infrastructure

The 2021 National State of the Assets Report (NSoA) shone a spotlight on local government infrastructure assets. While the technical report shows that local government assets such as roads, bridges, buildings, parks and recreation, stormwater, water and wastewater and airports and aerodromes are generally in good to very good condition, around 10 percent are not fit for purpose, and around 20 - 25 percent are only fair and over time will need attention.

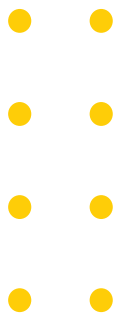
Over the past 12 months this situation has further deteriorated as a result of natural disasters, and particularly flooding across the eastern seaboard.

The technical report shows that in 2019/20 non-financial infrastructure assets were valued at \$342 billion and were depreciating at \$7.7 billion per year. Replacement costs of these infrastructure assets were in the order of \$533 billion.

While 86 percent of councils have adopted long term financial plans, one third of councils do not have asset management plans for their major assets, or if they do, they are out-of-date. Of the councils that do have asset management plans only 66 percent included financial projections in their financial plan.

Asset management and long-term financial planning are essential tools for councils to manage community assets now and into the future.

- Are there programs or initiatives that the Commonwealth Government could adopt to improve the long-term sustainability of council's infrastructure?*
- Are there programs or initiatives that the Commonwealth Government could provide to improve the sector's capacity to manage local government infrastructure and to integrate these plans into long-term financial plans?*



3. Community Wellbeing

While the NSoA focuses attention on physical assets, local governments also provide a wide range of important community services that improve local wellbeing. These services are provided at the discretion of councils based on local characteristics, needs, priorities and resources of the local community.

Australian Bureau of Statistics (ABS) data shows that local government annual expenditure in 2020/21 was \$43 billion. It is important to note that nationally local government is 83 percent self-sufficient. That is, the vast majority of local government services and infrastructure are funded at the local level either through rates, fees and charges, sale of goods and services, and interest, and only 17 percent comes from grants and subsidies from other levels of government. Unfortunately, many of these grants and subsidies are tied, and often require matching funding which restricts the ability to address local priorities in the way the council and community might like.

Local government community services are broadly defined and may include but not limited to:

- environmental health including food safety;
- childcare, early childhood education;
- aged care, senior citizens;
- services to the disabled;
- programs to address disadvantage, to reduce poverty and homelessness;
- sporting and recreational programs;
- arts and cultural activities, program and festivals;
- tourism and economic development activities; and
- library services.

Councils also play a key role making places that are attractive and liveable for current and future workers, and closing the gap between Indigenous and non-Indigenous Australians.

ALGA's research shows that almost one in four councils are heavily reliant on federal Financial Assistance Grants, which make up at least 20 percent of their annual operating revenue. Financial sustainability of local governments remains an ongoing issue which threatens local service provision and community wellbeing.

Noting the funding arrangements for the provision of local government community services in your area and across the country, are there programs and initiatives that the Commonwealth Government could implement to improve the delivery of these services?

Are there changes to existing programs, including to administrative arrangements, that would significantly improve local government human service planning and provision of services and infrastructure across Australia?

Are there new programs the Australian Government could develop that would support councils to close the gap between Indigenous and non-Indigenous Australians?

What are the actions the Australian Government could take to support councils to improve their ongoing financial sustainability, and their capacity to deliver the services their communities need?



4. Local Government Workforce

Local government is a major employer in Australia providing employment, career advancement and training opportunities for more than 190,800 Australians, across an estimated 400 occupations. In many communities, the council is one of the largest employers.

There are 537 local councils in Australia. Importantly, they are geographically dispersed and provide essential public administration to every corner of the nation.

According to the 2022 National Local Government Workforce Skills and Capability Survey, more than 90 percent of local governments are experiencing skills shortages, resulting in around two thirds of councils having their projects impacted or delayed.

Skills shortages occur for a variety of reasons including an inability to compete against the private sector, worker accommodation, support services for families, ageing of the workforce and geographic isolation. The attrition rate (or rate of turnover) of local government staff is estimated to be between 15 – 20 percent per annum.

The most cited skills shortages include engineers, urban planners, building surveyors, environmental officers and human resources professionals.

ALGA's submission to the Productivity Commission's Productivity Inquiry called on all levels of government to work together to improve training pathways and address skills and labour shortages for the benefit of councils, communities, and businesses right across Australia.

While local government must face its immediate workforce challenges, it must also anticipate the changing nature of work, and future skills needed to meet the changing needs of our communities.

Are there programs or initiatives that the Commonwealth Government could implement that would enhance local government's capacity to attract and retain appropriately skilled staff now and into the future?

Are there programs or changes to existing programs that would increase local government's ability to employ apprentices and trainees?

Are there other initiatives that the Commonwealth Government could provide to improve the sector's ability to plan and develop skills fit for the future?



5. Data, Digital Technology and Cyber Security

Provision of information technology to all Australians is vital for innovation, economic growth and social equity. However, it is potentially even more important to regional Australia where the tyranny of distance increases the inequity of services available – including education, health, economic and social.

Innovative technology is becoming more broadly available and has the ability to boost productivity and economic growth.

Councils around Australia continue to embrace new technologies to improve their service delivery standards and broaden consultation and engagement with their local communities. However, many councils lack basic technological infrastructure and have a shortage of necessary skills and resources.

In October 2022, cyber-attacks on major Australian corporate organisations including Optus and Medibank Private highlighted the critical importance of cyber security. It is a timely reminder as digital information, services and products become an increasing feature of modern business operation including in local government.

Like all risks, local government must manage the risk of cyber-attack and address cyber security. At a national level, there is a poor understanding of local government's vulnerability to cyber-attacks and a lack or inadequacy of risk management strategies and business continuity planning within the sector. While this is primarily a responsibility of the sector itself, governments at all levels must work together to ensure that the public have confidence in government information management systems and its security.

Drawing upon your own council experience, and your knowledge of other councils within your state, or territory, are there programs and initiatives that the Commonwealth Government could implement to help local government develop its digital technology services and infrastructure and/or to improve cyber security within the sector?



6. Climate Change and Renewable Energy

Local governments are playing an important leadership role in addressing climate change, supporting a wide range of programs to lower the carbon footprint of their own business operations and in their local communities.

As a sector, local government is leading the debate for lowering carbon emissions, sourcing renewable energy, responding creatively to reduce greenhouse gas emissions from landfills, and facilitating the construction of green buildings and water sensitive design of cities and towns.

Councils also have a role to play supporting communities in transition, moving away from fossil fuels to new industries.

Pragmatically, local government has been at the forefront of addressing the impacts of climate change and adapting to reduce its environmental footprint. These impacts include an increased number of days with high temperatures, less rainfall and more droughts in southern Australia, less snow, more intense rainfall and fire weather, stronger cyclones, and sea level rise. These changes will increase stress on Australia's infrastructure and physical assets and natural ecosystems that are already threatened, and significantly affect agriculture, forestry, fisheries, transport, health, tourism, finance and disaster risk management.

At the 2022 NGA, there were five Strategic Motions and 15 associated motions debated concerning this issue. Councils are encouraged to review these motions on ALGA's website prior to developing new motions for debate at the 2023 NGA.

Noting the Government's commitment to reducing emissions, are there programs and initiatives that the Commonwealth Government could develop to assist councils in their work to address climate change and reduce emissions?





7. Natural Disasters

Over the past five years, Australian communities have experienced unprecedented natural disasters. At the time of writing, almost every community in Australia, particularly those on the East Coast, had been adversely affected by wet weather conditions associated with the La Nina weather pattern.

Councils in Western Australia are still recovering from a cyclone in 2021, and the Black Summer bushfires in 2019/20 burned approximately 250,000 square kilometres across the country.

The impacts of heavy rainfall, record breaking floods and associated social disruption and damage to infrastructure have exposed weaknesses as well as the strength of current emergency management systems.

There have been numerous NGA motions in the past regarding natural disasters. This year, councils are encouraged to draw on their practical experience of the improvements that could be made to managing emergencies.

Please note, however, that many aspects of emergency management are state or territory responsibilities, and your motions should focus on how the Commonwealth Government could assist.

What new programs could the Australian Government develop to partner with local government to improve the current natural disaster management systems to further assist in recovery and build resilience?





8. Housing

A lack of affordable housing remains one of the biggest issues for Australian councils and communities.

There is less social and affordable housing stock available than there was a decade ago, and more low-income Australians are experiencing housing stress.

The shortage and rising costs of rental properties and affordable home ownership are having significant social and economic impacts in cities and towns across Australia, including rural and regional communities.

This is due to a range of factors including changes to recent migration patterns, cheap finance and labour and material shortages in the construction sector.

While the provision of affordable housing is not a local government responsibility, councils often facilitate affordable housing within their communities, operating within state/territory planning, financial and other legislation requirements.

Some councils are going further, addressing thin markets and developing land and housing themselves, delivering local solutions to meet the needs of their communities.

Local government also plays an important role addressing some of the causes of homelessness, including social inclusion programs that can assist mental health and family violence issues, as well as providing support for people currently experiencing homelessness.

What new programs and policies could the Australian Government develop to partner with local government to support the provision of more affordable housing?

How can the Australian Government work with councils to address the causes and impacts of homelessness?





Conclusion

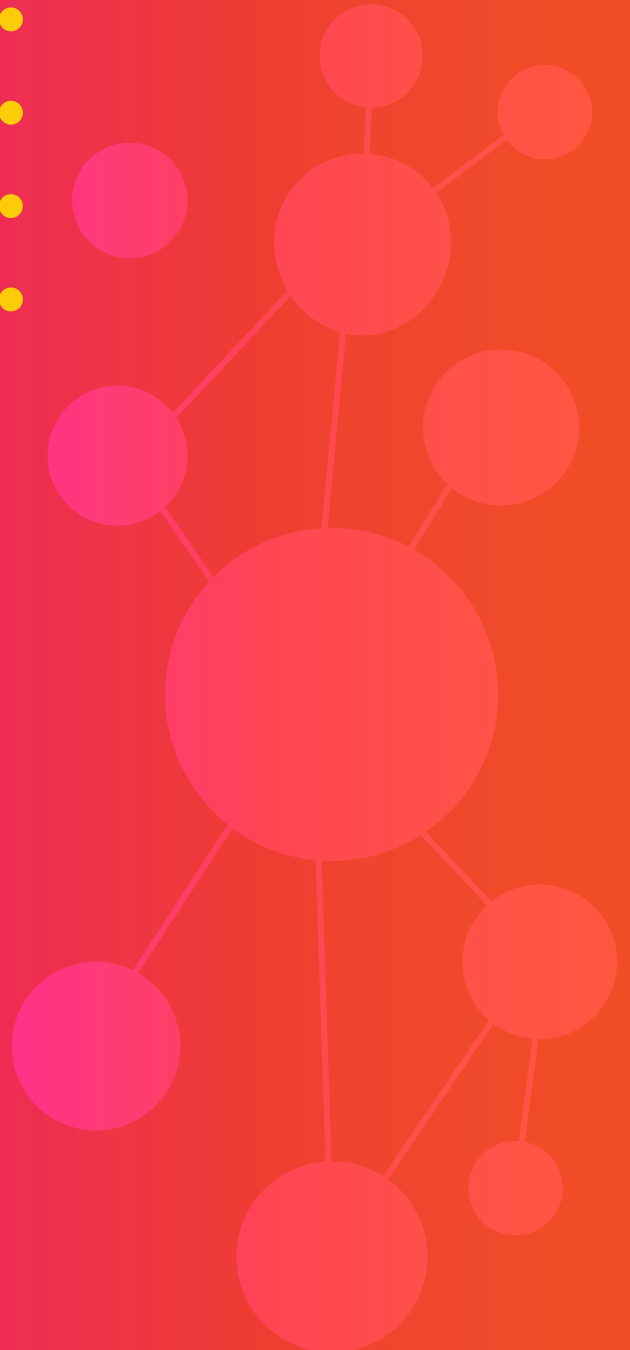
Thank you for taking the time to read this discussion paper and your support for the 2023 National General Assembly of Local Government.

A FINAL REMINDER:

- » Motions should be lodged electronically at www.alga.com.au and received no later than 11.59pm on Friday 24 March 2023.
- » Motions must meet the criteria published in this paper.
- » Motions should commence with the following wording: 'This National General Assembly calls on the Australian Government to...'
- » Motions should not be prescriptive in directing how the matter should be pursued
- » Motions should be practical, focussed and relatively simple.
- » It is important to complete the background section on the form.
- » Motions must not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
- » When your council submits a motion there is an expectation that a council representative will be present at the 2023 National General Assembly to move and speak to that motion if required.

We look forward to hearing from you and seeing you at the 2023 National General Assembly in Canberra.







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LOCAL GOVERNMENT
ASSOCIATION

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8.15 Reports and Letters Requested

Reporting Officer

Director City Governance
City Governance

Community Strategic Plan

Objective	Strategy
5 Strong Leadership	5.1.2 Ensure the community is continuously informed about current and future issues affecting Campbelltown and key delivery partners

Delivery Program

Principal Activity
5.1.2.1 Communicate in a diverse, open and inclusive way that informs and engages our communities to build confidence and trust

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 6 December 2022.

Attachments

8.15.1 Reports Requested Register (contained within this report) [↓](#)

8.15.2 Letters Requested Register (contained within this report) [↓](#)

Reports requested effective 7 February 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Services			
2.11.21 Hunt	<p>8.7 Grey Headed Flying Fox Residential Assistance Program</p> <p>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.</p>	<p>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).</p>	March 2023
8.2.22 Hunt	<p>NM 11.2 Koala Virtual Fencing</p> <p>1. Investigate with priority the status and effectiveness of virtual fencing as a means of protecting animals along road ways.</p> <p>2. Provide a report to the Council on the findings of the investigation including recommendations as to whether virtual fencing or any similar system would be a viable interim protection measure along Appin Road until permanent fauna crossing points have been installed.</p>	<p>Early stages of investigation and research into effectiveness of virtual fencing underway with further detailed analysis to be undertaken to produce recommendations and report.</p> <p>Note that Appin Road is owned and managed by the NSW Government and Council does not own land parcels on either side of the road.</p>	April 2023

Reports requested effective 7 February 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Services			
13.10.22 Bricevic	<p>NM 11.3 Footbridge over Bow Bowing Creek</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. provide a report on the feasibility of building a footbridge over Bow Bowing Creek (causeway) at Bow Bowing towards Minto. 2. Ensure the report includes particular reference to any current legislative requirements for pedestrian footbridges and addresses accessibility for those with mobility and/or disability issues. 3. That Council also advocate to the Member for Macquarie Fields in relation to the development of the bridge to seek funding to ensure it is built to an appropriate standard. 	Currently under investigation.	June 2023
9.8.22 Chowdhury	<p>NM 11.4 - Grass Cutting</p> <ol style="list-style-type: none"> 1. That a briefing be presented to Councillors on the grass cutting maintenance program undertaken throughout the LGA, including the frequency during the four seasons; and 2. That a report be presented that details the current maintenance program and the costs associated with increasing the frequency of the program to enhance a consistent look of the city. 	Currently under investigation.	March 2023

Reports requested effective 7 February 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Delivery			
8.3.22 Khalil	<p>NM 11.5 - Simmos Beach, Macquarie Fields</p> <p>That a report be presented to Council outlining ways to increase visitation to Simmos Beach, Macquarie Fields. The report should include:</p> <p>a) identification of any future enhancement works planned or required to improve the location.</p> <p>b) marketing opportunities to increase visitation and tourism.</p> <p>c) any environmental factors to be taken into account because of increasing visitation.</p> <p>d) any future resourcing considerations to enable an ongoing program of works and marketing activity.</p>	<p>A review of previous work undertaken has commenced including:</p> <ul style="list-style-type: none"> - 2016 study of bushwalking and associated recreational facilities - improvement works undertaken in 2018 and 2019 to upgrade Simmos beach including signage, trail upgrades, kayak ramp and picnic facilities - bushcare and bush explorers programs including the recently launched 'It's Our Backyard' program. <p>Further investigations have also commenced.</p>	May 2023
9.8.22 Bricevic	<p>NM 11.5 -District Park Midlothian Reserve, St Andrews</p> <p>1. Seeks a report in relation to a district park at St Andrews. The report includes detailed planning, timeline, consultation with community and funding for the park with consideration of the State of Play Strategy (2016-2036). In addition, consider any funding opportunities such as Everyone Can Play (Department Planning and Environment) to accelerate the project.</p>	Currently under investigation.	April 2023

Reports requested effective 7 February 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Services			
13.12.22 Bricevic	ORD 8.6 - Campbelltown Southern Catchments Flood Study 2. That the outcome of the public exhibition of the Draft Campbelltown Southern Catchment Flood Study Report be reported back to Council.	Campbelltown City Council, at its Ordinary Meeting on 13 December 2022 has endorsed the Draft Southern Catchment Flood Study Report for public exhibition. Submissions open until Monday 20 February 2023	May 2023
10.5.22 Stellino	NM 11.2 - Reptile Protection 1. That Council investigate the need and feasibility of reptile handling/catching services to be added to council capabilities. 2. That a report be provided to the Council on the outcome of the investigation and include what opportunities are available for Council to increase public education on the existence of and response to snakes and other reptiles.	Currently under investigation.	April 2023
20.9.22 Bricevic	NM 11.3 - International Mother Language Day Monument 1. That Council present a briefing to Councillors on the imminent updated version of the Monuments and Memorials policy.	Amended draft policy was presented to the Executive. A policy update will be provided to the Council at an upcoming briefing.	March 2023

Reports requested effective 7 February 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Planning and Environment			
9.4.19 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 Local Infrastructure Contributions Plan.	June 2023
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.	A report to be presented to Council at the February 2023 meeting as Item 8.2 on the agenda.	February 2023
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 altered by DPE as advised in Councillor Weekly Bulletin of 25 March 2022. Proponent is required to satisfy requirements of NSW Heritage prior to seeking the issuing of a new Gateway Determination.	April 2023

Reports requested effective 7 February 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Planning and Environment			
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>	<p>Specialist studies completed, namely Traffic and Parking Study. Gateway issued. Amendments to the Local Infrastructure Contributions Plan required. Outcome will be reported to Council.</p>	April 2023
2.11.21 Bricevic	<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>	A report to be presented to Council at the February 2023 meeting as Item 8.2 on the agenda.	February 2023
10.5.22 Bricevic	<p>ORD 8.1 - Local Housing Strategy - Approval Conditions and Affordable Housing Initiatives</p> <p>4. That once the draft Campbelltown Affordable Housing Strategy has been prepared it be reported to Council for consideration prior to formal public exhibition.</p>	Procurement process commencing for preparation of the strategy which is anticipated to take 9 months.	April 2023

Reports requested effective 7 February 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Planning and Environment			
10.5.22 Bricevic	<p>NM 11.1 - No Smoking - Queen Street, Campbelltown</p> <p>That Council present a report on the feasibility of banning smoking/vaping in the public areas of Queen Street, Campbelltown and Ingleburn CBD. Considerations for the report:</p> <ul style="list-style-type: none"> • Consulting with businesses, the community and other stakeholders. • The geographical boundaries of any ban such as other sections of the Campbelltown CBD. • Designated smoking areas. 	Further investigations with other Councils and Industry ongoing with an expected reporting timeframe being March 2023, subject to the findings of the investigation.	March 2023
13.12.22 Stellino	<p>ORD 8.3 - Bin Locks - 12 Month Trial</p> <p>3. A report on the findings be presented to Council after 3 months of the trial and before 12 months, whichever comes first.</p>	Trial to begin by March/ April 2023 for 12 month trial.	November 2023
13.12.22 Bricevic	<p>ORD 8.4 - Campbelltown Local Housing Strategy 2041 - Public Exhibition</p> <p>2. That the outcome of the exhibition of the draft Campbelltown Local Housing Strategy 2041 be reported back to Council.</p>	The updated strategy is on public exhibition until 15 February, 2023. Once submissions have been considered the outcomes will be reported to Council. As exhibition includes consultation with state agencies, some submissions may not be received by the close of the exhibition period.	May 2023

Reports requested effective 7 February 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Planning and Environment			
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. Future report to be presented which includes additional street names relating to places of non-indigenous heritage for use on streets for future subdivisions in Menangle Park. Timing of report is linked to the timing of the development and the submission of relevant subdivision plans.</p>	March 2023

Reports requested effective 7 February 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Futures			
10.3.20 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>Council is currently working to develop a plan that provides suitable pathways to transition Council's operations to Net Zero. The plan utilises information from Council's sustainability dashboard.</p> <p>In addition, Council continues to embed improvements as part of its commitment to reducing greenhouse gas emissions. These commitments include increasing the provision of renewable electricity, investigating low emission fleet opportunities and working in partnership with developers to deliver low emission communities.</p>	May 2023
13.10.20 Lake	<p>NM 11.1 - Charging for parking within the Campbelltown Local Government Area</p> <p>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.</p>	Further studies are required for paid parking to form a part of a parking strategy.	July 2023
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>	May 2023

Reports requested effective 7 February 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Futures			
9.6.22 Bricevic	NM 11.1 - LED Street Lighting 1. That a report on the contribution of the street lighting network (both public and private) to Council's electricity consumption, and opportunities to work	Council is finalising the collation of information on the private and public street lighting network. A number of opportunities to reduce greenhouse gas emissions and costs associated with the street lighting network are being explored and will be presented in the report.	May 2023
9.6.22 Bricevic	NM 11.2 - Electric Vehicle Charging That Council present a report: 1. On the progress of electric vehicle infrastructure in public car parks across the LGA, including the Farrow Road car park. 2. On how the provision of solar and/or the purchase of renewable energy can assist in making assets carbon neutral. 3. Consider the economic benefits of the various options for the infrastructure	A report is currently being prepared for Council's consideration.	March 2023

Reports requested effective 7 February 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Futures			
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>	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.	April 2023
8.3.22 Lound	<p>NM 11.4 - Business Parking in the Campbelltown CBD</p> <p>1. That Council undertake further engagement with Campbelltown CBD Businesses to understand their concerns regarding parking.</p> <p>2. That a report be presented to Council for discussion and consideration of appropriate potential solutions.</p> <p>3. Develop an appropriate data strategy to ensure that recommendations regarding parking are based on evidence.</p>	Information and data regarding parking is being collected from a number of sources, including a recent travel survey, pedestrian movement data and anecdotal feedback from CBD businesses including through a targeted initial discussions in April 2022. Council has partnered with TfNSW to deliver a kerbside data project, with cameras and sensors installed in and around Queen Street. Additional data will be available in the coming months and will allow Council to make evidenced based assessment of vehicle and pedestrian movement in relation to car parking. A report will be presented to Council to consider options moving forward.	March 2023

Reports requested effective 7 February 2023

*Date of Decision *Mover	Action Item	Comments / updates	Expected completion date
City Lifestyles			
14.6.22 Bricevic	<p>ORD 8.5 - Campbelltown Billabong Parklands - Project Update</p> <p>4. That Councillors be provided with a quarterly report on the progress of the Billabong project and the opportunity to inspect the site when feasible.</p>	<p>Quarterly report dates have been scheduled as follows:</p> <p>October 2022 - Aquatics - Completed December 2022 - Aquatics/Landscaping March 2023 - Aquatics / Landscaping / Buildings June 2023 - Aquatics / Landscaping / Buildings September 2023 - Completion</p>	March 2023
20.9.22 Cotter	<p>NM 11.2 - Youth Centres</p> <p>1. That a report be presented to Council on youth centres within Campbelltown Local Government Area. The report should include whether the current centres meet the community's needs and the feasibility of establishing a council-managed centre or transforming an under-utilised asset to cater to the needs.</p>	Council will investigate current centres within our LGA and the feasibility of establishing a council-managed centre.	June 2023

Letters requested effective 7 February 2023

*Date of Decision *Mover	Action Item	Comments / updates
City Services		
8.11.22 Stellino	<p>NM - 11.2 - Roads</p> <p>1. That council write to the NSW Minister for transport David Elliot & Minister for Infrastructure Rob Stokes as well as Federal Minister for Transport & Infrastructure The Hon. Catherine King MP and Dr Mike Freelander MP Federal Member for Macarthur and request urgent works to be carried out on the Hume Motorway in the Campbelltown LGA in order to fix the series of potholes which continue to expand, link up and provide dangerous driving conditions for motorists from and passing through Campbelltown</p>	Letters sent 18/11/2022 to The Hon. David Elliot, NSW Minister for Transport, The Hon. Rob Stokes, NSW Minister for Infrastructure, The Hon. Catherine King MP, Federal Minister for Transport and Infrastructure and Dr Mike Freelander, Federal Member for Macarthur
14.6.22 Hunt	<p>ORD 7.1 - Koala Care and Treatment Facilities</p> <p>2. That Council write to the new Federal Minister for the Environment and Water, the Hon. Tanya Plibersek MP, seeking funding for koala protection.</p>	2. Letter sent 4/07/2022 to the new Federal Minister for the Environment and Water, the Hon. Tanya Plibersek MP.

Letters requested effective 7 February 2023

*Date of Decision *Mover	Action Item	Comments / updates
City Services		
9.8.22 Stellino	<p>NM 11.1 - Koala Care</p> <ol style="list-style-type: none"> 1. That Council write to the Minister for Environment and Heritage James Griffin MP requesting them not to administer the Chlamydia vaccine to koalas within our region for so long as no signs of Chlamydia are detected in the colony. 2. That Council include in the letter that Koala experts hold the opinion that there was no merit in trialling the vaccine in Campbelltown, since the disease is not present, the vaccine is not inheritable and we are already at maximum reproductive rates leading to only possible negative outcomes. 3. That Council include in the letter support for the rest of the program announced, including the Chlamydia testing machine to assist in detection of the disease as well as the allocation of state funds for habitat restoration of koala corridors in the Campbelltown Local Government Area. 4. That Council ask if the minister has allocated or intends to allocate funding towards koala carers in the region under the NSW Koala strategy. 5. That Council utilises the letter tabled by Councillor Stellino from Doctor Steve Phillips with the letter to the Minister for Environment and Heritage James Griffin MP. 	Letters sent 15/11/22 to the Hon James Griffin MP- Minister for the Environment and Heritage

Letters requested effective 7 February 2023

*Date of Decision *Mover	Action Item	Comments / updates
City Planning and Environment		
9.8.22 Oates	<p>ORD 8.3 - Illegal Rubbish Dumping</p> <p>3. That Council write to the Minister for Environment and Heritage, the Honourable James Griffin MP, to convey Council's concerns as it relates to the illegal dumping of waste, and to request additional and restricted funding be provided to each Council for the purpose of employing a dedicated staff member, engaged to prevent and respond to illegally dumped waste.</p>	3. Letter sent 1/09/2022 to the Hon. James Griffin MP - Minister for the Environment and Heritage.
City Lifestyles		
13.10.22 Khalil	<p>NM 11.2 - Selective schools in Campbelltown LGA</p> <p>1. That Council writes to the Hon. Sarah Mitchell MLC, Minister for Education and Early Learning and Ms Prue Car MP, Shadow Minister for Education, advocating for the following:</p> <p>a) creation of additional selective schools in the Campbelltown Local Government Area to serve the region's growing population including a selective sports high school.</p> <p>b) the upgrade of Macquarie Fields High School to provide for and accommodate more gifted and talented students.</p> <p>c) the upgrade of Sarah Redfern High School to provide for and accommodate more gifted and talented students.</p>	<p>Letters sent 7/11/2022 to the Hon. Sarah Mitchell MLC, Minister for Education and Early Learning and Ms Prue Car MP, Shadow Minister for Education</p> <p>Responses received and form part of the February 2023 agenda.</p>

Letters requested effective 7 February 2023

*Date of Decision *Mover	Action Item	Comments / updates
City Futures		
13.10.22 Khalil	<p>NM 11.1 - Bus Services in Campbelltown LGA</p> <p>1. That Council writes to the Hon. David Elliott MP, Minister for Transport and Ms Jo Haylen MP, Shadow Minister for Transport and if appropriate to the Minister for Education and Shadow Minister for Education and to our local MP's advocating for the following:</p> <p>a) implementation of an enhancement to the bus service network in Macarthur Heights to improve the residents' access to Campbelltown Station.</p> <p>b) establish additional bus services for students to and from schools in Campbelltown Local Government Area to reduce traffic congestion outside the school and ensure greater safety for the school children.</p>	Letters are currently under review.

8.16 Minutes of the Campbelltown Arts Centre Strategic Committee meeting held 30 November 2022

Reporting Officer

Executive Manager Creative Life
City Growth

Officer's Recommendation

That the minutes of the Campbelltown Arts Centre Strategic Committee held 30 November 2022 be noted.

Purpose

To seek Council's endorsement of the minutes of the Campbelltown Arts Centre Strategic Committee meeting held 30 November 2022.

Report

Detailed below are the recommendations of the Campbelltown Arts Centre Strategic Committee. Council officers have reviewed the recommendations and they are now presented for Council's consideration.

Reports listed for consideration

4.1 Minutes of the previous Campbelltown Arts Centre Strategic Committee Meeting held 20 July 2022

That the information be noted.

Moved: Mrs J Long **Seconded:** Ms C Wrona

5.1 Code of Conduct

That the information within Council's Code of Conduct be noted.

Moved: Cr M Chivers **Seconded:** Ms C Wrona

5.2 Campbelltown City Council Collection - New Acquisition

That the proposed donation by Fiona Kelly McGregor of one artwork by TextaQueen, 'Apparently it's not very kosher' be endorsed by the Campbelltown Arts Centre Strategic Committee for further consideration by Council to be acquired as a part of the Campbelltown City Council collection.

Moved: Cr M Oates **Seconded:** Mrs J Long

5.3 Campbelltown City Council Art Collection Policy

That the Campbelltown Arts Centre Strategic Committee review and endorse the amended Campbelltown City Council Art Collection Policy.

Moved: Ms L Gear **Seconded:** Ms L Andersen

5.4 Arts, Creative and Cultural Strategy Consultation update

That the information be noted.

Moved: Cr M Chivers **Seconded:** Ms J Long

5.5 Overview of the 2023 Artistic Program

That the information be noted.

Moved: Cr M Oates **Seconded:** Cr M Chivers

Attachments

1. Minutes of the Campbelltown Arts Centre Strategic Committee held 30 November 2022 (contained within this report)

CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Campbelltown Arts Centre Strategic Committee Meeting held at 6.00pm on Wednesday, 30 November 2022.

ITEM	TITLE	PAGE
1.	ACKNOWLEDGEMENT OF LAND	2
2.	APOLOGIES	2
3.	DECLARATIONS OF INTEREST	2
4.	MINUTES OF THE PREVIOUS CAMPBELLTOWN ARTS CENTRE STRATEGIC COMMITTEE MEETING HELD 20 JULY 2022	2
5.	REPORTS	3
5.1	Code of Conduct	3
5.2	Campbelltown City Council Collection - New Acquisition	4
5.3	Campbelltown City Council Art Collection Policy	6
5.4	Arts, Creative and Cultural Strategy Consultation update	7
5.5	Overview of the 2023 Artistic Program	8
6.	GENERAL BUSINESS	9

Minutes of the Campbelltown Arts Centre Strategic Committee Meeting held on 30 November 2022

Present

- Chairperson M Oates
- Councillor M Chivers
- Member - Ms G Chalker
- Member - Ms L Andersen
- Member - Ms L Gear
- Member - Ms M Monte
- Member - Ms N Maljkovic
- Member - Ms C Wrona
- Member - Mrs J Long

In attendance

- Director City Growth - Ms R Grasso
- Executive Manager Creative Life - Mr M Dagostino
- Manager Governance & Risk, Ms M Dunlop
- Head of Curatorial - Mr A Porter
- Executive Support - Ms S McAndrew

1. ACKNOWLEDGEMENT OF LAND

An Acknowledgement of Land was presented by Aunty Glenda Chalker .

2. APOLOGIES

Councillor M Khalil
General Manager Ms L Deitz
Member - Ms S Brandstater
Member - Mr B Broadbent
Member - Mr C McMahon
Member - Mr R Percy

3. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

4. MINUTES OF THE PREVIOUS CAMPBELLTOWN ARTS CENTRE STRATEGIC COMMITTEE MEETING HELD 20 JULY 2022

Officer's Recommendation

That the information be noted.

Committee's Recommendation:

That the information be noted.

Moved: Mrs J Long **Seconded:** Ms C Wrona

5. REPORTS

5.1 Code of Conduct

Purpose

To provide the Campbelltown Arts Centre Strategic Committee with an overview of Council's Code of Conduct.

Officer's Recommendation

That the information within Council's Code of Conduct be noted.

Comments and Committee discussion: Council's Manager Governance & Risk provided an overview of Council's Code of Conduct.

Committee's Recommendation:

That the information within Council's Code of Conduct be noted.

Moved: Cr M Chivers **Seconded:** Ms C Wrona

5.2 Campbelltown City Council Collection – New Acquisition

Purpose

To seek the endorsement of the Campbelltown Arts Centre Strategic Committee of the acquisition of donated work to the Campbelltown City Council collection.

Officer's Recommendation

That the proposed donation by Fiona Kelly McGregor of one artwork by TextaQueen, 'Apparently it's not very kosher' be endorsed by the Campbelltown Arts Centre Strategic Committee for further consideration by Council to be acquired as a part of the Campbelltown City Council collection.

Committee's Recommendation:

That the proposed donation by Fiona Kelly McGregor of one artwork by TextaQueen, 'Apparently it's not very kosher' be endorsed by the Campbelltown Arts Centre Strategic Committee for further consideration by Council to be acquired as a part of the Campbelltown City Council collection.

Moved: Cr M Oates **Seconded:** Mrs J Long

5.3 Campbelltown City Council Art Collection Policy

Purpose

To review and endorse the amended Campbelltown City Council Art Collection Policy.

Officer's Recommendation

That the Campbelltown Arts Centre Strategic Committee review and endorse the amended Campbelltown City Council Art Collection Policy.

Committee's Recommendation:

That the Campbelltown Arts Centre Strategic Committee review and endorse the amended Campbelltown City Council Art Collection Policy.

Moved: Ms L Gear **Seconded:** Ms L Andersen

5.4 Arts, Creative and Cultural Strategy Consultation update

Purpose

To provide the Campbelltown Arts Centre Strategic Committee with an update of Council's Arts, Creative and Cultural Strategy.

Officer's Recommendation

That the information be noted.

Comments and Committee discussion: Council's Executive Manager Creative Life provided an update of Council's Arts, Creative and Cultural Strategy and will circulate a copy of the draft document for the Committee's review.

Committee's Recommendation:

That the information be noted.

Moved: Cr M Chivers **Seconded:** Ms J Long

5.5 Overview of the 2023 Artistic Program

Purpose

To provide the Campbelltown Arts Centre Strategic Committee with an overview of the Arts Centre's 2023 Artistic Program.

Officer's Recommendation

That the information be noted.

Comments and Committee discussion: Council's Head of Curatorial provided an overview of the Arts Centre's 2023 artistic program.

Committee's Recommendation:

That the information be noted.

Moved: Cr M Oates **Seconded:** Cr M Chivers

6. GENERAL BUSINESS

The next meeting of the Campbelltown Arts Centre Strategic Committee will be held in March 2023, 6:00pm at Campbelltown Arts Centre.

Councillor Meg Oates,

Chairperson

Meeting Concluded: 7:40pm

9. QUESTIONS WITH NOTICE

Nil

10. RESCISSION MOTION

Nil

11. NOTICE OF MOTION**11.1 Community and Justice Precinct**

Notice of Motion

Councillor George Brticevic has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 14 February 2023.

1. That Council write to the Member/Candidate for the electorate of Campbelltown Greg Warren MP, shadow Attorney General Michael Daley, Opposition Leader Chris Minns seeking an election commitment to the redevelopment of the NSW Courts in Campbelltown to catalyse the Community and Justice Precinct. . . .
 2. That Council write to the Member for Macarthur Dr Mike Freelander MP, Attorney General the Honourable Mark Dreyfuss MP and the Prime Minister the Honourable Anthony Albanese MP seeking a commitment for a Federal Circuit and Family Court of Australia for the Community and Justice Precinct in Campbelltown.
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11.2 Appin Road

Notice of Motion

Councillor George Brticevic has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 14 February 2023.

1. That Council write to the Member for Macarthur Dr Mike Freelander MP, the Honourable Catherine King MP the Minister for Infrastructure, Transport, Regional Development and Local Government and the Prime Minister the Honourable Anthony Albanese MP seeking a financial commitment to the upgrade/expansion of Appin Road including underpasses and fauna protection measures similar to Labor's election promise to allocate \$50 million for the upgrade of Appin Road, being the most notorious road in the Macarthur region, if it won that election.
 2. That Council write to the Member/Candidate for Campbelltown Greg Warren MP, Shadow Minister for Transport Jo Haylen MP, Opposition Leader Chris Minns seeking an election commitment to the upgrade/expansion of Appin Road including underpasses and fauna protection measures similar to the Wollongong by-election promise of fifty million dollars in 2016.
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11.3 NSW Election

Notice of Motion

Councillor George Brticevic has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 14 February 2023.

1. That Council writes to the candidates for the seat of Macquarie Fields being Anoulack Chanthivong (ALP) and any other candidate seeking their election commitments. The commitments relating to policies to reduce the cost of living and tangible outcomes for the Campbelltown LGA (Macquarie Fields electorate) such as, but not limited to:
 - a. Providing a Service NSW centre within the Campbelltown LGA.
 - b. Upgrading Macquarie Fields railway station with lifts.
 - c. Upgrade Minto railway station with awnings over the ramps.
 - d. A multi-level commuter car park for Minto and Ingleburn railway stations.
 - e. Upgrading the Sydney Trains fleet to remove the S-Set trains from the network.
 - f. To provide direct rail connection between Parramatta and Campbelltown by changing the timetable as soon as practicable.
 - g. Policy for toll relief for the residents of Campbelltown LGA.
 - h. Ensuring that the Macquarie Fields electorate receives its "Fair share".
2. That Council writes to the candidates for the seat of Campbelltown seeking their election commitments. The commitments relating policies to reduce the cost of living and tangible outcomes for Campbelltown LGA (Campbelltown electorate) such as, but not limited to: (seek a written response by the 1 March 2023)
 - a. Upgrading/expansion of Appin Road including underpasses and fauna protection measures.
 - b. Providing a Service NSW centre for Campbelltown.
 - c. Upgrading Campbelltown Stadium.
 - d. Upgrading the Sydney Trains fleet to remove the S-Set trains from the network.
 - e. To provide direct rail connection between Parramatta and Campbelltown by changing the timetable as soon as practicable.
 - f. Accelerating stage two of the Spring Farm Parkway/M31 Hume Highway Interchange for south facing ramps.
 - g. Upgrade to Beverly Park School.

- h. Policy for toll relief for the residents of Campbelltown LGA.
 - i. A multi-level commuter car park for Leumeah station.
 - j. Additional staffing for the newly developed \$632 million dollar expansion of Campbelltown Hospital.
3. That Council writes to the candidates for the seat of Leppington seeking their election commitments. The commitments relating policies to reduce the cost of living and tangible outcomes for Campbelltown LGA. (Leppington electorate)
4. That Council requests the written response be provided by 1 March 2023.
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11.4 WestInvest

Notice of Motion

Councillor George Brticevic has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 14 February 2023.

1. That Council write to the Premier of New South Wales the Honourable Dominic Perrottet MP thanking him and the NSW Liberal Government of our fair share of WestInvest funding totalling \$171.6m.
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12. URGENT GENERAL BUSINESS

13. PRESENTATIONS BY COUNCILLORS

14. CONFIDENTIAL REPORTS FROM OFFICERS

14.1 Commercial Opportunity

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d)(i) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

14.2 Lease of Council Premises

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

-

information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

